THIRTEENTH PARLIAMENT

THE SENATE

OFFICIAL REPORT

Fifth Session

Wednesday, 15th July, 2026 at 9.30 a.m.

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 15th July, 2026

Morning Sitting

The House met at the Senate Chamber,
Parliament Buildings, at 9.30 a.m.

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

PRAYER

DETERMINATION OF QUORUM AT
COMMENCEMENT OF SITTING

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

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

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

(The Quorum Bell was rung)

The Deputy Speaker (Sen. Kathuri): Serjeant-At-Arms, ring the Quorum Bell again for a further five minutes.

(The Quorum Bell was rung)

Order, hon. Senators. Let us now start business.

QUESTIONS AND STATEMENTS

QUESTIONS

The Deputy Speaker (Sen. Kathuri): This morning, we were expecting three Cabinet Secretaries. The Cabinet Secretary for Mining, Blue Economy and Maritime Affairs wrote to indicate that he is not available today due to other engagements.

The Cabinet Secretary for Roads and Transport was also scheduled to appear to answer three questions. He also has engagements within the Ministry and will, therefore, not be appearing this morning. The third Cabinet Secretary for Environment, Climate Change and Forestry is around.

Question No.057

MAINTENANCE OF THIKA-KENOL A2 ROAD

(Question deferred)

Question No.061

CONSTRUCTION OF THE ISLAND-SIDE RAMP AT MTONGWE CROSSING

(Question deferred)

Question No.063

STATUS OF VARIOUS ROADS IN KAKAMEGA COUNTY

(Question deferred)

Question No.019

IMPACT OF BLUE ECONOMY PROGRAMMES AND INFRASTRUCTURE UNDERTAKEN BY NATIONAL GOVERNMENT IN KISUMU COUNTY

(Question deferred)

Clerk, you may usher in the Cabinet Secretary. Then, we will proceed with the Question by Sen. Hamida Kibwana.

[The Cabinet Secretary for Environment, Climate Change and Forestry (Hon. (Dr.) Deborah Barasa) was ushered into the Chamber]

Hon. Senators, the Cabinet Secretary for Environment, Climate Change and Forestry is in the House. Welcome, Madam Cabinet Secretary and your team from the Ministry to the Senate. This is not your first time to appear before the Senate.

Sen. Hamida Kibwana, you can ask Question No.049.

Question No.049

EXISTING INTER-AGENCY COORDINATION FRAMEWORK IN ENVIRONMENT POLLUTION MANAGEMENT

Sen. Kibwana: Thank you, Mr. Deputy Speaker, Sir. Good morning, Madam *Waziri, karibu*.

I beg to ask the Cabinet Secretary for Environment, Climate Change and Forestry the following Question.

(1) Could the Cabinet Secretary explain the enforcement measures in place to prevent and punish industrial pollution, unsafe e-waste handling, toxic dumping and other environmental practices that expose Kenyans to hazardous substances in soil, water and air?

(2) What coordination framework exists among the Ministry, the National Environment Management Authority (NEMA), county governments, public health authorities and other regulators to monitor toxic exposure hotspots and ensure timely remediation and public protection?

(3) Could the Cabinet Secretary state whether the Ministry has undertaken a national or sector-based assessment of environmental health risks from lead, heavy metals, hazardous waste, open burning and industrial contamination, and what were the findings?

(4) What policy and enforcement reforms, drawing on lessons from countries with stronger hazardous waste and pollution-control regimes is the Ministry pursuing to strengthen environmental health protection in Kenya.

The Deputy Speaker (Sen. Kathuri): Madam Cabinet Secretary, proceed to give your response.

The Cabinet Secretary for Environment, Climate Change and Forestry (Hon. (Dr.) Deborah Barasa): Mr. Deputy Speaker, Sir, hon. Senators, I rise to respond to Parliamentary Question No.049 raised by Nominated Senator Hamida Kibwana, MP, on the prevention of industrial pollution, unsafe e-waste handling, toxic dumping and other environmental practices that expose Kenyans to hazardous substances in soil, water and air.

I wish to begin by thanking the hon. Senator for raising the critical matter affecting the health, dignity and environmental well-being of our citizens. The Ministry of Environment, Climate Change and Forestry through the NEMA remains committed to the pursuit of a clean, healthy and safe environment for all as envisaged under Article 42 of the Constitution of Kenya, 2010.

With regard to enforcement measures in place to prevent and punish industrial pollution, unsafe e-waste handling, toxic dumping and other environmental practices exposing Kenyans to hazardous substances, NEMA derives its enforcement mandate primarily from the Environmental Management and Coordination Act, Cap 387 and its attendant regulations.

The key legislations guiding enforcement in this context include-

(1) The Sustainable Waste Management Act, 2022.

(2) The Environmental Management and Coordination (Air Quality) Regulations, 2024.

(3) The Environmental Management and Co-ordination (EMCA) (Water Quality) Regulations, 2024.

(4) The EMCA (Waste Management) Regulations, 2024.

(5) The Environmental Management and Coordination Regulations on (Management of Toxic and Hazardous Chemicals and Materials), 2024.

(6) Environmental Management and Coordination Regulations on Impact Assessment and Audit, 2003.

(7) Sustainable Waste Management (Extended Producer Responsibility) Regulations, 2024.

The National Environment Management Authority (NEMA) deploys trained and gazetted environmental inspectors to carry out targeted and random inspection of facilities across the country pursuant to Section 117(1) of EMCA, Cap 387. Gazettement is conferred only after an officer successfully completes the requisite basic enforcement course. Notably, NEMA has extended gazettement to officers from other lead agencies, including county governments, to broaden enforcement coverage.

Enforcement actions have been significantly intensified. In Financial Year 2024/2025, NEMA conducted targeted enforcement of water quality regulation across 101 facilities within the Nairobi Metropolitan area, issuing directives to immediately halt illegal discharges and comply with environmental standards. I also wish to say that you can see the restoration occurring right now through the Nairobi River Restoration Programme.

The Authority has additionally set a target of identifying and stopping 400 illegal discharge points along the Athi-Galana-Sabaki River system with mapping and improvement orders already issued in Financial Year 2024/2025. Similarly, NEMA identified and stopped 405 illegal discharges along the Athi-Galana-Sabaki River in Financial Year 2025/2026 and an additional 197 for this quarter.

Mr. Deputy Speaker, Sir, environmental audits constitute additional enforcement tool. All highest risk facilities are required to submit annual audits indicating the measures instituted to comply with the environmental management plans. In Financial Year 2024/2025, a total of 6,673 audits were submitted and in 2025/2026, this rose to 9,798 audits, all reviewed with records of decision, including improvement orders issued to operators. Furthermore, 22 control environmental audits were conducted in Financial Year 2024/2025 targeting hospitals, agrochemicals, renewable energy and mining sectors and 16 control audits were done in Financial Year 2025/2026 targeting asbestos disposal facilities.

On extended producer responsibility, the framework compels producers to take responsibility for their waste post-consumer phase. Four producer responsibility organizations currently operate in the country managing non-hazardous, hazardous and e-waste streams. To date, 296 producers whose materials were found polluting rivers have been compelled to undertake clean-up activities and assume responsibility for their waste streams.

Environmental restoration orders were issued as follows:

The EPR along Nairobi River Catchment - Nairobi, Ngong and Mathare rivers. The action taken was environmental restoration orders which were issued to 29 companies to clean sections of those rivers. The clean-up date was on 24th March, 2024. The EPR along Ngong River was done on 31st January, 2024 where the Environmental Restoration Orders (ERO) were issued to 86 companies. For the EPR along Kandisi River was done on 9th August where EROs were issued to 77 companies and a clean-up conducted on 2nd to 6th October, 2024 and EPR along Kirichwa River on 22nd November, 2024 where ERO was issued to 104 companies.

In the addendum, I believe it is important that we note that before the gazettement of the Sustainable Waste Management (Extended Producer Responsibility) Regulations, 2024, the Authority proactively undertook enforcement of EPR through Section 13 of the Sustainable Waste Management Act of 2022. During that period, NEMA compelled producers to undertake clean-up as highlighted in the tabulation.

Mr. Deputy Speaker, Sir, however, the Authority changed its enforcement strategy after the gazettement of the Sustainable Waste Management (Extended Producer Responsibility) Regulations, 2024 from clean-ups to issuance of orders to producer responsibility organizations, directing them to ensure full compliance of the regulation on behalf of their members. To further ensure reduced pollution, NEMA has compelled Producer Responsibility Organizations (PROs) to get into consensus regarding compensation of value chain actors, especially waste pickers, aggregators and transporters to enhance waste collection and evacuation to recyclers and safe disposal.

On 10th July, 2026, NEMA witnessed reaching agreement between waste pickers and one PRO, Hazardous Waste Producer Responsibility Organization of Kenya (HAPROK), whereby they will be compensated at a rate of Kshs20 per kilogramme of hazardous waste collected. Other players such as aggregators and transporters will be compensated at a rate of Kshs7.5 and Kshs15 respectively. In this regard, waste collection will become a revenue stream for the value chain actors and enhance reduced pollution. The National Environment Management Authority has directed all PROs to enter into similar agreements with value chain actors to incentivize waste collection and management.

Additionally, NEMA partnered with the Kenya National Clean-up Production Centre in the Financial Year 2022/2024 to inspect and analyse waste-waters from 260 facilities within the Nairobi River Basin, leading to identification and mitigation of key industrial pollution sources. In 2025/2026, in-plant assessments were conducted in 26 facilities. Five industries halted pollution by installing new effluent treatment plants and 10 non-functional ETPs were revived.

Where inspections reveal non-compliance, enforcement actions available to NEMA include-

(1) Improvement orders under Section 117(3)(g) of EMCA directing cessation of environmentally harmful activities and requiring remedial measures within specified timeline.

(2) Restoration orders under Section 108(1) of EMCA requiring restoration of the environment to its pre-pollution state.

(3) Closure orders under Section 117(3)(f) of EMCA directing immediate closure of non-compliant manufacturing or industrial establishment. Resumption of operation is permissible only with written approval from the Director General. Two facilities this Financial Year 2025/2026 were issued closure orders following inspections.

(4) Arrest and prosecution before a court of law under section 117(3)(h) of EMCA as a last resort. In Financial Year 2024/2025, five individuals were arrested and prosecuted for environmental offences related to the illegal discharge of effluents.

Mr. Deputy Speaker, Sir, the second one was on coordination framework among the Ministry, NEMA, county governments, public health authorities and other regulators to monitor toxic exposure hotspots and ensure timely remediation and public protection.

Environmental pollution is most effectively addressed through a multi-agency approach. The Ministry, through NEMA, has spearheaded collaboration among relevant agencies and county governments through the following mechanisms.

The Environmental and Social Impact Assessment (ESIA) process Section 58 of EMCA requires that ESIA process take precedence over any other regulatory process and be completed before any project commences. As part of this process, copies of ESIA reports are shared with relevant lead agencies for technical input before a record of decision is made. This multi-agency collaboration enables early identification of negative impacts on public health and the environment with appropriate remedial conditions embedded in ESIA licenses which cover the entire project life cycle from pre-construction to de-commissioning. The ESIA process therefore serves as an early warning system that safeguards public health while fostering inter-agency collaboration.

Secondly, the Authority conducts joint enforcement operations with relevant ministries, lead agencies and county governments targeting sector-specific high-risk facilities. For instance, NEMA has undertaken joint inspection with the Energy and Petroleum Regulatory Authority (EPRA) targeting non-compliant facilities in the petroleum sector and has partnered with the Nairobi City County Government in mapping and cracking down on noise pollution hotspots.

Capacity building through the Basic Enforcement Course (BEC). The Authority trains officers from other lead agencies and county governments through the basic enforcement course designed to equip officers with skills to undertake effective enforcement within their respective mandates. Officers completing the BEC are eligible for gazettement, extending decentralized enforcement capacity across the country.

Under the National Environment Management Authority incident management system, the Authority operates an incident management system through which the public can report environmental incidents nationwide. It maintains a database of contact persons from all lead agencies across the country. Upon receipt and categorisation of an incident, NEMA forwards it to the relevant lead agencies for prompt action, playing a key coordination role in averting further pollution.

Mr. Deputy Speaker, Sir, in the Financial Year 2025/2026, 12 incidences involving releases, spills, leaks, fires or explosions with toxic or hazardous chemicals including ammonia, chlorine, volatile organic compounds, pesticides and industrial solvents were responded to. These incidents remain under active monitoring pending full restoration of affected areas.

The national or sector-based assessment of environmental health risk from lead, heavy metals, hazardous waste, open burning and industrial contamination and the findings. The Ministry, through NEMA, undertook a comprehensive nationally coordinated assessment of environmental health risk under the Africa Environmental Health and Pollution Management Programme (AEHPMP) implemented between 2020 and 2025 with support from the World Bank and the Global Environmental Facility (GEF). The programme specifically targeted pollution risks associated with e-waste, hazardous chemicals and unintentional persistent organic pollutants which are closely linked to heavy metals, open burning and industrial contamination pathways.

Key outputs of the programme are, a national e-waste inventory covering all 47 counties and a country-wide solid waste situation analysis including identification and mapping of pollution hotspots. The second output, a national database on toxic substances and e-waste generation providing empirical evidence on the scale and distribution of hazardous materials nationwide. Thirdly, UPOPs hotspot mapping identifying areas with elevated risks of toxic emissions associated with open burning of waste and formal recycling and poorly controlled disposal sites and fourthly, development and deployment of monitoring screening and evaluation tools for environmental inspectors with over 100 inspectors trained to detect and track releases of hazardous pollutants.

The key findings from these assessments are as follows. Open burning of mixed waste and e-waste is a significant source of toxic emissions including UPOPs and heavy metals posing significant serious risk to air quality and public health. This is particularly in urban centres where waste segregation is limited and the informal sector dominates the recycling value chain. Secondly, informal e-waste management practices including manual dismantling and crude material recovery techniques expose workers and nearby communities to hazardous substances such as lead, mercury and other heavy materials with risk especially pronounced in unregulated environments lacking protective measures and pollution control technologies.

Thirdly, stakeholder mapping and value chain analysis identified systemic gaps in hazardous waste management including weak collection systems, limited formal recycling infrastructure and inadequate awareness among key actors contributing directly to environmental contamination and human exposure.

Fourthly, the assessment highlighted limitations in analytical infrastructure particularly laboratory capacity for comprehensive analysis of air and soil contamination underscoring the need for continued investment in environmental monitoring system. These findings have since informed key policies and regulatory actions including the gazettement of the Waste Management Regulations, 2024, the Extended Producer Responsibility Regulation, 2024, and the Framework for Management of Toxic and Hazardous Substance, policy and enforcement reforms drawing on lessons from countries with stronger hazardous waste and pollution control regimes being pursued to strengthen environmental health protection in Kenya.

Mr. Deputy Speaker, Sir, the Government, through the Ministry and National Environment Management Authority of Kenya (NEMA), is implementing a suit of policy and enforcement reforms informed by international best practises from jurisdictions with advanced hazardous waste and pollution control system and multilateral environmental agreements, including the Basel, Stockholm, and Minamata Conventions.

In terms of strengthened legal framework, the Ministry has strengthened the legal framework through operationalisation of the Sustainable Waste Management Act and the gazettement of the 2024 Waste Management and Extended Producer Responsibility Regulations. These reforms adopt the polluter pays principle and a lifecycle management approach requiring producers to take full responsibility for hazardous and post-consumer waste, consistent with best practises in the European Union.

Additionally, regulations on the management of toxic and hazardous chemicals and materials have been developed and are being implemented, including stricter controls on generation, transport, storage, and disposal.

In risk-based and intelligence-led enforcement, the Government is transitioning from reactive compliance to a risk-based intelligence-led enforcement model, including targeted inspections in pollution hotspots, strengthened environmental audits, and the deployment of monitoring and screening tools to track releases of heavy metals, Unintentional Persistent Organic Pollutants (UPOPs), and other hazardous pollutants.

On enhanced inter-agency coordination, the Ministry is enhancing inter-agency coordination frameworks, bringing together NEMA, county governments, public health authorities and sector regulators to enable joint inspections, data sharing and coordinated response to environmental health risks in line with integrated regulatory approaches applied internationally.

With regard to formalisation of informal electronic waste (e-waste) sectors, we recognise the role of the informal sector in hazardous waste exposure, particularly the e-waste management. The Government is promoting formalisation and integration of informal operators into compliant systems, including support for material recovery facilities, licensed recyclers and safer technologies, drawing lessons from countries that have successfully transitioned informal waste systems into regulated circular economy models.

In institutional capacity and compliance assurance, the Ministry is investing in training of environmental inspectors, strengthening laboratory and monitoring infrastructure, and digitising compliance processes to enhance transparency, traceability and enforcement efficiency. Enforcement measures have also been strengthened through enhanced penalties, closure orders, restoration directives and mandatory remediation requirements for polluters along the application of Extended Producer Responsibility (EPR) obligations to ensure industry accountability.

For public disclosure and community engagement, the Ministry is advancing public disclosure and community engagement mechanisms, including access to environmental information and grievance redress systems, recognising that transparency and citizen oversight are critical components of effective pollution control regimes globally.

Collectively, these reforms are positioning Kenya towards a modern, preventive and enforcement-driven environmental management system capable of effectively addressing risks from hazardous waste, industrial pollution and toxic substances while safeguarding public health and the environment.

Mr. Deputy Speaker, Sir, the Government remains firmly committed to protecting all Kenyans from the harmful effects of industrial pollution, hazardous waste and toxic exposure. We will continue to enforce our laws with vigour, deepen interagency collaboration and draw on global best practises to ensure that every Kenyan enjoys the constitutional right to a clean and healthy environment.

I thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Thank you, Madam Cabinet Secretary.

Sen. Hamida Kibwana, do you have any supplementary questions?

Sen. Kibwana: Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): You have a privilege to ask two supplementary questions.

Sen. Kibwana: I thank Madam CS for her response. I feel some were responded to, but it still provides some broad description of laws and activities, but leaves important gaps regarding enforcement outcomes, which affects communities' timelines and accountability.

My first question is, kindly, Madam CS, explain why, despite the thousands of environment audits and widespread noncompliance, among them, only five individuals were prosecuted in the Financial Year 2024/2025, and only two facilities were issued with the closure orders. State the outcomes of these prosecutions, because I just felt that there was a gap hanging that was not explained well.

Secondly, when will the Ministry publish the national e-waste inventory? You have tried to elaborate on that, but you have not told us when the inventory will be published.

In addition, regarding the pollution, state the pollution hotspots and the maps which have been developed under the Africa Environment and Health Pollution Management Programme, so that the Parliament and affected communities can assist the risk and monitor remediation. You talked about the database, but at least, we need to understand the timelines and exactly how it is going to be implemented so that we can also support you.

I thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Madam CS, please, proceed.

The Cabinet Secretary for Environment, Climate Change and Forestry (Hon. (Dr.) Deborah Barasa): Thank you. With regard to the prosecution, what we had talked about is, it is a process. First of all, we start with the improvement orders directing the cessation of environmentally harmful activities and requiring remedial measures within specified timelines. We give timelines to the companies or the polluters.

Additionally, we have also the closure orders for those who need to undergo restoration to ensure that it is at a pre-pollution state. We give them the order and timelines to address that. After that, if that does not occur, then there are closure orders which direct immediate closure of the non-compliant manufacturers or industrial establishment. The resumption is only permissible through written approval by the Director General. If that does not occur, then arrest and prosecution is the final line. As you are aware, industrialisation is ongoing, but we have to ensure that we are protecting our environment. So, those are the key steps that we follow up to support the various industries so that there is no pollution that takes place.

There was a question why despite audits, only five prosecutions and the two facilities have been closed. With regard to outcome, we continue monitoring. We conduct, as you have seen, the water quality monitoring, air quality monitoring, and other forms of assessment and enforcement by the individuals.

In terms of the publication of the e-waste inventory, it is ongoing and we assure you that we will share that with you for purposes of advocacy, even as we go to implementation. As you are aware, the game-changer for us was the extended producer responsibility which has been the sustainable waste management EPR regulation, which now proactively looks into enforcement. It was about clean-ups, but after we had passed the EPR, there was issuance of orders to producer responsibility organizations to ensure full compliance of the regulation on behalf of their members, who are the polluters.

They are the ones who are supporting us across the value chain of waste management to ensure that they are managing waste from the waste pickers, to the aggregators, to the recyclers, to safe disposal. They will be receiving a certain amount of money so that they can support in waste management. This is really a sustainability plan, a revenue generating stream for the value chain actors, while we are reducing pollution and ensuring that we have a clean and safe and healthy environment.

The Deputy Speaker (Sen. Kathuri): Very well. In my dashboard, I have 12 Senators who have supplementary questions. So, we really must manage our time. If I give you a chance, you should go directly and ask just one question, so that we can clear the big numbers.

The Senate Minority Leader (Sen. Madzayo): Asante, Mheshimiwa Naibu Spika. Nataka kumwuliza Bi. Waziri wa Mazingira, amechukua hatua gani kutetea mabadiliko ya anga na misitu. Ni hatua gani vile vile anaweza kuadhibu kampuni ambazo zinamwaga maji yenye sumu au uchafu katika mazingira ya Kaunti ya Kilifi hususan kampuni zilizoko katika maeneo wanamoishi Wakenya na vile vile zile kampuni zilizo katika maeneo ya Kilifi kama Kikambala na Mtwapa?

Pia, ni hatua gani anachukua kwa sababu maji kama haya yanaweza kuleta magonjwa katika mazingira na pia kuathiri udongo au mchanga ambao unatumika? Maji haya pia yanatoa hewa chafu katika maeneo hayo.

The Deputy Speaker (Sen. Kathuri): Madam CS, I request you note down the questions, so that you will respond to at least five at a time.

Sen. Okenyuri: Thank you, Mr. Deputy Speaker Sir. I also wish to direct this to the CS. What happened to the 2017 ban on the polythene bags for single use because in some regions such as in the rural areas the bags are re-emerging? It is a very serious matter because people are looking for cheap packaging material.

Secondly, what happened to the order for compensation of Owino- Uhuru settlement people who were affected and the court order that they be compensated? I wish to know what NEMA has to say concerning that specific court order.

The Deputy Speaker (Sen. Kathuri): Sen. Okenyuri, you know you are my younger sister, so I did not want to harass you. Kindly, stick to one question.

Proceed, Deputy Minority Leader.

Sen. Wambua: Thank you, Mr. Deputy Speaker. I am also your young brother, and I hope you are not going to harass me. I would want to establish through you, Mr. Deputy Speaker, whether the Director General of NEMA accompanied the CS to this place.

The Deputy Speaker (Sen. Kathuri): Are you done with your question?

Sen. Wambua: No, I just want to know, there is a very, very serious issue.

The Deputy Speaker (Sen. Kathuri): Prosecute your question, because we do not invite the Director General.

Sen. Wambua: That is okay, Mr. Deputy Speaker. If the Director General, NEMA is not here, I would be requesting the Committee on Lands, Environment and Natural Resources to bring the Director General at some point to this House. This is because NEMA, from where I sit, is a problem, not a solution to the management of environment in this country. They are accomplices in the destruction of our environment.

Straight to the question to the CS. I am happy that the questions are direct, but the responses are all over the page, I have an issue with-

Mr. Deputy Speaker, I ask you just to be patient with me, just the way you are patient with your “young sister”.

There is a response on an environmental restoration order to companies that have been found to be polluting our rivers. if you look at the response on page five, you realize that the responses give a date, just one day, for restoration of rivers that have been destroyed over the years.

Is the CS serious? Does she want to own these responses or to throw them back to NEMA? We can deal with NEMA when they come here. You cannot restore a river that has been destroyed over the years in a day.

The Deputy Speaker (Sen. Kathuri): You know we are dealing with science. That is why I am giving Members time to explain themselves. This is a technical matter that we are handling. Mark you, the person chairing is an expert in what you are addressing. I understand your concerns very well. I am an expert and I know what is happening around.

Today, my spirit is asking me to recognize the leadership of the House. Let us have the Deputy Minority Whip.

Proceed, Deputy Minority Whip.

Sen. Sifuna: Mr. Deputy Speaker, Sir, yesterday, I had occasioned to pass by Lavington Girls. The most surprising thing is that Lavington Girls, as the name suggests, is actually in Lavington. They still cook using firewood and that is causing a very big problem to residents who live behind the school on Ndoto Road. This is because the smoke goes directly into their houses. At some point, this administration had assured us that we were going to transition to clean cooking in our schools. So, the question that I want to direct to the Cabinet Secretary for Environment, Climate Change and Forestry is: Is it still the Government’s policy of the Kenya Kwanza Administration to transition all public schools from cooking using firewood to clean energy?

The Deputy Speaker (Sen. Kathuri): Maybe she can answer those, then we will pick more.

Sen. Joe Nyutu: Thank you, Mr. Deputy Speaker, Sir. Allow me to first seek your intervention. I had a question for the Cabinet Secretary for Roads and Transport.

The Deputy Speaker (Sen. Kathuri): Let us, first, clear with the Cabinet Secretary for Environment, Climate Change and Forestry.

Sen. Joe Nyutu: I am coming to that. I am just making a comment. It is important that we are informed in advance if the CS is not going to come.

The Deputy Speaker (Sen. Kathuri): I will now take that as your supplementary question.

Sen. Joe Nyutu: Mr. Deputy Speaker, Sir, do not be so hard on me. Although we do not belong to the same political side, please, allow me to---

I was making a request to you.

The Deputy Speaker (Sen. Kathuri): You are out of order, Sen. Nyutu. Take your seat. If you have realized, this morning, I have recognised Members who are not in the same---

The Chair is completely impartial. There is no Chair who chairs this House on political issues or lines. That is not the Senate of the Republic of Kenya. There may be other Houses but not in the Senate, So, first, you should withdraw that very negative comment on the Chair. I do not mind whatever political space you occupy. That is your business.

Sen. Joe Nyutu: I am well-guided, Mr. Deputy Speaker, Sir. I withdraw. I was requesting you. It is important that we be advised in advance, maybe through the Order Paper.

The Deputy Speaker (Sen. Kathuri): If you have withdrawn, ask your question or then, we can create some time to discuss the CS for Roads and Transport.

Sen. Joe Nyutu: Okay. I was saying that because I was supposed to be in Ol Kalou, but I am here. Let me ask the CS for Environment, Climate Change and Forestry one question.

Is the CS aware of an arrangement that the Government has with avocado processors in Murang'a County to absorb waste? This is because the only useful percentage of an avocado fruit is 5 per cent. So, disposal of the 95 per cent waste is a big challenge to avocado processors. They have an arrangement with the Government to absorb the waste. So, is the CS aware of this and what are we doing to assist these processors who are taking up the avocado fruit, especially in Murang'a County?

Thank you, Mr. Deputy Speaker, Sir. I apologise if my comment hurt you. I was only requesting you to intervene in that matter.

The Deputy Speaker (Sen. Kathuri): Madam CS, you can answer those five questions, then we make progress.

The Cabinet Secretary for Environment, Climate Change and Forestry (Hon. (Dr.) Deborah Barasa): Thank you, Mr. Deputy Speaker, Sir and honourable Members. First of all, regarding the e-waste inventory, it was done in all the 47 counties, as I had said. This was through the National Environment Management Authority (NEMA) and the World Bank. They published the report and it is on the website.

As I had said clearly, following the reports that we received, they were able to guide us in coming up and amending the Environmental Management Coordination Act and ensuring that we have incorporated the concerns that we had highlighted.

The other question was for regulatory impact assessment, that was also done.

The Deputy Speaker (Sen. Kathuri): Madam CS, could you also maybe identify the Senator's question that you are answering, so that we are clear?

The Cabinet Secretary for Environment, Climate Change and Forestry (Hon. (Dr.) Deborah Barasa): Yes, this was for---

(Loud consultations)

The Deputy Speaker (Sen. Kathuri): Learn the Members so that you---

Proceed, Madam CS. Are you listening to the Members or the Chair?

The Cabinet Secretary for Environment, Climate Change and Forestry (Hon. (Dr.) Deborah Barasa): So, the e-waste collection centres are in Kisumu, Mombasa and additional two counties. Both have been established and they are running. So, we continue with the support in e-waste collection. The question on non-compliance is for the people who have been prosecuted and we channelled that to the Office of the Director of Public Prosecution (ODPP).

There was a question with regards to water and air pollution within the coastal region. Sorry, I was scribbling very fast. Recently, the Ministry had launched the Kenya Online Continuous Emissions Monitoring System (KOCEMS) for continuous water and air quality monitoring across the country.

We have also instructed the manufacturing industries to ensure that the machinery is there and we are assessing the quality. So, if it is above a certain threshold and Kenyans are really being exposed to this kind of waste, then the Ministry and NEMA will take action. So, the process is ongoing. We had the Acts and the Regulations and now we have moved to implementation. I can tell you that the work is ongoing and monitoring and evaluation is taking place. One month ago, I was in NEMA and I saw the dashboard. We were able to identify the notorious companies and address the issues exhaustively.

So, the support is for all the manufacturing companies and industries to install. For NEMA, we are able to do that but we are encouraging industries and manufacturing companies to install. That way, we can be able to exhaustively monitor whenever there are increased emissions within our environment. So, I assure you air quality as well as water quality monitoring is ongoing.

Three months ago, we were able to close one of the facilities where we had untreated effluent discharge into Athi River. The measures that took place are also water quality monitoring to be able to assess and see what kind of effluent is being discharged. Is it treated or untreated? So, I assure you that work is ongoing in terms of monitoring emissions into our environment.

The regulations on e-waste have been developed. They are still pending at the Attorney-General’s office. We continue to push to ensure that we have them exhaustively and holistically implemented.

In terms of industries, they are all required to have pretreatment of waste and we are monitoring the effluent, as I had said. The Owino Uhuru budget plan for this financial year is Kshs200 million. It is included in the budget. We hope to get the money so that we address that concern.

On clean cooking, a lot has been done. First, we developed our nationally determined contribution. We were second in Africa to bring that to the global team. We have developed our national climate change action plan and one of the areas we are looking on is green transition and clean cooking.

We work with the Ministry of Energy and Petroleum to support them in developing the climate action plan that is transitioning to clean cooking. We have reached out to multiple partners who support us in financing such as the Green Climate Fund (GCF), Global Environment Facility (GEF), International Union for Conservation of Nature (IUCN) among others. GCF supported us and the resources will be used to transition most of our schools into clean cooking.

Far beyond that, we have our carbon markets and designated national authority when it comes to the carbon space. A lot of these projects are in clean cooking. We are also encouraging the project developers in matters clean cooking, even as we look to the hard-to-abate projects as a country. Many of them have registered hence we can confidently say that Kenya is moving into clean cooking.

Additionally, IUCN has had technologies in Kajiado and demonstration centres to support homesteads and institutions in matters of clean cooking and technology. This is a huge topic and it needs us to work together with the Ministry of Energy and Petroleum. We, therefore, request for more time in order for us to give you a comprehensive consolidated report on how Kenya is transitioning into clean cooking. Thank you.

The last question was on avocado processing and organic waste. Kenya waste is predominantly organic waste. We take this seriously as the Ministry and as National Environment Management Authority (NEMA). NEMA has licensed facilities to treat organic waste.

We are currently encouraging the governors to look at circular economy because waste management is devolved. We are looking at how we can partner and coordinate to improve the waste management and circular economy. In Nairobi, we are currently addressing the concerns in Dandora site. The waste in that place is predominantly organic and it needs to be addressed. That waste can produce waste to energy or fertilizers which will then bring money into the pockets of Kenyans.

We have provided technical and the legislative component support. On the implementation, we continue to license so as to ensure that we address organic waste, including the avocado waste. I think those were the questions that were addressed to me. Thank you.

The Deputy Speaker (Sen. Kathuri): There was an issue raised by Sen. Okenyuri on the polythene bags.

The Cabinet Secretary, Ministry of Environment, Climate Change and Forestry (Hon. (Dr.) Deborah Barasa): Yes, the ban on the polythene bags is still there. We take note of the concerns and we will ensure that we strengthen the enforcement.

We should remember that far beyond the plastic bags, we have the plastic bottles and other plastic wastes. That is why we had to work on the extended producer responsibility, which was passed. This looks at how we can work with the polluters to ensure that they are paying principal and that the resources they have are going back to address the waste that they are producing. As I said, it looks at the whole life cycle.

The Extended Producer Responsibility (EPR) is the way to go. It is all about creating jobs for the waste pickers, the aggregators, the transporters and safe disposal, among others. It looks at the complete life cycle. It means that people who are involved in the value chain will get resources because the polluters will pay principal and the resources will be used in waste management. So, we are creating jobs and recycling hence the circular economy space.

The Deputy Speaker (Sen. Kathuri): Are you not satisfied with the response? Seek your clarification very fast, then we will give other Members an opportunity.

Sen. Sifuna: Mr. Deputy Speaker, Sir, I want your help because you are an elder. If you could probably translate to me what the Cabinet Secretary has said in regards to the transition in schools from firewood cooking to clean energy. An answer like the one she has given has left me more confused as to where we are with that programme. What I expected is to be told that we have X number of public schools that use firewood to cook; we have received a certain amount of money, this is the total budget and we have done 10 per cent of the schools; the programme will run for six months and we expect to complete the transition before the elections. That is the type of answer that I expected. However, the ramblings that have come from the Cabinet Secretary have left me more confused. I do not know what the answer was.

The Deputy Speaker (Sen. Kathuri): Madam Cabinet Secretary, I heard you comment about the policy that you want to implement regarding the issue on cooking stoves. You requested for more time to submit that response to this House. Is that so?

The Cabinet Secretary, Ministry of Environment, Climate Change and Forestry (Hon. (Dr.) Deborah Barasa): Yes.

The Deputy Speaker (Sen. Kathuri): Can you comment directly on Lavington Girls because that is the issue.

The Cabinet Secretary, Ministry of Environment, Climate Change and Forestry (Hon. (Dr.) Deborah Barasa): Mr. Deputy Speaker, Sir, as I had said earlier, we request for more time. This is because the implementer is the Ministry of Energy and Petroleum. Our work is to give the policy. It is green transition. Number two, we also need real-time data for us to know where we are at the moment. We need to talk to the officers so that we are able to map out and give tangible data where we are in terms of transitioning.

We will need to work with the Ministry of Education, the Ministry of Energy and Petroleum and our team. Two weeks should be adequate for us to give you a substantive answer.

The Deputy Speaker (Sen. Kathuri): Sen. Sifuna, I think you are now comfortable with that response.

Sen. Sifuna: That is better.

The Deputy Speaker (Sen. Kathuri): Okay, let us hear from Sen. Mumma.

Sen. Mumma: Thank you, Hon. Deputy Speaker, Sir, for the opportunity to ask a question.

I listened very carefully when the Cabinet Secretary responded to the question by Sen. Kibwana. Mr. Deputy Speaker, Sir, you said that you are an expert in this and I think that you are. The Cabinet Secretary just repeated what the laws and regulations say. She did not respond to the real issues about the levels of pollution in this country.

I want to know the last time NEMA engaged with the industries that are polluting our water resources around western Kenya. Let me not just pick western Kenya. If you walk around Nairobi River, you will notice that the water is black. Lake Victoria is so polluted. River Maji Masafi in Kibos is so polluted by Kibos Sugar Company yet it is called Maji Masafi. All our sugar companies are polluting the rivers next to them. They dump bagasse everywhere. You do not need to be an environmental expert to see this. It can be seen with the naked eye.

When last did the Cabinet Secretary get a report on what is being done about pollution by all these sugar companies? Could we get an answer even for the sugar industries alone? This is because bagasse is all over and methane pollution is everywhere. The beautiful regulations she has read are very good because some of them were made here. In fact, the law was made here and the regulations were ratified by this House. Our question is, how are they implementing them? She should not tell us how good they are.

Sen. (Dr.) Mungatana, MGH: Mr. Deputy Speaker, Sir, I want to thank the Cabinet Secretary for the very elaborate answer that she has given. My question is on enforcement. The Cabinet Secretary has told us that in Financial Year 2024/2025, five people were arrested and prosecuted for violations in regard to illegal release into our rivers. She has also said that two facilities were issued with closure orders. This is what Kenyans want to hear; what action are you taking as a Cabinet Secretary?

Mr. Deputy Speaker, Sir, today, the people of Tana River are suffering because of gypsum mining. After the gypsum is mined, the pits are left open and there is serious environmental degradation. When did she last send inspectors to arrest and prosecute the violators of environmental degradation?

Kenyans know that if you mess, police officers will pick you up. If you set up an illegal pharmacy, the Pharmacy and Poisons Board (PPB) will pick you up. Who are these Environmental Management and Coordination Act (EMCA) enforcement officers? We want them to visit Tana River. Those open pits of gypsum in Charidende, in Bilbil and Bangale are killing animals and people and yet nothing is happening. When are you going to send enforcement officers such as the PPB to arrest people and prosecute them?

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Sen. Maanzo, proceed.

Sen. Maanzo: Thank you, Mr. Deputy Speaker, Sir, could the Cabinet Secretary explain the status of cleaning up the Nairobi River, bearing in mind this is a river that flows into River Athi and all the way to Malindi. This is the river that we are about to dam at Thwake Dam that is expected to supply water to Kitui, Makueni, Machakos, Kajiado Counties and Konza City. What is the status of cleanness of that river?

The Deputy Speaker (Sen. Kathuri): Senator Elder Boni Khalwale, proceed.

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir. The Ministry of Environment, Climate Change and Forestry is missing in Kisumu and Kakamega counties. Could the Cabinet Secretary make an undertaking that possibly tomorrow, she is going to immediately dispatch her team from Nairobi to go and see for herself how raw sewage at Ahero Town is released into River Nyando, and how raw sewage is splashing in the city centre of Kakamega Town?

Thank you.

The Deputy Speaker (Sen. Kathuri): Sen. Okoiti, proceed.

Sen. Okiya Omtatah: Thank you, Mr. Deputy Speaker, Sir, and Cabinet Secretary for your response.

At number I of the Report, the Environmental and Social Impact Assessment (ESIA) Process; the Cabinet Secretary has referred to Section 58 of the EMCA, which requires that the ESIA process take precedence over any other regulatory process and be completed before any project commences as part of this process and so forth.

(The Cabinet Secretary for Environment, Climate Change and Forestry (Hon. (Dr.) Barasa) consulted officers from the Ministry)

Now, I request the attention of the Cabinet Secretary because she is discussing, while I am talking.

I have quashed very many ESIA reports in court because they have been found to be fictitious, the latest being the one for the affordable housing project in Langata. During my interrogation, I came to see that there could be a problem with Section 58(2). I am laying the ground for my question.

The Deputy Speaker (Sen. Kathuri): Sen. Omtatah, I told you this is science, it is not--- Just asking your question.

Sen. Okiya Omtatah: You quoted Section 58(2) which provides that a project proponent will hire an Environment Management Authority (EMA)-approved expert to do an environmental assessment and then make a report. In your experience, does that section create a problem by ceding the regulatory authority back to the person being oversighted?

If I pay the person doing the oversight, who is going to write the EISA report on a project? Does that person remain a regulator or does he become my consultant? If that is the case, how does the regulatory authority enforce the EMA requirements through a third party who is hired and paid by the person being oversighted to write a report regulating the person paying that person?

I want to understand that because there is a major problem with NEMA and as it was observed earlier by Senator Wambua, NEMA is a problem.

The Deputy Speaker (Sen. Kathuri): Have you asked your question? That is enough because you are asking why and who should do the---

Sen. Okiya Omtatah: Have you looked at Section 58 (2)? I was just elaborating for the benefit of the House because I have had the chance to read the section, maybe the Members have not read it. I am just asking for the benefit of the House to bring it out, so that---

Does that Section cause a problem in terms of NEMA regulating developers?

Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Sen. Mandago, proceed.

Sen. Mandago: Thank you, Mr. Deputy Speaker, Sir---

The Deputy Speaker (Sen. Kathuri): Members, kindly just go straight to the question because I still have several Senators queuing and also, time is not with us. We have done almost one-and-a-half hours.

Sen. Mandago, proceed.

Sen. Mandago: Thank you very much, Mr. Deputy Speaker, Sir. My question to the Cabinet Secretary is; what are you doing to enforce the release of raw sewer into Nairobi Dam? When it rains, all the estates around Nairobi Dam release raw waste into that dam. What are you doing to enforce the stoppage of release of raw sewer to Nairobi Dam?

The Deputy Speaker (Sen. Kathuri): Actually, these questions are almost related. Let us get another one from Sen. Muthama.

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

Cabinet Secretary, all the factories in Mavoko direct garbage to Athi River, which runs to Mwala. That water is so polluted and yet, those people plant vegetables. Therefore, we have a lot of cancer cases.

In Athi River, many of the people nearby plant their vegetables; *sukumawiki* and spinach that we eat in Nairobi, tomatoes, name it. This is causing a lot of damage to our people.

What are you doing about NEMA? Who should check those factories? NEMA is doing nothing. You have to be very serious about NEMA. I also want you to deal with Athi River, especially when going to Mwala and the one going to Sen. Maanzo’s place, Thwake Dam.

I thank you, Mr. Deputy Speaker Sir.

The Deputy Speaker (Sen. Kathuri): Sen. Joyce Korir, you may proceed.

Sen. Korir: Thank you very much, Mr. Deputy Speaker, Sir. Allow me to congratulate the Cabinet Secretary for the efforts that she has put in the Ministry of Environment, Climate Change and Forestry in terms of making sure that the state sector works despite the challenges that have been inherited from the previous governments.

The only question that I have is, a number of tea farmers have been complaining because of the effluent that is being discharged into their river. I know that before factories are licensed, they must comply with some regulations.

I would also want to know whether the Cabinet Secretary normally checks on the treatment of the said factories before the effluents are discharged into the state rivers.

I thank you.

The Deputy Speaker (Sen. Kathuri): Proceed and give responses, Madam Cabinet Secretary, and we will do the last round.

The Cabinet Secretary for Environment, Climate Change and Forestry (Hon. (Dr.) Deborah Barasa): Thank you, Deputy Speaker, Sir, and thank you, Hon. Members.

Let me, first, say that, indeed, I take this opportunity with a lot of passion, coming from the background and the impact it has on public health.

Secondly, when I came into office, I ensured that we had quarterly meetings with NEMA. Two months ago, we conducted an assessment along the Athi River. We were able to map out; they did their first assessment and they talked to the companies. I also joined them the second time. This is because we need to address this issue.

You can see that in this last quarter, what was done by the previous administration in one year, we have doubled it in one quarter. In terms of assessing reports, you have heard we had 405 illegal discharges that were stopped and identified in the last quarter and 197 during this quarter. That is because we take it seriously. Even as we take it seriously, there are two things we are looking at; industrialization and protecting our environment.

As I had said earlier, restoration comes before closure and before prosecution. So, we are giving improvement orders. We are giving timelines depending on what we have found. I can give an example where we went to one of the sites. We instructed them to conduct water quality monitoring in three months to see if there was discharge within the effluent or if the effluent had been treated so that we have tangible evidence if there is a discharge.

Secondly, we are monitoring, even from my office, to ensure that enforcement is going on, improvement orders are being executed by the various companies and industries and restoration orders so that they go into the pre-pollution states. If that does not work, then we will come to a closure because we are encouraging Kenyans to build on the industries. We also ensure that Kenyans have something in their pockets, but we also protect our environment and restore it. So, for Athi River, we are doing that and I will continuously monitor with them around the country even as they share the reports.

As I had said, we have a dashboard. I am very happy to come and share with you, on what we are doing on water quality monitoring and air quality monitoring by these industries. That way, we can be able to see who is above the threshold that is needed, which can be damaging to the health of Kenyans. From that report, we can now move and support them in their improvement and restoration. If that does not occur, we move to closure and prosecution.

Mr. Deputy Speaker, Sir, we have taken it up seriously and we will be able to share a detailed report that will be shared on our website to show Kenyans that water quality and air quality monitoring reports must be doubled every quarter so that the impact is felt and we are restoring our environment even as we look at industrialisation.

On the question from Sen. (Dr.) Mungatana, about NEMA, yes, we are collaborating with the county commissioners to establish the multi-agency team to enforce on gypsum mining and will definitely be visiting your county and the coastal counties to assess the impact within that region. This is long overdue. We were supposed to go there but because of some conflicting issues--- We assure you that we will go, assess and give a comprehensive report on that.

For enforcement, as I said, we are not much on the closure and prosecution; we want to help restore. We want restoration orders and we want improvement orders to the companies. So, we are working with Kibos Sugar and Mara Sugar companies which have been issued with the restoration orders. We have given them timelines, and we will be visiting them to ensure that they are implementing and that the effluent that is being discharged is treated.

I also take note of the concern raised about the conflict of interest. NEMA as a regulator issues the Environmental and Social Impact Assessment (ESIA) through a consultancy. We have experts in the environment; they are the ones who write the NEMA reviews and make decisions. So, the Environmental Impact Assessment (EIA) process is open, transparent, evidence-based and followed up by technical experts. So, we believe that they are well-capacitated to address and conduct their EIA in a free and fair manner.

On the question by Sen. Mandago, yes, we take note of the sewer networks; they are being expanded. It cannot be done overnight; you can see the time that the Nairobi River restoration has taken. We conducted mapping, we saw who was discharging effluent, we were able to close them and now we are cleaning up the Nairobi River. You can see how many years and how much it has taken.

So, we will continue working extensively to ensure that we are restoring the rivers Again, where resources allow, we will restore and also support. Maybe through the National Infrastructure Fund, we can also look and ensure that restoration occurs. We have the infrastructural development and industrialization. The environment also has to be protected. So those are things that we are really advocating for so that the Ministry can receive resources to support those aspects.

For Sen. Kavindu Muthama, yes, expansion of the treatment facilities is occurring in Kinanie and Machakos. Okay, that is the report. So, I think those are the questions that have been raised.

(An hon. Senator spoke off record)

We are already there. I was there; we started from the area of Mlolongo going down. I was there and we will continue assessing. So, they give me reports routinely and where they have challenges with the industries, we visit the industries.

The Deputy Speaker (Sen. Kathuri): Sen. Kavindu Muthama, you know that is not how we conduct our business in this House.

Madam Cabinet Secretary, do not respond to the Members without my authority. Otherwise, you will be out of order.

The Cabinet Secretary for Environment, Climate Change and Forestry (Hon. (Dr.) Deborah Barasa): Thank you.

The Deputy Speaker (Sen. Kathuri): Which questions have not been responded to? She has addressed Athi River. This is because your question and that of Madam Muthama is the same. It is about pollution of Athi River. She has addressed that. The issue is the effluent being discharged to the rivers by the sugar factories and the tea factories in Bomet and Kericho.

(An hon. Senator spoke off record)

Yours has been responded to. You did not listen to it; about the experts. She has addressed that matter.

The technical team should be able to assist you with registering questions so that you do not do two and four. It is just Athi River and sugar and tea factories in Kakamega, Bomet, Kericho that discharge of effluent into the rivers.

The Cabinet Secretary for Environment, Climate Change and Forestry (Hon. (Dr.) Deborah Barasa): Yes, so all of them have been mapped and I have talked to my technical team. Restoration orders have been given. Therefore, we will highlight those ones which are highly discharging effluent. We will visit the sites. I can assure you I will visit them personally but the team has been deployed to conduct assessment and support. They have given restoration orders. They have given them an implementation timeline. They will go back to review and ensure that they are adhering to regulations so that the treated effluent is what is being discharged. If there are challenges, then now we will move to closure. We have mapped out and we will share that even in our dashboard on what we are doing in terms of monitoring; where we have visited ---

Yes, thank you.

(An hon. Senator spoke off record)

The Deputy Speaker (Sen. Kathuri): Madam Cabinet Secretary, just have your seat. What Members are asking is; from the headquarters, you cannot do much. You have NEMA county offices across the country. There is nothing much they are doing to monitor what is happening in the counties. That is why Members are talking about Kakamega, Bomet, Kericho, Meru and Bungoma. This is because your team is not working well and you need to coordinate your NEMA team better.

Sen. Onyonka: Mr. Deputy Speaker, Sir, I have never seen a parliamentary procedure where I would, as I am making my contribution, give the Cabinet Secretary information on a matter that is very sensitive to Madam Mumma and I. If you allow me, I will then ask my question. The information I want to ask her is; if she was to go to the Kenya Sugar Board and look at the reports, which have been written for the last 40 years on what was supposed to happen to bagasse, her colleague; the Cabinet Secretary for Investments, Trade and Industry would be very happy. This is because Bagasse from the sugar factories can be consolidated and made into block boards. However, when the sugar factories started, all the bi-economic activities collapsed. Therefore, I would like to suggest to the Cabinet Secretary to actually check with the Ministry in charge of industry and look at the Kenya Sugar Board. They will tell her what bagasse was meant to do. That is why we have so much pollution and yet this can be converted into block boards and timber materials which can be used for construction.

My question is; on several occasions as the Senator for Kisi County, I have raised issues about trees being felled in Kisii, Homa Bay, South Nyanza, Uasin Gishu and many other counties in this republic. Is she aware that there was an environmental assessment study which was done and whether there was information that was gathered that would make sure they are replanted? This is because previously, when trees were cut anywhere, whether you look at Kinungi and Elgon, there was always transplanting. However, in

Kisii at Ringa and Mwata, the trees have been cut and there is no replanting of these trees. I do not know whether the Cabinet Secretary is aware what the implication of this would be.

Sen. Wakwabubi Consolata: Thank you, Mr. Deputy Speaker, Sir, for the opportunity. I would like to appreciate the Cabinet Secretary for the introspective responses. However, I would like to pose a question to the Cabinet Secretary and her technical team. Does she have any strategies of visiting Bungoma County and other counties to look into their CIDPs and climate action plans? I am asking this with reference to Bungoma County which should look at the River Nzoia that has very heavy industrial discharge which makes its environs like Webuye inhabitable and even the water is not good enough to be used for domestic purposes.

The Cabinet Secretary should also look into Bungoma Town Central business district sewerage system, which, to me, is a total rot. Whenever it has rained and there are floods, we tend to have some overflowing water with a lot of litter all over. There is a lot of stench. She should visit and check on the dumpsites and other municipal sites. For instance, we have a dumpsite in Bumula called the Lumoru dumpsite. So, you need to look at that and look at the waste leaching into our rivers. Finally, I want you to look at the massive deforestation in Mount Elgon that has left many springs, dams, rivers ---

The Deputy Speaker (Sen. Kathuri): Sen. Wakwabubi, you can only ask one question. I think you did for Bungoma.

Sen. Wakwabubi Consolata: Thank you, Mr. Deputy Speaker, Sir.

Sen. Mwaruma: Thank you, Mr. Deputy Speaker Sir, for the opportunity to ask my supplementary question. My question is on the regulation on trade of carbon credit. In 2023, we passed the Climate Change (Amendment) Bill of 2016, and the main objective was to regulate and have a revenue sharing basis for the proceeds of sale of carbon credit. Most of the carbon credit is sold in a Ward called Kasigau in Taita Taveta. We left the basis to the regulations. What I would want to know from the Cabinet Secretary is how far the she has gone into formulating the regulations to give a way or a basis for revenue sharing on the proceeds of carbon credit trade.

Thank you, Mr. Deputy Speaker, Sir.

Sen. M. Kajwang': Mr. Deputy Speaker, Sir, my question is about pollution in Lake Victoria as a result of cage fish farming. The Ministry, through NEMA, is involved in licensing of cage fish farmers in Lake Victoria. The NEMA issues an environmental and social impact assessment. It does environmental and social impact assessments, site suitability reviews, continuous monitoring and the Environmental Impact Assessment (EIA). Despite that technical involvement of NEMA, cage fish farming in Lake Victoria has contributed to an increase in pollution. It is visible; you can see it and smell it. Areas where some cages are, the lake is turning green, the lake is becoming a bit stinky.

Mr. Deputy Speaker, Sir, despite the technical involvement of the Ministry, you are still having conflict with local communities; between the cage fish farmers and the indigenous communities. A few years ago, some lives were lost in Sindo yet you are still having blockage of traditional fishing sites and trading routes. In Ngodhe, an island on Lake Victoria, there are some fishing sites that have been blocked as a result of cage fish farming.

We are still having disruption of tourism facilities, where you find cages have been placed right opposite beautiful hotels, and yet the Ministry was involved in site suitability assessment.

Mr. Deputy Speaker, Sir, we still have pollution as I have said. Can the Cabinet Secretary commit to this House that she will bring a report or undertake an impact assessment on pollution in Lake Victoria and take proactive measures to ensure that cage fish farming does not become another environmental disaster; that we do not prioritise the economic benefits, the tariffs and licences they are collecting, over our environment?

Thank you.

The Deputy Speaker (Sen. Kathuri): Sen. Abass.

Sen. Abass: Thank you, Hon. Deputy Speaker. Madam Cabinet Secretary, in Northern Kenya, especially in Garissa and parts of Wajir, we have seen large numbers of refugees for many years and there has been extensive deforestation. The organisation responsible for refugees; UNHCR, is not doing much in terms of interventions. In the past, they provided cooking gas and other alternative sources of energy. However, nowadays trees have been cleared for cooking energy and this is causing desertification in the area.

I am asking the Cabinet Secretary whether there is any plan in those areas to promote afforestation or at least provide alternative sources of energy for the refugees. The number of refugees is increasing and deforestation continues. What is the plan does your Ministry and UNHCR have to stop the cutting of trees in those areas?

Thank you.

Sen. Murgor: Thank you, Mr. Deputy Speaker, Sir. My question goes to the Cabinet Secretary for Environment, Climate Change and Forestry. She has teams in counties, including West Pokot. However, for some reason, the National Environment Management Authority (NEMA) team is totally compromised.

There is mining going on in Lami Nyeusi Kambi Karaya, Turkwel and many other places in West Pokot. The NEMA team does not ensure that rivers are not polluted. They do not supervise the washing of trucks. Soil is taken out of the mining area and dumped in the rivers. River Muruny and River Turkwel are terribly polluted. What can she do to make her team effective? In fact, they are taking bribes.

Thank you.

The Deputy Speaker (Sen. Kathuri): Sen. Seki.

Sen. Seki: Thank you, Hon. Deputy Speaker. My question goes to the Cabinet Secretary. I wish to know the mechanism the Ministry is putting in place to mitigate against industrial pollution in Kajiado County. A number of industries have polluted the environment, especially along Kajiado-Namanga Road to an extent where grass and trees have dried up.

We have written to the Ministry about this matter and nothing has been done. People are getting sick every other day. Our cattle are dying of contaminated water from River Isinya, which is polluted by flower farms. The community is requesting for an action to be taken to these industries. What measures has the Ministry taken? As the Senator, I have made several follow-ups in vain. The people of Kajiado County need answers.

Thank you.

Sen. Shakila Abdalla: Thank you, Mr. Deputy Speaker, Sir. My question to the Cabinet Secretary is on the responsibility of her Ministry in public awareness. As we are all aware, there is a big refinery project coming to Lamu County. What measures has the Ministry put in place to educate the public on environmental issues? How is the Ministry working with the county in creating awareness on environmental impact of the coming project in order to support and learn about it? We do not want to be caught unawares.

Thank you.

The Deputy Speaker (Sen. Kathuri): The Chairperson of the Standing Committee on Land, Environment and Natural Resources, Sen. Faki.

Sen. Faki: Thank you, Mr. Speaker, Sir. First, I commend the Cabinet Secretary for her attendance and the responses she has given. However, as Members have suggested, there is still a lot to be done. Some issues raised are quite substantive. I wanted to comment on the conversion of school kitchens to eco-friendly or green energy kitchens.

Last week, we had a dialogue in Kisumu and visited Nyawara Girls High School in Gem Constituency, Siaya County. They have already partly converted their kitchen and are using green energy like electricity, although they are yet to install solar so that it becomes fully green.

One of our resolutions, which we are pursuing with colleagues in the Climate Change Forum, is that some facilities have already been created. For instance, KCB has a facility charging an interest of about 9.8 per cent for schools that want to buy solar equipment to solarise their kitchens.

The Climate Change Forum is also negotiating with the Green Climate Fund to secure funding so that school kitchens can be converted to clean energy kitchens across the country. This will be done in collaboration with the NG-CDF, the Kenya Rural Electrification Programme and donor funding.

Implementation may now go to the constituencies and be carried out by Members of Parliament (MPs) since they are more or less in control of schools. However, counties also need to tap into this noble project so that it can be rolled out nationwide.

My second question is on upscaling of Electric Vehicles (EVs). We have seen upscaling of Electric Vehicles (EVs) which use lithium batteries. We also have *Tuk Tuks* and motorbikes that use electricity. The issue is disposal of lithium batteries. We know they are much more lethal than lead batteries that have caused a lot of damage. I appreciate Sen. Essy for inquiring about compensation of the people of Owino Uhuru in Mombasa County who were affected by the pollution caused by lead batteries in their vicinity.

Mr. Deputy Speaker, Sir, perhaps, the Cabinet Secretary should tell us what efforts are being made to ensure that disposal of lithium batteries will not be harmful to the environment.

The Deputy Speaker (Sen. Kathuri): Cabinet Secretary, you may now give responses to those questions before you conclude your submissions.

The Cabinet Secretary for Environment, Climate Change and Forestry (Hon. (Dr.) Deborah Barasa): Thank you, Mr. Deputy Speaker, Sir.

Sen. Onyonka talked about the bagasse, which is indeed an energy source. Factories are sustainably using bagasse for making briquettes. We also talked about block boards as well as organic fertilisers.

I want to highlight about the 15 billion tree-growing programme. As a Ministry, we are happy to share more on what we are doing. You will take note about our key achievements in the 15 billion trees programme.

Kenya is going green. This is not just by counting the number of trees because we know people can cook that. Just look at your satellite images. When you look at other countries in Africa and especially our neighbours, Kenya is indeed going green. We are among the top countries when it comes to restoration. Therefore, a lot is ongoing in terms of tree-growing. That is happening because of your support.

We have the Forest Conservation and Management Act which is now law. One of the concerns that was addressed is ensuring that when you cut a tree, then replanting should take place. Far beyond that, there are interventions to ensure that we meet our 15 billion trees target or 1.5 billion trees in a year.

That is what the previous administration did in five years. We have surpassed and done that three times in the past three years. It means every year we are doing what the previous administration did in five years. We will continue with restoration and work together with the Kenya Forest Service (KFS) to ensure that we not only restore but also have a whole-of-government approach.

The next question was regarding Bungoma. That was about climate action plans as well as issues of waste management. Our highlight on this is that waste management is devolved. That, again, poses a challenge in terms of ensuring that the Ministry exhaustively meets. We have an intergovernmental framework. We support county governments but we really need your oversight to ensure that we manage waste well. As it has been said clearly, we have regulations in place to support us in those aspects. We have taken note of that and we will send a team to go and conduct assessment to see how to enforce in Bungoma.

We take note of deforestation that has occurred in Mt. Elgon. Definitely we are working on that. We will launch one of the plans on restoration of Mt. Elgon because it is not only a transboundary ecosystem but also rich in biodiversity. For example, we have colobus monkeys and elephants. It is also a water tower, a transboundary and has a peace building initiative attached to it. Far beyond that, we need to restore.

Those discussions are ongoing within the Ministry. We have identified one of the patrons who comes from that community. They will be supporting us to ensure that we restore it. That is one of the sites we will restore during the Mazingira Day, key activities being aerial seeding, manual planting with the community and also fencing while ensure accessibility of the community once in a while into the forest, so that they can also practice beekeeping among other activities to improve their livelihoods. We take note of that. It is indeed on our radar to ensure that we restore.

There was also a question on carbon credits. We are happy to report that a lot of regulations have been passed, the recent one being the Climate Change (Carbon Markets) Regulations. The only one remaining is the Climate Change (Non-Market Approaches) Regulations.

Recently, I signed guidelines to support the community and improve public and community awareness. Therefore, a lot is ongoing. Partners have reached out to support us. As a Ministry, we will ensure we have resources to support that.

Some of the projects like the Green Zones Development Support Project which we hope will be passed will aim at capacitating communities to understand the issue of carbon markets. This is because they are entitled to 40 per cent of the money but if they do not know, someone else will take advantage of that. Therefore, a lot of public awareness is going to happen. What we wanted is to ensure we have the regulations before moving to the next point. The projects are on through the Designated National Authority (DNA). We have had multiple projects. We encourage community engagement and benefit from carbon markets.

Sen. M. Kajwang' asked a question about Lake Victoria which we take note of. We will bring the report on the Environmental Impact Assessment (EIA) on pollution in Lake Victoria and have proactive measures. We have been looking at how we can support through the various agencies like the Lake Victoria Basin Commission (LVBC), among others.

As a Ministry, we have received some resources which will go to supporting that. It is one of the projects that is on the radar because Lake Victoria is a key transboundary ecosystem and also a source of livelihoods for many within the region. We assure you that we will have the report ready. We will also allocate resources to support on its restoration.

Sen. Abass, this was a wonderful question on what we are doing in the ASALs. I am happy to report that we received some resources from the World Bank. It is called the Kenya Watershed Services Improvement Project (KEWASIP) and the ASALs will really benefit from this. We are looking at restoration and improving livelihoods and other environmental conservation initiatives. Therefore, you will see us there many times. I hope you will also be present to support us as we restore the ASALs in Kenya.

Regarding a question on EVs that was asked by Sen. Faki, indeed lithium is a toxic substance that is not good for our people and the environment. When you look at the Extended Producer Responsibility (EPR), the issue of hazardous waste has been looked into. We are working with Producer Responsibility Organisations (PROs).

For any waste picker who identifies hazardous waste, they will be paid Kshs20 per kilogramme. Therefore, we are encouraging and incentivizing waste pickers and Kenyans to collect hazardous waste like lithium products to be managed within the communities. We will create awareness and use EPR. Definitely we also have regulations on chemicals. The issue of safe disposal has also been addressed within the guidelines by the Ministry.

There was also a question on public participation. We have adequately engaged in public participation. Thank you so much for highlighting what has been done in the clean cooking space. However, we are requesting more time to consolidate everything because this is a multi-agency implementation strategy led by the Ministry of Energy and Petroleum.

I think we have been able to answer all the questions. For Kajiado, we have also mapped the area and we will send officers there to address those issues and enforce compliance to ensure that our environment is safe.

On the refinery, yes, we take note of that and we will be working on it. You know the lead Ministry is the Ministry of Energy and Petroleum, but the National Environment Management Authority (NEMA) will work with them to ensure that we are creating public awareness. Definitely, an Environmental Impact Assessment (EIA) must be done, and we must also ensure that implementation is seamless as we work towards a safe, healthy and clean environment so that our people are not affected.

Thank you.

The Deputy Speaker (Sen. Kathuri): That concludes the session with the Cabinet Secretary.

Madam Cabinet Secretary, thank you for creating time to appear before the Senate. Please, ensure that the commitments that you have made to furnish the Office of the Clerk with the information you have committed to provide is done.

Environment remains a challenge. Please, continue with inspections and ensure that whatever is happening in industry is monitored. Also ensure you work with the counties, especially on solid waste management.

The national Government will need to come up with clear policies because the whole country is polluted. There is no county that is clean. Even though this is a devolved function, how can the national Government intervene to ensure that there is no pollution in the counties? I hope you have captured all the issues raised by Members.

[The Cabinet Secretary for Environment, Climate Change and Forestry (Hon. (Dr.) Deborah Barasa) was ushered out of the Chamber]

Next Order.

MOTION

MAINSTREAMING A FRAMEWORK FOR CLEAN COOKING IN KENYA

THAT AWARE THAT, Article 42 of the Constitution guarantees every person the right to a clean and healthy environment, which includes access to safe energy options;

FURTHER AWARE THAT, over 900 million Africans, including more than 90% of households in Kenya's rural areas, still rely on traditional biomass (firewood, charcoal, animal waste) for cooking, resulting in high levels of indoor air pollution that cause premature deaths, particularly among women and children;

CONCERNED THAT, in Kenya, indoor air pollution has been linked to over 23,000 annual deaths, with women and girls bearing the disproportionate burden of time spent collecting firewood and cooking, limiting their education and economic opportunities;

NOTING THAT, traditional cooking methods contribute significantly to deforestation, greenhouse gas emissions, and climate vulnerability at the county level, undermining national commitments under the Energy Act, 2019, the Climate Change Act, 2016, and Kenya's Nationally Determined Contributions (NDCs);

RECALLING THAT, the Africa Clean Cooking Summit (Paris, 2023) mobilized USD 2.2 billion in commitments for clean cooking, and the International Energy Agency has recommended urgent financing and policy action to achieve universal access by 2040;

ACKNOWLEDGING, the efforts of some counties, development partners, and private sector actors in piloting clean cooking projects, but recognizing that these remain small-scale and fragmented;

NOW THEREFORE, the Senate resolves that the: -

i) Council of Governors develops county-level policies, frameworks, and budgets that mainstream clean cooking into devolved energy and health functions;

ii) National Treasury and Ministry of Energy prioritize clean cooking in financing frameworks, including results-based financing and blended finance models to de-risk private investment;

iii) County Governments incorporate clean cooking targets in their County Integrated Development Plans (CIDPs) and ensure public institutions such as schools, health facilities, and prisons adopt clean cooking solutions;

iv) National Treasury and County Governments to fast-track letters of authorization to unlock carbon finance markets (Article 6.2 and CORSIA) for clean cooking projects; and

v) County Governments engage the private sector actors, and community organizations to expand clean cooking access, create local jobs, and reduce pressure on forest resources.

The Deputy Speaker (Sen. Kathuri): Sen. Hamida Kibwana has requested that this business be rescheduled to another day.

(Motion deferred)

Next Order.

MOTION

PROVISION OF IFMIS REPORTS FOR COUNTY GOVERNMENTS TO THE SENATE

Sen. Andrew Omtatah Okoiti, are you ready to move your Motion? Please, go ahead.

Sen. Okiya Omtatah: Mr. Speaker, Sir, I beg to move the following Motion-

THAT, AWARE that, Article 96 of the Constitution provides that the Senate represents the counties, and serves to protect their interests, determines the allocation of national revenue among counties, as provided in Article 217, and exercises oversight over national revenue allocated to the County Governments;

FURTHER AWARE THAT, in the case of Senate v Council of Governors and 6 others (Petition 24 and 27 of 2019 (consolidated) 2022) KESC 57(KLR), the Supreme Court affirmed that the Senate's oversight authority extents to both nationally allocated and locally generated revenue;

CONCERNED THAT, that Senators are constrained by lack of access to real time to data from the IFMIS system for the respective counties they represent, thus affecting effective oversight of County Governments;

FURTHER CONCERNED THAT, in some instances data and information presented to the Senate by the Auditor-General and the Controller of Budget are received and considered late as a result of the backlog resulting into too much information not getting properly reviewed by Senators;

NOTING THAT, as a result of unchecked financial information and systems, County Governments have continued to accumulate pending bills resulting from unplanned expenditures, unaccounted for and inflated cost of projects;

NOW THEREFORE, the Senate resolves, that the Cabinet Secretary in charge of the National Treasury shall on a monthly basis forward to the Clerk of the Senate all IFMIS transactions and reports for each County Government for onward transmission to the respective Senator for information on accountability and transparency, in order to strengthen their constitutional oversight and promote good governance in the management of public finances.

Mr. Deputy Speaker, Sir, this Motion seeks to cure a very serious problem on the ground. Once a budget is passed by the county assembly, assented to by the governor, and implementation begins, everybody else goes blind. Only the Governor and his team know what is happening. Payments are made, contracts are awarded, but you do not know what has been paid for.

If you go to the office of the Controller of Budget, they will tell you they do not even have read-only access to IFMIS payments. IFMIS payments have become extremely opaque, and a lot of mischief takes place. Procurements are voided, unapproved procurements are carried out and paid for, while genuine procurements remain unpaid and accumulate as pending bills.

Ideally, a Senator representing a county should be able to access the financial transactions of that county in near real time. Once you know a project has been paid for, you can then check against the budget and verify the status of the project on the ground. Is it commensurate with the amount paid?

Without that, you find projects being done but you do not know at what level they are, whether certificates have been issued, whether they have been paid for, or whether they have stalled. The county is then left at the mercy of the governor and his administration.

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

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

Mr. Temporary Speaker, Sir, this Motion seeks to remove that opaqueness and give the Senate, through individual Senators, the capacity to see what the county government has paid for. Once procurement is done, you can hold the budget in one hand and the IFMIS report in the other and compare to know what is happening. Otherwise, we are totally constrained. When you go to the ground and people complain, you have no starting point. The county assembly has passed the budget, the Governor is implementing it in a manner that is not transparent, and those of us mandated to do oversight are left guessing. These documents should be available.

IFMIS does qualify for the documents which are not supposed to be disclosed under the Access to Information Act. The Access to Information Act clearly has a category of the kind of information that should not be disclosed.

It does not go to the point whereby the IFMIS payments which have been paid out are kept secret, yet we live in a world whereby--- The Public Finance Management Act requires that all contracts be published. So, if you are doing a contract in a village, for instance, building a road, let us know at what stage the road is and what has been paid for this road. Let us know what is being paid for. That way, we will be able to understand the extent to which the budget is being implemented and we will also be able to question these things called pending bills. If we do not do that, we are going to end up in a situation whereby, we fight here, send money to the counties and then do not know how the money is being utilised.

We have a responsibility to follow that money, look at how it is being used and not to do it in a manner that you are depending on hearsay, that somebody is telling you, this and that have happened, then you end up sometimes not being able to perform effectively. Rather, we shall be able to do a scientific oversight of the governors. We will be able to say, this item has been paid for, where on the ground is it? This item was budgeted for so much, how come it has been split and paid several times? This procurement was approved, why was it voided in the system? If it was voided, where is the money? If Senators can have that capacity to have these reports in the manner requested in the Motion, we will be able to check the utilisation of funds in the counties. Otherwise, we are left running around, not knowing what has happened.

Even if you go to a project on the ground and you find that the project has not been completed, you have no capacity to tell whether that project has been paid for or not, or what the problem is. However, if we had access to the IFMIS records, for instance, the vote books, it would be very easy for us to get there and say that this particular item has been paid for, but has not been delivered.

So, the importance of having access to the payments that have been made by the county government to third parties is extremely important and cannot be overstated. It speaks for itself, and especially for us who have the obligation, at the end of the day, to tell the electorate, those who elected us, what the governor is doing in the county.

This is a Motion that we should make sure is passed, and once it is passed, then we shall have the "eyes". We shall be able to *mulika mwizi* as they say in Swahili. That *mulika mwizi* solution is the only thing that is going to save our counties from expenditure that is not explained, theft of public funds, financing projects that have not been approved in the budget, as well as help us arrest the waste and abuse of public resources.

So, Mr. Temporary Speaker, Sir, I really plead and pray that the Members of this House consider this Motion, approve it, pursue its implementation, to ensure that oversight of county governments is done in a scientific and measurable manner.

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

Sen. Okiya Omtatah: I am sorry. I just wanted to assist my brother who wanted to look at the Motion. We do not have enough copies going around. I am sorry.

The Temporary Speaker (Sen. Wakili Sigei): You will remember, Sen. Omtatah, that we have gone digital. The Motion is actually in the Order Paper.

Sen. Okiya Omtatah: Yes, but we need a retreat to learn how to use this system. We are used the old system which was iPads. These people took us back to the beginning of computing, so it became a problem.

The Temporary Speaker (Sen. Wakili Sigei): Anyway, please, conclude. Your counterpart already has the---

Sen. Okiya Omtatah: Thank you, Mr. Temporary Speaker, Sir, for the guidance.

So, I plead with the House that we pass this Motion so that we can be able to *mulika mwizi* on the ground, so that any money leaving the County Treasury is known to the Senator from that county, in real time. That way, if there is any mischief being played, the Senator can intervene and stop it. Otherwise, we are being treated like pathologists who look at the dead bodies.

Senators were never intended to come after the event and flail our hands and say, oh, my God, things happened like this! We should be able to intervene in real time and check the governors. However, we cannot do that when our eyes are closed. We must do that with the capacity to look at the IFMIS and say, this amount of money moved to this person the other day. What was being paid for? What has been done in the county? That way, our people will benefit, the Senate will become effective, and individual Senators will not be held to unnecessary questions when they go to the ground and also look lost.

So, with those remarks, I move the Motion and I ask Sen. Onyonka to second the Motion.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Onyonka, the floor is yours.

Sen. Onyonka: Mr. Temporary Speaker, Sir, I would not have stood here to second a Motion that has been brought by one of the most incredible human beings I have ever met, known as Mr. Okiya Omtatah, who has made some of us become legal accountants.

Mr. Temporary Speaker, Sir, I second this Motion because we and many other individuals in this plenary have always said there are some gaps; that there is something wrong with our software. The software we keep talking about is not for a mobile phone or software meant for a computer. It is the fact that if we do not have the software that is going to run our financials in such a manner that we have prudence and real-time explanation how money is moving from one department to the other, how money is being paid to contractors and released to all the county government departments, then the truth is all we ever do is whitewash the Auditor-General's reports after the effect and the money has been squandered and transferred.

Mr. Temporary Speaker, Sir, what we have been saying in this House is that we need prudence in the financial management services for our people, whether it is the national government or the county government. We are not behaving responsibly.

Therefore, I second this Motion because I want my colleagues in this House to agree with us. We persuade them that there are certain things we can do. We cannot blame government all the time, yet, in reality, we have the capacity to change some things in this House.

That is why, according to me and many of the Senators who are of good faith, this is not a political issue. It is not controversial. It is about us. Our work is basically to oversight resources that are released, shareable revenue from the national government to the county governments. Yet, we do not have the capacity to oversight, audit, or even question some of the transactions which are going on in our county governments; whether these transactions are pre-budget, post-budget, or pre-procurement. Everything looks like the whole system is leaking.

I plead with my colleagues in this House that this is a low-lying fruit. We can actually squeeze the valves which are letting our funds to be misappropriated by unscrupulous people. Some governors are doing excellent work but some of them are really doing shoddy work.

I thank Sen. Omtatah for an excellent motion.

I second.

(Question proposed)

The Temporary Speaker (Sen. Wakili Sigei): Honourable Senators, the Motion is now available for your contributions and I will invite Senator Manzo, to proceed.

Sen. Maanzo: Thank you, Mr. Temporary Speaker, Sir for giving me an opportunity to contribute to this very important Motion.

This had first come in as a request for a Statement and I am happy now it has become a Motion and the way it is framed is definitive. It is not like how Motions are framed in Parliament. Previously, Motions used to be drafted to say "we urge", the CS in case of Treasury, but this one is mandatory. Now that the CS of National Treasury and Planning is using IFMIS in the procurement and in the transactions for every county, then it is easy if this information is forwarded to the Clerk of the Senate who eventually now forwards each individual county's operations and transactions on IFMIS and on record to respective Senator.

When we do oversight, many Kenyans are not aware of exactly what Senators do. We do our oversight on audited accounts and when we invite a governor to come to the Senate, the Auditor General who audited a particular county in the regions is present and also the counties of internal auditors. Most important, the Controller of Budget (CoB) is there.

Recently, I saw the CoB saying what counties have done such as low absorption of resources, but did not show up in the Senate to come and explain these utterances instead doing so in the press, which sometimes give the wrong impression to the communities and to the counties we represent.

I am looking forward to when the CoB is in the House, so that she can explain this low absorption of funds and why. This is because a lot of times the Government announces that monies to the counties have been released and then it takes another three four months. We know the financial circle is within a year, so by the time procurement is done, monies in that county have not yet been absorbed.

We want monies in counties to be absorbed 100 percent. We do not want any coin to remain in the Central Bank of Kenya or to remain unused. Counties need roads which are in pathetic situations, water supply, environmental management, medication in the hospitals.

They also need medical equipment such as scanners to be operational. Every other time you have a phone call from a resident of a county saying that they have gone to the level 5 hospital, the scanners are not working and they have been sent to a private enterprise whereby they need Kshs20,000 for treatment.

As an individual Senator, you are forced to assist this particular person while most of the machines are managed by the national Government. I like the way this Motion is drafted, that we oversight the national Government and the county Government funds and more important, why the national Government is doing account function.

We know that the national Government has refused with a lot of health functions at the national level, for example, the procurement of those equipment should be monies devolved. We are aware that the monies for agriculture are not fully devolved. There are so many other activities hanging at the national level which should have gone to, you know, the counties and we will be oversighting from there and making sure the counties are working.

We are aware that the sector of environment of which the Cabinet Secretary has just left this place, a lot has to be done at the county levels. Similarly, with water, and even markets that are being done. You know the work for the markets belong to the counties but individual members of National Assembly are the one running with this project in the counties and abandoning the governors.

I remember an incident in Kiambu when one of these markets was being launched and there was a fight where a young man was killed because the argument was who should be doing the markets. The markets should be done by the counties; they are the ones who manage them. This applies to many other projects.

It is important for every single transaction which takes place at the county level that the same information within that month be relayed to the respective Senator to oversight and to check what has been done and when we go on the ground to be able to counter check that the same projects have been done.

Otherwise, you do not want to fall into a trap because quite a number of governors have trouble accounting for what has been sent to them. Quite a number of other governors have appeared before the Senate and have accounted for every coin. They have answered questions that have been sent back to come and account and to the satisfaction of everyone.

While we sit in that Committee, I said the CoB and the Auditor General are there. More important the Ethics and Anticorruption Commission (EACC), so that if it picks a sudden thing going wrong in a certain county, they are able to investigate and go forward.

I do not think that is sufficient. Even when those three sit there with us to help us oversight, there is a lot of compromising and compromises going on. You find that an investigation is never concluded. An example is the one of Kathwana, the Headquarters of Tharaka Nithi County that has been delayed by investigations from the EACC which never complete them.

The moment we have got the IFMIS transactions with us, then it is easier now even to follow up with the EACC, to follow up with a governor and the county and make sure that there is effective oversight to the county.

Many citizens have misunderstood us to mean that we want to go and do primary oversight which is the work of Members of the County Assemblies (MCAs). It is wrong. Oversight is not about abusing the governor in a public rally. I cannot go to vet a County Executive Committee Member (CECM) in the county. I should not be expected to do that. That is the work of the local assembly. The county assembly should be able to do that and question the county government. They have powers to summon the CECs.

We have handled several impeachment Motions here. If a governor is not performing, he has breached the Constitution and has done a few things the county assemblies are not happy with, they impeach and bring them to this Chamber to confirm whether the impeachment was properly done or not. If so, we try the governor and render a verdict.

So, while supporting this Motion, I think it is important to come out strong, guns blazing to oversight the counties that we represent. We have fully done our job and made sure that everything has been done in accordance with the law and the Constitution. That is why this Motion is important. Every month, I should be able to go to the Clerk or he should be able to forward it to my office. I can monitor and assess every single transaction the county government has conducted, what it was for and whether that particular job was properly done.

I support.

Sen. Abass: Thank you, Mr. Temporary Speaker, Sir. I wish to contribute to this important Motion. Since devolution started, there has been a lot of problems in the counties in terms of financial management.

As the House that has the onus to oversight the counties, we were unable to track county financial management and county use of resources as a result of the opaqueness in the whole process. Most counties do not even cooperate with Senators so that they at least know what is taking place in the counties.

IFMIS is a very important system that tracks financial issues taking place in both the national Government and county government.

In Section 201 of the Public Finance Management Act, there is something called the Project Management Committee which is supposed to be formed by every county. It has the responsibility to be involved in all planning and commitments that are made. It also has a responsibility to see what kind of projects are done within counties. Women, youth, leaders like Senators are supposed to be members of this committee. However, counties have avoided forming these project management committees.

Specifically, Senators are supposed to be Members of this Committee. This is the only way that a Senator can be able to track and know how much money has been spent in the county and what kind of project has been done. Besides having the IFMIS report, this House must compel all counties to form project management committees. This way, Senators can engage and involve themselves in activities taking place in the counties.

If Senators do not participate in whatever is going on in the counties, it would not be right for us to have the oversight responsibility if we are unable to access all transactions that have taken place in the counties. For example, projects that have been implemented. If you go to the counties, there are many stalled projects yet money has been paid. Every governor that comes in starts his or her own projects. Therefore, most projects of the previous governments stall and they are never completed which is unfair. We are using money to duplicate projects which eventually stall.

Money for the Republic of Kenya, respective Ministries and counties comes from taxpayers. The onus is on the governor to complete a project that has been started by another governor. The Government is a continuing institution. A President comes and leaves office but the project still remains for the Kenyan people and for the taxpayer money that has been paid for. Therefore, we now have many projects that have not been completed. However, if we could have functional project management committees in the counties, then we could avoid this kind of business.

I agree with the sponsor of the Motion that we need to have a copy or financial reports. We have the County Public Accounts Committee and County Public Investments and Special Funds Committee, but what they handle is what has been done three or four years ago. There is no up-to-date financial responsibility being taken by the counties because we postpone audit reports. Even now, we are having the County Allocation of Revenue Bill and the Division of Revenue Bill that is based on the 2021/2022 financial audit report from the office of the Auditor-General.

So, if we have IFMIS reports from the Controller of Budget or from National Treasury, this House will be able to manage money that is being used and we can stop mismanagement of money and the issue of stalled projects.

We need to have the IFMIS report as requested by the sponsor of this Motion. We also need to form the project management committees so that Senators and other public representatives, including youth and women, can be able to know what kind of project has been done, where it has been done and how much money has been spent. Therefore, we will be able to, at least, hold responsible the various governors who believe that the county is their private business.

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

Sen. Mumma: Thank you, Mr. Temporary Speaker, Sir, for an opportunity to contribute to this Motion. I would like to congratulate Sen. Omtatah for bringing this issue.

I think oversight is best done when everything is laid bare into the detail in order for us to be able to see what is happening.

As I support, I am rising to just request that the Motion be passed with an amendment for this reason. Sen. Omtatah is known for bringing public interest litigation to align everything with the Constitution. However, the last paragraph of his Motion, in my view, focuses on the individual Senator. In fact, he uses the word Senator and it may be interpreted that the Senate is made of 47 elected Senators.

As you are all aware, the oversight role of the Senate is provided for in Article 96 and it is a collective role. That article read together with Article 98, the oversight is to the Senate. So, to request that the Cabinet Secretary will be forwarding these reports to the individual Senator, in my view, is a failure to recognise how the oversight role is done within the Senate.

I request that as the Motion is passed, which it should, we should not allow it to pass with that tweak that is unconstitutional. The Senate oversight team is largely currently done by the committees. So this information should be transmitted to the Clerk for use by the Senate and not by a Senator. So, I humbly request that we ensure that the Motion complies with that.

Thank you very much.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Mumma. We will now hear from Sen. Mungatana.

Sen. (Dr.) Mungatana, MGH: Mr. Temporary Speaker, Sir, I rise to support the Motion that the Senate resolves that the Cabinet Secretary in charge of the National Treasury and Ecshall on monthly basis forward to the Clerk of the Senate all FMIS transactions and reports.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Mungatana, hold on. Sen. Korir, I see you are complaining. I cannot see your request on the gadget here. Could the clerk help you to log in? I know you have been here. I will allow you to contribute once Sen. Mungatana speaks and your gadget has been set.

Proceed, Sen. Mungatana.

Sen. (Dr.) Mungatana, MGH: Thank you, Mr. Temporary Speaker, Sir. I support the request that IFMIS transactions and reports for each county should be made available to the Senator for purposes of enhancing the oversight rules. This is not a very difficult request to make to the National Treasury.

I say this because as a Senator of Tana River County, I do receive exchequer releases from the National Treasury. Somebody always sends me that information so that we are up to date on what is being released by the National Treasury.

So, this is a matter of simply complying with a request from the Senate. One is to look for the figures, compile them and transmit them. The National Treasury does that when it releases exchequer reports on the spendings that are sent all over the country. I urge that the National Treasury complies once we pass this Motion. There is nothing difficult about doing this.

Number two, I support this Motion because it enhances the overall function of accountability that must be borne by the governors of this Republic of Kenya. Right now, we are limited in terms of acting in real time. We are dealing with audit reports. The Auditor General brings the reports to the Senate, and we start examining those reports after the act has happened. This means we are morticians. We do post-mortem analysis of how the funds have been misused or used by the governors of the 47 counties.

The good thing about this Motion is that it will bring real-time information to the Senators. They will now know that IFMIS has released this kind of money and this transaction that has happened. From there, we will be able to trace and make the necessary political influence on those transactions. We will also be able to, in real-time, raise the issues so as to prevent the happening of corruption. We do not have to wait for corruption to happen then do a post-mortem in the Senate.

This is a beautiful development of management of our funds. I say so because in the past, in 2003, we passed what we used to call the Constituencies Development Fund (CDF) Act those days. The CDF Act did not have rules or regulations. It was a free kind of money that was put on the table and many Members of Parliament misused it. The Members of Parliament at that time would be the chair of the CDF itself.

I remember one particular Member of Parliament who was the chair of the Fund and he appointed his wife as the treasurer and his son as the secretary. He asked them to sign their part for the withdrawal and whenever he needed money for use or whatever, he would just put his signature as the last signature and withdraw the money. You can imagine the amount of misuse that was there.

I even remember one particular Member of Parliament who used to use the CDF as his personal kitty for Harambees. That parliamentarian was followed into court and he served a short stint. The national CDF was amended after 10 years, in 2013, to make it better in terms of management of funds. It was again amended after the promulgation of the new Constitution following a court decision to make it the National Government Constituencies Development Fund (NG-CDF).

The point I am putting is that the NG-CDF has had its progression towards superior management of public funds. It has had its process. What we are saying with this improvement in the IFMIS is that where it is, is not good enough. It is not a good tool for us to use to track the information of the transactions that are being done at the county level.

This Motion will convert the Senate from merely dealing with audited reports, some of which are old. We will move from being morticians to dealing with things that are real time. So, I urge colleagues who are listening to me and those who are listening online that we should pass this Motion as soon as possible. As soon as the debates are over, we should pass this Motion without delay.

Mr. Temporary Speaker, Sir, real-time overseeing of transactions gives us the advantage of prevention. An Englishman once wrote and said that prevention is better than cure. I remember, there was a planned trip by the Governor and some fellows in Tana River County to go to Canada to learn about governance. You are talking about a governor who has been a Member of Parliament and a retired major in the army. There is nothing they were going to learn.

Where were they going? They were going to some small county in Canada to learn about governance for two weeks. When you cost that together with the people who are going to accompany him, the county was going to spend about Kshs12 million on one trip. From the communication, the office of the Senator took it up. We liaised with the Canadian Embassy and wrote to that county informing them that the trip was a waste of public funds and that, the county has been misusing funds hence, they were going to learn nothing.

Finally, that trip never happened. Why? Because there was real time monitoring on what the monies of the people of Tana River County were being utilised for. If IFMIS reports and transactions are going to be real time every month, then we are going to see what is happening. If there is ongoing fraud, we will be able to take the necessary steps.

With those very many remarks, I urge that we support this Motion which I support. Thank you, Mr. Temporary Speaker, Sir.

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

I will now allow Sen. Joyce Korir to make her contributions. Clerk, give Sen. Joyce the microphone.

Sen. Korir: Thank you, Mr. Temporary Speaker, Sir. I think my gadget has some problems but I thank the clerk-at-the-table for managing it.

Allow me to thank Sen. Omtatah for this wonderful Motion that is before the House. Before I do that, I also take this opportunity to welcome the Members back from recess to the business of this House after their interaction with the members of the public.

In a special way, allow me to also contribute to this Motion that is so direct. I do not want to believe there is anybody going against this Motion because the IFMIS is a system that was developed to assist the Kenyans, the national Government, the county governments and other sectors in public management of the resources of this country.

A number of speakers have spoken and indeed, it is so hard for this House to do its oversight role without the real-time reports which enables them make the right decision. A number of times, we talk about pending bills across the country, either within the national Government or the county governments. Not only that, we have also been talking about the White Elephants projects in our villages, which huge amount of public funds or resources have already been spent on and are still hanging. We can neither tell the amount allocated, nor the monies already spent on said projects.

The only time that this House will be able to do their oversight role in a better manner is through provision of the IFMIS reports to the Senators so that they can access information in real time and make decisions.

When it comes to procurement, this is one of the things that has really given us a lot of headache. As we speak now, there is no single county that has no pending bills. There is also no single county or even the national Government that can give us a proper report on procurement. The role of this House is oversight; if we are going to be equipped with this IFMIS reports, we will be able to do our role diligently.

Mr. Temporary Speaker, Sir, I know the county assemblies as well as the National Parliament try as much as possible to do their budgeting. However, we do not have a tracker to ensure that the itemised budget is implemented accordingly. These things have been specified fully within the Public Finance Management (PFM) Act and other statutory instruments. They can enable us to do our legislation and oversight roles which are envisaged in the Constitution. I request this House to move with speed and ensure that once this Motion is approved, it is implemented to the letter. I believe it is going to sort out a number of problems that we face.

We have a lot of monies in this country within the national Government and county governments. A number of projects are being run, but authoritatively, I can say that, a number of us do not have the facts of how much those projects cost or whether they have been paid for.

There is a lot of fraud going on; you will find a lot of things happening within the county governments and even the national Government. You will find that a contractor has been paid and because of technology, they go to an extent of removing the payment from the system and re-entering it just to be used as a cash cow.

These are some of the problems that can be weeded out if the Members are notified on time once monies have been paid. For this House and her committees to act, they always rely on the Auditor General 's reports which takes a whole year to be ready. It is a total mess because then, we will be auditing the report in the next financial year. If we would have corrected these issues instantly, I believe this nation will move forward.

I urge the Members of this House to move with speed in ensuring that they pass this Motion. I also agree with Sen. Mumma for the clarification that the House has 67 Senators. It is our collective responsibility as a House to ensure that the oversight role, which is the major mandate is done by the 67 Senators.

I support and urge the relevant office to ensure that this is implemented immediately.

Thank you.

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

Sen. Omogeni: I would like to thank the Senator for Busia, Sen. Okiya Omtatah, for bringing this very, very progressive Motion; a Motion that will, in a very great way, assist the Senators in undertaking their oversight responsibilities within our respective counties.

Mr. Temporary Speaker, Sir, you must acknowledge that the people of Busia County did this Senator a very big favour by electing him, a man who has created an excellent record in litigating public interest cases in our courts, including the case that he has cited in this Motion, *the Senate versus Council of Governors Petition No.24 and No.27 of 2019*.

Looking at this Motion, the main intention is to ensure that we extend the ambit of transparency and accountability on the use of public resources so that our governors can operate a system that is accessible to Kenyans and one that they have no fear if a third party is also going through to ensure that they are acting in compliance with the Constitution and all financial regulation and laws of this country.

I want to draw the attention of this House to the kind of collaboration that exists between the House of Commons and the office of the Auditor General in the House of Commons. The two work hand in hand. The intention is to ensure that public resources are used for their intended purposes. These two offices should work hand in hand.

Now that these are open, remember that this third Senate of the Republic of Kenya has now empowered senators with a fund, a small fund that helps senators undertake their oversight role. The two should work hand in hand with the Office of the Auditor General.

Mr. Temporary Speaker, Sir, you have that work in your county office. The Vice Chairperson, Sen. Joyce Korir. We know that as the Parliamentary Service Commission (PSC), we have supported the nominated Senators with a few staff members. These officers should work together with the office of the Auditor General and the office of the Controller of Budget (CoB) so that we can monitor how requisitions are made and payments are made by county governments.

In the UK, they even do value-for-money reports because it is not about payments. We want to see that when you issue a tender and you undertake a project, there should be value for money. I do not know what happens in other counties, but I have tried to follow.

For example, budgetary allocations for water projects in my County of Nyamira, every project I have visited, the only thing that the governor does is to drill a borehole. Once he drills the borehole and sets a water kiosk in that particular place, that is the end. If you are to talk about value for money, once you drill a borehole, you should connect water to homes. Civilisation demands that we supply water to our women.

When I go to Nyamira County, I do not want to see my women going to collect water from a borehole that is 1.2 kilometres from their houses. I want to see my women in Nyamira donning a hairstyle like Sen. Joyce Korir. I do not want to see them carrying water buckets on their heads, more like Sen. Wakwabubi here. We want our women to make nice hairstyles and draw piped water from their homes. That is when I will truly say that devolution has reached our counties.

People who reside in the cities do not go looking for water from boreholes, wherever that is. They draw water from pipes in their homes and that is my dream as the Senator of Nyamira; that when we will work so hard to send money to our counties, women should draw piped water from their homes. That is the only time we will say that, truly, now we are seeing the fruits of devolution.

If you go through audit reports year in, year out, you will see the auditor making disclosures that some counties are making unsupported expenditures. You will see many pages drawing the attention of this House to irregular procurements in our counties. You will see reports by counties that have over-employment above 35 per cent. I do not know what the percentage in Tana River County is. In Nyamira, we have hit 67 per cent of the revenue that we send to counties going to salaries.

We did a special audit in Nyamira and found somebody is employed by TSC is still being paid a salary by the County Government of Nyamira. Chief Officers, if you read that audit report, cannot account for staff in their respective departments, yet the money that goes to counties is supposed to take services closer to the people.

We want to see excellent Early Childhood and Development Education (ECDE) classrooms in our counties. We want governors to stop this mentality that when you talk about county roads, it is just marram roads. We want them to start tarmacking our roads. Our Vision 2030 is to ensure that a marram road is 1.5 kilometres from the homes of Kenyans. That is our Vision 2030.

If every financial year we send money to our counties and all they can do is to murram roads, when will this country achieve our goal of attaining a certain number of roads that are tarmacked?

So, I support this Motion because it will put governors on the spot on how they are utilising the resources that are sent to their respective counties. We need to work very closely with the CoB and office of the Auditor General.

Every Senator's office should have contacts. Like now, auditors have landed in Nyamira County. They are doing an audit for the last financial year. I want them to work very closely with my staff because it is we who hold the responsibility of ensuring that money is used properly in our counties. When they land in Bomet, you should have a keen interest. Which projects are they visiting and what will that report look like when, finally, that report lands on the Floor of this House?

I have received reports that the Governor of Nyamira has done something unprecedented. As soon as the external auditors landed in Nyamira, he suspended the internal auditor. Section 65 of the County Government Act, the only office that has the authority to hire and fire is the County Public Service Board. A governor has no authority to hire or to fire a member of staff, let alone an internal auditor.

If you make an internal auditor answerable to a governor, then you have killed audits in that respective county. So, if the Governor of Nyamira is watching or is listening and I am speaking to him as a senior council, let him allow the internal auditor to undertake the tasks of her office without any interference.

Let the holder of that office, avail all documents to the external auditor. Otherwise, I will bring that matter to the Floor of this house so that the House takes it up. If we allow staff in our counties who are supposed to be independent, to be harassed by governors, we are going to kill accountability and transparency in our respective counties.

Therefore, I support this Motion by my good friend, Sen. Okiya Omtatah. Maybe I will propose that we amend it to go further and allow as an entry, to work hand-in-hand with the office of Controller of Budget and the office of the Auditor General.

I have given you a very good example, how this works in the House of Commons. These offices work very closely. In fact, public accounts committee meetings in the House of Commons are supported by the office of Controller and Auditor General in the United Kingdom. That is what we should use as best international practice and incorporate it so that we can work together with those offices to ensure that money that is sent to counties is used for the intended purposes to bring services closer to the people.

Mr. Temporary Speaker, Sir, with those many remarks, I support. Thank you.

Sen. Okenyuri: Thank you, Mr. Temporary Speaker, Sir. I also wish to support this Motion by the good Senator from Busia. This is a very progressive Motion, not just for the watchdog committees in the Senate, but even in building the ability for members of the public to follow what is going on in their respective counties as we put our heads together towards combating corruption in this country.

Many a times when the governors appear in the watchdog committees and sometimes you ask specific questions, it is very easy for them to say, okay, that was a voided transaction. Because they know you will not dig deeper or you do not have the benefit of seeing what is on the other side, they quickly get away with it. Therefore, having such a system whereby Members are able to see or access that information on real time, is a breakthrough towards oversight.

I feel that this Motion should be supported strongly because it goes a long way in helping the public protect resources or ensuring those that are given the mandate to oversee these resources are using the resources for the right functions. We have very many cases of pending bills. We have contractors who have committed suicide because of them not being paid. We should have avoided these issues if money was being used for the intended purposes and rightfully so.

Therefore, I support this Motion. It is one way we will put not just governors on the spot, but also build the capacity for members of the public to oversight the leaders they have elected. This is because it is a challenge for members of the public to oversight when, on the other side, they have no information on what specifically we are looking at. This is because for a long time, this appears to be a responsibility of the Senate only. It is not a responsibility of the Senate only, but the public also has the moral authority to question their elected leaders on what they are doing in their specific positions that they are serving.

I support the Motion by Sen. Omtatah and commend him for such a progressive initiative to this.

Thank you, Mr. Temporary Speaker, Sir.

Sen. Wakwabubi Consolata: Thank you, Mr. Temporary Speaker, Sir, for the opportunity to contribute towards this Motion. I begin by commending Sen. Omtatah for these insightful thoughts on the IFMIS. My concern is drawn to paragraph five, "noting that as a result of unchecked financial information and systems, county governments have continued to accumulate pending bills resulting from unplanned expenditures and accounted for and inflated cost of projects." This is due to numerous incidents of irregular or rather procedural funding, which I could refer in simple terms as virement. This is because we also realise that there are many violations regarding financial transfers, maybe from recurrent to development plans or vice versa. Therefore, I would also wish to propose that an amendment be put at that; that is paragraph five, line three, add the word "virement" after "unaccounted for" and before "and inflated cost of projects".

Mr. Temporary Speaker, Sir, I beg to move that the Motion be amended in the last paragraph by deleting the words, "respective Senator" appearing in the fourth line of the last paragraph and replace it thereafter with the words, "relevant oversight committees" as proposed by Sen. Catherine Mumma. I also wish to beg to move that the Motion be amended in the fifth paragraph, line three, by adding, "virement" after the word, for.

Thank you, Mr. Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Wakwabubi, you will have to share that proposal to the amendment of the Motion with the clerk for purposes of consideration and adoption.

Sen. Wakwabubi Consolata: I am well guided, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Yes, Senator.

Sen. Wakwabubi Consolata: Mr. Temporary Speaker, Sir, allow me to request Sen. Joyce Korir to second the proposal for amendments.

Thank you, Mr. Speaker, Sir.

Sen. Korir: Mr. Temporary Speaker, Sir, I second. Thank you.

The Temporary Speaker (Sen. Wakili Sigei): Honourable Senators, with the contribution and the proposal by Senator Wakwabubi, I now proceed to propose that the Motion be amended in the last paragraph by deleting the words, "respective Senator" in bracket appearing in the fourth line of the last paragraph and replacing therefor the words "relevant oversight committee."

(Question of the amendment proposed)

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, it is now 1.00 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until later today, Wednesday, 15th July, 2026, at 2.30 p.m.

The Senate rose at 1.00 p.m.