

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 6th May, 2025

*The House met at the Senate Chamber,
Parliament Buildings, at 2.30 p.m.*

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

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

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

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

(The Quorum Bell was rung)

Hon. Senators, kindly take your seats. We now have quorum; we will proceed with today's business.

Clerk, you may proceed to call the first Order.

COMMUNICATION FROM THE CHAIR

RESUMPTION OF SITTINGS OF THE SENATE FOR PART III OF THE FOURTH SESSION

The Speaker (Hon. Kingi): Hon. Senators, I take this opportunity to welcome you back from recess. I hope you had time to meet with your constituents, friends and families over the past two weeks. I also hope that you took some time to rejuvenate your spirits for the resumption of regular sittings.

Part III of the Fourth Session commences today and will run until the rise of the Senate on Thursday, 12th June, 2025.

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As you will recall, in Part II of the Session, the Senate considered and passed seven Bills, being:

- (1) The County Governments Additional Allocations Bill (Senate Bills No.1 of 2025).
- (2) The Energy (Amendment) Bill (Senate Bills No.42 of 2023);
- (3) The County Public Finance Laws (Amendment) Bill (Senate Bills No.39 of 2023).
- (4) The County Assembly Services (Amendment) Bill (Senate Bills No.34 of 2023).
- (5) The County Assemblies Pensions Scheme Bill (Senate Bills No.14 of 2024).
- (6) The Land (Amendment) Bill (National Assembly Bills No.40 of 2022).
- (7) The National Disaster Risk Management Bill (National Assembly Bills No.24 of 2023).

The Senate Bills as well as the National Assembly Bills and their schedules of amendments have since been forwarded to the National Assembly for consideration.

Further, the Senate passed the National Assembly amendments to the Persons with Disabilities Bill (Senate Bills No.7 of 2023), and the Bill is now awaiting assent by His Excellency the President.

I take this opportunity to commend all Senators for your dedication and hard work in advancing the legislative business. However, I wish to remind the Senate that we still have a long way to go in processing business. As hon. Senators will note from the programme of Business, there are several Bills at the Second Reading and Committee of the Whole stages as well as Motions on various matters.

Additionally, the Chairperson of the Standing Committee on Finance and Budget will shortly give a Notice of Motion on the approval of the Fourth Basis for allocating the share of National Revenue among counties.

This is crucial business pursuant to Article 217 of the Constitution, which mandates Parliament to determine the basis for allocating revenue among counties. If passed, the Fourth Basis will be in force for the subsequent financial years until the financial year 2029/2030.

Further, in the coming days, the Senate will be considering the Division of Revenue Bill, 2025, a crucial financial instrument that determines the equitable sharing of revenue between the national and county governments.

The passage of this Bill will pave the way for other legislative instruments, including the County Allocation of Revenue Bill, the County Governments Additional Allocations Bill and the respective Cash Disbursements Schedules.

Given the impact of these financial instruments on service delivery, I urge all hon. Senators to remain focused and committed as we continue to discharge our mandate.

Hon. Senators, as I conclude, I wish to reiterate that my office remains open and accessible to all Senators for consultations and support in fulfilling your duties. I wish you fruitful deliberations in Part III of the Fourth Session.

I thank you.

DEMISE OF HON. CHARLES ONG'ONDO WERE, MP

Hon. Senators, I have another Communication to make.

It is with deep sorrow that I notify you of the untimely demise of hon. Charles Ong'ondo Were, MP, the Member of the National Assembly representing Kasipul Constituency in Homa Bay County.

The late Hon. Were succumbed to injuries that he sustained after being shot by a gunman on a motorcycle while he was being driven home along Ngong Road on Wednesday, 30th April, 2025.

Hon. Senators, the late Hon. Charles Were was born in 1966 in Homa Bay County. His educational journey began at Karabok Primary School, where he studied from 1976 to 1982. He then proceeded to Oyugis Secondary School where he completed his Kenya Certificate of Education (KCE) in 1986.

Driven by an unwavering commitment to personal growth and a desire to advance his education, the late Hon. Were enrolled for a certificate in Computerized Accounting at Meru University in 2011 and completed the programme in 2012.

He thereafter joined the Mount Kenya University (MKU), where he successfully attained a Diploma and a Bachelor's Degree in Business Management in the years 2014 and 2017, respectively. He was also awarded a Master of Science in Procurement and Supplies Management from the same institution in 2019.

Prior to his election as a Member of Parliament, the late hon. Charles Were built a career in the private sector, holding top executive positions in several companies. He served as the Chief Executive Officer of Victoria Cleaning Services Limited from 2003 to 2022, and at Metrokam Properties Limited from 2006 to 2012.

The late hon. Were also served as the Director for Benga Group Holding Limited from 2014 to 2022. These leadership roles showcased his strong business acumen and managerial expertise that provided a solid foundation for his transition into public service.

Hon. Senators, the late hon. Charles Were joined elective politics in 2017 when he successfully vied for and won the parliamentary seat as a Member of the National Assembly representing Kasipul Constituency on an Orange Democratic Movement (ODM) ticket. He was re-elected in the 2022 General Elections on the same party.

Until his untimely demise, he served as the Vice-Chairperson of the Committee on National Cohesion and Equal Opportunity, where he played a critical role in the committee's work on inquiry into employment diversity in public institutions.

Additionally, he was also an active member of the Departmental Committee on Blue Economy, Water and Irrigation. During the term of the 12th Parliament, the late hon. Were served as a member of the Departmental Committee on Environment and Natural Resources and the Select Committee on National Cohesion and Equal Opportunity.

Hon. Senators, the gruesome death of hon. Charles Were is indeed a big loss to the wider parliamentary fraternity. Our thoughts and prayers are with his family and friends at this difficult moment. The National Assembly, residents of Kasipul

Constituency and indeed the nation, have lost a dependable and astute legislator who served his constituents and the nation with utmost dedication.

A condolence book has been opened at the Senate reception, Main Parliament Buildings, for Hon. Senators, Members of the National Assembly and parliamentary staff to commiserate with the family of the late Member.

On behalf of the Senate and my own behalf, I extend my heartfelt condolences to the family of the late hon. Charles Were, MP as well as the residents of Kasipul Constituency during this difficult time.

In honour of our departed colleague, I request that we all stand and observe a minute of silence.

(Hon. Senators stood up and observed a moment of silence)

May the soul of the late hon. Charles Were, MP, rest in eternal peace.

I thank you.

Hon. Senators, before I allow the Clerk to call the next Order, I will allow the hon. Senators who wish to remember their colleague to express their desire to say something. If given the Floor, kindly keep it under three minutes.

Proceed, Sen. Tom Ojienda.

Sen. (Prof.) Tom Odhiambo Ojienda, SC: Thank you, Mr. Speaker, Sir. As we resume this afternoon, I would wish to join those who have come before me in commiserating with the family of the late MP, Hon. Ong'ondo. It was in a manner so gruesome and so sad as to paint a picture of the insecurity of every elected Member.

Mr. Speaker, Sir, as a member of ODM, we are mourning and will continue to mourn during this period before we lay the late Ong'ondo Were to rest on Friday, 9th at Kasipul.

This is a lesson to all of us who are Members here that we must ensure that in our legislative duties, we think about life and the afterlife. This means that we must know that we serve a constituency and people. When we are in the Senate, we must deliver to those people because we are only here for some time.

It is only the Almighty God who can determine the time when we exit from this world. It is not in our hands. We cannot define the manner, the architecture or the design of how we depart from the universe. Therefore, we must serve and continue to do so at the mercy of His Almighty God. I pray that the Almighty God place the hon. Ong'ondo Were's family in comfort and console them during this trying time.

I also pray for all the fraternity of the ODM family and Homa Bay County because this was a gentleman who was poised to become the Chairperson of ODM in Homa Bay County. May the Almighty God rest his soul in eternal peace.

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

Sen. Maanzo: Thank you, Mr. Speaker, Sir. I had an opportunity to serve with the late Hon. Were at the National Assembly for five years.

Mr. Speaker, Sir, what happened to him is bad and sad. It was done with precision and the killer made sure that he had no chance to survive from the number of bullets

fired. Such brutality against an elected Member or any other person is not warranted at all.

This raises concerns to the nature of security systems in the country. We should have a system where everyone is taken care of; not only by the police, but also by the society. This is because even those who were with him were not able to help him or deal with the assassins immediately.

We have seen some arrests. We hope that they are the right arrests and the family of Hon. Were will get justice. We pray that this does not happen again; that the security systems will learn something from it and improve security, not only of elected Members, but of every single citizen of this country.

Mr. Speaker, Sir, on behalf of the people of Makueni County and my own behalf, we condole with the family and pray that God strengthens the family.

I thank you for giving me this opportunity. May his soul rest in eternal peace.

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

Sen. Osotsi: Mr. Speaker, Sir, on behalf of my family and the people of Vihiga County, I also send my condolences to the family and friends of Hon. Ong'ondo Were whom I knew very well, having served with him in the 12th Parliament in the National Assembly.

This is one gentleman I was interacting with all the time because he was one of our very strong party members; a Member who was loyal and very committed to the party.

I was surprised to hear that he had been killed just one hour after I met him. I met him on the Ground Floor of the Kenya International Convention Centre (KICC) while I was coming from my office. Although he was on the phone, I stood there waiting for him to finish his phone call. He continued talking on the phone and it appeared like they were in a very tense discussion with the other person.

Mr. Speaker, Sir, it is very unfortunate that one of us can die in the manner that Hon. Ong'ondo Were died. All we can say is that the killers of Hon. Were must be brought to book. In fact, by now, we should have been told who killed him.

The defamation that is happening in the media against Hon. Ong'ondo Were is very unfortunate. As Luhyas, our culture does not permit discussion of negative things about someone who is dead even if he had issues. We call on the media to be very objective, so that it does not appear like we are condemning someone when he is dead.

As a party, we are concerned about the death and request that the investigation be completed. It is our prayer that the people involved be brought to book and justice be served to the family of Hon. Ong'ondo Were.

Mr. Speaker, Sir, with those few remarks, I mourn with the people of Homa Bay County and the ODM fraternity for having lost such a very strong Member and a pillar of our party.

Rest in peace, Hon. Ong'ondo Were. When you get there, please, pass our regards to all the fallen heroes of this country, who died in the same manner, being killed---

The Speaker (Hon. Kingi): Sen. (Dr.) Boni, proceed.

Sen (Dr.) Khalwale: Mr. Speaker, Sir, this is very sad. It is sad that a serving Member of Parliament (MP) has not only lost his life, but that it is being reported that the main suspect was an Administration Police officer.

I do not understand what is happening. Is the problem the discipline in police, the command or corruption? This is happening on the backdrop of police killing five innocent people in Angata Barikoi in Narok County. These are serious questions that we must ask. We must demand that security be restored in the country.

I am pleased to tell whoever is listening to me that, today, I had a lengthy discussion with the Cabinet Secretary for Interior and National Administration, Hon. Kipchumba Murkomen.

Over the weekend, I had told him that he must up his game. This is because under his watch, it is starting to look like the security of the country is going down. I am happy that after our discussion, he has not only given me his assurance, but also sent me with condolences to the family of the high school teacher, Roselinda Akinyi, who was also killed and robbed of her cash in Mumias Town.

He has assured the people of Kakamega that he will personally go there to attend to the rising insecurity. What is more, the police have quickly moved the County Commander of Kakamega.

Mr. Speaker, Sir, we have to insist that the Government delivers on security. A family can just go about without anything or everything else from Government. However, security is the one thing that the Government must guarantee our people.

This country has many cases of leaders who have lost their lives in a similar manner. We look forward to a time when Kenyans will know that you do not have to walk anywhere in the country looking back over your shoulder worrying that somebody can take your life.

May the soul of Ong'ondo Were Charles rest in eternal peace.

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

Sen. Joe Nyutu: Thank you, Mr. Speaker, Sir. I also rise to send my deepest condolences to the family and friends of Hon. Ong'ondo Were. Hon. Were was known to me because we lived in the same hotel in Kigali during the East African Legislative Assembly (EALA) Games of 2023. What first captured my imagination of him was his name; 'Ong'ondo Were.'

He always cracked our ribs every morning because we used to have breakfast together and his neighbour from Ndhiwa. He would tell us stories up to around 11.00 p.m., sometimes even making us late for the games that we had gone for. So, the news of his death struck me like a thunderbolt.

I also send our deepest condolences to the people of Kasipul and the entire Homa Bay County.

Mr. Speaker, Sir, there are questions that we must ask. There are reports that Hon. Ong'ondo Were had reported to the police that he felt his life was in danger. He had actually even mentioned names and no action had been taken by the time he was killed. We must call out the police. We must tell them that they must offer preventive services

and not just curative. That they must act with speed any time there is a report that any crime is just about to be committed.

We must also get very concerned about our security. We are asking ourselves questions; there was an armed bodyguard in that car and there was no response from him at all when this attack came. This makes us also very much afraid about the preparedness of those who take care of our security. Are they really prepared to take swift action if our lives are under threat?

This security question extends even beyond MPs. On Sunday, a shoe was thrown to the President as he was addressing residents of Migori County on a car roof, just like he does every other day. If the President is not safe, who is safe?

The killers of Hon. Ong'ondo Were must be brought to book. We must be assured of our security and the security of everybody in this country. The Government must wake up. The police have to be seen to be responding.

May God rest his soul in eternal peace.

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

Sen. Veronica Maina: Thank you, Mr. Speaker, Sir, for this opportunity. It is with a deep sense of loss that I offer my deepest condolences to the family of Hon. Were Ong'ondo.

It is very regrettable and very sad that a man of this stature lost his life through assassination on one of our major streets in Kenya. I have thought about the kind of surveillance cameras we have in the city. I am hoping that the Inspector General (IG), together with the Directorate of Criminal Investigations (DCI) will uncover the killers of Hon. Were and give us the reason why he was killed.

We must understand the minds of those who killed this Hon. MP. I have read a lot on social media. I do not know how truthful those issues are or whether they are just being used to cover up for the loss of Hon. Were.

He struck me as a gentleman who was God-fearing. What I have read in the social media does not come anywhere close to the kind of person whom I thought we knew in Parliament. However, there is no justification for killing a man because if you have any complaint against any leader or any person, it should be reported to the relevant authorities for investigations to be done.

It is very sad that a MP could lose his life today the way Hon. Were did. I know there are those who will shout and say, "why are you only thinking about Hon. Were?" There is no death that should be celebrated, be it of a young man, girl or anybody who loses their lives in an unfair and unjustifiable manner.

For all this, as a Senate, we strongly condemn acts of violence and any act that brings injustice and loss of life. We must start to respect life as a nation.

Mr. Speaker, Sir, if you look at the way the social media platforms are being utilised, they are now grossly abused; there is a lot of cyberbullying. Not only are the Members of Parliament facing this, women too are heavily targeted. That is why we also have increased femicide cases.

I pray that as a society, we have a deep reflection of the actions that we are undertaking. As young people, we need to have a deep reflection of the way we are

engaging on the social media platforms, let us send messages of hope. We should not allow families to be attacked. Hon. Were Ong'ondo's family should be respected right now---

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

Sen. Sifuna: Mr. Speaker, Sir, let me join my colleagues in extending our heartfelt condolences to the family of the late Charles Ong'ondo Were.

This afternoon, led by the Speaker of the National Assembly, we had an occasion to pay our respects as his colleagues. He is lying at the Lee Funeral Home. We also had the occasion to go to his home in Karen to condole with his family.

The Member for Kasipul has left a very young family. Assurances have been given from this institution by the Speaker of the National Assembly that they are our family. As an institution, they will remain our family. When they come knocking on our doors, they will find those doors open.

As the Senator for Nairobi City County where this incident happened, it is quite unfortunate because we have to explain to the people of this country what the state of security in Nairobi is. I have held the position that, in fact, no one is safe until all of us are safe. If somebody can be gunned down in broad daylight or even in the early hours of the night, in a place that is properly lit, has cameras, very busy and with police officers present on the scene, it speaks to something that these criminals know. Somehow, they believe that they can actually get away with it.

Mr. Speaker, Sir, we continue to ask the police to do a very thorough investigation. Just the other day, we saw the Senate Majority Leader and his community having engagement with the Inspector General of Police. Perhaps we also need to have a *Kamukunji* with him as well in the precincts of Parliament. This is so that we can also ask him some questions just like I saw the residents of Trans Mara directly asking him concerning the security situation in that particular region and the police's response that led to the killing of over five people.

As the Secretary General of ODM, I take this opportunity again to register the condolences of the entire party to the family of Ong'ondo Were and to the people of Kasipul.

Since we have planned to have a memorial at Consolata Shrine in Westlands tomorrow and inter him on Friday, we hope that we can have an event that is respectful enough of the dearly departed Member, devoid of unnecessary sideshows.

As a party, we are going to put in place whatever mechanisms we can. People imagine that political parties have a lot of power. ODM does not have powers to arrest anyone or provide security. We also depend on these institutions of state. If the police do not do their jobs, then all of us are at risk.

I will end at that and wish that the soul of our brother, Charles Ong'ondo Were - we used to call him Sir Charles - rests in eternal peace.

I thank you, Mr. Speaker, Sir.

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

Sen. Wambua: Thank you, Mr. Speaker, Sir. First of all, I join you in welcoming our colleagues back from the short recess. I hope that in the days that follow today, we shall be able to apply ourselves to the tasks ahead of us.

I join my colleagues in condoling the family of our departed friend and brother, Hon. Charles Ong'ondo Were who met his death in very mysterious circumstances.

Hon. Charles Were was not just a friend, he was a teammate. Remember we have teams in this Parliament. Hon. Were was one of the Members that do the tug of war for the Parliament of the Republic of Kenya. We pulled the rope with him. He was a very committed leader and a sportsperson.

Mr. Speaker, Sir, I only find consolation in the word in the Bible in the Book of Job 4:1. It says:

“A man born of a woman is short of days and full of trouble, but any man born of a woman will surely have to die.”

The security of every Kenyan is important. The death of Hon. Ong'ondo Were came in shortly after the killings in Angata Barikoi in Narok County had been reported. This is a reason to get worried.

I associate myself with the sentiments expressed by Sen. Sifuna; that perhaps the entire Parliament needs to have a conversation with the Inspector General of Police on matters security, not just for Members, but the security of every Kenyan in every corner of this country.

Mr. Speaker, Sir, this morning, a bus was impounded in Kitui on its way from Mombasa to Meru carrying explosives disguised as milk in some cartons, complete with the apparatus used for detonating the explosives. It is very important that this country feels secure. As things stand now, everybody is scared about their lives.

I would like to call upon the police to tighten security and ensure that every Kenyan in every corner of this country feels secure.

Mr. Speaker, Sir, may the soul of Hon. Were rest in God's eternal peace. Amen.

The Speaker (Hon. Kingi): Sen. Beatrice Akinyi, please, proceed.

Sen. Ogola: Mr. Speaker, Sir, I rise to mourn a gallant son of Homa Bay County. The loss of Sir Charles Ong'ondo Were as we referred to him, is not only a loss to the Kasipul Kabondo Constituency team, but also to Homa Bay County at large, Parliament, Kenya, and the ODM party.

Mr. Speaker, Sir, Hon. Ong'ondo Were was a utility player of the Parliamentary team of Homa Bay County. He was a man that was reliable and a team player that anybody would rely on. If he believed in you, he had no two ways about it. He was a man who said 'yes' when he meant it and 'no' when he meant it. The Kasipul Kabondo fraternity has lost a worker.

In Kasipul Kabondo Constituency, he was referred to as husband of all the widows and father of all orphans.

Mr. Speaker, Sir, not everybody will like you in this life. Hon. Ong'ondo Were was celebrated by the people who believed in him. We call for calm. As I have said, he

had friends across both Houses of Parliament; the National Assembly and the Senate. It is indeed a great loss to all of us.

I condole with the family, particularly Margaret and Anne, the young children that he has and his larger family.

He had many names in our region. We called him Jakowaro, Sir Charles, Ogai and, indeed, he was an Ogai to us.

May the soul of Sir Charles Ogai Jakowaro rest in peace. We welcome everybody who will be travelling down to Homa Bay to condole with us and give Sir Charles the last respect. We assure you that everything is in place.

Thank you,

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

Sen. Wakili Sigei: I thank you, Mr. Speaker, Sir. I rise to also join my colleagues in mourning the late Hon. Were. As everyone has said, one life is as important as the rest of us. Losing one man, whether he is a Member of Parliament or not, is so painful to the country. Whenever we have an incident like the circumstances that led to the passing on of the Hon. Were, everyone would condemn in the strongest terms possible.

Even as we mourn him, we also call upon the relevant Government agencies and institutions involved in the investigations to ensure that it is not only going to get us to the bottom of what caused the assassination of Hon. Were, but also the security of the rest of us Kenyans.

Mr. Speaker, Sir, whenever such incidents happen, everyone else feels unsafe. We want to live in a country where we know we can see tomorrow because of the security situation we are experiencing.

Hon. Were was one of us in Parliament and the people of Homa Bay and Kasipul Kabondo, the constituency that he represented, are mourning with us and the rest of the country. We ask that his soul be rested in eternal peace.

I urge Kenyans to also be calm and at peace. Let us allow the relevant Government institutions to conduct their investigations. Hopefully, they will get to the bottom of it and give the country a report as to the cause of this very painful death.

Mr. Speaker, Sir, we pray that the family of the late Hon. Were be also comforted by words of encouragement that have come from across the country. As they prepare to put his body to rest, we support them in whichever way and manner that we can as a House.

I thank you.

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

Sen. Wakoli: Thank you, Mr. Speaker, Sir, for giving me this opportunity. On behalf of the people of Bungoma County and the residents of the Republic of Kenya, I would like to give our condolences to the family of Sir Charles and condemn the untimely brutal killing of an hon. Member.

Mr. Speaker, Sir, I would like to share some of my interactions with Hon. Sir Charles. He was a humorous man and a gentleman who liked doing exercises. At a time like this, when free, he would be at the gym ensuring that he is fit to face the turbulent political experiences at the grassroots level. It is with great shock to realize that after his

demise, we are still gazing, hoping and wishing that answers are given at this spur of the moment.

The only thing that I request is that if Sir Charles was tracked from the House to where he was gunned down, then who are we as Hon. Members not to take seriously our security situations in this country? It means that all of us must be prepared at any time to face an attack or assault.

I would also like to request through the leadership of the House that the security personnel we have are constantly exposed to swift security drills that can enable them to be proactive and not to see what happened to Sir Charles.

I pray to God that he gives Sir Charles eternal peace.

Thank you.

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

Sen. Okenyuri: Asante, Bw. Spika, kwa kunipa nafasi hii. Ningependa kujiunga na wenzangu kumuomboleza marehemu Mbunge wa Kasipul Kabondo, Ong'ondo Were. Ninatoa rambirambi zangu kwa familia, marafiki na wakaazi wa sehemu hiyo kwa kumpoteza Mbunge wao kwa njia tatanishi.

Bw. Spika, ikumbukwe kuwa Mbunge huyo alikuwa ametoa malalamishi katika vitengo vya usalama. Hata hivyo, malalamishi hayo hayakuchunguzwa na matokeo yake ni kuwa Mbunge wetu amefariki.

Kweli dunia ni jukwaa. Amefariki kwa njia ambayo inatukumbusha sisi kama Wabunge kuwa masuala ya usalama siyo tu ya Mbunge bali kwa kila mtu pale nje. Inasikitisha kuwa kama Mbunge anayewakilisha idadi kubwa ya wananchi anaweza kuuawa kwa njia hio, sembuse raia wa kawaida?

Bw. Spika, ningependa kujiunga na wenzangu ambao wanasema jambo hili lichunguzwe ili tuweze kujua mauaji haya yalitekelezwa na nani na nia ilikuwa ipi, ili tusipoteze maisha katika njia kama hio.

Nikisoma katika vyombo vya habari, naona kuwa kuna askari wanaohusika katika mambo kama haya. Najua siyo askari wote wabaya ambao wanatekeleza mambo kama hayo.

Kwa wale wote wabaya ambao wanatekeleza mambo kama hayo, wajue kuwa dunia ni jukwaa, leo ni wewe, kesho mwingine. Mungu ailaze roho ya marehemu Mhe. Charles Ong'ondo Were pahali pema peponi.

Asante sana, Bw. Spika.

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika. Kwanza ninataka kutoa rambirambi zangu kwa familia, jamii, marafiki na wale wote waliokuwa karibu na familia ya Mhe. Charles Ong'ondo Were.

Kama tunavyoelewa ni kwamba hivi sasa familia wanalia kwa sababu wamempoteza mzee wao. Familia ya Mhe. Were iko katika huzuni wakati huu. Sio kwamba wakati wa Mwenyezi Mungu kwake wa kufa ulikuwa umefika lakini ni mambo ambayo yaliyotendwa na majambazi.

Jambo la kusikitisha kabisa ni kwamba baadhi ya hao majambazi wengine wao ni polisi. Hili ni jambo la kusikitisha sana ikiwa sisi sote tunalindwa na askari halafu hao askari wanatuendea kinyume.

Tunataka uchunguzi ufanywe kisawa sawa. Wale watakaopatikana na hatia, hukumu iweze kupeanwa vile vile kisawa sawa, kwa sababu jambo waliotenda ni la kusikitisha.

Bw. Spika, wakati huu waheshimiwa wengi wako katika hali ya sintofahamu ya kuogopa; kutojua ni nani mwingine ambaye ataangushwa na risasi.

Kutokana na hicho kitendo kilichofanyika kwa mheshimiwa, tunaomba waheshimiwa wengine wajue ya kwamba kama uko na askari na hawezi kukutetea, ikakuwa ni jambo la kusikitisha.

Kwa wale ambao wamefiwa na mpendwa wao, ninaomba tuwaweke mbele ya Mwenyezi Mungu, tuwaombe na tujue ya kwamba hilo ni kosa ambalo lilifanyika. Ni mauti ya Mhe. Ong'ondo Were ambayo ilifanyika na kwamba Mwenyezi Mungu ataiweka roho yake mahali pema peponi.

Asante, Bw. Spika.

Sen. Omogeni: Thank you, Mr. Speaker. Sir. It is with deep feelings of sadness and grief that I also convey my message of condolences to the family of our departed colleague, Hon. Ong'ondo Were whom I personally knew and interacted with last time Azimio had a meeting in Oyugis.

We all must join hands in condemning this senseless act of murder. We should never allow a situation where the only way people can respond to any grievance is by murdering a fellow citizen.

This also calls for the Government to ensure that the security of all Kenyans - not just Members of Parliament, but for all Kenyans - is guaranteed. Their security should be ensured. We look to no one else other than the Government of the day to ensure that our security is guaranteed.

I hope that all security agencies will do all that is humanly possible to apprehend those who are behind the killing of Hon. Ong'ondo Were. The only way you can deter future crime is by ensuring that those who plan and execute such a murder are apprehended, brought to book and made to pay painfully for the crimes that they have committed.

I have also gone through serious reflection. I have looked at social media and seen the kind of hatred and anger that Kenyans have against us, MPs and I have just wondered, is it that Kenyans are in a state of hopelessness, or is it that we have let down Kenyans?

What would make me sit here and celebrate if, God forbid, my colleague Sen. Cheruiyot drops dead? I mean how inhuman can a citizen be against a fellow countryman or woman?

What I read on social media made me wonder and I want to travel to Kasipul to look at the people of Kasipul, so that I can understand what---

The Speaker (Hon. Kingi): Sen. (Dr.) Oburu, you may proceed.

Sen. (Dr.) Oburu: Thank you, Mr. Speaker, Sir. I also want to join my colleagues in mourning and condoling with the family of the late Charles Ong'ondo Were. He was a great friend and also somehow related to us. His first wife came from Siaya; she passed away. We want to sincerely condole with the family for this very big loss.

The security of leaders must be taken seriously. Our colleagues do not want to say the truth; they are saying that security should be given for all the other Kenyans. Every Kenyan is entitled to security, but leaders are entitled even more because they have more enemies.

So, we must seriously sit down with the Inspector General of Police and discuss our security. We have lost so many leaders. When you lose a leader, there is a chain of people; a very big loss to the whole country. It is not just a loss for the family.

It is a loss for the country because this man was a very able legislator. He was also a very passionate representative of his people. I attended so many meetings with him. In every meeting I attended with Ong'ondo Were, he was always passionately speaking on issues concerning his people and making demands. That is our role.

Our role is to represent our people because not every one of our people can come here and talk for themselves. This is where the resources of the country are shared and he wanted his people also to get their fair share. He has been very, very passionate about the representation of his people, demanding that they get their fair share of the national cake.

I know that in this role, one acquires very many enemies in the process. This is the case with so many of us here who are doing their job. However, there are people who see you as the enemy because they see you as wanting to entrench yourself forever in that seat. It is not because you want to entrench yourself forever, but it is because you are passionate about delivering services to your people.

Mr. Speaker, Sir---

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

Sen. Kinyua: Asante, Bw. Spika. Kwa uchungu mwingi ninataka kuungana na Maseneta wengine kuomboleza kifo cha Mbunge, Sir Charles Were wa Kasipul Kabondo.

Ninamjua marehemu Mhe. On'gondo Were kwa sababu kila wakati nikienda katika ukumbi wa *gym*, nilikuwa ninampata pale. Yeye kila wakati alikuwa mtu wa kupenda mazoezi. Nilimjua kama mtu mcheshi sana.

Ni uchungu mwingi kwa yule Mbunge kupigwa risasi. Maswali yaliyopitia akilini mwangu ni kuwa alikuwa na walinzi wake. Hakuna ripoti yoyote inayoonyesha kuwa walinzi wake walijaribu kuwafurusha waliomuwa. Kazi ya hao walinzi ni ipi?

Bw. Spika kinachoniudhi zaidi ni yakwamba Mhe. Were alikuwa amesema maisha yake yalikuwa hatarini. Mkuu wa polisi wa Jamhuri ya Kenya alifanya nini kuzuia yaliyotendeka? Haya ni maswali yasiyopatata jawabu.

Vile vile, katika vyombo vyetu vya habari na mitandao ya kijamii, watu wanaongea maneno mengi. Ikiwa mtu yeyoye ana jambo linaloweza kusaidia kuleta jawabu kwa maswali yanayoulizwa na Wakenya, aambie maafisa wa ujasusi ambao wanaweza kufanya uchunguzi vizuri badala ya kuandika katika vyombo vya habari kwa sababu havitasaidia.

Langu ni kuungana na wakazi wa Kasipul Kabondo kusema pole kwa niaba ya watu wa Laikipia. Tumempoteza kiongozi ambaye alijitolea kufanya kazi aliyopewa na aliyochaguliwa.

Roho ya Mheshimiwa Charles Were iwekwe mahali pema peponi.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. On my own behalf, my family and the people of Nandi, I take this opportunity to pass my deepest condolences to the family of Sir Charles On'gondo Were.

He was an amiable man. We used to take tea at the Bunge Restaurant and he was very jovial at all times. I never knew he would be felled by an assassin's bullet. I thank the police and the DCI for the speedy arrest and arraignment in court of the suspect who might have killed Hon. Were.

If MPs are not safe, then Kenyans are not. Even as investigations continue into the death of the late Were, I ask leaders to be cautious while making statements. I was embarrassed by the statement of the Governor of Homa Bay, hon. Gladys Wanga trying to link the unfortunate incident to the Broad-based Government. If there are problems of local politics in Homa Bay, she should just restraint them there. Reducing herself to a village politician is very unfortunate.

She must withdraw and retract that statement. Homa Bay County and the nation need peace. I know we are emotional, but that should not justify making reckless and embarrassing statements.

I wish to agree for the first time with Francis Atwoli on cyber bullying; that social media must be regulated. We, politicians, are human beings with families and friends. There is no death that is better than the other. There is equity in death.

In as much as we are pushing the police to fastrack the investigation and arraignment of the assassins, we must also be told who killed the six people in Angata Barikoi. No one has been arrested over the incident, yet scores were buried yesterday. We must be told who killed the people.

Mr. Speaker, Sir, it is the sad reality that there is incompetence in the Ministry of Interior and National Administration that is costing lives. I think it is high time the President changes the security apparatus in this country.

We saw even in Baringo where people were being killed like dogs in Kerio Valley. Incompetence is costing lives. It is high time that Cabinet Secretary, Hon. Murkomen, must resign. There is more insecurity in this country than has ever happened. I wish he would borrow a leaf from Prof. Kindiki so that we are safe.

I also saw Sen. (Dr.) Khalwale complaining. You know he has several homes and wives. We are not saying the Government should provide security for all his wives, but we want everybody to feel secure.

Sen. Chimera: Asante, Bw. Spika, kwa fursa hii. Kwa niaba yangu binafsi, familia yangu na watu wa Kwale, ninatuma risala zangu za rambirambi kwa familia ya marehemu Charles Ong'ondo Were, jamii na marafiki kutoka eneobunge la Kasipul Kabondo kwa kumpoteza kiongozi wao.

Kifo cha mheshimiwa huyu ni jambo la kushangaza sana kuona kwamba kiongozi wa namna ile anaweza kupoteza maisha katika hali ile.

Nimemfahamu marehemu kwa muda wa kipindi kifupi sana. Tumekuwa tukifanya mazoezi na yeye katika chumba cha mazoezi cha Bunge. Alikuwa mtu mcheshi aliyefahamu historia ya uongozi wa nchi hii vizuri sana.

Mara kwa mara alipenda kunirai nijiunge na chama chao cha ODM lakini nikamkumbusha kwamba mimi ni generali wa Mhe. Rais William Ruto na tukawa tunazozana katika hali ile.

Ni uchungu sana kumpoteza kiongozi yule. Ninaomba tu Mwenyezi Mungu amsamehe dhambi zake, amrehemu na amweke mahali pema palipo na wema.

Pia nichukuwe fursa hii nizungumzie waliozungumza katika mitandao ya kijamii. Wakenya wametoa hisia zao kuhusiana na kitendo hicho chote. Wengine wamefurahia na wengine wana huzuni. Sio jambo nzuri kwamba tunasherehekea kifo hususan cha kiongozi.

Bw. Spika, kifo ni uchungu sana na sisi sote tutapitia safari hiyo. Ninawaomba tu Wakenya waache kuwa na semi na hisia zile. Tuwape fursa watu wa vyombo vya usalama wafanye uchunguzi wa kina. Watakaopatikana na hatia, hatua kali za kisheria zitachukuliwa kuhakikisha familia ya Mhe. Were imepata haki.

Sen. Boy: Asante, Bw. Spika, kwa kunipa fursa hii nichangie na Seneta wenzangu kwa kifo cha mwenzetu mwendazake Mhe. Were.

Ni shock kubwa sana. Siku hiyo nilikuwa humu Bungeni kufuata mambo yangu na nikapatana naye hapa chini. Nilikuwa na karatasi yangu ya Bunge Sacco. Aliniambia nimsubiri kidogo, lakini nilikimbilia mtu mwingine aliyenitilia sahihi. Baadaye jioni, nilipata habari kwamba alikuwa ametuacha.

Kuna haja sisi viongozi kupata ulinzi wa kutosha kabisa kwa sababu mlinzi mmoja wakati huu hatoshi. Huyu alipigwa risasi akiwa na mlinzi wake mmoja. Je, sisi wengine tulio na mlinzi mmoja tutakuja kumalizwa wakati mmoja? Naomba Maseneta wenzangu tuhakikishe kwamba tumeongezwa ulinzi wa kutosha. Kama mwenzetu ameondoka, hatujui tutakuwa namna gani kesho.

Ninatoa rambirambi zangu kwa familia ya marehemu. Mungu amlaze mahali pema peponi.

Sisi viongozi tujihadhari na kujikinga kwa sababu mauti hutokea wakati wowote. Hata hivyo ni lazima tuongee na kusema ukweli kwamba tupate ulinzi wa kutosha. Au sivyo? Mbona hamsemi tuongezewe?

The Speaker (Hon. Kingi): Proceed, Sen. Faki.

Sen. Faki: Asante, Bw. Spika, kwa kunipa fursa hii kujiunga na Maseneta wenzangu pamoja na wewe kutoa rambirambi zetu kwa mwenzetu Mhe. Charles Ong'ondo Were.

Mwaka juzi tulitembelea nyumbani kwake tukiwa tumekwenda mkutano kule Homa Bay na akatufariji kwa chakula cha mchana siku hiyo. Tulijua kweli alipendwa na watu wake na hakuwa mtu wa kutaka makubwa.

Mara nyingi utampata hapa Bunge akifanya kazi yake bila kufanya mambo isiyo ya kawaida. Kwa hivyo, kifo chake ni pigo kwa chama chetu cha ODM, Bunge na taifa. Ninasema hivi kwa sababu ameuliwa katika hali ambayo inatatanisha.

Bw. Spika, usalama umezorota nchini. Kuna haja ya taasisi husika, Waziri, Inspector General wa Polisi na taasisi zingine husika kuchukua hatua ya haraka ili kujaribu kuzuia kuzorota kwa usalama katika nchi yetu ya Kenya.

Sen. Beth Syengo: Thank you, Mr. Speaker, Sir, for giving me this chance. On my behalf, on behalf of the ODM women and all the women in this nation, I send my heartfelt condolences to the family of Hon. Charles Ong'ondo Were. I also send my condolences to the people of Homa Bay County and our party, ODM.

Hon. Were was a gentleman. As the leader of the women in our party, I interacted and worked with him severally. I have gone to Kasipul Kabondo Constituency to participate in women activities within the constituency. I can confirm that Hon. Were was loved by his people and he loved his people. He served his people with commitment and a lot of dedication. It is a shock that he died in that manner.

My biggest concern is how Kenyans perceive death of late. As a parent and a patriotic Kenyan, I see that we are losing empathy. It is not usual for people to celebrate death whether it is the death of an enemy or that of a friend. It is bad to see people on social media celebrating and writing things that are not good about a person who has passed on.

Mr. Speaker, Sir, where I come from people will give beautiful testimonies even when a thief dies. They do not talk bad about a person who has passed on. I ask Kenyans that we should get back to our culture, root and religion. We should be empathetic with the families that have lost their loved ones. If the person who has passed on was your enemy, you need to remember that the person he has a family, friends and people who value him thus they are hurting. It is not good to speak bad about a person who has passed on. As Kenyans, we should love one another and be concerned about one another.

I pray that the soul of Hon. Charles Ong'ondo Were rest in eternal peace. Thank you.

Sen. Munyi Mundigi: Asante, Bw. Spika, kwa kunipa ruhusa ili niweze kutoa rambirambi zangu, ya familia yangu na ya watu wa Embu County. Huyu Mbunge wa Kasipul Kabondo alikuwa rafiki yangu.

Ni ajabu kwamba hiyo mambo ilifanyika. Sisi kama waheshimiwa, hatukufurahia hicho kitendo. Naomba familia yake na watu wa eneobunge lake wakae vizuri. Pia ningewasihi waombe ili waendeleo kuishi vizuri. Wakati ukifika wa uchaguzi, wachague mtu ambaye atafanya kazi kama Mhe. Were.

Inahuzunisha vile gari lake lilifuatwa kutoka hapa Bunge mpaka wakati alipopigwa risasi kwa *traffic jam*. Tuliona kwa picha vile yule mtu alitoka kwa boda boda na akaenda akamuua. Mambo ya ajabu ni kwamba lile gari lilikuwa na *driver* na askari, ilhali hicho kitendo kilifanyika. Hebu jilize kile ambacho wananchi wa kawaida wanaweza fanya. Hakuna vile yule askari angeweza kutoka kwa lile gari na aweze ku-shoot yule mtu?

Hiki kifo ni kitu cha kuhuzunisha. Kwa hivyo, tunapaswa kujiangalia. Lazima tuishi vizuri na wale watu ambao tunafanya kazi nao. Ulinzi wetu pia uangaliwe. Tuliona vile Mhe. Rais alitupiwa kiatu kule Migori alipokuwa anahutubia wananchi. Ni lazima *security* ituambie ni nani alirusha hicho kiatu.

Ninatuma rambirambi zangu na watu wa Embu. Hon. Were alikuwa rafiki yangu. Alikuwa akiniita shemeji kwa sababu alioa msichana wa Meru. Lazima tuangalie haya mambo ndiposa kitendo kama hicho kisifanyike tena.

Asante.

Sen. Mungatana, MGH: Mr. Speaker, Sir, on behalf of the people of Tana River and my family, I extend my condolences to the people of Kasipul Constituency and the family of Mhe. Sir Charles Were.

In Tana River, we say that we learn from those who proceed before us. From the little interactions that I had with Sir Charles, I learnt that he was a disciplined person even at his age. He was a serious man. He always went to the gym and maintained that discipline. We can take that from him. He was a silent and well-spoken man. He related well with the colleagues who regularly go to the gym.

May his soul rest in eternal peace. I thank you.

Sen. Kavindu Muthama: Asante, Bw. Spika, kwa kunipa fursa hii ili nilete rambirambi zangu na watu wa Machakos County. Ninawapa pole watu wa Homa Bay County kwa kumpoteza mtoto wao, Mhe. Charles Were. Hili jambo linahuzunisha watu wote kulingana na vile lilitokea. Alikuwa kazini siku mzima kisha akapoteza maisha yake alipokuwa akielekea nyumbani.

Kenya imepoteza. Hii ni kwa sababu hakukuwa akitetea watu wa eneo bunge lake peke bali alikuwa akitetea watu wote wa Kenya. Kwa hivyo, Wakenya wanafaa kulia kwa jumla. Ngingependa kurudia kile ambacho Sen. Beth Syengo amesema.

Hata mwizi akikufa, tunafaa kujua ya kwamba yuko na wazazi, watoto na watu ambao wanaomboleza. Hao watu huwa na majonzi kwa sababu hawakujua uovu wake. Kwa hivyo, Wakenya wangeshikana pamoja. Kama kuna watu ambao wana sababu zingine zaidi ya hizo, wafuate njia zinazostahili. Sio vyema kuweka mzigo mwingine mzito kwa familia wanapoendelea kuomboleza.

Kama taifa, tuko na jukumu la kuajibika. Ninataka kusema hii kwa sababu imenihuzunisha. Wakati Mhe Rais wa Kenya alipokuwa akiongea, kiutu kilirushwa kikamgonga mkono.

Bw. Spika, niko upande wa upinzani lakini siwezi kufurahia kitendo kile. Raisi ni kiongozi na kama mzazi. Je, mtoto akichukua kiutu na kumrushia mzazi, itakuwaje? Hata kama tunalia kwamba kuna mambo hayaendi inavyostahili, lakini kuna pahali hatufai kufika kama taifa. Kama taifa, tuko na jukumu la kuwajibika. Ningeomba kitendo kama hicho kisitendeke tena.

Natoa rambirambi zangu kwa watu wa Kaunti ya Homa Bay na Machakos.

Asante.

The Speaker (Hon. Kingi): Senator for Kericho County, the Senate Majority Leader, proceed.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, on behalf of the people of Kericho County, I join my colleagues in extending our deepest sympathy to the family of the late Hon. Charles Ong'ondo Were, our departed colleague and a truly amiable gentleman. I knew him well and often referred to him as our son-in-law, because his wife comes from the neighboring county of Bomet. I expected Sen. Wakili Sigei to mention this.

I was with him just a few days ago, before his demise. There was a request he had made to the Head of State, which had been referred to me for assistance. He visited my

office, and we shared a cup of tea; little did I know that it would be the last time we met with Sir Charles, as we fondly called him. Therefore, I extend my *pole* to his constituents, friends and loved ones. I pray for a speedy resolution of the investigations into the heinous act that led to his untimely demise.

Lastly, many Members have addressed the security concerns faced by both parliamentarians and the public. Members should not be embarrassed to advocate for better protection. The work we do today is not easy. The way we vote and the decisions we make expose us to individuals who may dislike us for reasons beyond our control, some simply because we are politicians. Unfortunately, the hatred towards leaders has been normalised. It often starts on social media, where people cheer on, believing it is normal to demonize public figures, insult them, or even celebrate their death. It may seem funny on the social media until it escalates, as witnessed in the case of the Hon. Charles Ongondo Were.

Nobody should normalize hate. Kenya is a constitutional democracy. If you do not like the way certain public official conducts their affairs, there is a constitutional and legal way through which you can step up to the platform and offer better leadership than what that particular individual does. However, it has become the norm and the order of the day to curse Members of Parliament (MPs) and various leaders as if they are second to the devil. This is being celebrated by other people, including even colleague leaders sometimes. It is an issue that should be of concern to anybody that is right-thinking and cares for the future of this country.

Mr. Speaker, Sir, we must build a society that is tolerant of each other. We shall never agree on everything. We shall never view the world with the same pair of lenses. What we must learn---

The Speaker (Hon. Kingi): Next Order, Clerk.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM AIC NUNGUNI SECONDARY SCHOOL IN MAKUENI COUNTY

Hon. Members, before I pass the Message from the National Assembly, allow me to make this Communication.

I would like to acknowledge the presence in the Public Gallery this afternoon of visiting teachers and students from AIC Nunguni Secondary School in Makueni County. The delegation comprises three teachers and 48 students who are in the Senate for a one-day academic exposition.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and my own behalf, I wish them a fruitful visit.

I call upon the Senator for Makueni County to welcome them, under one minute.

Sen. Maanzo: Thank you, Mr. Speaker, Sir, for welcoming the students from AIC Nunguni Secondary School in Makueni County to the Senate. The students are here

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to learn, and I believe they will have an opportunity to understand how Parliament operates. I hope they will be inspired by what they have seen in the Senate and encouraged to pursue leadership in the future.

When schools visit the Senate, they experience Parliament firsthand, they can see the Mace and the Speaker. In every examination, there are always questions about Parliament. I am confident that when they return, they will perform better in their studies. I hope this visit will encourage, inspire, and instil hope in them to strive for greater achievements in their lives.

I send them back home to Makueni, Nunguni, Kilungu in Kaiti Constituency, with warm greetings. I hope that they have learned and will remember this day all their lives. I thank you.

Sen. Kavindu and Sen. Karen Nyamu, just take your seat.

*(Sen. Kavindu Muthama and Sen. Nyamu
walked into the Chamber)*

MESSAGE FROM HIS EXCELLENCY THE PRESIDENT

REFERRAL OF THE CONFLICT OF INTEREST BILL (NATIONAL ASSEMBLY BILL NO.12 OF 2023)

The Speaker (Hon. Kingi): Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.47 (1), I have received the following Message from His Excellency the President regarding the referral of the Conflict of Interest Bill (National Assembly Bill No.12 of 2023). The Message, which came as a Presidential Memorandum dated 30th April, 2025, was received in the Office of the Clerk of the Senate on Wednesday, 30th April, 2025.

Pursuant to the said Standing Order, I now report the Message-

“WHEREAS the Bill, titled An Act of Parliament to provide for the Management and Regulation of Conflict of Interest and for Connected Purposes, was passed by the National Assembly on 5th December, 2024, and by the Senate on 8th April, 2025;

AND WHEREAS, in accordance with the provisions of the Constitution, the Conflict of Interest Bill (National Assembly Bill No.12 of 2023) was presented to me for assent on 17th April, 2025;

NOW THEREFORE, in exercise of the powers conferred upon me by Article 115 of the Constitution, I decline to assent to the Conflict of Interest Bill (National Assembly Bill No.12 of 2023) and refer the Bill for reconsideration by both Houses of Parliament for the reasons set out hereunder.”

Hon. Senators, in the Memorandum, His Excellency the President has noted his reservations and set out the proposed parts for reconsideration by the Senate.

(2) If the President refers a Bill back for reconsideration, Parliament may, following the appropriate procedures under this Part—

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Article 115 (2) of the Constitution provides for the procedure for the disposal of reservations by the President on a Bill and states as follows-

“If the President refers a Bill back for reconsideration, Parliament may, following the appropriate procedures under this part, amend the Bill in light of the President's reservations or pass the Bill a second time without amendment. If Parliament amends the Bill fully accommodating the President's reservations, the appropriate Speaker shall resubmit the Bill to the President for assent pursuant to Article 115 (3).”

Further, Article 115 (4) provides that Parliament, after considering the President's reservations, may pass the Bill a second time without amendment or with amendments that do not fully accommodate the President's reservations by a vote supported by two-thirds of the delegations in the Senate if it is a Bill that requires the approval of the Senate.

Pursuant to the provisions of Standing Order No.170, I refer the said Memorandum to the Standing Committee on Justice, Legal Affairs and Human Rights for consideration. The Committee is required to, within 14 days, lay on the Table of the Senate its report on the Memorandum. I direct the Committee to table its report on or before Tuesday, 20th May, 2025 for consideration by the Senate.

I thank you.

I have another Message.

(Sen. Orwoba walked into the Chamber)

Hon. Gloria, you are out of order and I give you the first caution for the day.

MESSAGE FROM THE NATIONAL ASSEMBLY

PASSAGE OF THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL (SENATE BILLS No.1 OF 2025)

Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.46 (3) and 5, I have received the following Message from the Speaker of the National Assembly regarding the passage by the National Assembly of the County Governments Additional Allocations Bill (National Assembly Bill No.2 of 2025). The Message, dated Thursday, 24th April, 2025, was received in the Office of the Clerk of the Senate on the same date while the Senate was on recess. It was subsequently circulated to all Senators via a letter dated 25th April, 2025.

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

“Pursuant to the provisions of Standing Order Nos. 41(1) and 144 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

“WHEREAS the County Governments Additional Allocations Bill (Senate Bills No.1 of 2025) was passed by the Senate on Thursday, 1st April, 2025, and referred to the

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National Assembly for consideration, pursuant to the provisions of Article 110(4) of the Constitution;

AND WHEREAS the National Assembly considered the said Bill and passed without amendments on Thursday, 24th April, 2025, in the form passed by the Senate;

NOW THEREFORE in accordance with the provisions of Article 110 of the Constitution and Standing Order Nos. 41(1) and 144 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.”

I am in the process of transmitting the Bill to His Excellency the President for assent.”

I thank you.

Yes, Senate Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I have a concern with regards to your first Communication on referral back to Parliament on the Conflict of Interest Bill by the President. This is the second time in the history of the Senate that we are having a Bill referred back. To the best of my reconciliation, the first one was very contested, especially on the procedure and how it was handled. I appreciate that we have since further amended our Standing Orders and provided for a properly laid out procedure of how the House should treat this matter, both in the affirmative and opposite in case the House does not consider or agree to the recommendations by the President.

Mr. Speaker, Sir, this process has statutory timelines without which the matter will be considered to have been considered by the House either way. I know you have guided in your Communication and even given the exact date by which the Committee needs to report back to the House on the Bill so that we take a decision, either in agreement with them or against. I appeal that this be taken into great consideration by Members of the Committee on Justice, Legal Affairs and Human Rights.

Sadly, we had a situation towards the end of the Session in handling a similar matter. It was with regards to a mediated version of a Bill between the two Houses that was brought to the House past the timelines and the Senate ended up passing it in the negative without taking a vote.

Therefore, I want to request that Members of the Committee on Justice, Legal Affairs and Human Rights, fully aware of this provision, guide the House into making a decision whichever way, whether in agreement or disagreement with the Memorandum, within the provided timelines. Otherwise, it will be a very bad reflection of us, as a House. Later on, history will show that on such a momentous occasion, a Bill was referred back to us for the second time after many years as you can recall where we were knocked out by a technicality.

Mr. Speaker, Sir, I felt that is important. I can see the Chairperson of the Committee on Justice, Legal Affairs and Human Rights is in the House together with the membership. It is important that that emphasis is laid.

I thank you.

The Speaker (Hon. Kingi): Indeed, Senate Majority Leader, this is a very weighty matter and it must be considered within some statutory timelines. That is why in

my Communication, I even indicated the dates when we are supposed to receive the report from the Committee on Justice, Legal Affairs and Human Rights.

The Chair is in the House. Chairperson of the Committee of Justice, Legal Affairs and Human Rights, would you like to say a word?

Sen. Wakili Sigei: Mr. Speaker, Sir, in the morning when we had a meeting as the Senate Business Committee (SBC), I indicated to the Committee that we had set aside two days, that is, Tuesday next week and Thursday in anticipation of additional business that may be committed to the Committee. Since we got notice to the effect that that communication was coming, we will purpose to prioritise processing of this particular Bill on those particular days and the following week.

Mr. Speaker, Sir, I want to commit to you and hon. Members of the House that as a Committee, we will work within the timelines that the Speaker has given to us. I equally have taken note of the comments by the Senate Majority Leader. Having the Bill sent back with those comments means that we definitely have got to consider.

I want to urge Members who have interest to submit any information as regards the content of the Bill and a report that we previously presented before the House. Remember we tabled a report when we handled this Bill in the first instance. Therefore, I urge hon. Members to take an interest in that report, so that their contributions can feed into this second consideration that has now been brought to the Committee.

Mr. Speaker, Sir, by and large, we are going to work within the timelines that you have directed to submit a report to the House.

I thank you.

POINT OF ORDER

LACK OF GUIDED PUBLIC PARTICIPATION ON THE SENATE OVERSIGHT FUND

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, please indulge me. This is even a more weighty issue.

Mr. Speaker, Sir, you are aware that there is the Constitution of Kenya (Amendment) Bill that is currently undergoing public participation by our colleagues in the National Assembly. I would wish to know whether you jointly resolved the issue of public participation, the nature of the Bill and how it is to be treated with your counterpart, the Speaker of the National Assembly, given the fact that as it is today, the way the Bill is fashioned, it includes provisions that affect our operations as the Senate, yet the Senate is not involved in the public participation exercise.

If you have followed the debates across the country, while there is a very good presentation by the staff and the technical team from the National Assembly on the roles and importance of the National Government-Constituencies Development Fund (NG-CDF), nothing is being said about the Senate Oversight Fund.

I have seen, with a lot of trouble, members of the public struggling to understand the purpose of the Senate Oversight Fund, but there is nobody from the Senate who

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accompanied them on that exercise to sensitise the public. Therefore, we appear as if we are being bribed as Senators just to accommodate the NG-CDF. I feel slighted. I also feel bad.

As a Senator, I have survived for over 10 years without the Senate Oversight Fund. It is not even a big issue to some of us. However, as an institution, we made a decision that we will operate better and fulfil our constitutional mandate in the presence of this Fund.

Should it not concern you, Mr. Speaker, Sir, the way your House is being projected in those public gatherings, given that members of staff of the National Assembly who do presentation of issues before members of the public, who eventually give their views on this issue, are only doing presentations on NG-CDF and it is benefitting them?

Therefore, Mr. Speaker, Sir, I request that you make a ruling or communication to this House on how this matter is going to be treated because we do not want to enter into a contest with our sister House, where when the time comes for this House to also do public participation, we may give the other view of how the NG-CDF should be run without any involvement of Members of the National Assembly or otherwise, but I do not think that is the route we need to go.

Mr. Speaker, Sir, you need to guide this House, whether this is a matter that you discussed with your colleague, and how this House can be represented in the coming days. I know they are still going to do this for the next two weeks before a report is returned to this House.

Mr. Speaker, Sir, I beg for your indulgence because I know this projects the image of this House and it goes to cast very bad light for Senators who come from those counties where public participation is being done and members of the public imagine that we are just looking for a kickback, so that we can pass the Constitution of Kenya (Amendment) Bill.

I thank you.

The Speaker (Hon. Kingi): Senate Majority Leader, whatever is happening in the National Assembly, the Senate has not been involved. When the time comes to involve the Senate, we shall be able to respond appropriately.

At this juncture, my advice to you, the Senate Majority Leader, is you need to get hold of your counterpart. As Speakers, we do not move any Motions or Bills. It must have been moved by your counterpart in the National Assembly. Kindly get hold of your counterpart to understand exactly what is happening in the National Assembly.

As far as I am concerned, the Senate has not been involved. We have not received any communication concerning the process that is taking place across the country. Therefore, I am afraid I may not be able to comment on it now. However, you have a better avenue, as the Senate Majority Leader, to get hold of your counterpart in the National Assembly, to understand. Only then, can you bring a substantive business before the Senate for me to make a ruling.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, this is not a simple matter because it is not a normal Bill. It is the first time Parliament is trying to

amend the Constitution. Therefore, we expected that at least there would be guidance from the Office of the Speaker, because there are further technical issues that will arise. Forget about Senate Oversight Fund, but the ability to amend.

When we did the National Dialogue Committee (NADCO) Report, which was passed here, having been brought by the Senate Justice, Legal Affairs, and Human Rights Committee (JLHARC) before this House, they said that you jointly must set the rules of how a constitutional amendment is to be done, because what happens in the other House affects what we will eventually be able to do in this House.

Therefore, while I take your advice and do what you have guided me to, I would like to humbly request that you equally engage your counterpart, so that more issues beyond the content of the Bill are resolved, particularly on the issue of procedure, because that is something that will affect how we handle constitutional amendment Bills even in the future.

The Speaker (Hon. Kingi): Okay.

Next Order.

PAPERS LAID

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

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate, today, Tuesday, 6th of May, 2025-

ANNUAL REPORT OF KENYA NATIONAL COMMISSION ON HUMAN RIGHTS FOR FY2023/2024

Annual Report of the Kenya National Commission on Human Rights for the Financial Year 2023/2024.

REPORT OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS OF NAROK COUNTY CLIMATE CHANGE FUND

Report of the Auditor General on the Financial Statements of Narok County Climate Change Fund for the Year ended 30th June, 2024.

I thank you.

(Sen. Cheruiyot laid the documents on the Table)

The Speaker (Hon. Kingi): The Chairperson of the Senate Standing Committee on Finance and Budget, please, proceed.

Sen. Ali Roba: Thank you, Mr. Speaker, Sir.

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REPORT OF THE JOINT SITTING ON THE APPROVAL HEARING
OF NOMINEES FOR APPOINTMENT TO THE CBK BOARD

I beg to lay the following Paper on the Table of the Senate, 6th May, 2025-
Report of the Joint Sitting of the National Assembly, Departmental Committee on Finance and National Planning, and the Senate Standing Committee on Finance and Budget on the approval hearing of the nominee for appointment to the Central Bank of Kenya Board.

I beg to lay.

(Sen. Ali Roba laid the document on the Table)

The Speaker (Hon. Kingi): Next Order.

NOTICES OF MOTIONS

The Speaker (Hon. Kingi): The Chairperson, Standing Committee on Finance and Budget, please, proceed.

ADOPTION OF REPORT ON THE FOURTH BASIS FOR ALLOCATING
SHARE OF NATIONAL REVENUE AMONG COUNTIES

Sen. Ali Roba: Thank you, Mr. Speaker, Sir. I beg to give Notice of the following Motion-

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the Fourth Basis for Allocating the Share of National Revenue among the counties, laid on the Table of the Senate on Thursday, 17th April, 2025, and that pursuant to Article 217(1) of the Constitution, approves the Fourth Basis for Allocating the Share of National Revenue among the counties for the financial years 2025/2026 to 2029/2030 as follows-

County Allocation = (Baseline Allocation Ratio × Ksh.387.425 billion) +
{[(0.45 × Population Index) + (0.35 × Equal Share Index) + (0.12 × Poverty Index) +
(0.08 × Geographical Size Index)] × Additional County Equal Share above the
baseline}

Where –

(i) Baseline = Ksh387.425 billion being the equitable share for the Financial Year 2024/2025

(ii) Baseline Allocation Ratio = The allocation factor derived from each county's allocation for the Financial Year 2024/2025

(iii) The Population Index is based on the 2019 Kenya Population and Housing Census (KPHC)

(iv) The Poverty Index is based on the 2022 Kenya Poverty Report by the Kenya National Bureau of Statistics (KNBS)

(v) Geographical Size is capped at 10 per cent.

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Thank you.

The Speaker (Hon. Kingi): You had two Notices, so you may proceed to the next.

Who is giving Notice?

Sen. (Dr.) Boni, please, proceed.

ADOPTION OF REPORT OF THE JOINT SITTING ON THE APPROVAL
HEARING OF NOMINEES FOR APPOINTMENT TO THE CBK BOARD

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir.

This is a report of the joint Sitting of the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and Budget on the approval hearing of the nominees for appointment to the Board of the Central Bank of Kenya.

The Co-Chairperson, Joint Parliamentary Committee on the vetting of nominees for appointment as members of the Board of Central Bank---

(Loud consultations)

The Speaker (Hon. Kingi): Order!

Proceed, Sen. (Dr.) Boni.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I beg to give Notice of the following Motion-

THAT, the Senate adopts the Joint Report of the Departmental Committee on the Finance and National Planning of the National Assembly and the Standing Committee on Finance and Budget of the Senate on the approval hearing of the nominees for appointment to the Board of Central Bank of Kenya, that was laid on the Table of the Senate today, Tuesday, 6th May, 2025, and that, pursuant to Section 11(ii) of the Central Bank of Kenya Act and Section 8(ii) of the Public Appointments for Parliamentary Approval Act, the Senate approves the appointment of the following nominees as members of the Board of the Central Bank of Kenya

- (i) FCPA Sophie Moturi
- (ii) CPA Abdullahi Mohamed Abdi
- (iii) Ms. Beatrice Kosgei
- (iv) Mr. David Simpson Osawa Owuor

Thank you.

The Speaker (Hon. Kingi): The Chairperson of the Senate Standing Committee on Energy, please, proceed.

The Senate Majority Leader, where is the Chairperson of the Senate Standing Committee on Energy?

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, the Chairperson of the Senate Standing Committee on Energy had a youthful and energetic weekend where he has performed exceptionally well. Therefore, I can do other duties for him because he is holding forte elsewhere very responsibly as expected, unlike somebody else who is in front of me.

ADOPTION OF REPORT ON COUNTY OVERSIGHT AND
NETWORKING ENGAGEMENTS IN WAJIR COUNTY

Mr. Speaker, Sir, I beg to give Notice of the following Motion-
THAT, the Senate adopts the Report of the Standing Committee---

The Speaker (Hon. Kingi): What is the point of Order, Sen. (Dr.) Boni?

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I rise under Standing Order No. 105. Did you hear the Senate Majority Leader tell the House that the Senator of Siaya County has had an extremely, not using his own exact words, ending up and suggesting that he has had a very good time. The public is following. Therefore, can he specify what he means? Otherwise, he could impute improper motive on the distinguished Senator of Siaya County.

The Speaker (Hon. Kingi): Yes, Senate Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I was speaking of the oversight responsibilities of Sen. (Dr.) Oburu. You saw him take on governors---

The Speaker (Hon. Kingi): That is enough. Now you may proceed to give notice.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, do you not want me to explain further?

Okay.

ADOPTION OF REPORT ON COUNTY OVERSIGHT AND
NETWORKING ENGAGEMENTS IN WAJIR COUNTY

Mr. Speaker, Sir, I beg to give notice of the following Motion-
THAT, the Senate adopts the Report of the Standing Committee on Energy on the County Oversight and Networking Engagements in Wajir County, laid on the Table of the Senate on Thursday, 17th April, 2025.

The Speaker (Hon. Kingi): The Chairperson, Standing Committee on Devolution and Intergovernmental Relations, you may proceed.

ADOPTION OF REPORT ON OPERATIONAL AND LEADERSHIP
CRISIS IN NYAMIRA COUNTY ASSEMBLY

Sen. (Prof.) Kamar: Mr. Speaker, Sir, I beg to give Notice of the following Motion –

THAT, the Senate adopts the Progress Report of the Standing Committee on Devolution and Intergovernmental Relations on the

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operational and leadership crisis affecting the County Assembly of Nyamira, laid on the Table of the Senate on Thursday, 17th April, 2025.

The Speaker (Hon. Kingi): Now, Hon. Senators, for the convenience of the House, allow me to rearrange today's Order Paper. We will proceed to handle Order Nos.12 and 13. Thereafter, we will resume the normal flow of today's business.

Clerk, just proceed and call those two Orders.

BILL

Second Reading

THE COUNTY STATISTICS BILL (SENATE BILLS NO. 5 OF 2024)

The Speaker (Hon. Kingi): Yes, Sen. Ali Roba, you may proceed.

Sen. Ali Roba: Mr. Speaker, Sir, I rise pursuant to Standing Order No.159 (1) of the Senate, to withdraw the County Statistics Bill (Senate Bills No.5 of 2024), which is appearing in today's Order Paper as Order No.12.

The reason for the withdrawal of this Bill is to allow for further consultation with stakeholders with a view to develop a comprehensive framework that addresses concerns at both the national Government and county government levels.

I thank you, Mr. Speaker, Sir.

(Bill withdrawn)

The Speaker (Hon. Kingi): Next Order.

MOTION

ADOPTION OF REPORT OF THE JOINT SITTING ON THE APPROVAL HEARING OF NOMINEES FOR APPOINTMENT TO THE CBK BOARD

The Speaker (Hon. Kingi): The Chairperson, Standing Committee on Finance and Budget, you may proceed.

Okay, Sen. (Dr.) Boni, you may proceed.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I beg to move the following Motion-

THAT, the Senate adopts the Joint Report of the Departmental Committee on Finance and National Planning of the National Assembly and the Standing Committee on Finance and Budget of the Senate on the approval hearing of the Nominees for appointment to the Board of the Central Bank of Kenya, laid on the Table of the Senate on Tuesday, 6th May, 2025, and that pursuant to Section 11(2) of the Central Bank of Kenya Act and Section 8(2) of the Public Appointments (Parliamentary

Approval) Act, the Senate approves the appointment of the following nominees as members of the Board of the Central Bank of Kenya-

- (1) FCPA Sophie Moturi;
- (2) CPA Abdullahi Mohamed Abdi;
- (3) Ms. Beatrice Kosgei; and,
- (4) Mr. David Simpson Osawa Owuor.

Mr. Speaker, Sir, just to remind Members, the Board of Directors of the Central Bank of Kenya is established under Section 10 of the Central Bank Act, Cap 491. The Board is responsible for determining the policy of the Bank, but this excludes the formulation of monetary policy, setting the Bank's objectives and overseeing its financial management and strategic direction, continuously reviewing the Bank's performance in carrying out its functions, and consistently monitoring the Governor's performance in fulfilling the responsibilities of the office and ensuring that the Bank achieves its objectives, assessing whether policy statements issued under Section 4B aligns with the Bank's primary functions and objectives under Section 4 and maintaining constant oversight over the use of the Bank's resources.

When we did the above exercise, we found that all the four nominees demonstrated integrity and professionalism. They possess extensive experience relevant to monetary policy, banking, finance and regulatory matters, as they fulfilled all the legal and constitutional requirements for appointment.

Briefly, we found that FCPA Sophie Muturi is a seasoned finance and governance expert with over 38 years of diverse experience spanning from public service, accounting, non-governmental organizations, corporate boards and international development work.

Secondly, CPA Abdullahi Mohamed Abdi is a finance and governance practitioner with 22 years of experience, especially in the non-governmental organisation sector and financial management. He has served in different capacities in diverse operational and leadership roles that include serving as an accountant, finance administrator and manager at Womankind Kenya, a senior relationship manager at Chase Bank, among others.

We also found that Ms. Beatrice Kosgei is a legal expert with over 34 years of progressive experience in public service and corporate governance. She is an advocate of the High Court of Kenya and holds a Masters of Law degree specialising in Commercial and Cooperative Law.

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

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

Finally, Mr. Deputy Speaker, Sir, we found that Mr. David Simpson Osawa Owour is an IT and FinTech professional with over 15 years of experience in digital and technology across the continent of Africa.

Mr. Deputy Speaker, with this, I want to end by requesting the House to agree with the finding of the Committee which recommends that the Senate approves the

nomination of FCPA Sophie Muturi, CPA Abudullahi Mohamed Abdi, Ms. Beatrice Koskey and Mr. David Simpson Osawa for appointment as members of the board of the Central Bank of Kenya.

Lastly, Mr. Deputy Speaker, Sir, I wish to request the Senators to approve the report of the Joint Committee on the approval hearing of the said persons.

I move and request the distinguished, specially elected Sen. Esther Okenyuri, who is in a tete-a-tete, to second this Motion.

The Deputy Speaker (Sen. Kathuri): Sen. Esther Okenyuri, you may proceed.

Sen. Okenyuri: Thank you, Mr. Deputy Speaker, Sir. I wish to second.

(Question proposed)

The Deputy Speaker (Sen. Kathuri): On my screen, there are several Senators interested to maybe contribute. I open now this session for contributions to this Motion. I will start with the Sen. (Prof.) Ojienda.

Sen. (Prof.) Tom Odhiambo Ojienda, SC: Thank you, Mr. Deputy Speaker, Sir. The Board of the Central Bank of Kenya and the nominees to the Board play a very important role in this country.

In supporting the nominations of the Board members, it is important to note that the Board of the Bank, chaired by Senior Advocate Andrew Musangi, makes determination on key issues that affect this country. It is important that this afternoon, the Senate has indeed made the approval. The threshold of integrity and stature that was considered by the Committee is important in all these approvals.

I think that the Senate Committee on Finance and Budget that sat to hear the members and consider all memoranda has done a good job. This is how committees should work. When there are Kenyans who apply to positions of influence and national nature such as that of the Board of the Central Bank, we should ensure that individuals nominated are those with stature; not those that will bend the rules in making approvals as required by the mandate of the institution

Sen. Cherarkey: Thank you, Madam Deputy Speaker, Sir. Since this is a Procedural Motion, I congratulate the Committee on Finance and Budget and Sen. (Dr.) Khalwale.

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, this is not a Procedural Motion.

Sen. Cherarkey: It looks like.

The Deputy Speaker (Sen. Kathuri): It is a very weighty matter, appointing members of the Board to oversee how our economy is performing and also the performance of the Central Bank of Kenya.

Sen. Cherarkey Thank you, Madam Deputy Speaker, Sir, for that guidance. I said it looks like because as you can see, the mood of the House, many people felt that we should dispense of it, I think, for the following reasons-

One, I thank Sen. (Dr.) Boni for moving this Motion ably and for the work well done. I also thank the Committee on Finance and Budget, my brother, the Principal and

Party Leader of UDM and the Senator of Mandera and the members, for the good job done.

This is one of the committees that has continued to define the role of the Senate, especially apart from, of course, yours truly's Committee on County Public Accounts.

One of the critical committees is Finance and Budget. I know they are busy with the Fourth-basis generation. Other vital committees are the Committee on Devolution and Intergovernmental Relations and the Committee on Health.

Going through the names, I am surprised. I advise Sen. (Dr.) Boni Khalwale in future that when you take a position, you do not retreat unless there is something special. Over the weekend, I endorsed his position on my X handle. I am surprised that today, he has retreated from the position he had over the weekend, when he was in some funeral in Kakamega County. I hope that in future, he will stick to a position.

He had insisted that the Cabinet Secretary for Interior and National Administration is incompetent and he must resign. Today, after *tete-a-tete* over a cup of tea and mandazi in the office, he has retreated. That was on a light touch.

Sen. (Dr.) Khalwale: On a point of order, Mr. Deputy Speaker, Sir.

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

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I rise under Standing Order, No.105. Without wasting much time, let it be on record that the hon. Member is misleading the House. It is on record that I was the first parliamentarian to call for the sacking of President Ruto's Cabinet Secretaries and I started with Moses Kuria. I went on to Linturi and now I have arrived at Murkomen.

I have not withdrawn, but hon. Murkomen had the courtesy of calling me—

The Deputy Speaker (Sen. Kathuri): What is your point or order?

Sen. (Dr.) Khalwale: He is misleading the House.

The Deputy Speaker (Sen. Kathuri): I am not giving you time just to give you statements which are not on the point or order.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I must set the record straight on petty things that touch on integrity such as taking mandazi. I have never stepped in an office of any Cabinet Secretary of this Government since I came to this House.

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

Sen. (Dr.) Khalwale: He is misleading the House. Can he withdraw and apologize for misleading the country that Khalwale can be compromised? No. That is my brand.

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, you have heard what your colleague has insinuated.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, you know that Kakamega is my neighboring country and I know they love tea.

The Deputy Speaker (Sen. Kathuri): Can you substantiate what he has alleged you have said?

Sen. Cherarkey: Mr. Deputy Speaker, Sir, on the part of tea, *chai* and *mandazi*, I can withdraw. From his speech, even on Standing Order 105, he has insisted that he has

never retreated on what he said in Kakamega; that the Cabinet Secretary must resign or he should be fired. I agree with that part.

It also it brings me conflict of interest because they are my neighbours and I know they love tea. Anyway, that is a conversation we can have in future. Sen. (Dr.) Khalwale, you will become the Governor of Kakamega.

Mr. Deputy Speaker, Sir, I agree with the names. Looking at the names with this obsession of tribalism and anything, I can see this is the face of Kenya.

I thank the Chairman, Capt. Roba for this. One can see Sophie Muturi, CPA Abdullahi Mohamed Abdi, Beatrice Kosgei, and David Simpson Osawa Owour. This is the face of Kenya.

It is sad, and I wish the Chair of the Committee on National Cohesion and Regional Integration was here. There are some boards in this country that can converse in their local dialect.

This Central Bank of Kenya Board is very critical. Under Article 10 on principles, values of good governance, we must see the face of Kenya. I challenge the Committee of National Cohesion and Integrity to give us the ethnic arithmetic and combination of the boards and the Semi-Autonomous Government Agencies (SAGAs) we have in this country. You will be shocked.

I am happy that the Teachers Service Commission Chief Executive Officer position has been finally advertised. The Teachers Service Commission (TSC) was becoming the face of ineptitude, inefficiency, moribunds and corruption. Politicians were actually dishing TSC employment letters in funerals and other forums. It was embarrassing.

We must run boards professionally, within the law and with integrity. As they recruit the new Chief Executive Officer (CEO) of the TSC, I hope that we will get somebody with integrity. I am happy the Chairperson of the Committee on Education is seated in the House. Let us get the correct person: a person of integrity.

We do not want somebody like the current CEO, who has been the face of inefficiency. Teachers are now suffering. In fact, they cannot access their health insurance just like the police. I am happy there are teachers in this House like Sen. Ogola. Actually a number of people here have been teachers.

That is why boards must be constituted in a proper manner. Section 10 of CBK Act is very clear. We have seen banks declaring devilish and unholy profits after every financial year without telling us how much are they paying the Kenya Revenue Authority (KRA). Members of Parliament (MPs) who are seated here will tell you that taking a bank loan in this country is not a walk in the park.

I was speaking to a businessman the other day and he told me that he took loan from a certain bank at 14 per cent but they renegotiated and it became expensive at 21 per cent. I am a Board Director in our Parliamentary Sacco and I can tell you that most MPs take our loans because they are cheaper than commercial banks. What is happening?

You will hear Equity Bank, Standard Bank, ABSA Bank declare Kshs20, 80 or even Kshs100 billion pre-tax. I want to challenge the Board, in their oversight role to tell

us the business that the banks doing when Kenyans cannot do business. Could they be doing money laundering?

The regulator, which is Central Bank of Kenya, must also look into the microfinance on what to credit. There are a number of them that give small loans for motorbikes and what they do is very unfortunate. There is a famous one in our villages which comes to take people's cows, sofa sets and television sets. It is a microfinance that is run mostly by women. They even take the roof under the supervision of the police.

This is happening where I come from. Families are breaking down because of the poor regulation mechanism by the Central Bank of Kenya. Marriages are actually breaking down, yet the strength of a society and a nation is a strong family. The microfinance is called Kenyan Women. They usually come and take everything. They take people's clothes, beds, roofs, television sets, cows and even the shoes.

I know no one wants to wear shoes in Migori after the incident that happened over the weekend. I saw Sen. (Prof.) Tom Odhiambo Ojienda on the ground. He will tell me, in camera, of what really happened.

Those people take everything. We have been told that a number of young men take loans to buy motorbike, but they end up paying Kshs350,000, which is four times the cost of that motorbike under that credit. When they realize that you are almost finishing paying for that motorbike, it then disappears mysteriously. We must be told.

This Board is challenged to do their work of oversight, so that microfinance entities are not allowed to operate unlicensed and unchecked. They should not be given a free hand to stifle and frustrate the small businesses in this country. Most of the young men who are in boda boda sector here in Nairobi and Nandi call me daily. They tell me that they had taken a loan to buy a motorbike from a credit facility just for it to disappear before they finished their last instalment. When they report to a police station, the police men collude and no one is arrested.

The same thing happens to Kenya Women Microfinance. In our respect, we are equated to cows. When somebody from Kenya Women Microfinance comes and drives away with a cow worth Kshs120,000--- In our local language, they say, *konyit ko tetany ok muren*, which is equated to respect yet somebody just comes and takes it.

I want to challenge the Board on its oversight role. They must reign on the microfinance entities and commercial banks. You saw what the Committee on Devolution and Intergovernmental Relations did. There are counties who run an unknown number of commercial bank accounts. Bungoma County had over 150 commercial bank accounts. Nandi County has over 100. Why would the Bankers Association of Kenya, the CBK allow this?

Under the Public Finance Management Act, counties are supposed to operate a minimal number of accounts. I am happy that the Chairperson of the County Public Investment and Special Funds Committee is here. The counties are supposed to have a special purpose account that is allowed under the law for the World Bank.

(Sen. Sifuna spoke off record)

I am winding up, Sen. Sifuna. Mr. Deputy Speaker, Sir, protect me. I do not know why the Secretary General of ODM is restless. This is a very serious Motion.

The Deputy Speaker (Sen. Kathuri): What is it, Senator?

Sen. Cherarkey: He is throwing his hands around. I do not know what the problem is.

The Deputy Speaker (Sen. Kathuri): You have 10 more minutes.

Sen. Cherarkey: Yes. We are paid to speak.

The Deputy Speaker (Sen. Kathuri): Any Member contributing to this Motion is entitled to 20 minutes.

(An hon. Member spoke off record)

Sen. Cherarkey: The Deputy Speaker corrected me. In conclusion, I want to say something regarding the commercial bank accounts that counties are allowed to open and operate.

I am happy that the Committee on Devolution and Intergovernmental Relations is looking into the matter. I do not know if the County Public Investments and Special Funds Committee is also looking at that matter. Why would somebody allow Tana River County to operate 34 commercial bank accounts without supervision? What is the role of the Central Bank of Kenya Board? Kakamega County has 200 commercial bank accounts. What is the role of Central Bank of Kenya Board under Section 10 of the CBK Act Cap 491, Laws of Kenya? It is oversight that is provided under Section 10 of the Central Bank Act.

My third point is on the issue of Governor's performance. We have been told that the inflation rate is looking better and the same applies to the economy and the exchange rate. For the first time, the Dollar has stabilized against the Shilling, at Kshs130. We thank President Ruto's Government for this financial management. We also appreciate him for ensuring that the Governor has the option of performance.

The work of the Central Bank of Kenya Board is now cut out. We want to challenge David Simpson Osawa Owuor, Madam Beatrice Kosgei, CPA Abdullahi Mohamed Abdi and FCPA Sophie Moturi to rise up to the occasion under the chairmanship of the Board of the Central Bank of Kenya. We want our banks to do business, but not to profiteer or exploit Kenyans who are doing business, especially the SMEs. It is for this reason that we have the success story of the Hustler Fund.

We want to ask the Board as it sets in to ensure that the conditions of loan borrowing by the small businesses and startup businesses are conducive. They should even encourage tax holidays for the small kiosk businesses in Kirinyaga Road, Nairobi. The same should apply to the small businesses in Namgoi in Nandi County and the small businesses in Mombasa or Majengo in Vihiga County. If they do, then the young man or woman who does not have collateral security like the title deed or logbook, can walk into a commercial bank and get fair conditions of loan, and be able to start up a business and build a serious empire in this country.

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With those many remarks, I support and commend the Committee on Finance and Budget for the job well done. Let the Board settle in and ensure there is a transformative finance and management of the Central Bank of Kenya.

I thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): We have one more Member who wants to make some comments on this Motion. After that, we will go back to the other business that was reorganized.

Sen. Faki: Asante, Mheshimiwa Naibu Spika, kwa kunipa fursa hii nichangie Taarifa ya Kamati ya Fedha na Bajeti kuhusiana na uteuzi wa wanachama wa Bodi ya Banki Kuu ya Kenya.

Kwanza, ninapongeza Kamati hii pamoja na ile ya Bunge la Kitaifa kwa kumaliza zoezi hili la kuwapiga msasa wale wateule wanne wa nyadhifa hizo.

Mhe. Spika, inasikitisha kwamba ijapo kuwa uteuzi wa wakurugenzi wa bodi ni muhimu sana, jukumu la Bunge ni ndogo sana. Jukumu la Bunge ni kupitisha yale majina yaliyofanyiwa uchunguzi na taasisi zingine. Hata kama Bunge lingependekeza kwamba kuna mtu aliyeteuliwa ambaye hafai katika nyadhifa fulani, halikuwa na uwezo wa kufanya hivyo. Kuna haja ya kurekebisha sheria ili pia sisi tuwe na uwezo wa kukataa wale wanaoteuliwa. Kuna wengine hawafai kuwa katika wadhifa huo, lakini kwa sababu mikono yetu imefungwa, hatuwezi kutoa mapendekezo yoyote kuhusu wale walioteuliwa na majina yao kuwasilishwa Bungeni.

Pili, wakurugenzi wa Benki Kuu ya Kenya wana jukumu muhimu la kuangalia ni vipi mfumo wa fedha utakavyoendesha katika nchi yetu. Kwa hivyo, hii si bodi ambayo itachukuwa mtu yoyote katika Jiji la Nairobi au kaunti zetu, bali mtu mwenye tajriba na anayeweza kutoa muongozo katika masuala yatakayozungumzwa katika Benki Kuu ya Taifa.

Katika uteuzi ule, yule kijana wa mwisho alinifurahisha na maelezo yake ya mambo aliyoweza kuyafanya kwa ule muda ameweza kuhudumu katika nyadhifa tofauti katika nchi za kigeni pia. Amependekeza mambo muhimu kuhusu masuala ya fedha. Sasa hivi, kuna suala ibuka la crypto currency. Masuala kama haya ni muhimu na inafaa wakurugenzi wa Benki Kuu ya Kenya wawe na ufahamu na uwezo wa kuyafafanua na kutoa mwongozo kwa taifa kuyahusu.

Kuweka mtu yoyote anayetafuta kazi kama tunavyoona kwa tume nyingine inapelekekea kulemaa kwa tume nyingi. Kwa mfano, Kenya National Human Rights Commission na National Gender Equality Commission zimelemaa kwa sababu ya kuweka makamishina ambao hawajui kazi zao vizuri.

Nimefurahi kwamba kumepata mwanachama wa bodi ya kitaifa. Tunatarajia kwamba wale wengine wataochaguliwa kwa siku za usoni watakuwa ni watu wenye tajriba ya kuwezesha kusaidia bodi hizi na kusaidia nchi kuweka misingi thabiti ya masuala ya fedha katika nchi yetu.

Asante kwa kunipa fursa hii.

The Deputy Speaker (Sen. Kathuri): Sen. Mungatana Danson, proceed.

Sen. Mungatana, MGH: Thank you, Mr. Deputy Speaker, Sir, for giving me the Floor. I rise in support of the Motion before the House to approve the appointment of

Sophie Moturi, Abdullahi Mohamed Abdi, Beatrice Kosgei, and David Simpson Osawa Owuor as Members of the Board of the Central Bank of Kenya (CBK). I am proud to participate in this approval today.

Many years ago, when I was younger than I am today, after resigning from the Government, I moved the Public Appointments (Parliamentary Approval) Act. This Act ensured that important national positions would be approved through a parliamentary approval system. I am pleased that it has since been amended, improved, and now includes members of the Board of the CBK.

To disclose my interest, the Chair of this Board, Mr. Mukite Musangi, is a good friend, a man of integrity, and someone whom we went to school with for six years. As I speak here, I know he is listening from his seat.

There are two key issues. First, I believe the four nominees have outstanding Curriculum Vitae (CVs), and I will not dwell on that. However, I would like to focus on two issues regarding the Board of the CBK and the challenges these nominees will face as they take up their responsibilities.

The Board of the CBK is, first and foremost, responsible for oversight the CBK management, led by the Governor. May I say that Governor Thugge has performed well thus far? I am pleased that he has stabilized the financial and monetary situation in the country. However, I want to focus on the role of the Board of Directors of the CBK, particularly their oversight function.

When examining oversight of the CBK's management, one key issue that arises for us as representatives of the people is the fairness of the Human Resource (HR) distribution across counties. How equitably is HR representation spread across the country within the CBK?

This new Board must ensure that, in their meetings, they ask important questions such as, how many employees at the CBK come from Tana River County, for example? How representative is the workforce across different regions? The HR component of the CBK has not been well distributed across the country, and this is an issue that needs urgent attention.

I say so because when the CBK sits to provide various services to Kenyans, it is important for them to consider diverse perspectives and viewpoints on how their decisions affect the country as a whole.

Therefore, it is my prayer that the new team, Sophie Moturi, Abdullahi Mohamed, Beatrice Kosgei, and David Simpson Osawa, takes the time to ensure that future recruitment by the management of the CBK is distributed fairly across the country. We should not, as a previous speaker noted, have departments in this country where people can comfortably converse in their mother tongues simply because they form the majority from a particular region.

The second role of the Board of Directors of the CBK is to review the performance of the management, led by the Governor. In terms of performance evaluation, there is much to discuss regarding the CBK. What I have always hoped to see, and I am praying that this new team will prioritize, is the proper implementation of the Central Bank Act. It says that the Governor is the spokesperson of the CBK.

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A spokesperson talks to the public. These people are employed to speak to Kenyans about what is happening to the economy, what they are doing to stabilise the Shilling and what they are doing in terms of monetary policy, and so on and so forth.

Mr. Deputy Speaker, Sir, it has been a historical position and a culture amongst Governors of the CBK. Dr. Thugge is the 10th Governor of the CBK. They never speak to the public. The only time you would see Prof. Ndung'u, Dr. Njoroge and now Dr. Thugge speaking to the public is when they appear before parliamentary committees.

I would like members of Board of the CBK to come in with a transparency policy. They should get off the old traditions, speak to Kenyans and tell them why our reserves at the CBK are small, what they are doing about it, how they are going to help grow them, and how they plan to stabilise the economy. They should come out and speak to us.

If you are the Governor of the CBK, you are not a politician or a person who is there to please anyone. You should speak independently. In fact, your office has constitutional independence. This idea of hiding behind closed doors should stop.

In terms of reviewing performance, members of the Board of CBK, especially the new ones who will come in, should insist that the Governor of the CBK as the spokesperson, must come out and speak to Kenyans. They should tell Kenyans what needs to be done, how banks are behaving, whether they are stable or not and how they have managed them.

There was a time when banks in Kenya were collapsing all over and it became a big story. How do they manage to keep them stable? Do we have any risks and are there banks that do not keep the minimum reserves that have been indicated by the CBK? If that is the case, Kenyans can walk with us and the Governor of the CBK must come out to speak to us because he is a public servant. An independent public servant like him must come out all the time.

My prayer is that these four members of the Board of CBK, who are coming in, should not go in there and be swallowed by traditions of former board members and just keep quiet. They should push the management to be more transparent and present in our rooms and houses, speak to us and tell us how the economy is performing.

I am saying this because people hear what the Government says on one side and also what the minority side says. Some people do not know the correct position. So, it is important for an independent person that we know is protected by the Constitution to tell us the position as far as management of the economy of Kenya is concerned.

Mr. Deputy Speaker, Sir, still on the review of performance, I am asking the four who we will approve today, because of their wonderful CVs, that they need to go and ask these questions. Why is it that we have Mr. Leonard Ouma as an Acting Director for Internal Audit and Risk? Why is it that we have Mr. Evans Mutai as an Acting Director in charge of Currency Operations Department? Why is it that we have Mr. Matu Mugo Acting Director in charge of Banking Supervision? Why are these people acting yet there is a board there? Why can they not make a decision? They need to confirm somebody in the management, so that they can act with authority.

The CBK should not be like some of our counties where people are given positions on an acting capacity. You will find someone acting as the county secretary or

acting as this or that. Since you are acting and you have no proper authority, you are not able to perform optimally the way you should because you want to be confirmed to that position. Sometimes people who are supposed to confirm you may not like what you say. So, you are always careful trying to balance. Let us not have that in the CBK.

I know you are listening to me. When you get in there as members of the Board of the CBK, please ask these questions. Why do we have three senior positions on an acting capacity? Why can they not be confirmed? If you do not want them, then you should advertise and bring in new people who can do the job with confidence without fear of interruption.

Mr. Deputy Speaker, Sir, as I finish my contribution, I would like to pay tribute to the CBK Board of Directors who are leaving. I want to thank Nelius Kariuki, Ravi Ruparel, Samson Cherutich, and Rachel Dzombo. They did a good job when they were there. I am saying so because it was during their time that the management of the CBK brought in a loan process that allowed for relief during the COVID-19 period between 2020 and 2021. We will not forget that they came through for us.

We thank them as they go into other positions. As we encourage the new directors who will come in, they should know that they have been given the positions by Senate of the Republic of Kenya on behalf of the people of Kenya. Therefore, they must speak and do what is right. They must remember that they are public servants when they enter office and they must do fair for the entire country as they serve at the CBK.

Mr. Deputy Speaker, Sir, with those many remarks, I beg to support the Motion on appointment of the four fine people to join the Board of the CBK.

I thank you.

The Deputy Speaker (Sen. Kathuri): According to my screen, there is no other Member interested to contribute. Therefore, I call upon the Mover to reply.

Sen. Tabitha Mutinda: Mr. Deputy Speaker, Sir, allow me to start by thanking all colleagues who have contributed to this Report. I would also like to thank colleague Members of the Committee on Finance and Budget for ensuring that we scrutinized these nominees thoroughly as per the required standards.

The nominees that were presented before us came from different sectors in terms of professions and also experience. One of them is Mr. Abdullahi who holds a PhD in Philosophy and has vast experience as far as issues of management are concerned.

The other nominee is Madam Sophie who holds a Masters Degree in Banking and Finance. She also holds a Bachelor of Commerce (B.Com) with Accounting Option. That blends well with the profession of Mr. Abdullahi.

The other one is Madam Beatrice Kosgei, who is also an advocate of the High Court, with over 30 years experience, and brings in legal expertise to the Board.

Mr. Deputy Speaker, Sir, when it came to David, the Committee raised concerns as far as credibility of academic papers were concerned. He was not able to present a copy at that particular moment. His names were mixed up in that the names in the final certificates and Identity Card seemed different. However, I would like to thank the Secretariat because we tasked them to go to the bottom of this and ask Kenyatta University to ascertain if this gentleman had been in that institution, and this was

affirmed. I was concerned because David was the youngest in this team. Opportunities need to be given to both the women, men and the youth. As I said, this Board represented all - women, men, and the youth - and David was among the youth.

Further to that, David is an expert in Information and Communication Technology (ICT). So, we have an expert in ICT, management, an advocate of the High Court, and Sophie, with banking and finance experience. These four Board members come from different areas of expertise and were able to showcase experience and dedication in terms of how, when they sit in the Board, they will ensure that what needs to be done as far as their role is concerned will be achieved.

Mr. Deputy Speaker, Sir, my colleague, Sen. Mungatana, has raised an important point that we also brought out when we were doing this vetting, on the issue of having many directors and Chief Executive Officers (CEOs) in different government institutions, who keep on acting for years, yet we have boards that are supposed to undertake their role and confirm them, or the right person.

I would like to support and urge that the Board should now be able to take up that role as their first key mandate and confirm the different directors within the different institutions the people who have been working for a long period. You realize that they work for a long period and then after a short while, someone just comes from the blues with less experience, not understanding the nitty-gritties of some of the issues that we have been addressing. These are some of the stakeholders that we normally invite and engage in the Committee. So, they are best suited to take up this role. I, therefore, urge that the Board, with the speed that it deserves, to ensure that these confirmations are done on time.

Mr. Deputy Speaker, Sir, when you read the names of these four nominees, you will realize that there is regional balance. They come from the different parts of this country, which is a plus.

We were also able to interrogate them to ensure that they are able to oversight the Central Bank of Kenya (CBK) Governor. Earlier on, I raised through a Statement the issue of CBK rates that have been proposed---

The Deputy Speaker (Sen. Kathuri): Sen. Sifuna, do you have a point of order?

Sen. Sifuna: Hon. Deputy Speaker, Sir, on Statement of fact. Skimming through that report of the Committee, it in fact says that two of those candidates were born in Uasin Gishu. Is it, therefore, factual for the replier to assert that these people come from different regions of the country, yet half the number come from Uasin Gishu? We should be factual. This is in the report of the Committee. I am not making these things up.

The Deputy Speaker (Sen. Kathuri): Sen. Tabitha Mutinda.

Sen. Tabitha Mutinda: Thank you, Mr. Deputy Speaker, Sir. I notice that the Senator for Nairobi City County is always keen when I am doing my submissions, and I appreciate it. I actually take it as a compliment.

From their names, one can tell which region David Owuor or Kosgei, comes from. It is one thing to be born in Nairobi City County and another to come from Kitui County. It does not mean that since I am born in Nairobi City County that I do not have a

region that I came from. If we look at the fact of birth, it is one thing. It is the same way you were born in Kakamega County and you represent the great county of Nairobi City.

Mr. Deputy Speaker, Sir, I was addressing the issue of the Central Bank of Kenya (CBK) rates. There has been delay in the Governor of CBK ensuring that the rates that they have proposed are implemented in the different banks. The rates do not apply, yet this is the mandate of the Governor of CBK. So, these are the questions that we were able to bring out to these nominees as far as ensuring that CBK ensures implementation of the interest rates that they have proposed.

When it came to the expertise of the young man, David, on matters ICT, I inquired on what he would offer so that we can reduce or bring to zero percentage the issue of fraudulent withdrawals in the different banks as we have seen happening. He was able to bring out quite different aspects on how the system can be managed. These are not things I would want to put on record, but they sounded well that, if the CBK can have that input, they can pick on what this ICT expert was communicating. Moving forward, these are cases that we look forward to having totally reduced.

As I finalise, policies are in place, but the implementation is a problem. An institution like the CBK should ensure that there is adherence to the policies that have been set. We expect this Board to speed up on addressing the issues that have been raised, both at the national level and even in Parliament, and also keep a constant review of the performance of the banks. Most of these issues have been raised in the Committee that I serve

We have banks that have closed down previously, and others that have merged. There are banks whose senior management are from different parts of this world and they are not able to resonate with the local market in this country. It affects the business of those companies, and loans become a challenge, depending on how this market is addressed

With those remarks, I would like to thank the Secretariat and Members from the National Assembly and the Committee on Finance and Budget that we worked very closely with to undertake this process.

I beg to reply and request that putting of the Question be deferred to a later date pursuant to Standing Order No.66(3).

I thank you.

The Deputy Speaker (Sen. Kathuri): For sure, we have no quorum to put the Question.

(Putting of the Question on the Motion deferred)

There was the reorganisation of the order of business this afternoon. Therefore, before we proceed to any other Business, we shall revert to Order No.7 on Questions and Statements.

QUESTIONS AND STATEMENTS

STATEMENTS

The Deputy Speaker (Sen. Kathuri): Let us proceed to Statements are under Order No.53(1). We shall start with the Senator for Vihiga County, Sen. Godfrey Osotsi.

EXPIRED MEDICATION IN PUBLIC
HEALTH FACILITIES

Sen. Osotsi: Thank you, Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek Statement from the Standing Committee on Health on a matter of national concern regarding ceaseless existence of expired medication in public health facilities countrywide.

Mr. Deputy Speaker, Sir, over the last three financial years the Auditor-General has flagged out the matter of the presence of huge amounts of expired drugs in most public health facilities in our counties. This is a matter that needs to be addressed urgently since it poses a great risk to the lives of Kenyans seeking treatment in public health facilities, as one never knows when an unscrupulous staffer in these hospitals might give such medication to unsuspecting patients.

Coupled with this is a trend by medical professionals in public hospitals to refer patients to privately-owned pharmacies to buy medicines. Indeed, recently, the Mombasa County Government announced that it would not renew the licenses of pharmacies and chemists operating near public hospitals to tackle the exploitation of patients and curb unfair profits by these businesses.

In the Statement, the Committee should address the following-

(1) The total value of expired drugs in public health facilities from FY2022/2023 to FY2024/2025.

(2) Reasons why county health facilities continue to stock expired drugs, including whether there is a possible involvement of county staff and other private health facilities in the pilferage of medicines supplied to public health facilities.

(3) The gaps in the supply chain at the Kenya Medical Supplies Agency (KEMSA) that could be leading to the supply and delivery of expired drugs or drugs with a shorter life span.

(4) Possibilities of leveraging on technology in hospitals to monitor stock levels, expiry dates and any other useful data.

(5) Viability of a policy to regulate chemists and pharmacies operating around public health facilities in the counties.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Proceed, Senator for Kisumu County, Sen. (Prof.) Tom Ojienda.

TRAGIC DEATH OF FORM FOUR STUDENTS
AT RAMBA BOYS HIGH SCHOOL

Sen. (Prof.) Tom Odhiambo Ojienda, SC: Mr. Deputy Speaker, Sir, I rise under Standing Order No.53(1) to seek a Statement from the Standing Committee on Education on a matter of national concern regarding the tragic death of two Form Four students at Ramba Boys High School in Rarieda, Siaya County. I am not the Senator for Siaya.

The two students lost their lives after falling into a septic tank within the school premises that collapsed on 22nd March, 2025. The students are said to have been together with others on top of the septic tank when it caved in, trapping them in while other students were seriously injured. This heartbreaking loss has sparked concern over the state of infrastructure in schools across the region and especially in rural areas.

In light of this, I convey my sincere condolences to the bereaved families and demand the following-

(1) That the Committee on Education addresses the circumstances leading to the deaths of the two students and the immediate action taken by the Ministry of Education in response to the tragedy.

(2) A comprehensive audit of all sanitation infrastructural facilities in schools in the country to ensure they meet safety standards.

(3) Measures taken by the Government to hold to account any officers found to have been negligent to prevent such fatal incidents in the future.

I thank you.

KENYA POWER PAYMENTS TO INDEPENDENT POWER
PRODUCERS UNDER THE TAKE-OR-PAY CONTRACTS

Sen. Sifuna: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Energy on a matter of national concern regarding payments made by Kenya Power to independent power producers under take-or-pay contracts, specifically in relation to electricity that is ultimately lost due to high idle capacity.

In the Statement, the Committee should address the following-

(1) The total amount paid by Kenya Power to independent power producers over the last two financial years, including the volume of power purchased and the total cost incurred by the utility company.

(2) The amount within these payments that relates to electricity paid for but not consumed, classified as idle capacity under the take-or-pay contracts.

(3) The mitigating measures in place to shield consumers from the cost of unused power and to prevent inefficiencies, mismanagement or potential abuse of the take-or-pay framework.

REVENUE GENERATION STREAMS IN
TRANS NZOIA COUNTY

Sen. Chesang: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Finance and Budget on a matter of countywide concern regarding the revenue generation in Trans Nzoia County Government.

In the Statement, the Committee should address the following-

(1) The details of the revenue streams available in the county, including the revenue collection plans in place, the number of revenue officers and the amount of revenue generated, particularly from local hospitals and reimbursement schemes in Trans Nzoia County.

(2) The current financial status of the Kitale County Hospital Social Scheme, the Trans Nzoia County Health Operationalization Account, the Health Revenue Account and the Kijana Wamalwa Teaching and Referral Hospital Account.

(3) The reasons for the discontinuation of the previous revenue collection system, details of the terms of engagement of the regional business collection, a local revenue collection company operating an electronic revenue platform and whether it was engaged in compliance with relevant procurement laws.

Mr. Deputy Speaker, Sir, my second statement is as follows-

RELOCATION AND DETERIORATING OPERATIONAL
STANDARDS IN TRANS NZOIA COUNTY HEALTH FACILITIES

Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health on a matter of countywide concern regarding the relocation of health services and the deteriorating operational standards in county health facilities in Trans Nzoia County.

In the Statement, the Committee should address the following-

(1) The decision to move health services from the Kitale Level 5 Referral Hospital to the Kijana Wamalwa Level 4 Hospital without public participation or county assembly approvals.

(2) The rationale behind this move, given the availability of sufficient land for expansion at the Kitale Level 5 and the reported lack of specialized personnel and services at the Kijana Wamalwa Level 4 Hospital.

(3) List of patients affected by the transfer, indicating any health complications or fatalities that may have occurred as a result of the relocation.

I thank you.

DETERIORATING SITUATION AT THE LIKONI
FERRY CROSSING IN MOMBASA COUNTY

Sen. Faki: Mr Deputy Speaker, Sir, I rise pursuant to Standing Order No.53(1) of the Senate Standing Orders to seek a Statement from the Standing Committee on Roads, Transportation and Housing on the countywide matter regarding the deteriorating situation at the Likoni Ferry crossing in Mombasa County.

The Likoni Ferry Channel is a critical crossing point for both vehicular and pedestrian traffic connecting Mombasa Island to the mainland south, serving residents of Mombasa and Kwale counties and providing access to neighboring Tanzania through the Lunga Lunga border.

It is of strategic importance to trade, tourism and daily commuting, which cannot be overstated. In recent days, the ferry service has suffered severe delays, particularly during peak morning and evening hours, resulting in dangerous congestion and heightened risks to public safety.

On the 29th of April, 2025 we commemorated 31 years since the Mtongwe ferry tragedy in 1994. Private security guards tasked with managing the crossing have increasingly been overwhelmed by the crowds, raising grave concerns about disaster preparedness in the event of an emergency.

Mr. Deputy Speaker Sir, the situation is further compounded by the continued use of aging ferries, many of which have no book value and whose insurance and mechanical fitness status are questionable. Although the Kenya Ports Authority (KPA) had proposed to procure new ferries, this initiative has yet to materialize.

Additionally, the dismantling of the temporary footbridge, commissioned during the COVID-19 pandemic, has exacerbated congestion at the crossing. Given that the ferry operates at the gateway to the Port of Mombasa, any incident could have far-reaching consequences for regional trade and economic stability.

In the Statement, the Committee should address the following-

- (1) The reasons behind the deterioration in services at the Likoni Ferry Crossing, and the measures being taken by KPA management to restore efficient operations.
- (2) The steps being implemented to enhance crowd control and ensure pedestrian and commuter safety during peak hours.
- (3) The disaster preparedness plans in place to mitigate risks in case of emergencies at the ferry crossing.
- (4) The status of the proposal to acquire new ferries to replace the aging fleet, and the timelines for implementation.
- (5) The justification for dismantling of the footbridge without a suitable alternative for pedestrian crossing, and whether there are plans to reintroduce a safe passage option for pedestrians

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

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

ACTIVITIES OF THE COMMITTEE ON
AGRICULTURE, LIVESTOCK AND FISHERIES

Sen. Wafula: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.56(1)(b) of the Senate Standing Orders to make a Statement relating to the activities of the Standing Committee on Agriculture, Livestock and Fisheries during the first quarter of the Fourth Session, that is, January to April, 2024.

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

During the period under review, the Committee held a total of Fifteen (15) sittings during which it considered four (4) Bills, ten (10) Statements and one (1) legislative proposal.

In the reporting period, the Committee held a consultative meeting with the Cabinet Secretary for Water and Irrigation to deliberate on the proposed policies, programmes and expenditure ceilings of the respective state departments as contained in the 2025 Budget Policy Statement (BPS). The Committee further sought information on the status of the Financial Year 2024/2025 budget and the key policies underlying the expenditure ceilings in the 2025 BPS. Further, the Committee participated in the consultative meeting with the Cabinet Secretary, Ministry of Agriculture and all the SAGAs to consider the programmes and projects undertaken by the Ministry.

Mr. Temporary Speaker Sir, during the period under review, the Committee undertook pre-publication scrutiny on the Legislative Proposal on the Seeds and Plant Varieties (Amendment) Bill, 2025. The Committee recommended it for publication in the Senate.

During the period under review, the Committee considered the following four (4) Bills-

A. The Nuts and Oil Crops Bill, 2023 (Senate Bills No. 47 of 2024)

The Committee facilitated public participation pursuant to the provisions of Article 118 of the Constitution and Standing Order No.145(5) and is currently considering stakeholder submissions.

B. The Cotton Bill Industry Development Bill, 2023 (Senate Bills No. 5 of 2023).

The Committee considered the Presidential memorandum on the Cotton Industry Development Bill, 2023. The Committee observed that the Presidential memorandum on the Cotton Industry Development Bill, 2023 was not properly placed before the Committee owing to the stipulated timelines.

C. The Livestock Protection and Sustainability Bill, 2024 (Senate Bills No 32 of 2024). The Committee facilitated public participation and Committee received submissions from the Council of Governors and the Ministry of Agriculture and Livestock Development. The Committee will conduct public participation in livestock

rearing counties of Samburu, Kajiado, Garissa and Taita-Taveta and thereafter table its report.

D. The Coffee Bill, 2023 (Senate Bills No 10 of 2023). The Bill was processed and was passed in the Senate with amendments on 1st August, 2024 and thereafter, referred to the National Assembly where it was passed with amendments on 26th November, 2024. The Committee considered and adopted the Report for Tabling in the Senate.

Mr. Temporary Speaker Sir, during the period under review, ten (10) Statements were sought from the Committee out of which five (5) statements have been responded to as follows-

(a) Statement on the impending dissolution the Pyrethrum Processing Company in Kenya sought by Sen. Richard Onyonka, MP (Letter forwarding response shared with Senator);

(b) Statement on the Gazettement of the domesticated water buffalo as a food animal sought by Sen. Catherine Muma, MP (Letter forwarding response shared with Senator);

(c) Statement on the status of purchase of wheat from Kenyan farmers sought by Sen. Jackson Mandago, MP (Letter forwarding response shared with Senator);

(d) Statement on the ongoing livestock vaccination programme in the country sought by Sen. Mohamed Chute, MP (Letter forwarding response shared with Senator); and,

(e) Statement on the inequitable distribution of fertilizer by the National Cereals and Produce Board (NCPB) sought by Sen. John Methu, MP (Letter forwarding response shared with Senator).

Mr. Temporary Speaker Sir, the following five (5) Statements from the year 2024 are yet to be responded to-

(a) Statement on the importation of fertilizer by the National Cereals and Produce Board NCPB) sought by Sen. Mohamed Chute, MP;

(b) Statement on the distribution of donated fertilizer by the National Cereals and Produce Board NCPB) sought by Sen. Mohamed Chute, MP;

(c) Statement on the fishing activities in Nakuru National Park that led to the shooting of four young men at Barut and Mwariki area of Nakuru West sought by Sen. Tabitha Keroche, MP;

(d) Statement on the status of completion of the Isiolo Export Abattoir sought by Sen. Fatuma Dullo, MP; and,

(e) Statement on the delayed payments to dairy farmers by the Kenya Co-operative Creameries (KCC) sought by Sen. William Kisang, MP.

During the next quarter, the Committee will undertake an inspection visit to Turkana County on irrigation scheme projects and also undertake inspection visits to NCPB depots across the country on the status of availability of seeds and fertilizer

I thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): I now invite the Chairperson of the Committee on Devolution and Intergovernmental Relations to make a statement on the activities of the Committee.

ACTIVITIES OF THE COMMITTEE ON DEVOLUTION
AND INTERGOVERNMENTAL RELATIONS

Sen. (Prof.) Kamar: Thank you, Mr. Temporary Speaker, Sir. I rise to make a Statement on the activities of the Standing Committee on Devolution and Intergovernmental Relations for the period between January to April, 2025, issued pursuant to Standing Order No. 56(1)(b).

Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No. 56(1)(b) to make a Statement on the activities of the Standing Committee on Devolution and Intergovernmental Relations for the stated period of January to April, 2025.

During the reporting period, the Committee has carried out various activities pertaining to its mandate. In summary, the Committee has transacted the following legislative business-

(a) The following two Bills are before the Committee, and the Committee is at the final stages of considering and drafting its report. The first one is the Office of the County Attorney (Amendment) Bill, 2024 (Senate Bills No.47 of 2024), and the second one is the County Government Laws (Amendment) Bill, 2024 (Senate Bills No.52 of 2024).

(b) The Committee received seven Statements that were sought from the Committee during this period. The Committee considered and concluded four, leaving three Statements pending before the Committee currently.

(c) The Committee, jointly with the Standing Committee on Justice, Legal Affairs and Human Rights, considered a Petition on restraining county governments from hiring law firms for legal representation in court cases and tabled a joint report on the matter before the House on Thursday, 3rd April, 2025.

(d) In inquiring on the performance of the counties on the implementation of county budgets, the Committee has been holding consultative meetings with stakeholders to deliberate on key issues arising from the county budget implementation review reports for the Financial Year 2022/2023 and the Financial Year 2023/2024 by the office of the Controller of Budget (CoB). The Committee has so far met with governors from eight counties and deliberated on the low expenditure on development in the counties contrary to Section 107(2B) of the Public Finance Management Act, Cap 412A.

(e) The Committee, on its own volition, is currently conducting an inquiry into the matter of the county governments operating several commercial bank accounts contrary to Regulation 82(1)(b) of the Public Finance Management as the County Government Regulation, 2015. In consideration of the matter, the Committee met with governors from nine counties and deliberated on the matter. At the tail end of its consideration, the Committee held a retreat with the Council of Governors (CoG), the Controller of Budget, and the Auditor General to deliberate on the key issues that are emerging from the

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inquiry on the many commercial accounts that they have in commercial banks. Following the extensive deliberations, the Committee shall now table its conclusive report on the matter before this House.

(f) In assessing the state of devolution in the counties, the Committee visited Turkana County to inspect the development projects being implemented by the County Government of Turkana. During the visit, the Committee noted that construction of some key projects had stalled, while others had taken too long to complete. Consequently, the Committee resolved to convene a meeting with key stakeholders implementing some of these projects in order to address the challenges causing the delayed implementation of projects. Thereafter, the Committee shall table a comprehensive report on this matter before this House.

(g) In adherence to its constitutional mandate to safeguard the counties and in fostering a harmonious working relationship with the county governments, the Committee is currently inquiring into the long-standing dispute in the County Assembly of Nyamira, which has caused a leadership and operational crisis in the Assembly.

Mr. Temporary Speaker, Sir, the Committee in future plans to do the following-

(1) A retreat with the Intergovernmental Relations Technical Committee (IGRTC), to deliberate on the issues emerging from the Gazette Notice No.219 by IGTRC, dated 16th December, 2024, on transfer of devolved functions.

(2) Conduct an inquiry into national Government parastatals that are still performing devolved functions.

(3) Conduct visits to various counties to inspect the development projects being implemented by the county governments and assess the general state of devolution in the counties.

Lastly, I wish to appreciate the office of the Speaker, the Senate leadership and the office of the Clerk of the Senate for the steadfast support that they accorded us in the Committee.

Thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. (Prof.) Kamar. Lastly, I call upon the Chairperson of the Committee on Education to make a Statement relating to the activities of the Committee.

ACTIVITIES OF THE COMMITTEE ON EDUCATION

Sen. Betty Montet: Thank you, Mr. Temporary Speaker, Sir. This is a Statement relating to the activities of the Standing Committee on Education for the period between 1st January, 2025 to 30th April, 2025, pursuant to Standing Order No.56(1)9b).

Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No.56(1)(b) to make a Statement on activities of the Standing Committee on Education for the period commencing 1st January, 2025 to 31st March, 2025.

The Standing Committee on Education is established under Standing Order No.228 of the State Standing Orders and is mandated to consider all matters related to

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education and training. During the period under consideration, the Committee conducted the following business-

(a) Committee meetings - The Committee held four sittings. In one of the meetings, the Committee considered the 2025 Budget Policy Statement, education sector priorities and recommended, among other things, a conditional grant to counties for the school feeding programme in Early Childhood Development Education (ECDE) centers so as to improve enrollment of learners.

(b) Bills - There were no Bills referred to the Committee during this period.

(c) Legislative proposals - There were no legislative proposals referred to the Committee during this period.

(d) Petitions - Mr. Temporary Speaker, Sir, the Committee moved a Motion for adoption of the reports on the following two petitions concluded by the Committee-

(a) Petition concerning the discrimination by Teacher Service Commission on payment of hardship allowances and enhanced house allowance to some teachers in Kilifi County; and,

(b) Petition on discrimination of payment of hardship allowance to some teachers in Taita-Taveta County.

To address the concerns raised in the two petitions, the Committee recommended, among other things, that the Ministry of Public Service, Performance and Deliverance Management prepares and submits an appropriate policy and statutory instrument on identification and designation of hardship areas.

(b) Mr. Temporary Speaker, Sir, the Committee is undertaking an inquiry on the status of implementation of ECDE and technical and county vocational education and training policies in the country. In conducting this inquiry, the Committee invited governors of respective county governments to meetings to respond to issues sought by the Committee. Thereafter, we undertook county visits to oversight the status of implementation of Early Childhood Development Education (ECDE) and Vocational Training Centres (VTCs).

During the reporting period, the Committee has so far met with the governors of Kajiado, Nyeri, Trans Nzoia and Kitui counties. We also undertook county visits to inspect ECDE and VT Centres in Machakos and Kajiado counties. From preliminary findings, the Committee noted that county governments are implementing ECDE and VTC policies in an uncoordinated manner.

Mr. Temporary Speaker, Sir, during the period under review, the Committee processed 17 Statements sought under Standing Order No.53 (1) of the Senate Standing Orders. The Committee is currently processing 45 statements and intends to conclude them in the next quarter. The status of the pending statements at the time of reporting is attached to this Statement, and I will table it to this House.

Regarding parliamentary diplomacy, the Committee undertook a learning visit to the East Africa Legislative Assembly (EALA) and East and Southern Africa Management Institute (ESAMI) in Arusha, Tanzania, in January, 2025. These visits were undertaken in an effort to enhance regional integration of the East African Community (EAC).

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The Committee is currently considering a resolution of the Senate on the State of the Nation Address. The Committee was tasked to liaise with the Ministry of Education and other stakeholders with a view to resolving the following three issues-

- (a) Concerns raised regarding Junior Secondary School (JSS) education.
- (b) The new university funding model for university education.
- (c) The acceptability of Competency Based Education (CBE).

To this end, the Committee has engaged the State Department of Higher Education and Research. It was informed that the national committee formed on 16th September, 2024 to review and refine the new university funding model, officially known as the Variable Scholarship and Loan Funding Model, had prepared a report that was to be presented to the President.

The Committee was scheduled to retreat with the Ministry of Education on the findings and recommendations on the report and the other two issues raised in the Motion.

I thank you, Mr. Temporary Speaker, Sir.

The Temporary Chairperson (Sen. Wakili Sigei): Thank you, Sen. Betty.

Now, Hon. Members, before I allow you to comment on the Statements under Standing Order Nos.56 and 52, there is a Statement by Sen. Sifuna that had been approved by the Chair. I will allow Sen. Sifuna to make that Statement. Thereafter I will allow Members to make comments on statements under Standing Order No.56 and 53.

Proceed Sen. Sifuna.

PASSING ON OF POPE FRANCIS, THE HEAD OF THE CATHOLIC CHURCH AND SOVEREIGN OF THE VATICAN STATE

Sen. Sifuna: Thank you, Hon. Temporary Speaker for your kind indulgence.

I rise pursuant to Standing Order No.52(1) to make a Statement of general and global concern namely, the passing on of Pope Francis the head of the Catholic Church and sovereign of the Vatican State. He died on Easter Monday, 21st April, 2025, at the ripe age of 88. I join the rest of the world in celebrating the life of arguably the most liberal and progressive Pope ever. His death is a huge loss to progressives of all shades across the world.

As a practising Catholic, I have had the privilege to see three Popes in my life, with a fourth about to start his term. This experience has given me time to reflect on the values and principles that the leader of the Holy See usually bestows on the Catholic community, the largest religious denomination across the world.

In my reflections, I have come to understand that the key qualities that made Pope Francis unique on the stellar role of Popes were his genuine compassion, his grace towards the poor and the vulnerable and his deep belief in the principles of inclusivity. He extended a mighty hand of support to the marginalized, including sexual and gender minorities, at times when these topics were unaddressed in most parts of the globe. Indeed, Pope Francis manifested courage in its pure form.

Mr. Temporary Speaker, Sir, it is meaningless to celebrate the lives of the departed if we do not take moments to ask what lessons we have drawn from them or their works. Predictably, many leaders in Kenya and in the world have had occasion since the death of the Pope to hail him as a great person, a wonderful human being and a compassionate Jesuit. However, I have to point out to everyone that while Pope Francis served, he declined the trappings of the papacy. He preferred to live a humble life in his Casa Santa Maria Marta residence rather than the papal apartments used by his predecessors.

Besides this, the Pope was a legendary believer and purveyor of the common touch philosophy. He always preferred to reach out to the masses and show compassion to the lowly. Indeed, the late pontiff was a strong opponent of global economic models that enriched a few and widened the gap between the rich and the poor. He often pointed out the unsuitability of such economics.

It is my strong contention, therefore, that mourning the Pope in flowery media releases, while holding on to the exclusivity of right-wing politics, divisive ethnic rhetoric, corruption and wanton theft of public resources, is hypocritical. Such actions contradict the principles held here by the departed pontiff.

The Catholic Communion is often painted as a hugely conservative institution, and yet in the period that it has been led by a progressive liberal, the conversation around freedom rights and equality has been magnified more. The lesson being that a good person at the top is all it takes for society to find its foot and move forward. I hope that this lesson will not be lost to both Catholics and non-Catholics as we seek a united front in socio-economic and political realms to empower people and move our countries forward.

I am inclined to express my hope that whoever becomes a new Pope will stay on the progressive path charted by the departed pontiff rather than returning the Holy See to the conservative arena. The challenges facing the church and the world today require a new focus, new methods and a new vision. The church and the political platform are now dominated by younger people for whom conservative beliefs may not hold sway.

Like Pope Francis, we are obligated to be more sympathetic to migrants, to gender and sexual minorities, to the vulnerable and to the new face of the young voter, nearly all liberal. We have to spur action on climate change and build bridges across ethnic divides. We are now called upon to detach from the divisive rhetoric of our predecessors and embrace each other in our diversity because we have no other option. This will be the greatest way to honour the memory and work of Pope Francis.

I thank you.

(Applause)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, I will allow you to make comments. As I had indicated earlier, we will make comments on all Statements that have been issued pursuant to Standing Order Nos.53(1) and 56(1)(b) by the respective Chairpersons of the Committees.

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Let us begin with Sen. Maureen Tabitha.

Sen. Tabitha Mutinda: Thank you, Mr. Temporary Speaker, Sir. Allow me to make comments on the first Statement by Sen. Ososti of Vihiga County regarding expired drugs in the different counties. As we speak, I am currently serving in the Committee of Health. A few weeks ago, approximately two weeks, we conducted visits to various counties, including Wajir, Marsabit and Mandera.

I can confirm that during our inspections, particularly in Mandera County, we encountered expired drugs as well as missing drugs in the records. As I have always stated, my first profession was pharmacy. Having practiced in the field, I am familiar with the regulations set by the Pharmaceutical Board.

We also discovered that pharmacists in these pharmacies rely on their personal laptops to input and store data, instead of counties providing a centralized digital system that would allow proper inventory management and stock tracking.

We further noted that some hospitals lacked pharmaceutical technicians, let alone pharmacists. This raised serious concerns about the prescription and issuance of medications. I urge the Chief Executive Officer (CEO) of the Pharmacy and Poisons Board, Dr. Fred Siyoi, to take immediate action. He needs to wake up to the reality of the situation and address these pressing issues.

All the governors informed us that since implementation of the Social Health Authority (SHA), there has been many newly established pharmacies and private clinics. Most of them are suspected to be owned by the same pharmacists and clinical officers who work for the counties. It is high time that the Pharmacy and Poisons Board (PPB) cracked the whip to ensure that competent and qualified personnel, as far as the pharmaceutical industry is concerned, are the ones dispensing the drugs.

It is a total disappointment that drugs are also being stolen. It seems they do not do inspections that they are supposed to do because the places were dusty. In one of the counties, we came across drugs that had expired, but they were still on the shelves.

You wonder where the problem is. As the CEOs, they are the people who are mandated with the responsibility to oversight and ensure that systems are also being followed by the staff in the different departments. Sometimes we blame the Executive yet we have people who have been given this role, but they are not doing their job. This is an issue that cuts across most of the counties.

There was a Statement by Sen. Chesang concerning health facilities in Trans Nzoia County. As Members of the Committee on Health, we will traverse the country and visit all the counties. Governors should be prepared because we are going to continue inspecting hospitals.

It is sad that sometimes when you go to inspect a hospital, you find washrooms in a maternity wing without water. Sometimes you find one bathroom only, which does not even have water. You realise that the taps have run dry and there are even no doors then you wonder whether the Social Health Authority (SHA) is working.

All the hospitals informed us that SHA is working. When you ask how much they collected, you realise that it was over Kshs10 or 15 million. How much does a door, a tap or a water tank cost? You look at the conditions of a hospital and it is a disappointment.

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My Committee Chairperson and Vice-Chairperson are not here, but I would like to state that we are going to look at the bottom of issues of health. With my experience as a pharmacist, I am going to make an input.

I was able to inspect key drugs. One of them is Diazepam. That drug was missing in all the counties that I visited. It was less as per the cards and records. Such drugs are always under key and lock. When I asked why there was a shortage, most pharmacists did not have answers. To them, it was a surprise. These are some of the issues that we are going to get to the bottom of.

There was also another Statement raised by Sen. Chesang regarding revenue generating streams in Trans Nzoia County. As Members of the Committee on Finance and Budget, when it comes to the issue of revenue collection, we are still talking to the National Treasury to speed up the process. There is a uniform system that is supposed to ensure that counties maximize on their own-source revenues.

Mr. Temporary Speaker, Sir, with those remarks, I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Next is Sen. Nyamu.

Sen. Nyamu: Mr. Temporary Speaker, Sir, I would like to comment on the Statement by Sen. Osotsi regarding the presence of expired medication in our public hospitals.

The issue of having expired medicines in our public hospitals is a significant one because it has continued to be persist. The Auditor-General keeps raising it and flagging the presence of expired medication in our public hospitals.

That means financial wastage because medication cost a lot of money, which is released by the exchequer. That also puts the safety of patients to question because you cannot guarantee that a patient in such a facility will not encounter expired drugs. Since such drugs also have to be disposed of, it poses environmental issues such as pollution.

The presence of expired medication in our hospitals also points at the low quality and reduced quality of healthcare in a particular facility. Why does that happen and why do we keep on having the issue of expired medication in our public hospitals?

One reason is a poor inventory system. We may have oversupply of a certain drug while other drugs are in shortage. That is an oxymoron! On the ground, Kenyans complain every day that despite visiting health facilities, there are no drugs. They have to get prescriptions to go and buy drugs outside the hospitals. That brings me to a key point. Pharmacists in public hospitals prefer prescribing drugs to patients, so that they go and buy them from outside because they run those pharmacies. I want to laud the County Government of Mombasa. Recently they declared that they will no longer renew licenses of pharmacists who operate pharmacies near public hospitals. I urge other county governments to follow suit by enforcing such a directive.

We do not have proper storage facilities in some hospitals. I have heard that Members of the Committee on Health are going to go around the whole country with the aim of tackling the issue of expired drugs in our public hospitals. I urge them that those hospitals should not only be reprimanded, but they should also be facilitated with proper storage space and facilities. I suggest that we digitize this space. We should have an inventory that can forecast expiry of drugs.

We are fond of getting medical donations. Some donations do not align with what is needed on the ground. We do not have to take everything we are given in form of medical donations because we do not even use some of them as a country.

Mr. Temporary Speaker, Sir, I also want to comment on the Statement by Sen. Sifuna regarding the late Pope Francis. I am not a Catholic, but Pope Francis is one of the popes who caught my attention because of the many stands he took. He was open and outspoken about global affairs. He spoke about the war in Gaza. He was also open about the Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) movement. Just because I admired how he was outspoken does not mean that I support the LGBTQ or questioning, intersex, asexual, and more LGBTQ+ movement. My stand and preference is out there. As we mourn the Pope, we have seen that there are proposed African Popes to take over from him.

I do not know why Sen. (Dr.) Boni Khalwale is laughing, it may sound far-fetched, but at least for the first time, we have a possibility of a black Pope. It is a huge step in the right direction.

Thank you.

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

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, Sir. I would like to comment on two Statements.

First, I would like to commensurate and pass my deepest condolences to the Catholics across the globe for the unfortunate demise of the Holy Father, Pope Francis. He was the unlikely Pope. If you have watched the movie called Conclave in Netflix, it tries to watershed on how Pope Francis became the Pope, coming from South America, where we have the largest number of Catholics.

He was one of the reformers or rather a reformist Pope, who spoke against the war in Gaza, which was unlikely. You have seen videos where he is engaging people and the priests in Gaza. We know what is happening, and we continue to pray. He had a clarion call that we should have a peaceful globe.

Mr. Temporary Speaker, Sir, as we celebrate his legacy, we must continue to have humanity, a peaceful world and push for an equal society across various nations. Leading billions of people from the Vatican has been a very interesting service of Pope Francis. His funeral service boarded simplicity, which he did while alive as the pontiff of the largest religious community in the world.

Mr. Temporary Speaker, Sir there is a Ghanaian cardinal and another one from the Democratic Republic of Congo (DRC). I think it is a high time that the Conclave, as they retreat from tomorrow, consider giving us a black Pope. Africans have been loyal Catholics. This was first time to have a South American Pope by the name of Pope Francis. Previously, we had a German, Pope Ratzinger, who resigned midway because of health reasons. We hope to have a black Pope for the first time in the history of the Roman Catholic Church across the world. So, as we celebrate---

(An hon. Member Spoke off record)

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Sen. Cherarkey: I am not canvassing. It is not allowed in the Conclave because they are even switching on signals. I was just saying it is the wish of many Kenyans.

May perpetual light shine upon him, as he rests in peace. The Catholic Church will continue in pushing for both.

Mr. Temporary Speaker, Sir, the Catholic Church has done a lot in the education and health sectors. We should ensure that we support the Catholic Church and all other churches or religions to push for a better society in education, health and governance issues.

I also wish Cardinal John Njue would have participated in the Conclave, but because of health reasons, he could not. I am happy that Bishop Anyolo has clarified that he was indeed invited to participate in voting in the Conclave. We wish Cardinal John Njue all the best and quick recovery. He would have been part of the cardinals who are in the Conclave to ensure we have a new pontiff.

Mr. Temporary Speaker, Sir, the Vatican is one of the smallest states in the world. Pope Francis even visited this nation. I hope the next Pope will also visit this country and commune, and be part of pushing for the agenda of equity and decency among the morals.

Finally, Mr. Temporary Speaker, Sir, on the issue of the Statement by the Senate Standing Committee on Agriculture, Livestock and Fisheries, I expect the Chairperson of the Committee to tell us the status of top-dressing Calcium Ammonium Nitrate (CAN) and the distribution of fertilizer in the country. We need to stop playing politics with agriculture. I saw the former Cabinet Secretary for Agriculture and Livestock Development, courtesy of Sen. Methu, trying to cast aspersions, yet during the investigation of the scandal of fake fertilizer, he was at the centre of it. Therefore, those are for political expediency. These people want to run for some office and they do not have an agenda.

The investigations placed the former Cabinet Secretary, Hon. Linturi, at the centre of the fake fertilizer scandal. The National Assembly wanted to impeach him due to that scandal, I challenge the Standing Committee on Agriculture to table their report on fake fertilizer because, you will find the former Cabinet Secretary for Agriculture at the centre of it. He should not now twist the story or try to change it.

Where I come from, when the T9 bites you or your dog, that dog becomes a T9 and wants to bite everybody in the village. So, he cannot be threatening us, alleging that some individuals outside him were involved in the fake fertilizer scandal. He must tell us where the donated fertilizer went. He was the Cabinet Secretary for Agriculture then, and the back stopped with him.

I hope the media will be bold enough to ask him in the report by the National Assembly, when he was supposed to be impeached or to be removed by the vote of no confidence, why he did not have the energy to blackmail and intimidate?

I want to ask the President not to be intimidated or blackmailed by known profiteers and auctioneers of politics. I know he wants to blackmail the Government, so

that he can be paid a gratuity after serving as the Cabinet Secretary. We should not allow that blackmail to happen in this country. Our politics must be hygienic.

It is embarrassing for our farmers from Nyandarua, Nandi, and even Kericho. For the first time, when President William Ruto took office, fertilizer which was Kshs7,000, was subsidized to Kshs2,500. All farmers, not only maize farmers, but tea and even sugar cane farmers, can now access fertilizer at the National Cereals and Produce Board (NCPB).

This year, to report as a farmer, we have not had any scandals involving fake fertilizer, unlike when Hon. Linturi was in office. It means that he was the problem. I was in Lessos, Mosoriot and Malaba NCPB, there are all types of fertilizer and they are up to standard. So, who was the problem in the Ministry of Agriculture? It was the Cabinet Secretary, Hon. Linturi.

This year, even in Bomet County, we have not had any complaint on the supply of fertilizer. I want to challenge the counties. I know other counties are doing the same. You know, my county is on autopilot. We have an inept Governor called Hon. Sang who has decided to autopilot everything. If my county can do the last-mile distribution of fertilizer, it will assist farmers. I want to challenge governors across the country, including Governor Stephen Sang, Governor Barchok and Governor Badilisha, to do the last-mile distribution of fertilizer to save farmers on transport costs, so that it becomes cheaper at the end of the day.

I want to challenge NCPB to ensure that there is the topdressing fertilizer, the Urea and CAN to ensure that farmers have access to the fertilizer. I expected the Standing Committee on Agriculture to tell us about that.

Finally, I saw the Cabinet Secretary for Agriculture, Hon. Mutahi Kagwe in Kericho County discussing issues of bonuses. We want to be told which mathematics and computations are being used. When you go to another region in this country, they get the highest bonus of up to Kshs68, but when you come to Nandi County, we are getting bonuses as low as Kshs17. What magic are they doing in Mombasa that we are being told that the tea from Western Kenya, amounting to Kshs34 billion, has not yet been sold, but tea from one region has been sold?

I hope Hon. Mutahi Kagwe is not doing a Public Relations (PR) exercise in Kericho County as we speak. He must tell the farmers of Kericho, Nandi, Bomet and Western Kenya counties, why we are getting less bonuses? You, Sen. Aaron Cheruiyot and I know that there is one constant question that our farmers ask us - why are our bonuses in this region lower than in other regions?

I challenge the Cabinet Secretary, Hon. Mutahi Kagwe, that as he is working on the issue of tea, he must tell us what the problem is with this issue of tea. I hope that as we do tea sector reforms, the friend of Sen. Methu will tell us why he stole and objected the tea sector reforms where farmers should have reaped.

I remember Sen. Aaron Cheruiyot hosted us for the tea conference. We must reap the fruits of the guaranteed minimum returns for the betterment of a tea farmer, a sugarcane farmer, a coffee farmer and a maize farmer.

With your indulgence, I support all those Statements. I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, it is not called Western Region, but west of the Rift that includes Nandi, Kericho, Bomet and the Western Region.

The Senate Majority Leader (Sen. Cheruiyot): I wanted to comment on the report by the Committee on Devolution and Intergovernmental Relations, but they have since left.

I was deeply concerned as I listened to the presentation by Sen. (Prof.) Kamar, on behalf of the Committee on its activities. I am particularly worried because of the situation that is pertaining in the neighbouring county of Nyamira where there are two county assemblies.

It will be interesting to know why up to now, we are unable to resolve what appears to me to be a pretty straightforward issue. I said it when the matter first came to this House that the easier thing to do is to establish which of these institutions the Controller of Budget (CoB) is funding and allowing release of funds to.

Who is the Clerk since clerks are *gazetted* and it is known? It is important for the Clerk, who is the administrator of the County Assembly duly recognized by the Government, to come and appear before the House and confirm to which Assembly he owes allegiance to of the so-called two county assemblies. There can only be one.

I wanted to listen to the presentation from that Committee on how they have succeeded in securing justice for the citizens of Nyamira who continue to suffer because of lack of services of primary oversight. This is because a dysfunction oversight means nobody is checking the goings-on in the County Executive of Nyamira. Perhaps one would not place Governor Nyaribo away from these disputes because he benefits more. A weakened county assembly benefits the Executive more than any other person because it means they are able to have a free hand and reign.

Mr. Temporary Speaker, Sir, I would also wish to register my concerns with that Committee with regards to another issue that has emerged in our county governments. We said this when we were passing the County Public Investments and Special Funds Committee (CPIC) reports toward the period we went on recess. We hurriedly passed I think almost 50 reports combined here on very topical issues in our county governments. These included maladministration, governance challenges and so on and so forth. It is not right that featuring prominently from the Committee on Devolution and Intergovernmental Relations nothing has been said on what we as Senate need to do.

It is not a good situation when we are being told that on average 90-99 per cent of the counties are spending on average 10-20 per cent only of all these funds we are talking about as devolved funds on development. The rest is in recurrent expenditure and other charges that were not the original intent of devolution.

The Committee must lead this House into a conversation whether we, as a House, are concerned with this situation and are happy to content, and leave it as it is. There is no need to fight here to push the figures to Kshs450billion yet we know that close to 80 percent is going to pay salaries and how people travel.

On average, every county perhaps one would hardly find two to three per cent of the county population works in the county government. If that two to three per cent in

their service provision is consuming close to 50 per cent of the funds we are devolving, is that really the original intention of devolution. I do not think that is the case. Therefore, as a House, we must make difficult decisions. We should guide the counties, hold their hands and help them to make the right decision so that there is prudent use of resources.

The Public Finance Management Act is not a suggestion. It is a set of rules that we are actually duty-bound, as a House, to ensure that we enforce its compliance. We have to ensure that the county governments follow through with the intended purpose of the regulations that we have passed here on many occasions.

We are increasingly getting to hear that committees have visited various places, which is a good thing, but I wish that we address ourselves to more concrete and substantial issues. If we do that, we will help the country appreciate and know that the Senate has taken its place and that we take our duty of oversight very seriously.

Mr. Temporary Speaker, Sir, I said what I am about to say again towards the end of last session. I said that it is possible for us, as a House, to develop the tools through which we can measure the performance of a county government. The Senate can then give a fair and objective appraisal of all the 47 county governments based on the indices that we will develop. This is not rocket science. They are things that are available.

We can look at how a county treats pending bills, what percentage of their resources are dedicated to development and their own source revenue. We can also look at corruption indexes, the cases that are being reported, completion of projects, budget implementation and absorption of the budget. These are things that we know and are available in all the 47 county governments.

Sen. Mungatana, MGH, do you want to tell me that as a House, we cannot do this? We can have the Committee on Devolution and Intergovernmental Relations or the Committee on Budget and Finance lead us. If they find it to be difficult, then those of us who take our legislative duties seriously, like yourself, Sen. Cherarkey, the Temporary Speaker and many of us can develop the tools. Why do we have to wait for some dubious institutions to rank governors and troop them here to Nairobi and say that governor so and so has performed yet we know how they secure those things? That is stupidity of the highest order. A governor who goes to pose for pictures with those things is a con man that the people of that county should quickly reject.

What basis do they use to indicate their performance? We know the tools that we can use to measure the performance of a county government. This is a responsibility which we, as Senate, cannot pass on to any other person. These are things that we need to do and ensure that we set the indices together with the Parliamentary Budget Office (PBO). We should develop the framework and the formula, such that when it is applied and weighted, one can see the performance of a county government. We can then objectively assess and say that this is what we know about it and the things that are happening.

I earlier raised an issue of a Senate Oversight Fund, which I hope that at the right time, we will get an opportunity to explain to the citizens of this Republic why that fund is important and why it should be made available to Senators. I said we can make do without it because we have stayed without it for the last 10 plus years. There is nothing

new about it. In fact, we operate better when there are no resources that are attached to us thus nobody can say that we misappropriated this or the other. However, we have said we will be more effective, as a House, if we hired the correct pool of people to work with us in ensuring that the function of oversight in the office of a Senator in the counties is properly tackled and handled. That is something that is under consideration and I hope that citizens will be fair arbiters in this process. When we eventually get the chance to take this Bill to the citizens and explain our perspective of it, especially with regards to devolution, we hope that they will make the right decision.

I take judicial notice of the fact that it is a few seconds to the rise of the House. Therefore, I quickly conclude my comments.

I thank you, Mr. Speaker.

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Cheruiyot, the Senate Majority Leader.

Shall we rise? Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until tomorrow, Wednesday, 7th May, 2025, at 9.30 a.m.

The Senate rose at 6.30 p.m.