

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Wednesday, 24<sup>th</sup> July, 2024

### Morning Sitting

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

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

### PRAYER

#### DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

**The Speaker** (Hon. Kingi): Clerk, do we have quorum?  
Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

*(The Quorum Bell was rung)*

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

*(The Quorum Bell was rung)*

Hon. Senators, we now have quorum. We will proceed with today's business.  
Clerk, proceed to call the first Order.

### NOTICE OF MOTION

#### ADOPTION OF REPORT ON SENATE NOMINEES, ON BEHALF OF COUNTY GOVERNMENTS, TO THE POSITION OF SRC MEMBER

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir. On behalf of the Chairman of the Standing Committee on Finance and Budget, I wish to give notice of the following Motion-

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the Senate nominees, on behalf of the county governments, to the

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position of Member of the Salaries and Remuneration Commission, laid on the Table of the Senate on Tuesday, 23<sup>rd</sup> July, 2024.

Further, pursuant to Article 230(2)(b)(vii) of the Constitution and Section 7 (2) of the Salaries and Remuneration Commission Act, recommends Ms. Lynette Washiali Muganda and Mr. Mohamed Aden Abdi to the Cabinet Secretary for the National Treasury and Planning for transmission to His Excellency the President for consideration for appointment to the position of Member of the Salaries and Remuneration Commission.

I thank you.

**The Speaker** (Hon. Kingi): Next Order.

## MOTION

### THE CURRENT STATE OF THE NATION

RECOGNISING the State of the nation at this moment; the ongoing protests following the passing of the Finance Bill (National Assembly Bills No. 30 of 2024) on 25th June, 2024 by the National Assembly; the loss of lives, maiming and loss of property that has been occasioned following these protests.

COGNIZANT THAT pursuant to Article 115(1)(b) of the Constitution His Excellency the President of the Republic of Kenya declined to assent to the Bill and referred it back to the National Assembly with recommendations to delete all clauses of the Bill.

ACKNOWLEDGING THAT the conversation on the Finance Bill has triggered the broader important public conversation on the question of the high cost of living juxtaposed against the wasteful expenditure in all public institutions including Parliament.

FURTHER ACKNOWLEDGING the issues raised by the youth and other members of the public to do with corruption, impunity, incompetence within state and public appointments, opulent lifestyles of public officers, unemployment and high cost of living amongst other issues bedeviling the economy;

NOW THEREFORE, the Senate—

1. calls upon-

(i) the National Assembly to expeditiously consider the Presidential Memorandum pursuant to Article 115(2)(a);

(ii) all Government ministries, departments and agencies, and constitutional commissions, including Parliament, to put in place austerity measures in undertaking their respective functions;

(iii) the Ethics and Anti-Corruption Commission (EACC) and other Government multi sector agencies in the governance, justice, law and order sector to upscale and make concerted efforts to fight corruption;

(iv) the National Police Service to cease abductions, unlawful arrests, extra judicial killings and exercise restraint in dealing with peaceful and unarmed demonstrators;

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(v) release of all persons arrested for planning and participating in peaceful demonstrations relating to the enactment of the Finance Bill;

(vi) the Government to waive hospital bills for persons who have been injured and defray funeral expenses for those who lost their lives, during the demonstrations;

(vii) the Judiciary to prioritize and expedite all court cases relating to the enactment of the Finance Bill and the resultant demonstrations

(2) Considers all the challenges facing the country and makes necessary recommendations to address them.

*(Sen. Cheruiyot on 3.7.2024 – Morning Sitting)*

*(Resumption of debate interrupted on 23.7.2024)*

**The Speaker** (Hon. Kingi): Hon. Senators, you recall that yesterday Sen. Kinyua moved a Motion to amend this particular Motion. During debate Members were of the view that they wanted to introduce further amendments to the amendments proposed by Sen. Kinyua. At that juncture, we then agreed that we adjourn debate to allow any Senator wishing to bring amendments to the amendments proposed by Sen. Kinyua, to file the amendments by 5.00 p.m. yesterday.

I am informed that was done and that the Senator for Meru will now move a Motion to further amend the amended Motion proposed by Sen. Kinyua.

Senator for Meru, you may proceed.

**Sen. Kathuri:** Mr. Speaker, Sir, I beg to move further amendments to the amendment by Sen. John Kinyua to the Motion as follows-

THAT, the amendments be further amended as follows-

(a) Public Debt and Public Finance Management

That the Motion be amended in paragraph 2(a) by inserting the following subparagraphs after paragraph (iii)-

The Standing Committee on Justice, Legal Affairs and Human Rights:

1. Repeals Section 2 and 12A of the National Government Administration Laws (Amendment) Act that establishes Chief Administrative Secretaries.

2. Introduce a legislation to cap the number of Principal Secretaries appointed pursuant to Article 155 of the Constitution of Kenya.

3. Establish a legal mechanism for a merger of parastatals and State agencies that perform duplicate functions with a view to achieve a lean government.

On the same public debt and public finance management-

(2) By deleting paragraph 2B and substituting therefore the following-

(b) Security Sector Reforms

The Standing Committee on National Security Defence and Foreign Affairs-

(i) Engages with the National Police Service on matters of security and standard operating procedures for handling demonstrations.

(ii) Engages the government to compensate all persons whose property, both movable and immovable, were damaged or lost due to the demonstrations.

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(iii) Engages the National Police Service to fast-track insurance compensation to police officers who either lost their lives or suffered injuries as a result of the demonstrations.

(iv) Engages with the Directorate of Criminal Investigations to have investigations undertaken to ascertain the identity of persons or organizations funding and coordinating violence during protests and demonstrations in the country.

(3) By deleting paragraph 2D and substituting therefore the following-

(d) Equal opportunities for all Kenyans.

The Standing Committee on National Cohesion, Equal Opportunity and Regional integration-

(i) Engages the Public Service Commission and the National Cohesion and Integration Commission to audit the state of employment in the public service, including county governments and propose strategies to adhere to meritocracy, equality and equity of opportunities across the public service as espoused in Article 232 of the Constitution on the values and principles of public service; and

(ii) Engages the Public Procurement Regulatory Authority (PPRA) toward its compliance with Section 53(6) of the Public Procurement and Assets Disposal Act by all public procurement entities to establish a roadmap to ensure compliance with the same provisions of the Act.

Mr. Speaker, Sir, these are the further amendments to the amendments by Sen. John Kinyua, which were canvassed yesterday. At this juncture, I wish to request the Senator for Kitui, Sen. Wambua to second the Motion as amended.

Thank you.

**Sen. Wambua:** Thank you, Mr. Speaker, Sir. I was waiting for you to call me to second, but I have gotten the nod from you.

**The Speaker** (Hon. Kingi): You may proceed to second.

**Sen. Wambua:** Thank you, Mr. Speaker, Sir. I do not receive instructions from fellow Senators to second Motions.

I will only say two things. First, I beg to second. Secondly, as has been stated by the Senator for Meru County, my brother, Sen. Murungi, these amendments to the amendments brought by Sen. Kinyua yesterday have been widely canvassed and agreed upon.

The reason for bringing further amendments to the initial amendments is to try as much as possible to carry everyone on board. We should move with this Motion as the Senate of the Republic of Kenya without undue regard to political party affiliations. The Motion as amended in the amendments was an attempt by both sides of the House to carry every Senator on board.

The second thing that I want to say about these amendments is to allay the fears from certain quarters that maybe some Senators are stonewalling on a matter as important as this. This is a national bipartisan issue and we wish to move with it as such. I want to take this opportunity to specifically thank Senators who have brought these amendments to the amendments.

I want to thank the Senator for Meru for realizing and drawing the attention of the House that even as we talk about the noble thing of compensating people, we also have

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businesses that have been destroyed and they create jobs for our people. It will be important for the Government to be obligated to also look for ways of compensating them.

As such, I want to thank the Senator for Meru for bringing that amendment. It now becomes an amendment of the entire House.

I want to thank the Senator for Nyamira, Sen. Omogeni for bringing the amendments on the public debt and public finance management on the matter of repealing Section 2 and Section 12(a) of the National Government Administration Laws Amendment Act. This is the law that establishes the Chief Administrative Secretaries (CAS).

The idea is we are now talking about austerity and our economy cannot afford too much burden on Kenyans. So, we stop the issue of CASs for now through an Act of Parliament and by also establish a mechanism for a merger of parastatals. The talk of merging parastatals that have been in the air for the last two or three years. Therefore, he has brought an amendment to anchor that conversation into law.

Lastly, I also want to thank Sen. Osotsi for correcting the House that Parliament has no role in carrying out an audit of the Government functions. That is a role that is given by the Constitution to the Public Service Commission (PSC).

Now, the PSC has been asked to carry out an audit of Government functions, including county governments to ensure we have meritocracy, equality and equity of opportunities across the Public Service.

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

*(Question of the further amendment proposed)*

**The Speaker** (Hon. Kingi): Hon. Senators, at this juncture the Floor is open to debate these amendments. However, with your concurrence, I may proceed to put the question, so that we carry the amendments having in mind that they were negotiated by both sides.

May I proceed to put the question Hon. Senators?

**Hon. Senators:** Yes.

*(Question of the further amendment put and agreed to)*

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

*(Sen. Wambua stood up in his place)*

**The Speaker** (Hon. Kingi): The Senator for Kitui, have your seat. Hon. Senators, I will propose the question as amended, so that we are on the same page. Sen. Kinyua had proposed amendments to the original Motion. While the debate was ongoing, there was a feeling that further amendments needed to be made to the amendments proposed by Sen. Kinyua. Those are the amendments that have been moved by the Senator for Meru and seconded by the Senator for Kitui and carried through a vote.

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Therefore, the further amendments by the Senator for Meru have been carried and these amendments are now informing the Motion by Sen. Kinyua. The question I am going to propose is the question on Sen. Kinyua's Motion as further amended by the amendments that we have just voted on. I will proceed to propose that question.

*(Question of the further amendment proposed)*

*(Question of the further amendment put and agreed to)*

**The Speaker** (Hon. Kingi): What this means, therefore, is that the Motion by Sen. Kinyua has been further amended to incorporate the amendments proposed by the Senator for Meru County. At this juncture, again, the Floor is open for debate. However, this is a Motion that we have prosecuted for more than two weeks. To avoid being repetitive and with your concurrence, I may proceed to put the question so that now---

Yes, Sen. Wambua, proceed.

**Sen. Wambua:** Thank you, Mr. Speaker, Sir. This is just a clarification so that we carry the Motion properly. I have had a discussion with the Mover of the amended Motion on Clause 2B (4). I have also had a conversation with the Senate Majority Leader. We have agreed that the wording of that sub-clause 4 should read-

“Engages with the Directorate of Criminal Investigations to our investigations undertaken to ascertain---”

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

Mr. Speaker, Sir, I want the Speaker to capture this so that when he puts a question, then---

**The Speaker** (Hon. Kingi): Yes, proceed.

**Sen. Wambua:** Thank you, Mr. Speaker, Sir. We have agreed that the wording of that sub-clause 4 should read-

“Engages with the Directorate of Criminal Investigations to have investigations undertaken to ascertain the identity of persons or organizations funding and coordinating violence during protests and demonstrations in the country.”

That amendment was brought about by an appreciation that when the young people began their protests, they were very peaceful. They even confronted the police and told them, “We come in peace.” However, at some point, some criminal elements infiltrated the demonstrations. We saw looting and violence, including violence meted against young people. That is the investigation we want carried out, not investigations on the protests. I thought we should clarify that so that we carry everyone on board.

I thank you.

**The Speaker** (Hon. Kingi): Very well. Senator for Meru County, that was your portion of the amendments. Was that the spirit of the amendments?

**Sen. Kathuri:** Mr. Speaker, Sir, part four was not my amendment. It was from Sen. Chute. All these these amendments are---

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**The Speaker** (Hon. Kingi): After filing the individual amendments, the leadership sat.

**Sen. Kathuri:** Yes, it is making sense.

**The Speaker** (Hon. Kingi): I want to hear from the leadership. The leadership sat to bring all these amendments together. Was that then your position as the leadership of the House on this particular matter? The position as given by Sen. Wambua.

**The Senate Majority Leader** (Sen. Cheruiyot): Yes. We missed the typo. That is why we want what Sen. Wambua is saying to be included.

**The Speaker** (Hon. Kingi): Hon. Senators, may I proceed to put the question?

**Hon. Members:** Yes.

**The Speaker** (Hon. Kingi): Good.

*(Question of the amendment put and agreed to)*

**The Speaker** (Hon. Kingi): Therefore, this means that the original Motion has been amended to incorporate the amendments from the Senator for Meru County and the Senator for Laikipia County.

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

*(Sen. Osotsi consulted the Clerk-at-the-Table)*

Sen. Osotsi kindly take your seat.

*(Sen. Osotsi took his seat)*

*(Sen. Onyonka consulted Sen. (Dr.) Khalwale)*

Senator, kindly take a seat where you are.

*(Laughter)*

*(Sen. Onyonka took his seat)*

Hon. Senators, I will proceed to propose the Question. This proposed Question is on the original Motion as amended by Sen. Kinyua and the Senator for Meru County.

*(Question of the Motion as amended, proposed)*

**The Speaker** (Hon. Kingi): Hon. Senators, now the Floor is open for contribution. I know that all of you, save for Sen. Wamatinga, contributed to this Motion. So, I will allow him to take the Floor.

**Sen. Wamatinga:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to also contribute to this Motion. I would want to start it off by thanking the Senators for

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rising to the occasion and debating this matter of national interest in a way that shows that we are all Kenyans.

I was away for a couple of days in Rwanda as an observer for the ongoing elections, and was impressed by the Rwandese people. As we were going on with our duty and asking the people of Rwanda whom they were going to elect and which community one came from, they responded, “that is an ancient approach.” How I wish that our country would look at tribalism as an ancient approach that has nowhere in the history of this country.

From the onset, I wish to pass my condolences to everybody who lost life in the demonstrations and my sympathy to those whose property was damaged. Some of the people took advantage of the demonstrations to destroy property.

I want to dare to speak as a father, head of a family, and most importantly, as a father who has two Gen Z in the house. I would want to apologise to the Gen Z in this country. We have for too long been obsessed with futuristic approach about a nation that we want to build without taking on board the considerations, the thinking and standing of the Gen Z.

It is the high time that we, as a country, start talking to each other, listening to what we are saying and knowing that if this country goes down, it will go down with all of us.

As I support this Motion and commend all the Members who have taken time to deliberate and debate on this Motion, so that we can come up with a holistic approach that will change this country for better.

It is important that we also know that we have a robust Constitution, which envisaged a country that will be free for all of us. It is not lost to us that some people have taken advantage of that. Corruption has eaten into the very future that we have been talking about.

We know especially in the county and the national governments that the procurement procedures, which had envisaged 30 per cent of the opportunities to be given to young people, Persons with Disabilities (PwDs) and to women, have gone unnoticed because people have taken advantage.

In 1954 Kenya established the Industrial and Commercial Development Corporation (ICDC). People had foreseen a situation where young people would come up with ideas, get financed and incubated, and most importantly, get experts to guide them in their investments.

Due to corruption, the ICDC has become a pale shadow of itself. That has denied our youth the opportunity to get engaged in business opportunities that come with the Government because procurement rules are crafted in such a way that a young person is not able to access loans or other bank facilities because of the collaterals demanded.

It is very interesting and, indeed, very promising to see that the issue of equal opportunities for all Kenyans is being spoken about again. As we do this, we must take up the challenge when we procure to ensure that we put the right infrastructure in place, so that even young generations can engage in business with the counties and the national Governments. That cannot be achieved with the banking rules and regulations that we



have in this country, where for you to access credit facilities, you need collateral in form of movable or immovable assets.

We know that the issue of land in Kenya remains as emotive as it was 60 years ago. We know that grandparents and parents who own those pieces of land may not be willing to give title deeds to their children to secure collateral loans that they need.

Therefore, as we push for equal opportunities and ensure this is implemented, we must still look at the requirements, so that even younger generations can access those opportunities without referring them to performance boards and giving bank guarantees, which they cannot access because they do not even have bank accounts.

The demonstrations that have been going on, mainly triggered by the Finance Bill, have shown us that the problem we have in this country is greater than the Finance Bill. We know some people have not shied away from using a tribalistic approach to settle political scores. Some people, most of them being politicians, have used that opportunity to push their own agenda.

Learning from countries like Rwanda, we must move away from tribalistic and regional approach of looking at things. We should know that if this country goes down, it will affect every one of us.

Mr. Speaker, Sir, we have freedom of media and access to information. In many countries, before you get to report about something, you should establish if it is necessary or true. Even if it is true, what is the source of that information? Some media houses in this country have not shied away from airing information they know is not founded.

I want to quote the words of George Bush when Americans were hit by terrorists. He told the Cable Network News (CNN) that if America goes down, CNN will go down with it. I would like to tell media houses this. If Kenya goes down, even the media houses will go down with it. It is, therefore, imperative that we become nationalistic and patriotic enough, knowing that we do not have a spare country.

Every one of us here, especially the political class, went to the Bunge Tower when Parliament was invaded. We were all shaken and scared. At that particular moment, we all feared for our lives. Moving forward, it is important that when we talk about issues of national interest. We should ask ourselves where we are going to leave this country.

I also thank the President for having refused to sign the Finance Bill, but most importantly, requiring that we should ask ourselves where the rain started beating us. Because of some of the things that we have done, including over-borrowing and overcommitting the country, we know that the balance sheet of this country cannot accommodate any more loans.

Therefore, it is imperative that we ask ourselves what we must do to ensure that this country moves closer to having a balanced budget. I know that most of us, especially the political class, will not shy away from saying what is populist without minding whether it is true or not.

Mr. Speaker, Sir, as I support the Motion, I urge every one that before we make any utterance, we must ask ourselves if something is true, how it is going to help us and where it is going to leave us, as a country. Some countries such as the United Arab Emirates (UAE) have a tendency of not reporting negative news. They promote peace and happiness. Most importantly, they are responsible citizens because they know that

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their country depends on millions of people who go there because it is a tourist destination.

It is one of the countries that you will see a headline announcing what has happened not based on facts, but sensation. It is high time we knew that this country belongs to all of us. Therefore, we should be responsible for anything we do, deliberate or commit ourselves to even after we have left office.

I know that procurement in most county governments is done in a skewed way to favour a few people. You will find some counties using own source revenue they get from medical facilities to construct roads. That is an immoral practice that must be condemned because it is not fair.

Before I sit down, because I do not want to repeat what my colleagues had said, it is also important that ensure that we ask how someone made money even after they have left office. We must establish a practical way of doing lifestyle audits that will ensure that everybody lives within their means.

We must make corruption a capital offence. Corruption has eaten this country and led us to where we are today. We know that many politicians and other leaders use lawyers to defend monies that was ill-gotten. We must conduct a forensic audit of how everybody got their money and how they finance their lifestyle, so that we bring stolen money back to the people.

This is one of the countries where most leaders have foreign accounts with a lot of money that nobody can explain where it came from. It is high time we started the conversation of repatriating money stored in foreign accounts back into the country. If we do not do that, how do we ask Kenyans to pay for loans that were acquired and deposited in foreign countries, and never helped the people?

Mr. Speaker, Sir, as I support, I urge all Members that it is high time we rose to the occasion and used this opportunity to demand repatriation of all the monies that have been deposited in foreign accounts.

**The Speaker** (Hon. Kingi): Hon. Senators, Sen. Wamatinga was the only Senator who had not spoken to this Motion. Having given him the opportunity to do so, I will now proceed to put the question, so that we lay this matter to rest.

Sen. (Dr.) Lelegwe, please, take your seat.

*(Sen. (Dr.) Lelegwe Ltumbesi resumed his seat)*

Sorry, before I put the question, I can see the Mover is quite alert. Could the Mover proceed to reply?

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I was a bit worried and wondered if the procedures had changed. That is why I was up-in-arms, but I am glad that you have granted me this opportunity.

Mr. Speaker, Sir, for the record, I know I have 30 minutes to reply. However, in accordance with the prior agreement of approaching this Motion in a bipartisan manner, I will use half of my time then, with your indulgence, donate the remainder of the time to the Senate Minority Leader.

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**The Speaker** (Hon. Kingi): If that is the way you want to reply, then you should allow the Senate Minority Leader to proceed, then you conclude because you are the primary Mover.

Sen. Madzayo, you may take your 15 minutes.

**The Senate Majority Leader** (Sen. Cheruiyot): I stand guided. Thank you.

**The Speaker** (Hon. Kingi): Sen. Madzayo, you can even do it in one or two minutes. You have a maximum of 15 minutes, but you need not take the entire 15 minutes.

**The Senate Minority Leader** (Sen. Madzayo): Thank you, Mr. Speaker, Sir. First and foremost, I would like to react by saying that the amendments that we have decided to put in place in this Motion are viable and can be handled.

As regards the positions of the principal secretaries, what we are saying is that the Committee on Justice, Legal Affairs and Human Rights has done these amendments, which we believe will go a long way to help the vision of what the Senator would wish to achieve.

Mr. Speaker, Sir, moving on to further amendments that have been of equal opportunity to all Kenyans, we note that this has given us an opportunity that we, as Kenyans, live in this community as one nation. As we engage, it is our wish that every Kenyan is accorded that opportunity to do whatever they want to do, or even in terms of job opportunities that every part of this country should be considered for equal opportunities.

Kenyans, as we know, have had cases where a certain people who are accorded an opportunity to conduct some interviews have ended up taking people from their own communities. When they have that opportunity, they end up engaging people, whether they have the qualifications or not. However, equal opportunities must be accorded to all Kenyans on an equal platform and to consider that all of us are Kenyans and would need to be supported.

Mr. Speaker, Sir, on the side of the health reforms, it is important that new technology is coming into place. It is in that regard that we believe that we need to have a lot of health sector reforms. In cases where we have not been able to help our people, these amendments will go a long way to bring in those changes that we need.

In conclusion, I support this further amended Motion on the current state of affairs of the nation.

Thank you.

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. First of all, allow me to register my appreciation to colleague Senators who have taken their time in the last two weeks to share their thoughts on the state of the nation.

This was a unique opportunity presented to the House to speak as candidly as I could on the various challenges that have been brought to the fore by many citizens who have spoken in the last few days on the state of our nation and the need for us, as a leadership, to respond to all that they have been addressing themselves to.

Therefore, from the onset, I thank close to 60 Senators who have so far spoken to this Motion and shared their thoughts and ideas on how we can progress forward as a Republic, which is extremely important. I would wish to, perhaps, set some disclaimers

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from the onset. One, we are under no illusion that, as a House, we can resolve everything that we are being asked to resolve as the leadership of a country. Two, it is not everything that can be addressed immediately. However, listening to most colleagues, they divided their proposed solution almost into three parts.

There are those that are immediate, there are those that are for the medium term and there are those that are for the long term, in so far as fostering a prosperous nation is concerned. That is the nature of life. It is impossible to achieve change or the absolucy of a prosperous society in one instance.

There must be a beginning and this is a good beginning. This is where we want to start from because it begins with an appreciation that we are at fault and there are things that we need to set right.

Various leaders have since added their voices on how the nation can walk itself out of the crisis that we find ourselves in. I have seen and it would make sense to confess that when we sat as leadership to consult on the bipartisan nature of this Motion, the leadership from the Minority side asked us to take the preconditions for engagement that had been listed by the leader of the Azimio Coalition in good stride.

They asked us to appreciate that he means well for the nation, and he feels that taking into consideration the things that have now so far been listed as amendments in the amended Motion; compensation of victims, acceptance and acknowledgement that lives have been lost unnecessarily; persecution of those that have been involved in brutality, and so on, would be a good place to start. I want to appreciate that, that has finally made its way into the Motion.

Subsequently, there are things that we will have to do. Let nobody be under the illusion that it will be an easy journey. I am not certain who spoke these words, but it is said that if you want to please everybody, do not get involved in leadership; sell ice cream. That is the only job you can do on earth and everybody will be happy with you.

As long as you are in leadership, there are certain difficult decisions that sometimes you will have to make and not everybody will appreciate and celebrate you for. The job has to be done and that job has befallen on us, as the 67 Senators in this House. We have a duty and there is something that we can do to right the wrongs of the last 60 years in this Republic.

Mr. Speaker, Sir, we also appreciate and know that being one of the bicameral units of Parliament in this House, we need our colleagues in the National Assembly to support us as well. In as much as many of our colleagues might have cast aspersions on and said certain things about the National Assembly when they were speaking, the truth of the matter is that a legislation passed by the Senate alone is only good ink on paper. It cannot be law.

Therefore, the National Assembly remains to be an integral partner, especially in resolving issues that have been addressed, and we are aware can only be solved through the legislative arm of Government. There are certain laws that we will need to change. There are things that we need to tighten.

There are laws that we need to amend. We will have to work with our colleagues from the National Assembly. If you follow what we have done, first of all, in the first part of the Motion is the preconditions that I have spoken to.

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The National Police Service (NPS) should acknowledge and apologise for the deaths. There is also the need for compensation for the peaceful protesters, including those involved in the 2023 protests that were led by the Azimio la Umoja Coalition and the 2024 protests led by other Kenyans. This is what the House is resolving this morning to call upon the national Government to do.

There is also the need for NPS to extend amnesty. However, I must be very clear about this. The amnesty is for the peaceful protesters, not the criminals that broke into people's businesses. If you have been arrested and found with items that you looted out of someone's hard-earned sweat, you are not among the people that we are pleading the cause for.

We are very clear that this is for those who have been unlawfully detained or arrested and have court cases. We cannot direct the office of the Director of Public Prosecution (ODPP). That is why we use the language of calling upon them.

In the spirit of setting a good environment for engagement as a country, the ODPP should consider it. We urge our colleagues in the Standing Committee on Justice, Legal Affairs and Human Rights Justice (JLAHRC) to engage that Department and ask them to withdraw the cases against those Kenyans whose only crime and offence was participation. You know how police draft these charges. They cannot say you are idling and doing those things. However, among themselves, they know the truth that this person was just caught at the wrong place and at the wrong time.

We also call upon the Independent Policing Oversight Authority (IPOA) to investigate citizens who lost their lives in the course of this protest. None other than the President has given a public commitment urging that there be speedy investigations and conclusions of those cases, so that Kenyans can know. Kenyans should be given a blow-by-blow account of how Kenyan X lost his life, including what happened, why and so on. The truth should be known on these issues.

It is part of the de-escalation efforts, so that citizens can feel that their colleagues who lost their lives were not in vain. We have further spoken about police officers who have also lost their lives in the course of this protest. I was informed by the Senator for Nyeri this morning that last week, during the protest in Karatina, a policewoman was attacked and later succumbed to injuries. There are many others across the country. There needs to be an explanation and account of all these people, so that the country can have closure.

It is important to note that Parliament has been asked to put in place guidelines on the actualization of Article 37 of the Constitution on the right of citizens to picket without resulting in the loss of life or property. How come in other jurisdictions and societies people can picket and enjoy their right to protest without necessarily resulting in loss of life or property? Is it that we cannot have peaceful protests in this country? None other than the High Court has asked Parliament to enact legislation that gives life to the enjoyment of these freedoms.

It is not about curtailing the rights of anybody to protest. That is the sense I get many times when I speak about this. It is just about the need to ensure that those who want to picket and protest can enjoy their rights unhinged. It is also about ensuring that when we have protests, we do not have a ghost town, like we had yesterday.

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We do not want to set a culture where people fight against the provisions of Article 37 because they imagine that every time somebody writes a letter and says they want to protest, it means that it interferes with their business.

That is our duty. We cannot run away from that responsibility as Parliament. We must provide the necessary legislation. This is not necessarily the case, but I am just citing an example. In other countries, if you go to their cities, they have provided lanes or parks where people express their dissatisfaction in ways that can be achieved.

The truth of the matter is that this needs to be done. For example, there are members of the public who had said they wanted to occupy Parliament. I said this in my moving notes when I was speaking about this Motion. If we had provided this legislation, then it would have been possible to hear from them and say Parliament is an institution of the people of Kenya. If you want to petition and engage this institution, what is the process? How do you want to do it? Do you want the Speakers or the leadership to come and receive you as you present your petition?

For example, this morning, I saw a flyer saying that tomorrow on 25<sup>th</sup>, which marks exactly one month, they want to come to Parliament to have a remembrance of the colleagues that they lost. However, the challenge that we have and we must be candid with ourselves, is that protests have been infiltrated by people who have ulterior motives. They are looking for an opportunity to either loot or do other things. Therefore, in the absence of either a leader or a team that takes responsibility to provide information on what they want to do on such and such a day, police over prepare, overreact, and we lose it all.

It would make more sense today if both of your offices were to get a written request saying this is what we want to do. We, therefore, all engage and say let us be open and candid about ourselves. There is no harm in those people coming to lay flowers, the way they wish, to acknowledge what happened here on the 25<sup>th</sup>.

The only challenge is the absence of an organisation or individuals to engage, so that we appreciate and understand how this will be commemorated. This would help separate those who intentionally wanted to come and do a commemoration from the criminals who have been taking advantage of this protest to harm other Kenyans.

We are, therefore, in a difficult situation and it is a challenge that we continue to face as a country. Until we resolve that question, perhaps, you need to provide guidance.

As we bring closure to this Motion this morning in the Senate, it is my sincere hope that the organisers will reach out to your office and that of your counterpart, the Speaker of the National Assembly, so that we can provide guidance and open the gates of this House. Let people come in and even see the damage that was done to appreciate that it is not that Parliament did not take a hit.

In the absence of proper guidance on how to petition Parliament, we have had the kind of damage that was done here. There are many other things that come to mind when I think about what happened on 25<sup>th</sup> and the lives that were lost, including those of protesters and criminals as well. It is important for the record to point out because I know that perhaps this has not been spoken about at length. I do not want to take a lot of time on that particular topic, because I see the yellow light is on.

In conclusion, allow me to speak about what we are asking from each of our committees. I know Sen. Osotsi and other colleagues have spoken and asked why we cannot allow the office of Auditor-General to carry this audit for us? However, I want to point them to Article 214 of our Constitution on public debt. That is our primary responsibility.

It is us who approve this public debt. Therefore, there is nothing that stops us from calling for the books and ensuring that what is captured in the books of the Auditor-General as well as what the National Treasury submits to Parliament are in agreement.

All we are asking our Committee on Finance and Budget is to first of all verify and ensure that there is an accurate record of our debt status as a nation up to this point. Then, go further and establish which are these organisations or countries in the form of sovereign debt that we owe these funds, and what was achieved with those funds.

We know for a fact that in the audit report of 2015, the then Auditor-General Edward Ouko pointed out that there might be a possibility that some of the proceeds of the first Euro Bond never made it to the country.

Those are facts that only Parliament can establish and that is why I urge our Committee on Finance and Budget to take that assignment seriously, so that we have a complete audit. There is a very important exercise that we have asked them to do.

Mr. Speaker, Sir, if you can recall, last year, we passed a law that by 2027, our debt to Gross Domestic Product (GDP) ratio needs to be at 55 per cent. We are now at 61 per cent, but we did not provide the roadmap of how to achieve that. I will not be surprised that we will gather again in this House in 2027 and realize that perhaps even that debt has grown beyond 61 per cent.

Therefore, it is upon our colleagues who are in the Committee on Finance and Budget to tighten the noose and guard this House. There is only one way of achieving it; you must put a cap on the fiscal deficits that are allowed on the national budget year on year, from 2024 now to 2027 for us to achieve this 55 per cent.

It is something that you can mathematically arrive at. Consequently, our Committee on Finance and Budget must lead us to amend Section 50 (2) (c) of the Public Finance Management Act (PFMA) even further, so that we set a cap limit of fiscal deficit year on year.

The reason the country is in this crisis in part, and to a larger extent, is because of the debt challenges that have forced the Government to either borrow or raise taxes, and we all know where this has led us to.

The Standing Committee on Justice, Legal Affairs, and Human Rights (JLAHR) also has some serious work to do. One is the repeal of Sections 2 and 12A of the National Government Administration laws. This is with regard to the Chief Administrative Secretaries (CASs) as a sign of goodwill because we have said we want to have a lean and inexpensive Government.

They also need to establish the legal mechanism for the merger of parastatals and state agencies that perform duplicate functions to achieve a lean Government. When the President addressed the nation about two weeks ago, he pointed out the fact that about 47 State agencies need to be merged as an effort towards the realization of a lean

Government. Thus, the Committee on Justice, Legal Affairs and Human Rights needs to guide the country in that provision and on the security, sector reforms and so on.

Mr. Speaker, Sir, I would have said many other things, but I think I have said what is useful. I hope that the final commitment that we made as a leadership is that, we agreed that once this Motion is passed, we want to request you in writing to share the findings of this Motion with both the President and the leader of the Azimio Coalition.

Why do we think that is important? It is because there are things that are beyond Parliament, which the Executive or the political players need to guide the country in achieving and the only way we can do that is if we can get them to appreciate what the Senate has done in moving this Motion.

With those many remarks, I beg to reply.

I thank you.

**The Speaker** (Hon. Kingi): Hon. Senators, I now proceed to put the question.

*(Question of the Motion as amended put and agreed to)*

*Resolved Accordingly-*

RECOGNIZING the State of the nation at this moment; the ongoing protests following the passing of the Finance Bill (National Assembly Bills No.30 of 2024) on 25th June, 2024 by the National Assembly; the loss of lives, maiming and loss of property that has been occasioned following these protests;

COGNIZANT THAT pursuant to Article 115(1)(b) of the Constitution His Excellency the President of the Republic of Kenya declined to assent to the Bill and referred it back to the National Assembly with recommendations to delete all clauses of the Bill;

ACKNOWLEDGING THAT the conversation on the Finance Bill has triggered the broader important public conversation on the question of the high cost of living juxtaposed against the wasteful expenditure in all public institutions, including Parliament;

FURTHER ACKNOWLEDGING the issues raised by the youth and other members of the public to do with corruption, impunity, incompetence within state and public appointments, opulent lifestyles of public officers, unemployment and high cost of living amongst other issues bedeviling the economy;

NOW THEREFORE—

1. In order for the Senate to create an amiable environment and tone for a national conversation and dialogue in the country resolves as follows:
  - (a) That the National Police Service acknowledges and apologises for all the deaths resulting from the peaceful demonstrations;
  - (b) That all the victims of police brutality related to peaceful protests between 2023 and 2024 be compensated by the Government of the Republic of Kenya;
  - (c) That the National Police Service extends amnesty to all the peaceful protestors who were unlawfully detained during the peaceful protests;

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- (d) To call upon the Director of Public Prosecutions to withdraw all the cases in court involving peaceful protestors against the Finance Bill;
  - (e) That the Independent Policing Oversight Authority moves with speed to investigate and recommend appropriate action against police officer found culpable of using brutality against peaceful protestors;
  - (f) That the National Police Service submits to Parliament the revised Standard Operating Procedures in the management of protests, demonstrations and use of force to contain demonstration; and
  - (g) Parliament puts in place guidelines on actualization of Article 37 of the Constitution with respect to how citizens can enjoy the right to picket without resulting to loss of lives and property.
2. Directs the following select committees of the Senate to urgently engage relevant stakeholders, including members of the public and consider on the following issues:
- (a) Public Debt and Public Finance Management:
    - The Standing Committee on Finance and Budget-
    - (i) in consultation with the Parliamentary Budget Office to independently audit the national debt and present the actual status to parliament;
    - (ii) engages the National Treasury to submit a roadmap on its strategy to reduce the public debt to not more than 55 per cent of the Gross Domestic Product (GDP) in present value terms, in compliance with Section 50 (2)(c) of the Public Finance Management Act; and
    - (iii) engages the National Treasury to identify and implement sustainable strategies to reduce the high cost of living.
  - The Standing Committee on Justice, Legal Affairs and Human Rights-
  - (i) repeals Section 2 and 12A of the National Government Administration Laws (Amendment) Act that establishes Chief Administrative Secretaries;
  - (ii) introduces a legislation to curb the number of Principal Secretaries appointed, pursuant to Article 155 of the Constitution of Kenya; and,
  - (iii) establishes a legal mechanism for merger of parastatals and state agencies that perform duplicate functions with a view to achieving a leaner government.
  - (b) Security Sector Reforms-
    - The Standing Committee on National Security, Defence and Foreign Affairs-
    - (i) engages with the National Police Service on matters security and standard operating procedures for handling demonstrations;
    - (ii) engages the government to compensate all persons whose property, both movable and immovable, were damaged or lost due to the demonstrations;
    - (iii) engages the National Police Service to fast-track insurance compensation to police officers who either lost their lives or suffered injuries as a result of the demonstrations; and,
    - (iv) engages with the Directorate of Criminal Investigations to have investigations undertaken to ascertain the identity of persons or organizations funding and coordinating the violence during the protests and demonstrations in the country.
  - (c) Fighting Corruption-

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The Standing Committee on Justice, Legal Affairs and Human Rights engages the Ethics and Anti-Corruption Commission on matters corruption and action to be taken to scale up efforts to deal with corruption, especially in county governments.

(d) Equal Opportunities for all Kenyans-

The Standing Committee on National Cohesion, Equal Opportunity and Regional Integration-

- (i) engages the Public Service Commission and the National Cohesion and Integration Commission to audit the state of employment in the Public Service, including county governments and propose strategies to adhere to meritocracy, equality and equity of opportunities across the Public Service, as espoused in Article 232 of the Constitution on the Values and Principles of Public Service; and,
- (ii) engages the Public Procurement Regulatory Authority to audit compliance with Section 53 (6) of the Public Procurement and Asset Disposal Act by all public procurement entities with a view to establish a roadmap to ensure compliance of the said provisions of the Act.

(e) Effective Public Participation and Stakeholder Engagements-

The Standing Committee on Justice, Legal Affairs and Human Rights-

- (i) puts in place mechanisms to ensure that broader concerns for citizens, especially the youth, are received, considered and taken into consideration in making decisions on public affairs; and,
- (ii) puts in place mechanisms that integrate new media as a medium for public participation in legislative processes.

(f) Health Sector Reforms-

The Standing Committee on Health to-

- (i) expedite and facilitate public participation in the reenactment of the Social Health Insurance Act, the Digital Health Act, the Primary Healthcare Act, in compliance with the judgement of the High Court Petition No.E473 of 2023; and,
- (ii) engage with the Cabinet Secretary for Health and the Council of Governors with a view to standardize human resource policy for health workers across all counties.

(g) Education Sector Reforms-

The Standing Committee on Education to liaise with the Ministry of Education and other stakeholders with a view to resolving the concerns raised regarding Junior Secondary School (JSS) education, the new funding model for university education and the acceptability of Competence Based Curriculum (CBC), and report their findings and recommendations to the Senate within 30 days.

**The Speaker** (Hon. Kingi): Next Order.

**Sen. Sifuna:** On a point of clarification, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Yes, Senator for Nairobi City County, what is your clarification?

**Sen. Sifuna:** Thank you, Mr. Speaker, Sir. When the Mover was called to reply, there is a request that he put to you; that he would like to see the transmission of this Motion to the leadership of the country, that being the President and the leader of the Azimio Coalition. I was hoping that in your Communication, you would guide on how

that would happen. This is because, ordinarily, those Motions are not transmitted to the leadership of Azimio Coalition.

Secondly, I also heard him allude to a proposed celebration of the lives that we lost last month outside of Parliament. I do not know whether as a House, we can communicate our willingness to participate in that memorial, and if required, Parliament Road be opened. This is because I do not believe that this House and the young people who want to honour those who lost their lives here are at odds.

I was hoping that the Speaker could guide the House on how we can communicate to the organisers of tomorrow's memorial event that we do not want any more bloodshed. Nobody else needs to die here, and this House is not at odds with anyone. We would be willing, as Members of Parliament (MP), to participate in that memorial. Those are the two clarifications I wanted to seek.

**The Speaker** (Hon. Kingi): On the first leap of seeking for the clarification, indeed, the Communication will be done to the office of the President of the Republic of Kenya.

In addition to that, a formal communication transmitting this Motion and resolutions will be done to the Azimio Coalition leadership. As for the second leap, allow me to consult with our sister House, and then a formal Communication will be given.

Next Order.

Senator for Kitui County, proceed.

**Sen. Wambua:** Mr. Speaker, Sir, so that the final document that goes to the public is correct, can we have that typo corrected? It has not been corrected. That is Clause 2---

**The Speaker** (Hon. Kingi): It has, I read it. In fact, when I got there, I went slow. I wanted to look at you, so that you may know I complied. I was very deliberate on that.

**Sen. Wambua:** The Senate Majority Leader is circulating a document that should be deleted. He has circulated a document that does not have that part.

**The Speaker** (Hon. Kingi): No, the one that you have just voted on contains those corrections.

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

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

## MOTION

### ADOPTION OF REPORT ON ALLEGED IRREGULARITIES IN PROCUREMENT OF LONG-LASTING INSECTICIDE TREATED NETS

THAT, the Senate adopts the report of the Standing on Health on the inquiry into alleged irregularities in the procurement of long-lasting insecticide treated nets at the Kenya Medical Supplies Authority (KEMSA), laid on the Table of the Senate on Wednesday, 8<sup>th</sup> May, 2024.

The Senate Standing Committee on Health is established under Standing Order No.218 (3) of the Standing Orders. It is mandated to consider all matters relating to medical service, public health and sanitation.

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On 15<sup>th</sup> May, 2023, Hon. Felix Koskei, the Chief of Staff and Head of Public Service, released a press statement regarding allegation of Kenya Medical Supplies Authority (KEMSA) in management and administration of various medical programmes being undertaken by Kenya in conjunction with development partner.

In the statement, the Head of Public Service noted that the regular verification exercise of Global Fund has revealed alleged maladministration on the part of KEMSA with regards to procurement of treated mosquito nets for vulnerable household.

In line with the Government commitment to promote accountability and openness in the management of public affairs, the statement went further to announce the termination of the then Principal Secretary, the State Department of Public Health and Professional Standard, Ministry of Health, and the provocation and consequent constitution of KEMSA board, the suspension of the then Chief Executive Officer (CEO) of KEMSA, the appointment of an acting CEO and suspension of various staffs at the agency.

In regards to that, the Committee noted key issues of determination and centered the following issues-

(1) Specify the allegations and irregularity of the procurement of Long Lasting Insecticidal (LLI) nets.

(2) Clarity on circumstance that led to cancellation of tender procured.

(3) Clarity on what reservation Global Fund has with regard to the tender.

(4) Clarify on a specific timeline for the procurement of LLI nets as agreed between the Global Fund and KEMSA.

(5) Clarity on allegations of undue interference on operation of KEMSA by the line Ministry.

(6) Clarity on circumstance that led to termination and suspension of Ministry of Health (MOH) and KEMSA officials.

*(Sen. Mariam Omar on 23.7.2024)*

*(Resumption of debate interrupted on 23.7.2024)*

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

**Sen. Mungatana, MGH:** Asante, Mhe. Spika. Jana tulipoanza mazungumzo ya Hoja hii, nilisema ya kwamba pesa nyingi za neti za mbu zilifujwa kutoka Global Fund zilifujwa, ambazo zilipotea katika Wizara ya Afya. Wakati huo, tarehe kuni na tano, Mwezi wa Tano, Mkuu wa Utumishi wa Umma, Bw. Felix Koskei, alitoa matamshi ama statement, ambayo walichukua hatua kama Serikali kuu.

Aliyekuwa *Principal Secretary* wa Afya alifutwa kazi. Halmashauri ya Kenya Medical Supplies Authority (KEMSA) ilivunjwa na wafanyakazi waliohusika waliondolewa kutoka halmashauri ya KEMSA na wakapewa transfer kwenda sehemu zingine.

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

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

**The Deputy Speaker** (Sen. Kathuri): Hon. Senators, I request that you stop crowding and standing between me and the Senator contributing, so that I can follow.

**Sen. Mungatana, MGH:** Bw. Naibu Spika, hiyo kazi ilifanyika miezi tisa baada ya uchaguzi wa Serikali ya Rais Dkt. William Ruto. Kulikuwa na msisimko na halijoto ya watu kutaka kufanya kazi. Kulikuwa na mwito kwamba wafanyakazi wa Serikali wafanye kazi yao kwa haki. Haya yanankumbusha wakati Serikali ya Rais Mwai Kibaki ilipochaguliwa mara ya kwanza.

Wananchi walikuwa wamejitolea kabisa kwamba kutakuwa na mageuzi na usimamizi mpya wa pesa zetu. Nakumbuka wakati huo, hata polisi wakiitisha hongo barabarani, wananchi watukufu walikuwa wanashuka na kumwambia polisi kuwa hawataki achukue hongo kwani basi lao halikuwa na makosa. Wananchi walikuwa na msisimko mkubwa wakati huo tulipoingia Serikali ya muhula wa kwanza wa Rais Mwai Kibaki.

Miezi tisa ya kwanza ya muhula wa Rais Dkt. William Ruto, Serikali bado ilikuwa na ule moto wa kugeuza mambo. Lakini juzi, miaka miwili baada ya sisi kuwa mamlakani, vijana wamejitokeza barabarani na kusema ya kwamba kuna ubadhirifu wa pesa, utumizi mbaya na hali mbaya ya usimamizi wa pesa.

Kwa kifupi ile joto tulikuwa nayo pamoja na mwito wa kufanya mageuzi kusimamia mambo yetu sawa sawa ili kutoa ubadhirifu wa pesa katika mifuko ya umma, inasahaulika. Ripoti hii imefuata *action* iliyokuwa imechukuliwa na Mkuu wa Utumishi wa Umma.

Wajumbe wa Bunge la Seneti, waliketi kujadili na kuweka *recommendation* mpya kuhakikisha kwamba ile kazi iliyokuwa imefanywa na Mkuu wa Utumishi wa Umma itaendelea zaidi. Waliokuwa wamehusika na ubadhirifu wa pesa pia wapatiwe *necessary punishment*.

Bw. Naibu Spika, Serikali hii imekumbushwa kuwa wananchi watukufu wanataka usimamizi mzuri wa pesa za umma. Kuna mengi mabaya yaliyofanyika lakini kuna *point* muhimu ambayo imewekwa katika maandamano yaliyofanywa na vijana; kwamba wanataka kuona usimamizi mzuri wa fedha zetu.

Uzuri wa maandamano haya ni kuwa hayakusimama hapa wala yaliwafikia magavana hadi kwenye kaunti. Walisema wanataka usimamizi mzuri wa fedha hata katika sehemu gatuzi za nchi yetu.

Bw. Naibu Spika, naiunga mkono Ripoti hii kwa sababu imetia nguvu kazi na mwito ambao Serikali ilikuwa imefanya mwanzo. Waliopewa nafasi za umma na wanaofanya kazi katika ofisi za Serikali ili kusaidia wananchi, wanafaa kuwajibika kwa sababu wananchi wanawatazama.

Sisi ambao tuko katika siasa wala sio kwa upande wa usimamizi wa umma, tumepata mwamko mpya. Tunataka kuona mabadiliko. Principal Secretary (PS) yeyote aliye na nafasi, National Treasury, na magavana wanafaa kuhakikisha pesa zetu zinatumika sawa sawa.

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Magavana wengine hawajawahi kusimama mbele ya wananchi hata siku moja na kuwambia wamepata pesa kiwango fulani kutoka kwa Bunge la Seneti baada ya kupitisha sheria hususan wala wametumia kiasi gani.

Sijanena kwa ubaya lakini ukiangalia haswa gatuji la Tana River, huwezi msikia Gavana akisema eti katika *project* hii, mgao wa pesa uliokuja ni huu, pesa ambazo zimetumika ni hizi na wanatarajia kumaliza *project* kwa kutumia pesa kwa hii namna.

Uwepo wa uwazi ni kitu muhimu sana katika usimamizi wa pesa za umma. Tunataka *a new culture*, yani tabia mpya kutoka kwa magavana hawa. Kila Gavana akitoa *statement* au hotuba kwenye mikutano huelezea kilomita za barabara ambazo wamejenga, asilimia ya watu walioajiriwa na mishahara ambayo wamelipa. Kama kuna shida kutoka Serikali kuu basi wanasema hawajapata pesa. Wanafaa waeleze wananchi kwa uwazi usimamizi wa pesa zao. Hili ndilo jambo wanataka.

Bw. Naibu Spika, Ripoti hii inatukumbusha kwamba Bunge la Seneti kupitia kamati ya afya wanasisitiza kuwa pesa za wananchi pale Kenya Medical Supplies Authority (KEMSA) na katika vituo vyote vya Serikali zitumike vizuri.

Hizi pesa sio zetu; ni za wananchi hawa na ni haki kuwaeleza kila siku. Kama wewe ni gavana na unaenda hospitali ili kusimamisha *good services* lakini umepata nusu, robo au hujapata pesa zozote, basi waeleze wananchi.

Kama unatumia barabara ambayo ina mashimo au kuna *bridge* ambayo haijajengwa waeleze wananchi shida iko wapi. Kama hujashughulikia mambo ya *agriculture* waeleze sababu. Wananchi wanataka kuona pesa zao zikifanya kazi. Ulipigania kiti hicho, ukaingia na kusimama pale kuahidi kuwa utarekebisha serikali kwa kuwasaidia wananchi wale. Magavana, nawasihi muwaeleze wananchi wetu vile pesa hii inatumika.

Mara nyingi magavana wanaposimama huongea mambo ya siasa. Siasa hizi mnafaa kuwaachia maseneta, ‘mama kaunti’ na wajumbe. Nyinyi kama *executive* ni tofauti. Usiwe mtu wa kuongea siasa kutoka asubuhi hadi jioni lakini husemi ni pesa ngapi zimekuja kwako, ni ngapi umetumia, au ni watu wangapi umefuta kwa sababu ya kuharibu kazi. Haya ndio maneno wananchi wanataka kusikia kutoka kwa magavana.

*Speech* ya Gavana lazima iwe tofauti na ya Seneta au Mbunge. Hawa wanaweza kuongea mambo mengine *general*. Gavana ni lazima aeleze wananchi kwa sababu yeye ni Chief Executive Officer (CEO) wa kaunti.

Tunaomba sana magavana wapate *a new thinking or way* ya kufanya kazi kwa sababu ya huu mwamko mpya. Ripoti hii inashinikiza ubadhirifu wa pesa uwe jambo la zamani na tuzitumie pesa zetu vizuri.

Bw. Naibu wa Spika, kwa hayo mengi, namshukuru *Chair* wa Kamati ya *Health*, Sen. Mandago, pamoja na *team* yake yote. Wamefanya kazi nzuri. Tunaiunga Ripoti hii mkono.

Asante kwa kunipa nafasi hii ya kuongea.

**The Deputy Speaker** (Sen. Kathuri): Asante Seneta wa Kaunti ya Tana River.

Seneta wa Kaunti ya Makueni, Sen. Maanzo?

**Sen. Maanzo:** Thank you, Mr. Deputy Speaker, Sir. I would like to contribute to this very important Motion. This was about the supply of treated mosquito nets to Kenya

National Hospital (KNH) by KEMSA. There is also the involvement of the Ministry of Health (MoH), the Global Fund and the National Treasury.

According to the Report, the tender that was awarded was cancelled. Malaria, Human Immunodeficiency Virus (HIV), Tuberculosis, and such diseases are deadly. KEMSA is aided by the grants from the Global Fund to make sure people are safe and do not die unnecessarily from these diseases. When the Global Fund saw a delay from a cancelled tender, which was unprocedural because of political interest, they knew the spread of Malaria was likely to be heightened.

Mr. Deputy Speaker, Sir, you are aware that in a hospital as huge as KNH or any other big hospital, there is a possibility of mosquitoes attacking patients and spreading disease if the nets are not available. Further, somebody who had gone to hospital without this disease might end up coming out of there sicker and fails to be treated at home. Therefore, the matter was very important to the public. The step the Global Fund took was to procure these nets and give them to KEMSA to supply with facilitation to do so.

The KEMSA, which is a government broker for purchase of drugs, failed to make profit. It also brought issues to our own Procurement and Asset Disposal Act. The Committee has come up with several recommendations, including amendments to this particular Act. Most importantly, we are looking at integrity. It has gone a long way to bring many problems in this country. When there is no integrity, the public loses trust with the government and its officers.

Mr. Deputy Speaker, Sir, when you expect these people who have no integrity to be prosecuted, then the institutions that are supposed to investigate and, eventually, prosecute can only do so with sufficient evidence. The moment there is no evidence or the evidence is there but is not being produced, then these institutions stall in their duties and become ineffective.

Therefore, one of the ways of making sure corruption is curbed is by prosecuting those suspected to have committed bribery but this is the biggest headache for the Office of DPP.

There are two investigating agencies. That is why they keep on sending files back to these investigators to cover certain areas to make sure that any prosecution going on is solid. You are not just going to present a sham in court knowing very well people suspected of corruption will be acquitted.

In this case, recommendations were made because treated mosquito nets are important to make sure that malaria does not kill people. Malaria is one of the biggest killers in the world. It is so serious. If it is not well prevented, many people get attacked and have a hard time recovering. Therefore, without proper drugs and proper prevention, you put human life in danger.

Weak laws, failure to apply the law, weak institutions that have been interfered with have caused a lot of frustration to institutions themselves, to the prosecuting agencies, and eventually to Kenyans. It has been part of the reason there has been a lot of impatience and people almost taking the law into their own hands or ending up in demonstrations and scenarios like that.

The recommendation by Senate is to strengthen institutions through legal amendments and also by hiring people with integrity to ensure that when they implement their duty, even when the law has issues, they do it precisely.

When you look at the import of cancelling a tender of this nature, it means there is the likelihood of patients being in hospital without proper nets. The funding agency decides the reason we are funding this particular prevention of a disease is to save lives.

Therefore, it takes measures to intervene and decides to ignore the Government institutions; the Ministry of Health, the National Treasury, the Kenya Medical Suppliers Authority (KEMSA), and goes on to their portal to procure and makes sure these nets are available. They give them to KEMSA and tells them, please, rush them to the Kenyatta Hospital to make sure that no one contracts malaria.

This has happened repeatedly in many other scenarios in the country where procurement, although we have a law, is weakened by individuals without integrity in Government offices. These are people we have given a job to take care of our resources and lives of Kenyans but end up politicizing the whole issue and making sure that nothing happens eventually.

For that matter, we want to support the recommendations of this House. This House has done its level best in every aspect to make sure that devolution works, that devolved functions such as health work and people are accountable. Accountability has been a big failure in our times. That is why you are finding there is expectation from the youths of this country, from citizens of Kenya, that there should be accountability with the people we put into office.

One of the recommendations, which came in this, was that whoever is the Chief Executive Officer (CEO) of an institution must not act for too long. Acting CEOs do not have full responsibility for what they are supposed to do, and may not fully account. Therefore, one of the recommendations which the Senate made was that no one should act for too long.

In this country, we have a history of people acting for two years. We had one case where somebody acted for seven years. You act beyond your contract, it is renewed and you are still acting. One of the recommendations is that the longest that people should ever act is between one month and six months. These are the recommendations that Senators came up with.

Somebody may resign from office, may pass on in office or their contracts may come to an end. The Public Service Commission should make sure that interviews are done and somebody of integrity is picked to deal with an institution like that.

Recently, KEMSA interviews were done, and the person who led those interviews, Dr. Mulwa, was not appointed contrary to the expectation of many people who thought he was doing a good job while acting as the CEO of KEMSA.

He is a qualified doctor, he was one time a CECM of Makueni County, and was now working with the Minister of Health when he was asked to act. He was doing his level best to streamline KEMSA but now, he has not been appointed.

There was all manner of rumours about why you were number one and you were not picked. You should be given justification why you have not been picked, yet you are the one who led in the interview and you are the most qualified. Why would somebody

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else, who is less qualified, be picked instead of you? Of course, politics come into play, negotiations and many other things such as regional balancing, which did not apply in this case of KEMSA.

Unfortunately, Dr. Mulwa has lost this opportunity to serve Kenyans. We still wish he would continue to apply to many other departments in health where he specializes and could serve Kenyans.

Procurement of the nets was one of the big issues in KEMSA. We had many problems when it came to the Corona Virus Disease (COVID-19) times, the procurement of masks drugs and all those things in the country. Right now, many countries do not have drugs, partly because they do not have the money. Monies are not available in the counties for several months.

The Senate is about devolution. I do not know what we are going to do in the future to make sure that counties receive their money on time. They have to pay salaries and pending bills. When there are delays, it becomes more expensive to run the county and they achieve less.

Therefore, I support the Committee in its work and its recommendations.

There were recommendations to the Cabinet Secretary of ICT to make sure that everything flows smoothly. There were recommendations to the Board of KEMSA and the Cabinet Secretary in terms of National Treasury and Economic Planning.

There were also recommendations dealing with the Office of the Prime Cabinet Secretary, who was to review the structure to make sure that the intergovernmental relations flow quickly. We have several ministries involved in procurement, which could delay a lot of things.

Therefore, it is important that we just do not debate here, make reports and the recommendations are not implemented. I am looking forward to the implementation of this to make sure that procurement for health facilities, medicine to the counties, procurement for hospitals and anything else related to devolved health, is done and serves the nation.

I support.

**The Deputy Speaker** (Sen. Kathuri): On my screen, I have three Senators; Sen. Osotsi, Sen. Onyonka and Sen. Sifuna. I do not think any of them is around.

Therefore, having no other Senator interested in contributing to this Motion, I call upon the mover to reply. Sen. Mariam Omar, are you ready to contribute? Sen. Olekina, are you ready to contribute?

*(Sen. Olekina spoke off record)*

I think she was the Mover.

*(Sen. Olekina spoke off record)*

Sen. Mariam, why do you not request Sen. Olekina to reply? Go on record because you moved the Motion.

**Sen. Mariam Omar:** Mr. Deputy Speaker, Sir, I request Sen. Olekina to reply.

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**The Deputy Speaker** (Sen. Kathuri): Sen. Olekina, proceed.

**Sen. Olekina:** Mr. Deputy Speaker, Sir, allow me to thank all the Members of the Senate who contributed to this Motion. This is an important Motion that deals with matters of due diligence and fiduciary responsibility. It is imperative that the recommendations proposed by the Committee, which I sit on, are adhered to.

There is a big lacuna in the law on matters to do with funds given to the country by donors. For example, if you find that the National Treasury, which receives the funds, has another procuring entity for the Ministry for Health (MoH), it becomes problematic.

I am happy that all Members who contributed to this Motion observed keenly and noted that when it comes to issues of specifications of mosquito nets, there are requirements by the MoH and the donor agency. These are issues that must be put in line and the role of the MoH must be clear.

The biggest confusion that we noted when we were dealing with this matter is that just over night when the procurement process is almost coming to an end, the Cabinet Secretary wrote a letter saying that it should be halted because they did not include certain specifications. Truth be told. What we observed is that there was an interest by very strong people in this country; one on the right and the other on the left wanting to make sure that their companies are awarded contracts. That led to the Kenya Medical Supply Authority (KEMSA) losing a lot of money.

It is important that the Public Procurement and Asset Disposal Act is amended and the recommendation by the Committee effected so that it becomes clear. We do not want to be losing money every time an agency is given money to procure certain services, for example, mosquito nets, and they want to make some commission out of it but the donor agency has set very stringent measures to be followed for them to qualify. If they fail, that agency ends up carrying out direct procurement.

I thank all the Members and hope that this will be one of those reports that will be taken seriously and that this Senate, particularly the Committee that I sit on, will bring amendments, so that whatever has been agreed on can be implemented.

I beg to reply.

**The Deputy Speaker** (Sen. Kathuri): Thank you, Sen. Olekina. I was trying to ascertain the quorum to put the question but since we have no requisite quorum---

**Sen. Olekina:** *(Inaudible)*

**The Deputy Speaker** (Sen. Kathuri): No, it is in our Standing Orders to always ascertain whether we have quorum.

**Sen. Olekina:** Mr. Deputy Speaker, Sir, as I beg to reply, may I request that the question be put another time because of quorum?

**The Deputy Speaker** (Sen. Kathuri): Very well, that is okay.

We defer the putting of the question to the next sitting or some other time.

*(Putting of the Question on the Motion deferred)*

Next Order.

**MOTION**ADOPTION OF REPORT ON DESTRUCTION OF SIANY  
WETLAND IN NYAMIRA COUNTY

THAT, the Senate adopts the Report of the Standing Committee on Land, Environment and Natural Resources on a Petition to the Senate by residents of Siany Area, Nyamira County, regarding the destruction of 41 hectares of Siany Wetland – LR No. North Mugirango/Magwagwa II/403 laid on the Table of the Senate on Tuesday, 23<sup>rd</sup> July, 2024.

**The Deputy Speaker** (Sen. Kathuri): Is the Chairperson, Standing Committee on Land, Environment and Natural Resources present?

We defer that Order.

*(Motion deferred)*

Next Order.

**MOTION**ADOPTION OF REPORT ON CONSIDERATION OF AUDIT  
REPORTS OF VARIOUS WATER SERVICE PROVIDERS

THAT, the Senate adopts the Reports of the Select Committee on County Public Investments and Special Funds on its consideration of the Audit Reports for the year ended, 30<sup>th</sup> June, 2019, 30<sup>th</sup> June, 2020 and 30<sup>th</sup> June, 2021 of the following Water Service Providers-

- (i) Amatsi Water Services Company Limited - Vihiga County;
- (ii) Bomet Water Company Limited – Bomet County;
- (iii) Gusii Water and Sanitation Company Limited – Kisii/Nyamira Counties;
- (iv) Kisumu Water and Sanitation Company Limited –Kisumu County;
- (v) Kwale Water and Sewerage Company Limited – Kwale County; and
- (vi) Nyeri Water and Sanitation Company Limited – Nyeri County.

and the Audit Report of the Wajir Water and Sewerage Company Limited for the year ended 30<sup>th</sup> June, 2021, laid on the Table of the Senate on Thursday, 23<sup>rd</sup> November, 2023.

**The Deputy Speaker** (Sen. Kathuri): Is the Chairperson, Committee on County Public Investments and Special Funds not here? That Order is deferred.

*(Motion deferred)*

Next Order.

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**MOTION**ADOPTION OF REPORT ON CONSIDERATION OF FINANCIAL  
STATEMENTS OF VARIOUS COUNTY EXECUTIVES

THAT, the Senate adopts the Report of the Select Committee on County Public Accounts on its consideration of the Reports of the Auditor-General on the Financial Statements of Tharaka Nithi, Homa Bay, Kakamega, Kirinyaga, Makueni, Meru, Bomet, Murang'a, Nandi, Nyamira, Nyeri, Siaya, Vihiga, Wajir and Samburu County Executives for the Financial Year 2019/2020 laid on the table of the Senate on Tuesday, 5<sup>th</sup> March, 2024.

**The Deputy Speaker** (Sen. Kathuri): The Chairperson, Committee on County Public Investments and Special Funds is not in. The Motion is deferred.

*(Motion deferred)*

Next Order.

**MOTION**ADOPTION OF REPORT ON CONSIDERATION OF AUDIT  
REPORTS OF VARIOUS WATER SERVICE COMPANIES

THAT, the Senate adopts the Reports of the Select Committee on County Public Investments and Special Funds on its consideration of the Audit Reports for the Financial Years 2018/2019 (Volume IV), 2019/2020 (Volume V) and 2020/2021 (Volume VI), for the following Water Service Companies laid on the table of the Senate on Wednesday, 29<sup>th</sup> May, 2024;

- (i) Busia Water and Sewerage Services Company Limited;
- (ii) Iten- Tambach Water and Sewerage Company Limited;
- (iii) Kirinyaga Water and Sanitation Company Limited;
- (iv) Malindi Water and Sewerage Company Limited;
- (v) Mandera Water and Sewerage Company Limited;
- (vi) Migori Water and Sanitation Company Limited;
- (vii) Mombasa Water and Sanitation Company Limited;
- (viii) Nanyuki Water and Sanitation Company Limited; and
- (ix) Nithi Water and Sanitation Company Limited.

**The Deputy Speaker** (Sen. Kathuri): Is the Chairperson, Committee on County Public Investments and Special Funds not here? The Motion is deferred.

*(Motion deferred)*

**The Deputy Speaker** (Sen. Kathuri): Sen. (Prof.) Margaret Kamar is here. Proceed to move your Motion.

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**MOTION**NOTING OF REPORT OF SENATE DELEGATION TO 66<sup>TH</sup> COMMONWEALTH  
PARLIAMENTARY CONFERENCE HELD IN ACCRA, GHANA

**Sen. (Prof.) Kamar:** Thank you, Mr. Deputy Speaker, Sir. I beg to move the following Motion-

THAT the Senate notes the report of the 66<sup>th</sup> Commonwealth Parliamentary Conference held in Accra, Ghana from the 30<sup>th</sup> September to 6<sup>th</sup> October, 2023 laid on the Table of the Senate on Wednesday 14<sup>th</sup> February 2024.

The 66<sup>th</sup> Commonwealth Parliamentary Conference took place from the 30<sup>th</sup> September to the 6<sup>th</sup> October, 2023 in Accra, Ghana, under the theme of the *Commonwealth Charter 10 years on values and principles for parliaments to uphold*.

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

*The Temporary Speaker (Sen. Veronica Maina) in the Chair]*

Madam Temporary Speaker, the Kenyan delegation to the 66<sup>th</sup> Commonwealth Parliamentary Conference comprised over 23 Members. It was one of the largest delegations we have had led by the Rt. Hon. Moses Wetangula, the Speaker of the National Assembly, as the Leader of Delegation; the Hon. Makali Mulu, the Hon. Timothy Wanyonyi, the Hon. Beatrice Adagala, the Hon. John Paul Mwirigi, the Hon. Beatrice Elachi, the Hon. Ronald Karauri, the Hon. Patrick Simiyu, the Hon. Sahir Iyanda, and the Hon. Badi Twaleef, Bady.

From the Senate, three of us including Sen. Mwinyihaji Faki, Sen. Wahome Wamatinga and myself as the leader of the delegation. The Clerks were led by the Clerk of the National Assembly, Mr. Samuel Njoroge.

During the Conference, Members of the Kenyan Delegation were actively involved in the deliberations, speaking at meetings of the Commonwealth Parliamentarians and the African Regional Meeting.

Our Leader of Delegation, the Rt. Hon. Speaker of the National Assembly led us very well. He emphasized the fundamental need to change the status of the Commonwealth Parliamentary Association from a charitable body to an inter-parliamentary organ. He urged the Government of the United Kingdom to enact the appropriate legislation to facilitate the change of the status of the Commonwealth Parliamentary Association.

This was a major proposal because, after many years of this Parliamentary Group, it looks like there is a need to change so that it becomes more active and also answerable to the Parliaments to ensure that the discussions in the Commonwealth relate very well to the activities of the member States.

During the General Assembly, therefore, while contributing to topical debates on food security and sustainability in the Commonwealth, the Speaker also stated that food

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security and sustainability are pressing issues that require concerted efforts and innovative strategies to address.

The issues that are more pressing in the Commonwealth countries are not as pressing for the United Kingdom (UK). This was raised in several sessions by different speakers. Our Speaker brought in the issue of shared common goals between the membership. One of the issues that affects Africa especially is food security.

He therefore observed that the process of harvesting remained integral to food security and sustainability. He said that it was essential to strike a balance between meeting the immediate food needs of any people of any State and safeguarding the resources and the eco-system for the future needs. He noted that sustainable harvesting practices of natural resources are also key to the components of achieving the balance between the environment and food production.

Madam Temporary Speaker, the theme of the Commonwealth Charter ten years on, values and principles for Parliaments to uphold came at a time when the Commonwealth was reflecting on the 10<sup>th</sup> Anniversary of the Commonwealth Charter. The Commonwealth Parliamentary Association (CPA) has been on for the last 10 years.

The Commonwealth Charter has continued to play a crucial role in shaping how parliaments function within the Commonwealth and emphasizes the need for democracy, human rights and the rule of law within the Commonwealth itself.

During the workshop on the Commonwealth Charter, there were discussions on the human rights framework within the Charter, emphasizing the principles of equality, non-discrimination and universality. With this respect, as a Parliament, we can uphold the values and principles of the Commonwealth Charter ourselves by enacting legislation to promote equality, justice and the dignity of all individuals.

This is very important because even as we have been discussing the recent issues that are going on in our country, we have noted that the issues of equality and justice keep appearing and reappearing. We must relook our legislation.

The other area that our own Parliament should be looking at is conducting oversight of the Executive branch to ensure adherence to the Commonwealth Charter.

The third one is engaging in dialogue with civil society and other stakeholders to promote awareness and understanding of the Charter's values and how we can apply them in our situation.

Madam Temporary Speaker, other workshops were held also under different themes on the sidelines of the 66<sup>th</sup> Commonwealth Parliamentary Conference, which included a workshop on the threat of terrorism to statehood. The role of Parliament was discussed.

This workshop provided a platform for in-depth discussions and knowledge sharing among the panelists and participants with the ultimate goal of enhancing the capacity of participants to effectively address the threat of terrorism to statehood while upholding democratic values and principles.

This was a very important workshop, especially when it came to members of the Commonwealth from the African continent, where terrorism has been a real threat to nationhood and statehood and has disrupted democracy to some extent.

The second workshop was on gender quotas in Parliament, an issue that touches us to the core in this country.

The issue was: “Gender Quotas in Parliament, Are Their Means to an End?”. The workshop provided a platform where panellists and participants explored the multifaceted nature of gender quotas in parliamentary representation, recognising their potential to address gender disparities in politics, while also acknowledging the challenges and importance of a broader, more inclusive approach to promoting gender equality in governance.

As I said, this is still an issue in our own Parliaments. We know the importance of the quota. It is stated in our Constitution. However, this time, we looked at other approaches of implementing it, because that is extremely important for nation building.

The third workshop was a round table on the role of the Commonwealth in international security and peace building. One of the key matters in the Commonwealth Parliamentary Association is peace building and security. The workshop provided a platform for young leaders and stakeholders to engage in discussions related to global security and peace efforts, with a specific focus on the Commonwealth's role.

Participants exchanged ideas, shared experiences, with a view to contribute to the broader conversation on global security and peace efforts, as well as the Commonwealth's part in promoting these goals. It was a very vibrant group and they gave us a wonderful report in the plenary.

The fourth workshop was on environmental approaches in tackling energy poverty. It provided a platform for panellists and participants to discuss and explore various strategies and solutions for addressing the challenge of energy poverty, while also promoting sustainable and environmentally friendly practises. I was a Member of this panel. I have heard that tackling energy poverty is a combined effort from the Government and its citizens. Environmental conservation cannot be done by the Government alone.

It must be done by the public too. We know that communities that live next to forests are the chief conservators of those forests. Before the Government comes in, it is the community that comes in. We looked at how energy poverty can be married to both agricultural and environmental practises by communities that live around forests.

I further stated in that meeting that the major challenge to tackling energy poverty has been communities in rural areas to transition from fossil fuel to clean energy as charcoal continues to be a cheaper option. Again, we need to ask ourselves--- I pointed out some of the solutions that have been initiated to contain energy poverty in Kenya. They include-

- (1) Rural electrification that has taken place over many years in Kenya.
- (2) Diversification of electricity as a source of power to include wind power, like the wind farm we have in Turkana and Ngong Hills.
- (3) Creation of national energy policies.
- (4) Compulsory use of solar for water heating in cities, including Nairobi.

These policies go a long way in ensuring that we have enough energy because energy poverty is a disaster. If people do not have enough energy for their normal daily food cooking, that becomes a major problem.

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The second last workshop was the one on 20 years of the Latimer House Principles on separation of powers. The question was whether the separation of powers was really working.

As a House, this is something we need to engage in and ask ourselves. This workshop served as an opportunity for participants to engage in discussions about the implementation and effectiveness of the Latimer House Principles, which promotes the separation of powers in democratic principles. These keeps coming on and off because unless we have clear separation of powers between the Executive, Legislature and Judiciary, it becomes difficult to run a nation.

Madam Temporary Speaker, the last workshop was on e-Parliament and effective mechanisms of intersectional diversity and equitable public engagement. This workshop provided a platform for discussions and valuable insights on how digital and on-line Parliamentary mechanisms have helped promote diversity, inclusivity and public participation.

Of course, as we talk of this, as a Senate, we have enjoyed it by having a hybrid system where we allow the virtual participation in Parliament. This was encouraged.

Other meetings also took place on the sidelines of the 66<sup>th</sup> Commonwealth Parliamentary Association (CPA), which included meeting of the Commonwealth Women Parliamentarians. Again, the women members of the delegation participated in this meeting and discussed about the gender quotas as a precursor to the main workshop. This included those in Parliament and the Executive. It came out very clearly that we still need to have more strategies to help us reach that goal.

We had also had the Commonwealth Parliamentarians with Disabilities Network and the inaugural Emilia Lifaka Lecture. The delegation finally was grateful that the Speaker allowed us to participate in this. The delegation comprised of the two Houses.

The three of us together with our clerks are extremely grateful that the Speaker allowed us by facilitating our travel to the CPA. We are also grateful to the Clerks for the great work that they did between the many workshops and the reports they compiled for us as Members.

Madam Temporary Speaker, with those remarks I beg to move and request Sen. Faki to second.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Senator. Sen. Faki proceed.

**Sen. Faki:** Asante, Bi. Spika wa Muda, kwa kunipa fursa hii kuunga mkono ripoti maalum ya ujumbe wa Bunge la Seneti katika Kikao cha 66 cha mkutano wa Commonwealth mjini Accra, Ghana. Jumuiya ya Commonwealth ni moja katika jumuiya za ulimwengu ambazo zimestawi kwa muda mrefu. Imeweza kujumuisha nchi ambazo zilitawaliwa na Waingereza wakati wa ukoloni.

Kama alivyotangulia kusema, Sen. (Prof.) Kamar, ujumbe huu uliongozwa na Spika wa Bunge la Kitaifa, Mheshimiwa Wetangula.

Upande wa Seneti, kiongozi wetu wa ujumbe alikuwa ni Sen. (Prof.) Kamar. Pamoja na Sen. Wamatinga, sote tulihudhuria na kushiriki pakubwa katika vikao pamoja na mijadala tofauti tofauti iliyoendelea katika mkutano huo.



Ripoti ni nzuri sana na imetoa kwa ufasaha zaidi mambo yale ambayo yalijadiliwa katika mkutano huo na zile nususi ambazo zilihusika katika mkutano huo. La msingi ni kuwa maazimio haya ambayo yamezungumziwa katika ripoti hii, yote yalikubaliwa pamoja na zile jumbe nyingine zote ambazo zilihudhuria mkutano huo.

Ningependa kuguzia kwamba kulikuwa mijadala kuhusiana na ugaidi kama tishio kwa nchi. Suala hili ni muhimu sana kwa sababu hapa Kenya, tumepigwa mara kwa mara na makundi ya kigaidi. Kwa mfano, bomu lililipuliwa katika Ubalazi wa Marekani hapa Nairobi, mashambulio ya Garissa University na vile vile mashambulio ya Dusit2 Hotel na mengineyo mengi ambayo yamefanyika katika nchi yetu kutokana na ugaidi.

Tuliweza kujadili mbinu tofauti tofauti za kuzuia ugaidi pamoja na itikadi kali kwa sababu, mambo haya mawili yanaingiliana. Mtu ataanza katika itikadi kali na baadaye anaingia katika ugaidi. Tulisema kwamba, ni lazima kuwe na ushirikiano baina ya mataifa kwa sababu, mara nyingi magaidi wanafanya njama zao katika nchi tofauti tofauti.

Kwa mfano, hapa Kenya, mashambulizi mengi ambayo yametokea, magaidi wengi wametoka katika upande wa Al-shabab kutoka nchi ya Somalia. Kwa hivyo, ipo haja ya nchi ambazo ni jirani zetu kushirikiana kuhusiana na kutambua na vile vile kukinga mambo ya ugaidi.

Suala lingine ni kwamba ni lazima kutolewe rasilmali ya kutosha ya kupambana na ugaidi pamoja na kununua vifaa vya kisasa vya kutambua silaha hatari ambazo zinaingizwa katika nchi zetu. Vile vile ushirikiano na makundi ya kijamii; *the civil society organizations*, ili kupeleka ujumbe kwamba ugaidi ni jambo ambalo linaharibu nchi na linasababisha maafa.

Tulisema kuwa, ipo haja ya kuyapa nafasi Mabunge ili yaweze kupambana na ugaidi pia. Kwa mfano, iwapo Mabunge yetu yataweza kufanya kazi zake za uangalizi kwa uangalifu, itasaidia pakubwa kujua ni pesa ngapi ambazo zimeenda katika kila eneo. Vile vile zinatunika vipi na zimesaidia vipi kupunguza umasikini, kuimarisha elimu. Pia, kupeleka vitu ambavyo vitaweza kuzuia wananchi kufikiria ya kwamba wametengwa na jamii na vile vile kuingia katika mikono ya wale ambao wanadhamini ugaidi.

Vile vile, ni lazima kuwe na sheria ya kuzuia *cross border terrorism*. Kwa mfano, iwapo gaidi ameingia kutoka nchi jirani, anapofika Kenya, hata kama hajafanya ugaidi, basi sheria iweze kumchukulia hatua kwa hakika ili kupunguza mambo kama hayo.

Mambo mengine ambayo yalikuwepo ni masuala ya mazingira na ni vipi tutaweza kuangalia masuala ya umasikini katika kawi yaani *Energy poverty*. Hili ni suala nyeti kwa sababu katika Afrika bado jamii kubwa inatumia zile kawi za kizamani. Kwa mfano, jamii nyingi hapa Kenya vile vile wanatumia kuni.

Utumiaji wa kuni unachangia kuharibu mazingira kwa sababu miti huchukua muda mrefu kukua. Matumizi ya kuni huathiri kile kinachojulikana kwa Kiingereza kama *Ozone Layer*. Hivyo basi, ipo haja ya kutatua swala la umaskini wa kawi katika nchi zetu ili kuhakikisha kwamba tunalinda mazingira yetu na vile vile kupata kawi ambayo ni nafuu ili wananchi waweze kustawi.

Pia, maswala ya haki za kibinadamu ambayo ni nyeti sana katika nchi zetu yalizungumziwa. Hilo lilizingatiwa na Jopo la Sita. Vile vile, swala la *e-Parliament*, yaani Bunge la kisasa, lilizungumziwa hususan wakati wa COVID-19.

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Hapa nchini, Seneti ilikuwa na vikao vingi sana. Tulikuwa tunahudhuria *virtual sittings*. Kamati pia ziliweza kufanya kazi nyingi wakati wa janga la COVID-19 walipokuwa wakifanya mikutano *online* ili kuhakikisha kwamba kazi ya Bunge inaendelea kufanyika bila shida yoyote.

Vile vile, wakati wa COVID-19, tuliweza kufanya mikutano na watu kutoka nchi mbalimbali tukiwa hapa nchini. Hivyo basi, tuliweza kupunguza gharama za usafiri na kufanya mikutano kwa kiasi kikubwa. Maswala ya *e-Parliament* yatasaidia kupunguza gharama za Bunge itakapoanza kutumika kikamilifu.

Bi. Spika wa Muda, kwa hayo mengi, asante kwa kunipa fursa hii ili kuunga mkono ripoti hii.

**The Temporary Speaker** (Sen. Veronia Maina): Thank you, Hon. Senator.

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

*(Question proposed)*

This matter is now open to debate, but I do not seem to have any request. Sen. Olekina, proceed.

**Sen. Olekina:** Madam Temporary Speaker, allow me to begin by appreciating my two colleagues – Sen. (Prof.) Kamar and Sen. Faki, from the Coast – who were among Members who represented the Senate. I always consider these as talk shows especially when we go to a forum organised by a charity.

Even though I do not agree with him in most of his contributions, the Speaker of the National Assembly proposed something which is very important.

It is about time that we decide whether or not we want to completely delink from this tie that we have had with the Commonwealth for over 10 years and live as independent bodies. However, because it is important for the British to maintain this society, for them and us to be reminded for generations to come that we were colonized by the British, I agree with the observations made by my nemesis just in thoughts - the Speaker of the National Assembly - that it is about time that the UK Parliament passed a legislation to convert this body from just a charity association or a forum where parliaments interact to an inter-parliamentary body with structures and functions.

The things that these distinguished and Hon. Members discuss are important and we can learn from each other; things to do with food security. I am happy that they noted the big challenge that we have in Africa.

As leaders, if we start looking and thinking about the results, that is when we will have solutions for all our problems. We have a lot of problems which I dare say that even right now as we sit here, we can hear trumpets and vuvuzelas. Of course, those are people lamenting and complaining because of being marginalized.

I am happy that when these Members went, they discussed the issue of marginalization because it is the one that breeds terrorism. All these challenges that we are having now are brought about essentially by the problem of not getting anything to eat.

Madam Temporary Speaker, yesterday I was listening to a young citizen of this Republic. He was making a lot of sense, complaining that he has a wife at home but he has no food and no job. He has a child that he needs to take care of. He needs a job in order to live a good life.

These hon. Members of Parliament, both of the National Assembly and the Senate, sat with their colleagues from the Commonwealth Nations celebrating 10 years and discussing issues to do with food security, marginalization, terrorism, integration and working together. They should really now guide us. This is why every Member should be reading this Report.

One of the things that touched me - and I hope that as a country we can be able to go into that direction - is how to improve harvesting of our food by leveraging on technology.

The Government of Kenya ought to be focusing a lot because agriculture is devolved but it seems that most of the money is left with the national Government. If we want to leapfrog and catch up with other Commonwealth nations, it is about time that we invest heavily on the agricultural sector.

Learning from other Commonwealth nations, we can only guarantee food security in this country by putting a lot of money in leveraging on technology for either animal feeds or just ordinary food for human consumption.

Madam Temporary Speaker, let me use a good example of a small country called Burkina Faso. Burkina Faso is a country that has gone through a very difficult time. However, the young leader who is there now is speaking to the issues that my colleagues went and spoke with the rest of the Members from the Commonwealth Nations; food security. The current leader came in and decided that everybody has to work.

Instead of buying SUVs for Ministers, they ended up buying tractors and harvesting equipment for their citizens to go out there and work and guarantee food security. If we could take a leaf from that, then we will be able to take this country to greater heights.

The other issue, which I am happy that my colleagues discussed and I hope that we can make it practical, is the issue of the younger generation. I am very passionate about the issue of intergenerational fairness. The reason why we have problems today in this country is because we, in the leadership, are only concerned about lining our own pockets and not about the future generations.

I believe it is time that we think about how to solve this problem of the youth. They also talked about the issue of the two-thirds gender rule that we have discussed here and exploring ways of bringing equity or equality among the things that we share in terms of leadership.

Madam Temporary Speaker, these are not new things. These are things which are in the Sustainable Development Goals (SDGs) which all countries around the world have teamed up together. The Gen Zs in this country have taken up that issue to ensure that there is equality, accountability and transparency.

I hope that next time when we send a delegation to go and discuss very important issues including food security, gender parity, the youth and the role that they play and environmental approaches, it will not take almost two years.

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This event took place on 13<sup>th</sup> September 2023 and we are now going to 2025. Maybe, if my colleagues had tabled, prioritized, brought up this matter and submitted this Report for the Senate to note six months earlier, we would not have been dealing with the issues of Gen Zs right now.

Maybe we would have learned from that and would not have waited for the Gen Zs to come and remind us that, they are hungry and jobless, and us and the Executive are corrupt. Maybe we would have learnt something from this. Since we spend money to go to these forums, we might as well take in what they bring in so that we can learn from it.

As I conclude, I appreciate the good Prof. Kamar and Sen. Faki. I look forward to the announcement at 2 p.m. by the State House to see whether it will bring some sense of sobriety and maybe give us an avenue to move forward taking into consideration and listening to what the Gen Zs are asking. If we do not listen, they will force us to listen or they will chase us out of this country.

Thank you.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you. Proceed, Sen. Wamatinga.

**Sen. Wamatinga:** Thank you very much, Madam Temporary Speaker. Indeed, I took part in this Conference in Accra, Ghana. It was a moment to reflect on several things; most importantly looking at where we have come from, the history, ties and the bondage that we have between the countries that attended.

The issues that were raised pointed out several matters that we need as countries, individual Member States and as an organization to look into. It was an eye-opener and it cannot go without being noticed. The efforts that have been put by most of the member States towards achieving gender parity, and youth mainstreaming in the political and economic activities of the nation have been quite impressive in some countries while others are still lagging behind.

However, it is important also to note that the organization as it stands today, there still is one major obstacle and handcuff that has hindered it being accepted internationally because of how it has been anchored in law.

If my memory serves me right, there is the requirement that the UK passes a Motion so that this becomes self-independent in the way it is operating.

It is outside the control of most of the member states and therefore, one could read the desperation of the member states when they require a Private Member's Motion as it is in this House, which is not ranked as a priority. It has continued to dodge the member states in trying to achieve what they envisage. However, exchanging ideas with people from other countries and looking at the similarities of the challenges that confront us, we realize that we are bound together like Siamese twins and we cannot abort our relationship as people who share a common history.

Having said that, it is also not lost to me that the main constraint of the availability of resources is to ensure that most of the decisions that have been made have been implemented. Taking 12 months, that is once in a year, to sit down in a roundtable to discuss issues, requires that we have a meticulous way of getting a mechanism that will ensure that they are also implemented.

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For instance, like in most international organisations, which lack the political goodwill of some of the big brothers and sisters, they have kept on dodging the success that can be otherwise attained.

I also noted that there was a presence of youth and women leadership. It was not lost on us that the role of women in leadership towards ensuring that we get an equitable distribution of resources and most importantly their representation and role in leadership positions was very pronounced. I must say this is a major milestone that must be celebrated by all people who believe in gender equality.

Having said that and looking at it from the backdrop of the challenges that we are having as a country, especially the youth, it is important to note that we are socially and morally woven from different fabrics. We in the Generation X need to take time to understand the Gen Z and maybe even the millennials. Most importantly, we must give them hope that tomorrow belongs to them.

Madam Temporary Speaker, in Kenya today, the challenges that we are facing with the Gen Zs are founded on the lack of seeing the perspective in the kind of life, country and infrastructures that we are putting in place because we have for so long been over-obsessed with futuristic developmental projects which leaves the Gen Zs out of the equation.

It is a question of even the elections that we conduct every five years. I was in Rwanda as an observer and I was quite impressed by the nature of politics that they do. In the whole country that was running a presidential election, you could not see a single poster on an electricity post.

The campaigns were quite sober and devoid of the hullaballos that we get to see in our country. This begs the question whether indeed we do need to relook at the laws governing the elections and the kind of resources that go into it.

Madam Temporary Speaker, for anybody who has ever contested any elective post in this country, we know that it is an expensive affair. It must be well managed and it is money that moves the campaigns in this country. Therefore, most of the youths who may not have these resources at their disposal are left out of the equation.

It is high time that we started asking ourselves, do we get this right or if we were to throw a spanner into the works, maybe we should ask ourselves, do we need thousands of Members of County Assemblies (MCAs) elected and nominated? Do we need all the Senators elected and nominated? We should even ask ourselves; do we need the 47 counties in this country?

We have to address these fundamental issues because of the bloated kind of recurrent expenditure that we have and the heavy borrowing that has occurred in the previous regimes. We lack the resources and our Gross Domestic Product (GDP) cannot generate enough revenue to ensure that we can service the roads while at the same time looking at the recurrent expenditure.

Consequently, if we were to call a spade a spade, is the bloated recurrent expenditure in this country and more so from the Executive and the Legislature effective? If you were to ask me, it is high time we started looking at whether we need the 47 counties or indeed, we need to merge them so that politics is not influenced by ethnic undertones.

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I am imagining a country that has 13 or 14 counties. That would mean we have regional blocks that make economic sense without the unnecessary duplication of 47 county assemblies, 47 governors and 47 Senators. This would go a long way into ensuring that we get a cohesive Government and country, and most importantly, promote cohesion among the regions.

Madam Temporary Speaker, as I said, if you go to Rwanda and ask which ethnic group one belongs to, they will tell you, that belongs to the ancient times. How I wish that we will get a country that is not divided along tribal lines and where ethnicity is not a factor, and communities from different backgrounds will take their diversity as their strength without necessarily saying, “This is our man or that is my tribesman”.

What has continued to dodge this country for the last 60 years is, we have been unable to outgrow tribal politics. It is my hope and prayer that, with the coming of the Generation Z who are tribeless whom we will be leaving this country to, we will be able to build a cohesive country, and that we will start looking into the regional politics where we will be integrating ourselves, not only in the East African Region and Great Lake Region, but the whole of Africa, where we will have the United States of Africa, devoid of political inclinations that are defined along tribal lines.

As we sat in the Conference and held several discussions and forums with people from across the Commonwealth world, we realised that there is indeed a lot that we need to do. One of the major issues that came up is environmental degradation. This is something that we must do because global warming is one of the biggest challenges we have in the world today.

African countries, specifically Kenya, in the last couple of years, have faced one of the most severe droughts that we have never faced in the last 40 years. This can directly be linked to the environmental and climatically changes that have occurred due to global warming.

If we start engaging the Generation Z in a positive way, and involving them in the decision-making processes and mainstreaming and on boarding them in the business and infrastructure development that we are undertaking in this country, they will have a sense of belonging. I

I have spoken to most of them, because I also have some living in my household, we realise that they lack the future perspective, because we have used all the resources without minding how sustainable they will become in the future. This can be addressed.

The only way to address them is by formulating laws and implementing them, observing the Constitution as it is, and most importantly, showing them the political goodwill to engage them, not only in the businesses, but also in the political decision-making. That cannot be achieved if we do not ensure that we change the way we define our Political Parties Act and politics, so that the requirements that we have on election is not so demanding that it becomes preventive for the young generation to join the mainstream politics.

As I sit down, I will be looking forward to future engagements in the Commonwealth Parliamentary Association (CPA), because it is a very unleashing forum. Most importantly, it gives us an opportunity to showcase what we are doing as a country,

and what other countries are doing better than us, but most importantly, to learn from the best practises across the CPA states.

Madam Temporary Speaker, thank you very much for giving me the opportunity. This is a golden opportunity we must take so that we can promote Kenya as a sovereign state in the membership of the CPA. Most importantly, let us make her one of the main contributors and shapers of the destiny of the Generation Z in the world over.

I thank you.

### ADJOURNMENT

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Senators, it is now going to 1.00 p.m., time to adjourn the House. The Senate therefore stands adjourned until later today, Wednesday, 24<sup>th</sup> July, 2024, at 2.30 p.m. Thank you.

The Senate rose at 1.00 p.m.