



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



**Fifth Session**

**Tuesday, 8<sup>th</sup> September, 2026 at 2.30 p.m.**

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

**Tuesday, 8<sup>th</sup> September, 2026**

*The House met at the Senate Chamber,  
Parliament Buildings, at 2.32 p.m.*

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

#### PRAYER

#### DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

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

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

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

*(The Quorum Bell was rung)*

*(Sen. M. Kajwang' and Sen. Olekina walked into the Chamber)*

Order! Hon. Senators. Sen. Kajwang' and Sen. Olekina, kindly take your seats. Take your seats please. Clerk, you may proceed to call the first Order.

#### COMMUNICATIONS FROM THE CHAIR

#### WELCOME TO HON. SENATORS TO PART V OF THE FIFTH SESSION

Honourable Senators, I take this opportunity to welcome you back from recess. In accordance with the calendar of the Senate for the regular sittings, Part V of the Fifth Session commences today, Tuesday 8<sup>th</sup> September, 2026 and will conclude upon the rise of the Senate on 8<sup>th</sup> October, 2026.

Now, honourable Senators, as we commence this part of the session, the Senate has a full legislative agenda before it. A total of 53 Bills are pending conclusion, from which 73 are at the Second Reading, 19 are at the Committee of the Whole stage and one awaits First Reading. Further, 19 Motions are pending conclusion.

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With respect to petitions, 25 are under consideration by the respective Standing Committees, out of which 18 are due for reporting while 521 statements are pending before the Standing Committees. This status of business calls for renewed commitment and concerted effort of all honourable Senators and committees. I, therefore, urge committees to prioritise the consideration and conclusion of the business referred to them and to table reports in accordance with the Standing Orders.

I further urge honourable Senators to redouble individual and collective efforts to ensure that the Senate disposes of its business with the urgency it deserves, observing that the session will conclude in the next two months.

I also call upon the Senate Majority Leader and the Senate Minority Leader to take necessary steps within the provision of the Standing Orders to facilitate expeditious consideration and conclusion of the pending business.

Honourable Senators, as you will recall, on 5<sup>th</sup> May, 2026, the Senate resolved to hold its plenary and committee sittings in Kilifi County. These sittings will take place on 21<sup>st</sup> to 25<sup>th</sup> of September, 2026.

Preparations are now at an advanced stage to ensure the success of these sittings. In this respect, the Senate Business Committee (SBC) has considered a tentative programme of events which include plenary and committee sittings with some committees planning to undertake inspection and oversight visits to county and national Government projects within Kilifi County. Further information regarding the programme and logistical arrangements will be communicated through the Office of the Clerk.

As I conclude, my office remains at your disposal in supporting you to discharge your constitutional responsibilities. I will continue to support each Senator individually and through the committees in which they serve as we work together towards the achievement of the Senate's mandate during this term of Parliament.

I thank you.

VISITING DELEGATION FROM JABALI CHRISTIAN  
SCHOOL, NAIROBI CITY COUNTY

I would like to acknowledge the presence of a visiting delegation of eight teachers and 35 learners from Jabali Christian School in Nairobi City County, who are seated in the public gallery. The delegation is visiting the Senate for an academic exposition.

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

I call upon the Senator for Nairobi City County to extend a warm welcome to the delegation in under one minute.

**Sen. Sifuna:** Thank you, hon. Speaker. It is good to be back. I hope the learners have followed your communication, that we were on a short break for the last three or so weeks and that this is the beginning of the current part.

I got a message from Mr. Alfred Kalenga, who is the student council patron at Jabali Christian Schools, informing my office that they would be visiting today. They were also requesting for an opportunity to follow proceedings and maybe have a conversation with one or two Senators starting with Sen. Sifuna.

I am happy that we have been able to welcome them here to follow the proceedings. Maybe after they follow some of the conversations during the debate, I will be more than ready and willing to have a meeting with them outside there in the tradition of the Senator's office in Nairobi.

Welcome to the Senate. We hope that, as the Speaker said, you will have a fruitful visit.

### MESSAGES FROM THE NATIONAL ASSEMBLY

#### PASSAGE OF THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL (NATIONAL ASSEMBLY BILL NO.29 OF 2023)

**The Speaker** (Hon. Kingi): Honourable Senators, I wish to report to the Senate that pursuant to Standing Order 46(3), (4), I have received the following Message from the Speaker of the National Assembly regarding the passage, by the National Assembly, of the Fisheries Management and Development Bill (National Assembly Bill No.29 of 2023).

The message dated Wednesday, 19<sup>th</sup> August, 2026 was received in the Office of the Clerk of the Senate on 20<sup>th</sup> August, 2026 when the Senate had proceeded for recess. It was subsequently circulated to all honourable Senators vide a letter dated 21<sup>st</sup> August, 2026.

Pursuant to Standing Order 46(5) I now report the Message-

WHEREAS the Fisheries Management and Development Bill (National Assembly Bill No.29 of 2023), was published vide Kenya Gazette supplement No. 91 of 16<sup>th</sup> June, 2023 as a Bill seeking to provide for the conservation, management and development and other aquatic resources to enhance the livelihood of communities dependent on fishing;

AND WHEREAS the National Assembly considered and passed the said Bill with amendments on Wednesday 5<sup>th</sup> August, 2026 and in the form attached hereto,

NOW THEREFORE, in accordance with the provisions of Article 110 (4) of Constitution and Standing Order No.142 of the National Assembly Standing Orders, I hereby refer the said Bill to the Senate for consideration.

Honourable Senators, pursuant to Standing Order No.163, which requires that a Bill which originates in the National Assembly be proceeded by the Senate in the same manner as a Bill introduced into the Senate by way of First Reading in accordance with Standing Order No.144, the Bill has been accordingly listed in the Order Paper.

#### PASSAGE OF THE GOLD PROCESSING BILL (NATIONAL ASSEMBLY BILLS NO.46 OF 2023)

Further, I wish to report to the Senate that pursuant Standing Order No.46 (3) (4), I have received the following message from the Speaker of the National Assembly regarding the passage by the National Assembly of the Gold Processing Bill (National Assembly Bill No. 46 of 2023).

The message dated Wednesday; 19<sup>th</sup> August, 2026, was received in the Office of the Clerk of the Senate on 20<sup>th</sup> August, 2026 when the Senate had proceeded on recess. It was subsequently circulated to all Senators vide a letter dated 21<sup>st</sup> August, 2026.

Pursuant to Standing Order No.46(5), I now report the message-

WHEREAS the Gold Processing Bill (National Assembly Bill No.46 of 2023) was published vide Kenya Gazette supplement No.132 of 11<sup>th</sup> August, 2023, as a Bill seeking to provide for the establishment, composition, functions and management of the Gold Processing Corporation, establish a legal and institutional framework for collecting, purifying, smelting, fabricating, homogenizing, sampling, registering, monitoring and transporting of gold or products and procedure for the application, cancellation and renewal of gold processing licenses;

AND WHEREAS the National Assembly considered and passed the said Bill without amendments on Thursday, 13<sup>th</sup> August, 2026, and in the form attached hereto,

NOW THEREFORE, in accordance with the provisions of Article 110 (4) of the Constitution and Standing Order No.142 of the National Assembly Standing Orders, I hereby refer the said Bill to the Senate for consideration.

Hon. Senators, pursuant to Standing Order No.163 which requires that a Bill which originates in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced into the Senate by way of first reading in accordance with Standing Order No.144, the Bill has been accordingly listed in the Order Paper.

PASSAGE OF THE KENYA ROADS (AMENDMENT)  
BILL (NATIONAL ASSEMBLY BILLS NO.31 OF 2023)

Further I wish to report the Senate that pursuant Standing Order No.46 (3) (4), I received the following message from the Speaker of the National Assembly regarding the passage, by the National Assembly of the Kenya Roads (Amendment) Bill (National Assembly Bill No. 31 of 2024).

The message dated Wednesday; 19<sup>th</sup> August, 2026 was received in the office of the Clerk of the Senate on the Friday 21<sup>st</sup> August, 2026 when the Senate had proceeded on recess. It was subsequently circulated to all Senators vide a letter SEN/ LNP/ Message, 2026 (03) dated 25<sup>th</sup> August, 2026, in accordance to the provisions of Standing Order No.46(5)

Pursuant to Standing Order No.46(5), I now report the message-

WHEREAS the National Assembly of the Kenya Roads (Amendment) Bill (National Assembly Bill No. 31 of 2024) was published vide Kenya Gazette supplement No.108 of 17<sup>th</sup> of May, 2024, as a Bill seeking to *inter alia* make provisions for design and construction of lanes for non-motorised transport;

AND WHEREAS the National Assembly considered and passed the Bill with amendments on Thursday, 13<sup>th</sup> August, 2026 and in the form attached hereto;

NOW THEREFORE, in accordance with the provision of Article 110 of the Constitution and Standing Order No.142 of the National Assembly Standing Orders, I hereby refer the message to the Senate for consideration.

Hon. Senators, the message was received with a request from Senator Naisula Lesuuda, OGW, CBS, MP, who is the sponsor of the Bill, that Senator Aaron Cheruiyot CBS, MP, co-sponsor, introduces the Bill in the Senate.

Standing Order No.163 requires that a Bill which originates in the National Assembly be proceeded by the Senate in the same manner as a Bill introduced to the Senate by way of First Reading in accordance with Standing Order No.144.

Accordingly, I direct that the Bill be listed on the Order Paper for First Reading, tomorrow, Wednesday, 9<sup>th</sup> of September, 2026.

PASSAGE OF THE PLANT PROTECTION BILL  
(NATIONAL ASSEMBLY BILLS NO.28 OF 2025)

Further, I wish to report to the Senate that pursuant to Standing Order No.46(3) and (4), I have received the following message from the Speaker of the National Assembly regarding the passage, by the National Assembly of The Plant Protection Bill (National Assembly Bill No.28 of 2025).

The message, dated Wednesday, 19<sup>th</sup> August, 2026, was received in the office of the Clerk of the Senate on 20<sup>th</sup> August, 2026 when the Senate had proceeded on recess. It was subsequently circulated to all honourable Senators vide a letter dated 21<sup>st</sup> August 2026. Pursuant to Standing Order 46.5, I now report the message –

Whereas the Plant Protection Bill (National Assembly Bill No.28 of 2025) was published vide Kenya Gazette Supplement No.98 of 25<sup>th</sup> June 2025 as a Bill seeking to provide for the regulatory and institutional framework for the prevention of introduction, establishment and spread of plant pests and facilitation of safe trade in plants, and whereas the National Assembly conceded and passed the same Bill with amendments on Wednesday, 12<sup>th</sup> August 2026, and in the form attached hereto;

Now therefore in accordance with the provisions of Article 110(4) of the Constitution and Standing Order No.142 of the National Assembly Standing Orders, I hereby refer the said Bill to the Senate for consideration.

Honourable Senators, pursuant to Standing Order No.163, we require that a Bill which originates in the National Assembly be proceeded by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No.144.

The Bill has been accordingly listed in today's Order Paper.

PASSAGE OF THE PUBLIC PARTICIPATION BILL  
(NATIONAL ASSEMBLY BILL NO. 44 OF 2025)

Further, I wish to report to the Senate that pursuant to Standing Order No.46(3) and (4), I have received the following message from the Speaker of the National Assembly regarding the passage, by the National Assembly of The Public Participation Bill (National Assembly Bill No.44 of 2025).

The message, dated Wednesday 19<sup>th</sup> August 2026, was received in the office of the Clerk of the Senate on 20<sup>th</sup> August, 2026 when the Senate had proceeded on recess. It

was subsequently circulated to all honourable Senators vide a letter dated 21<sup>st</sup> August, 2026. Pursuant to Standing Order 46(5), I now report the message-

Whereas the Public Participation Bill (National Assembly Bill No.44 of 2025) was published vide Kenya Gazette Supplement No.165 of 1<sup>st</sup> October, 2025 as a Bill seeking to provide for the conduct of public participation and to give effect to the constitutional principle of participation of people enshrined in Articles 10(2), 69(1)d), 118, 184(1)(c), 201(a) and 232(1)(d) of the Constitution.

And whereas the National Assembly considered and passed the same Bill with amendments on Wednesday 12<sup>th</sup> August, 2026 in the form attached hereto.

Now therefore, in accordance with the provisions of Article 110(4) of the Constitution and Standing Order No.142 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration.

Honourable Senators, pursuant to Standing Order No.163, which requires that the Bill which originates in the National Assembly be proceeded with by the Senate in the same manner as the Bill introduced in the Senate by way of First Reading in accordance with Standing Order No.144, the Bill has been accordingly listed in today's Order Paper.

PASSAGE OF THE SPORTS AMENDMENT BILL  
(NATIONAL ASSEMBLY BILL NO. 5 OF 2026)

Further, I wish to report to the Senate that pursuant to Standing Order 46(3) and (4), I have received the following message from the Speaker of the National Assembly regarding the passage by the National Assembly of the Sports Amendment Bill (National Assembly Bill No. 5 of 2026).

The message, dated Thursday, 20<sup>th</sup> August, 2026, was received in the office of the Clerk of the Senate on the same date when the Senate had proceeded on recess. It was subsequently circulated to all honourable Senators vide a letter dated on 21<sup>st</sup> August, 2026. Pursuant to Standing Order 46 (5), I now report the message-

Whereas the Sports Amendment Bill (National Assembly Bill No.5 of 2026), was published by the Kenya Gazette Supplement No.18 of 19<sup>th</sup> February, 2026 as a Bill seeking to prohibit and criminalise manipulation of sports competitions and whereas the National Assembly considered and passed the same Bill with amendments on Wednesday, 19<sup>th</sup> August, 2026, and in the form attached hereto;

Now therefore, in accordance with the provisions of Article 110(4) of the Constitution and Standing Order No.142 of the National Assembly Standing Orders, I hereby refer the said Bill to the Senate for consideration.

Honourable Senators, pursuant to Standing Order No.163, it is required that a Bill which originates in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by your First Reading in accordance with Standing Order No.144. The same Bill has been accordingly listed in today's Order Paper.

PASSAGE OF THE BUSINESS LAWS (AMENDMENT)  
BILL (SENATE BILLS NO. 51 OF 2024)

Finally, I wish to report to the Senate that pursuant to Standing Order No.46(3), I received a message from the Speaker of the National Assembly regarding the passage by the National Assembly of The Business Laws Amendment Bill (Senate Bills No.51 of 2024). The message, dated Thursday 20<sup>th</sup> August, 2026, was received in the office of the Clerk of the Senate on Thursday 27<sup>th</sup> August 2026. Pursuant to Standing Order 46.5, I now report the message-

Whereas the Business Laws (Amendment) Bill (Senate Bills No.51 of 2024), was passed by the Senate on Thursday, 7<sup>th</sup> August 2025 and thereafter referred to the National Assembly for consideration pursuant to the provisions of Article 110(4) of the Constitution.

And whereas the National Assembly conceded and passed the same Bill on Wednesday, 19<sup>th</sup> August, 2026, with amendments as contained in the schedule of amendments attached hereto;

Now therefore, in accordance with the provisions of Article 112(1)(b) of the Constitution and Standing Orders No.41(1) and 144 of the National Assembly Standing Orders, I hereby convey the same decision of the National Assembly to the Senate;

Honourable Senators, Standing Order No.165(1) require that amendments by the National Assembly to a Bill originating in the Senate shall be circulated to honourable Senators and shall be put down for consideration in a Committee of the Whole on such day as the Senate Business Committee shall appoint.

Pursuant to the said Standing Order, I direct the Clerk to circulate the schedule of the National Assembly amendments to the Business Laws (Amendment) Bill (Senate Bills No.51 of 2024) to all honourable Senators.

Further, in order to facilitate the Senate's consideration of the National Assembly amendments, I direct the Standing Committee on Trade, Industrialisation and Tourism to consider the amendments and table its report on or before Tuesday, 22<sup>nd</sup> September 2026, with recommendation on whether the Senate should approve the said amendments.

Honourable Senators, upon the tabling of the report of the committee, the Senate Business Committee will appoint a time for the Motion for consideration of the National Assembly amendments by the Senate. The House is therefore guided accordingly.

Thank you.

Next order.

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

Chairperson of the Standing Committee on Justice and Legal Affairs, proceed.

**PAPERS LAID**

**Sen. Maanzo:** Mr. Speaker, Sir, on behalf of the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights (JLAC), I beg to lay the following papers on the Table of the Senate, today, Tuesday, 8<sup>th</sup> September, 2026-

*(Several Senators held loud consultations)*

**The Speaker** (Hon. Kingi): Order, hon. Senators. Let the Senator be heard in silence.

**PETITION ON LIMITATION OF TENURE OF NOMINATED MCAS**

Petition by Mr. Laban Omusundi on the limitation of tenure of nominated Members of County Assembly (MCAs) to a single term of five years.

**PETITION ON REINTRODUCTION OF THE ELECTIONS  
(AMENDMENT) (NO.3) BILL SENATE BILLS NO.48 OF 2021**

Petition by Mr. Mohamed U. Alasow on the reintroduction of the Elections (Amendment) (No. 3) Bill (Senate Bill No. 48 of 2021).

*(Sen. Maanzo laid the documents on the Table)*

**The Speaker** (Hon. Kingi): Sen. Catherine Mumma.

**REPORTS OF THE KENYA DELEGATION TO THE  
151<sup>ST</sup> AND 152<sup>ND</sup> IPU ASSEMBLIES**

**Sen. Mumma:** Thank you, Mr. Speaker, Sir. I beg to lay the following papers on the Table of the Senate today, Tuesday, 8<sup>th</sup> September, 2026.

Report of the Kenya Parliamentary Delegation to the 151<sup>st</sup> Assembly of the Inter-Parliamentary Union (IPU) and related meetings held in Geneva, Switzerland from 19<sup>th</sup> to 23<sup>rd</sup> October, 2025.

Report of the Kenya Parliamentary Delegation to the 152<sup>nd</sup> Assembly of the Inter-Parliamentary Union (IPU) and related meetings held in Istanbul, Turkey from 15<sup>th</sup> to 19<sup>th</sup> April, 2026.

*(Sen. Mumma laid the documents on the Table)*

**The Speaker** (Hon. Kingi): Next order. Chairperson, Committee on Justice, Legal Affairs and Human Rights.

**NOTICES OF MOTIONS****ADOPTION OF REPORT ON LIMITATION OF  
TENURE FOR NOMINATED MCAs**

**Sen. Maanzo:** Mr. Speaker, Sir, I beg to give notice of the following Motion:-  
THAT, the Senate adopts the Reports of the Standing Committee on Justice, Legal Affairs and Human Rights on a petition by Mr. Laban Omusundi and others concerning limitation of the tenure of nominated Members of County Assemblies (MCAs) to a single term of five years laid on the Table of the Senate on Tuesday, 8<sup>th</sup> September, 2026.

**ADOPTION OF REPORT ON RE-INTRODUCTION OF THE ELECTIONS  
(AMENDMENT) (NO.3) BILL SENATE BILLS NO.48 OF 2021**

I beg to give notice of the following Motion-  
THAT, the Senate adopts the Report of the Standing Committee on Justice, Legal Affairs and Human Rights on a petition by Mr. Mohamed U. Also concerning the re-introduction of the Elections (Amendment) (No. 3) Bill (Senate Bill No. 48 of 2021) laid on the Table of the Senate on Tuesday, 8<sup>th</sup> September, 2026.

I thank you, Mr. Speaker, Sir.

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

**NOTING OF REPORTS OF THE KENYA DELEGATION TO THE  
151<sup>ST</sup> AND 152<sup>ND</sup> IPU ASSEMBLIES**

**Sen. Mumma:** Mr. Speaker, Sir, I beg to give notice of the following Motion-  
THAT, the Senate notes the Reports of the Kenya Parliamentary Delegation to the 152<sup>st</sup> and 152<sup>nd</sup> Assemblies of the Inter-Parliamentary Union (IPU) and related meetings held in Geneva, Switzerland and Istanbul, Turkey from 19<sup>th</sup> to 23<sup>rd</sup> October, 2025 and 15<sup>th</sup> to 19<sup>th</sup> April, 2026 respectively laid on the Table of the Senate on Tuesday, 8<sup>th</sup> September, 2026.

I thank you.

**The Speaker** (Hon. Kingi): Next Order. Senator for Machakos County, the hon. Kavindu Agnes.

## QUESTIONS AND STATEMENTS

## STATEMENTS

## WELFARE CHALLENGES FACING TEACHERS ACROSS THE COUNTRY

**Sen. Kavindu Muthama:** Thank you, Mr. Speaker, Sir, for this opportunity. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Education on the matters of national concern regarding delays in the recruitment and deployment of graduate teachers, stagnation of job groups, non-payment of acting allowances and delays in payment of retirement benefits of teachers across the country.

In the statement, the Committee should address the following-

(1) The number of registered graduate teachers awaiting recruitment and deployment disaggregated by county and the measures being taken to clear the backlog including the timelines for their recruitment.

(2) The financial and administrative challenges hindering the recruitment and deployment of qualified graduate teachers and whether adequate budgetary provision has been made to address the challenges.

(3) The number of teachers who have stagnated in the same job group despite passing the requirements and qualifications for promotion and reasons for the stagnation and the measures being taken to clear the promotion backlog in line with the career progression guidelines.

(4) The number of teachers serving in acting administrative positions beyond the prescribed period without receiving the applicable acting or special duty allowances. The reason for the non-payment and whether the Teachers Service Commission has secured a dedicated vote-head to settle the standing arrears;

(5) The number of retired teachers awaiting payment of pension and other retirement benefits including those whose claims have been pending since 2024 to date; the reasons for the delays and the measures being taken to expedite payments to ensure accountability for the delays and compensate or otherwise cushion affected retirees for financial hardship.

**The Speaker** (Hon. Kingi): The Senator from Bungoma County, Sen. Wakoli.

PLIGHT OF INTERNALLY DISPLACED  
PERSONS IN BUNGOMA COUNTY

This statement is dropped.

*(Statement dropped)*

The Senator for Tana River County, the hon. Danson Mungatana, MP.

## STALLED CONSTRUCTION OF HOLA STADIUM

That statement is dropped.

*(Statement dropped)*

The Senator for Turkana County, the hon. James Lomenen.

STALLED DEVELOPMENT PROJECTS  
IN TURKANA COUNTY

**Sen. Lomenen:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Orders No.53(1) to seek a statement from the Standing Committee on Devolution and Intergovernmental Relations on a matter of county-wide concern regarding the status of stalled and uncommenced development projects in Turkana County.

In the statement, the committee should address the following-

(1) Reasons projects budgeted for in the financial years 2021/2022, 2022/2023, and 2023/2024 are classified as “stalled” or “not commenced” in Turkana County Monitoring and Evaluation System.

(2) Amount of public funds allocated, committed and expended on each project that has stalled, remains incomplete or has not commenced;

(3) Reasons for delayed commencement or completion of budgeted projects, measures taken by the county government to address the delays and timelines for commencement and completion;

(4) Administrative, contractual or legal actions taken against officers, contractors or implementing agencies responsible for the delays, including measures instituted to recover any public funds lost or misappropriated.

Signed by Sen. James Lomenen Ekomwa, Senator for Turkana County. Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Next is a statement by the Senator for Marsabit County, Hon. Mohamed Chute.

## POOR CONDITION OF ROADS IN MARSABIT COUNTY

**Sen. Chute:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Transportation and Housing on a matter of countywide concern regarding the poor condition, maintenance and rehabilitation of several roads in Marsabit County.

Despite the national infrastructure programme, several roads remain dilapidated or nearly impassable, hindering movement of people, livestock and goods and limiting access to markets, schools, health facilities and security services. Notably, the Adan Chuqulisa-Malka Dimtu-Boru Harro Road suffers from incomplete works, while other critical roads such as Gof Choba-Qubi Kalo and Sora Adhi Junction-Did Adhi-Gar on Doti-Qubi Kalo Road require urgent rehabilitation.

In the statement, the committee should address the following-

(1) The current status of the identified roads and the agencies responsible for their maintenance and rehabilitation;

(2) Causes of delays and poor workmanship, including incomplete rehabilitation works, uncompacted murram and missing culverts.

(3) Repair, rehabilitation and maintenance plans by the State Department for Roads, including funding, implementation agencies and timelines for completion.

(4) Measures being taken by the Kenya National Highways Authority (KeNHA), Kenya Rural Roads Authority (KeRRA), Kenya Urban Roads Authority (KURA) and the County Government of Marsabit to ensure regular maintenance and improved accessibility.

(5) Strategies to guarantee sustainable road infrastructure that supports economic activity, access to essential services and security in Marsabit County.

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Thank you, honourable Senators. I will allow comments---

*(Interruption of Statements)*

#### **NOTICE OF MOTION OF ADJOURNMENT ON DEFINITE MATTER OF NATIONAL IMPORTANCE UNDER STANDING ORDER NO.37**

##### **ONGOING STRIKE BY NURSES AND OTHER MEDICAL PRACTITIONERS**

**Sen. Wambua:** On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Senator for Kitui, what is your point of order?

**Sen. Wambua:** Mr. Speaker, Sir, pursuant to Standing Order No.37, I wish to move an Adjournment Motion for purposes of discussing an urgent matter of national importance namely the ongoing national strike by nurses and other medical practitioners across the country.

*(Several Hon. Senators stood up in their places)*

**The Speaker** (Hon. Kingi): Hon. Senators, having met the threshold pursuant to Standing Order No.37(5), of the Senate Standing Orders, I do direct that the Motion be moved at 5.00 p.m.

**Sen. Wambua:** Thank you, Mr. Speaker, Sir.

*(Resumption of Statements)*

**The Speaker** (Hon. Kingi): Hon. Senators, I will allow comments on the statements that have been sought for not more than 15. If you get an opportunity to speak, kindly do so for not more than three minutes.

Hon. Maanzo Daniel, you have the Floor.

**Sen. Maanzo:** Thank you, Mr. Speaker, Sir, for giving me an opportunity to comment. I would like to comment on the statement by Sen. Kavindu. While we were on recess, there was a big debate on the issue of hiring of teachers. When the committee is looking into the issues raised in the statement, it will be important for issues relating to hiring of teachers to be brought forth so that the matters are open and transparent.

Under the Constitution, the Teachers Service Commission (TSC) is one of the independent bodies in the country which should be left to do its work just like other independent bodies such as the Independent Electoral and Boundaries Commission (IEBC) and other independent commissions, without the influence or control by anyone. When Members of the National Assembly purport that they are the ones who transmit appointment letters---

*(There was a technical hitch)*

Mr. Speaker, Sir, I did not get the warning. They purport that they are the ones who hire teachers. That must be investigated so that the TSC responds to that matter. We need to make sure that the TSC is empowered and does its work without being interfered with by any other body or person, so that there is fairness and non-discrimination as required by the Constitution.

Many teachers have graduated over the past 10 years but have not had an opportunity to work under the TSC or to be employed by the Government of Kenya. Some of them are serving in private schools hoping to be absorbed into the system. It is also important for the committee to establish how many teachers have graduated, how many have been hired and how many have not been hired so that the country knows. The issue of hiring of teachers should no longer be politicised.

On the statement regarding Marsabit County that was raised by Sen. Chute, I had an opportunity to go there with the Committee on National Cohesion, Equal Opportunity and Regional Integration and the issues raised are true. These are matters affecting the whole country including Makueni County.

Our work is to protect devolution. Some roads bodies operate at a national level. Roads should be devolved as required under the Fourth Schedule of the Constitution. That will ensure there are sufficient funds within the counties that should be controlled well to deal with the roads issue. Many counties, including Makueni, have not graded their roads. Remember road transport is crucial when it comes to healthcare and movement of goods. Therefore, it is a major issue that the Senate should deal with.

I thank you and support.

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

**Sen. Sifuna:** Mr. Speaker, Sir, indeed, it has been quite an eventful recess. One of the most controversial discussions is the subject of the statement by Sen. Kavindu. I have repeatedly said that words of leaders in this country matter. In our respective positions, people take seriously things that come out of our mouths.

There is a respected leader in this country who publicly claimed that employment letters by the TSC are routinely sold by Members of Parliament (MPs). He said he is the

one who collects and gives them and they sell for as high as Kshs400,000. Since the person who said that is from this institution, I hope that when the committee sits to discuss, because he is not far from here, he will walk from the hall where his office is and come and explain to the committee how it is possible for such things to happen in our country.

We have been having a back and forth between people who say that the opposition has no plan and those of us who believe that our entire plan is in the Kenyan Constitution. We want to return this country to meritocracy in the hiring and promotion of teachers and public servants. The reason that has been advanced, Sen. Kavindu, for instance, as to why we cannot hire all the graduate teachers is that there is no budget. Then you wake up in the morning, you pick up your newspaper and you see the budgets appropriated to State House and the money spent on hospitality. We are being told by the Controller of Budget (CoB) that Kshs12 billion has been spent, twice what was spent last time. You will see delegations being hosted with tea, mandazi and other hospitality, costing Kshs40 billion.

These are unconscionable figures in a country where we are told there is no money for capitation, no money for healthcare and no money for other essential services. To those who ask about our plan, our plan is to send you home, return this country to meritocracy and ensure that qualified Kenyans are hired through a transparent and fair system where promotion is based on merit and not on who you know. I believe that in the first 100 days after we remove this Government, we will cut the excess expenditure at State House and other public institutions so that we employ our teachers and fund healthcare.

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

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, I rise to add my voice to the important statement by the Senator for Machakos, Sen. Kavindu.

Mr. Speaker, Sir, allow me one minute to thank you on behalf of all my colleagues for the support and outpouring of love when I lost my wife, Gloria Sekeiyan Khalwale. My children and my entire family received it with great appreciation. Without your support, I would have found it extremely difficult to go through those difficult days.

On the issue raised by Sen. Kavindu, I do not want to speak for this afternoon but for the people of western province. It is true that a prominent national leader from western region has told the people of this region that he receives employment letters for teachers and gives them to Members of Parliament from western region who then sell them for Kshs400,000. I urge the Committee, when scheduling these meetings, to invite most of us.

We want to put this national leader to task to disclose how many letters he gave to each Member of Parliament from western region and with whom he works with every weekend when distributing money to *boda*, *tuk-tuk* and *mama mboga* operators. The Kshs400,000 is equivalent to several trucks of harvested maize. People have sold their land to raise it.

They have been waiting for us to raise this matter. We are glad, now that the national leader has invited us to speak, we want to raise it. We want the list of people who have been conned so that our people can refuse to be led by such leaders.

**The Speaker** (Hon. Kingi): Sen. Beatrice Ogola.

**Sen. Ogola:** Mr. Speaker, Sir, I rise to comment on the statement by the Senator for Turkana on stalled development projects in Turkana County. This problem is not unique to Turkana County.

We approve budgets for counties in this House. The Cabinet Secretary for National Treasury and Economic Planning has appeared in this House and stated that each year, the national Government disburses all monies due to county governments. Kenyans in the counties expect to receive what is due to them. When projects are awarded, it is because funds have been budgeted. I do not see why many projects should stall in the counties. This also allows me to comment on health.

Our people are suffering in all counties. Most county hospitals are not functional. In my own Ndhiwa Sub-County, the sub-county referral hospital has been physically closed. Nothing is happening there. Our people are suffering. I believe this is the picture in most health facilities in my county and other counties. County heads must be aware that some people are calling for health to be returned to the national Government. By allowing health centres to remain non-functional, they are proving those calls right.

We are saying that health must work. Our people decided that health should be devolved. Many people seeking services in public hospitals are unable to afford private care. It is unfair that they receive no services in public hospitals and they are continuously referred to private hospitals. In my sub-county, there is a private facility owned by an individual and it is unfortunate that most patients are referred there.

*(Sen. Ogola spoke off record)*

**The Speaker** (Hon. Kingi): Senator, you have one minute to conclude.

**Sen. Ogola:** I keep asking myself how Government can refer the public to a private facility. That should not be the case. We must take a firm stand and address the state of our health facilities.

**The Speaker** (Hon. Kingi): Sen. Ledama Olekina.

**Sen. Olekina:** Mr. Speaker, Sir, I rise to comment on two statements.

Let me begin with the statement by the distinguished Senator for Marsabit on dilapidated roads. The road to Maasai Mara, and I come from Narok, is critical. We generate almost Kshs6 billion from the Maasai Mara Game Reserve alone. The road from Maji Moto to Sekenani Gate is dilapidated. The contractor assigned to that national road has been working with wheelbarrows. It is embarrassing. You often find the contractor with only two or three wheelbarrows trying to repair the road.

This matter is very personal to me because I have raised it even with the Cabinet Secretary. I am glad he is coming tomorrow so that we can follow up. We support this Government fully and that is why in Parliament, I perform my oversight role over the Executive. In doing so, I expect KeNHA to do its work.

I request that when the committee is investigating the statement by Sen. Chute, it establishes the following: One, the name of the contractor. Two, the certificates paid by the KeNHA.

We want to know the contract value and how much has been paid because that road generates immense income. Narok County alone gets Kshs6 billion from the reserve. The hotels there generate more than Kshs3 billion to Kshs5 billion annually. The Kenya Revenue Authority (KRA) collects a lot of money. So, why should we have a road that people demonstrate about on a daily basis? There is a day when I was driving from Masai Mara to Maji Moto and I found a tour van that had rolled over. I had to stop and take those tourists to hospital. When I got to the hospital, the County Executive Committee Member of Health, Narok County, supported us and I thank her for that.

However, the truth of the matter is that the Senate Committee on Health - where I serve as a Member - has failed to follow up so as to ensure that hospitals give services to our people. I take blame for that. Our hospitals did not have an ambulance. We, the Members of that committee, should visit the counties to ensure proper accountability. We should take the budgets, go line item by line item so as to know---

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

**The Speaker** (Hon. Kingi): Proceed for one minute.

**Sen. Olekina:** Thank you, Mr. Speaker, Sir. The County Public Accounts Committee and the Committee on Health must work hand in hand. We have to go to the counties and demystify the issue of devolution. Every county allocated about 30 per cent of its budget to health. So, why is it that our nurses are striking? What is going on? We are the ones who have failed and we should admit that. Instead of running around campaigning, we should wait and begin our campaigns next year. This year, we should do the work. Can we go and show the people of Kenya what they are paying us for?

Mr. Speaker, Sir, you will notice that this House will be empty this year because we will all be running to campaign. We will not do our job. Thank you, Mr. Speaker, Sir.

**Sen. M. Kajwang':** Mr. Speaker, Sir, I also rise to comment on the statement by Sen. Kavindu Muthama on the TSC, particularly on the issue of recruitment of teachers.

We have a worrying trend; the politicization of the public service, more so, the education sector. The education sector should be manned by people of the highest merit. In fact, the most qualified people in our education sector should be the ones running our early childhood education because that is where the most critical skills are built. However, we have seen a situation where recruitment of Early Childhood Development Education (ECDE) teachers by the county public service boards is done on basis of voting patterns and ethnic considerations. We need to have a merit-based public service and the allegations of TSC letters being procured and being distributed to Members of Parliament, if found to be true, beneficiaries should be purged from the role of preparing our children. It is a very serious allegation that can have implications on the qualifications of children who want to join foreign universities or want to transit into other curricula.

The second threat in our security systems are the goons. A week or two weeks ago, we were treated to scenes from my home county, Homa Bay. We saw some very energetic young people and I do not know why the media decided to call them goons. Those are not goons, they are hustlers. The President told us that this is a Government for

hustlers. Those were hustlers trying to make a living using the wrong weapons and the wrong tools. However, if we allow this kind of favouritism and dishing out of letters--- If the so-called hustlers we saw in Homa Bay were to join the security services such as the armed forces or the police, then we would be setting ourselves up. This is because one day, they will turn around and bring about a rebellion and coups.

Finally, as we speak about the TSC, we should ask ourselves as a country, if it is time for us to revisit the debate on having a Health Service Commission. In 2023, the new President promised doctors that having seen the kind of mistreatment in the hands of 47 county public service boards, he was going to push for the establishment of a Health Service Commission. It is possible for Parliament to give effect to that through Article 189 of the Constitution, which speaks to the cooperation framework rather than the transfer framework. If we do that, we will have our health workers treated better.

If the hospitals can remain closed for 40 days and schools are open, then this nation is losing its soul. We have had almost 450 deaths of children and about 75 deaths of mothers yet we are still able to sleep soundly. There is a serious---

*(Sen. M. Kajwang's microphone was switched off)*

**The Speaker** (Hon. Kingi): You will have one minute to conclude your thoughts.

**Sen. M. Kajwang**': Thank you, Mr. Speaker, Sir. What is happening in the health sector is no longer just a labour dispute. It is a matter that touches on the soul of this nation because we cannot be sleeping soundly when our women and children are dying. We support the President but he keeps saying that the Social Health Authority (SHA) is working yet there are no nurses in hospitals and that leaves us wondering. The architecture could be fine, but service is done at the last mile. How would SHA be working if we did not have nurses, pharmacists and laboratory technologists in the hospitals? Could it be that people are procuring services from *waganga* and herbalists?

Mr. Speaker, Sir, this is a national crisis and I know we will address it during the Adjournment Motion. This is perhaps time for us to establish a Health Service Commission for health workers in this Republic. Thank you, Mr. Speaker, Sir.

**Sen. Cherarkey**: Mr. Speaker, Sir, I want to support the statement by the Senator for Machakos County. However, we have to appreciate that under Article 237 of the Constitution, TSC is an independent body and they have competence and ability to recruit teachers in the country.

I know our colleagues, especially the Senator for Nairobi City County, want us to lose sight of what has happened so far. We have had President Jomo Kenyatta, President Moi, President Kibaki and even President Uhuru Kenyatta and none of them employed more than 120,000 teachers in this country. President Uhuru Kenyatta employed teachers 10,000. We will, therefore, not allow people who are myopic or who do not have agenda for this country to tell us that the employment of 120,000 teachers, which has never been done in the history of this country, can be wished away.

The education sector gets almost Kshs800 million. That is the highest budget allocated by Parliament. You will hear people say that Kshs40 billion has been given to State House but what they do not say is that President William Ruto does not allocate

money himself. The money spent by State House, which is a public office with a state address, is allocated by Parliament. We, therefore, cannot come and pontificate ourselves and say that State House is spending Kshs40 billion plus, yet it is Parliament that appropriates or allocates that money to be spent. We should stop pontification of ourselves simply because elections are nearing.

I want to encourage President William Ruto to invite Kenyans from the 290 constituencies to visit State House and enjoy *chai*, *mandazi* and any extras that are provided, including the dessert because that is a public office. That is where the President works from and it is the place where he gets to hold discussions with people. Are the people who want to be elected to that office telling us that they would not want Kenyans to go to State House? If that is the case, then they do not have any business running for any serious office in this country.

I agree that the Chief Executive Officer, the Chairperson and the Commission of the TSC have the ability and competence to employ teachers. I know there are many teachers who have not been employed and some of them are approaching retirement age. We can discuss and address that issue by allocating more resources to the TSC. The Committee on Education can take up that matter.

I was shocked by the Senator of Kakamega County---

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

**The Speaker** (Hon. Kingi): You will have one minute.

**Sen. Cherarkey:** Mr. Speaker, Sir, I was shocked by my neighbor, Sen. (Dr.) Khalwale, when he said that it was wrong for a national leader to allude that some people from Mulembe nation were getting access to employment. That is not an offense. In fact, the people of Mulembe nation should take note that the people opposing the hiring of their people are the Senator for Nairobi City County and the Senator for Kakamega County who both come from that region. They must be called out just like those leaders from Mount Kenya who are opposing the President's directive to ban hawkers in this country yet, the biggest beneficiaries of hawking are people from Mount Kenya. We must say the truth as it is.

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Sen. Kisang, you may have the Floor.

**Sen. Kisang:** Thank you, Mr. Speaker, Sir. My comment is on the statement by the Senator for Turkana County. I do not know what is wrong with our governors. When a new governor takes over, all the projects that were initiated by the previous governors are stalled. These projects do not belong to a particular person. They belong to the people of the counties. That is why, when they get an ongoing project, they should continue with it just like the President did when he took over from Uhuru. For example, he ensured that the Maai Mahiu Road and many other roads across the country are funded and ongoing.

We ask these particular governors to ensure they finalise the projects that were started by their predecessors. Some of them are saying that they have not been given an approval by the Controller of Budget (CoB). There are processes that they are supposed

to follow so that the CoB can approve their budgets or release resources. Since most of them are very lazy, they blame the CoB instead of working.

Mr. Speaker, Sir, most governors are not in the counties. They are always in Nairobi. I do not know why they are interested in running counties when 90 per cent of their time is spent in Nairobi instead of at the counties working for the people. We need to check on that.

It appears like when we are doing our oversight meetings at the counties, that is the time governors are very busy trying to do some work. However, as soon as we leave, the contractors also leave the site. Therefore, we wish to put them on notice. Instead of inviting governors to come to our committees, we should go to the counties so that work continues in our counties.

It is also unfortunate that our nurses have been on strike for over 43 days when just a few months ago, doctors were also on strike. Our people are dying. I agree that we need a commission for the health workers.

Thank you.

**The Speaker** (Hon. Kingi): Sen. Agnes Muthama Kavindu, proceed.

**Sen. Kavindu Muthama:** Thank you, Mr. Speaker, Sir, for this opportunity.

My comment is on the statement by the Senator for Turkana County on pending stalled projects. This is not a problem for Turkana County but for all counties. If you come to Machakos County, you will find that we have many stalled projects that were started by the previous and even the current governor. It makes you wonder why they cannot be completed because before a project is procured, there is a budget for it, approved by the CoB. Where then does this money go to?

I urge the Committee on Devolution and Intergovernmental Relations to move to counties and check on the many stalled projects. These are taxpayers' money lying there just getting wasted

On the issue of nurses and doctors in county hospitals; it is a pity that we are losing many children and mothers during delivery because they have nobody to attend to them. Something must be done. The Committee on Health should move with speed and act.

I also agree with the other Senators that we should have a commission for health workers that can take control and check on what is happening in our hospitals. Right now, many people going to hospitals are referred to private hospitals. There is no medication in our hospitals. People have to go and buy drugs from outside whenever they are prescribed for. It makes you wonder where the money that we fight for here everytime to go to the counties goes, if they cannot buy medicine for their citizens.

This SHA is really a big issue. Someone goes to the hospital after making a one-year payment for the SHA but still, they are prescribed for medication, which they buy outside the hospital. It is not working and the Government, together with the counties, must see what should be done so that if a person makes a one-year payment for SHA, they get treatment and medication so that they do not also---

Mr. Speaker, Sir, please add me a minute.

**The Speaker** (Hon. Kingi): Give her one minute.

**Sen. Kavindu Muthama:** Our people are dying before their time because they cannot get treatment. According to our Constitution, everyone has a right to health. I wonder why our people are not getting proper medication.

Thank you.

**The Speaker** (Hon. Kingi): The Senator for Kitui County, Hon. Wambua Enoch, proceed.

**Sen. Wambua:** Thank you, Mr. Speaker, Sir. My comment is on the statement by the Senator for Machakos County, Sen. Kavindu, in relation to the TSC and the issuance of letters of appointment. I will take a different trajectory from what I heard Sen. Cherarkey talk about. I call on the attention of this House that in the last Session of Parliament, I used to sit on the seat behind me while the then Senator for Bungoma County used to sit where I sit right now. He was my seatmate and I congratulate him - the former Senator for Bungoma, who is now the Speaker of the National Assembly - for blowing the whistle on TSC and the issuance of appointment letters through politicians. The situation is dire.

We may politicise the situation as we may, but the reality on the ground is very different. We have students who qualified and were issued with TSC numbers from as early as 2011 and 15 years down the line, they have not been absorbed by the TSC. They are on the line waiting for absorption because they have no access to politicians who have now become the agents for TSC in issuing appointment letters. The crisis deepens---

**The Speaker** (Hon. Kingi): What is your point of order, Senator for Nandi County?

**Sen. Cherarkey:** Thank you, Mr. Speaker, Sir. I am rising under Standing Order No. 105 and Article 237 on accuracy of facts. Is it in order for the distinguished Senator for Kitui County to state on record that politicians are either agents or employ teachers on behalf of TSC? Kenyans take what we say very seriously. Can he substantiate? If you check the HANSARD, that is what he said.

Under Standing Order No. 101, if he wants to discuss the Speaker of the National Assembly, he knows what to do. He must bring a substantive Motion. He cannot go and listen to stories being told in a rally and bring it to a serious House. Could he withdraw and apologise because we only know TSC as the constitutional body mandated by law to competitively recruit teachers in this country? There is no other person.

I yield back.

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

**Sen. Wambua:** Thank you, Mr. Speaker, Sir. I noted that my time was running, so you will consider me.

From where I stand, I have nothing to substantiate or withdraw. Standing Order No. 101 is very clear; that I cannot discuss the personal character of the Speaker of any House in an adverse manner in this House. I have congratulated the Speaker of the National Assembly for being a whistleblower on the TSC. I have not brought the personal character of the Speaker of the National Assembly to disrepute.

Secondly, in the words of the Speaker of the National Assembly, he has taken politicians to State House and they have been issued with TSC letters. Those are not my words, they are his. I am talking about what the Senator for Machakos County is saying,

that, the TSC should take full responsibility for the recruitment of teachers, so that there is a schedule.

Those graduates from teachers training colleges and universities, who graduated as early as 2010 - 2011, should be given priority because they already have TSC numbers. That is what we are saying. We are saying that the interns who have been placed in schools should be given priority for confirmation to their positions. We are saying, that it is not every politician in this country who will have access to the Speaker of the National Assembly to be taken to State House and be issued with appointment letters for TSC. That is what we are saying

I thank you, Mr. Speaker, Sir.

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

**Sen. Okenyuri:** Thank you, Mr. Speaker, Sir. I would like to comment on the statement by Sen. Kavindu. First, I commend the initiative to want to promote the 34,000 teachers that were advertised by the TSC. However, my concern is on transparency of the whole matter so that the exercise is balanced, so that the teachers who qualify and deserve those promotions are able to get them. So, while I generally support the bid to promote those teachers, I have concerns on transparency on the whole matter. We should see how the distribution is done so that we have a balance when promoting teachers who are qualified to be promoted.

Thank you, Mr. Speaker, Sir.

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

**Sen. Dullo:** Thank you, Mr. Speaker, Sir. I wish to support a statement by the Senator for Turkana County. If we sit here, in this House, and start narrating what is currently happening in the counties, I do not know how many books we are going to publish. However, unfortunately, my heart as a Senator for Isiolo County is broken as far as sitting in this House is concerned.

Mr. Speaker, Sir, out there in those counties, we are seen like we are toothless as far as the Senate is concerned. You can imagine a whole governor of a county refusing to appear before any committee of the House, yet we always sit here, allocate budgets and make sure that the money has gone to the ground.

Mr. Speaker, Sir, we have a case before the Senate County Public Accounts Committee where we discussed severally the Governor of Isiolo County having refused to appear before the Senate's County Public Accounts Committee. We have issued a warrant of arrest. The Inspector-General of Police (IG) refused to arrest him. I do not know why. It is really frustrating because the Senator for Turkana County is asking for accountability on the projects that are supposed to be taken care of with regard to pending bills being paid and yet we have the office of the Auditor-General that always provides a report to this House. Governors are refusing to appear to account for the budget allocated to them, yet the Senate is just there. Whether they appear or not, no action is taken. It is really frustrating.

Mr. Speaker, Sir, today, the budget allocated in most of the counties to hospitals is the highest. However, if you go to our hospitals in those counties, you will find nothing, not even paracetamol or any paracetamol. Right now, I am from South C Hospital where we were told that the SHA is working.

A patient in the intensive Care Unit (ICU) from Isiolo County is being asked to pay Kshs1.6 million, out of which, the only amount SHA is paying is KShs28,000. This is a very poor patient from a place called Sericho. We need to rationalise these issues. Kenyans are really suffering. I am not hitting at the Government but Kenyans are facing a lot of challenges.

Mr. Speaker, Sir, lastly, the Committee of this House visited Isiolo County, where---

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

**The Speaker** (Hon. Kingi): Sen. Dullo, I will give you two more minutes to conclude your thoughts.

**Sen. Dullo:** Mr. Speaker, Sir, we visited Isiolo County with Sen. Cherarkey and others, where our mortuary is not working. A budget was allocated. Two years down the line, up to now, that mortuary is not working. The Governor refused to appear before the Senate Committee on Health. When a warrant of arrest was issued, he rushed to the court and got a court order.

Mr. Speaker, Sir, are we really helping Kenyans? Today, Isiolo County is bleeding because of cattle rustling. I had a discussion with security agencies to intervene. We are losing our people, yet this is the 21<sup>st</sup> Century. We are heading to elections. People are slaughtering each other yet no action is being taken. Really, where are we heading? It is really frustrating to be a leader in this country sometimes when you cannot solve problems of the people you represent. We need to do something as far as this House is concerned. We cannot just sit here and issue warrants of arrest, and summon this and that. Something has to be done. I wish I could come back to this House, but I am not interested. However, we must have teeth to bite in this House. That is the only way that we will help Kenyans.

I thank you.

**The Speaker** (Hon. Kingi): Sen. Karen Nyamu. Please, proceed.

**Sen. Nyamu:** Thank you, Mr. Speaker, Sir. I would like to make comments on the welfare of teachers, a statement brought by the Senator for Machakos County, Sen. Kavindu.

Mr. Speaker, Sir, I would like to disagree with the general framing of that statement. It is not true that teachers have been completely abandoned by this administration because the numbers and the records of this administration towards teachers speak for themselves. We have done the largest recruitment in the history of this country. In 2025, we had already recruited 76,000 teachers with a promise to increase them to 100,000. As we speak today, the Government has recruited 110,000 teachers, something that should be lauded, even as we criticise the Government.

With regard to promotions, it is not true that the Government has abandoned teachers. We have seen some efforts towards this. In 2026, there were 25,000 teachers promoted competitively. As we speak, there are 13,000 teachers that have been slated for promotion in different categories, that is, Senior Teachers I and Senior Teachers II. It is

not entirely true that everyone who deserves promotion has been promoted, but we can see effort and we can see intention

In reference to teachers' pay, we have also seen that TSC has signed a Collective Bargaining Agreement (CBA) with Kenya Union of Post-Primary Education Teachers (KUPPET) and the other teacher bodies, and this already took effect by 1<sup>st</sup> July, 2026. This is money already in the pockets of teachers that we are talking about, and it shows priority.

In the budget of the 2026/2027 Financial Year, the Government has committed Kshs700 billion to the Ministry of Education, with Kshs387 billion going directly to the Teachers Service Commission (TSC).

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

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

That demonstrates that the Government prioritises the education sector of this country. As for the pension---

**The Temporary Speaker** (Sen. Mumma): Sen. Cheruiyot, Senator Majority Leader, do you want to speak?

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Madam Temporary Speaker - just a quick comment.

I initially thought that the issue brought by Sen. Kavindu is a serious policy issue, which I thought I would benefit from the knowledge from my colleagues on how they would wish to handle the matter. However, the direction it has taken on the Floor has been cheapened and reduced to petty politics about pronouncements by another citizen who is not even a Member of this House.

"Mr. Speaker", therefore, allow me to share my two cents on this particular matter.

My apologies, Madam Temporary Speaker. My apologies, Sen. Catherine. I did not notice the change of Chair. By the time I looked up, it was Speaker Kingi who was in the chair. My apologies. You are beautiful, fearfully and wonderfully made. There is no way you can be a mister.

Madam Temporary Speaker, on this matter, I agree with colleagues who are saying that previously, the rate of employment of teachers in the country was 5,000 teachers per financial year. President William Ruto, in the last four years, has multiplied that sixfold and taken that rate to 30,000 teachers per year. If that does not deserve commendation, I do not know what else---

*(Loud consultations)*

**The Temporary Speaker** (Sen. Mumma): Order, Senator! Sen. Kavindu and Sen. Cherarkey, you will listen in silence. Order, hon. Senators! Let us listen in silence, please.

**The Senate Majority Leader** (Sen. Cheruiyot): Madam Temporary Speaker, I was saying this administration has actually grown the hiring rate of teachers by six times.

While the previous national average was 5,000 per year, it is now at 30,000 per year. If that is not doing something about the situation of our graduate and trained teachers, I do not know what better thing any administration can do.

The last thing that I want to say and I am not proud, but I just want to say is, some of us have sat on the side that wins presidential elections the last three times under this new Constitution.

When we try to advise some of these naive opposition colleagues of ours on what it takes to win a presidential election, they think we are proud and arrogant. We have told them that Kenyans are saying that promising to send people home is not good enough. Tell us what you intend to do. If you send another one home, I will not come to eat or live in your house. You will hear them, even on the Floor of this House, naively saying, they only have one business, which is to send so-and-so home. What will you do? If an administration that is hiring 30,000 teachers per year in your assessment is not good enough, how much more can you do? Using which resources? We must also learn to listen to each other.

I sometimes listen to my colleagues from the opposition when they speak, because maybe once in a while, in their lucid moment, they could share something that you could identify with and say that is a valid point. However, it never means---

**The Temporary Speaker** (Sen. Mumma): Sen. Cheruiyot, would you like to be informed by Sen. Wambua?

**The Senate Majority Leader** (Sen. Cheruiyot): Madam Temporary Speaker, because Sen. Wambua is my friend, I may not agree with many of the things he says out there, but out of friendship, allow me to listen to him.

**The Temporary Speaker** (Sen. Mumma): Proceed, Sen. Wambua.

**Sen. Wambua:** Thank you, Majority Leader. Thank you for allowing me to inform you.

You know, I have listened to your submission, Majority Leader. I have two things. One, I would request that you desist from calling your colleagues or people in the opposition naïve. You know, it does not add value to what you want to communicate.

Secondly, if it is true that these people in the opposition have no plan and no agenda for this country, then Majority Leader, you should be very happy. Do not wake them up. Let them continue sleeping. Do not tell them that they do not know what they are doing. Encourage them to continue not knowing what they are doing. Then you can win the election.

In the meantime, stick to your lane; let the opposition stick to their lane, but we have a country to build. That is important. I thank you.

**The Senate Majority Leader** (Sen. Cheruiyot): Madam Temporary Speaker, you know the sweetness of a football match is when you have a worthy competitor. Sometimes it gets boring when you are competing with people who cannot get organised. I would not wish to call my colleagues naïve, but I am trying to find the correct words to define people who, for example, visit markets on market days and speak to people as Kenyans would do. If Sen. Wambua shows up in Kapkatet Market in Kericho, people will turn up and say "this is our boy of the Senate." They will want to listen.

Then they will leave and say, “We have conquered Kericho; we have conquered Bungoma or Kitengela.” For me, as somebody who is experienced in this business, I tell them this is naivety. You deserve to do better, because we want a proper contest between us and the opposition. But as Senator Wambua has advised, they know what they are doing; I will let them be in their confusion. I thank you.

**The Temporary Speaker** (Sen. Mumma): Sen. Richard Onyonka.

**Sen. Onyonka:** Madam Temporary Speaker, thank you so much. I am quite happy to interrogate the matter that has been brought by my able leader, Sen. Kavindu Muthama. When Sen. Cherarkey was on this side, he also was kind of making the comments that we in the opposition do not even understand what our responsibilities are.

He believes that some of us, in fact, are so confused. Now, let me tell him, if you look at the Order Paper on what Sen. Kavindu Muthama has said, it is a request for a statement on the welfare challenges facing teachers across the country. Point number one, my brother, through you, Madam Temporary Speaker, when we talk of leadership next year, the month of September, the number of registered graduate teachers awaiting recruitment and deployment disaggregated by county and the measures being taken to clear the backlog, including the timelines for their recruitment and the year, will be provided. That is the first thing we want the Cabinet Secretary for Education to do. That is what you have failed to do.

Number two, the financial and administrative challenges which these teachers have been having, why they are not getting their promotions, why they are not getting their salaries, that will be done by September next year after we have taken over leadership. So, Hon. Cherarkey, also be optimistic about us. Do not think we are just joking. Chances are the Cabinet Secretary for Education will be Boni Khalwale.

Number three is on the number of teachers who have stagnated in the same position. We have said this over and over and over, Hon. Cherarkey, all you need to do in this case is just change the software. It will tell you when the teacher was employed. It will show the year of entry into the service. It will also show how many years this teacher has served. But it looks like those in Government find this mathematics a bit too difficult for them to comprehend.

I shall proceed. The number of teachers who are serving in administrative capacities and positions will be sorted out with the software. I do not know why you, people, find it so difficult to see. Our teachers have no morale. You cannot even pay them the money they used at the time they spent last time when they were marking exams. You see, even capitation is not going to the schools. It is so frustrating. You, people, are telling us - our colleagues, the brothers we love are telling us how we know nothing. *Baba, tuna plan. Na plan ni “wantam”.*

**The Temporary Speaker** (Sen. Mumma): There is a point of order by Sen. Mandago.

**Sen. Mandago:** Madam Temporary Speaker, I rise under Standing Order No.105 on Statement of Facts. It is not an issue to debate but is it in order for the Senator for Kisii to mislead this House and the country that capitation has not been sent to schools? I am a parent and also patronise schools such as Kapng’etuny High School. They have

received their capitation for this term. Can he provide evidence that capitation has not been sent to schools? You can talk of insufficiency---

**The Temporary Speaker** (Sen. Mumma): No, no. You have given your point of order. Sen. Onyonka, provide evidence that capitation has not been sent to schools.

**Sen. Onyonka:** Madam Temporary Speaker, can he provide evidence that that they have sent the capitation?

**The Temporary Speaker** (Sen. Mumma): It is you that has to provide evidence.

**Sen. Onyonka:** He is the one who is doubting my capacity to be honest and truthful on the Floor. Since he is saying I am the one who should account---

**The Temporary Speaker** (Sen. Mumma): Order, Sen. Onyonka.

**Sen. Onyonka:** Teachers are not receiving Kshs14,000.

**The Temporary Speaker** (Sen. Mumma): Sen. Onyonka, just undertake to provide the evidence rather than invert the responsibility to provide that evidence. I rule that you provide evidence that capitation has not gone to schools.

**Sen. Onyonka:** Madam Temporary Speaker, before you rule, sometimes when you use inverted evidence, it can clarify the issue. The Member is suggesting that he already has the facts that capitation has gone to the schools.

**The Temporary Speaker** (Sen. Mumma): Sen. Onyonka, you provided the information that led him to rise on a point of order. He will want you to verify that information.

**Sen. Onyonka:** I can do that tomorrow, not right now.

**The Temporary Speaker** (Sen. Mumma): That is okay. You can finalise.

**Sen. Onyonka:** My Chairperson of the Committee on Health, Sen. Mandago, why can we not have names of our teachers in the republic of Kenya, where they teach, how much they earn and the subjects they teach? Why is that difficult?

This is what is making people crazy. Why is it difficult for us to know how many teachers have been employed in this country for the last one year? People are exchanging letters in public. The Speaker of the National Assembly said he was dishing out letters. Why are we violating the Constitution and we are comfortable with it because it is beneficial to us? Teachers are not getting retirement benefits.

*(Interruption of Statements)*

## COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM MATUNGULU  
BOYS HIGH SCHOOL, MACHAKOS COUNTY

**The Temporary Speaker** (Sen. Mumma): I would like to acknowledge the presence of a visiting delegation of six teachers and 62 learners from Matungulu Boys High School in Machakos County who are seated in the public gallery. The delegation is visiting the Senate for an academic exposition.

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

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VISITING DELEGATION FROM MAHIGA  
GIRLS HIGH SCHOOL, NYERI COUNTY

I would like to acknowledge the presence of a visiting delegation of two teachers and 60 students from Mahiga High School in Nyeri County who are seated in the public gallery. The delegation is visiting the Senate for an academic exposition.

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

I will give two minutes to Sen. Kavindu followed by two minutes to the Senator for Murang'a to welcome the two delegations.

**Sen. Kavindu Muthama:** Thank you, Madam Temporary Speaker, for this opportunity to welcome my people from Matungulu. Karibu sana to the Senate. I hope the deliberations have benefited you much.

Go back and study very hard because you have a bright future. The sky should be the limit for you. Just be obedient to your teachers and you can achieve a lot anywhere in this country and outside with the proper education.

Welcome and God bless you. I will meet you outside the Chamber.

**Sen. Joe Nyutu:** Thank you, Madam Temporary Speaker for the opportunity to - on behalf of the Senator for Nyeri County, Sen. Wamatinga who is away on parliamentary duties - welcome the students of Mahiga Girls Secondary School.

Nyeri borders Murang'a County, which I represent in the Senate. It is quite in order as a neighbour that I welcome these bright and beautiful girls. They are in the right place. Whatever they see here is what they should aspire to do in the future. The future is very bright. They only need to do as they have been told by the Senator for Machakos. Work hard, obey the teachers and most importantly, have a place for God in their hearts and daily pursuits.

If you allow me, I can comment on the statement by the Senator for---

*(Resumption of Statements)*

**The Temporary Speaker** (Sen. Mumma): The time for Statements is over, but I will give just two minutes. I will also allow Sen. Ojienda and then Sen. Mandago and then we will close.

**Sen. Joe Nyutu:** Thank you, Madam Temporary Speaker for extending that kindness to me. I need to comment on the statement raised by the Senator for Machakos on the problems bedeviling teachers across the country.

I am a trained teacher who practiced in this profession for quite some time before the people of Murang'a were gracious to me and sent me here. Delays in recruitment is a very serious issue. It is being complicated by the fact that employment of teachers is being done badly by politicians. That means that a student who graduated several years ago may not have an opportunity to be employed by the Teachers Service Commission (TSC) while a student-teacher who has just graduated but has political connection gets direct employment.

I hope nobody will ask me to give evidence for this because the Speaker of the National Assembly alluded to that in a public rally. This is something that we must condemn, that recruitment of teachers must be done first on the basis of when a teacher graduated from training.

Stagnation in job groups is another serious problem bedeviling teachers because disbursement of funds is not being fully done. It is common knowledge that whatever is being provided for in the budget at the National Assembly is not availed to the Ministry of Education.

While I was serving as Chairperson of the Committee on Education, the TSC on many occasions expressed their desire to promote teachers but they did not have adequate provisions. This is because when a teacher is promoted, their salaries have to be enhanced. We must call upon the Government, especially the Ministry of the National Treasury and Economic Planning, to disburse the funds that have been allocated in the national budget to enable promotion of teachers at the right time and as they deserve.

Retirement benefits is even a more serious problem where teachers are retiring and going without their benefits being paid for years. These are people who were used to receiving a salary at the end of the month.

**Sen. (Prof.) Tom Odhiambo Ojienda, SC:** Madam Temporary Speaker, I wish to speak to the statement in similar terms to the Senator for Murang'a. However, I wish to emphasise a number of points. Number one, we must first and foremost acknowledge that it is in this era when President William Ruto has been able to get the TSC to employ about 100,000 teachers for the first time. We are now speaking to the state of teaching in this country. It is because of the transformation of the previous system that we had, that now we have junior school teachers, and many were employed in the last series. This has arisen out of the need to start the new framework but also out of the fact that the previous two---

*(An hon. Senator spoke off record)*

Madam Temporary Speaker, I do not want to be informed. The previous two presidents---

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

**Sen. (Dr.) Khalwale):** Thank you. I rise under Standing Order No.105 on accuracy of facts.

Madam Temporary Speaker, you have heard---

*(Sen. (Prof.) Tom Odhiambo Ojienda, SC stood in his place)*

Could you please yield? My good student in parliamentary procedures, you must yield. Two Senators cannot be on their feet at the same time.

*(Laughter)*

*(Sen. (Prof.) Tom Odhiambo Ojienda, SC spoke off record)*

Thank you.

Madam Temporary Speaker, you have heard that the Senator for Kisumu has stated that 100,000 teachers have so far been recruited. It is a good thing, but understanding Order No.105, could you tell the country where these 100,000 teachers who were recruited came from, their years of exiting college, how many came from Kisumu and especially his own constituency in Muhoroni, so that we know whether---

Thank you, Madam Temporary Speaker.

Yes, accuracy of facts, it should be under Standing Order No.105. Yes, to give the accuracy---

Madam Temporary Speaker, I was just finishing, if you can hold him a little bit. The people of Navakholo Constituency would like to know, for example, how many of these 100,000 teachers went to Navakholo as opposed to Muhoroni because we know that Prof. Ojienda belongs to a mongrel called Broad-Based Government. We want to know how many of those teachers came from constituencies of the mongrel arrangement of the Orange Democratic Movement (ODM) and the United Democratic Alliance (UDA).

**The Temporary Speaker** (Sen. Mumma): Sen. Khalwale's point of order is that he wants substantiation that 100,000 teachers have been employed. So, provide information on where these 100,000 were deployed. So, we will give Professor some time to substantiate this, unless you are able to substantiate now.

*(Sen. Maanzo spoke off record)*

Order, Sen. Maanzo.

**Sen. (Prof.) Tom Odhiambo Ojienda, SC:** Madam Temporary Speaker, can that be deferred to tomorrow to allow me to complete my speech?

**The Temporary Speaker** (Sen. Mumma): That is okay.

**Sen. (Prof.) Tom Odhiambo Ojienda, SC:** Madam Temporary Speaker, it is common knowledge that the era of President Ruto and the Broad-Based Government has seen the deployment of close to 100,000 teachers. I will provide the data. I confirm that in my own county of Kisumu, the deployment of almost 500 teachers was undertaken during that period. I have the numbers and I can share them because I know that the Teachers Service Commission has done a commendable job in the past few months. You cannot compare the era of this President to the previous presidents on the deployment of teachers.

I also indicate that even on the question of capitation - capitation is released to schools in time under the tutelage and guidance of Cabinet Secretary Ogamba. It is an improvement that we have seen and we must speak to. Let us commend---

**The Temporary Speaker** (Sen. Mumma): Sen. Ojienda, there is a point of order from Sen. Nyutu.

**Sen. Joe Nyutu:** Thank you, Madam Speaker. I rise pursuant to Standing Order No.105 on statement of facts. No less than the former Principal Secretary (PS) for Education, Belio Kipsang, said formally that capitation for secondary schools had been

reduced from Kshs22,000 to Kshs16,000. So, Prof. Ojienda is misleading the country by saying that capitation is being disbursed. If it is being disbursed, it is not being disbursed in full as provided. So, that must be corrected.

*(Technical hitch)*

**Sen. (Prof.) Tom Odhiambo Ojienda, SC:** Madam Temporary Speaker, Sen. Nyutu is a teacher of the---

**Sen. Nyutu:** You can use this.

**Sen. (Prof.) Tom Odhiambo Ojienda, SC:** I cannot. You are in the opposition and I am in the Broad-Based---

**Sen. Joe Nyutu:** It is actually blood-based.

*(Hon. Senators spoke off record)*

DCP power. He has no microphone.

**The Temporary Speaker** (Sen. Mumma): Sen. Ojienda, you can sit.

Your point of order, Sen. Nyutu is about amounts of capitation which was not the substance of the statement that Sen. (Prof.) Ojienda made. So, I will rule you out of order for that point that you raised.

**Sen. (Prof.) Tom Odhiambo Ojienda, SC:** If I may complete my contribution to the statement.

Madam Temporary Speaker, it is not in doubt that the Kenya Union of Post Primary Education Teachers (KUPPET), which is a union that is in charge of teachers at the Junior Secondary School (JSS) level has done well under the guidance of the current Secretary General, Akelo Misor, to negotiate and ensure that teachers get good remuneration, that the question of pension and gratuities upon retirement are paid in time, that other questions that touch on the welfare of teachers are addressed with the Teachers Service Commission. Gladly, I am aware that we now have a live recruitment process to appoint a substantive CEO at the Teachers Service Commission. The current CEO of the Commission has done extremely well and has shown us how important governance is at that institution.

**Sen. Mandago:** Thank you very much, Madam Speaker. I rise to make comments on the statements sought by the Senator for Machakos on the matters of teachers.

First, this administration has done extensively very well. I say this having served as a member of staff of the Teachers Service Commission. Look at the number of teachers that have been recruited *vis-a-vis* the number of students. I would like to inform this House that staffing of schools is not based on the number of teachers who have graduated from our colleges. Staffing in our institutions is based on the number of pupils available in class and their subjects. Therefore, as we speak today, the pupil-teacher ratio has greatly improved and the quality of education has been enhanced.

Sen. Boni Khalwale, I have to educate you because there seems to be a problem when the Senator for Kisii says the first Cabinet Secretary for Education will be Boni Khalwale in the next administration, which is not going to exist anyway. That clearly

demonstrates the misplacement of skills. Boni Khalwale should be somewhere in Kakamega Level 5 attending to mothers who want to bring life to this country but that is besides the point.

Madam Temporary Speaker, TSC in this administration has done very well, even on matters of promotion of teachers. As we speak today, TSC is running an advert of 1,420 positions.

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

**Sen. Wambua:** Madam Temporary Speaker, I have listened to Sen. Mandago and I have also listened to other Senators speaking and congratulating the TSC for a job well done. I want the Senator for Uasin Gishu and those other Senators to go on record and tell the people of Uasin Gishu that the process of recruitment of teachers does not matter for as long as a teacher is recruited. The Senator for Uasin Gishu is misleading his people and the people of this country that the TSC has done a good job simply because X number of teachers have been recruited and posted to schools. There is a process of recruitment and that is what is been questioned by Sen. Kavindu; that the outcome of any process is as important as the process.

**The Temporary Speaker** (Sen. Mumma): Sen. Wambua, you are no longer addressing a point of order. You are contributing to the conversation. Proceed, Sen. Mandago.

**Sen. Mandago:** Thank you, Madam Temporary Speaker, for your protection. In fact, the Senator for Kitui is deliberately trying to not only mislead the House but even the people of Uasin Gishu who are very knowledgeable and aware of what this Government has done. There is nowhere in this statement the Senator for Machakos is questioning the recruitment process. She is asking about deployment, delays in recruitment and the number of teachers available in our schools.

I am saying the TSC has done well because teachers who have stagnated and who are supposed to serve as principals or deputy head teachers--- There is a running advert of 1,420 positions for promotion. What this administration is addressing is sustained non-promotion for the previous more than 10 or 15 years. I am saying that the Commission has done well. We have seen the promotions and not only promotions but the welfare of teachers has also been taken into consideration.

Through the Social Health Authority (SHA), teachers in this country are having an enhanced package. They are not restricted to the hospitals they are visiting. They now have the opportunity to visit any hospital of their choice courtesy of the SHA cover. The welfare of your workers is as important as the output of what they are going to give. That is why we are congratulating the TSC for rolling out very positive reforms that are going to enhance the welfare and performance of the teachers.

Madam Temporary Speaker, we must appreciate that the stagnation that has been there for the last 15 years cannot be addressed in three years. The TSC has more than 450,000 teachers and we must be realistic as a nation.

**The Temporary Speaker** (Sen. Mumma): Sen. Madzayo---

*(Loud consultations)*

Order, Sen. Methu and your *kamukunji*.

(Laughter)

Proceed, Sen. Madzayo.

**The Senate Minority Leader** (Seneta Madzayo): Asante, Bi Spika wa Muda. Kitu cha kwanza ni kushukuru na kumpa kongole Seneta wetu Mohamed Chute kwa kuleta ile kauli kuhusikana na mambo ya barabara katika nchi yetu ya Kenya.

Barabara ni kama uti wa mgongo katika kila sehemu ya Jamhuri yetu. Lakini, utaona kwa muda mrefu sana, kuna sehemu nyingi zimewachwa bila maendeleo ya barabara. Hivi karibuni, tukiangalia ule mfunguko wa mfumo mpya ni kwamba kila mahali kwa hii nchi kumetengenezwa barabara kuliko ilivyokuwa hapo awali.

Tulikuwa tukiona barabara za lami katika sehemu fulani zikiendelea ilhali sisi, hususan nikizungumzia Kilifi, tulikuwa hatujapata mpaka tukaanza kufikiria kama tuko Kenya. Lakini, hayo yote yakitendeka, ndugu yangu Wambua anajua hivyo. Pande za Ukambani kulikuwa hakuna barabara lakini zimeanza kufunguliwa. Pia, viwanja vya mipira vinatengenezwa huko. Hta Kitui kuna *stadium*. Kwa hivyo, akisema hamna *stadium* Kitui ninashangaa sana kwa sababu, Rais William Ruto alikwenda kule na akafungua uwanja huo na tukaona sherehe imeendelea vizuri na kiko mpaka hivi sasa.

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

**Sen. Wambua:** Thank you, Madam Temporary Speaker. I regret to interrupt my leader and friend but let it be known to him that I am the person elected by the people of Kitui to speak and represent them here. I understand Kitui better than he does. The Ithookwe Stadium he is talking about with a lot of support from the Majority Leader, I will remind them that the stadium is as incomplete as they left it. They should go back there and complete the stadium, then we can talk about a stadium.

The road that he is talking about stalled in November, 2023 by this administration. They have restarted the road, so, they have restarted what they stalled. This is important. When this administration came to office that road was under construction. When they came in, it was stopped for a number of months.

**The Temporary Speaker** (Sen. Mumma): Sen. Wambua, are you on a point of order or a point of information?

**Sen. Wambua:** It is a point of information.

**The Temporary Speaker** (Sen. Mumma): You stood on a point of order and you have not raised a point of order. Just sit down, Sen. Wambua. If you had wanted to raise a point of information, you would have required to get the Speaker to grant you permission.

**Sen. Wambua:** Sorry about that. Can I inform them?

**The Temporary Speaker** (Sen. Mumma): I guess it is because retrospectively you have already informed him.

Sen. Madzayo, can you accept the retrospective information?

**The Senate Minority Leader** (Sen. Madzayo): Yes, he can inform me. I have no issues.

**Sen. Wambua:** Thank you, Temporary Madam Speaker, and my leader for this opportunity.

*(Sen. Cheruiyot spoke off record)*

Protect me from the Majority Leader. He is shouting from a distance.

I would like to inform the Senator for Kilifi and my leader that the major road from Kibwezi-Mutomo-Kitui-Migwani all the way to Mbondoni was running under the Uhuru-Ruto administration, until after the elections in 2022. Works continued for a few months, then it stalled and the contractor left the site. The contractor returned this year.

Madam Temporary Speaker, nobody can tell me here that this administration is doing that road because that road was already ongoing and the contract was awarded and payments made. That is in Kitui. I know that road like the back of my hand.

I thank you.

**The Temporary Speaker** (Sen. Mumma): Proceed, Sen. Madzayo.

**The Senate Minority Leader** (Sen. Madzayo): Bi. Spika wa Muda, kama tunavyoelewa, ikiwa ujenzi wa barabara hiyo unaendelea kwa wakati huu, hilo ni jambo nzuri kwa watu wa Kitui. Nakubaliana naye kwa hivyo sina shida juu ya hilo. Uzuri ni kwamba barabara hiyo inaendelea kujengwa wakati wa serikali iliyoko sasa hivi.

*(Sen. Wambua spoke off record)*

Bi. Spika wa Muda, naomba unikinge kwa sababu ya kuingiliwa na huyu ndugu yangu. Sehemu nyingi nchini Kenya hazikuwa na barabara.

*(Loud consultations)*

Bi. Spika wa Muda, ninapooonea, hakufai kuwa na mtu mwingine anaongea hapa.

**The Temporary Speaker** (Sen. Mumma): Hon. Senators, I request that we respect by being silent or consult in low tones when a colleague is speaking.

Proceed, Sen. Madzayo. Please, add him one minute.

**The Senate Minority Leader** (Sen. Madzayo): Shukran sana, Bi. Spika wa Muda, kwa kutoa ilani hiyo kwa hawa ndugu zangu na kuongeza muda wangu.

Bi. Spika wa Muda, hii ni Kauli nzuri. Tukizingatia mambo ya ujenzi wa barabara, kuna sehemu nyingi nchini Kenya ambazo bado hazijafikiwa. Ikiwa uchumi unaimarika kwa sababu ya barabara, basi, Kilifi kama kaunti inahitaji serikali iingilie kati kwa kuwa katika kaunti zote 47 nchini Kenya, Kilifi bado haijafikisha asilimia ya barabara zilizotengenezwa.

Wizara ya Barabara na Uchukuzi inafaa kuona kwamba sehemu ambazo hazina barabara zinatengenezwa haraka iwezekanavyo ili kila mtu aweze kupata mgao wa maendeleo katika sehemu anayokaa. Nikisema hivyo hususan ninamanisha kwamba sehemu nyingine bado ziko nyuma. Kama nilivyosema hapo awali, kuna maeneo kama vile Kilifi ambapo serikali inahitajika kuweka mikakati mwafaka ya kutengeneza barabara ili iwe kama sehemu zingine nchini Kenya.

**The Temporary Speaker** (Sen. Mumma): Hon. Senators, I have a Communication to make.

### COMMUNICATION FROM THE CHAIR

#### BREAKFAST MEETING TO DELIBERATE ON MAINSTREAMING FRAMEWORK FOR CLEAN COOKING IN KENYA

**The Temporary Speaker** (Sen. Mumma): Hon. Senators, as you may note, Sen. Hamida Kibwana, MP, has sponsored a Motion on Mainstreaming a Framework for Clean Cooking in Kenya. The Senator has organised a breakfast meeting tomorrow, Wednesday, 9<sup>th</sup> September, 2026, to apprise Senators on the objects of the Motion and to deliberate on, *inter alia*, practical measures for accelerating transition to clean cooking in Kenya.

The Senator extends an invitation to all hon. Senators to the breakfast meeting scheduled to commence at 7.30 a.m. in the New Wing Restaurant, Parliament Buildings.

I thank you.

Let us move on to the next Order.

### BILLS

#### *First Readings*

THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL  
(NATIONAL ASSEMBLY BILLS NO.29 OF 2023)

THE GOLD PROCESSING BILL (NATIONAL  
ASSEMBLY BILLS NO.31 OF 2024)

THE KENYA ROADS (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILLS NO.28 OF 2024)

THE PLANT PROTECTION BILL (NATIONAL  
ASSEMBLY BILLS NO.28 OF 2025)

THE PUBLIC PARTICIPATION BILL (NATIONAL  
ASSEMBLY BILLS NO.44 OF 2025)

THE SPORTS (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILLS NO.5 OF 2026)

*(Order for First Readings read - Read the  
First Time and ordered to be referred to  
the relevant Senate Committees)*

**The Temporary Speaker** (Sen. Mumma): Hon. Senators, I now request Sen. Wambua to move the Adjournment Motion.

**MOTION OF ADJOURNMENT ON DEFINITE MATTER OF  
NATIONAL IMPORTANCE UNDER STANDING ORDER NO.37**

**ONGOING STRIKE BY NURSES AND OTHER MEDICAL PRACTITIONERS**

**Sen. Wambua:** Madam Temporary Speaker, I beg to move the following Motion of Adjournment-

THAT pursuant to Standing Order No.37, the Senate do now adjourn to discuss a definite matter of national importance namely; the ongoing national strike by nurses and other medical practitioners across the country.

Madam Temporary Speaker, I wish to begin by saying that we are dealing with a matter of nurses, clinical officers and pharmacists who have gone on strike, which has reached a crisis level. It is no longer a matter for individual institutions to deal with, but a matter that must now capture the attention of the country. As a Senate, because health is a devolved function, we have a duty of care to get involved in this matter. It is not just for purposes of debate, but to bring this strike to an end, so that nurses and other medical practitioners may go back to work and provide services to our people.

What is at stake in this strike is the implementation of a Collective Bargaining Agreement (CBA) that was signed almost 10 years ago. Besides the CBA, there are issues of poor working conditions for our medical practitioners and delayed salaries. The parties to this strike are the Kenya National Union of Nurses (KNUN), the Ministry of Health (MoH), the Council of Governors (CoG) and the Salaries and Remuneration Commission (SRC).

The Senate Health Committee and the Senate as a whole have a responsibility to get involved and resolve this matter beyond discussions in boardrooms. The national Government is urging for conclusion of dialogue between the parties involved. The KNUN is accusing the national Government of failing to issue a no objection letter for the full implementation of the CBA which was signed in 2017.

The Kenya National Commission on Human Rights (KNCHR) has declared the strike a national crisis. As of this week, the strike has reached the 43<sup>rd</sup> day and is still counting. Yesterday, I saw the doctors issuing a notice that in seven days, if this matter is not resolved, they will also join the strike. If that happens, God forbid, then we will have complete paralysis in our public hospitals. I was in Kitui on Saturday where we unfortunately had an accident on the road between Ikutha and Kasala. Unfortunately, we lost five people and several others were injured. When those people were taken to the Ikutha Level 4 Hospital, they could not be attended to because there was no single nurse, clinician or pharmacist at work. They had to be referred to a mission hospital in Mutomo for treatment and quick attention.

Earlier today, I heard a colleague say that we must have a reversal of the situation where it can never be the national Government or public health institutions referring

patients to private or mission hospitals. It should be the other way around. Private institutions and mission hospitals should be referring patients to public health facilities where they should be attended to faster and better.

It is reported that in August alone, within the strike period, we have recorded 75 maternal deaths in this country. I subscribe to the argument that no mother should die while giving birth; while giving life. That should never happen, not in this day and age. It has also been reported that within the strike period, we have recorded 458 peri-natal deaths across the country. I have heard doctors go on record to say that a lot of these deaths are preventable. However, because nurses are not available to provide critical services in the wards, these deaths are happening. I know each colleague in this House today has something to say about the situation in their own counties. I also come from a county and because I do not want to take a lot of time in moving this Motion, I want to paint the picture as it is in my own county.

Let me begin by appreciating that Kitui County is in an arid and semi-arid region. That means in our county, the facilities are far apart. The distance to services is in itself a problem. So, if there is a crisis in a single facility, it means that patients, mothers and their children and young people will have to walk much longer distances in search of services in mission facilities and private institutions, where those facilities are even too expensive for them to afford.

As a Senate, we have allocated money to counties. We have increased the equitable share to counties from Kshs413 billion to Kshs428 billion. Even as we have argued before, the expectation was that the allocation would go up to Kshs450 billion. There are some decisions that are being made at the national level that will need proper consultation with the county governments and the CoG.

**The Temporary Speaker** (Sen. Mumma): Please, wind up in two minutes.

**Sen. Wambua:** Thank you. The decision by the national Government to offload Universal Health Coverage (UHC) staff to county governments with a wage bill of Kshs8 billion, without proper negotiations and understanding on how this will be processed, has also put county governments in a very awkward situation. Out of the addition that we have given of Kshs15 billion, Kshs8 billion has just been taken by a stroke of the pen to pay UHC staff. Perhaps what the national Government, the National Treasury and this Parliament should do is to look for ways of giving additional funds to county governments to be able first to absorb the UHC staff and also deal with issues of promotions for other cadres of the healthcare profession. It will be tricky for us to expect the county governments, with the meagre allocations we give them, to absorb the Universal Health Coverage (UHC) staff, deal with promotions and provision of drugs and equipment in hospitals and health facilities. All in all, the nurses, clinicians and pharmacists have a genuine and legitimate concern and people must listen to what they are saying. This matter must be resolved for the nurses to go back to hospitals and treat the patients.

Madam Temporary Speaker, I beg to move and ask Sen. Cherarkey to second.

**Sen. Cherarkey:** Thank you, the Senator for Kitui County and incoming governor of Kitui County. I will be very brief because I am aware of Standing Order

No.37 which states that each and every one of us must not speak for more than five minutes.

What we are seeing in the country is very sad. Some of us interpret this as a way of killing devolution because health is a devolved function. Today is the 40<sup>th</sup> day since the Kenya National Union of Nurses called for a strike across the country. In Nandi County, all dispensaries and the County Referral Hospital in Kapsabet have been closed and our people are suffering. We have seen a surge in deaths that are preventable.

Kenyans are being frustrated yet the Council of Governors (CoG) has gone silent on this. Instead, they are engaging themselves in mundane matters. The CoG Chairperson, the most incompetent in the history of the CoG chairpersons in this country, has not taken a lead to resolve this matter. This matter stems from a 2016 Collective Bargaining Agreement (CBA). What the nurses are requesting for are the basics under Article 41 of the Constitution on labour rights of any employee which includes us, who are employees of Kenyans. They are asking for career progression, salaries and emoluments, and workplace environment. Some of the health facilities in this country are in deplorable condition.

The other issue is on the Salaries and Remuneration Commission (SRC). We suggested that we should have National Health Service Commission which will look at the unified and singular agenda of addressing the issues of the health workers. We are aware that the Kenya Medical Practitioners, Pharmacists and Dentists Union (KMPDU), through Dr. Davji Bhimji Atellah, have threatened to call for a doctor's strike.

The CoG must be called to order to ensure that the 2016 CBA is resolved. We have 110,000 registered nurses across the country. I was speaking to a doctor and I was told that 70 per cent of what is done in hospitals is handled by nurses. The doctors only handle 30 per cent of the work. They provide consultancy services and give prescriptions. The strike by the nurses which has now gotten to its 40<sup>th</sup> day is as a result of the failure by the governors.

I saw the Chairperson of the Committee on Health in the CoG, the Governor of Mombasa County, unable to comprehend the gravity. I do not know if they are doing this because they have an insurance cover of over Kshs10 million or most of them are not being treated in public hospitals. Could it be the reason why they do not appreciate the urgency of resolving the strike?

I urge President William Ruto to intervene on this matter. I know some people will rush and say that health is a devolved function, but what we have at the moment is a national crisis. It is not about the devolved function. What I am about to say is very unfortunate but I will say it with indulgence from your office. We have the Committee on Devolution and Intergovernmental Relations where you serve as the Vice-Chairperson and the Committee on Health. One is then left to wonder the role that the Senate plays.

Article 96 of the Constitution states that we are to protect devolution. One way of protecting devolution is ensuring health works. As the Vice-Chairperson of the Committee on Devolution and Intergovernmental Relations, you must seize the matter. The Committee on Health must give us a preliminary report. Is it possible to direct the Committee on Health and the Committee on Devolution and Intergovernmental Relations, at the end of this Adjournment Motion, to give us a preliminary report by next

week, Tuesday on the resolution of this strike? This is because our people are suffering. You saw what happened in Homa Bay. I do not know what is happening in Homa Bay because it looks like dysfunctionality comes from Homa Bay. You heard the distinguished nominated Senator from Homa Bay say that even the public hospitals in Homa Bay are referring patients to private facilities. That means that those hospitals have connections with some senior officials in Homa Bay County Government.

In Nandi County, the nurses have been demonstrating. If you go Nandi County, you will note that the private facilities and chemists are doing booming business at the expense of sick and poor patients. The nurses have been frustrated. I went to Kapsabet County Referral Hospital and found that the governor fired 2,000 employees last year. The people who work within the health sector in Nandi County have never been taken care of. Their concerns are genuine.

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

Madam Temporary Speaker, I see that Clerk Kavata is very efficient today. I beg to second.

*(Question proposed)*

**Sen. Maanzo:** Thank you, Madam Temporary Speaker, for giving me the opportunity to speak on this very serious Adjournment Motion.

I will begin with the experience in Makueni County. This strike has been effective in every single public hospital in Makueni County.

**The Temporary Speaker** (Sen. Mumma): Hon. Maanzo, allow me to notify the Senate that each speaker will have not more than five minutes.

**Sen. Maanzo:** Thank you, Madam Temporary Speaker. The clinical officers in Makueni County demonstrated today. Unfortunately, goons appeared and hit them with stones and sticks. Those goons are said to have been coming from Makindu. That is something that has never happened in Makueni County. It is sad to have the demonstration of nurses, clinical officers or anybody disrupted. I, therefore, want the incident that happened in Makueni County to be investigated properly because we do not want to bring the culture of goonism in Makueni. That attack was illegal. I know that it is something that has been promoted by some politicians, but it should be in the past.

This strike has now lasted 42 days and it seems that the Government or no one has been keen to sort out this matter. This CBA was signed in 2016/2017. It has been in existence for that long. The strike was called by the national body of the nurses and it has been effective in every single county in Kenya. It is, therefore, a national issue and I expected the Cabinet Secretary for Health, Hon. Duale, to do something, but I am surprised he has not been bothered. Twice or thrice, he has had functions related to health with the head of State. They have not commented or done very little to sort out this strike.

This is a national disaster which should be priority number one for the Government of Kenya, William Samoei Ruto, the President of the Republic of Kenya and Hon. Duale. You heard that a patient in a hospital in South B had a bill of Kshs 1.2

million and SHA only paid Kshs28,000. That is why we have been saying that SHA has failed. It is even worse when the strike is biting and Kenyans are forced to look for help in a private facility.

Many Kenyans have died out of this crisis; issues which can be sorted quickly. I am aware that people have gone to public hospitals suffering from simple ailments such as low blood pressure, high blood pressure and low sugar levels, which are not detected immediately and upon being referred to a private facility, they have died on the way.

Doctors have also said that they cannot work without nurses. There is no way a doctor will function in the country, in all these government facilities without nurses, clinical officers and all supporting medical agents within a hospital. It makes the job of a doctor very difficult when working without a nurse, a clinical officer or laboratory technician.

I call upon William Samoei Ruto, as the Head of State, to intervene immediately, so that Kenyans can stop dying. Otherwise, the message he is sending to Kenyans is that he does not care about Kenyans dying due to poor healthcare services. His biggest responsibility, first and foremost, is to protect the lives of Kenyans through security, medical treatment and ensuring that every Kenyan's well-being is taken care of. That is the reason a Government is elected into office.

The Kenyan Government has failed Kenyans completely in this particular matter. There has been an outcry across the country. In fact, doctors have also threatened to go on strike and have given notice to that effect. We need to stop and ensure that no single Kenyan dies because there is a strike. The Kenyan Government led by William Samoei Ruto has failed completely to think about Kenyans; to be humane and to make sure that there is no strike and hospitals are working.

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

**Sen. Chute:** Thank you, Madam Temporary Speaker. The issue of healthcare is not exclusively for the President; it is for each one of us. Let me start with the issue of the Collective Bargaining Agreement (CBA). That agreement is supposed to be handled in a conclusive manner. We have been hearing about CBAs for quite a long time. Our problem starts when you do not finalise it, but keep on postponing and selectively implementing it.

Secondly, if you look at what is happening in health care now, there are delays in payment of salaries, allowances and other benefits. Some families are struggling to a point of even not paying their loans.

The other very important issue is staff shortages. We have staff shortages in our health sector, which creates a lot of problems for our patients. For example, for hospitals in Marsabit County, we have a shortage of 100 nurses. How can we manage that? It is very difficult. Besides the issue of salaries and allowances, health workers in hospitals are a quarter in number of the standard requirement. This must be addressed.

There is this issue of working conditions. They are working under a situation where human beings cannot work. When we talk about health care, they also do not have enough hospital equipment to work with.

Madam Temporary Speaker, we also must address career progression. Some health workers in Marsabit County told me that they have stagnated in the same position

for almost 10 to 15 years. That is demoralising. How do you expect these health workers to work when they have been in the same job group for the last 15 years?

Finally, in order to have a functional healthcare, we must have a responsible government that will deal with health workers as just normal workers and even recognise the hardship they go through. Some hospitals in Marsabit County do not even have ambulances. Hospitals in places such as Dukana, Loiyangalani, Marsabit, Moyale and Kalacha where we have a Level 4 hospital, health workers cannot even deliver patients to Nairobi because we do not have enough ambulances. Yes, we have enough ambulances, but they are all in garages here in Nairobi, Nanyuki and Meru. How do you expect these people to survive?

In conclusion, the Government should take this matter seriously and have that CBA settled conclusively, so that our workers can at least do their work in an environment that has an acceptable standard. County hospitals have a pending bill of Kshs3.9 billion to the Kenya Medical Supplies Authority (KEMSA). Why do we have these pending bills? KEMSA is not even operating well. We have a Chief Executive Officer (CEO) who comes from Marsabit County who is doing very well, but he cannot operate under those circumstances.

Thank you very much.

**The Temporary Speaker** (Sen. Mumma): Sen. Beatrice Ogola, proceed.

**Sen. Ogola:** Thank you, Madam Temporary Speaker, for granting me the opportunity to contribute to this Motion.

Health services are collapsing in this country and when this happens, the average Kenyan who cannot seek health services in private hospitals, is endangered. This situation is affecting the Universal Health Coverage (UHC). If you are in the village like we have been, you see the misery that our people are going through. You see mothers with children walking up and down looking for basic services that they are entitled to.

As a country, do we ever even stop to think about what the young Kenyans being born in the last 40 days when hospitals, dispensaries and health centres have been closed will be suffering from in the future? There are vaccinations that our children should get when they are born, up to a certain age in their lives.

It means that as a country, we are closing our eyes to the obvious facts happening behind our doors; children are not getting the basic vaccinations that they should be getting and pregnant mothers are not attending antenatal clinics.

What does that portend for our country? That is why we are calling out county governments because a number of these health centres and dispensaries that we are talking about are under the purview of county governments and they are behaving as if nothing is happening.

I am here to categorically say that in my sub-county, the Sub-County Hospital in Ndhiwa Constituency that the constituents look up to has not been operational for a few days. I often meet mothers with their children walking to private clinics in the villages.

Madam Temporary Speaker, even as a country, do we know who is attending to our sick, the big percentage of the patients that we have? We are not able even to verify the skills that are there in those facilities where our people are going to. Health is a priority in this country and counties. We are calling upon the governors that they should

stop whatever they are doing, so that they attend to the health issues, because a healthy nation is a productive nation. Without health attended to, there is very little that our counties are doing.

Madam Temporary Speaker, in the recent past, there has been an upsurge of cancer cases, most of which go undetected until the final stages. If these health facilities were working, and the doctors were in place--- We all know that nurses are the backbone of health services. Without the nurses, the doctors are not practically even doing their work. So, a number of patients are appearing in hospitals, probably in the city, at the last stages, yet some of these patients would have lived longer.

So, as a nation, we should also get to attend to the issue of cancer. What is really happening? Are we attending to our feeds and food safety in this country? What are our people consuming? Probably, three-quarters of the things that are consumed is causing this problem.

Madam Temporary Speaker, as I conclude, I would like to say that SHA is working. Since I have been in and out of---

*(Sen. Ogola's microphone went off)*

**The Temporary Speaker** (Sen. Mumma): Okay, please, add her one minute.

**Sen. Ogola:** Thank you, Madam Temporary Speaker. I call upon the country that if there is something structurally not working, let us attend to it.

I have been to the chemotherapy facilities in most of these hospitals, and I see the many patients that we have that are being bailed out by SHA. Are we saying they are not benefiting from it? Let us pick what is not working and attend to it as a country. However, patients are getting their bills cleared up to some level through SHA. I cry for this country when we see the state of our health services.

Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Mumma): Sen. John Methu, please proceed.

**Sen. Methu:** Thank you, Madam Temporary Speaker, for giving me an opportunity to also weigh in on this important matter.

Allow me to start by saying that when you see some of us on the streets of this nation--- By the way, I have just come from Embakasi, and the police tried to stop our rally in a place called Mowlem. They were throwing teargas at us, but the people were very decided and chased away the police. This is because we just wanted to speak to the people and indeed we spoke to them. That is the right thing to do. Nobody is a tenant in Kenya. All of us are owners of this country. We live here by right.

When you see us in the streets, like where I have come from, saying that we want the current administration to go home and run for only one term, we are not just doing it because it is fashionable to say so, or because we think it is a very good slogan or whatever it is. We voted for Mr. William Ruto. Personally, I voted for him. As he sits in the State House today, he sits courtesy of my vote and many other people who voted for him. I no longer believe that, that was a good decision or he was a good choice.

Madam Temporary Speaker, for this simple reason, this is a very major national crisis that we are facing; the nurses being on strike in the nation for the 10<sup>th</sup> week now

and nobody seems to care about what is exactly happening in the nation. It is an extremely sad situation and affair that nobody wants to speak for the people of Kenya. What these nurses are asking for is nothing out of the Constitution of Kenya. It is nothing out of what is contained in Article 41 of our Labour Relations Act, in the Constitution of Kenya. It cannot be that none of the players, both from the national level and the country level, wants to actually address this particular matter. Our people are suffering and they are dying everywhere. You have seen the kind of surge and pressure that has come to our mortuaries because of deaths that could have been avoided.

Madam Temporary Speaker, implementation of the Collective Bargaining Agreement (CBA) that was signed in 2017 is something that was known, and should be implemented. It is not something that comes as a surprise. Nobody is surprised that the nurses are asking that this CBA is implemented because we knew that one day, we would get here. We knew that one day we would require that we implement this particular CBA. Sadly, the Council of Governors is not speaking about this strike. We have seen a fresh notice that has been issued by the Kenya Medical Practitioners, Pharmacists and Dentists Union (KMPDU). They have actually said that they will join their comrades in fighting for what they believe is their right. I have seen in many counties, my county, Nyandarua, being one of them, that instead of addressing this particular problem, our nurses are being threatened. On 28<sup>th</sup> August, in Nyandarua County, the nurses who have been on strike were given a notice that their salaries will be stopped.

Madam Temporary Speaker, when we are in the campaign rallies out there, the President of this nation tells us that some of us, because we oppose him, do not have brains. How does he take pride in having brains in a country that has had nurses on strike for 10 weeks and he has said nothing about it? Who will speak for the people of Kenya? Who will be the umpire? Who will actually become the go-between the nurses and the people of Kenya? The people of Kenya are not aware of that CBA. They have nothing to do with it; they are taxpayers. Why are they not getting services in hospitals? When we keep pushing the can further down the road, you are saying that it is not you, health is devolved. Yes, health is devolved, but you are the Head of the State. You are the one that is supposed to ensure that there is quality of life of your people. There is no way you are just moving around, making merry and you are very happy, and there is nothing that you are doing, not even just your word of mouth to say that you are trying to address this particular matter. Nobody is speaking about this particular matter. It looks like it is business as usual and that nobody cares.

Madam Temporary Speaker, in 2017, the strike went for about 150 days. We would not want to get into the situation we were in 2017. We must ensure that this matter is addressed once and for all, so that we do not see the nurses on the road. We do not want them on the road. We want them in hospitals. They are asking that this CBA is implemented.

Secondly, they are also asking career progression to be taken care of, and that it should be harmonised across the country. It cannot be that what is happening in Uasin Gishu County is different from what is happening in Nyandarua and Narok counties. We are all offering the same services. We have gone to the same school. We have the same---

(Sen. Methu's microphone went off)

**The Temporary Speaker** (Sen. Mumma): You are done, Senator---

**Sen. Methu:** Give me one more minute.

**The Temporary Speaker** (Sen. Mumma): Okay, give him one more minute.

**Sen. Methu:** Thank you, Madam Temporary Speaker. When we speak about harmonisation across the counties, it is only that we have applied and been lucky to be employed in such and such a county. However, in terms of qualifications, we expect remuneration and career progression to be the same. It cannot be that the career progression in Uasin Gishu County is better or the terms of service are better in Uasin Gishu County than they are in Nyandarua or any other county. We must try and harmonise, so that we encourage our medical practitioners to continue serving the people of Kenya.

I thank you.

**The Temporary Speaker** (Sen. Mumma): Sen. Stewart Madzayo, please, proceed.

**The Senate Minority Leader** (Sen. Madzayo): Asante Bi. Spika wa Muda.

Kwanza, ningetaka kumshukuru sana ndugu yetu kwa kuleta hii Hoja kuhusu afya ya watu, hususan mgomo unaoendelea hivi sasa.

Wale wauguzi, yaani nurses, ni watu muhimu sana katika nchi yetu ya Kenya. Ni jambo la kusikitisha kuona ya kwamba wale watu muhimu sana tunaowahitaji wakati tuko na shida, ndio wako na shida. Shirika hili la kitaifa la wauguzi nchini, yaani National Nurses Association of Kenya (NNAK), waliweka sahihi katika mkataba ambayo hao *Council of Governors* (CoG) wenyewe waliweka sahihi kuanzia 2016. Hili ni jambo la aibu na la kusikitisha na linatajikana kukemewa na kila Mkenya. Ukishasikizana na mwenzako, akitengeneza upande wake, lazima na wewe utengeneze upande wako. Ni jambo la kusikitisha kuona kwamba wao waliweka sahihi katika ule mkataba, sijui wako na macho ya aina gani kule kwa CoG, kwa sababu ya kuenda kinyume ama kukiuka mkataba ambao walisema kuwa watawalipa hawa wauguzi.

Wauguzi ndio askari wetu wa kwanza. Mtu akiwa mgonjwa, kabla daktari hajafika hospitalini, anapimwa presha na vipimo vingine. Unaambiwa ulete hili na lile na unapimwa mambo mengi. Kabla ya daktari kusoma ile taarifa, atakuambia uendelee na hili na lile alafu apate hiyo repoti tena, halafu unarudi kwa hao wauguzi ambao ni *nurses*. Jambo la kustaajabisha ni kuwa, sisi tunawapuza.

Mimi ningependa kuchukua muda mfupi. Ya kwanza, jambo la kusikitisha ni kuwa hivi sasa Wakenya wanakufa. Hatujui idadi lakini kila mahali nchini, Wakenya wanakufa bila kuhudumiwa wakiwa katika hospitali. Hatari ni kwamba madaktari pia wamesema kuwa wao watagoma baada ya siku saba. Tunaanza kufikiria, kama madaktari na *nurses* watatoka, ni nani atabaki katika hizo hospitali? Ni nani atakimbia kuenda hospitali kupata matibabu? Sio wote wanaweza kuenda katika zile hospitali kubwa kubwa. Ikiwa wale magavana wanaweza kuenda katika zile hospitali wasifikirie kila mtu katika Kenya anaweza kuenda katika zile hospitali. Kuna umuhimi hivi sasa kuingiliwa kati na wale watu ambao wanahusika hususan kamati yetu ya Afya inayoongozwa na ndugu yangu, Seneta Mandago, ambaye ni *Chairman* wangu, nikiwa kama mwanakamati,

lazima tuingilie kati ndio mgomo uishe. Vile vile, ndugu yangu, Seneta Abass; ni vizuri kwamba wote wawili wako hapa---

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

**The Senate Minority Leader** (Sen. Madzayo): Nipatie mimi kama kiongozi dakika tatu. Dadangu nakuomba na nakusihi, najua una roho kubwa, nipatie dakika tatu hivi nimalizie.

Ningependa kumwambia ndugu yangu, Seneta Abass, kama kiongozi wa ugatuzi katika nchi hii. Ukiwa kama Mwenyekiti, unastahili uwe umewaita magavana wakueleze kwa nini hawawezi kukubali ule mkataba waliyoweka sahihi na sasa hawawezi kuutekeleza. Vile vile, ndugu yangu Seneta Mandago, tunatakikana tuite hawa watu waje watueleze kwa nini hawawezi kuwalipa hawa wauguzi. Vile tulituma Shilingi bilioni 428, pesa ambazo zinaweza kumaliza mgomo huu wote, dakika moja wakipitisha.

Nikiendelea, nataka kusema kwamba sote katika Kenya tuko na jukumu la kuona kuwa *nurses have been paid*. Ni lazima walipwe haki zao kulingana na mkataba waliotia sahihi, na kama kuna *promotion* ambayo itakuja *in-between*, iwekwe ndani, walipwe ridhaa zao kuanzia 2016, mpaka hivi tunavyoongea, wakati huu, miaka kumi baadaye - 2026. Walipwe haki yao.

Asante, Bi Spika wa Muda.

**The Temporary Speaker** (Sen. Mumma): Sen. Johnes Mwashushe Mwaruma

**Sen. Mwaruma:** Asante, Bi Spika wa Muda, kwa fursa hii umenipa ili kuchangia Hoja ambayo imeletwa na Seneta wa Kitui kuhusu mgomo wa wauguzi.

Ni haki ya wauguzi ama *nurses* kuenda kwa mgomo kulingana na Katiba ili kupigania haki yao. Ni jambo la kushangaza kile kimya ambacho tunakiona kutokan kwa waajiri wao ambao ni serikali za kaunti. Waswahili wanasema kimya kingi kina mshindo mkuu. Kulikuwa na ukiukaji wa maelewano kati ya wauguzi na waajiri wao; mkataba wa maelewano ambao uliandikwa mwaka wa 2016. Huu mkataba ulikuwa unaangazia mambo ya mazingira ya kazi yakiwemo mishahara na marupurupu, vifaa vya kufanyia kazi, vyeo na kadhalika.

La kushangaza ni kwamba, miaka kumi baadaye, bado wauguzi hawajapata haki yao. Lazima magavana na tume za kuajiri wafanyikazi wa kaunti wakae na walivalie njuga hili suala, ili hali ya afya irudi vile ilivyotakikana. Wananchi, haswa maskini, wanateseka na kupitia madhila kwa sababu hali ya afya imedorora. Tunajaribu kama Seneti kupigania pesa nyingi ziende kwa gatu zetu na kuanzia mwaka wa 2023 mpaka saa hizi 2026, zaidi ya Shilingi bilioni 58 zimeongezwa kwa gatu zetu. Magavana na CoG wanastahili kuangalia ule mkataba wa maelewano kuongezea wauguzi marupurupu. La kuogopesha zaidi ni kwamba madaktari wamesema wataunga mkono mgomo huu.

Watu wanakufa kwa sababu ya kukosa matibabu. Watu wanaulizana kwa nini Mungu amefungua bingu na watu wanakufa? Ni kwa sababu hali ya afya imedorora. Kwa hivyo, ningependa kusema ya kwamba CoG na Waziri wa Afya wa kitaifa waangalie suala hili.

Pia, kuna wauguzi ambao wanaitwa UHC ambao wanatakikana kuajiriwa. Wamefanya kazi miaka sita kwa *contract*. Wanatakikana kuajiriwa. Lakini pesa zinazoenda kwa gatu zetu ambazo zinaitwa *conditional grants* ambazo magavana wamesema wakiajiri hao wauguzi wa UHC, na hizo *conditional grants* ziondolewe

mwaka unaofuata, itakuwa namna gani? Nafikiri ile sheria ya kugawanya pesa ambayo tunaiita *Division of Revenue Act (DORA)* inatajikana iwe *amended* na hizo pesa iingizwe pale ili ziwe pesa ambazo zitakuwa zinaenda kwa serikali zetu za gatuji kila mwaka ili wale wanguzi wa UHC wapate kuajiriwa.

Wafanyikazi wa kaunti wanalipwa pesa kuchelewa. Wengine wanatupwa na kufungiwa nyumba. Wale ambao wako kwa nyumba za kukodesha wakisema wanafanya kwa serikali gatuji, hawawezi kupewa nyumba kwa sababu wanakaa miezi mitatu kama hawajalipwa. Lazima tuangalie njia kama kaunti kwamba mwezi ukiisha wale wafanyikazi walipwe mishahara yao. Kule Taita Taveta, wale walimu wa chekechea wako kwa mgomo kwa sababu yale mazingira ya kufanya kazi hayako sawa. Ninaomba kila mtu anayehusika na mambo ya afya walivalie njuga suala hili. Kwa Kizungu tunasema *to burn midnight oil*. Wasilale kabla mgomo huu haujaisha ili hali ya afya na yale mateso watu wetu wanapitia yapate afueni.

**Sen. Abass:** Thank you, Madam temporary Speaker. I thank the Senator for Kitui for bringing up this matter, which is very urgent and important for this country today.

As we are aware, the nurses are a very important profession. They are frontline providers of services especially in hospitals. Whenever a doctor does something, it must end up with the nurse. Unfortunately, the situation they are working under is wanting. When we fail to get services from the nurses, then we will lose so many babies and other deaths because they are the people who do every job in that place.

As we are aware, we appreciate that since devolution, the number of nurses or health care providers in this country has increased tremendously. We appreciate every county. My county last time employed 250 nurses at a go. Wajir being a very vast area, 56,000 Square kilometers, nurses are in every corner of that county. Of course, they face a lot of challenges in terms of housing, water and work under very tiresome situations.

If you look at what is going on in--- Funds have not been released, they cannot get a salary. That has made nurses to strike. One other thing is lack of implementation of the CBA. These CBAs have many times been signed and agreed upon, but nothing has been done. I think the CoG are being non-committal and not serious.

It is high time that this House must take action. I cannot say that we must bring the services back to the national Government because as Chairperson of the Committee on Devolution and Intergovernmental Relations, I cannot support that. Of course, we must come up with a system, whether we are going to have a commission-like structure that takes care of the interest of all the health workers.

As a result of availability of the nurses, the counties have increased their own-source revenues through the Facility Improvement Funds (FIF) and that money is being used at the health centres and Level I and Level IV hospitals. I think that money can help to pay nurses their monies at the right time.

Nurses hardly get promoted or salary increment. They have stagnated for the last 10 years, while their colleagues in other cadres are moving up. It is high time the health workers should be given a special consideration. Since the strike started, I have seen the media reporting almost 75 deaths and almost 450 prenatal deaths. We cannot continue this way anymore. Therefore, it is high time - I will ask my colleague, the Chairperson of

the Committee on Health and my Committee to sit down somewhere and come up with a solution to this problem.

With those few remarks, I beg to support the Statement.

**Sen. Faki:** Asante, Bi. Spika wa Muda, kwa kunipa fursa hii ili nichangie taarifa ya mgomo wa wahudumu wa hospitali uliwasilishwa katika Seneti na Seneta Wambua, Seneta wa Kitui.

Kwanza, ninaungana na wenzangu kwamba ni masikitiko makubwa kwamba leo ni zaidi ya siku 40 tangu hawa wauguzi waanze mgomo ilhali Serikali haijafanya jambo lolote kuumaliza mgomo huu. Vile vile, Baraza la Magavana (CoG) halijafanya jambo lolote kuumaliza mgomo huu. Leo adhuhuri kulikuwa na mkutano wa Summit ya baraza la magavana na Rais. Ni matumaini yetu kwamba labda wamelijadili suala hilo na watatoa mwongozo baadaye.

Ni aibu kwamba miaka 17 ya ugatuzi bado tuna changamoto kama hizi. Wauguzi wanagoma na hakuna jambo lolote ambalo linafanyika. Kama kuna matatizo, kuna taasisi nyingi ambazo zinaweza kusaidia kumaliza mizozo kama hii; kwa mfano, Kamati ya Afya ya Seneti ambayo inaongozwa na Gavana *emeritus* Jackson Mandago alias Jack Ma. Ana tajiriba kubwa ambayo anaweza kutumia kumalizia mgomo huo na wauguzi warudi kazini. Wananchi wanaopata shida hospitalini na nyumbani watapata afueni.

Mara nyingi mgomo ukitangazwa, kila mtu hunyamaza. Wizara ya Afya iko kimya. Wizara na taasisi za kaunti pia huwa kimya. Mgomo ukianza jambo la kwanza ni kutangaza mgomo ule kuwa haramu. Utasikia Waziri ametangaza mgomo kuwa haramu; Waziri wa Leba pia ambaye yeye ndiye anayetakikana kujaribu kuleta uwiano na maelewano baina ya wale wanaogoma na wale ambao wamekataa kutekeleza mikataba, yeye pia atatangaza kwamba mgomo ni haramu. Hii ni fauka ya kwamba Katiba yetu inampaa mfanyikazi haki ya kugoma iwapo maslahi yake ya kazi yanamgandamiza.

Ni lazima tuyaangalie upya haya majukumu ambayo yametwikwa hizi serikali zote za kaunti kwa sababu ni wazi na dhahiri shahiri kwamba wameshindwa kudhibiti migomo ya wauguzi, madaktari na CHPs mara kwa mara. Hii inachangia pakubwa kuzorota kwa huduma za afya katika kaunti zetu. Hata kama tuna lengo la kupata ile inatwa Universal Health, haiwezi kupatikana ikiwa maslahi ya wauguzi, madaktari na CHPs hayaangaliwi.

Juzi, kulikuwa na barua iliyoandikwa na Wizara ya Afya, ikiongozwa na Mheshimiwa Duale. Nakala ililetwa kwa Kamati ya Fedha ya Seneti; kwamba zile Shilingi Bilioni 8.9 zilikuwa zitolewe katika *Conditional Allocation Act*, zipelekwe kwenye *Division of Revenue Act (DORA)*, wakati tulikuwa tushapitisha DORA na kumalizana na masuala yake, lakini walikuwa wanataka zirejeshwe huko ile waweze kuzitumia vile wanavyotaka. Sisi kama Bunge na Kamati tulisema kwamba pesa hizi ziwekwe mahsusi kuwalipia wale CHPs ama CHWs. Kwa hivyo, tunaona kwamba serikali inavuta nikuvute katika mambo hayapaswi.

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

**Sen. Olekina:** Thank you, Madam Temporary Speaker, I have listened to all my colleagues contribute to this matter and will be a little unorthodox and differ with most of my colleagues because the biggest problem is this House, which has failed. We have

entertained some form of argument between the national Government and county governments on who owns the health function and yet, the Constitution is very clear.

I find it very interesting that the CoG will tell the President; stay away, yet they come back and say the agreement which was agreed in 2017 is unaffordable; they cannot pay for it. We cannot be asking anyone to fix this unless we do it ourselves.

Madam Temporary Speaker, recently during vacation, I was thinking about these governors and why they keep on running away from responsibilities and why we cannot hold them accountable to their fiduciary responsibility. It is not because they are untouchable. It is because of the laws that we make in this House. It is about time we amended Section 33 of the County Governments Act to hold county governors personally accountable for the mismanagement of funds.

I listened to the distinguished Senator from Nyandarua, Methu, saying that they want this Government out because this Government has failed. My biggest question to the distinguished Senator is, does the President own the hospitals in Narok? The answer is no. The person who owns the hospitals in Narok is the County Governor of Narok. The reason why a pregnant mother has died or the reason why a sick child has died because there is no nurse is because of the following reasons.

One, that nurse was not paid when the nurse was supposed to be paid. Who is supposed to pay the nurse? Is it the President or the county government? Let us not pussyfoot. Let us call a spade a spade. Our task here in this House, as the Senate of the Republic of Kenya, is to hold accountable those who are accountable. The Council of Governors cannot own a truck and refuse the fuel. If the 2017 CBA was expensive, why on earth have we sat on it for like nine years? It has been nine years.

The Salaries and Remuneration Commission (SRC), you came up and said this is the CBA. Were you just doing it the way I recently saw when there was a strike at the airport? All of a sudden, they met, they discussed and the strike was suspended, but were the issues resolved? There are small things that we do that leave a lot to be desired on how we run this country.

Madam Temporary Speaker, the biggest problem we have right now is our county governors. It is about time that we, in this Senate, take full responsibility. We need to look at the expenses, the health. We need to go back and talk to the public service of each and every county because we have a big problem and we were entertaining these issues when we were thinking of having one employer for all the doctors and all the nurses in the country.

Why is it possible that Siaya and Homa Bay can sit down with the nurses and discuss with them and have a return to work formula? The national Government is also hiding from the fact that health is devolved, but they have remained with the policy. For us to have a solution and resolve this matter, this House must put its foot down. The Committee on Health and the County Public Accounts Committee (CPAC) must ask serious questions. It should be a joint effort. We also have the Committee on Devolution and Intergovernmental Relations.

Madam Temporary Speaker, there is no way we are going to save a child from dying if we come here to lament about the President. Who owns that ward that is closed?

Is it the President or the governor? It is a bit nonsensical and ludicrous to keep on politicising everything. Devolution---

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

*(Sen. Tabitha Mutinda spoke off record)*

**The Temporary Speaker** (Sen. Mumma): Sen. Mutinda, you are out of order because you are not the Speaker.

Senator, you have 30 seconds to conclude.

**Sen. Olekina:** Madam Temporary Speaker, to end, there is this business where the national Government holds the national policy and sets up the Salaries and Remuneration Commission (SRC). Governors are telling the President to stay away because healthcare is devolved. Each one of them is hiding from the problem and they are saying they cannot afford it.

It is time that we, in this House, took action. The only actions we can take are the following. Firstly, we need to amend Section 33 of the County Governments Act and hold governors accountable. Secondly, we need to scrutinise these budgets. We need to ask each county public service board to produce a list of pending promotions of nurses---

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

**The Temporary Speaker** (Sen. Mumma): Proceed, Sen. Wamatinga.

**Sen. Wamatinga:** Thank you so much, Madam Temporary Speaker, for giving me this opportunity to also contribute to this Motion. I take great exception in pointing out this: Indeed, Nyeri is one of the counties where there is no strike. I invite other governors and fellow Senators to come and benchmark. When you have leadership that is collaborative, centred on human resource and believes that human resource development is equal to capital development, such may not arise.

It is not in vain that the Governor of Nyeri County together with the County Assembly and me included sat down and agreed that we must make the leadership of Nyeri people-oriented and people-centred and most importantly, equalise human capital development with financial capital development. That is why Nyeri is the only county in Kenya where the strike is not going on because of the following reasons.

Firstly, we managed to promote all nurses and employed most of them on permanent and pensionable terms. For those who had stagnated for more than 15 years, using a collaborative approach of give and take, we promoted some even three or four grades above where they were. That is the only reason why despite some shortages of supplies, we do not have a strike of health workers in Nyeri.

We did not stop there. Again, Nyeri prides itself for being one of the counties that implemented the Early Childhood Development Education (ECDE) Act and employed most, if not all ECDE teachers. That was possible because when you look at vertical and horizontal distribution of resources, it is not lost to us that county governments, as it has

been clearly stated, get resources in as much as most unbundled functions remain with the national Government.

That is something that we as the Senate must ensure that all unbundled devolved functions are followed by equal budget lines. That will ensure that we have enough resources. However, there is lack of political goodwill by some governors because they have never equated human resource development to capital development. Why do they do so? They all prefer to put up a building or a road because they get kickbacks from that. They prefer not to develop human resources because they do not get kickbacks from that. This is an issue that we must address. This is an issue where we must hold the bull by the horns and put our foot down.

We must call on the governors who let our people suffer; technicians and medical personnel. Also loudly ensure that we talk about Community Health Promoters (CHPs), those who ensure that before people go to hospital, they are taken care of at home. If we do this, then we will have a better country. It is high time that we call a spade a spade and say, we, as Senators, have a lot to do in terms of oversight and ensure that we call our governors to do what is required.

They need not go abroad to benchmark, let them come to Nyeri. Invite them to come and see how it is done; how we have been able, with the Governor, through a collaborative approach with the County Assembly, to ensure that Nyeri is where it belongs. People first.

Thank you.

**The Temporary Speaker** (Sen. Mumma): Hon. Senators, there are seven of you lined up to speak. If you each take five minutes, only four will speak. I am, therefore, requesting that you speak for three minutes or less in order to give a chance to the other Senators.

Proceed, Sen. Kajwang’.

**Sen. M. Kajwang’:** Madam Temporary Speaker, the folly of waiting longest and speaking the shortest.

In the short term, the strike needs to be resolved; 41 days is too long. There is a platform called Every Woman, Every Newborn, Everywhere (EWENE). This is a presidential initiative. It is patronized by the President.

It tells us that during the period of this strike, we have lost 500 children and lost 83 mothers. It only tracks the deaths of mothers and children. It does not track the deaths of other people; men and other women who walk into facilities. So, the number could be higher. Those are only deaths that have been reported in hospitals. The number could be higher. We cannot be a country in good conscience, sleeping every night, yet knowing that the poorest of the poor cannot access health services.

The issues are on the table. It is about the Collective Bargaining Agreement (CBA). It is about the absorption of Universal Health Coverage (UHC) workers. I believe that the solutions are available because it is all about financing. Who decides on financing for county governments? It is the Senate. It is the reason we have insisted that counties should get at least Kshs450 billion to be able to meet this obligation.

I am hoping that this matter is going to be resolved because I believe that the President was supposed to have met the Council of Governors yesterday. It seems that

has not happened. These are some of the things that infuriate the public, even those of us who support the President. Sometimes we think that the presidency is becoming tone deaf if people are dying and no serious emergency response has been initiated.

People are saying that health should revert to the National Government. They are giving these examples that schools are running, hospitals are not. Police stations are running, hospitals are not. They are asking who is running police stations and schools? It is the national Government. The ordinary public does not care who is delivering the service, whether it is national Government or county government, as long as the service is provided.

I do not want to join that bandwagon. However, I want to make the following proposal. Go to Article 189 of the Constitution and look at the cooperation framework provided there. Go to the Health Act and look at the Health Human Resource Advisory Council established there. Sometime back in 2023, the President told doctors that he was going to support the establishment of a Health Service Commission.

He even set up a task force chaired by the eminent Prof. Khama Rogo, but then the courts annulled it, saying that the task force could not undertake that work. I believe that this House can go back to legislation, strengthen the functions of the Human Resource Advisory Council under the Health Act, invoke the provisions of Article 189 on cooperation, the same way we did with Nairobi City County Government, and set up a joint committee comprised of the national Government and county governments that will then act as the Health Service Commission in quotes for health workers.

It cannot be that some counties like Homa Bay, Nyeri, Siaya and a few others, are doing well and other counties are not doing well. We need to have consistent policies, procedures and methodologies of dealing with the brightest professionals in this Republic. That cannot be done across the 47 county public service boards. I pray that this matter be taken seriously. This matter requires the full attention of the nation because it is no longer a labour issue neither is it a county government issue. It is a matter of violation of the constitutional rights of Kenyans to access affordable and high quality health care.

Madam Temporary Speaker, I want to thank the Mover of this Motion---

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

**Sen. Mandago:** Madam Temporary Speaker, can Sen. Kajwang' clarify on the other professions that are not so bright compared to the health workers?

**The Temporary Speaker** (Sen. Mumma): Was it a point of order or clarification?

**Sen. M. Kajwang':** Madam Temporary Speaker, I share a profession with Sen. Mandago but it is also on record that those who proceed to study medicine are the ones who score the highest grades in school. I said it is amongst the brightest including my profession and that of Sen. Mandago's.

It is possible to provide a coordinated uniform framework for managing health workers without transferring that function back to the national Government. I just want people to think outside the box. It is possible for us to set a mini health service commission so that in future we have---

**Sen. Okiya Omtatah:** Thank you, Madam Temporary Speaker, for the opportunity to speak to this very important Motion and I congratulate the Mover.

I want to begin where I always begin and that is the Constitution because we are not going to treat this cancer using painkillers. We are trying to prescribe painkillers. Just before the Constitution, we had the Report of the parliamentary select committee on the review of the revised Draft Constitution. Allow me to read a passage from this Report. The Report was given to the committee of experts on 29<sup>th</sup> January. I will read from paragraph 14.5 which is in chapter 15, and they called it the public service---

Within that section, it is reported that the parliamentary select committee made changes to the Draft Constitution by deleting parts four and five which provided for the establishment of the health service commission and the Kenya correctional services given that they could be adequately catered for in relevant Acts of Parliament. Basically, Parliament made an undertaking that they are removing those commissions from the Constitution and they are going to create an Act to provide for it. So, there is an obligation on Parliament to create the health service commission.

Having said that, I want to go to the distribution of functions in the Fourth Schedule. Part one, paragraph 23 tells us that there is national referral health facilities and paragraph 28 talks of health policy. The two remained with the national Government. In section two of part two, they gave us county health facilities and we have never been able to look at what the national referral health facilities are. We reduced them into national hospitals and that is where the problem is.

We should not just look at them in the question of service provision by somebody walking in hospital and getting treated. Instead, we should also look at also the medical officer. These doctors need continuous training. Can counties employ doctors, give them sabbatical leaves and will those doctors get the experience they need moving around?

The national Government needs to set up national referral health facilities and they are the ones that provide clinical care. As a matter of fact, clinical medicine was never devolved. What was devolved was preventive medicine, primary health care. This idea of giving governors hospitals to run and provide clinical healthcare can never be resolved; it will always create these problems. Counties cannot employ doctors or provide clinical medicine. Let us be faithful to the text of the Constitution.

National referral facilities are not national hospitals; they include clinics on the ground that are run by the national Government through which people are referred and moved around so that centres of excellence are established. For example, we had the Centre of Excellence on Skin Disease in Alupe in Busia, a Level 4 hospital; the Centre of Excellence in Mental Health Care at Mathari, a Level 4 hospital and the Spinal Cord at Hurlingham, a Level 4 hospital. We destroyed that network of hospitals, that is why this problem is coming in.

Let us go back to the text of the Constitution and ask ourselves if clinical medicine was really devolved. If we get an answer to that, then we shall drain the swamp and stop trying to buy mosquito nets to protect ourselves from the mosquitoes that hatch in that swamp.

I believe that we need to go back and create the national referral health facilities, the network of hospitals that serve our people, create the National Health Commission that was promised by Parliament and allow the health profession to breathe.

Thank you.

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

**Sen. Tabitha Mutinda:** Thank you so much, Madam Temporary Speaker.

I will start by appreciating my brother for this timely Motion. As a Senator and a Kenyan who has had an opportunity to be in the medical space and also as someone who is currently serving in the Senate Committee on Health, this is an issue that should not be where it is.

Nurses do really play a very critical role in all the health sector that cut across. However, the question is; is it the responsibility of the national Government or the county government? Where is the gap? I agree with my colleagues when they state clearly that it is this House and in the other Committee on Finance and Budget where I serve, that we ensure the 47 counties get their funding. Each and every financial year, we strive to ensure that we add more funds to counties and a bigger percentage of this allocation actually goes to the health sector.

Health is devolved and there is a CBA out there that is bringing these issues. Today, it is nurses, tomorrow, it will be pharmacists and the other day, it will be ambulance drivers. This is a matter that county governments should open their doors for a candid and conclusive discussion. This is not just a political discussion where the President is expected to just wake up and say to let that CBA be adhered to. What are the issues that the governors are raising?

When the issue of the UHC came about; I am happy that most times when the strike was on and they came to our gates, our Chairperson for Health, Sen. Mandago, led us and we were able to receive memoranda. Today, as we speak, I am very happy that I came to the Floor of this House and stated categorically that we have come to the end of this matter of UHC in terms of the arrears and all the matters that they had raised. All that is needed is for the county governments to give them permanent and pensionable (PnP) employment terms once and for all.

As I conclude so that my colleagues can also put a word into this very critical Motion, the matters of UHC are matters that even the President has pronounced himself on and said that the governors should ensure that they give UHC workers PnP employment terms. Monies are there; as a Committee and as a House, we have ensured that funds are there.

On the issue of our nurses, they play a critical role. Let that discussion be on table by the experts and the CoG because health is devolved. There is nothing that the national Government is expected to do. This is a discussion that is trickling down to our governors. So, can the governors take the lead and bring this to a conclusion? It is possible and doable. We have done it. The health sector cuts across different professionals. We cannot have one profession strike today, tomorrow we have a different sector, and the day after we have a different sector. Let this matter come to an end.

I submit, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Mumma): Sen. Omogeni, please proceed.

**Sen. Omogeni:** Thank you, Madam Temporary Speaker. Speaking as somebody who has witnessed how poor health care services can bring suffering to our people, I have no doubt that if I was sitting as a president of the Republic of Kenya, this is a matter that would be of concern to me. You cannot be a president of a country with the figures that were read by Sen. Kajwang', where Mothers and children are dying because nurses are on strike, and you say nothing, as if you have not heard or seen the suffering of your people. It cannot be.

When the President took oath of office, he swore to protect and uphold the dignity of Kenyans. You cannot say that Kenyans are living a dignified life when a mother who goes to hospital to give birth dies because our nurses are on strike, and the Government of the day has failed to solve problems facing nurses in terms of remuneration and other safety issues at their workplace.

Madam Temporary Speaker, if there is a debate between whether it is governors or the national Government that should take charge of the health of our people, the President can even bring an amendment to the Constitution in this House, we deal with it and go to the referendum. However, our people need a country that can take care of the health of its people.

Madam Temporary Speaker, I spoke in this House sometime back on this issue of the Social Health Authority (SHA) and raised a concern of a pastor called Pastor Nyabuto Mochoge, who was struggling to get SHA pay his bills in India, where he was admitted at Apollo Hospital. Somebody across shouted and said, that is just one life of one Kenyan. As I speak today, that pastor passed away last week. The family is organising to do a fundraising to raise Kshs2.7 million, because Apollo Hospital has refused to accept undertakings from SHA because SHA is not paying its bills in India. We are the people's representatives. We must tell the President that these things are causing suffering to our people.

If you do not have the facilities to treat cancer patients, they go to India. You make pronouncements in public, giving undertaking that SHA will take Kenyans to India, yet when they go to India, they are abandoned. You cannot pretend to say that, that is a working government. Where is that family going to raise Kshs2.7 million to settle that bill from? We must tell the President that he must do something. You cannot tell Kenyans that public hospitals are not working, and they should go to private hospitals. SHA has got limitations, and I wish Beatrice Ogola was here. I could give her figures of Kenyans who go to hospital, and they are told the system is not working in Nairobi. Consequently, they resort to going to private hospitals. When you go to a private hospital, you need an insurance cover, and SHA is not an alternative.

Let us not be dishonest. The people who are suffering are people who have elected us to this House. We cannot just sit back, yet for 41 days, nurses are on strike. The President of the day was today in a Summit meeting with the Council of Governors and that issue was not a priority. We did not even hear any communication from the Summit telling us what solutions they came up with today to solve the nurses' strike.

Nurses who have been trained, specialists, Intensive Care Unit (ICU) nurses from the Kenyatta National Hospital resign week-in, week-out to go and work in other countries because they are getting better remuneration there. Why can we not agree to

pay our nurses a good, attractive salary, so that we retain them? Our ICU nurses are now scarce because they are all flying out to go and work in the UK and the US. Honestly, this is a crisis.

Our health situation is in a crisis and the President must take charge. If he cannot take charge of the health of its people, then what can he tell the country?

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

**Sen. Nyamu:** Thank you, Madam Temporary Speaker, for giving me this opportunity.

I want to commend this House for taking responsibility and addressing this issue that affects the whole country. We need to deal with this issue and treat it with the urgency it deserves because we are no longer discussing whether we can fall into a health crisis; we are already in one. We need to ask ourselves; how did we even allow ourselves to get here? All these issues are not new.

We are talking about a 2017 return-to-work formula, This CBAs was signed several years ago. This is a situation that could have been averted. As a country, it is time we looked at the cost of solving the issues or getting into negotiations and implementing versus delaying the implementation because eventually, the Government is going to sort this issue out.

A lot of what has already happened could have been avoided. We do not have to wait until we are in a crisis, until we are losing lives, because it defeats the purpose of the universal health coverage that the President is so passionate about. As it were, this is a human rights issue.

The Kenyan National Human Rights Commission has already addressed the issue as a human rights issue and also as a human rights and a constitutional crisis, for that matter. In this House, we should not just be addressing the issue of negotiations. We have to ask very specific questions.

Who is responsible? What is the cost?

**The Temporary Speaker** (Sen. Mumma): Sen. Nyamu, just give me a second. Hon. Senators, pursuant to Section 34(2) (a) of our Standing Orders, I wish to extend this session by a further ten minutes to enable the remaining two Senators to speak.

Proceed.

**Sen. Nyamu:** Thank you, Madam Temporary Speaker. Another aspect that we have to look at as a House is that we have 47 counties managing their health sector in 47 different ways. We need to explore a situation where we have minimum standards across the board, so that we do not come before this House and laud the counties where health workers are not on strike.

If we standardised how we handled the healthcare workers, we would have fewer strikes. We would have a uniform situation as we have in Nyeri and Homa Bay. So, that is an area that we really need to look at, so that we avoid future industrial actions.

With those few remarks, I support.

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

**Sen. Mandago:** Thank you very much, Madam Speaker. Let me respond.

Unfortunately, my colleagues who have also raised issues concerning the health status and the role of the national Government in this House have left. Let me start by saying this, the problem we have in this country is the hypocrisy in leadership. I say this with a lot of concern.

The very leaders want to say, the President this, the President that. However, when the President decides to take charge and offer solutions, they will always be the first to say, “the Constitution says there will be two distinct levels of government.” The national Government cannot interfere with the functions of counties. How I wish the people trying to apportion blame to the President will take responsibility and take their county governments to task.

The level of ignorance in the issues that are being discussed is on another level. One of the things we must appreciate and always stand on the side of truth is that this is a CBA that was signed in 2017. I say that because at that point of time, I was the Governor for Uasin Gishu County.

We cannot have one cadre of employees in the county continuously on strike every year. One of the things we must understand is that health is not the only function of the county government. We have more than 10 departments in every county. If we are to strictly stick to the law, then the Union must draw its membership from the employer of its staff.

The health workers in this country in counties are employed by 47 CPSBs. What is the genesis of the problem? The people who are trying to lecture current administration today were serving in that administration that supervised a nurses’ strike that lasted for more than 150 days. They took a shortcut and authorized the Cabinet Secretary for Health to sign a CBA without consultation with the county governments through CoG.

It is not possible and we must understand that issues for health workers and county workers is not only remuneration. There should be a balance between what we pay a worker with a diploma qualification relatively in the same cadre of qualification.

As the Chairperson of the Senate Committee on Health, and as a former governor, that CBA of 2017 was outrageous. You cannot have a situation where you want to pay one cadre a monthly pay plus allowances almost close to Kshs300, 000. We must always speak the truth. If we are to resolve this strike, my advice is that the unions must now go back and develop a new CBA; discuss with the CoG and SRC and arrive at what I would call reasonable.

We hear some of our colleagues say, “why can we not pay our nurses well so that they do not leave for other countries?” It is the same leaders who when Government wants to put in place measures to raise revenue, to be able to meet its obligations, are in the streets shouting that this administration is oppressing Kenyans and raised the cost of living. I want us in leadership to be truthful to Kenyans.

We must be practical and realistic in the recommendations we are making. I wish to say this, if you allow me an additional---

*(Sen. Mandago’s microphone went off)*

**Sen. Kibwana:** Can I donate one minute to my Chair in the Health Committee?

**The Temporary Speaker** (Sen. Mumma): That is fine.

**Sen. Mandago:** If we want these matters to be resolved, continue insisting that health is devolved to maintain health at the county level, number one, let health workers in every county have their union to discuss with their employee. Number two, there is no lack of standard. If you look at the responsibility that was left to the Public Service Commission, it is to provide guidelines and policy on standards. Job groups have not changed in every county. County Public Service boards still follow the same scheme of service for nurses across.

We cannot speak as if devolution has done nothing. If you look at the number of health workers from when devolution came into being, it is the time that we have recruited the highest number of health workers in the country. It is the first time we have doctors in places such as Wajir, Mandera, Turkana and other places. There is significant progress that has been made in health. The President has also made some significant progress. When this administration came into office, intern doctors were not being given internships. Today, that is a thing of the past. Interns of all cadres are being deployed and paid.

**Sen. Kibwana:** Thank you, Madam Temporary Speaker. It was important for me. I really wanted to hear the words of my Chairperson of the Committee on Health. I echo the same.

The ongoing strike, seriously, is deeply concerning and requires urgent attention. I feel strongly that at this hour, this year, we do not have the capacity to do the work that we need to do. I mean, it should have been matters of the past. Nurses work in extremely difficult conditions. I am wondering why they should be treated this way. They are the backbone of Kenya's public health system. The grievances and concerns should be implemented. Negotiated agreements should have been done way before. As a member of the Committee on Health, we always take the heat. So, it is never easy for the Chair. Each time we try to nurse the strikes, so that at least we bring them down.

I urge the Ministry of Health to establish an urgent multi-stakeholder engagement on this issue, such as the SRC and other relevant actors with clear timelines for resolving each outstanding issue. Number two, the government should put in place immediate contingency measures to ensure that the emergencies, the maternity, neonatal and other critical services are not disrupted during this negotiation.

You can imagine nurses who are working at the ICU or taking care of infants and the rest, it is never easy. Therefore, I hope that as these matters go on, such critical emergencies should not be disrupted. We need our nurses, actually, we more or less appeal seriously to the Government and county governments to think of the lives of Kenyans. Let us put the lives of Kenyans first and work on this dispute urgently. We cannot allow Kenyans to become casualties of this issue. The Senate must stand on this side.

## ADJOURNMENT

**The Temporary Speaker** (Sen. Mumma): Hon. Senators, having concluded the business for which I extended the hours of the sitting pursuant to Standing Order

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No.34(2)(a), the Senate stands adjourned until tomorrow, Wednesday 9<sup>th</sup> September, 2026, at 9.30 a.m.

The Senate rose at 6.40 p.m.