



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fifth Session

Tuesday, 14th July, 2026 at 2.30 p.m.

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 14th July, 2026

*The House met in 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 a quorum?

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

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

(The Quorum Bell was rung)

The Speaker (Hon. Kingi): Hon. Senators, we do have a quorum now. Kindly take your seats.

(Sen. Osotsi and Sen. (Dr. Khalwale) consulted)

Sen. Osotsi and Senator for Kakamega
Clerk, you may proceed to call the first Order.

COMMUNICATION FROM THE CHAIR

WELCOME REMARKS FOR PART IV OF THE FIFTH SESSION

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 three weeks. I also hope that you took time to rejuvenate your spirits for the resumption of regular sittings for Part IV of the Fifth Session. This part will run until the rise of the Senate on Thursday, 6th August, 2026.

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Now, hon. Senators, as you will recall, in Part III of the session, Parliament considered and passed the following Bills –

The County Allocation of Revenue Bill (Senate Bills No. 10 of 2026) and the County Government's Additional Allocations Bill (Senate Bills No. 8 of 2026). The County Allocation of Revenue Bill (Senate Bills No. 10 of 2026) was assented to by His Excellency the President on the 29th June, 2026.

Further, the Senate considered and passed the Report on the Standing Committee on Finance and Budget on the County Government's Equitable Share Cash Disbursement Schedule for the Financial Year 2026/2027, thereby approving the release of the requisite funds to the County Governments to enable them to perform their functions. However, I take this opportunity to remind you that we still have a long way to go in processing business.

As indicated in today's Order Paper and the programme of business, the legislative agenda before the Senate is heavy. To dispense with the business on time, it requires sacrifices to be made on the part of all hon. Senators, including coming into the Plenary early and sitting through until the rise of the House. Above all, it is imperative that the movers of business listed in the Order Paper are in the Chamber to prosecute the same.

On my part, as usual, I will, in consultation with the Senate leadership, implement measures aimed at expediting and processing of businesses in the Senate. These measures will include the enforcement of time limits on questions and statements, as well as the allocation of time for Motions and Bills in accordance with the Standing Orders. Furthermore, the majority and minority parties are urged to ensure that the requisite number of county delegations is achieved whenever there are divisions to be undertaken.

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 constitutional duties. I wish you a fruitful engagement in Part IV of the Fifth Session.

I thank you.

Next Order.

MESSAGES FROM THE NATIONAL ASSEMBLY

(Sen. Korir shook hands with Sen. Mandago)

Sen. Korir, you may want to greet your colleagues later so that we proceed with business.

(Sen. Korir proceeded to her seat)

Hon. Senators, I have several Messages to report to you.

PASSAGE OF THE QUALITY HEALTHCARE AND PATIENT SAFETY BILL (NATIONAL ASSEMBLY BILL NO.41 OF 2025)

I wish to report to the Senate that pursuant to Standing Order No.46(3) and (4), I received the following Message from the Speaker of the National Assembly regarding the

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passage by the National Assembly of the Quality Health Care and Patient Safety Bill (National Assembly Bill No.41 of 2025).

The Message dated Thursday, 18th June, 2026, was received in the office of the Clerk of the Senate on Tuesday, 23rd June, 2026, when the Senate had proceeded on recess. It was subsequently circulated to all Hon. Senators via a letter dated 24th June, 2026.

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

WHEREAS, the Quality Health Care and Patient Safety Bill, (National Assembly Bill No.41 of 2025), was published via Kenya Gazette Supplement No.144 of 17th July, 2025, as a Bill seeking to provide for the responsibility of the national and county governments in the realisation of quality of health care for patients, to provide for the establishment, powers, functions of the Quality Health Care and Patient Safety Authority, registration, licensing, accreditation of health facilities, to provide for the setting of standards for quality of health care and for connected purposes; and, whereas on the 2nd June, 2026, the National Assembly considered the Bill and passed it with amendments in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110 of the Constitution and Standing Orders No.41 and 142 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration.

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

I thank you.

PASSAGE OF THE KENYA NATIONAL LIBRARY
SERVICE BILL (NATIONAL ASSEMBLY BILLS No.20 OF 2023)

Again, Hon. Senators, I wish to report to the Senate that pursuant to Standing Orders No. 46(3), I received a Message from the Speaker of the National Assembly regarding the passage by the National Assembly of the Kenya National Library Service Bill (National Assembly Bill No.20 of 2023). The Message, dated Wednesday, 1st July, 2026, was received in the office of the Clerk of the Senate on Friday, 3rd July, 2026 and subsequently circulated to Senators via a letter dated 7th July, 2026. Now, pursuant to Standing Orders No. 46(5), I now proceed to report the Message.

WHEREAS, the Kenya National Library Service Bill (National Assembly Bill No.20 of 2023) was published via Kenya Gazette Supplement No. 74 of 24th May, 2023, as a Bill to give effect to Article 11(2)(a) of the Constitution to establish the Kenya National Library Service and provide for the management of the Kenya National Library Service;

AND WHEREAS, on Wednesday, 1st July, 2026, the National Assembly considered and passed the said Bill with amendments and in the form attached hereto;

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

Hon. Senators, pursuant to Standing Orders No.163, a Bill originating in the National Assembly is proceeded with by the Senate in the same manner as a Bill introduced

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in the Senate by way of first reading and in accordance with Standing Orders No.144. Accordingly, the Kenya National Library Service Bill (National Assembly Bill No.20 of 2023) will be listed in tomorrow's Order Paper for the First Reading.

PASSAGE OF THE COUNTY ALLOCATION OF
REVENUE BILL (SENATE BILLS NO.10 OF 2026)

Hon. Senators, I further wish to report to the Senate that pursuant to Standing Order 46(3), I received a Message from the Speaker of the National Assembly regarding the passage by the National Assembly of the County Allocation of Revenue Bill (Senate Bills No.10 of 2026). The Message dated February 2026 was received in the office of the Clerk of the Senate on the same date. Pursuant to Standing Orders No. 46(5), I now proceed to report the message.

WHEREAS, the County Allocation of Revenue Bill (Senate Bill No. 10 of 2026) was published via Kenya Gazette Supplement No.107 of 30th April, 2026, as a Bill concerning county governments to provide for, *inter alia*, the equitable allocation of revenue raised nationally among the county governments for the year

2026/2027 and the responsibilities of the national and county governments pursuant to such allocations;

AND WHEREAS, the Senate considered and passed the Bill with amendments on Wednesday, 17th June, 2026 and thereafter referred it to the National Assembly for consideration pursuant to the provisions of Article 110(4) of the Constitution and whereas on Thursday, 25th June, 2026, the National Assembly considered and passed the Bill without amendments in the form passed by the Senate;

NOW THEREFORE, in accordance with the provisions of Standing Orders No. 41(1) and 144 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate:-

Hon. Senators, you will recall that I transmitted this Message to all Senators via the letter reference SEN/L&P/MSG/2026(01) dated 26th June, 2026, in accordance with the provisions of Standing Orders No. 46(5). In that letter, I indicated that in view of the fact that the National Assembly had passed the County Allocation of Revenue Bill (Senate Bill No.10 of 2026) without amendments, I will be referring the Bill to His Excellency, the President, for assent pursuant to Standing Orders No.169(1) and Article 110(5) of the Constitution. I wish to inform you that the Bill was assented to on Monday, 29th June, 2026.

(Several Senators walked into the Chamber)

Hon. Senators, you may take your seats before I proceed to conclude the Messages.

PASSAGE OF THE AGRICULTURAL AND LIVESTOCK

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EXTENSION SERVICES BILL (SENATE BILLS NO.12 OF 2022)

I wish to report to the Senate that pursuant to Standing Orders No.46(3), I received a Message from the Speaker of the National Assembly regarding the passage by the National Assembly of the Agricultural and Livestock Extension Services Bill (Senate Bills No. 12 of 2022). The Message dated Wednesday, 1st July 2026, was received in the office of the Clerk of the Senate on Friday, 3rd July 2026. Pursuant to Standing Orders No. 46(5), I now report the Message.

WHEREAS, the Agricultural and Livestock Extension Services Bill (Senate Bills No. 12 of 2022) was passed by the Senate on Wednesday, 21st February, 2024 and thereafter referred to the National Assembly for consideration pursuant to Article 110(4) of the Constitution;

AND WHEREAS, the National Assembly conceded and passed the said Bill on Wednesday, 10th June, 2026, with amendments in the form attached hereto. Therefore, in accordance with the provisions of Article 112(1)(b) of the Constitution and Standing Orders No.41(1) and 144 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.

Hon. Senators, you will recall that this Message, together with the Schedule of the National Assembly amendments to the Agricultural and Livestock Extension Services Bill (Senate Bills No.12 of 2022), was transmitted to all hon. Senators vide Letter Reference SNN/LNP/Message 2026(02) dated 7th July, 2026 in accordance with the provisions of Standing Orders No.46(5) and 165(1).

In the letter, I did indicate that I had directed the relevant Standing Committee to consider the National Assembly amendments and table its report in order to facilitate the Senate's consideration of the said amendments. The National Assembly amendments were indeed referred to the Standing Committee on Agriculture, Livestock and Fisheries, which is required to table its report on or before Tuesday, 28th July, 2026. The Senate Business Committee (SBC) will thereafter appoint a time for the consideration of the Motion on the amendments. The House is guided accordingly.

PASSAGE OF THE KENYAN SIGN LANGUAGE
BILL (SENATE BILLS NO.9 OF 2023)

Further, I wish to report to the Senate that pursuant to Standing Order No. 46(3), I received a Message from the Speaker of the National Assembly regarding the passage by the National Assembly of the Kenyan Sign Language Bill (Senate Bills No.9 of 2023). The message dated 2nd July, 2026, was received in the Office of the Clerk of the Senate on Friday, 3rd July, 2026.

Pursuant to Standing Orders No. 46(5), I now report the Message.
WHEREAS, the Kenyan Sign Language Bill (Senate Bills No.9 of 2023) was passed by the Senate on Wednesday, 21st February, 2024 and referred to the National Assembly for consideration pursuant to the provisions of Article 110(4) of the Constitution and whereas the National Assembly considered and passed the said Bill on Wednesday, 24th June, 2026 with amendments as contained in the Schedule of amendments attached herewith;

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

Hon. Senators, you will recall that this Message, together with the Schedule of the National Assembly amendments to the Kenyan Sign Language Bill (Senate Bills No.9 of 2023), was transmitted to all hon. Senators vide Letter Reference SNN/LNP/Message 2026(02) dated 7th July, 2026 in accordance with the provisions of Standing Orders No.46(5) and 165(1).

In the said letter, I indicated that I had directed the relevant Standing Committee to consider the National Assembly amendments and table its report in order to facilitate the Senate's consideration of the said amendments.

Hon. Senators, the National Assembly amendments were referred to the Standing Committee on Education, which is now required to table its report on or before the 28th July, 2026. The SBC will thereafter appoint a time for the Motion for consideration of the amendments by the House. The House is guided accordingly.

PASSAGE OF THE COUNTY GOVERNMENTS
(AMENDMENT) BILL (SENATE BILLS NO.25 OF 2023)

Finally, I wish to report to the Senate that pursuant to Standing Orders No.46(3), I received a Message from the Speaker of the National Assembly regarding the passage by the National Assembly of the County Government's (Amendment) Bill (Senate Bills No.25 of 2023). The Message dated Thursday, 2nd July, 2026, was received in the office of the Clerk of the Senate on Friday, 3rd July, 2026. Pursuant to Standing Orders No. 46(5), I now report the Message.

WHEREAS, the County Government's (Amendment) Bill (Senate Bills No. 25 of 2023) was passed by the Senate on Thursday, 2nd May, 2024 and thereafter referred to the National Assembly for consideration pursuant to the provisions of Article 110(4) of the Constitution;

AND WHEREAS, on Wednesday, 1st July, 2026, the National Assembly considered and passed the said Bill with amendments as contained in the Schedule of amendments attached herewith; now, therefore, in accordance with the provisions of Article 112(1)(b) of the Constitution and Standing Orders No. 41(1) and 144 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the assembled Senate.

Hon. Senators, you will recall that this Message together with the Schedule of the National Assembly amendments to the County Governments (Amendment) Bill (Senate Bills No.25 of 2023) was transmitted to all Senators vide Letter Reference SEN/LNP/Message.2026(02) dated 7th July, 2026 in accordance with the provisions of Standing Orders No. 46(5) and 165(1). In the letter, I did indicate that I had directed the relevant Standing Committee to consider the National Assembly amendments and table its report in order to facilitate the Senate's consideration of the said amendments.

Hon. Senators, the National Assembly amendments were indeed referred to the Standing Committee on Devolution and Intergovernmental Relations, which is required to table its report on or before Tuesday, 28th July, 2026. The SBC will thereafter appoint a

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time for the Motion for consideration of the amendments by the Senate. The House is guided accordingly.

Next Order, Clerk.

Senator for Kakamega, you may proceed.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I thank you for that Communication and also thank the National Assembly for the quick action they took on our business on the matter of the County Allocation of Revenue Bill. I also thank the President for signing it into law.

You have made Communication on important issues concerning Kenyans on health, agriculture and sign language. You have responded by quickly putting the business of the National Assembly as a priority. Could you either explain or give your commitment to this House that when our business goes to the National Assembly, they will receive and also prioritise that business with the urgency that it deserves?

This is because as you know, there is a lot of our business that sits on the shelves in the National Assembly without action being taken.

The Speaker (Hon. Kingi): Senator for Kakamega, indeed, the SBC has discussed that particular concern. I have, as your Speaker, taken this matter to the Speaker of the National Assembly. I have written a letter to the Speaker of the National Assembly, and I have walked across to have a meeting with him. I have been given an undertaking that the business emanating from this House to our sister House will be given priority, just like we give priority to the business from the National Assembly.

We therefore hope that the undertaking will help us move business that originates from either House.

Yes, Senator Enock.

Sen. Wambua: Thank you, Mr. Speaker, Sir, for that assurance. It is refreshing to hear that there is a commitment on the other side to fast-track the business that emanates from the Senate.

We all know that agriculture is a devolved function and, in your messages, I heard you make reference to the Agricultural and Livestock Extension Services Bill and at whatever stage then, that Bill becomes the business of this House or even the National Assembly. I just wanted to bring to your attention, the attention of the House and the country, that currently, we seem to be having a major problem with the importation of livestock from South Africa because of an outbreak of foot and mouth disease. There are millions and billions of Kenya's monies that is stuck with importers. They cannot bring in their animals because there are quarantines that have been declared in certain regions within South Africa.

Therefore, when that matter comes up for debate, if it does, either here or on the other side of the House, then it will be important to consider the plight of livestock importers, especially those that are bringing in animals from the Southern African region.

The Speaker (Hon. Kingi): Very well, hon. Senator. You need not wait until somebody prompts either House to move. You may, either by way of a statement or a question directed to the relevant ministry, have this matter addressed.

The Senator for Nairobi County, Hon. Edwin Sifuna.

PETITION

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IMPACT OF KENYA RAILWAY PROJECTS ON
RESIDENTS AND TRADERS OF LAINI SABA MARKET

Sen. Sifuna: Thank you, Mr. Speaker, Sir. It is good to see you after the break and colleagues. I have a Petition by informal traders and residents affected by the Kenya Railway projects in Nairobi.

We, the undersigned citizens of the Republic of Kenya, residents and former traders of Laini Saba Market operating within Laini Saba and Woodley wards in Kibra Constituency, draw the attention of the Senate to the following:

(1) THAT we are informal traders and residents affected by the Kenya Railways Project in Laini Saba and Woodley wards in Kibra Constituency, who have for many years occupied the areas for trade and livelihood, and were duly identified and enumerated as project-affected persons.

(2) THAT despite our long-standing occupation and prior enumeration, Kenya Railways Corporation (KRC) has subjected us to intimidation, harassment, selective demolitions, arrests of leaders, backdated notices, forced evictions and displacement without due process or fair administrative action.

(3) THAT the timing of the demolitions and evictions has often coincided with peak business periods, thereby disrupting our businesses, livelihoods and economic survival.

(4) THAT the actions complained of amount to unfair, oppressive, and discriminatory treatment against marginalised traders and residents.

(5) THAT the actions were carried out without proper public participation, transparency and a failure to uphold accountability in the planning, procurement, implementation and relocation processes affecting the petitioners.

(6) THAT the failure by relevant public bodies to properly coordinate the resettlement and relocation process has precipitated and worsened the crisis facing the petitioners.

(7) THAT the purported resettlement and relocation facilities provided are structurally deficient, inadequately designed, economically unviable, insecure and lack basic amenities and supporting infrastructure, including water, sanitation, access roads and disability-friendly facilities.

(8) THAT we have made the best efforts to have these matters addressed by the Nairobi City County (NCC) and National Government officials, written complaints to the Kenya Railways and relevant ministries, all of which have failed to give a satisfactory response.

(9) THAT none of these issues raised in this petition are pending in any court of law.

Therefore, your humble petitioners pray that the Senate investigates this matter with a view to recommending that the affected traders and residents are, one, granted appropriate compensation for the loss and disruption suffered as a result of the Kenya Railways project. Two, be resettled in adequate, safe, and functional facilities to enable them sustainably carry on their trade and livelihoods.

Reported by Senator Sifuna, Senator for Nairobi City County.

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I thank you, Honourable Chair.

The Speaker (Hon. Kingi): Thank you, Honourable Senator. Senators, pursuant to Standing Order 238(1), I commit the petition to the Standing Committee on Roads, Transportation and Housing. In terms of Standing Order 238(2), the said Committee is required, in not more than 60 calendar days, from the time of reading the prayer, which is today, to table its report in the Senate for consideration.

*(The Petition was committed to the Committee
on Roads, Transportation and Housing)*

Next Order.

Proceed, Senate Majority Leader.

PAPERS LAID

Sen. Wafula: Thank you, Honourable Speaker. Mr. Speaker, Sir, on behalf of the Senate Majority Leader, I beg to lay the following Papers on the Table of the Senate today, Tuesday, 14th July 2026:-

REPORT ON THE COUNTY GOVERNMENT'S BUDGET IMPLEMENTATION REVIEW FOR FY 2025/2026

Report of the Controller of Budget on the county government's budget implementation review for the nine months of Financial Year 2025/2026.

ANNUAL STATUTORY REPORT ON THE OPERATIONS AND PERFORMANCE OF THE REGULATED SACCOs IN KENYA FOR THE YEAR 2024

Annual statutory report on the operations and performance of the regulated Saccos in Kenya for the year 2024.

REPORT ON NEW LOANS CONTRACTED BY THE GOVERNMENT FROM 1ST JANUARY, 2026, TO 30TH APRIL 2026

Report of the National Treasury on all new loans contracted by the government from 1st January 2026 to 30th April 2026.

Thank you, Honourable Speaker.

(Sen. Wafula laid the documents on the Table)

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

Sen. Kisang: Thank you, Honourable Speaker, I beg to lay the following Papers on the Table of the Senate today, Tuesday, 14th July 2026 –

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REPORT ON ALLEGED IRREGULARITIES IN THE
PETROLEUM PRODUCTS SUPPLY CHAIN

Report of the Standing Committee on Energy regarding alleged irregularities in the petroleum products supply chain.

REPORT ON HANDING OVER OF COOKING GAS
HANDLING FACILITY TO A PRIVATE FIRM

Report of the Standing Committee on Energy on its inquiry regarding the handing over of a cooking gas handling facility in Mombasa County to a private firm.

Thank you, Honourable Speaker.

(Sen. Kisang laid the documents on the Table)

The Speaker (Hon. Kingi): Honourable Senators, before I allow the Clerk to call the next order, kindly allow me to make the following Communication:

COMMUNICATION FROM THE CHAIR

COMMITTAL OF REPORT ON NEW LOANS CONTRACTED BY THE
GOVERNMENT FROM 1ST JANUARY TO 30TH APRIL 2026 TO
THE STANDING COMMITTEE ON FINANCE AND BUDGET

As you may have noted, the Senate Majority Leader laid on the Table of the Senate this afternoon the report of the National Treasury and Economic Planning on all loans contracted by the Government of Kenya from 1st January, 2026 to 30th April 2026. The report by the National Treasury on the stated period contains details on all loans signed between the national Government and various creditors.

Honourable Senators, Section 31(1) of the Public Finance Management Act states, and I quote, “the Cabinet Secretary shall submit to Parliament every four months a report of all loans made to the national government, national government entities and county governments in accordance with Article 211(2) of the Constitution.” Pursuant to Section 31.3 of the Public Finance Management Act, the report submitted to Parliament shall contain the following-

1. The names of the parties to the loan;
2. The amount of the loan;
3. The currency in which it is expressed and in which it is repayable;
4. The terms and conditions of the loan, including interest and other charges payable, and the terms of repayment;
5. The amount of the loan advanced at the time the report is submitted, the purpose for which the loan was used, the perceived benefits of the loan, and such other information as the Cabinet Secretary may consider appropriate.

Honourable Senators, given the importance of the national debt in our public finance management framework, I hereby commit the report of the National Treasury and

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Economic Planning on all new loans contracted by the Government of Kenya from 1st of January, 2026 to 30th of April, 2026 to the Standing Committee on Finance and Budget for consideration. The Committee is required to table a report on the matter at an appropriate time.

I thank you.

*(The Report was committed to the
Committee on Finance and Budget)*

Next Order.

NOTICES OF MOTIONS

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

ADOPTION OF REPORT ON ALLEGED IRREGULARITIES IN THE PETROLEUM PRODUCTS SUPPLY CHAIN

Sen. Kisang: Thank you, Honourable Speaker. I beg to give notice of the following Motion-

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

Thank you.

The Speaker (Hon. Kingi): You had two notices.

ADOPTION OF REPORT ON HANDING OVER OF COOKING GAS HANDLING FACILITY TO A PRIVATE FIRM

Sen. Kisang: Thank you, Honourable Speaker. I beg to give notice of the following Motion –

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

The Speaker (Hon. Kingi): Next Order.

Yes, Honourable Omtatah.

Sen. Okiya Omtatah: Mr. Speaker, Sir, thank you for the opportunity. My inquiry regards the report that has been tabled. I made a request for a statement on the Floor of the House. It went to the Committee on Energy. The Cabinet Secretary responded to my statement. I was dissatisfied.

Then the committee decided to short-circuit the process by going into an inquiry mode. They have tabled an enquiry report here without responding to my statement. My statement was precisely on the issue that has been tabled here. Before we debate that report,

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I would require some clarification of what really happened. I was not invited into the inquiry. I am just hearing of it on the Floor of this House right now. So, I need some guidance on whether that is how we will conduct business in this House.

The Speaker (Hon. Kingi): Thank you, Honourable Sen. Omtatah. I will look into it and give guidance on the matter in the next sitting. Let me give an indication on Tuesday next week.

Sen. Okiya Omtatah: Most obliged.

The Speaker (Hon. Kingi): Thank you. Let us move to Questions and Statements. Clerk, had you called this order?

QUESTIONS AND STATEMENTS

STATEMENTS

Let us have requests for Statements pursuant to Standing Order 53(1).

The Senator for Vihiga County, the Hon. Osotsi.

COMPENSATION AND REPARATION PROGRAMME FOR VICTIMS OF DEMONSTRATION-RELATED VIOLENCE

Sen. Osotsi: Thank you, Mr. Speaker, Sir. I wish to request for a statement on the implementation of the Government's Compensation and Reparation Programme for victims of demonstration-related violence. I rise pursuant to Standing Order 53(1) to seek a statement from the Standing Committee on Justice, Legal Affairs and Human Rights on a matter of national concern regarding the implementation of the Government's Compensation and Reparation Programme for victims of demonstration-related violence and enforced disappearances.

Mr. Speaker, Sir, while the recent allocation of Kshs2 billion has offered hope to affected families, many continue to grapple with the loss, trauma and uncertainty. Concerns have been raised about transparency, accountability and whether the programme will adequately address the plight of all victims, underscoring the need for clarity and justice in its implementation.

In the statement, the committee should address the following:

(1) The criteria used by the Government and relevant agencies to identify the victims or beneficiaries, including verification processes, categories of victims, claims received and timelines for disbursement of compensation.

(2) The status of compensation and support covering families of the deceased, injured persons and victims of torture or other human rights violations with attention to medical, psychological, legal and socio-economic needs.

(3) Efforts to trace missing persons, the progress of investigation into such cases and the assistance extended to their families pending conclusion of the investigation.

(4) Accountability measures, including investigation, prosecution, disciplinary action against those implicated in unlawful killings, torture and other human rights violations and enforced disappearances.

(5) The steps being taken by the Government to prevent future violations during public demonstrations, political rallies, including reforms, oversight mechanisms and other implementations of recommendations from the Kenya National Commission on Human Rights (KNCHR) and other relevant bodies.

Thank you.

The Speaker (Hon. Kingi): Hon. Sen. Hamida Kibwana.

UNREGULATED DEVELOPMENT ON PUBLIC
SPACES IN ESTATES WITHIN NAIROBI CITY COUNTY

Sen. Kibwana: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53 (1) to seek a statement from the Standing Committee on Roads, Transportation and Housing on a matter of countywide concern regarding the increased cases of unregulated developments, encroachment on public spaces and obstruction of roads, pedestrian walkways and drainage systems in estates within Nairobi City County.

Some developers in Nairobi City County continue construction works that interfere with public infrastructure and compromise resident safety, accessibility and general welfare. These practices include excavating plots from beacon to beacon, obstructing access roads with construction materials, encroaching on pedestrian walkways, extending cabro works to the edge of public walkways and blocking drainage systems.

Residents, particularly in the California Area of Nairobi, have been adversely affected and attribute this problem to weak enforcement, irregular approvals and possible collusion between developers and county government officers responsible for planning approvals, inspections and development control. In the statement, the committee should address the following-

(1) The status of enforcement of development control regulations in estates within Nairobi City County, particularly the California Area, including whether ongoing and recently completed developments comply with approved building plans, zoning requirements, setback, road reserves, public safety standards and whether any approvals have been granted for developments that encroach on public roads, pedestrian walkways, drainage channels or other public utility spaces.

(2) The measures to prevent developers from undertaking excavations from beacon to beacon or carrying out construction activities that comprise neighbouring properties, public access drainage, pedestrian safety or other public infrastructure.

(3) The action taken against developers who encroach on public utility spaces or who obstruct public roads with construction materials during construction, including any enforcement notices, penalties, restoration orders, stop orders or other sanctions issued.

(4) Whether there is collusion involving county officers in the approval, inspection and enforcement processes for developments within Nairobi City County, particularly the California Area and the steps taken to investigate such claims and hold culpable officers accountable.

(5) The immediate measures being undertaken and the timelines for implementation to restore blocked roads, pedestrian walkways and drainage systems, including the removal of encroachments and other obstructions affecting public access and safety.

I thank you.

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The Speaker (Hon. Kingi): The Senator for Marsabit County, the Hon. Mohamed Chute, who has four statements? Not in the House?
All the four statements are hereby dropped.

STATE OF ELECTRICITY CONNECTIVITY IN MARSABIT COUNTY

(Statement dropped)

BOUNDARY DISPUTE AT ARBJAHAN ALONG
MARSABIT–WAJIR COUNTIES

(Statement dropped)

RISING TENSIONS AT ARBJAHAN, ALONG MARSABIT–WAJIR COUNTIES

(Statement dropped)

OPERATIONS OF BUPA GLOBAL INSURANCE IN KENYA

(Statement dropped)

I will allow comments on the statement by the Senator for Vihiga County and Sen. Hamida Kibwana for not more than 15 minutes. If you get an opportunity to speak, kindly do so for not more than three minutes.

Sen. Muthama, proceed.

Sen. Kavindu Muthama: Thank you, Mr. Speaker, Sir, for giving me this opportunity. I welcome all of you to this sitting after visiting our counties.

I want to comment on the statement by Sen. Osotsi of Vihiga County concerning the compensation of people killed in demonstrations.

I thank the President for the compensation, but the money is not enough. The committee should go ahead and seek justice for the departed lives. It will be important to provide the families with psycho-social counselling. This will enable them to mourn their loved ones and learn how to live without them.

It is painful for a child to lose their life while going about their business, while parents and siblings at home wait for them, only to hear the news that someone has been shot. This should stop immediately, as killing demonstrators does not solve any problem.

The committee handling this matter should dig deeper with the police service so that the killings and abductions of our children stop. Many of these people are abducted and never reappear. Their parents never get to bury the bodies of their children, and they do not even know where they are. This is mental torture. That is why I propose the establishment of rehabilitation centres for counselling. This will enable affected families to be counselled and learn how to handle their loss and---

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

(Sen. Kavindu Muthama spoke off record)

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Sen. Kavindu, are you speaking in Kamba?

Sen. Tabitha Mutinda: Thank you, Mr. Speaker, Sir. I also take this opportunity to welcome colleagues back after a good recess.

Mr. Speaker, Sir, allow me to make brief comments on the Statement by the Senator for Vihiga, Sen. Osotsi. I appreciate him for recognising that the Government allocated Kshs2 billion. This is the first time that the Kenya Kwanza Government has prioritised the plight of families that lost their beloved ones. That is history because it has never happened before. He raised good questions on issues of transparency and accountability, but what is key to acknowledge is the fact that Kshs2 billion was set aside to assist those families.

I would also like to comment quickly on the Statement by my sister, Sen. Hamida Kibwana, regarding unregulated developments, encroachment of public spaces and blockage in our great Nairobi City County, which I represent. That is quite saddening.

As defenders of devolution, irregularities are entertained, and projects are done in a manner that does not adhere to the policies that have been put in place, yet we have officers sitting in different offices at the county level who allow irregular approval of projects. That is unprofessional and incompetent, and it must come to an end.

I hope that the Committee on Roads, Transportation and Housing, which is led by Sen. Eddy, will look into this matter. It does not affect the California Area only, but also many other areas, such as Kilimani, where every Tom, Dick and Harry is putting structures without following what needs to be done as per the National Construction Authority (NCA) requirements.

Mr. Speaker, Sir, with those remarks, I support.

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

Sen. Maanzo: Mr. Speaker, Sir, I would like to comment on the Statement by Sen. Osotsi.

Makueni, as a county, was affected. While the exercise of compensation was going on, some of the well-known cases in Makueni, like that of a young man called Brian, who was about to report to university, but he was shot in Emali Town. His mother had sent him to buy milk and bread. That is what he was carrying when a known Administration Police (AP) officer in the region shot him, and he died.

After that, the officer ran and hid in one of the local banks there. The bank had to be brought down by the people for that officer to be removed, arrested and taken to the Officer Commanding Station (OCS) in Emali. That officer is known, but no prosecution has been done.

When it came to compensation, the mother called me and said she was having a lot of problems relating to that. That was the only child and she is the only relative around. However, there were issues of succession by other relatives. The last time we talked, she appeared stuck, but compensation was not being processed.

Similarly, in Kinyambu in Kibwezi, which is in Makueni County, there is the case of a young man called Steven Kavingo who disappeared with the “Mlolongo 4”. Two were found dead, but two have never been found. That is Steven Kavingo and a Mr Karani from Yatta. One Nzyuko was buried in Kilungu. I went there to make sure that the DNA and other processes are done. He left a young family, but compensation has not come forth.

This Statement will go to the Committee on Justice, Legal Affairs and Human Rights, where I sit. We should get clarity as to whether this is just an exercise in talk or whether there is real compensation for the affected families in Kenya. This is because I got complaints from Machakos when they were commemorating some young people who disappeared and were later found dead.

We will look into this as a committee and make sure that everything comes to light. We will, as a committee that deals with justice, also summon all the people involved so that they come and tell us what is happening. We will ask them to bring the data, figures and names, so that the whole country knows. Being public money, I believe everyone should scrutinise and know.

Most families are saying they have been threatened and they are unable to speak or they cannot comment. That is against the Constitution. We want clarity on the proper use of public money so that the Kshs2 billion does not end up being spent.

Mr. Speaker, Sir, I thank Sen. Osotsi for this particular request. I thank you, and I support.

The Speaker (Hon. Kingi): Sen. Boni, you have the Floor.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I would like to commend the Senator for Vihiga in respect of his Statement on extrajudicial killings. He has raised a valid point on the selection criteria of who benefited. This draws the attention of the people of Kakamega immediately because during the recent demonstrations in Kakamega, specifically Ikolomani Constituency, over mining rights, tens of people were injured, property was destroyed, primary schools were brought down, and young people lost their lives.

We would like the committee to tell us why the following young artisanal miners who were shot dead have not been included in the list. They include Conrad Ashioya Isese, Zachariah Shitendeza, Wilberforce Ichechi and Duncan Ochieng. Why are they not on the list of beneficiaries?

Secondly, why are leaders who were arrested and harassed for defending those children not put on the list for compensation, specifically the nominated Member of County Assembly (MCA) of Kakamega, Mama Ann Malikho, a woman in her 60s? She was beaten in her house before her own children and husband, and taken to Kakamega after being rotated around at night. Why has she not been compensated? Why are the parents of the young girls who were raped during the spate of violence by the police not compensated?

Finally, Mr. Speaker, Sir, the committee should tell us the action being taken against people who gave orders to the police to attack victims of extrajudicial killings. When I say people, I mean people with authority, including the Inspector General of Police and the Cabinet Secretary in charge of security in this country. Why should people be given money when the fellows who---

(Sen. (Dr.) Khalwale's microphone was switched off)

The Speaker (Hon. Kingi): Next is Sen. Olekina.

Sen. Olekina: Mr. Speaker, Sir, I rise to make some brief comments on the Statement by Sen. Hamida Kibwana on unregulated developments and encroachment of public spaces and blockage of roads and drainage systems in estates within Nairobi City County.

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Nairobi does not operate without written laws and guidelines. It is purely a system of indiscipline. It is not poor people who are encroaching on other people's lands, but we, politicians and rich people, who do not believe in following the rule of law. The only time we are going to have order in the city is when the law is applied uniformly across everyone who lives in an estate.

The biggest challenge we have in Nairobi is slowly cropping up in other counties. First, our urban areas are all neglected. When you look at the developments happening, people are building wherever they want, so long as they know the "big people." You can even build on public land, and no one will give a hoot.

When you go to court, it takes a long time to determine whether you are building in a place where you are allowed to build. The only candid thing we can do is to accept that the zoning laws that exist even in Nairobi County are outdated. The courts themselves have ruled on that.

Therefore, I request that when the Standing Committee on Transportation, Housing and Urban Planning considers this matter. It should collaborate with the Standing Committee on Delegated Legislation to develop proper guidelines. These guidelines should also encourage citizens in those estates to ask why they are building there or ask to be shown the approvals.

Public participation is not carried out in estates, Mr. Speaker, Sir. Once approval is given by the city county, and in most cases, it is given through the back door because due process is not followed, then you are above the law.

This Statement by Sen. Hamida Kibwana should worry all of us. We make a lot of sentimental contributions, but when it comes to order, we seldom focus on it. So, I request that all of us pay attention to this Statement because El Niño is here. Very soon, if we do not fix the drainage systems, we will be flushed out of our beautifully manicured mansions simply because we did not speak when our neighbour was ---

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

Sen. Wafula: Bw. Spika, asante sana kwa kunipa fursa hii. Nashukuru Mungu kwa kunipa afya baada ya likizo fupi.

Hoja iliyoletwa na Sen. Osotsi kuhusu fedha za waathiriwa wa mchakato baada ya uchaguzi ni donda sugu miongoni mwa Wakenya kutoka pembe mbalimbali. Hususan, kuna mmoja anaitwa Mike Wang'unda kutoka Bungoma. Alipigwa risasi sita mkononi, na baadaye akawasilisha madai yake kwa *Independent Policing Oversight Authority* (IPOA) na Tume ya Kitaifa ya Haki za Kibinadamu pale *Kenyatta International Convention Centre* (KICC). Kamati inayoshughulikia mchakato huo ilisema imewalipa watu zaidi ya mia tano. Kijana huyu alinipigia simu na kuniuliza: "Iweje niliwasilisha stakabadhi zangu na Ushahidi, lakini jina langu halipo miongoni mwa waliyolipwa fidia?"

Bw. Spika, naomba kamati hii iwajibike na iwasilishe orodha ya wale waliopata fidia hii kutoka pembe zote za Kenya ili Maseneta tulio hapa tuthibitishe kwa majina kama hawa watu ni halali au ni watu ghushi. Kwa lugha ya kwetu tunasema "watu mashetu." Lazima tudhibitishiwe kwa sababu kama kuna orodha ya wafanyikazi hewa wanaolipwa mishahara, basi, kuna uwezekano pia kuna majeruhi au waathiriwa hewa. Bilioni mbili si pesa kidogo zilizotolewa kutoka mkoba wa serikali.

Hoja ya pili iliyowasilishwa na Seneta Hamida ni kuhusu watu kunyemelea ardhi ya umma. Hili si jambo la Nairobi peke yake. Kama Seneta wa Bungoma, kuna maeneo ya

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maji taka ambayo maji hayapiti. Wanakandarasi waliopata kazi wanafanya kazi kiuzembe. Wanalipwa na Serikali ya Mheshimiwa Ken Lusaka, na wanapiga makofi kana kwamba watu maskini wanafurahia utepetevu huu.

Tulikuwa na sherehe ya Siku ya Madaraka. Barabara iliyotumiwa na Mheshimiwa Rais kuingia katika Uwanja wa Kimataifa wa Masinde Muliro, mvua ikinyesha ---

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

Sen. Sifuna: Mr. Speaker, Sir. I have heard colleagues speak about this being the first time a government is setting aside money to compensate people. We should not even be having that conversation, because we are a country governed by the rule of law. These people should not have been injured in the first place.

Mr. Speaker, Sir, this matter is very close to my heart. It has caused me a lot of problems, but I am still standing. Even as we speak about compensation for people injured in previous demonstrations, this administration continues to manufacture fresh victims. We heard the Senator for Kakamega speak about protests in Ikolomani. Senators are aware that we lost two people in Laikipia who were protesting the decision by this Government to set up an Ebola containment facility in Laikipia.

We are manufacturing more victims before that Kshs2 billion even hits the accounts of the people we killed in previous protests. Those of us who were in Nairobi during the anniversary of the June 25th protests and even Saba Saba will recall that the entire city was cordoned off. Nothing was happening in Nairobi.

The very things we protested against, which is police behaving in a certain way, we saw it again a few weeks ago during Saba Saba. This is not something anyone should take pride in. I have spoken to people in this country, and many will tell you they would rather have their children back than the money people are waxing lyrical about here. Therefore, yes, we want compensation paid, but we should be pushing for justice and an end to the behaviours that cause people to die in the first place.

Secondly, on the Statement by Sen. Hamida: In this city, when we had proper leadership, when people like Raila Odinga were in government, if you built on a road reserve, that structure would be brought down. I do not understand where we lost that practice.

There was a very big building opposite T-Mall on Langata Road that had been built on a river. We said we were securing riparian areas and that building was brought down. When we were building the Southern Bypass, instead of the Government dealing with people who had built on the Southern Bypass, we carved space inside our national park to create room for the Southern Bypass.

How I wish we could all agree that it is extremely selfish. Can you imagine the entire city coming to a standstill after the rains and all of us drowning, just because one person decided to put ---

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

Sen. Wakwabubi Consolata: Mr. Speaker, Sir, thank you for the opportunity. I would like to contribute to Sen. Osotsi's Statement on the implementation of compensation.

First, I laud the Government for taking that concrete step of compensating verified victims. That is an indication of the Government's commitment to justice, reconciliation and national healing. However, in addition to compensation, prevention is more critical. It

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is time for us to strengthen our security agencies to expedite investigations and produce conclusive reports on what is going on.

I would like us to also look at the value of Kenyans enjoying their constitutional rights to life, dignity and peaceful assembly. It is laid down in the Constitution that picketing is allowed. However, let us uphold the peaceful demonstrations to avoid such issues whereby they are used as a cover of criminality, destruction of property and even an attack on the law enforcement officers.

Finally, I would like to urge the relevant committee to ensure that the compensation process is transparent, fair and victim-centred, with genuine claimants treated equally regardless of political affiliation, ethnicity, or social status. As leaders, we should support such initiatives to promote justice while safeguarding peace, national unity and the rule of law for the benefit of all Kenyans.

I would also like to comment on Sen. Hamida's Statement on the encroachment of public spaces. In my opinion, it is driven by the rapid urbanisation whereby people are out to grab public land to settle themselves. Consequently, it is affecting our lands, mostly the riparian grounds and even informal structures that are raised or mounted along the road reserves. We have billboards that are mounted all over. This tends to snatch away land that is meant for public development. It also affects---

(Sen. Wakwabubi Consolata's microphone was switched off)

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

Sen. Mumma: Thank you, Mr. Speaker, Sir, for the opportunity to speak to two Statements - the Statement by Sen. Osotsi and the one by Sen. Hamida.

Mr. Speaker, Sir, on the first Statement, I would like to call on all of us in the political space as the leaders and also those in the governing political faction, that this country needs to step back from this habit that is happening of intolerance, allowing people to have divergent views and stepping up against people exercising their freedoms. It is not good for anybody, the government and the opposition. It is degenerating into the issue of goonism. I do not think the answer can merely be that we are now compensating. I would like to remind us that this is not the first time we are compensating. We have actually compensated victims in Mau and Kiambaa.

Can we do our history to find out how we have compensated victims of violence in this country? In fact, this issue went to court and the court ruled about Kenya National Commission on Human Rights. However, we have precedent. I did submit a Statement to ask the Ministry concerned with internal security to tell us how previous victims were compensated. It is not something we should be proud of, that there are people who have disappeared and are yet to be found. I do not think any amount of money can compensate them.

I can see the yellow light. So, I will move on to the Statement by Sen. Hamida.

Mr. Speaker, Sir, that Statement speaks to the failure by the national Government to enforce standards. The national Government under our devolved governance is the one in charge of standards, while the county governments are supposed to carry out their mandate in accordance with those standards. However, currently, the Senate Standing Committee on Devolution and Intergovernmental Relations is interrogating how counties

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are implementing the urban areas and cities law. They are actually not implementing this. Towns are not being planned properly. In fact, there is hardly any intergovernmental sectoral committee between the roads and the other sectors---

(Sen. Mumma's microphone was switched off)

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

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I have seen the Statement on the compensation issue of victims of demonstration-related violence.

Mr. Speaker, Sir, I would like to thank the President for following up on his word on the 10-point agenda by ensuring that Kshs10 billion was allocated and provided for. The sponsor of Linda Mwananchi, Uhuru Kenyatta, in the last session committed Kshs10 billion. That money never came out.

The Speaker (Hon. Kingi): Sen. Cherarkey, be factual in your Statements.

Sen. Cherarkey: Okay.

Mr. Speaker, Sir, I can confirm when the state of---

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

Sen. Sifuna: Mr. Speaker, Sir, with all due respect, there is a rule and procedure on how people are required to be factual. I would request that you follow that Standing Order so that some of the pronouncements that have come from Sen. Cherarkey are subjected to our Standing Orders. If he is not able to provide evidence that he is actually being factual, that Linda Mwananchi is sponsored by the former president Uhuru Kenyatta, he should withdraw that statement from the HANSARD, or the consequences that follow naturally should follow.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Senator for Nandi County, you either proceed to substantiate the assertion that you have just made that Linda Mwananchi is being sponsored by the former President. If you are not in a position to substantiate, then just withdraw, apologise and proceed.

Sen. Cherarkey: Mr. Speaker, Sir, can I be allowed to substantiate tomorrow?

The Speaker (Hon. Kingi): Absolutely.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. Therefore, it is honest because during the State of the Nation Address, the former President committed Kshs10 billion to compensate victims of historical injustice, but he never followed through. Sen. Ledama, Sen. Madzayo and Sen. Wambua were there. It is in the HANSARD. So, we must appreciate that the President went ahead and ensured that the compensation panel is there.

I am happy Kshs674 million has been paid to 505 victims. What struck me was the issue of sexual violence. I know we can never get the lost lives and dignity back. However, that is the least we can do as a country. We need to be honest. When I see my colleagues pontificating---

The fact that people were killed is very unfortunate. However, we must rewrite that. That is why the Government has come up with a way to compensate some of these victims. I even want the young people from my county who were beaten up while playing pool in

Nandi Hills town to be compensated. Police allegedly killed my people in Kimwani over land skirmishes.

Even in Angata Barikoi in Narok County, there are many Kenyans who have been killed. We would want them to be compensated. However, there must be a procedure, and we must appreciate the goodwill of President William Ruto and his Government in partnership with the Orange Democratic Movement (ODM) Party leader, Dr. Oburu Oginga. We must celebrate that. We must also appreciate the freedom of speech.

(Sen. Cherarkey's microphone was switched off)

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

Sen. Lemaletian: Thank you, Mr. Speaker, Sir. I rise to contribute to the Statement by Sen. Osotsi, the Senator for Vihiga County, on the implementation of the Government's compensation and reparation programme for victims of demonstration-related violence. I appreciate the President of Kenya, in partnership with my party leader, Dr. Oburu Odinga, for ensuring that we have compensation for the victims of demonstration activities. However, I do not know whether the compensation will actually heal these families. In my opinion, there is also a need to ensure that the families get guidance and counselling to ensure that they survive or come out of the trauma that these families and communities have gone through. On the same breath, I would wish that we start treating all Kenyans equally across the divide, from south to north, from east to west, because each community deserves to be compensated for the lives it has lost.

When we talk about the north, every day we are going through banditry. People are being killed on a daily basis. People have died in Samburu East, in Samburu North, in Samburu West and in Turkana. We have lost both Turkanas in Charda and Samburus in Luiborongare, but we never hear about any compensation.

These people are treated like flies; they deserve to die. They are treated like children of a lesser god, but it looks like there are lives that are more precious in this country than others.

It is important that we are told who is going to fight--- When are committees such as NADCO going to be formed to speak and defend the people in the parts of the country and among marginalised and pastoralist communities?

Just within this past week, we have lost three lives. Our people cannot sleep in Poro, Luiborongare and Charda, but who talks about compensation? The moment the government starts to stretch its long arm, as we are told, to every part of this country, that is the day we will say, indeed, this compensation is worthy, and our lives are precious. Every Kenyan citizen matters, and it is the right of the government to ensure the protection of every Kenyan citizen.

Every time we lose our livestock, our people are sent back to square one. They have to start from the ground up, but here, farmers are being compensated for every small attack. When pastoralists are attacked, nobody talks about compensation. That is such an unfair way of treating Kenyans.

While I fully agree that---

(Sen. Lemaletian timed out)

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The Speaker (Hon. Kingi): Now, honourable Senators, the 15 minutes allocated to comments have long lapsed. Before I allow the Clerk to call the next Order, kindly allow me, pursuant to Standing Order 45 (2), to rearrange today's Order Paper and move straight to Order No. 21.

MOTION

ADOPTION OF REPORT ON PETITION ON ENACTMENT OF A LEGAL FRAMEWORK TO PROVIDE FOR CITIZEN-INITIATED RECALL OF THE PRESIDENT AND COUNTY GOVERNORS

Consideration of a report of the Standing Committee on Justice, Legal Affairs and Human Rights, on its consideration of a petition to the Senate by Mr. Laban Omusundi, regarding the enactment of a legal framework to provide for the recall of a President or governor through a citizen initiative.

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

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

The Temporary Speaker (Sen. Mumma): Chairperson, Committee on Justice, Legal Affairs and Human Rights, is there somebody?

Sen. Maanzo: Madam Temporary Speaker, I wish to move this report on behalf of the Chair, the Honourable Wakili Sigei, who is not around today.

On Thursday, 12th February, 2026, the Speaker of the Senate reported that a petition had been received from Mr. Laban Omusundi, a citizen of the Republic of Kenya.

The Temporary Speaker (Sen. Mumma): Sen. Maanzo, please, you need to move it as written. Please, approach the Chair for guidance.

(Sen. Maanzo consulted with the Temporary Speaker)

Sen. Maanzo: Madam Temporary Speaker, my apologies. Senior Senator Oburu had picked my Order Paper back, so let me do it the way you have guided.

The Temporary Speaker (Sen. Mumma): Okay. You may proceed.

Sen. Maanzo: I beg to move that the Senate adopts the report of the Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of a petition to the Senate by Mr. Laban Omusundi regarding the enactment of a legal framework to provide for recall of the president or a governor through a citizen initiative laid on the table of the Senate on Thursday, 11th June 2026.

The Committee considered this petition whereby, through Article 36 of the Constitution, any citizen, any Kenyan, is free to make a petition to this House, and the petition is presented, read out as the Speaker did and then considered by the Senate, and a report is made of which that is what we did.

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I would like to take Members through the report so that they can see what we concluded as a committee on behalf of the Senate.

On Thursday, 12th February 2026, while the Speaker put this framework, the committee embarked on its consideration of the petition, whereupon it held meetings with the petitioner to better understanding of the background, rationale and justification of the proposed amendments.

The Committee further invited and received written responses from the Office of the Attorney General, the Independent Electoral Boundaries Commission, the Kenyan Law Reform and the County Assemblies Forum.

A summary of the petition is also set out in Chapter 1 of the report, while an overview of the submission received from the Second House is set out in Chapter 2. At the same time, we have annexed the petition so that Members can also check. You will find this in the tablet. Members can look at it while I present. I am going to summarise so that members can get a feel of what we did as a committee.

Having considered the petition and submissions received from thereon, the committee observed that the Constitution establishes an exhaustive and enclosed framework for the tenure and removal from office of the President, and outlines the incidents under which the office of the President may become vacant under Articles 142 to 146 of the Constitution.

That being the case, Parliament lacks the legislative competence to enact a law providing for citizen-initiated recall of the President, and such a mechanism may only be introduced through a constitutional amendment in accordance with the procedures set out under Articles 255 to 257 of the Constitution.

Similarly, the committee observed that grounds for the removal of a county governor from office are set out under Article 181 of the Constitution, with the procedures of the same outlined under Section 33 of the County Governments Act.

The committee noted that the proposal to introduce citizen-initiated recall of the President touches on the architecture of the Executive accountability enshrined in Chapter 9 of the Constitution, and would require a referendum under Articles 255 (1f) and the involvement of Parliament and the county assemblies in the removal procedures of the President and county governors is a deliberate constitutional safeguard ensuring the removal from the high office is subjected to institutional scrutiny, public accountability, and due process.

That being the case, the committee found that the proposed legislation would contradict and undermine the constitutionality prescribed removal procedures for the two offices and recommends that it be rejected by the Senate.

I take this opportunity to thank the petitioners as well as the stakeholders who submitted written comments, which greatly assisted the committee in its deliberations and determination of the petition.

I commend Members of the Committee for their diligence in executing this assignment. I also thank officers of the offices of the Speaker and Clerk of the Senate for the support extended to the committee, which made the consideration of this Petition successful.

It is now my pleasant duty, pursuant to Standing Order No. 248(2) of the Senate Standing Orders, to present the report of the Committee on Justice, Legal Affairs and

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Human Rights on its consideration of a Petition by Mr. Laban Omusundi regarding the proposed enactment of a legislative framework to provide for recall of the President and Governors through a citizens' initiative.

Basically, that is the summary of what we did. Most important is that Chapter 2 dealt with all the matters relating to the right to petition Parliament, which is under Articles 37 and 119 of the Constitution.

Parliament enacted the Petitions to Parliament (Procedure) Act (Act No. 22 of 2012) to make provisions for the procedure to exercise that right. Further, Part 27 of the Standing Orders of the Senate also makes provisions on how this right may be exercised and all that was followed.

The Petition is summarised as follows-

That, while the Constitution provides for recall of Members of Parliament (MPs) and Members of County Assemblies (MCAs), it lacks a similar mechanism for the heads of the national and county executive.

Concerned that Parliament and County Assemblies are often compromised by political patronage, financial inducements or party intimidation, the petitioner submitted that this compromised oversight leaves the citizens constitutionally stranded when their elected representative fails to hold the executive accountable.

That, the current impeachment process has become political rituals rather than genuine tools for accountability. Through the proposal to introduce citizen-initiated recall, the petitioner seeks to provide a direct democratic remedy when leadership grossly violates the Constitution by passing purely political process and to affirm Article 1 of the Constitution by assuring that all sovereign power remains with the people. The petitioner argues that no public office, including the Presidency and governorship, should be immune from direct democratic accountability.

Consequently, the petitioner prayed that the Senate intervenes by way of enacting a legislation that provides a legal framework that provides for-

(a) Recall of the President by citizens through a definite citizen initiative when it deems necessary.

(b) Recall of the governors by citizens where County Assemblies and the Senate are compromised.

(c) Clear threshold for citizen signatures and verification by Independent Electoral and Boundaries Commission (IEBC) or a similar constitutional body;

(d) Safeguard against abuse while serving the supremacy of the people's will;

(e) Affirm the principle that no public office, including Presidency and governorship, is immune from direct democratic accountability and any other orders or recommendations it deems fit to restore, protect and strengthen constitutional governance and people's sovereignty.

Pursuant to Standing Order No. 238 (1), the Speaker submitted this to our Committee. Then, there were stakeholders' submissions that came from the Office of the Attorney-General, the IEBC, the Kenya Law Reform Commission (KLRC) and the County Assemblies Forum (CAF).

The Attorney-General submitted that the Constitution provides for removal of a President under Article 144 on grounds of incapacity or by impeachment under Article 145, whereas removal of the governor is provided under Article 181(1) and 2 and

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subsection 33 of the County Governments Act. They highlighted the decision of the High Court in the *Institute of Social Accountability and another versus the National Assembly and four others, 2015 eKLR*, where the Court held that Parliament is not at liberty to create removal or recall procedures that either contradict or undermine the constitutionally prescribed removal procedures.

Madam Temporary Speaker, this is just to show the position the courts have already taken in this particular matter. That is, we lack that capacity, and this can only be done if Kenyans amend the Constitution through a referendum, and we will give these powers which do not exist right now. The Attorney-General had quite a number of other submissions, but that was the effect.

The IEBC also made its submissions. The highlight is that the right to recall remains unimplemented despite constitutional timelines that provide recall in the Elections Act having been declared unconstitutional in the High Court case, *Katiba Institute and another, versus Attorney-General, in 2017*. There was also another case. The IEBC alluded to the High Court's 2025 decision of *Okoiti, who is one of us and the Senator for Busia County and others, versus Attorney-General*, to reinforce the importance of the procedure of fairness and observance of due process in impeachment proceedings, recognising that impeachment is both a legal and a political process requiring strict adherence to the constitutional safeguards.

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

[The Temporary Speaker (Sen. Abdul Haji) in the Chair]

The Temporary Speaker (Sen. Abdul Haji): Sen. Wakili, if I can just guide you, please refrain from reading word for word, because you have already given us the preamble of the Motion. If you could just summarise as per Standing Order No.95.

Sen. Maanzo: Yes. Mr. Temporary Speaker, Sir. Basically, that is what we did. The reading and quoting of the cases, especially the reports by the Attorney-General, the KLRC and also the CAF, was very important. All of them seem to agree that unless we take this to the public, then very little can be done.

After that submission, we have the minutes of the Committee, which are clear, and the Petition is annexed. Therefore, I move this Motion and request the hon. Sen. Omtatah, who is a Member of the same Committee, to second.

I thank you.

The Temporary Speaker (Sen. Abdul Haji): Just one moment, Sen. Omtatah, before you second. There is a Communication from the Chair.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM TENRI PRIMARY SCHOOL

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Hon. Senators, I would like to acknowledge the presence of a visiting delegation of five teachers and 46 students from Tenri Primary School in Embu County, who are seated in the Public Gallery. The delegation is visiting the Senate for an academic exposition.

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

I thank you.

Sen. Tabitha, please, you have no more than two minutes to welcome the school. Next will be Sen. Sifuna, and lastly the Senator for Embu.

Sen. Tabitha Mutinda: Thank you so much, Mr. Temporary Speaker, Sir. I take this great opportunity to welcome the great students of Tenri Primary School. They are from the great County of Embu. I studied in the great County of Embu at St. Anne's High School from Form One to Form Four.

You requested me, through my office, to extend this invite. I take this opportunity to highly congratulate Sally Mwendu, the president of Tenri Primary School. She comes from my motherland, Kitui County. We are very proud of her and the deputy president, Allan, for how they offer leadership and how they conducted their campaigns. Tenri Primary is the first school in this country to invite the Independent Electoral and Boundaries Commission (IEBC) to conduct its elections for transparency purposes.

There has been a lot of burning of schools. I urge you, the elected leaders, Sally and Allan, to offer leadership. You should work closely with your great teachers because they are the ones who have helped you to be where you are. We should not see schools being burnt again. We wish you well and pray that you get to sit in this House one day. I wish you God's blessings.

Sen. Sifuna: Mr. Temporary Speaker, Sir, allow me to thank you for giving me an opportunity to welcome the students from Tenri. I hosted Madam President, Sally and Alo Alo in my office. We shared a meal and had very interesting conversations. They are some of the brightest students that I have met. They are concerned about the issues in their country and what we, in leadership, are doing to secure their future. We had conversations about the environment and politics.

Alo Alo asked me what he should do to the people who did not vote for him. I explained to him that in the journey for leadership, there is always time to persuade those who did not believe in his leadership or ideas to do so at a second opportunity. It was interesting to learn that one only serves for one term at Tenri Primary. It has been confirmed that Madam Sally will exit after one year to allow other people to also serve. I encouraged Alo Alo that he will most likely persuade the students to make him president next time.

So welcome, feel at home, and we wish you a safe journey back to Embu. All the best. Thank you.

The Temporary Speaker (Sen. Abdul Haji): Sen. Crystal Asige, you can also get an opportunity to welcome the students.

Sen. Crystal Asige: Thank you, Mr. Temporary Speaker, Sir, for giving me an opportunity to welcome the students and the teachers who have come all the way from Embu County.

I also wanted to give them a very warm welcome and congratulate Madam President. I, unlike Sen. Sifuna, have not had the opportunity to host her yet. However, I followed the campaign that she and her opponent, Alo Alo, gallantly put forth. I

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congratulate them both for a good show of leadership at their level. I am very convinced and persuaded that in future, they will do even more in this nation.

They made a video of Sen. Sifuna and me, and now that they have visited Sen. Sifuna, I want to invite the two of them to also sit down with me for us to talk further. They can also advise us because Sen. Sifuna or I will one day be the president of this nation. They can give us a few tips on their campaign. I thank them and wish them a warm visit to the Senate and their further visit to Nairobi. I thank you.

The Temporary Speaker (Sen. Abdul Haji): Finally, we will hear from Sen. Munyi Mundigi, the Senator of Embu County.

Sen. Munyi Mundigi: Asante, Bw. Spika wa Muda, kwa kunipa nafasi ili niweze kukaribisha shule ya msingi ya Tenri hapa Seneti. Ninawakaribisha pamoja na walimu wao. Wamekuja kuona kazi ambayo sisi hufanya hapa.

Ninawapa hongera kwa yote ambayo walifanya. Wamefanya Kaunti ya Embu ikaendelea kujulikana. Kaunti ya Embu haikuwa inajulikana, lakini hiki kipindi imefanya hiyo kaunti ijulikane.

Hawa wanafunzi walifanya uchaguzi bila kupigana, kukosana ama kuchoma shule. Ombi langu ni kwamba wasome kwa bidii wakirudi shuleni na wajiepushe na dawa za kulevywa. Wakifanya hivyo, wataendelea vizuri. Ninajua watakuwa viongozi wa kesho.

Naomba shule zifuatake mtindo wao wanapokuwa na uchaguzi. Kenya iko na mfumo wa vyama nyingi, na ninaomba ya kwamba tufuate njia ambayo hawa watoto walionyesha. Tukifanya hivyo, hatutakuwa na mambo yoyote katika uchaguzi unaokuja.

Asante, Bw. Spika wa muda.

The Temporary Speaker (Sen. Abdul Haji): Sen. Okiya Omtatah, you may proceed to second the Motion.

(Resumption of debate on Motion)

Sen. Okiya Omtatah: Mr. Temporary Speaker, Sir, I must complain about how this paper has been stapled. It has pricked my fingers. Next time, they should staple these things in a better way. My finger is bleeding as a result of touching this very poorly stapled bundle of papers. I do not know who stapled it. You can see I am bleeding. This is blood. Mr. Temporary Speaker, Sir, I rise to second the Motion. Mr. Omusundi is a very active citizen of this country. He does exceptionally well in terms of interpreting and applying the Constitution of Kenya. I have appeared with him in court on several occasions, where he articulated many good issues in the application of this Constitution.

Unfortunately, Mr. Omusundi got it wrong in this particular case. He was unable to understand the architecture or the design within the Constitution for holding the executive accountable and for holding the legislatures, both at the county and at the national level, accountable.

The elected Executive is oversighted by the elected Legislature, which in turn is oversighted by the electorate. The elected Executive is oversighted by the Legislators at both the county and the national levels and the legislatures, at both the county and national levels, are directly oversighted by the people. That is why we have provision for removal of a governor or a president through the legislatures where one House impeaches and the other tries and convicts or acquits.

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The legislatures are directly oversighted by the people. There is no mechanism for oversighting legislatures like there is for oversighting the Executive. For that reason, there is a recall mechanism which allows the electorate to directly recall us. That is how the Constitution is designed and that is what Mr. Omusundi missed when he requested that we create a mechanism for the recall of the president and a mechanism for the recall of the governor.

That is not applied in our system. Unless we change the Constitution, we may not be able to do what the petitioners requested us to do. That is why we have rejected that petition. We request the House to adopt the Report and reject that petition. If Mr. Omusundi is minded, he can initiate a constitutional amendment through Articles 150, 255 and 257 through a popular initiative.

Mr. Temporary Speaker, Sir, with those few remarks, I support. However, I repeat that my finger is bleeding because of a poorly stapled bundle of papers.

Mr. Temporary Speaker, Sir, look at me, you can be my witness and confirm to the House.

The Temporary Speaker (Sen. Abdul Haji): Order, Senator.

Sen. Okiya Omtatah: I have been pricked by this paper. Next time, they should buy proper staplers. This pin looks like it was not certified by the Kenya Bureau of Standards (KeBS). They should use certified pins that can staple the papers and hold them together.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Sen. Omtatah.

(Question proposed)

Hon. Senators, we are going to allow contribution to the Motion.

Sen. Cherarkey, proceed.

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, Sir. Today, I am proud of my former Standing Committee on Justice, Legal Affairs and Human Rights for this Report.

I, first of all, thank Omusundi Laban for having the belief and faith to bring such constitutional concerns to the Floor of this House. As a House, we have an obligation to ensure that we assist the country in moving forward.

Secondly, I thank the Mover of the Motion, my senior brother, Sen. Dan Maanzo, for ably moving it. He happens to be our prayer coordinator; he has been praying a lot for this Parliament. He is our co-convener of the National Prayer Breakfast. I am happy you cautioned him against Standing Order No.95. When I saw Sen. Maanzo moving, I remembered Sen. Samuel Pogisho, a former Majority Leader, who was fond of reading his moving notes. Sen. Maanzo should refer to Standing Order No.95, to know that in the Senate, you can only refer to your notes, but not essentially read them. However, I thank him and the Senate leadership.

If it were me, this petition would be rejected on its face value because what our brother Omusundi is seeking is already provided for in the Constitution.

I also thank my brother and wish him a quick recovery for the injured finger. I hope that the Parliamentary Service Commission (PSC) will look into that matter and maybe

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provide him with compensation. Sen. Mumma is informing me that he already has a medical cover. Sen. Okiya Omtatah, you can use your medical insurance cover provided by PSC. Commissioner Joyce Korir can confirm that there is active usage of the insurance card should we need medical attention. I can see the Commissioner approaching Sen. Okiya Omtatah for that matter.

Mr. Temporary Speaker, Sir, I agree with the outcome of this petition. In essence, Mr. Omusundi wanted us to provide a citizen recall process, just like the Members of Parliament (MPs) are provided for. I agree with the thinking of the committee for rejecting it under Article 144.

I will start with Article 145, which provides for the process of removal of a president even on issues of incapacity and violation of the Constitution. Article 145 mirrors the impeachment of a Deputy President. I would have expected Sen. Maanzo to refer to the impeachment of the Deputy President, Rigathi Gachagua, in the last Session. He fears referring to the matter because he is on record as one of his lawyers.

This provision of Article 145 has been put to the test by the impeachment proceedings against the former Deputy President. It was started in the National Assembly, and then later, it came to the Senate. All of us voted to remove the former Deputy President from office based on the 11 charges as laid out in Article 145, and of course, Standing Order No.123.

Mr. Temporary Speaker, Sir, I am happy that when I look across the aisle, all of us including Sen. Edwin Sifuna, Sen. Mwaruma and the Orange Democratic Movement (ODM) party leader, supported the removal of Rigathi Gachagua, except for Sen. Okiya Omtatah. We put to the test Article 145 on the impeachment proceedings because of the violation of the Constitution. I assure Kenyans that there is no lacuna.

In fact, of all the 11 charges against the former impeached Deputy President, the courts ruled that the Senate did the right thing. I have heard my brother saying “*wantam*”. No, there is no *wantam* in Kenya. All Presidents have served their terms. First, President Mzee Kenyatta served 15 years; Moi served 24 years, and Uhuru Kenyatta served 10 years, the same as Kibaki. God willing, with the blessings of Kenyans, President William Ruto will serve his second and final term of 10 years, up to 2032.

Articles 144 and 145 were provided for in case we have a president who wants to violate the Constitution. Therefore, I challenge Kenyans who are wondering if the law is already in place. This goes to the people who want to run for the presidency in this country; they must be aware of these provisions. Apart from the United States of America (U.S.A), which uses the delegate system for voting in its president, our country uses the universal suffrage of one vote, one man, as provided for in Articles 37 and 38 and Articles 81 to 88 of the Constitution.

As I conclude that part, I saw *InfoTrack* release an opinion poll yesterday. I am happy that President William Ruto will vanquish and thrash his opponents with that thunderous defeat because he was at 34 per cent, whereas Mheshimiwa Kalonzo was at 14 per cent. Our own brother, Sen. Sifuna, was at 13 per cent, although he has not declared whether he is running for the presidency. He is doing very well. In fact, in the next six months, he will be number two. The problem in politics is that there is no number two, my brother Sifuna. Omwami, you have been told by Atwoli to look for money, and the Independent Electoral Boundaries Commission (IEBC) says it is about Kshs4 billion.

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While at that, I know Sifuna is aware of Articles 144 and 145. I appeal to him to relax and remain the Senator for Nairobi City County until 2032, when he can run for the presidency. I can cede my presidential ambitions and become his running mate in 2032, so that we can win and fix this country.

Mr. Temporary Speaker, Sir, let us be aware of these provisions. The President is a symbol of national unity. My brother, *Omwami* Sifuna, is a good friend of mine. He can see that even the State House has been fixed and now looks more beautiful. Many functions are being held there. We will be able to use that facility very well when we will be there with him in 2032. Therefore, that marks the conclusion of that matter because we have agreed. Senior lawyers like Sen. Mumma will agree with me that there was no lacuna. The Constitution of Kenya, 2010, guarantees the citizen recall process.

Finally, Temporary Mr. Speaker, Sir, on the governance, Article 181 has provided for the impeachment proceedings. The reason I am saying this is, if you look at the beginning, the Preamble of the Constitution, as seated here at the Senate, at the National Assembly, and at the county assembly, we are representatives of the people.

The Constitution says, 'this Constitution can be exercised directly or indirectly---' So, whenever MCAs impeach a governor, they are doing so on behalf of the people who elected them. That is a direct representation. Therefore, the citizens' right to recall is through the MCAs.

I would have expected my MCAs in Nandi County to impeach my governor because he could not account for Kshs1.8 billion when he appeared before our committee on Monday last week. So, when MCAs, like what the Meru MCAs did, impeach a governor, they are exercising indirect power because they are elected.

When we impeached the former Deputy President, we were exercising an indirect power because we had been elected to impeach the governor, the President, or the Deputy President.

In a nutshell, the fact that Omusundi wanted us to have equal rights as citizens means we must ensure that Article 181, our Standing Orders and the Standing Orders of the county assemblies provide for the process of the impeachment of governors.

We have done several impeachments, including the impeachment of former Governor Hon. Kawira Mwangaza, among others. I want to thank the Senate and my colleagues that every decision we have made to impeach a Deputy President or a governor has always been right.

We impeached the former Deputy President when he brought a dangerous narrative that one must have shares in the Government. He has retreated to his village, inciting Kenyans to many other untold things before this House. So, we have always been right in the Senate, and we should congratulate ourselves. Even when we impeached the former governor of Meru, we did the right thing because, as you can see, Meru is now stable. I want to thank the Senate for that wisdom. Even on the failed one, the technicality of Kericho, where there were allegations that the governor 'ate' money belonging to the victims of the Londiani tragic accident and even misappropriated revenue collected in Kericho, we did the right thing as the Senate.

I want to encourage us because I have seen my colleagues in public fora outside there looking like they are apologising. We made the right decision for this country by impeaching the former Deputy President because he was a divisive figure who continued

to undermine the unity of this country. As the Senate of the Republic of Kenya, we are the House of union that should protect the interests of every Kenyan wherever we are. We do oversight, representation and legislation. We must come out strongly to ensure that we are all accountable.

Finally, there are many aspects. It is not only about recall for accountability reasons. We have different accountability mechanisms. One of them is removal from office, right of recall, vote of no confidence and impeachment proceedings. We also have accountability institutions like the Ethics and Corruption Commission (EACC) and being sanctioned by Parliament.

We sit in the County Public Accounts Committee (CPAC) with the Senator for Nairobi City County and the Senator for Taita Taveta. One of the measures that we have been using for accountability is finding some of those governors who have failed to appear before the Senate Public Accounts Committee.

I am aware that you also sit in several committees in this House, and one of the accountability mechanisms is to summon and to find. In fact, as a committee, we have issued a warrant of arrest against Governor Guyo of Isiolo County, the Governor of Nairobi City County and the Governor of Samburu, and we were right. We want accountability mechanisms to be in place.

Kenyans should understand that, apart from removal from office, there are other mechanisms by which you can be held accountable. I heard my colleague, Senator, speak about poor planning. I heard Sen. Mumma talking about the standards being set for the physical planning and how the city should be. I agree with you. We also need to call out the Nairobi City County Governor and the county government for allowing approvals of buildings being built everywhere where there is poor drainage. The President had to step in with a Kshs80 billion bailout to ensure Nairobi functions. God forbid if El Niño comes, we will be drowning in water because of man-made floods - The Senator of Nairobi City County should listen to this.

I was with some residents from Kilimani. Are you aware that because of huge buildings, children are now suffering from jaundice? The tall buildings are in Kilimani. Because of unapproved buildings, you no longer see the sun. You see the sun at midday, and by 3.00 p.m., it has disappeared. People are suffering there.

Sunlight is important for our children's growth. So, we need to call out the Governor and the County Government of Nairobi City County for allowing haphazard building and approval of physical planning anywhere across the city without proper planning. The biggest disease we see in the city is land *grabiosis* among major towns in this country. So, whenever we call governors, it is part of the accountability mechanism.

Are you aware that your governor was supposed to appear before CPAC? We want to know what happens in Garissa, for example. That is part of accountability. Impeachment is accountability, and coming to account before the Senate is important. However, Governor Nathif Jama writes many letters of rescheduling. He has been requesting rescheduling forever; he must appear before the Senate and be accountable.

The Governor of Uasin Gishu County has written more than one or two letters begging the committee to reschedule him to come and account for the resources that are given. For example, we want to know why a snake park of Kshs5 million is being built in

Uasin Gishu, while people do not have access to drugs in the hospital, and there are no roads.

We want to know about the more than 600 ghost workers that are in Uasin Gishu, and yet the Governor is busy running around in funerals, parading 11 senior county officials and CECMs. We want the total headcount of employees of the Uasin Gishu County Government to be done by independent audits so that we know how many workers are in Uasin Gishu. There are 600-plus ghost workers in Uasin Gishu who are gobbling billions and billions and have been transformed into political goons.

Up to now, the former MCA Misoy is still in the hospital, and no one has been arrested because of these goons. We must call out who they are. We must protect this country. If we want to be accountable as politicians, we must denounce goons, whether you are in our formation or in any other formation in this country. What we saw over the weekend is very unfortunate.

I want to appeal to the people of Ol Kalou to remain peaceful. There will only be one Member of Parliament who will be elected in that region. We must ensure that we hold our people accountable and avoid violence.

I want to ask the Independent Electoral Boundaries Commission (IEBC) that any candidate who intends to use violence and bribery as per the law, under the Elections Act, must be banned from participating.

We want to wish the UDA candidate, Mr. Samuel Muchina, well because he is a broad-based candidate. I can see my party leader of the Orange Democratic Movement (ODM) is agreeing with me, and he has given us blessings. At the age of 80-plus, as a 'young' Gen Z, when he gives you *mate*, you will succeed. I am happy he has also given blessings to the President.

The point I am trying to make is that there are many forms of accountability. Therefore, our brother Mr. Omusundi Laban should be aware that we do not need to over-legislate or over-prescribe our Constitution. We have this mechanism. If you want to remove the President and the Deputy President from office, there is a removal process under Article 144, as provided in the Constitution.

The Constitution provides for this impeachment under Article 145. We were put to the test by removing one of the divisive political figures in the history of this country, the former Deputy President. We have removed many governors through impeachment proceedings under Article 181.

In conclusion, I can see my light is on, I am happy that my neighbour, Sen. Boni Khalwale, the bullfighter, is the one who blew the first whistle by telling us that having Rigathi Gachagua as the Deputy President was wrong. I wish him well. His prophecy came to fruition when we removed him from office. I am happy that Sen. Khalwale calls it as it is, not as it ought to be. I wish we had seen that wisdom then, but we came and learned later.

With those many remarks, I beg to yield the microphone, sit down and listen to the wisdom of my colleagues on this Motion. I want to congratulate the committee for rejecting this Motion *ab initio* because we do not need to over-legislate. The only thing I almost forgot is that if these people wanted to introduce the right to recall of the President and the governor, they should amend Article 255 and go the referendum way. You can amend the

Constitution through popular initiative because representation is under popular initiative, through a referendum.

Mr. Temporary Speaker, Sir, with those many remarks, allow me to yield the microphone and give a chance to my colleagues also to ventilate on this matter. I thank you, and I support this Report.

Sen.Sifuna: Mr. Temporary Speaker, Sir, I have had occasion to meet the gentleman called Laban Omusundi. In the spectre of petitions to this House, he is in the same league as Sen. Okiya Omtatah when it comes to litigating matters before our courts. This is because Laban Omusundi never gives up.

In my time here in the Senate, I am sure I have heard his name more than once. He has brought good petitions here. I really would wish that the House consider where Laban Omusundi is coming from when it comes to this particular petition. He is simply asking that wananchi need to be allowed to do; to recall the President and the governors in the middle of their term.

Honourable Temporary Speaker, we should be asking ourselves as a House, why Kenyans are feeling that those of us who have been given responsibility to oversight the Executive are failing them so much that they want to do this thing themselves. There is history to Article 104, which gave the public the right to recall Members of Parliament in the middle of their term. This is because there is a growing frustration with leaders in this country. You elect someone, they tell you this is what they are going to do, and two months later, they do the exact opposite.

I have been in political party leadership, where we have had very serious challenges. Somebody comes and says that they support Linda Mwanachi. Immediately they are elected - we saw it even in the beginning of this House--- I do not want to point fingers because I will get into problems with the Speaker, it doesnot even take a month for them to leave. People who were with us in our political formation of Azimio, including my good friend from Mandera, Sen. Ali Roba, ran away from us. When we were about to establish the Majority and Minority leaders in these Houses, we saw them running away from us. We were shocked that we had campaigned and had been elected together as Azimio, and barely days, in fact, a few days before we elected the Speaker of this House, people decided to jump ship. It is a travesty because the people who elected you did so not just because of who you are and what you promised, but because of the associations and the people that you worked around with, especially someone of the stature of Raila Amolo Odinga.

However, what we have done is to essentially neuter the right of recall for Members of Parliament under Article 104. The National Assembly, in its wisdom, following the provisions of Article 104(2), legislated how Kenyans can go about this. It put together one of the pieces of legislation that was required to give effect to Article 104. But as has been explained by the committee, in the Katiba Institute case of 2017, the court found that the law on recall of Members of Parliament was unconstitutional. It was unconstitutional because it essentially made it impossible for Kenyans to exercise the right of recall. Parliament went and put as many obstacles as possible to a simple right that had been given under the Constitution to make sure that it did not work.

It is one of the sources of the frustration of Kenyans because we are essentially being asked, as Parliament and the National Assembly, to be specific and to be judges in

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our own matter. I do not really think that the framers of the Constitution expected Parliament to ever pass a law that is detrimental to the interests of the Members of Parliament. So, it was not going to be Parliament itself making it easy for Kenyans to recall them. They went and put obstacles there. There had to be a judgment of the court, and there were specific grounds; it could not just be that you have lost popularity and you have been recalled, and so on and so forth. That is why that law was struck down.

However, the most important thing is that we have gotten to a place where Kenyans believe that Parliament itself has failed. If you look at the report on page one, where it summarises the petition, the petitioner has given two reasons. Those two reasons are a pointer to the feeling amongst Kenyans in how they view the institutions of accountability and oversight, being the National Parliament - National Assembly and the Senate - and even the County Assemblies.

At paragraph 4(b), you will see the petitioner says the reasons he brought this particular petition are that Parliament and County Assemblies are often compromised by political patronage, financial inducements or party intimidation. The petitioner submitted that this compromised oversight leaves citizens constitutionally stranded when the elected representatives fail to hold the Executive accountable.

The second one is that these impeachment processes that the Senator for Nandi has referred to have become political rituals rather than genuine tools for accountability. This is the petitioner telling us that they are frustrated. They are frustrated by their representatives' inability to hold executives to account.

Part of the original sin--- I always refer to the first Parliament after the promulgation of the current Constitution. In 2013, I think President Uhuru Kenyatta had a big Majority in the National Assembly. I remember they used to call it the tyranny of numbers. What the tyranny of numbers essentially guaranteed was that many of these members of the National Assembly were elected on the President's coalition, and they misunderstood their role to be the protection of their political leader. There was no way you could bring an impeachment Motion against President Uhuru Kenyatta because those were his people.

I remember a famous case. Honourable Speaker, I am sure you, too, when there was an attempted Motion of impeachment by the then, I think it was Mithika Linturi, against Cabinet Secretary Anne Waiguru. Something happened in Naivasha, and that Motion just died there. It disappeared. Up to today, honourable Linturi has never given us the full story of what really happened and why that impeachment Motion could not be tabled. Therefore, the frustration is palpable amongst the people of Kenya.

I have seen calls, even in the current administration, for the impeachment of the current President. If you go to Article 145, which specifies the grounds on which a President can be impeached: violation of the Constitution, gross misconduct or reason to believe that the President has committed a crime under national or international law--- Kenyans have called us on many occasions, telling us, Sifuna, honestly, this one is an impeachable offence. Do they believe that there has been some violation of the law in some of the pronouncements, in some of the actions of the current administration? Yes, they do. I remember, even on social media, I was seeing people telling us, "even if it is just trying, you Linda Mwananchi people should try and bring an impeachment motion against the President." We just do not have the numbers.

It is impossible to convince the Members of the National Assembly, who are allied to the President, for instance, now, to support a Motion of Impeachment, even in the face of the most gross violation of the Constitution. Even when they agree with you that this is wrong, unconstitutional, or that the President has violated the Constitution or the law, they will still not support that impeachment motion. That is where Kenyans are frustrated. If they are saying Parliament cannot even bring that motion against the sitting President, then they should have the opportunity to do it themselves.

The procedures specified under Articles 145, 146 and the others that Sen. Cherarkey referred to are a source of frustration. Do we believe that we have a National Assembly that can impeach or bring an impeachment Motion against the current sitting Head of State? Even in the face of the grossest violation, Kenyans suspect that we do not have a Parliament that can do that.

That is where Mr. Omusundi is coming from. He is asking us to give them the power back. Political machinations and financial misconduct are discussed in the petition. Kenyans are frustrated. What do we do if the institutions of oversight have failed? Instead of condemning Mr. Omusundi, we should understand where he is coming from. His frustration is shared by many Kenyans. They say they need to see their leaders doing something.

This also happens in the county assemblies. There are county assemblies in this country that cannot even bring a draft Motion of Impeachment against their governor. The best example is the County Government of Nairobi City. I see MCAs in this county who cannot draft a motion of impeachment without reference to their political parties and leaders.

They used to come to my office when I was still the Secretary General of the Orange Democratic Movement (ODM) party. They would ask me whether an impeachment motion would succeed. I told them that it is their responsibility. The people of Nairobi want them to try if, indeed, the governor has failed as much as they say it. They always tag me on social media asking me to bring an Impeachment Motion. Everybody knows that I sit as a judge here. I wait for the assemblies, whether the National Assembly or the county assemblies, to impeach the governor and bring him to me.

You are telling me that MCAs from Nandi and Kisii are able to draft Impeachment Motions, yet you are elected as an MCA in an urban town, a city such as this, and you cannot even show us a draft Impeachment Motion. Then they blame me. That is the frustration of Nairobians. They are asking, how is it not possible for us to hold this gentleman to account?

That is where Mr. Omusundi is coming from. He says he wishes the people had the right and ability to bring an Impeachment Motion if the county assemblies are unable to do so. That we let them vote to remove the governor.

We have county assemblies that have been intimidated. Others have been compromised. As Mr. Omusundi mentioned, they can never go after their governor. You have seen some of the things we have experienced in the Senate. We had a case where the assembly was invaded, burnt down, and the official Hansard destroyed. By the time they reach here, everyone knows there are problems in that county, but the oversight institutions are unable to hold the county governor to account.

Sen. Cherarkey: Isiolo.

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The Temporary Speaker (Sen. Abdul Haji): Order, Sen. Cherarkey. If the Senator wishes to mention the county, he will.

Sen. Sifuna: Mr. Temporary Speaker, Sir, I do not want to be interrupted. Let me conclude my remarks, Sen. Cherarkey. Indeed, we have seen situations where there is a big problem in the county assemblies, but the MCAs cannot bring an Impeachment Motion against the governor.

There was another incident where, a few years back, a governor, fearing impeachment, sequestered a large number of MCAs at a coastal destination. They were there enjoying themselves at the governor's expense so that the House did not have a quorum to impeach him.

There are all sorts of tricks, and Kenyans are extremely frustrated. They are frustrated with the leadership and with Parliament. They feel that we are unable to do what we were elected to do. I remember the debate on the Finance Bill, 2024, exposed the frustration we are talking about.

Can you imagine if you were elected to do what the people want you to do? The people would tell you in no uncertain terms that they do not want you to vote for the imposition of more taxes, and yet you have Members of Parliament (MPs) running around saying they will not change even a comma. They would vote the way they have been directed by the Executive and not in the way the *wananchi* want them to vote.

Mr. Speaker, Sir, this is where frustration is coming from. You saw it yourself. It took those young people storming Parliament for their voices to be heard. If you cannot speak for them, they will speak for themselves.

I had even proposed that for some of these more controversial laws we vote on here, the vote should happen in the individual constituencies. Each MP should go to the social hall, sit and vote when the people are present. The walls and the padding we have here, and this false sense of security, make you feel like you are the boss of the people and not vice versa. There are people here who feel insulated from the rest of the people. 25th June, 2024, proved that you can be reached if you refuse to listen to the people. It does not have to be like that.

This conversation is important. Our people have grown wary of leaders who get elected, make pledges and then run away from those pledges. We have frustrated the right to recall under Article 104. We have never enacted legislation to facilitate this recall for MPs. Mr. Omusundi wants us to move it even a step further by having a direct recall right against the county governors and the President himself.

Hon. Temporary Speaker, we should not dismiss Mr. Omusundi. The last frustration Kenyans want is to make constitutional amendments that favour us or benefit us in leadership. We do it very easily and very fast. Right now, the committee is telling Mr. Omusundi to go and prepare constitutional amendments, yet Sen. Maanzo, and even we, as Parliament, have powers to amend the Constitution. We do have those powers. If we really wanted to be fair to Mr. Omusundi, we should have told him that Parliament would take up this responsibility.

The National Dialogue Committee (NADCO) report made proposals on how to amend the Constitution to address concerns raised during the 2023 protest. One of the most controversial proposals was the introduction of new leadership positions in this country, including the position of Leader of the Opposition and others.

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Kenyans are frustrated that every time we push constitutional amendments, it is just for us. They ask us every day when we will do something not for ourselves, but for the country and the ordinary citizen.

I encourage the committee. Instead of sending Mr. Omusundi away to prepare a constitutional amendment, we should make it easier to recall MPs who depart fundamentally from the promises they made to the people.

Mr. Temporary Speaker, Sir, with those remarks and the amendments proposed to the recommendation, I support.

The Temporary Speaker (Sern. Abdul Haji): Sen. Boni Khalwale.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I rise to strongly agree with the committee in its recommendation that the plenary should reject this petition. Since this is so important to Mr. Laban Omusundi, one's intellectual industry should never be challenged without reason.

Therefore, in the same tone that the Secretary General *Emeritus* of ODM has left, it is important for us to try and understand Mr. Laban Omusundi. What better way to help him understand me than to say that, in the few years I have worked in this House, I have learned why laws are made.

Mr. Omusundi, why do we make laws? We make laws so that there is something in writing to help maintain order. Without laws, the police can do very little about law and order.

We make laws to protect individual rights. Even the President, Deputy President, Governor or Deputy Governor, whom we may seek to remove through this intended legislation, that Mr. Omusundi is speaking to have individual rights. Unless we legislate, we run the risk of violating those rights. Mr. Omusundi, we also make laws so that they help us to resolve disputes. Finally, laws are made to ensure that there is justice.

Unfortunately, Mr. Omusundi, having sympathised with you, I am unable to see what you are trying to cure by this law that you propose for the reason that there is no constitutional or legal lacuna that you seek to address. I, therefore, must tell you what the late Prof. Arthur Obel, professor of pharmacology who taught me medicine at the University of Nairobi (UoN), used to do.

For students who used to be discontinued from the programme so that they leave any attempts of being doctors, Prof. Arthur Obel used to call them to his office and tell them that, "I am advising you, my son, to go and try your talents elsewhere." On this one, Laban Omusundi should try his talents elsewhere.

Mr. Temporary Speaker, Sir, I am touched by the sincerity of the committee's work because they took time and listened to an advisory from the Attorney-General, who has been generous. They also listened to the Independent Electoral and Boundaries Commission (IEBC) and made a good account of what they thought was the right thing. Finally, they listened to the County Assemblies Forum (CAF). All three bodies authoritatively agreed that to try to do what Laban Omusundi is attempting is tantamount to overturning the Constitution. One cannot overturn the Constitution just like that. Therefore, for any sympathiser of this approach, the neat thing to do would be to propose a constitutional amendment.

You cannot attempt to amend the Constitution in the manner that Omusundi wants because the Constitution of Kenya is already very clear on how we can amend it. If

Wananchi - Omusundi is one of such people who are not satisfied with the constitutional powers that we enjoy as Senators and also Members of the National Assembly, again, the same Constitution has not locked them out. It asks them to go and ask for a referendum. Given that the Senate is likely to reject this petition, Omusundi is free to go and call for a referendum in a constitutional manner.

Mr Temporary Speaker, Sir, I saw the Secretary General *emeritus* of the Orange Democratic Movement (ODM) being philosophical in his presentation when he was supporting the committee's resolution. I am starting to think that maybe the troubles he has gone through over the past few weeks or months were a good thing. It is not easy for a young person like the Senator for Nairobi to be philosophical. I think the beating that the Senator for Siaya is subjecting him to is good for him in view of what I see the public urging him to do. It will be good for him to arrive there if he does when he is emotionally strong.

I want to tell him something about a great song called *From a Distance* by Bette Midler. Whenever we are in this House, we must always know that God is watching us. As Bette sang, God is watching from a distance. If you were to enjoy the same view and look down on the earth, it looks all green and blue. You will never see the red tiles of your houses or tarmacked roads from a distance. You only see green and blue. When you have a snow-white mountain, you do not see it, but you only see white. If you are lucky, when an eagle is flying, you only see it flap as if it is taking off.

I am saying this because we have entered a very dangerous trajectory. There are organised goons being witnessed in public rallies. I urge the Cabinet Secretary, the Inspector General of Police and the President, just the three of them, to go and reflect on what is going on. There is no way we can have public rallies and church congregations every weekend being attacked by armed youth. Even if that is a route that will help some people to ascend to or remain in power, it is not worth it.

Sen. Omogeni, Sen. Maanzo, Sen. Mumma and Sen. Osotsi, you were all there in 2007, and you saw how helpless we became. Whether we are friends of the Cabinet Secretary in charge of security or not, whether we are friends of the Inspector General of Police or not or whether we are friends of the President or not, we must put it on record that that is not our future and it cannot be. You might be thinking that it is happening only in rallies where Linda Mwananchi or the United Opposition is being attacked. Sen. Osotsi, it is even happening in small areas.

It happened when I was in Bukhulunya Village, a small area in Kakamega. The sitting Member of Parliament (MP) for Lurambi and his main challenger, Mr Vikiru, had their own different sets of goons. We were there, seated at the mercy of young people screaming and blowing vuvuzelas, trying to outshine the other, until I witnessed with my own eyes a full-blooded man beat up his own sister because she was in a different camp. I know they are brother and sister because that is my village and, therefore, I know the people around. I know they are brother and sister because that is my village. I know the people around.

We have to stop this. We will not fight goonism in this country unless we address the sponsors. I have seen, time without count, people calling out the Principal Secretary, Raymond Omollo. Why is no action being taken against him? I saw in Keumbu that all the

authoritative media houses pointed out the Member of Parliament, Zaheer. Why is no action being taken against him? What are we protecting?

You are all cowards. You cannot win an election. If you can win an election, go to Makueni and call a rally, and people will come. Some of us, Sen. Osotsi and I, do not have the money to buy people. We do not come from a background of political leaders who built careers by buying people. We had Masinde Muliro, Wamalwa Kijana, and George Were, the Captain. I never saw them buying people, and they won elections over and over again.

I saw this stand at Mbale. When I alight at Malaba Town, I park for 10 minutes, chewing sugarcane or roasted maize, a rally automatically builds to hundreds of people, and I address them.

I am glad, Sen. Osotsi. I do not know who you copied from, whether it is Baba or me. Thank you. You walk with your public address system, a decent man, quiet. People assemble, you stand, address them and set your agenda. Let Kenyan politicians know that that is the Kenya we want to build. Since some of them were not there, all of us were there on the 25th of June when the Gen Zs invaded Parliament. It was not easy.

I saw my kid sister, Sen. Catherine Mumma, crying in the corridors and screaming, “Why are you killing children?” That is how low we have sunk. Get rid of this Inspector General (IG). He is not up to it. We need an IG who commands the police, not an IG who is commanded by politicians.

Finally, I want to remind the President of the following. One of the key things you said in all the rallies I attended with you was that if you became President, you would not use chiefs, assistant chiefs, the provincial administration and the security organs to do your politics. You said it, Mr. President, Sir. What has changed?

I support.

The Temporary Speaker (Sen. Abul Haji): Sen. Mumma, proceed.

Sen. Mumma: Mr. Speaker, Sir, thank you for the opportunity to contribute to this Report. I wish to begin by saying that I support the conclusion of this Report. The Committee on Justice, Legal Affairs and Human Rights (JLAHRC) is one of my former committees. I wish to vouch that it is a committee that is run with top-notch professionalism. They look into issues very well and do their research. I totally agree with the conclusion they have arrived at.

As Sen. Omtatah explained, our Constitution contemplated that we would have three Arms of Government. In fact, we have four types of institutions: the Legislature, the Executive, the Judiciary and the Independent Institutions under Chapter 15.

It was contemplated that all of these would act to ensure checks and balances, to ensure compliance with the Constitution, and that everybody would play their part. The Legislature oversees the Executive. The Judiciary determines whether what Parliament and the Executive are doing is aligned with the Constitution. The independent institutions also play their independent oversight role. That is how we would have a great country.

It was assumed that those elected to the National Assembly, the Senate and County Assemblies would be men and women who represent the citizens of Kenya. To represent citizens means speaking on their behalf and ensuring that everything we do is aligned with the Constitution.

Our constitutional order is organised in such a way that the President can be impeached, but by the Legislature. A governor can be impeached, but by the county assembly. Those in the legislature can be recalled by the people.

As Sen. Sifuna said, the law on recall of Members of Parliament was done out of self-interest. I was in the Commission on the Implementation of the Constitution (CIC) at the time. We attempted to make recall easier, but Members of Parliament would not pass it. They made it difficult. There was self-interest in how that law was passed.

This Petition, hon. Members, contains an indictment of this House. I would not focus so much on where we arrived. I want to thank Laban Omusundi. He is one of those citizens who look at the current issues, read our Constitution and bring well-thought-out issues.

In this Petition, I am sure he knew we would tell him that this requires a constitutional amendment. However, he has sent a very serious message, and I call on us to focus on it.

Mr. Omusundi, in the salient issues, is concerned that Parliament and county assemblies are often compromised by political patronage, financial inducements and party intimidation, and therefore, are unable even where it behoves us, to impeach a President, even where it is necessary. Is that correct or is it not?

He has also indicated that impeachment processes have become political rituals rather than genuine tools for accountability. This House has conducted more impeachments of Governors, confirming what county assemblies have done. Maybe we need to do research and introspect on the impeachment matters brought before us and ask ourselves, did we act in the interest of the people?

I know we go by the vote, and I support every vote that has happened here. However, we must go back to the content and ask, for instance, on the impeachment of the Meru Governor, can you go home and sleep and say she was properly impeached in accordance with the issues that warranted impeachment?

So, I would like us to introspect and find out whether the people of Kenya feel that legislators are doing their job as they are supposed to do? This is an indictment of us. It is not about the President's impeachment. How many times have we passed a law here with unconstitutional provisions which are then embargoed in the courts?

In fact, one of the questions we need to ask the Attorney General is, how much are taxpayers paying in legal fees for the Executive to defend unconstitutional positions for the National Assembly and the Senate to be enjoined in passing a law that has breached the Constitution? Who should be paying for that? We need to ask for the aggregate amount that we are paying because, as a legislature, we passed a law that is unconstitutional.

What is frustrating Omusundi is that, yes, we elected you to be our representatives, but the laws you are passing are not the laws we expect of our representatives. The evidence is out there. I am asking that we just go and do the count of those numbers. How many laws have been passed by county assemblies? Hardly any, yet, when you look at them, you wonder, my goodness. The county assemblies will sit with the Governor, who wants a particular thing, and their laws are about giving authority for A, B, and C to happen.

We are now evaluating, for instance, how they have implemented the Urban Areas and Cities Act. None of them is following the law on the municipalities. Are the county assemblies doing anything about it? No. All they need to be told is, give me somebody to

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put on the municipality board, and even though the municipality boards are doing nothing, they will actually just appoint them. We are using the tool of governance and power for our own self-purposes.

So, Laban Omusundi raises issues that are actually indicting us, as legislators. He is telling us, since you cannot do your work and you are our representatives, get out of the way, so that we do it ourselves. That is the sum total of this Petition; that because you represent us, we expected you would do X, and since you cannot do it, move out of the way. He is looking at it that way, and reading it together with Article 1 of the Constitution, which says that the power belongs to the people and can be exercised directly.

In his mind, he is wondering how we will exercise these legislative powers directly since the leaders who represent us now think they represent the President, a particular governor or themselves? That is the indictment that we are being given as legislators. This is what I would urge. When you make a law, you are making a law for everybody in the country. I would want to ask all of us, for the few remaining laws that we have, why do we not just pass laws that will serve the nation? When you are writing a law, it should apply to whoever is in the United Democratic Alliance (UDA), Orange Democratic Movement (ODM), Democracy for Citizens Party (DCP), or in no party.

It is high time we stop being puppets. In fact, I once asked somebody on the Majority side, "Why are you passing this Affordable Housing law with clear flaws? It will end up in the courts." The person told me, "Not all laws are perfect. Let it pass. That is what the Executive wants." Thereafter, that law was embargoed. Who did it hurt first? In my view, the first person to be hurt by the embargoing of that law was the President. This is because his programme was delayed since the law was taken to court. So, it does not help the President either.

Mr. President, do not have advisors who give you stuff that is unconstitutional. They are making you look bad. They are making you look like you like to be above the law. Allow the rule of law to be there. If we allow the rule of law, in fact, we will stop the sideshows of looking at who has better goons. Instead, we will start looking at what you are doing with the rule of law that is helpful to this country.

So, colleagues, as you look at this petition, let us have the intelligence to see what Omusundi is telling us about us. He is actually telling us, "You have failed as legislators, do something about this." It is not about impeaching the President. No. He wants to impeach the President because you have refused to oversee the President.

If we oversaw the president properly, I am sure he would look good because the focus would be on development and other things. The focus would not be on what he did wrong, what is going wrong and what is unconstitutional. We have that power, but have failed to use it properly. Instead, we have misused the power of the majority. We even use it to intimidate. If somebody is speaking the truth, then they must be removed from this Committee. They must be removed from this position because they have spoken the truth. What a country! Instead of celebrating those who stand for right, we actually want to hit at them. We want to use the power of a political party, the power of being on the majority side, to actually hit at them or even being in the minority.

So, my view is that we give accolades to Omusundi for what he has done, and we introspect and ask ourselves. This is not the only Petition. However, the same goes for the Kenyans. Why are you frustrated, yet you are the ones who elected these people who clap

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and vote yes for a law that is unconstitutional? You are the ones who brought them. So, this is a collective problem of both the citizens and their representatives.

Mr. Omusundi, even as you indite us, start asking yourselves as citizens who can truly represent us and respect our Constitution because our Constitution has---

Mr. Temporary Speaker, Sir, I know you want me to relieve you on the Seat, but I had to speak to this one. With this opportunity, I thank you.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Sen. Mumma.

Sen. Osotsi, please proceed.

Sen. Osotsi: Thank you, Mr Temporary Speaker, Sir. Indeed, this is a very important Motion by one, Mr Laban Omusundi. I agree with the Members who have said that, though the Committee has recommended that Mr Omusundi bring a constitutional amendment, which would go through the process provided within the Constitution of Kenya. However, there is a very important message that Mr Omusundi is communicating to us, as representatives of the people, that something is not right. We, as the representatives of the people, need to fix it. We know that Articles 142, 146 and 181 provide the grounds for removal of the President and the governors, respectively. However, they do not also provide the recall mechanism, which is initiated by the citizen. That is a citizen-initiated recall mechanism. That has been left to the Members of Parliament and Members of County Assemblies, which is provided for in the Constitution and also in the Election Act.

[The Temporary Speaker (Sen. Abdul Haji) left the Chair]

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

There could have been good reasons why the President and governors were insulated from this recall mechanism. Maybe one may have thought that would protect them from incessant public agitation, political harassment, and destabilising recall attempts, but I can clearly see where Omusundi is coming from.

Mr. Omusundi is among the many Kenyans who are frustrated by the mechanisms that are there in the Constitution, which is removal through impeachment for the president and the governors. I want to talk about that because this is an important issue and a message that Omusundi is trying to pass to us.

Whereas this House has processed many impeachments of governors, some have been successful, others have not. As a House, we are proud that we have exercised our constitutional powers to remove governors or to reject attempts to impeach some governors by county assemblies. It is saddening that the National Assembly has not impeached even a single public officer since we got this Kenya Constitution, 2010. No Cabinet Secretary, Deputy President or President has been impeached by the National Assembly, and that is a problem.

I think the Committee should not just have rejected this petition by Mr. Omusundi. They should also have looked at the issues that Mr. Omusundi was raising. This is because if our National Assembly was operating as per the Constitution, they would have impeached or sent home many people.

There are a lot of things going wrong in this country, and nothing is happening because our critical institution or organ of the state, called the legislature, has been

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hijacked. I know one of the Members in the National Assembly, hon. Kibagendi said this on a TV station, and he was suspended from the House, but that is the truth. Particularly, the National Assembly has been hijacked by the Executive.

I can say this a thousand times. The National Assembly is behaving like an appendage of the state, both in the House and outside. When they are in the Chamber, they pass laws which are punitive. They make decisions which are unconstitutional. They protect the ills of the state. When they are out of the Chamber, you see them over the weekend doing activities which are unlawful.

Madam Temporary Speaker and also Sen. Khalwale, you come from the western region, and you can see what is happening there. I am very sad as a leader from that region. Just because Sen. Sifuna's star has risen and our community is beginning to believe in him, the President of the Republic of Kenya has panicked. He has summoned the Speaker of the National Assembly, the Prime Cabinet Secretary, the CS for Cooperatives, the Principal Secretaries from the region, and the Members of Parliament who are supporting the broad-based Government. They are all roaming around the region distributing handouts in the name of empowerment.

It is sad doing that after the failure of this Government to implement the Memorandum of Understanding (MoU) they signed, which was to give 30 per cent of the Government, 1,000 kilometres of tarmac road, and five manufacturing plants for the region. They have done nothing.

Instead, the little we have, has been taken away. Nzoia Sugar has been taken away. You saw the shenanigans of Mumias Sugar. Look at Busia Sugar and Panpaper. Because there is a threat, these people are not working. They are not in the office. Their work is to roam around villages, giving people handouts, and being 'prefected' around by a Personal Assistant to the President by the name Faruk Kibet.

It is sad that in a civilised government, this can never happen. I am glad our people are 'eating' that money, and nothing is changing on the ground. There is no traction. If you are listening to me and you are from that region, the Mwananchi in Kakamega, Vihiga, Busia, Trans Nzoia and Bungoma, we are asking you, when they come with the bags of money, take the money away, but exercise your constitutional right in 2027 by voting out this Government.

What saddens me are our own Members of Parliament, who understand that they are a mechanism for the empowerment of our people. We have the Youth Enterprise Fund, Women's Enterprise Fund and others such as the Uwezo Fund. This money should be channelled through those institutions and not through carrying sacks of money from one place to another in the name of empowerment.

What is the source of that money? Who is giving that money? If we were in a civilised society, Members of Parliament would not participate in that, and they would raise issues in the National Assembly. However, since they have been captured, they see no evil, they hear no evil, and they will be there to facilitate the State to continue doing things which are unconstitutional.

When you see people like Laban Omusundi coming up with this kind of petition, it is because the citizens are saying that if you cannot impeach, yet we have given you the power to impeach, let us do it ourselves through a recall process.

It is a genuine request which we must look into. It is very frustrating to see a state officer carrying goons in a chopper from one function to another, and yet he is a person who is supposed to be in charge of the security system in this country. But when he is countered on issues of goons, he will come and say, “The Government is doing this and that,” whereas nothing is happening.

This is unacceptable, and I want to believe that if the National Assembly and even this Senate followed the law, by now President Ruto would be out of office through impeachment, because he took the oath to uphold and protect the Constitution of Kenya, but that is not what he is doing.

It is also sad that the Speakers of this House are on the loose. I am not referring to you.

The Temporary Speaker (Sen. Mumma): Order, Sen. Osotsi. If you have any accusation to make about a Speaker, you know the process to do that. So, you will proceed without imputing any improper motives or following the correct procedure to accuse any Speaker.

Proceed.

Sen. Osotsi: Madam Temporary Speaker, I know you are a very competent lawyer in this country. May I remind you that there are orders which have been issued by the High Court?

The Temporary Speaker (Sen. Mumma): Order, Sen. Osotsi. I am presiding, and I have made a ruling. Do not remind me of anything. In this particular instance, if you want to cite any Speaker, please follow the correct procedure.

Proceed.

(Sen. (Dr.) Khalwale consulted loudly)

No. There is nothing to clarify. What are you clarifying? Sen. (Dr.) Khalwale, do not go there. Proceed under one minute.

Sen. Osotsi, you may sit down for a bit.

Sen. (Dr.) Khalwale: Thank you, Madam Temporary Speaker. I appreciate how accurate you are in the guidance you have given the Senator of Vihiga. However, the debate in the House is about the removal of a President and a Deputy President, a session that takes place when a Speaker is presiding over the House. So, in view of the court orders, would the Speaker still be able to preside over such proceedings if we wanted to remove President William Ruto? Maybe you should help us.

The Temporary Speaker (Sen. Mumma): Sen. (Dr.) Khalwale, you are bringing a hypothetical situation and you want me to rule. I will not do that. I will not be baited for that.

Sen. Osotsi, you may proceed in the correct direction.

Sen. Osotsi: Madam Temporary Speaker, I will reserve that for another day. I am trying to imply that we are running public institutions with impunity. That is not limited to the Executive side; it is even in the Legislative side. We have a scenario where a court has given orders, but whoever is supposed to obey the orders goes ahead to ignore them and perform the same act that the court stopped that person from doing. Then, you get yourself in a scenario where the court has to process contempt of court proceedings. It is not right.

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If we were in a civilised society, that would be a ground for impeachment. I am trying to explain that since we have failed to do the right thing in our Houses, people like Omusundi and others are frustrated. They are saying, why can we not give that power back to them?

Goons are now ruling this country. It is very sad that even the police are working alongside them. When we were in Kisii, passing through Keumbu, the police, together with the goons, threw stones at us. When we were in Nyahururu, the driver of Governor Kang'ata was shot on the chest with a rubber bullet, and the police came forward and said, it is not them, yet we were there and saw it. What kind of a country is this?

We have MPs who are the first ones to protect the police and say the police were not involved, and many other explanations. It is time we re-examined the conduct of our Legislature and Executive and stop what is happening. This madness cannot continue.

Public officers are supposed to sit in their offices. Now, we have public officers roaming around distributing food and money in the name of campaigning for 2027. They are not in their offices to serve the people of Kenya. Something has to be done. President William Ruto promised Kenyans a number of things. He promised that he would institute a process to deal with the State capture of key institutions, and nothing has been done. Instead of constituting a commission to deal with the matter of State capture, he has actually enhanced it in every institution in this country, including Parliament. That is an impeachable ground. If impeachment cannot work, then I think it is important for the process suggested by Mr Omusundi to be implemented. This is because we are seeing a scenario where we have political patronage in our institutions, and financial inducement is the main thing. We are seeing impunity and intimidation, even within the party.

It is sad that my party, ODM, the party of Raila Amollo Odinga, can stand up and say, " We need a President who is a dictator." It is sad that we have gotten to that level. It is sad when you hear people say that there is no harm or mistake in one contributing Kshs10 million to one function. The question is, where did that money come from? So, something has to be done in this country, and that is a message Mr. Laban Omusundi is trying to communicate to us.

I support the report but request that the issues raised by Mr. Laban Omusundi be looked at keenly, so that when we have a moment for constitutional amendment, we provide for a citizen-initiated recall for the President and governors, besides the impeachment process, which is provided for in our Constitution.

I support.

Sen. Omogeni: Madam Temporary Speaker, I want to thank you for giving me an opportunity to make my contribution on this Report by the Standing Committee of Justice, Legal Affairs and Human Rights.

Whereas I agree with the general recommendation of the Report, which is that we should reject the route being proposed by Mr. Omusundi, this petition, as you have rightly pointed out, should be a wake-up call to this Parliament. That is the National Assembly and the Senate of the Republic of Kenya.

A citizen has taken time to pen a petition expressing concerns that Parliament and county assemblies are often compromised by political patronage. This means that there are people out there holding political positions that direct how Parliament conducts its business. He then says that this House is compromised through financial inducements.

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Thirdly, he says that we have fallen short of enjoying the trust of Kenyans because of party intimidation.

This Constitution was hailed as one of the most democratic in Africa, and you midwived it. You know how it was celebrated in the continent of Africa as one of the most progressive Constitutions ever enacted.

I must thank the President who received this baton, President Kibaki, for allowing freedom to flourish. In the days of President Kibaki, Parliament was lively and could debate issues. A debate means that you have a right to oppose what the other side has said. Debate in the Commonwealth means that you do not need to agree with what the other side is saying, the Government side or the Majority side. That is what is meant by having a debate in Parliament.

What is happening now, in our Parliament, is that we turn back to listen to the wishes of the Executive on a matter. In 2011, when my name was proposed to this House to be the head of the Ethics and Anti-Corruption Commission (EACC), there was a serious debate on the Floor of the House. People were given the freedom to freely air their views on the Floor and cast a vote on how their conscience guided them.

I remember Ministers, who we now refer to as cabinet secretaries, who stood up and told Kibaki that they did not agree with the way he was handling the matter of the nominee to the EACC. Hon. James Orengo, who was a Minister then, voted to reject the name that had been forwarded by the Executive. Their vote was 49-49.

Right now, we are seeing a situation where we are being told to support the broad-based government even on an issue that should be guided by our conscience. We know how coalitions are crafted. I am a Member of the Orange Democratic Movement (ODM), and nobody has brought any matter to my attention where there has been an agreement between the United Democratic Alliance (UDA) and ODM to have a coalition and the terms governing that coalition.

So, we should take note and do something when Mr. Omusundi says that the issue of party intimidation should be addressed. This is because Parliament should be reactive. If we notice that there is a problem, we must confront it. When Sen. Maanzo or Sen. Osotsi is elected to this House, they are here to represent, and oversight. The only way for them to represent and oversight is to come here, cast their votes as Senator for Vihiga or Senator for Makueni counties. They should also, as the Constitution permits, be a Member of a Standing Committee and participate without intimidation from their political parties.

We can borrow what happens in the Commonwealth. During Brexit in the UK in 2013, the then Prime Minister gave members of the House of Commons a free vote. He said, "On this one, vote guided by what your conscience tells you because we are in a democracy." We, as Members of ODM, believe that ODM stands for a democratic society, where there is openness, freedom to debate on issues and freedom to cast a vote guided by what your conscience tells you. That is what Omusundi is telling us. He is saying that we should not allow party intimidation or political patronage.

Way back in 1975, Prime Minister Wilson, in the United Kingdom, allowed Members of the Cabinet to break collective responsibility in Cabinet and vote on issues that touched on the European Union, as their conscience guided them. This matter should make us relook at our Standing Orders or our Constitution because our Constitution is not set in stone.

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When the majority side makes a statement in a Senate or a National Assembly that has the majority side and the minority side, I expect my minority leader, Sen. Madzayo, a retired judge, to give a counter response to the majority's position, which should be the Government position. When he is doing that, nobody should intimidate him. That is what we see every day. If you watch the debate in the House of Commons tomorrow, on Wednesday, you will see that. If that is not happening, then we have no debate. We should then say we are not a democracy but a dictatorship.

On the issue of violence, I am waiting to hear what the President will tell Parliament when making his address to Parliament. Under Article 240 of the Constitution, he is the Chair of the National Security Council. The Constitution says in Article 243 that the Council shall exercise supervisory control over the national security organs. I want to know if it is the President who is supervising the police officers who are killing Kenyans. He then responds by saying we have set a Kshs1.2 billion to pay victims without accountability. We need to know the killers of the people being compensated and the action that has been taken. The action could be that they be prosecuted or disciplinary action be taken.

When George Floyd was killed by a police officer, the entire world witnessed. The police who were involved were arrested, prosecuted and jailed. How can we, as a country, say that we are paying victims of that violence without seeing people being taken to court? We should also go for extraordinary steps as a House.

We should summon the Chief Justice of the Republic of Kenya to appear before us and tell us what the judiciary has done with the cases that have been presented before them. The Judiciary should not hide under the concept of judicial independence. In the House of Lords, the Lord Chief Justice of the United Kingdom, who is currently a lady, attends the House of Lords and gives a scorecard on how the Judiciary has protected human rights and dispensed justice to the citizens. She is supposed to do that every year in the month of June.

We also want the Chief Justice to come here. I saw her attend the launch of the distribution of the Kshs1.2 billion. Let her also come and tell us if the Judiciary supports this impunity of saying that you kill people, pay them, then close the chapter.

The Constitution obligates the President to give a report to Parliament. This year, I want to hear what the President of the Republic of Kenya will tell Parliament about the killings that we have witnessed. Nyaribari Chache Constituency has been represented by prominent sons of Omogusii. We had Nyamweya, the late Omanga, the late Simeon Nyachae, Monda, Chris Bichage, Richard Tongi, and now we have Zaheer Jhanda.

The people of Nyaribari Chache were magnanimous and gracious and elected Zaheer Jhanda, yet he is not from the Omogusii ethnic group. They extended grace to him and elected him as their Member of Parliament, just for us to later see reports that the same Member of Parliament is trying to mete out violence against the sons and daughters of Omogusii. We are a very welcoming community.

When Sen. Sifuna and his friends visited Kisii, we welcomed them. We wanted them to come, talk to the people of Gusii, then leave without any violence. That happened in several places, but when they reached Keumbu, they were attacked. There is every indication that the Member of Parliament for Nyaribari Chache Constituency was involved in the attack. What is he trying to show the people of Gusii? I have seen United Democratic Alliance (UDA) meetings in Nyamira County, and I have never thought of planning to go

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and attack any politician from the UDA political wing because they have the freedom to come and sell their policies to my people. My people know what they will do; they will listen to them, but they know what to do.

As I speak, we have lost a life; a son of Omugusii died from that violence. How shameful can it be? Mzee Simeon Nyachae must be turning in his grave and wondering what happened to the people of Nyaribari Chache. Simeon Nyachae was a presidential candidate in 2002, and he campaigned all over the country.

Madam Temporary Speaker, what is annoying is that no action has been taken. It is like the law in this country only applies to certain people, but others are above the law. Where will this country head to in 2027, with what we are witnessing in Ol Kalou? We are making our politics look like a war, one set of people against another set of people within the same constituency. It is not a do-or-die contest. The goal must not be to win by all means.

I do not know what the IEBC is going to tell the country. If you read Article 81 of the Constitution of the Republic of Kenya, it is very clear on the general principles for our electoral system. Article 81(E) says that any election must be free from violence, intimidation, improper influence and corruption. You have witnessed what is happening in Ol Kalou; the Government is distributing gas cookers and mattresses bearing Government of Kenya (GoK) markings. I do not know whether they were meant for hospitals.

We tell the country that that is not a free and fair election; that is corruption. What is the Ethics and Anti-Corruption Commission (EACC) doing about what we are seeing? That is open bribery. People are getting money, a Kshs1,000 note with no change to go with and the following day, they get Kshs2,000, just because they want to influence the outcome of a parliamentary election. Look at what is happening in civilised countries; elections happen every day out there. There will be a by-election in the United Kingdom (UK). Labour and Democrats will come to fight, but they are just fighting on the platform of the campaign, not what we are seeing.

If this kind of bribery happened in that country, so many people would be forced to leave office by resigning. So, even as we agree with this Report that we reject the Omusundi Petition, there should be a wake-up call to the Parliament of Kenya that we are being accused of making our decisions based on financial inducements, political patronage, and that there is party intimidation within the Floor of the National Assembly and the Senate. That should attract some action from us. We cannot ignore what Mr Omusundi is drawing our attention to; something should be done.

As I conclude, today, I have read newspapers on opinions, and I want to tell Kenyans that on 2nd August, 2022, the same company that released opinion polls had given the Rt. Hon. Raila Odinga leads with 47.6 per cent ahead of Dr William Ruto at 41 per cent. When we went to the ballot, President Ruto was at 50-point-something per cent, and Raila Odinga was at 48 per cent. These companies that do opinion polls should be professional, truthful and not play politics with opinion polls.

The comfort is, I remember in 2015, when we had a very hot contest between Labour and the Conservatives in London, opinion polls pointed towards Ed Miliband winning against David Cameron. When the results came, Cameron was ahead by over 37 per cent against Miliband, who was at 30 per cent.

In April 2025, in Australia, opinion polls were indicating that Peter Dutton was going to dethrone the Labour government of Anthony Albanese. When the results came, in fact, Peter Dutton lost his own parliamentary seat. So, these opinion polls are being released to play politics, to influence what is going to happen in Ol Kalau on Thursday. Maybe we need to come up with a law that demands more accountability from these companies that do opinion polls.

With those many remarks, I hope that our former colleague, Hon. Murkomen, will search his conscience and do something about the violence that we are seeing. We want to see action and arrests of either the politicians who organised this thuggery or the youths who are involved in this violence. We want a peaceful country. This is the only country we have called Kenya.

Madam Temporary Speaker, I support.

The Temporary Speaker (Sen. Mumma): The Mover may now reply.

Sen. Maanzo: Madam Temporary Speaker, I am guided that I have 30 minutes to reply. Unfortunately, Members are not here. There are Members who raised issues. This is a very serious Report. It came through a petition. This petition was seriously considered by the committee of JLAC. Actually, the fact that it was in the first place approved showed that it had very serious issues. We sat and listened to Omusundi as a committee and other interested parties.

Mr. Omusundi was very serious and had a high conviction that something should be done, that something had gone very wrong in the nation, and that something had to correct that situation.

Although we have a Constitution, the contest is that none of us is following the Constitution. Although we have impeachment laws and there have been impeachments of governors and there was an impeachment of a Deputy President, he felt that we have not been following the Constitution, and therefore, pursuant to Article 1 of the Constitution of Kenya, 2010, the people should seize this power.

He was comparing it with the power of the National and the County Assembly. In fact, although people talk about MPs, a Senator is also an MP. However, in law, there is no way you can impeach a Senator. However, you can impeach a Member of the National Assembly. You can recall a Senator and a Member of the National Assembly, but then, there has to be a law. There have been attempts to recall Members of the National Assembly. Signatures have been collected, and after signatures have been collected, they have to be taken to the IEBC for verification. There is a time you can recall a Member of the National Assembly and a time you cannot. Attempts have also been made at the county assemblies, and they have ended in frustration.

When he is proposing that we impeach a President or a governor as a people, and that a law should be made, of course, he is proposing an Act of Parliament, which we have told him, if the petition is in that direction, it is rejected. If he had come up with a petition asking the House to help him move, a public-motivated or a public-enhanced system where we would end up amending the Constitution and allowing people's impeachment, then we would have answered differently.

Therefore, when we were saying we reject, we were not being rude to him. In fact, there was a lot of research done, and he made a serious presentation as to the situation in South Africa, where a president is impeached by the people, but through the political party.

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It is true that if a political party is fed up with its president, through its numbers, supported by other numbers in the House, through a political party, you can actually impeach, but in our scenario, you have to come to the House through an impeachment Motion.

Therefore, as much as his frustrations can be seen, which have been expressed, in 2024, this is where this was born; there was a Finance Bill going on in the House, and we were all here. There was public participation, but everything looked cosmetic. People talked about the cost of bread. They even went to where the committee was and ate bread there to show that they were dissatisfied. When people did public participation, very little was adopted.

I remember one of the controversial amendments of the Statutory Instruments Act is Section 21. It was simply deleted by a Finance Bill. Some of the regulations deal with finance, but there are many other regulations which do not deal with finance. They were all lumped up. If I followed the debate in the House, everybody was agreeing, but what was the reason?

I sit in the Committee on Delegated Legislation. The reason was that this Act came into Parliament in 2013, and it says that after 10 years, you must review the regulations. Therefore, what do they do? In 2023, the regulations expired, and they were no longer in force. So, in 2024, instead of making an amendment to the Act itself, which I have tried to do later, and there are two amendments pending in this House, what they did was to go and revive these regulations through the back door, through the Finance Bill. That was one reason, among many reasons, why Kenyans felt frustrated. You know how to amend an Act with the House, but you want a shortcut.

Similarly, miscellaneous amendments to laws came up with similar challenges, where, through miscellaneous amendments to an Act, there is a lot of laziness by the House. I am now responding to the frustration by the Houses; the frustrations Kenyans have faced through the Houses. People, including Omusundi, are feeling that we elected people who no longer serve the reason we elected them. Then, we have the nominations through the political party. When one goes for nominations, that is where the frustrations begin. You actually win a nomination, but you go to your party headquarters, and you find that the certificate has gone with somebody else. So, you are forced to begin another long journey of going independent, and time is running out. Eventually, you lose a seat and file an election petition. If it is at the nomination level, you go to the Political Parties Tribunal. You cannot go directly to the High Court. You go around in circles there. The frustrations are many, even when one wants to become a leader.

That is why I would not be surprised if Obama were a Kenyan and wanted to be elected as an MCA, he might be beaten by the system we have in political parties. Nobody would see his talent, and he would probably lose at nominations or win, then fail to receive the certificate. He would be frustrated and probably try the court system, and still be frustrated. However, in America, he was able to become President because the system, borrowed heavily in our Constitution, works. The political parties apply justice.

The idea of frustration came out very well from Mr. Omusundi. He showed the helplessness and represented many people. He is also an activist, has tried politics and has been frustrated. Therefore, he was looking for a system to enhance accountability and check the Executive. His expression was that we have failed as a House to check the Executive.

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The only way to call the Executive to order, either at county or national level, is the threat of impeachment. As you have seen, that threat is not strong. When you want to impeach a governor, it takes three-quarters of the House. The case of Governor Sonko showed this. Strangers voted and eventually Sonko was impeached in this House. It went to the High Court, Court of Appeal and Supreme Court and the impeachment was confirmed, yet affidavits later said there was no quorum at the Assembly. What does that mean? That the whole impeachment process was a fraud. I believe the courts are still following that. I have seen those proceedings beginning to take shape in the same committee.

Therefore, the frustration came out very clearly. The reason we listened to him and took the trouble to bring this report here is that we thought it was worth debate. Even if the method he proposed is not applicable under the current Constitution, we must have this debate, so that the House can trigger national thinking on what can be done in future. It can encourage many others who believe constitutional amendments are possible to use the right channel and achieve them.

This is a very important petition. It is shaking the foundations of the Executive and calling Parliament and the people to act. He spoke about weak systems, weak Parliament, weak courts and a weak anti-corruption system. He mentioned bribes in the House and the lack of integrity, though he could not verify---

ADJOURNMENT

The Temporary Speaker (Sen. Mumma): Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. Sen. Maanzo, you have a balance of 12 minutes when we resume.

The Senate, therefore, stands adjourned until tomorrow, Wednesday, 15th July 2026, at 9.30 a.m.

The Senate rose at 6.30 p.m.