



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fifth Session

Wednesday, 30th September, 2026 at 2.30 p.m.

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 30th September, 2026

Afternoon Sitting

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

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

The Deputy Speaker (Sen. Kathuri): Clerk, do we have quorum?

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

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

(The Quorum Bell was rung)

The Deputy Speaker (Sen. Kathuri): Serjeant-at-Arms, ring the Quorum Bell for another 10 minutes.

(The Quorum Bell was rung)

Clerk, do we now have a quorum?

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

Hon. Senators, we now have a quorum. Clerk, please, proceed to call the first Order.

PAPERS LAID

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Deputy Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, Wednesday, 30th September, 2026–

REVIEW OF CRA REPORT ON CFSPs
FOR FINANCIAL YEAR 2026/2027

Review Report of the Commission on Revenue Allocation (CRA) on the County Fiscal Strategy Papers (CFSPs) for Financial Year 2026/2027.

ANNUAL REPORT OF ODPP FOR
FINANCIAL YEAR 2025/2026

Annual Report of the Office of the Director of Public Prosecutions (ODPP) for Financial Year 2025/2026.

COUNTY GOVERNMENTS BUDGET IMPLEMENTATION
REVIEW REPORT FOR FINANCIAL YEAR 2025/2026

The County Governments Budget Implementation Review Report for Financial Year 2025/2026.

REPORT ON PERFORMANCE AUDIT REPORT ON PROVISION
OF BURSARIES AND SCHOLARSHIPS BY VARIOUS COUNTIES

Report of the Auditor-General on the Performance Audit Report on the provision of bursaries and scholarships to needy learners by the Nairobi City County Government, dated September, 2026.

Report of the Auditor-General on the Performance Audit Report on the provision of bursaries and scholarships to needy learners by the County Government of Makueni, dated September, 2026.

Report of the Auditor-General on the Performance Audit Report on the provision of bursaries and scholarships to needy learners by the County Government of Kirinyaga, dated September, 2026.

Report of the Auditor-General on the Performance Audit Report on the provision of bursaries and scholarships to needy learners by the County Government of Narok, dated September, 2026.

(Hon. Senators consulted loudly)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, kindly, consult in low tones
Sen. (Dr.) Lelegwe Ltumbesi: Mr. Deputy Speaker, Sir, let me continue.

REPORT ON FINANCIAL STATEMENTS OF LAMU
COUNTY YOUTH DEVELOPMENT FUND

Report of the Auditor-General on the financial statements of Lamu County Youth Development Fund for the year ended 30th June, 2026.

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

The Deputy Speaker (Sen. Kathuri): Let us go to the next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

The Deputy Speaker (Sen. Kathuri): Hon. Senators, we have several Statements under Standing Order No.53(1). The first and second Statements are by the Senator for Embu County. He has approached me and, therefore, they are deferred.

PERSISTENT TRAFFIC CONGESTION AT EASTERN
BYPASS-THIKA ROAD INTERCHANGE

(Statement deferred)

DEVELOPMENT OF SPORTS AND SPORTS
FACILITIES IN EMBU COUNTY

(Statement deferred)

The next Statement is by Sen. David Wafula Wakoli. Sen. Wafula, you may proceed.

ESCALATING INSECURITY IN MT. ELGON CONSTITUENCY

Sen. Wafula: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations on a matter of countywide concern, regarding escalating insecurity in Mt. Elgon Constituency, particularly Cheptais Sub-County.

Residents of Cheptais are living in fear following renewed targeted night attacks and killings in their homes. In the latest incident, slightly over a week ago, a young man identified as Anthony Wasama was brutally attacked barely a month after his father was killed in a similar attack in the same area. The targeting of a father and a son within such a short period raises serious concerns regarding the nature of these attacks and the effectiveness of security intelligence and response mechanisms. These incidents are not

isolated, with reports of night attacks, threats and killings increasing in Cheptais and Kopsiro, while perpetrators remain at large.

In the Statement, the Committee should address the following–

(1) The circumstances surrounding the attack of Anthony Wasama and the killing of his father, including whether the two incidents are connected.

(2) Police investigations into these incidents and other reported cases of insecurity in Mt. Elgon over the last six months, including the number of arrests made and prosecutions undertaken.

(3) The immediate measures by the Ministry of Interior and National Administration and the Inspector General of Police to prevent further attacks and protect lives and property in Cheptais and Kopsiro.

(4) The long-term measures by the national Government to address the underlying causes of insecurity in Mt. Elgon, including violence, land-related conflicts, and proliferation of illegal firearms.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): The Senator for Tharaka Nithi County, Sen. Mwenda Gataya, proceed.

OPERATIONAL STATUS OF EDUCATIONAL ASSESSMENT AND RESOURCE CENTRES

Sen. Gataya Mo Fire: Thank you, Mr. Deputy Speaker, Sir.

I rise pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on Education on a matter of national concern regarding the operational status and infrastructural state of educational assessment and resource centres in the country.

Education assessment and resource centres play an essential role in higher education, functional assessment and placement of children with disabilities and special needs into appropriate learning environments. However, many assessment centres are facing serious infrastructural challenges, with some having been abandoned or rendered non-functional. This situation has contributed to delayed school enrolment and inappropriate placement of children with disabilities and special needs, thereby limiting their access to suitable and inclusive education.

In the Statement, the Committee should address the following–

(1) The budgetary allocation and expenditure towards the construction, infrastructural improvement and overall operational education assessment and the resource centres in the Financial Years 2023/2024, 2024/2025 and 2025/2026.

(2) Look at the current infrastructural state of each operational assessment centre in the country, including plans for infrastructural improvements or for the establishment of new centres across the country.

(3) Look at the staffing levels in each assessment centre *vis-à-vis* the approved staff establishment, including details on any steps being taken to bridge any staffing gaps.

(4) Look at the number of vocational assessment centres that have been closed down since 2023, along with the reasons for the closures and the measures to ensure

that children with disabilities and special needs in their affected areas continue to receive appropriate guidance, support and assessment services.

Thank you.

The Deputy Speaker (Sen. Kathuri): Senator for Taita Taveta County, Sen. Mwaruma?

The Statement is dropped.

ONGOING STRIKE BY ECD TEACHERS IN
TAITA TAVETA COUNTY

(Statement dropped)

Senator for Murang'a County, Sen. Joe Nyutu, proceed.

PREPAREDNESS OF KENHA AND KURA TO
MITIGATE DAMAGE TO ROAD INFRASTRUCTURE

Sen. Joe Nyutu: Mr. Deputy 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 nationwide concern regarding the preparedness of the Kenya National Highways Authority (KeNHA) and the Kenya Urban Roads Authority (KURA) for the anticipated heavy rains and their capacity to mitigate flooding and related damage to road infrastructure.

The condition of several major highways and roads under KENHA's and KURA's mandates is a concern, particularly where drainage systems, culverts and stormwater channels are blocked, inadequate, or poorly maintained. Heavy rainfall has repeatedly resulted in flooding, damage to road infrastructure and disruption of transport along critical roads, including the Thika Superhighway, sections of the Nairobi Expressway, Uhuru Highway and roads in major urban centres.

In the Statement, the Committee should address the following-

(1) The level of preparedness and measures by KeNHA and KURA to mitigate the effects of heavy rains and flooding on transport infrastructure, including the resources allocated for emergency response and maintenance.

(2) The status of inspection, clearing and maintenance of drainage systems, culverts and stormwater channels along major roads and highways under their respective mandates.

(3) The specific interventions being undertaken along the Thika Superhighway, Nairobi Expressway, Uhuru Highway and other roads identified as vulnerable to flooding.

(4) Whether the agencies have undertaken risk assessments to identify flood-prone and otherwise vulnerable sections of the road network and provide details of the planned preventive and remedial interventions.

(5) The emergency response and maintenance mechanisms in place to ensure that blocked drainage systems, damaged roads and other emergencies arising from floods are addressed promptly.

I thank you.

The Deputy Speaker (Sen. Kathuri): Next Statement by Sen. Essy Okenyuri is deferred.

SUPPORT TO WOMEN'S GROUPS IN RURAL AREAS
ENGAGED IN AGRICULTURAL ACTIVITIES

(Statement deferred)

The Statement by Sen. Consolata Wakwabubi is dropped.

IMPLEMENTATION OF SHIRIKA PLAN
FOR REFUGEES AND HOST COMMUNITIES

(Statement dropped)

Clerk, call the next Order.

Sorry, there is a Statement under Standing Order No.52(1) by Sen. Samson Cherarkey.

PRESIDENT'S ADDRESS TO THE 81ST UNITED NATIONS GENERAL
ASSEMBLY ON REFORMS ON THE MULTILATERAL SYSTEM

Sen. Cherarkey: Mr. Deputy Speaker, Sir, my apologies. I am used to being called Cherarkey. I was almost discussing security matters.

I rise pursuant to Standing Order No.52(1) to make a Statement of a national concern, namely Kenya's position on the urgent need to reform the multilateral system and to affirm my, and our support, for the position articulated by His Excellency, the President of Kenya, Dr. William Samoei Ruto, during the 81st Session of the United Nations General Assembly (UNGA) held on 23rd September, 2026 in New York, United States of America.

In his address, the President made a compelling case for a reform of international institutions governing global peace, security and development. At the heart of this position is the principle of sovereign equality. While every member state of the United Nations is equal under the Charter, Permanent Power and Veto Authority in the Security Council remain concentrated among only a few states.

I, therefore, support Kenya's call for meaningful reform of the Security Council and for Africa to have equitable and permanent representation. Calling for reform is not a rejection of multilateralism. It is an affirmation that multilateralism must evolve to remain credible and effective. The United Nations (UN) established in 1945 has played a vital role in advancing peace, self-determination, development and human dignity, yet the

world has changed significantly and institutions created in that era must adapt to today's realities. Equally, as the President emphasised that the UN remains indispensable in advancing international peace and human progress.

From decolonisation and peacekeeping to humanitarian assistance and global health, the United Nations has demonstrated the power of collective action. Our call for reform must, therefore, be understood as an effort to preserve and strengthen this institution, not to weaken it. I echo the President's argument that peace and prosperity cannot be treated as separate objectives. A credible multilateral system must prevent conflict, uphold international law and create conditions for sustainable development.

Reforming institutions that govern peace, security and development is, therefore, a means of restoring confidence in the system and making its promise of equality more meaningful. I further align myself with Kenya's call for the consistent application of international law. Rules must apply equally irrespective of a state's influence or geopolitical standing. The credibility of the international system depends not only on the existence of rules, but on the confidence that they are applied fairly and consistently among all the nations in the world.

Mr. Deputy Speaker, Sir, Kenya's call for fairness in the international financial architecture is equally urgent. Developing countries face barriers in accessing affordable financing, while debt obligations constrain investment in essential sectors. Reform is needed to make development finance more accessible and responsive. At the same time, African nations must strengthen domestic institutions, manage debt prudently and create conditions for sustainable growth.

Mr. Deputy Speaker, Sir, the President's emphasis on Africa's economic potential is timely. Africa must be seen not to be merely a recipient of aid or support, but as a continent with vast resources, markets and human capital. The African Continental Free Trade Area (AfCFTA) provides a framework to expand intra-Africa trade, promote value addition and strengthen participation in global supply chains. Africa must move forward beyond exporting raw materials to industrialisation and manufacturing.

I thank you.

Mr. Deputy Speaker, Sir, in one minute, you saw the launching of a new oil refinery in Lamu by Aliko Dangote. We are proud.

(Sen. Sifuna spoke off record)

Sen. Sifuna is not the Speaker.

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, you have finished making your Statement.

Let us go to the next Order, then we will come back to comments.

MOTION

APPROVAL FOR THE APPOINTMENT OF A FEMALE
NON-MEMBER OF PARLIAMENT COMMISSIONER OF THE
PARLIAMENTARY SERVICE COMMISSION

Sen. Maanzo: Mr. Deputy Speaker, Sir, I would like to move this Motion on behalf of the Chairperson of the Committee on Justice, Legal Affairs and Human Rights. I was part of the deliberations in the Committee.

Mr. Deputy Speaker, Sir, I beg to move-

THAT, taking into consideration the recommendations of the Standing Committee on Justice, Legal Affairs and Human Rights in its Report on the “Vetting of Hon. Fatuma Ibrahim Ali, the nominee for the appointment to the position of female non-Member of Parliament Commissioner of the Parliamentary Service Commission”, laid on the Table of the Senate on Tuesday, 29th September, 2026, and pursuant to the provisions of Article 127(2)(d) of the Constitution and Section 9(2) of the Parliamentary Service Act, and Standing Order 77 (3), the Senate approves the appointment of Hon. Fatuma Ibrahim Ali, as a Member of the Parliamentary Service Commission.

The Parliamentary Service Commission is established under Article 127 of the Constitution and is responsible for, among other functions, providing services and facilities to ensure efficient and effective functioning of Parliament. Article 127(2)(d) of the Constitution provides that the Commission shall consist of, among others, one man and one woman appointed by Parliament from among persons who are experienced in public affairs, but are not Members of Parliament.

At the sitting of the Senate held on 15th September, 2026, the Chairperson of the Members’ Welfare Committee of the Parliamentary Service Commission, Sen. Okong’o Omogeni, CBS, SC, MP, tabled the Report of the Parliamentary Service Commission on the nomination of Hon. Fatuma Ibrahim Ali for appointment to the position of female non-Member of the Parliamentary Service Commission under Article 127(2)(d) of the Commission. Thereafter, the Speaker of the Senate committed the matter to the Standing Committee on Justice, Legal Affairs and Human Rights to vet and consider the suitability of the nominee for appointment and to submit its report to the Senate within 14 days. The 14 days lapsed on 29th September, 2026.

Mr. Deputy Speaker, Sir, the Committee has undertaken the vetting process, pursuant to the provisions of the Constitution; the Parliamentary Service Act, Cap 186 of the Laws of Kenya; the Public Appointments (Parliamentary Approval) Act, Cap 7F of the Laws of Kenya; and Standing Order No.77 of the Senate Standing Orders. This included notifying the public of the nomination of Hon. Fatuma Ibrahim Ali for appointment to the position of Member of the Parliamentary Service Commission and inviting the public to submit written memoranda on the nominee’s suitability for appointment to the position and further notify the public of the date, time and venue of

the approval hearing. The Committee thereafter held the approval hearing in public on Monday, 28th September, 2026.

In concluding this exercise, the Committee considered, among others–

- (i) The nominee’s academic credentials, professional training and experience;
- (ii) The nominee’s personal integrity, tax compliance and potential conflicts of interest;
- (iii) The procedure used by the Parliamentary Service Commission to arrive at the nominee;
- (iv) Constitutional and statutory requirements related to the office in question; and,
- (v) The suitability of the nominee for the appointment purposes, having regard to whether the nominee’s abilities, experience and qualities meet the requirements of the Parliamentary Service Commission.

Arising from this, the Committee –

- (a) In accordance with Articles 78(1) and (2) of the Constitution, the nominee is a Kenyan citizen and does not hold dual citizenship;
- (b) in compliance with Article 127(2)(d) of the Constitution, the nominee is not a Member of Parliament;
- (c) the nominee meets the educational and professional requirements for appointment to the position as set out in Section 9(1) of the Parliamentary Service Act, Cap 186 of the Laws of Kenya;
- (d) The Parliamentary Service Commission complied with the procedure outlined in Section 9(2) and the Second Schedule of the Parliamentary Service Act, Cap 186 of the Laws of Kenya, in nominating Hon. Fatuma Ibrahim Ali for appointment to the position;
- (e) the nominee further complied with national values and principles of governance set out in Article 10 of the Constitution and the requirements to ensure regional and ethnic diversity in membership of the Parliamentary Service Commission;
- (f) the nominee met the requirements of Chapter Six of the Constitution on leadership and integrity, having been issued with clearance certified by the relevant Government agencies as well as a licensed Credit Reference Bureau (CRB);
- (g) the nominee has never been dismissed from office under Article 75 of the Constitution; and,
- (h) the nominee has extensive experience spanning over two decades in public and parliamentary affairs, having served as a Commissioner and Vice-Chairperson of the Kenya National Commission on Human Rights (KNCHR), Member of the National Assembly and Member of East African Legislative Assembly (EALA).

The nominee demonstrated knowledge of the mandate and workings of the Parliamentary Service Commission and the institution of Parliament. Following the call for submissions on public hearings, we received five submissions in support of the

nominee. The Committee did not receive any adverse submissions on the suitability of the nominee's appointment to the position.

On the question of regional and ethnic diversity in the membership of the Parliamentary Service Commission, the Committee observed that as currently constituted, the Commission does not have a member from the entire northern Kenya and north-eastern Region, which has over 50 per cent of Kenya's landmass. In fact, other than Nairobi, it is the only region that is entirely underrepresented in the Commission.

The nomination of Hon. Fatuma Ibrahim Ali will therefore help address this gap and ensure that all regions of Kenya are represented in the membership of the Commission.

Mr. Deputy Speaker, Sir, having considered the constitutional and statutory requirements of the position---

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

Sen. Maanzo: I am almost done. I am doing this on behalf of the Chairperson.

The Deputy Speaker (Sen. Kathuri): Just a minute, Sen. Maanzo. There is a point of order. This is unheard of when a Motion is being moved.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I rise under Standing Order No.95 of the Senate Standing Orders. I remember in the morning when you adjourned the House due to lack of quorum, you indicated that this is a House of rules and procedure.

Standing Order No.95(1) states as follows--

"No Senator shall read a speech but a Senator may read short extracts from written and printed papers in support of an argument and may refresh memory by reference to notes."

Mr. Deputy Speaker, Sir, have you noticed that the Mover of the Motion has only been reading and not debating? We would like to know the spirit of the Motion that he is moving. He is just reading. Therefore, he is contravening Standing Order No.95.

The Deputy Speaker (Sen. Kathuri): Could you also read Standing Order No.95(2)?

Sen. Cherarkey: "The Speaker may allow--"

The Deputy Speaker (Sen. Kathuri): Proceed.

Sen. Cherarkey: The Speaker may allow a Senator to read a speech in particular where the Speaker is satisfied that this is necessary for precision in statement of facts.

However, Mr. Deputy Speaker, Sir, this is a learned friend and a senior lawyer. He is one of the senior lawyers. If he had done Soil Science or Agriculture, I would have forgiven him. This is not a graduate of carpentry; he is a graduate of Law.

The Deputy Speaker (Sen. Kathuri): Order, Sen. Cherarkey! The assumption that only lawyers are conversant with the law is misplaced. That should not be allowed in the Senate. It can be allowed elsewhere, but not in the Senate.

Proceed, Sen. Maanzo.

Sen. Maanzo: Mr. Deputy Speaker, Sir, I would like to say that this issue on nomination is a very serious matter. Bearing in mind the short notice and the huge report, I would like to request Members to check it online because it is there. I only have a few sentences to read. In fact, I am done with the key one other than one paragraph.

The idea was to make sure that Members are not left with questions, so that they are able to follow exactly what the Committee did. I will just highlight briefly because this is a very serious matter.

The Commission, which serves us, lacks one person. Therefore, I am requesting you to utilise your powers under Standing Order 95(2), so that I may complete this and Members can follow. This way, now that I belong to the opposition, it does not look like I have inserted my own information, but the position taken by the Committee. I am doing this on behalf of the Chairperson.

Allow me to finish because there is just one paragraph left.

The Deputy Speaker (Sen. Kathuri): Sen. Maanzo, I protected you from Sen. Cherarkey. That is why I asked him to read Standing Order No.95(2).

Sen. Maanzo: Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker, Sir, she has sufficient knowledge of the institution of Parliament, and needs to ensure regional and ethnic diversity in membership of the Commission.

The Standing Committee on Justice, Legal Affairs and Human Rights found the nominee suitable for appointment to the position and therefore recommends that the Senate approves the appointment of Hon. Fatuma Ibrahim Ali to the position of female non-member of the Parliamentary Service Commission under Article 127(2)(d) of the Constitution.

Mr. Deputy Speaker, Sir, I take the opportunity to thank members of the Committee for their active participation and valuable insights during the vetting exercise and for ensuring that we discharge our assignment within the set timelines.

The Committee further thanks the Office of the Speaker, the Clerk and the Senate for the support accorded to it through this process.

I, therefore, move and request Sen. Omtatah, who is a Member of the Senate Standing Committee on Justice, Legal Affairs, and Human Rights, to second.

The Deputy Speaker (Sen. Kathuri): Counsel, I thought at least you would be able to elaborate.

Sen. Maanzo: Mr. Deputy Speaker, Sir, I will elaborate, with your kind permission.

The Deputy Speaker (Sen. Kathuri): If you attended the session with the candidate---

Sen. Maanzo: I did attend.

Hon. Fatuma Ali was elected in the 11th Parliament as the Woman Representative Member for one term. Later on, when she was not elected in her constituency; she was elected by Parliament to go and represent Kenya in the East African Legislative Assembly (EALA), where she served for five years. Having served in the National Assembly for a term, being a very active member of several committees and having been in the Kenya National Human Rights Commission, this is a person who has attained the 10-year experience and has known the problems and issues affecting Members of Parliament.

Secondly, in the whole of northern Kenya, which includes the north-eastern and eastern regions, there are four or five counties with a lot of Members of Parliament. She

is the only nominee now who will provide regional balance and, at the same time, will be able to represent women in the Commission.

Therefore, when you look at the map of Kenya, at the coast we have two commissioners, in eastern we have two commissioners, in Western Kenya, we have the Speaker, who is the Chairperson, while in Nairobi, we do not have a representative. So, when you map out the country, you will find that she is going to take charge of almost three-quarters of the Republic with many Members of Parliament.

Therefore, Mr. Deputy Speaker, Sir, having complied with everything else, the Parliamentary Service Commission Act talks about a degree certificate. Hon. Korir is here to represent the Rift Valley in the Commission. Therefore, this one will balance gender and region, and for purposes of the National Cohesion Act, Parliament will have done its work within the Constitution.

Initially, she had a diploma in agricultural extension and she went to the UK and did a higher diploma, after which she proceeded to do a Master's degree. So, one of our documents says she has a Master's degree. The requirement in the Act is a degree and, therefore, a Master's degree counts as a degree and was obtained from a university recognised by the Commission for Higher Education. We were provided with that documentation. That was the only area we exchanged a little bit, followed and interviewed her. She showed a lot of knowledge of the precincts of Parliament, what happens here and the challenges of Members, which she has personally gone through before. Therefore, I do move and request Sen. Omtatah to second me.

I thank you, Mr. Deputy Speaker, Sir. I believe that Members will debate and then we will make a decision as a House.

The Deputy Speaker (Sen. Kathuri): Sen. Okiya Omtatah, please, proceed.

Sen. Okiya Omtatah: Mr. Deputy Speaker, Sir, I second the Motion as presented by the Hon. Sen. Maanzo.

I am a Member of the Senate Standing Committee on Justice, Legal Affairs and Human Rights. We did receive the Communication through the Speaker on the vetting process. As hon. Maanzo stated, we found that the basic law that is used for vetting had gaps that were a bit vague. So, perhaps, going forward, we will need to look at that law and see how it can be tightened to eliminate vagueness.

Otherwise, I second the Motion as presented.

Thank you, Mr. Deputy Speaker, Sir.

(Question proposed)

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

The Deputy Speaker (Sen. Kathuri): Before I give Senators time to give their comments on this Motion, let me make this Communication on a visiting delegation of Members of the Committee on Rural Economy, Agriculture, Environment and Natural Resources.

(Interruption of debate on Motion)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION OF MEMBERS OF THE COMMITTEE ON RURAL ECONOMY, AGRICULTURE, ENVIRONMENT AND NATURAL RESOURCES FROM THE PAN-AFRICAN PARLIAMENT

Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of a visiting delegation of members of the Committee on Rural Economy, Agriculture, Environment and Natural Resources from the Pan-African Parliament (PAP) and its Secretariat.

The delegation is undertaking a four-day programme to advance the development of the PAP Model Law on Climate Change, while simultaneously promoting the understanding, update and domestication of the Model Law on Food and Nutrition Security in Africa and the Model Law on Sustainable Soil Management in Africa.

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

- i) Hon. Outata Euphrème from Gabon - Vice Chairperson and head of delegation.
- ii) Hon. Richard Chimwendo Banda from Malawi - Rapporteur
- iii) Hon. Juan Roku Enumbie from Equatorial Guinea - Member Hon. Aimee Marie Ange Tumukunde from Rwanda - Member
- iv) Hon. David Ngcamphalala from Eswatini - Member
- v) Mr. Galal Ari from South Africa - Committee Clerk in-charge.
- vi) Ms. Doris Koyabe from South Africa - Plenary Clerk.

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

Thank you.

Sen. Kajwang', you can welcome the guests. I know them pretty well. Proceed and welcome our guests.

Sen. M. Kajwang': Thank you, Mr. Deputy Speaker, Sir. I join you in welcoming the delegation from the Pan-African Parliament. It is the delegation that you hosted earlier in the day. I thank you for your time and the grace with which you received the team. It is very difficult to meet Speakers of Houses, particularly an 'upper House' like the Kenyan Senate, but you committed your time. You dedicated almost one hour plus of your time to speak to the honorable Members seated in the gallery.

After meeting you, the delegation walked across to the 'lower House.' I joined the delegation in consultation with the Speaker, Moses Wetangula, who again was gracious enough to allow me to sit in the 'lower House' as he spoke with the delegation.

Mr. Deputy Speaker, Sir, the delegation is working on a model climate change law. This law will be useful to the African countries that have not enacted something so far. The committee is benchmarking on the Kenyan Climate Change Act of 2016 and the amendments that we have passed, particularly the amendments on carbon credits and all the amendments that this House has processed. I want to assure the Pan-African

Parliament that once they have come up with their model law, this House will go back to the 2016 law and benchmark with it, and ensure that we update our legislation to be best in class.

It is also an interesting coincidence that the Pan-African Parliament delegation is in Kenya on a day when Kenya is groundbreaking the Lamu refinery. From the climate change world, Kenya has committed to reducing greenhouse gas emissions in its nationally determined contribution by about 35 per cent by the year 2035. On the other hand, the Lamu refinery is going to add about 10 to 12 per cent of greenhouse gas emissions.

That could raise the question of whether Kenya is serious about its climate commitments, but I have the answer. So far, Kenya is at net zero and even if we put in the refinery, we shall not breach our net zero limit. Therefore, we, in the climate change space, from an environmental and climate impact perspective, believe that as long as we remain net zero, this is a project that should be encouraged, of course, with the due diligence and the environmental impact assessments having been done.

Finally, in the delegation, I have met very distinguished politicians. I have met a gentleman, who was Minister in Malawi in the last administration and is also the Secretary General of the former ruling party. He has given me a few tips on how to ensure that we do not become ‘one-term,’ because his party became ‘one-term.’ I hope Sen. Sifuna will also have some time to talk to him, because moving from the government and from the secretary general of a governing party to the opposition benches is no mean task. I invite my friends in *Linda Mwananchi* to find some time to talk to Hon. Banda and the rest of the delegation, to learn a few tricks and a few tips on how politics works in Africa.

I welcome the delegation and, please, feel at home. The Senator for Nairobi City County customarily provides the evening entertainment for visiting delegations. I, therefore, hand over the delegation to Sen. Sifuna for the evening affairs.

Thank you.

The Deputy Speaker (Sen. Kathuri): Okay. Very well, Sen. Kajwang’. Let us get the commitment of Sen. Sifuna as he makes his comments on the Motion before this House.

Sen. Sifuna: Thank you, Hon. Deputy Speaker, Sir. Indeed, I am the aforementioned Senator for Nairobi City County. I want to assure you that had you visited Nairobi just 12 months ago, it would have been easy for me to make the commitment that the Deputy Speaker wants me to make to entertain you and take care of the evening affairs.

However, my life has changed dramatically in the last 12 months and my movement is extremely restricted. I am under 24-hour surveillance. Many people in the many spots that I used to visit have not seen me in over 12 months, but I want to give this assurance that in the next 11 months, I will be welcoming you back to Nairobi. I give that assurance. Just as it is possible for people to move from government to opposition the way it happened to Hon. Banda; it is also possible that a former secretary general of an opposition party will move to government in the next 11 months. I give that assurance. It can be an ‘I Owe You.’ They can keep it because we are people who do not make empty

promises. We intend to keep every promise to the people of Kenya, including the promise that I have just made to you.

(Resumption of debate on Motion)

Mr. Deputy Speaker, Sir, a lot of references have been made to what is happening in the country today. In fact, if you read the Committee Report, one of the things that the Committee acknowledges at the beginning of the Report is that even in vetting the Members or nominees to this Commission, they have to have regard to the values and principles in Article 10 of our Constitution.

This is the entire argument we have been trying to make as *Linda Mwananchi*, as the incoming government. We argue that it does not matter what you do; you are bound by the values of our Constitution. I have heard people tell us that there is a refinery being inaugurated today and that it is ground-breaking. As leaders of *Linda Mwananchi*, we have said that nobody is against development, but that development must be within the confines of the values of our Constitution.

We are Members of Parliament and I can assure you that none of us has seen the agreement on that refinery. None of us knows the commitments that this country has given in order for that refinery to be built. Our own people in Lamu are in court. They are crying out and asking us to help them. Even the investor himself---

(An hon. Senator spoke off record)

Mr. Deputy Speaker, Sir, please, protect me because I am making important issues here. No, we are discussing the Report. You want me to point---

(An hon. Senator spoke off record)

Hon. Deputy Speaker, Sir, I assume that you have allowed me to continue.

The point that I am making is this; our own people are in court. They are crying out for help from their leaders and people are telling us here that for as long as the thing is built, it does not really matter how it is built. That is not what the values our Constitution speak to.

I have heard the investor himself say that even if you have problems with the project, he will deal with you. You cannot speak to us like that if you want to invest in our country. We have values.

There is nothing wrong with explaining things to our people. Why do we treat our people so badly that we cannot explain to them what this thing is about?

The Deputy Speaker (Sen. Kathuri): What is your point of order, Sen. Cherarkey?

Sen. Cherarkey: Mr. Deputy Speaker, Sir, as per Standing Orders 101 and 105 and the rules of debate relate to relevance, is it in order for the Senator for Nairobi City County to state that the owner or the president of The Dangote Group has said without proof---? This is a House where you do not allege.

Secondly, the Motion before us is the consideration of appointment of a non-member to the Parliamentary Service Commission (PSC) as per Article 127 (2) (d). Is it in order for the Senator for Nairobi to introduce foreign issues into this debate?

He will be jobless in the next 11 months.

Sen. Sifuna: Mr. Deputy Speaker, Sir, this is the truest definition of frivolous points of order. I would wish that you allow me to proceed, because I started by quoting from the Report itself on the consideration of this nominee, that the Committee informs itself from the beginning what they are supposed to do and which measures they are supposed to put the nominee up against, including the values in Article 10.

Secondly, when the hon. Senator from Nandi was reading his own statement here, he is the one who introduced the topic of the Lamu Refinery. How can you demand from others that which you yourself do not give? If we have a fair debate in this House, let us just allow debate to flow.

Lastly, you can see the level of uneasiness from Government sympathisers when we insist on following the law and the Constitution. My point was, in every single development project, our own people must be carried along and every single project must be done within the confines of the Constitution.

If it requires, for instance, that Parliament has sight of these agreements, it is incumbent upon the Government to let us see these documents.

I do not understand how we operate. That a contract as heavy as Kshs2 Trillion is hidden from the representatives of the people.

The Deputy Speaker (Sen. Kathuri): There is a point of order from Sen. Joyce Korir.

Sen. Korir: Mr. Deputy Speaker, Sir, as much as I agree with Sen. Sifuna, there are rules and procedures of this House. On the issues that he is raising, he has all the reasons to draft a question to be tabled on this Floor, so that it can have the right procedure for responding. Is he in order under Standing Order 101?

The Deputy Speaker (Sen. Kathuri): I want to guide this way. Sen. Sifuna, there is an avenue where you can express all those dissatisfactions, of course, as an alternative government. The people where our gracious lady Fatuma comes from are listening to the Senate to understand whether this candidate will be nominated. They are glued to their TVs, listening to the Senate this afternoon. I am receiving messages from Wajir that they are waiting for this nomination of Sen. Fatuma.

You have made your point. You have earned it. So, please, so that we can do justice to the family---

Sen. Sifuna: It is ironic for people who do not follow rules to ask others to follow rules; that is stinking. I know hon. Fatuma more than most people here. I am sure she is watching me. I will come to Hon. Fatuma.

When you say we have multiple avenues to address our people, what do you mean? This is the primary avenue to which I was sent as a Senator in the Republic of Kenya. Do you want me to call a rally?

The Deputy Speaker (Sen. Kathuri): If you ask me, Sen. Sifuna, I could summon the Cabinet Secretaries in charge of the National Treasury and Economic Planning and Energy---

Sen. Sifuna: After the groundbreaking. Anyway, the country can see.

(Sen. Cherarkey and Sen. Korir spoke off record)

The Deputy Speaker (Sen. Kathuri): Order, Sen. Cherarkey and Sen. Joce Korir. This is the first warning I am giving you this afternoon.

Sen. Sifuna: Mr. Deputy Speaker, Sir, the country can see exactly what is happening here.

The commitment that we want to make as *Linda Mwananchi* Party is that going forward, all major contracts and agreements between the Government of Kenya, on behalf of the people of Kenya, will be processed through Parliament first, as representatives of the people. We will carry people along on every single project because we are not their bosses; they are the bosses.

I want to thank Members of the---

The Deputy Speaker (Sen. Kathuri): Let me hear this point of order from the Senator for Migori.

Sen. Oketch Gicheru: Mr. Deputy Speaker, Sir, I agree that this is the avenue for expressing ourselves in the House. I rise under Standing Order No.105 on a statement of fact on this issue of the refinery.

I think it would be so bad if Members who were sent to this House to make laws go ahead and misinform the public. It is not true that Parliament has not been engaged in the matter of this refinery.

(Several Senators consulted loudly)

These Houses of Parliament---

Mr. Deputy Speaker, Sir, may you protect me from hecklers from the other side?

The Deputy Speaker (Sen. Kathuri): Sen. Kinyua, first warning also.

Sen. Oketch Gicheru: Mr. Deputy Speaker, Sir, protect me from Sen. Osotsi?

In these Houses of Parliament, we did pass a number of laws that give MDAs structures to engage with all investors across the country and outside the country. We have the Public-Private Partnership Act, the Investment Promotion Act, the Public Finance Management Act and Foreign Investors Protection Act that are in place. On the strength of these documents, the contract that has been signed between the national Government and Dangote - maybe the Senator should ask if he is not aware- because the information is both public and within MDAs.

I think Sen. Sifuna reads newspapers. If you look at *The Business Daily* today, there is public information on the 10 per cent stake that the national Government will take there. Some IPOs have been floated at Kshs49 that you can buy as a Kenyan. There is a structure for East African governments to also engage and take a stake. Dangote, who is the CEO of Dangote Group, is only giving about 30 percent in terms of investment in this.

So, if you do not engage because you have a negative attitude towards investment in this country, how do you want to be helped to have information that everybody else

has? We should not disparage this kind of investment in the country. It is something we should be proud of and support.

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

Sen. Oketch Gicheru: My point of order is that the Member is informing the public that there is no legal infrastructure that has been put in place to engage the investor, yet there is, because there are all the instruments that this Parliament has put in place.

The Deputy Speaker (Sen. Kathuri): Sen. Sifuna, conclude your thoughts.

Sen. Sifuna: This is healthy, hon. Deputy Speaker. Let people just relax.

Sen. Cherarkey: We are not relaxing; we are working.

The Deputy Speaker (Sen. Kathuri): You know where to request a point of order, not at that point.

Sen. Sifuna: Mr. Deputy Speaker, Sir, these are some of the problems we have with non-lawyers making submissions about legal affairs without proper knowledge. There is no legal instrument that can be passed by this House that ousts constitutional imperatives. The Constitution is supreme. If the Constitution under Article 10 requires public participation, the Public Finance Management law will not oust it.

(Several Senators consulted loudly)

Mr. Deputy Speaker, Sir, why do you allow these people to heckle like this? I sat and listened quietly.

The Deputy Speaker (Sen. Kathuri): Sen. Moses Kajwang', what is your point of order?

Sen. M. Kajwang': Mr. Deputy Speaker, Sir, we are discussing a nominee to PSC, but when discussing the nominee - and my point of order is drawn from the Constitution because I believe that the Constitution is superior to Standing Orders. In fact, the freedom of speech granted in the Constitution is superior to Standing Orders No.105 or any other Standing Order.

As we discuss the nominee, we must look at Chapter 8 of the Constitution in its entirety. Chapter 8 talks about the legislature and says that Parliament shall protect this Constitution and promote the democratic governance of the Republic. This commissioner we are discussing is the one who is supposed to provide facilities for Parliament to act and ensure that we protect this Constitution.

As we discuss this, you cannot gag a Member from discussing any element that has to do with the protection of the Constitution and promotion of the democratic governance of the Republic. This is not a commissioner of the NCIC, SRC or the IEBC. This is a commissioner of Parliament.

As we debate, we must be sure that this is the right character who, if we say we want helicopters to go to Lamu to check out the refinery, they can avail those resources. If we say we need to send forensic experts to Nigeria or London to establish whether the legal instruments abide by the Constitution, she will stand with this House and provide them. Therefore, it would be ill-advised to gag any Member from discussing any matter

to do with this Constitution when we are vetting a commissioner of the Parliamentary Service Commission.

I thank you.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Sifuna, and I will not entertain further points of order, so that other Members can have the opportunity to give their voice.

Sen. Sifuna: Mr. Deputy Speaker, Sir, clarify how much time I have left because I have been interrupted almost 10 times.

Clerk, how much time do I have? Ten minutes.

(Sen. Cherarkey spoke off record)

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, I will send you to the House of Lords to understand how the Upper Houses work.

Proceed.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I rise under Article 124 on the Constitution of committees and Standing Orders. While I agree that Standing Orders are inferior to the Constitution because I have heard colleagues alluding to that, the parent who gave birth to the Standing Orders which are used to run this House is anchored in Article 124 of the Constitution.

The Chairperson of CPAC is trying to mislead Kenyans because these Standing Orders are not here by the mere fact that they were only generated by the House; their origin is in Article 124 of the Constitution, 2010. The same Standing Orders provide what we call debates on point of relevance. When the distinguished Senator for Nairobi introduces an aspect of Kshs2 trillion worth investment in Mokowe, Lamu, as part of the discussion, he is violating the Standing Orders, which have their origin in Article 124 of the Constitution of Kenya.

So, it is not in order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Sen. Sifuna, utilize your remaining time.

Sen. Sifuna: Mr. Deputy Speaker, Sir, I will utilize my remaining time if you follow your own directive. You said you were not going to entertain any further points of order. How is it that you allow one Member to raise 10 points of order?

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

Sen. Sifuna: This entire conversation started from the report itself and I will refer you to page 4 of that report, at paragraph 15. It says-

“Additionally, while nominating or appointing such person to the office of non-member commissioner of the Parliamentary Service Commission, Section 8(a) and (b) of the Parliamentary Service Act requires Parliament to have regard to the national values and principles of governance set out in Article 10 of the Constitution.”

This is where this conversation began and the point that we are making is, every single act that we, as a Parliament, or the national executive wants to carry out must be done within the confines of the Constitution. We are not fools; Kenyans are not fools. We can understand things. Just take time to explain things to the people because that is a

constitutional imperative. Carry people along. That is all we are saying. No one is saying that we do not want investors. In fact, my record compared to the outgoing government is that, I would never, as a believer in the rule of law, stand up one day and say to an investor, 'pack and go.'

That is a comparison that we are drawing today between people who insist on constitutional fidelity and someone who believes that he is above the law and can stand up and say; '*wapende wasipende tunajenga.*' *Haiwezekani.*

Bw. Naibu wa Spika, let me come to the Report on these two nominees. As you know, I am the longest-serving secretary general of the Orange Democratic Movement (ODM) Party. This person and nominee, the hon. Fatuma Ibrahim Ali, is well-known to me. In fact, we have worked with her at the national level, the National Executive Committee of ODM. I know her very well. I have even had occasion to meet some of her children. She has served ODM at EALA. She did a good job there. We have nothing against her.

Mr. Deputy Speaker, Sir, some of the nominees did not get, but their names had been proposed. I still have networks in the Party and they tell me that there were other people who had been considered as well. However, my position is, for as long as one of us gets, we are happy for whoever it is that gets nominated. It is always going to be that it can only be one person serving in one position at a time.

I have friends within ODM who are very upset that they did not get that position and they were explaining to me why they did not get that position. However, I said, even hon. Fatuma is my friend and I am sure she will do a good job in the Commission.

I conclude by saying, I support the Report of the Committee.

Sen. Abass: Thank you, Mr. Deputy Speaker, Sir. First and foremost, I thank the Committee for the good job they have done and assure this House that Fatuma hails from my county and she has enormous experience to manage and become part of PSC. Hon. Fatuma did her studies in Egerton University and later she went to the United Kingdom, did her post-graduate and Masters in Science in Extension Services.

Her background was agriculture. Before she went to United Kingdom, she worked in many counties, including Wajir, Mandera, Garissa, and other parts of the country.

Hon. Fatuma went for her Master's and Post-graduate Diploma at the University of Reading, one of the oldest and reknown universities. Thereafter, she came back to the Ministry. Before that, she joined the Kenya Human Rights Commission (KHRC) as a commissioner and during her tenure, she did a lot of work for this country. She has saved many young pastoralist ladies who have been abused and has stood for them. She is also a human rights activist. One other thing, after leaving KHRC, she became the first Woman Representative in Parliament.

During her tenure, she served diligently as the Woman Representative for Wajir County. She is an outgoing leader with a lot of experience. She can accommodate everyone. In 2017, she did not contest for an elective seat. Thereafter, she was nominated by the Orange Democratic Movement (ODM) Party to serve in the East African Legislative Assembly (EALA).

Hon. Deputy Speaker, Sir, on behalf of the people of Wajir County, I also wish to thank ODM Party. The party stood by her throughout her service. The party leadership,

including the Secretary-General of ODM party, His Excellency the Senator for Nairobi City County, Hon. Sifuna, continued to support her. I thank him for that commendation.

Hon. Fatuma Ibrahim Ali was also a member of the National Dialogue Committee (NADCO). Everyone knows the amount of work that was done by that committee and she was at the forefront. I assure the House that hon. Fatuma will bring enough experience and will be a resourceful person to the Parliamentary Service Commission.

I thank you.

The Deputy Speaker (Sen. Kathuri): Sen. Godfrey Osotsi.

Sen. Osotsi: Thank you, Mr. Deputy Speaker, Sir, for this opportunity to make my contribution to this very important Motion seeking approval of the appointment of a female non-member to the Parliamentary Service Commission. I consider this a very important Motion because we are discussing a matter that directly touches on us. The Parliamentary Service Commission is our employer. Therefore, when dealing with matters concerning our employer, we must be very sensitive and ensure that the decision we make is in our own interest.

I agree with colleagues who have contributed before me that the nominee, Hon. Fatuma Ibrahim Ali, is known to many of us. She served as a Member of Parliament, as a Woman Representative for Wajir County. Those of us in ODM Party know her contribution to the party. Her last assignment was serving in the infamous NADCO Committee on the 10-Point Agenda. We are still waiting for its final report to assess what has been achieved under that agenda, which was of great importance to our party leader, the late Rt. Hon. Raila Odinga.

This is, therefore, a person who has contributed to the progress of this country in one way or another. I join those who believe that when former Members are given an opportunity to serve in such positions, we should support them. We know that she is taking over from Hon. Rachel Ameso from Kakamega County. Hon. Ameso served us well and was hospitable to many of us whenever we sought assistance. We look forward to Hon. Fatuma serving with the same commitment.

Mr. Deputy Speaker, Sir, even as I support this appointment, I have heard someone raise the issue of regional balance, noting that Western Kenya already has representation through Speaker Moses Wetangula. However, I wish to clarify that this particular position was meant for the female non-Member of the Parliamentary Service Commission from the minority party, in this case, Azimio la Umoja Coalition Party. The person who has been holding that position is Hon. Rachel Ameso.

Therefore, though I am not opposing hon. Fatuma's nomination, I want to tell our people back at home that, two weeks ago, I saw Members of Parliament from our region who support the broad-based arrangement addressing the Press in Kisumu and demanding this position. They said that one of their demands was that Hon. Oparanya be the Deputy President in 2027. The second demand was that this position be taken back to Western. I want to tell them that, in round one, they have already lost. *Hawajui*.

The other matter I want to raise is that I have keenly gone through the reports. However, there is one report that I was struggling to find; the report on the outcome of the interview. I have a lot of respect for the Standing Committee on Justice Legal Affairs and Human Right and the committees of this House. However, as a standard in this

House, whenever we approve appointments, we must know the outcome of the interviews. This will confirm to us that the candidate actually performed well.

I say this because there have been rumours in Parliament that Hon. (Prof.) Jacqueline Oduol was number one in the interview. If those rumours are true, how come she was not considered for this position? Those are issues that committees processing these appointments must tell us, so that all the information is placed before the House. That is important. It is not just about this appointment. For any approval process undertaken by this House, it is important for the House to know whether there was fairness, accountability and objectivity. We hear many things outside there.

The Deputy Speaker (Sen. Kathuri): Sen. Osotsi, avoid mentioning the names of people who are not in this House. You are now putting the professor and her family in a precarious situation and you have confirmed that you cannot ascertain that information.

Sen. Osotsi: Mr. Deputy Speaker, Sir, I used the word "rumours". I was demonstrating.

The Deputy Speaker (Sen. Kathuri): It is not fair to the nominee, the family and everyone. You were doing very well. Avoid taking that route.

Sen. Osotsi: Mr. Deputy Speaker, Sir, as a standard, we must ensure that committees demand for the interview report, so that people can know how candidates fared in the interview. When names are brought before this House, we should not be placed in a position where we have a friend whom we are expected to approve while, at the same time, someone else is crying outside there. I do not wish to go beyond that.

I support the Motion.

(Applause)

The Deputy Speaker (Sen. Kathuri): Sen. Boni Khalwale.

Sen. (Dr.) Boni Khalwale: Thank you, Mr. Deputy Speaker, Sir, for this chance. The exercise we are carrying out this afternoon is very important. This is because, should we approve this nominee, she will become part of the team that will appropriate Kshs50.7 billion allocated to the Parliamentary Service Commission in the 2026/2027 Budget.

Having been persuaded by the Senator for Wajir County, my brother, neighbour and friend, Sen. Abass, I am going to support this appointee. However, allow us proceed on facts. Kenyans should know that the Committee has created an opportunity for us to breach Article 10 of the Constitution of Kenya.

In Article 10(2) of the Constitution of Kenya, we have equity, equality and non-discrimination among other national values and principles of governance. However, when you read through the report, they describe the life of a public servant who has lived in privilege.

It cannot be by accident that the nominee has benefited from fruits of having been a Commissioner of the KNCHR. She has benefited from this House which made a decision of her to become a Member of the EALA. She has benefited by being a Member of the National Dialogue Committee (NADCO) team that was supposed to chart a new Kenya.

Unfortunately, Sen. (Dr.) Oburu Odinga, my colleague, brother and neighbour, and His Excellency the President, detoured and brought something called Broad-Based Government, which does not exist in law. It is not in the Constitution. One of these days, people who like litigation might jump to the High Court and get a favourable ruling, which is just begging to be given, that all decisions, including passage of the budget by Parliament, are unconstitutional because they are being done by a mongrel called Broad-Based Government.

I want to congratulate orphans of the ODM Party. After you lost Baba, you refused to be part of running this country unconstitutionally. We do not have to beg anybody because even the Head of State is not above the Constitution of Kenya.

Mr. Deputy Speaker, Sir, I beg you again and again, and I have said it in this House. This obsession with rulings of the Chair and references by Members of this House to Standing Orders at the expense of the Constitution is a collective abuse of the supremacy of the Constitution of Kenya.

Allow me, so that I am understood well by Kenyans, to quote from the Constitution of Kenya. If today was the last day, I would love that an attempt is made to bring provisions of our Standing Orders at par with the Constitution.

Article 117(1) of the Constitution provides that there shall be freedom of speech and debate in Parliament. It does not say that in making that speech, you should not refer to or you should avoid referring to some people or certain people; those who are here, those who are not here, those who can defend themselves or those who cannot.

Mr. Deputy Speaker, Sir, it says that there shall be freedom of speech in Parliament. Allow us to speak and quote names of people, so that those people, even if nothing is done to them because of the impunity in this country, they are brought to shame.

I speak with a small degree of experience on this one because when Hon Mwai Kibaki was the President, he allowed me; he did not interfere when we impeached and removed his all-powerful Minister for Finance. We called him all manner of names and the then Speaker, Hon. Ole Koparo, never stopped us from that debate.

The Report is telling me the following. I do not know why my brother, the Senator of Vihiga County, Sen. Osotsi, was worried about quoting names. Do it because that is the Constitution. You did not have to switch to rumour.

The facts we have from the Committee are that Hon. Fatuma scored 80.48 per cent in that interview and that Prof. Jacqueline Oduor scored 61.67 per cent. Who is it that wants to bring this House to disrepute and bring a Committee of this House to shame that you have changed the results?

Prof. Oduol was beaten hands down. She got 61.6 per cent. Why does she want me to elevate her to be the beneficiary when she was beaten by Hon. Fatuma Ali? Amb. Amina Abdalla got 56 per cent while Dr. Brenda Hanani got 53.3 per cent.

One reason Hon. Fatuma should not have gone through is that even her competitor who was position three, that is, Amb. Amina Abdalla, is another one like her. They want to be treated like special children of God, but they are not. Amb. Amina Abdalla has been a nominated MP three times. They sneak their way around – I do not know how they do it – and they end up in an interview like this.

In fact, the fact that you have served only once should be enough to deny you an opportunity even to come for an interview because of Article 10 of the Constitution that says there should be non-discrimination. When you have been nominated three times and you still struggle to become a commissioner of the Parliamentary Service Commission, you are discriminating against other Kenyan women who have a right to have equal access to opportunity.

Mr. Deputy Speaker, Sir, as we debate this, I know that Hon. Fatuma is watching the proceedings. Hon. Fatuma, let this be the last time you beat corners so as to end up benefiting many times when you have already benefited before.

That brings me to yesterday's debate. Why should you nominate people as Members of County Assembly (MCAs), Senators or MPs in the National Assembly more than once? Who are you? In Kenya, we have 28.7 million women. All these 28.7 million women are waiting for an opportunity to serve this country. Some of them have very good education.

I remember when we were given a responsibility as the Committee on Finance and Budget to vet a Member in this House, I was shocked at the levels of education some of our women have. There was a woman from Mumias in Kakamega County whose brother is an MP. He was being accused of helping her to find her way to the top. I was shocked at how competent that woman was. We have competent people. Let them be given equal access to opportunity.

Mr. Deputy Speaker, Sir, I want to conclude by urging the Committee not to hold back information. When you do not make full disclosure, you invite the kind of rumour that was starting to be played around that Prof. Jacqueline Oduol performed better. We want to end this. We would like it to end with the Broad-Based Government. We would like this favouritism to end with the Government of President William Ruto.

It is only in the Government of President William Ruto that when you go to state corporations, you can actually guess who the Managing Director (MD) is, as long as you know the pattern of how they name their children. It is a shame that with 69 universities in Kenya and all the children of Kenya that attend the universities, you still find it difficult to get an MD from at least each of the 42 tribes. After you have done that, you can go back to your community. This abuse of office must be brought to an end and the person to do it is Parliament because it has the power to oversight the presidency.

My neighbour, Senator for Nandi, how do you feel when, for example, you have 15 MDs from Nandi County, while there is none from your neighbour Kakamega County yet, when we are doing business at Shamakhokho, you buy our dogs, we buy your cows; you buy our chickens and we buy your goats? You drink our *busaa* and while you are drinking our *busaa*, our men sneak across the road and keep your houses warm. Where does this collegiality go to when we want to share the goodies on the national table?

Last but not least, the Broad-Based Government has forced the country to go into campaign mode early. My neighbour and brother, the Professor from Kisumu, let us think about it. Where does this money that you are given every weekend to carry to counties come from? Not you Professor, I mean the compliant Broad-based leaders. You have forgotten so much that when they tell you Nyanza has been given Kshs700 billion worth

of development projects, you forget that the entire development budget of the Government of Kenya is only Kshs778 billion. When you are told you are given Kshs700 billion and you believe and you go and lie to Luos, who told you that they do not have the capacity to see the light? If you must look for votes from us, tell us the truth. Where is the money that you are dishing out coming from?

Mr. Deputy Speaker, Sir, reflect on the issue of the oil refinery. That individual is building that refinery at a paltry Kshs2 trillion. President William Ruto has borrowed Kshs4.5 trillion and to what it has been put to, we cannot see. For all intents and purposes, it means that if we had just taken Kshs2 trillion out of the Kshs4.5 trillion that he has borrowed, we could have built the refinery ourselves. We do not need some Nigerian to come and start lecturing us the way he lectured us today.

These are the issues we shall continue speaking to as oversight public servants and hope that in the fullness of time, we will move the country from this quagmire of mediocrity.

I support the nominee.

The Deputy Speaker (Sen. Kathuri): Prof. Tom Ojienda.

Sen. (Prof.) Tom Odhiambo Ojienda, SC: Mr. Deputy Speaker, Sir, it is good that I am speaking after Sen. Khalwale and contributing to the Motion supporting the nomination of Hon. Fatuma Ibrahim Ali to the position of female non-member of Parliamentary Service Commission (PSC).

It is beyond par adventure that the Hon. Fatuma Ibrahim Ali was vetted through a competitive process and emerged as the best. There is, therefore, no brainer that the questions around the Hon. (Prof.) Jacqueline Oduol having emerged as the best has now been explained by the presentation of Sen. Khalwale.

Hon. Fatuma Ali has served in various capacities; as Commissioner at the Kenyan National Commission on Human Rights (KNCHR), later as a Member of Parliament (MP) and lately, as a member of the National Dialogue Committee (NADCO), whose processes and outcomes the country still awaits. It is, therefore, not in doubt that after Sen. Osotsi and Sen. Khalwale having supported her nomination after the submissions by Sen. Abass, the Hon. Fatuma Ibrahim Ali will serve as a competent member of the Commission where she will join the Member for Bomet County, the Vice-Chairperson of the Commission and our own, Sen. Omogeni, who also serves as a Member of the Commission.

Just two observations with one being a right to reply to what Sen. Khalwale has said; the nominations must follow the course. One, this is a representative of women who brings a lot of experience and expertise to the Commission. She will oversight and sit over budget of Parliament and deal with Members affairs. Therefore, her nomination is important to the functioning of the PSC.

Number two, not in doubt, that the Hon. Fatuma brings in experience and qualifications that have been approved through her compliance processes that we have seen. She complied with every process required of her, presented herself before JLAHRC, and as the JLAHRC, we approved her nomination. This afternoon, I proudly say that Mrs. Fatuma Ibrahim Ali meets all the four corners of the requirements for nomination.

Hon. Fatuma Ibrahim Ali belongs to ODM, which is no doubt the biggest party South of Sahara and North of River Limpopo. Sen. Osotsi will agree with this point.

(Sen. Osotsi spoke off record)

Lastly, she therefore enjoys the support of the Broad-Based Government, which has all forms of legality, though Sen. Khalwale doubts. It is reflective of the face of this country. It is a coalition that has brought into one basket the ODM Party, the UDA Party and other parties that represent the true face of this country. In all those appointments that Sen. Khalwale has referred to, the Broad-Based arrangement has shown that this country can move to the next level.

The project that His Excellency President Ruto is launching today in Lamu County is a true reflection of the partnerships that this country has nurtured. By bringing the Dangote Group to establish a multi-billion oil refinery project in Lamu, it is a true testimony to the transformative nature of the Government of the day. It is true that President Ruto has created a new face and brought those parts of the country that previously were seen as lagging behind and did not benefit from development projects, to the same level as those parts that had benefited. That is why Nyanza is in question and on the lips of Sen. Khalwale. Various projects have seen road networks, such as the Lake Victoria Ring Road, transform and take shape.

The Rironi-Mau Summit Road Project is true. Sen. Khalwale and I have seen the kind of traffic jams we have experienced between Nairobi and Nakuru. We are now seeing a new opening thanks to President Ruto. The Rironi-Mau Summit Road Project will transform communication between Nairobi, Limuru and Mau Summit.

Mr. Deputy Speaker, Sir, you will be surprised that within a few months, we will already have tarmac in that region. The road is already done and it is transformative. It will reflect what we have seen on Thika Superhighway from Nairobi to Nyeri. That shows that this Government is truly committed to changing the infrastructure, communication, lives and economy of this country.

Finally, Mr. Deputy Speaker, Sir, whenever a female ascends to a position, such as Hon. Fatuma Ibrahim Ali, a lady from a minority community and a part of the country that is often ignored, we are happy to support that nomination. For that reason, this afternoon, I support nomination of Hon. Fatuma Ali from Wajir to the position of Member of the Parliamentary Service Commission.

I thank you.

The Deputy Speaker (Sen. Kathuri): Proceed, Commissioner Joyce Korir.

Sen. Korir: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to the approval of this nominee, who is set to serve in the Parliamentary Service Commission. Allow me to thank Commissioners who conducted the vetting. Today, the name has been submitted by the Committee on Justice, Legal Affairs and Human Rights on the Floor of this House, so that the entire membership of this House can discuss and see the kind of person we are bringing to the Commission to undertake various duties for Members of this institution.

Without saying much, allow me to also thank the first person who decided that this institution should be autonomous, and that was Hon. Seroney. He made the decision that we need to have the National Assembly and the Senate being autonomous.

The Commission has done a lot. I appreciate the Speaker of the National Assembly who doubles up as the Chairperson of the Commission. I must also recognise the Secretary, who is the Clerk of the Senate, and the entire membership of that Commission.

I know there have been a number of challenges since the inception of this Commission, ranging from infrastructure, human resource issues and the quality of the work we are doing among others. However, they have moved ahead to make sure things run smoothly. That includes completion of Bunge Tower, which now provides space for Members to have the opportunity to address their constituents and transact the business in the Houses.

I also thank the Commission for what they have done to establish the Centre for Parliamentary Studies and Training (CPST). That will assist honourable Members and staff in understanding how things are run in both Houses.

Additionally, I thank the Commission for the various programmes they have rolled out. We recently held a programme at the CPST for Kenyan MPs in partnership with McGill University. As I speak, there is an ongoing programme on Artificial Intelligence (AI) to assist Members and staff of both Houses to understand issues pertaining to AI.

Generally, the Commission has made milestones and we must appreciate that. There is also the issue of medical scheme that is going to assist Members. These are some of the initiatives that will assist our Members, both during their tenure here and when they are outside Parliament.

Since time is limited, I appreciate Members who have spoken. Hon. Fatuma is a hardworking lady. She has served in different capacities and she is up to the task. She is a selfless lady. I know she is ready to work for this nation.

She has been nominated by the relevant committee. Remember that the Commission is made up of 10 Members, being three from the Senate, four from the National Assembly and two non-parliamentary Members.

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

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

Mr. Temporary Speaker, Sir, Hon. Fatuma will come in to replace Hon. Ameso whose term ended. Hon. Ameso served diligently, stood with the honorable Members and worked tirelessly to ensure the Commission moved in the right direction.

Having worked with her for a short period of around five years, I can say that she put in all her effort. Hon. Ameso chaired the CPST Committee. Indeed, we made a lot of progress in terms of training and development.

On behalf of the rest of Members and the Commission, I would like to thank Hon. Ameso in a special way and wish her all the best in her endeavours. I also appreciate

honourable Members for nominating Hon. Fatuma Ali, who I know will fit into Hon. Ameso's shoes. She will work with us and I know that at the end of the day, the entire institution will be happy with the work she is ready to do.

Mr. Temporary Speaker, Sir, I support the report by the Committee on Justice, Legal Affairs and Human Rights.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Joyce. I acknowledge the fact that you are the Vice Chairperson of the Commission that Hon. Fatuma will be serving on should this House approve her nomination.

Proceed, Sen. Ali Roba.

Sen. (Dr.) (Capt.) Ali Roba, DBA: Mr. Temporary Speaker, Sir, I rise to support the nomination of Hon. Fatuma Ibrahim Ali. Hon. Fatuma is a seasoned politician who has served in many capacities. She has earned the respect of many across the country, and in particular, northern Kenya region where I come from. There is no better-suited person for this position because of her in-depth understanding of the workings of the Commission, having served as an MP for several terms.

I extend my recognition and appreciation to the Committee that vetted Hon. Fatuma for recognising her capacity, ability, experience and representation in all aspects. Undoubtedly, her appointment will add great value to the workings of the Commission.

As I support this, Mr. Temporary Speaker, Sir, allow me to comment on something that my colleague and friend, Senior Sen. Khalwale, stated regarding construction of the refinery in Lamu, which was framed in a bad context.

I just came back from China with 24 elite youth members from three political parties. I was the head of the delegation. What I was exposed to can only say one thing about our President, in all sincerity. It will take a leader with the guts to take bold steps so as to take this country forward. I would have used another terminology, but I am afraid Sen. Wambua will ask me to withdraw.

I wrote a journal article on whether Africa's choice of Western democracy as a model of governance has contributed to the growth or retardation of our growth. Africa should have opted for a unique system of their own to advance the economic development within this country. Our President has guts and political will. He has commitment to push this country forward regardless of criticism. Criticism will always come when work is ongoing.

Any level-headed political leader in this country will acknowledge that what is happening in Lamu today is a future that can only be talked in dreams of possibilities across the region. They will see it as what Kenya and Africa can become and it is about time. I believe, with conviction, that there is no better leader to have taken that bold step than us.

Sometime back, people asked me why I support President Ruto. They said that there is this and that, but I said one simple statement. A year or two years ago, the construction of the international airport in Kenya was highly politicized and it was called all sorts of names. That project did not take off due to pressure. However, as a nation, we did not stop pilferages and other channels where money gets lost. That project would have really created over 100,000 jobs directly and indirectly.

This is what the Port in Lamu---

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

Sen. Wambua: Mr. Temporary Speaker, Sir, it is true that Sen. Ali Roba is perhaps my best friend. Since he is my best friend, I cannot allow him to mislead the country.

I rise under Standing Order No.105, though it is very boring quoting these things. The airport project that was stopped--- Let us debate. Sen. (Dr.) Khalwale reminded us that we should debate. This is a House of debate, so let us debate.

The airport project at the Jomo Kenyatta International Airport (JKIA) was not politicised. It did not stall or did not stop because it was politicised. It was stopped because the inception of the project did not follow due process. That is one thing that people need to understand. Those of us in the opposition are not saying that we do not need an airport, we do. In fact, we need an ultra-modern 21st Century airport. What we have at the moment falls way below the expectation of Kenyans. However, as much as we need an ultra-modern airport, we need to follow due process.

So, Sen. Ali Roba should not mislead the country that it is politics that came in between the project and its implementation. What happened is that due process was not followed. The same thing happened with the sale of Safaricom. You guys, we will keep telling you the truth.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Wambua.

Sen. Wambua: Mr. Temporary Speaker Sir, you called my name and that is why I sat down.

The Temporary Speaker (Sen. Wakili Sigei): Yes, I am trying to start the gadget because I wanted to intervene.

Sen. Wambua: Mr. Temporary Speaker, Sir, it is about facts. I was telling him to stop misleading the nation. The Adani project was stopped because it did not follow due process and not because of politics. I am reminding him that, recently, the courts stopped yet another sale of Safaricom to a foreign entity because due process was not followed.

I thank you, Mr. Temporary Speaker, Sir.

Sen. (Dr. (Capt.) Ali Roba, DBA: Thank you, Hon. Temporary Speaker, Sir. I thank my colleague, Sen. Wambua, for raising to stop the statement I was making, but let me pick it up from where he intervened.

I qualified my statement when I asked if Kenya or Africa made the right choice by blindly adapting to the Western democracy without looking at what is best fit for economic growth in terms of our own sets of dynamics and the state at which we were, having been colonized and gotten out of colonialism. I have a problem with what Sen. Wambua is discussing. I disagree with it in totality.

Right now, anybody in this country can just wake up and go to court to get an injunction to stop something that would have created greater good for this country. That is possible because of the way we wrote our Constitution and the democracy that we have copy pasted from the Western world, yet their democracies are more than 400, 500 or 600 years old.

I know political leaders, particularly Members of Parliament, whether in the Senate or the National Assembly, have always taken sides depending on where they stand at that specific time, whether they are in opposition or pro-government. They are always blinded and oblivious of the fact that tomorrow they can be in the government side or in opposition.

What is happening right now with Lamu refinery or any other bigger economic development project that a government invest in is never for the government of the day. It is always for posterity. It will take soberness in leadership for one to see the long-term benefit of a project like that and what it can do. We have had losses of resources in this country for flimsy reasons. Such projects can transform this country and reposition it. We need to ensure that these projects are given the support they deserve. We should have non-partisan view of everything.

Hon. Temporary Speaker, Sir, Sen. Wambua extended a courtesy that is only known to me and you, I would like to wind up by saying I support the nomination of Hon. Fatuma Ibrahim as the nominee of the Parliamentary Service Commission.

I submit.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Ali Roba. I took note of your comments at the beginning when you appreciated the Hon. Members of the Committee. For your information, yours truly chaired that vetting Committee, so I appreciate the acknowledgement of the work that was done by the Committee.

Sen. Wambua: Thank you, Mr. Temporary Speaker, Sir. I take note that you are interested in being commended for the work that you have done notwithstanding the fact that it is actually what we have appointed you, as the Chairperson of the Committee, to do.

That said, I thank the Committee, led by you, for doing a good job. At some point, I was worried because the report that I had initially seen did not have the scoring and the shortlisting and I thought that someone was perhaps trying to play games. Now I have the report complete with the scores of the candidates and the shortlists and all that. Mr. Temporary Speaker, Sir, I thank you for work well done.

I will also make another comment in relation to my friend, Sen. Ali Roba the Senator for Mandera, to tell him to wait---

An hon. Member: Doctor Ali Roba!

Sen. Wambua: I am hearing one Member who is a beneficiary of the generosity of Sen. Roba correcting me. Those titles are coming, do not worry. I want to ask Sen. Ali Roba to sit and listen to me because I sat and listened to him.

One of the things that I want to say before I go into this Report is to congratulate Sen. Ali Roba--- Madam, do you want to take the Floor?

The Temporary Speaker (Sen. Wakili Sigei): Sen. Wambua, proceed with your submissions.

Sen. Wambua: I am being distracted.

The Temporary Speaker (Sen. Wakili Sigei): You are addressing the Chair. Ignore any other sound.

Sen. Wambua: I will take that to be noise in the system. I congratulate Sen. Ali Roba for a very good job that he has done. Last Saturday I attended his coronation. For

Sen. Cherarkey, we attended the graduation of Sen. Roba, being conferred with a doctorate degree in Business Administration. I take this opportunity as a Leader of the Minority in the House to congratulate Sen. (Dr.) Ali Roba for that achievement.

Let me say a few things about Fatuma Ibrahim Ali. She seems to have a fairly checkered career. She is an accomplished public servant. When you look at the areas where she has served, and I believe she has served with distinction, she has been a member of the East African Legislative Assembly (EALA). I remember for that to happen, her name came here and we voted for her. So, we have been called upon for a second time to vote for her.

I am one person who would not just vote for the sake of voting. I want to know why I am voting. So, I have called a few members from EALA and the ratings for Fatuma are above average. She did well when she joined EALA.

She served as a Woman Representative for Wajir in the National Assembly. I have also had time to talk to some Members who served without her and they have good things to say about her. In fact, one of the things that I have taken note of is that when she served as the Woman Representative, she served in very serious committees of the House. She was a member of the Budget and Finance Committee of the National Assembly and Justice and Legal Affairs Committee (JLAC). Most importantly, she served in the Committee on National Security and Regional Integration of the National Assembly.

While serving in that Committee, she was a vice chair of the Pastoralists Parliamentary Group. I am not sure whether that group is still functional. I am seeing a lot of things, happening in that side of the world. I saw the other day some chaos that left police officers killed in Isiolo. Just last week, we all saw thousands of animals shot and killed not by bandits, but by police officers. I kept asking myself, what happened to the Pastoralists Parliamentary Group beyond issuing statements in the capital?

I would have wanted to see solidarity with the people on the ground led by the Group. We all know that livestock is a lifeline of Pastoralists and that is why I said the Senator for Mandera, Sen. (Dr.) Ali Roba, should sit and listen to this.

At times, I get the feeling that leaders give lip service to their people. Livestock is a lifeline of pastoralists. The Anti-Stock Theft Unit (ASTU) of the National Police Service is supposed to protect livestock and pursue bandits and neutralize them.

When the protectors of livestock become the people that shoot and kill animals, then I wonder where we are headed. It is a challenge to the new doctor in the House and his team of leaders from that region to take up this matter a lot more seriously and do what perhaps hon. Fatuma would have done when she was the Vice-Chair of the Pastoralists Parliamentary Group.

I have also seen that she has been a member of the UDA-ODM Oversight Team on the Ten-point Agenda. That is where I want to engage the Speaker and I am happy that Senator for Nandi is here, the self-appointed spokesman of an arrangement he calls broad-based.

The terms of reference for the team in which hon. Fatuma are a public document. One of the things that the deal between the ODM and UDA was supposed to do was to

ensure that at a bare minimum, beginning this financial year, in support of devolution, Parliament was going to devolve Kshs450 billion to the counties.

I thank the Chairman of the Budget and Finance Committee of the Senate, Sen. (Dr.) Ali Roba. His committee proposed more than Kshs450 billion to go to the counties. As fate would have it, and at a time that this Committee where hon. Fatuma sits was in force, that money was reduced to Kshs428 billion. I am wondering what I would do, as an objective leader, if that was the only score that I was going to use to determine whether I would support her. I will give my verdict later.

Mr. Temporary Speaker, Sir, this matter on the approval of Fatuma to serve in PSC could not have come at a better time. I also take this opportunity to join the Vice-Chairperson of PSC, Sen. Joyce Korir, in congratulating Commissioner Ameso as she exits the Commission. Truth be told, this time the PSC has done a good job and the best thing that PSC has done for its members is the post-service medical scheme. Members could not have asked for anything better than a scheme that takes care of them post-service.

My heart is not troubled because if Members of both Houses made full contribution to the scheme, then we would not have to worry about medical bills after we leave Parliament. How I wish the same courtesy and consideration was extended to former councillors.

I will speak about these former councillors until I cannot speak anymore because, if you remember, these former councillors served our people, and us, under very difficult conditions. They never had salaries. They had no support of whatever kind and they relied almost entirely on their connections and networks to get things done for their people.

Mr. Temporary Speaker, Sir, it is true that once you enter this field of politics, it becomes impossible for you to be employable in another job. These councillors left office at a time that we were doing away with...

The Temporary Speaker (Sen. Wakili Sigei): Senator Wambua, let me intervene. Take your seat. You will continue, but we need to acknowledge the presence of a visiting delegation.

(Interruption of debate on Motion)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM KAMUNYAKA SENIOR
SCHOOL, NYANDARUA COUNTY

I would like to acknowledge the presence of a visiting delegation of two teachers and 16 students from Kamunyaka Senior School in Kinangop, Nyandarua 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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I thank you.

Before you continue, you may take a minute, on behalf of the Senator for Nyandarua, who is not in the House, to welcome the students and their two teachers into the Senate Chamber.

Sen. Wambua: Thank you, Mr. Temporary Speaker, Sir, I take this opportunity to join you and on behalf of the Senator for Nyandarua, Sen. Methu and the entire membership of the Senate, in extending a warm welcome to the visiting delegation from Nyandarua. This is the Senate of the Republic of Kenya, the 'Upper House.' This is where your Senator serves alongside other Senators to represent the interests of counties and those of their governments. Feel most welcome. Your Senator is out there engaged on other official duties, but on his behalf, feel that your cousin has welcomed you.

(Resumption of debate on Motion)

Mr. Temporary Speaker, Sir, I go back to my contribution. I was talking about councillors, and please, protect me from Sen. (Dr.) Ali Roba; you know why.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Wambua, for your comfort, your time is still intact at four minutes and 30 seconds. However, it is not necessary that you deplete the four minutes.

Sen. Wambua: Thank you, Mr. Temporary Speaker, Sir. There is still time for Members to debate on this. However, the Clerks-at Table have not given me the yellow light, but that is fine.

I was talking about the councillors. You know there is a resolution of this House, Sen. Cherarkey, Sen. Roba and Sen Omogeni are aware of it. We passed a resolution in this House that former councillors get some little recognition for the work they have done in serving the people of Kenya. I know that Sen. (Dr.) Ali Roba has direct access to the President of the Republic of Kenya. He brags to me that he is the direct ear of the President.

There is a programme that this administration is running. They are calling it an empowerment programme. However, I am here wondering. The last time I checked, when we were abolishing the system of councillors, they were around 13,000. Now, we have lost many of them to small ailments which are preventable and treatable. Will I be in order to ask the Senator for Mandera that the next time he gets the ear of the President, he should whisper that these councillors could benefit a lot more from that empowerment programme than the things I am seeing this administration do like dishing out little coins to people under the guise of empowerment? Surely, it is not.

The real empowerment is to take the remaining former councillors and their families, enrol them to some medical scheme and give them a little boost because there is a resolution of the Senate to do that. If the President did that, he would not be acting out of law. I mean, there is a resolution of the Senate that each councillor gets, at least, Kshs200,000 and they be enrolled to the Social Health Authority (SHA) scheme. I am just wondering why this is so difficult to do. If that is considered, then we will be taking care of former leaders as we should.

Mr. Temporary Speaker, Sir, I will conclude by saying something. I heard Sen. Roba talk about every Dick, Tom and Harry going to the courts to stop Government projects. I do not know what problem the Senator for Mandera has with Tom, Dick and Harry. I would like to remind him that the person who went to court to stop the illegal process of reconstructing the Jomo Kenyatta International Airport (JKIA) was neither Tom, Harry nor Dick. It was His Excellency, Dr. Stephen Kalonzo Musyoka, Senior Counsel (SC).

The person who went to court to stop the illegal sale of Safaricom shares was neither Tom, Dick nor Harry. It was His Excellency, Dr. Stephen Kalonzo Musioka, SC, who did that for exactly the same reason that Sen. (Dr.) Ali is talking about; to take care of the interests of this country now and into the future.

If due process is followed, no one will have a problem with a new airport. I always feel ashamed when I land at JKIA because I am landing on potholes. Landing at the JKIA potholes gives a bad image of who we are. We are a business hub for the region and we need a good airport. However, the process of acquiring that airport must be transparent, constitutional and in accordance with the law.

Mr. Temporary Speaker, Sir, having said that, I support the report of the Standing Committee on Justice Legal Affairs and Human Rights.

I congratulate Hon. Fatuma Ibrahim Ali on her nomination to join the Parliamentary Service Commission.

I submit.

(Applause)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Samson Cherarkey.

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, Sir. It is a coincidence that---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Mariam, let that pass. I have just noticed that you were ahead of Sen. Cherarkey in the queue. However, let him proceed because I have already given him the microphone.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, I thank you. It is interesting that I am commenting on your Report while you are in the Chair. However, you should be comfortable because in the Westminster parliamentary tradition, senior legislators speak first. It is the practice in the Commonwealth legislatures. The Vice-Chairperson of the Committee will also have her turn and, since she comes from that region, she will give us a better perspective.

Mr. Temporary Speaker, Sir, I congratulate you. I remember that on Monday, after a grueling criss-crossing of Bomet County, you were still able to be here very early to vet *Mheshimiwa* Fatuma Ibrahim Ali. She is not related to Sen. (Dr.) Ali Roba, lest anyone thought so. It is just a coincidence that they share names.

I also want to thank your Committee for undertaking the vetting and for preparing a concise and precise Report. Hon. Fatuma Ali, from the résumé contained in the Report, is a former Member of Parliament from Wajir County. We elected her in the last Session

to represent us in the East African Legislative Assembly (EALA) and now she is requesting that we vote for her once again.

I am happy because she is one of the best leaders from Wajir, unlike the Governor who is doing everything wrong. I am happy that his tenure as Chair of the Council of Governors (CoG) has come to an end. I would have wished her to be the Governor of Wajir County. However, because she really wants to serve Parliament, it is important we give her that chance. I am happy that she is one of the leaders from Wajir who has a very clear track record, a lady of integrity and a woman who is breaking the glass ceiling. She will inspire many women, not only from Wajir County, but in northern Kenya and across the country. When young girls and women see this, they will be inspired.

Mr. Temporary Speaker, coincidentally, as I speak, the Clerks' Table is occupied by ladies and that is inspiring. This is what inspires women to come out and fight for these positions. Yesterday, we were discussing about nominations. We hope to see our colleagues who are nominated now running for elective positions. That is the breaking of the glass ceiling that we want to encourage our women to achieve.

I am aware that the Parliamentary Service Commission is constituted of 10 members. I would have wished to listen to the wisdom of the distinguished Senator because, out of the 10 members, there are three from the Muslim faith. That is the Member for Nyali Constituency, Hon. Ali. I am informed that he left the United Democratic Alliance (UDA) Party and is now the Deputy Party Leader of the Wiper Party. We also have Hon. Mishi Mboko, who is an ODM Member, and now Hon. Fatuma Ali.

We should also consider Article 10 of the Constitution on the aspect of religion. I am not saying that she is less qualified to be appointed. However, the person who did the vetting, the Chairperson, Sen. Okong'o Omogeni, should give us the wisdom behind it because we want to ensure that there is balance in terms of Article 10.

I have seen someone say that Hon. Moses Masika Wetangula is the Chairperson of the Parliamentary Service Commission and that he comes from Western Kenya. While we look at the balancing of regions, we should also look at the balancing of faith and many other considerations. I know that when Sen. Okong'o Omogeni makes his submission, we will listen to his wisdom, so that we understand the reasoning behind it.

I appreciate that, in northern Kenya, there is currently no Parliamentary Service Commissioner, but we have the Broad-based Government. I know she is a Member of the ODM Party. We should also appreciate that Hon. Aden Keynan, Member of Parliament, served for more than 15 years in the Parliamentary Service Commission. Someone said that northern Kenya is marginalised. I do not think so because in the last Parliament, Hon. Aden Keynan, Member of Parliament from Wajir County, served as a Parliamentary Service Commissioner for almost 15 years.

We also need to thank Hon. Oloo Aringo, who was the trailblazer in establishing the Parliamentary Service Commission, which was entrenched in the Constitution under Article 127. Therefore, we are proud of what the Parliamentary Service Commission is doing. However, there are areas where the Parliamentary Service Commission is falling short, including in relation to staff who work either on contract or on permanent terms within the Parliamentary Service Commission, apart from Members of Parliament.

We must relook and review the terms of engagement of our members of staff who serve us as researchers, clerks, those who work in our restaurants, security gates, health club and in many other areas. There are a number of staff who have been on contract with the Parliamentary Service Commission since Jesus left, which is almost 2,000 years ago.

It is painful to meet a staffer working within Parliament, who has stayed on contract for very long. It is not fair. It is even against Article 41 on labour rights. It is against the Employment and Labour Relations Court Act. I appeal to the Parliamentary Service Commission to bite what we can chew. Let us get staff who are efficient, well remunerated and whose interests are taken care of. From the Serjeant-at-Arms to the Clerks, whichever category you may name, these people serve an important role. The Serjeant-at-Arms are doing a brilliant job, the clerks as well.

I pay great homage to the distinguished Clerk of the Senate, Mr. Jeremiah Nyegenye. He has fought many battles to ensure that the Senate is protected. If Clerk Jeremiah Nyegenye had not stood firm as the Secretary to the Parliamentary Service Commission, the Senate would have been extinguished and effluxed. He has stood against intimidation within the Commission, even when there was the creation of an animal within the Parliamentary Service Commission, led by Mr. Nyandiere, who is the-- - What is the name, Sen. Omogeni? There is a name for it. What do we call it? They do---

Sen. Omogeni: On a point of information, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, would you like to be informed by Commissioner Omogeni?

Sen. Cherarkey: Yes, he can inform me.

The Temporary Speaker (Sen. Wakili Sigei): Very well. Senior Counsel, proceed to inform him.

Sen. Omogeni: Thank you, Mr. Temporary Speaker, Sir. I wanted to inform my good friend, Sen. Cherarkey, that there is no animal within the Parliamentary Service Commission. We have a directorate called Parliamentary Joint Services, headed by Mr. Clement Nyandiere. That model was borrowed from another Commonwealth jurisdiction, Australia, where there is a bicameral Parliament, comprising of a Senate and a House of Representatives. There is a Parliamentary Joint Services Directorate that serves the two Houses.

Therefore, because this is a House of record and it is not proper for it to be on record that there is an animal within the Parliamentary Service Commission. There is no animal within the Parliamentary Service Commission. There is a Directorate of Parliamentary Joint Services headed by Mr. Clement Nyandiere.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, I believe that information was useful to guide your contribution.

Sen. Cherarkey: Yes, it was useful, Mr. Temporary Speaker, Sir. However, I hope he was not defending him because they come from the same region. I want to believe it was done in good faith. Under the Parliamentary Service Act, what we call the Parliamentary Joint Services (PJS)---

(Sen. Omogeni spoke off record)

Sen. Omogeni, I know you will contribute. Allow me to go on, then you will get time to speak. I did not say you are defending him. I said “I believe,” which could be true or not. Concerning the information you have given me on the PJS, whether it is legal or not, we could argue until cows come home. In Article 127 of the Constitution, the work that is done by the PJS can be done by the Secretary to the Commission, Mr. Jeremiah Nyegenye.

Mr. Temporary Speaker, Sir, I was having banter. Even when the Senate is on, Parliament appears to be shut down because we rarely get hospitality services. Restaurants are closed when the National Assembly is on recess.

I want to challenge Hon. Fatuma Ibrahim Ali that the Senate is also Parliament. In Article 93 of the Constitution, Parliament comprises the Senate and the National Assembly. Why is it that even when we are not on recess, it appears as if Parliament has been shut down because services are slow? I think there is what we call institutional discrimination.

I want to challenge the Commissioner in the House, the Senator for Nyamira, Senior Counsel, former Chairperson of the Advisory Board of the Ethics and Anti-Corruption Commission (EACC), and former Chair of the Law Society of Kenya (LSK), as you induct Hon. Fatuma Ibrahim Ali, these are issues that Members are complaining about *kichinichini*, that even when the Senate is on, we are taken for granted. We want you to---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, what do you mean when you say Members are complaining *kichinichini*?

Sen. Cherarkey: Mr. Temporary Speaker, Sir, sorry for using that word. Members feel uncomfortable.

I even sat with you. The Senate was on and we had an engagement. Whenever we sit at the County Public Accounts Committee (CPAC), sometimes we do not even get water and as you know, some Members suffer from diabetes or high blood pressure. They need to take a lot of water for them to engage. Even in the office---

Sen. Omogeni: Point of information.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, Senior Counsel, Sen. Omogeni, would like to inform you.

Sen. Cherarkey: I will listen to his submissions, so that I save time and allow colleagues to comment.

The Temporary Speaker (Sen. Wakili Sigei): Very well, your offer is declined.

Sen. Cherarkey: Yes, the offer is declined.

Finally, Mr. Temporary Speaker, Sir, the Commission is responsible for providing services to ensure efficient and effective functioning of Parliament. That is in the Constitution. Article 127(6) talks about constituting offices in the Parliamentary Service and appointing, supervising office holders and preparing annual estimates of expenditure,

As the CPAC of the Senate, we would like to look at audit reports of the Parliamentary Service Commission. We can form a joint audit committee between the National Assembly and the Senate and look at the expenses of the Parliamentary Service Commission to allow accountability. As we demand accountability from the national Government and county governments, we, as Parliament, must be held accountable.

There is also the issue of office space. I brought a Statement about the Kenyatta International Convention Centre (KICC), where some offices are. We are complaining about dysfunctional lifts, poorly lit corridors and dilapidated conditions of toilets, yet the KICC is a parastatal that consumes almost Kshs300 million from the Parliamentary Service Commission. That docket is under the PJS. Do you mean you want an MP to write you a letter for a bulb to be replaced in the office, yet we have the PJS?

I appreciate and want to thank the commissioners who have been forthright. We have been discussing this with the Senator for Nyamira County and they have been active. There are small issues like tables, stationery, replacing bulbs, fixing toilets and fixing lifts. These are small issues that should not be brought to the Floor of this House.

We also have Members who occupied offices in Bunge Tower. The Chairperson of the Parliamentary Service Commission called me when I asked how they built Bunge Tower using Kshs9.8 billion, while the building next to the National Treasury called CBK Pension Towers was constructed using between Kshsh2.6 to Kshs2.8 billion. If you take the cost of Bunge Tower, which was Kshs9.8 billion, you will get almost three CBK Pension Towers. That is the accountability we are talking about.

Today, Bunge Tower is dysfunctional. When you step on the carpet, if you had polished your shoes, they turn out red. It is of poor quality. MPs will tell you that they do not get sunlight. Some of them are developing what we call jaundice. This is a condition that you develop when you do not see the sun for long because you miss Vitamin, is it C or D?

(Sen. Mariam Omar spoke off record)

The Vice-Chairperson of the Committee on Health is telling me it is Vitamin D. Those officers are congested. Our MPs cannot breathe, yet Kshs9.8 billion was used to construct Bunge Tower.

I want to challenge the Chairperson of the Committee on Roads, Transportation and Housing. I would like the Senator for Wajir to take note so that he shares with Hon. Fatuma Ibrahim Ali the problem. Parliament is doing well, but there are so many problems that must be fixed.

Look at these gadgets that were brought here

(Sen. Cherarkey pointed at the tablets)

They have caused us a challenge for almost two months and they are yet to be fixed. Members are struggling to access documents. We wanted something that is easy to access.

In conclusion, Mr. Temporary Speaker, Sir, you have to appreciate that the work of Parliament is more of recurrent. We need more resources as Members of CPAC to visit and oversight projects.

Mr. Temporary Speaker, Sir, you have been telling me that you want CPAC to visit Bomet County to check on the projects. The Senator for Wajir wants us to go to Wajir; the Senator for Machakos wants us to go to Machakos; the Senator for Mandera

wants us to go there. I want us to go to Nandi, but we do not have enough resources to do oversight.

I want to challenge the Parliamentary Service Commission. As we wish Hon. Fatuma Ibrahim Ali well, they must rise to the occasion. The only value of Parliament is to ensure we do representation, budget-making process, legislation and oversight on the ground.

When the Committee on Health went to Nandi and visited hospitals in Maraba, Nandi Hills and Kapsabet, people asked questions. We did social audit by asking the people of Nandi whether there were drugs and medical services. That is the challenge.

Mr. Temporary Speaker, Sir, I want to say something about the CPST. I want to challenge the new commissioner and the Parliamentary Service Commission to put this in place. Let us make the CPST a university, so that we give degrees and many other certificates.

I want to congratulate President William Ruto and Mr. Aliko Dangote, the President and Chief Executive of the Dangote Group, for the good job. Today, they launched an oil refinery in Mukowe, Lamu, worth Kshs2.2 trillion, that will create 60,000 jobs. The multiplying effect of the oil refinery project by Dangote in Lamu will change the lives of Kenyans.

In fact, when I was talking to God in the morning, I realized that even God himself is shocked by the transformation that President William Ruto is doing in Kenya. God himself is shocked because of the transformation and equality. The people of Lamu are now feeling as part of Kenya. The people of northern Kenya, where the Senator for Wajir comes from, are feeling part of Kenya because there is a road all the way from Wajir to Isiolo under construction.

Mr. Temporary Speaker, Sir, the people who come from western part of Kenya, including yourself, saw the first tarmac from Uplands to Mau Summit. When we go for Christmas, we will no longer be stalling on the road. Remember an opposition leader, who is agenda-less and planless, said that there is not even a wheelbarrow on that road. Now the road from Rironi to Mau Summit is being fixed.

There is also the issue of the Affordable Housing Programme (AHP), where people are being misled. By the time President Uhuru Kenyatta left office, the public debt was Kshs10.3 trillion. As we talk today, President William Ruto has added only Kshs3.1 trillion, but we are seeing the projects. We are seeing roads and water infrastructure being constructed. Mwache Dam is 95 per cent done, while Thwake Dam is almost 90 per cent complete. That is what we want to see in this country. In fact, Kenyans are now saying that two terms are no longer enough for President William Ruto. They want him to serve long term, so that he can achieve the Singapore dream.

Mr. Temporary Speaker, Sir, I am happy that the Senator for Machakos County is here. The former Vice-President Kalonzo Musyoka is a gentleman per excellence because he knows what is good for the country. Today, he made a comment that will go into the history of this country. He said that he welcomes investment; that it was him, Kibaki and Raila who came up with the Lamu Port, South Sudan, Ethiopia Transport Corridor (LAPSSET) Project. Therefore, he is happy that Dangote is doing a refinery, which he has welcomed into the country.

Our colleague here who wants to run for a position we do not know will be jobless. He was castigating the same project. He wants to be the President of the country and yet, he does not know the value of investment. That is why, in future, we will need to work closely with the former Vice President Kalonzo Musyoka for the betterment of this country. That is our prayer and dream as a nation.

With those many remarks, I will make my position known when this Motion will come for division. I will still study the Report and, of course with your guidance, you will tell me how to vote on it.

I support the Motion.

Thank you.

The Temporary Speaker (Sen. Wakili): Thank you, Sen. Cherarkey. I assure you that when I rise from the Chair and assume the office of the Chairperson of the Justice, Legal Affairs and Human Rights Committee (JLAHRC), I will advise accordingly.

Sen. Mariam, proceed.

Sen. Mariam Omar: Thank you, Mr. Temporary Speaker, Sir for giving me this opportunity. Before I contribute to this Motion, I take this opportunity to congratulate my party leader, Dr. Ali Ibrahim Roba for the milestone he has achieved in three years. Most people attain their Doctorate of Philosophy (PhD) in 10 years, but he did it in three years. This is a massive achievement that required resilience, bearing in mind his responsibilities of being a party leader, a Senator and at the same time, a student. Congratulations to you, my party leader.

To add on this Motion on the vetting of the female Non-MP Commissioner, Fatuma Ibrahim, I congratulate the Members of the Committee for the good work. There were a total of 75 applicants with 12 shortlisted. I know it took time to do due diligence so as to come up with one person. That means that Committee which you Chair, Mr. Temporary Speaker, did a very good job in giving us this Report.

When I went through the Report, the declaration of the vacancy was done as per the requirement after the expiry of the term of one of the Members. As I had already alluded, there were 83 applicants, with 12 of them qualifying for the shortlist. They came for the interview and in your Report, you have highlighted that Fatuma Ibrahim Ali was ranked as the highest performer in the oral interview.

That shows that she qualifies because the Parliamentary Service Commission Act, 2019, states that the person qualifying must not be an MP and Fatuma is not an MP. She holds a degree and was working in the Ministry of Agriculture, Livestock and Fisheries for 14 years, while the requirement is 10 years. That automatically qualifies her for the position.

Another requirement is meeting the leadership and integrity requirements of Chapter Six, which I have seen in the Report that she availed all the requirements. She has also said that she has no conflict of interest in that position. The appointment represents the regional and ethnicity of the Kenyan people. I am concerned about that because the northern region has not been recognised in this current commission. On that line, she is totally qualified for that position because that region must be included in the current composition of the Commission.

Another thing is about suitability of the office. I have seen that she is experienced, qualified Motion where the House was debating on the number of terms for nominated Members of County Assemblies (MCAs). First of all, we appreciate the Constitution for giving us women positions to hold. Article 127(2)(d) says that it should be one man and one female. This gives us an opportunity of holding these offices. Let us have many women holding these positions.

Two years ago, I attended a public health conference in Zambia, where they had almost 100 Community Health Promoters (CHPs) in attendance and all of them were women. I asked the Minister for Health why they selected women only and she told me that women are kind. That in the middle of the night when there is a medical emergency, it is only a woman who can wake up to assist. That is why they specifically employed women CHPs.

That showed we can hold office. In one way or another, we have skills, experience and kindness. There is no discrepancy like we normally see with other office holders. Women should not be discriminated against. We can push forward all the agendas.

It is good to give women 50 per cent of positions in Parliament. I totally disagree with yesterday's remarks when Members were contributing on the issue of nominated Members of the County Assembly (MCAs), saying that they should serve for one term only. Let us be allowed as many terms as possible. In the meantime, we can also participate in campaigns with these parties. When we are given an opportunity as nominees, that does not come on a silver platter. We have to work for it and that is why we are here.

I congratulate Hon. Fatuma Ibrahim as a nominee to the Commission.

There is a lot to address regarding the Commission, which one of my colleagues, Sen. Cherarkey, has highlighted. There are challenges facing the Commission and the offices we have. As a woman, you can intervene and bring change to address the challenges that Members have raised while contributing to this Motion.

Mr. Temporary Speaker, Sir, once again, I congratulate Hon. Fatuma. She is suitable, qualified, experienced and possesses skills to discharge the mandate of the office to which she will be appointed, which is the Parliamentary Service Commission. I congratulate her and support the Report.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you. Proceed, Sen. Hamida Kibwana.

Sen. Kibwana: Mr. Temporary Speaker, Sir, I would like to begin by commending the Committee on Justice, Legal Affairs and Human Rights for the good work they have done, led by you as the Chairman. I am sure it was not easy to produce a report just one day after the interviews.

Mr. Temporary Speaker, Sir, I have no doubt that you picked the right person. Hon. Fatuma Ibrahim is a qualified nominee for the Parliamentary Service Commissioner position from the Orange Democratic Movement (ODM) Party. I believe she is the most suitable person for the position. I have no doubt that Hon. Fatuma will carry out her roles with integrity and decorum. Her disposition speaks for itself.

The ODM Party produces quality over quantity. We have Commissioner Ameso who is leaving and has made us proud with her performance. Commissioner Ameso implemented many things. I am sure by the time she will be leaving, the Commission will be proud of the good job she has done. I assure you that the ODM Party would not have picked Hon. Fatuma Ibrahim Ali if she did not have what it takes.

According to the Report by the Committee on Justice, Legal Affairs and Human Rights, Hon. Fatuma served as a member of the Justice and Legal Affairs Committee and Regional Integration Committee. She was also the Vice Chair of the Pastoralists' Parliamentary Group (PPG).

Mr. Temporary Speaker, Sir, serving on the Justice, Legal Affairs and Human Rights is not an easy job. She was actually the head of that committee. That portrays her capability regarding what she will bring in her endeavours.

Apart from all these positions, Hon. Fatuma was appointed by the late Baba to the National Dialogue Committee (NADCO) team which came up with the 10-point agenda. She also served as a team leader in the subcommittees. Her achievements speak for themselves.

I remember she supported the allocation of Kshs2 billion in the Supplementary Budget for Financial Year 2025/2026 for compensation of victims of protests. She also proposed creation of a directorate for minority and marginalised communities in the Executive Office of the President. As a Member of EALA, she contributed immensely on agriculture, tourism and awareness-raising sessions for civilians, women traders, youth and border and marginalised target forums on the East Africa Community (EAC) Treaty.

What I know about Hon. Fatuma is that she is a cool, calm and collected lady. She does have what it takes. She has worked with the ODM Party throughout. Not even once, even after serving as an MP and a Member of EALA, did she back down like others to say they have done enough. She still walked with the party. Her resilience and loyalty to the party made her qualify to be nominated for this position.

This issue reminds me of what Sen. Mariam said yesterday about nomination of MCAs and Senators. The quality of women that this country has is great. At times, I fear for the boy-child. Someone made a joke yesterday and said if all women were elected, then only men would be nominated. We know who would get the nominations.

The quality is good. That is why she has served in different capacities. Still, you would not mind her serving in this kind of capacity because a Commissioner in Parliament needs to be a qualified person with a vision to make things happen.

Look at what we had. I commend PSC commissioners for what they did regarding our health insurance scheme. That is one great thing they have done so far among other achievements.

With her distinguished career at the KNCHR and as a Member of the National Assembly and the EALA, she is equipped with a deep understanding of governance, institutional management and public service. Throughout the years, she has demonstrated a commitment to inclusivity, equality, integrity and advancement of interests of women and marginalised communities. She stood firm on that. I am confident that Hon. Fatuma will occupy this position with competence, leadership and all the required diligence as an effective commissioner.

I hope that this Motion will pass for her to be given a chance. I commend and support her nomination as a Commissioner. I am sure there will be no regrets on her appointment.

Allow me to wish Commissioner Ameso well in her future endeavors. She has served us well. It will be good if she can get another position, within the Government, to serve Kenyans. I say this because she has served well in the Commission. I am sure that it is not easy to serve as a Parliamentary Service Commissioner. We heard Sen. Cherarkey talk about what happened with the Bunge Towers building tender. You will definitely have the negative and positive side of it, but serving for six years requires someone with the kind of disposition and integrity that Hon. Fatuma has.

I do not need to dwell much on her character because I have worked with Hon. Fatuma Ibrahim within the ODM. I have known her for the last 10 years and I am sure she will implement what has to be implemented. I know she has a vision for the country and that is why she was picked to serve as a Member of the National Dialogue Committee (NADCO). Today, I know that the ODM party will pick her over and over again.

I also want to commend the ODM party for nominating Hon. Fatuma Ibrahim Ali. It shows the kind of vision that the party has. I hope and trust that the ODM party will continue to carry Baba's legacy for his legacy to live on. I am sure Baba, wherever he is, is happy about this appointment. This is a six-year period where one is to interact and work with Members of Parliament, who are not easy to please or work with. I say this because yours truly is there, and I do understand.

The ODM Party nominated her to this position because they are sure that they are giving us quality and not quantity. I do not want to dwell much on this. I want to yield my time for my sister, Sen. Kavindu Muthama. I wish Hon. Fatuma Ibrahim well and I hope this Motion will pass. I firmly support this Motion.

I thank you again, Mr. Temporary Speaker, Sir, for the good job that you did.

The Temporary Speaker (Sen. Wakili Sigei): Thank you. Thank you, Sen. Hamida.

Sen. Kavindu Muthama: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to also support this Motion. This task was placed before you, as the Chairperson of the Committee on Justice, Legal Affairs and Human Rights. With your wisdom, together with that of your Committee, you vetted and nominated Fatuma Ibrahim Ali as the right nominee for this appointment.

When I see a woman leader, I see somebody who will deliver. Yesterday, I spoke to someone from my county, Machakos, whose son was killed by a crocodile 22 years ago.

(Sen. Kibwana consulted the Temporary Speaker (Sen. Wakili Sigei))

I want the Temporary Speaker to listen to this. Thank you, Sen. Hamida.

This man's son was killed by a crocodile 22 years ago and he only met the Kenya Wildlife Service boss yesterday in Machakos, through my assistance. We have other Senators and Members of Parliament. However, because I am in office right now, as a

woman Senator and a mother, the boy will get justice. So, I know the Commission will never be the same again with the nomination of this lady, Fatuma Ibrahim Ali.

When this Motion passes and she combines her efforts together with our own, Sen. Korir, I know that the Commission will be led well. They will work with the other leaders in the Commission. I commend her and pray that this Motion will be passed for her to start her work immediately and rectify things that are not right.

I want to speak on a very special room that not many people value. That room is called a toilet. Most of the toilet holders in Bunge Towers went down as soon as it was opened.

(Sen. Nyamu spoke off record)

What are all these points of order for? You have just come in and you are asking for a point of order.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Nyamu, what is your point of order?

QUORUM

Sen. Nyamu: Mr. Temporary Speaker, Sir, this is a very important Motion. This Motion will determine membership of the Commission that will oversee the Kshs50 billion budget of the Parliamentary Service Commission. As you can see, we do not have quorum.

Pursuant to Standing Order No. 41, we do not have quorum.

The Temporary Speaker (Sen. Wakili Sigei): Clerk, could you, please, ring the Quorum Bell for five minutes? Sorry, you should ring it for 10 minutes and not five minutes.

(The Quorum Bell was rung)

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, there being no quorum and having rang the bell pursuant to the provisions of Standing Order 40(2), the Senate stands adjourned until tomorrow, Thursday, 1st October, 2026, at 2.30pm.

The Senate rose at 5.59 p.m.