

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Friday, 30th December, 2022

Special Sitting

*(Convened via Kenya Gazette Notice
No.16005 of 28th December, 2022)*

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

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

PRAYER

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

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Having established that indeed we do have a quorum, Clerk, can you proceed by calling the first order please.

ADMINISTRATION OF OATH

SENATOR-ELECT, BUNGOMA COUNTY - WAFULA, DAVID WAKOLI

*(The Senator-elect (Wafula David Wakoli)
entered the Chamber escorted by
Sen. Cherarkey and Sen. Boy)*

The oath of allegiance was administered to the following Senator-
Sen. Wafula David Wakoli

*(Hon. Senators remained upstanding as the
new Senator was sworn-in)*

The Speaker (Hon. Kingi): Hon. Members, you may now take your seats.

*(Sen. Wafula David Wakoli approached the Bar,
bowed to the Chair and took his seat)*

(Applause)

Hon. Senators who are standing please, take your seats.

COMMUNICATIONS FROM THE CHAIR

VISITING DIGNITARIES FROM THE NATIONAL ASSEMBLY

Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery of the following Members of Parliament (MP) -

(1) County Woman Representative for Bungoma County, Hon. Catherine Wambilianga, MP.

(2) Member of Parliament for Webuye East Constituency, Hon. Martin Pepela Wanyonyi, MP.

(3) Member of Parliament for Kanduyi, Hon. John Makali, MP.

(4) Hon. Mpuri Aburi, Igembe East Constituency.

(Loud consultations)

Hon. Mpuri Aburi: Mr. Speaker, Sir, Tigania East Constituency.

The Speaker (Hon. Kingi): Pardon! Tigania East Constituency.

Hon. Senators, on behalf of the Senate and my own behalf, I welcome the said dignitaries to the Senate and wish them well for the remainder of the visit.

Thank you.

(Applause)

Hon. Senators, I will allow few comments in terms of congratulatory messages to the newly sworn in Senator for Bungoma County.

Proceed, Sen. Maanzo.

Sen. Maanzo: Thank you, Mr. Speaker, Sir, for giving me the opportunity. First, I wish Members and guests a merry Christmas and happy new year. Season's greetings!

Today is an important occasion. Welcome to the newly sworn in Member.

The former Member who is now the Speaker of the National Assembly, Hon. Wetangula, was a strong Member of this Chamber. He did very well. He has been a politician of good standing for many years and a very senior lawyer in this country.

I believe the new Senator will fit in the shoes of hon. Wetangula; assist us to sort out all matters such as the one pending today and represent the people of Bungoma County well.

I wish all Kenyans a merry Christmas and a happy new year.

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

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. Merry Christmas and happy new year to all of us, including our guests.

It was an honour to escort our newly elected Senator - brand new, zero mileage - from Bungoma County, Sen. Wafula David of Ford-Kenya.

(Sen. Nyamu entered the Chamber)

(Loud consultations)

Mr. Speaker, Sir, I do not know why the entrance of Sen. Nyamu is drawing excitement, especially from the male Members. Maybe, that is a story for another day.

(Laughter)

Allow me to congratulate and welcome my brother, Sen. David Wafula to the Senate.

The immediate former Senator for Bungoma County and the current Speaker of the National Assembly was a dedicated Member of this House. He used to sit just behind my brother, Sen. Wambua. He was the senior most in this House, but he ensured he attended all the Committees religiously. He contributed to any Motion or debate, of course, with colorful English whenever he commented on the Floor of this House.

I welcome my brother and I am happy that the great people of Bungoma County have always ensured that the Kenya Kwanza family is growing by leaps and bounds. We are happy. I know the Minority side had an appetite for this addition to be on their side. Unfortunately, this young gentleman was able to floor seasoned politicians, including the former Bumula MP and the Chair of - I do not know the name of that party, but I think it is a village party - Hon. Wafula Wamunyinyi; somebody like that.

Kenyans are now realising the importance of youth in leadership. I thank all the Senators. I believe they welcome him to this House and that they will offer him all the assistance he needs so that we can move ahead.

Finally, I ask the new Senator to learn very fast. The people of Bungoma County have high hopes in him. The Majority and Minority sides will support him where we can to ensure any agenda and the interest of the great people of Bungoma County is given priority in the Senate. I wish him all the best.

Mr. Speaker, Sir, I know your Office and the Secretariat has always been of great help to all Members. Therefore, we also look forward to your able Secretariat led by our good Clerk, Mr. Nyegenye to ensure the new Member is given the necessary support and capacity.

I notice that quite a number of the Members who were elected in August, need to go for orientation. So, as you take Sen. Wafula for orientation, do not let him go alone. Kindly, include some of them so that they can be effective and efficient in terms of their discharge. I will give you their names in camera.

Mr. Speaker, Sir, with all those remarks, congratulations, merry Christmas and happy new year.

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

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika. Kwanza, ninatoa kongole kwa ndugu yetu, mhe. David Wakoli Wafula, kwa kupata ushindi mkubwa na kuwa Seneta wa Kaunti ya Bungoma. Tuliona kile kindumbwendumbwe

kilichokuwa huko. Ninawaunga mkono kwake kupata ushindi na ni jambo nzuri kuwa naye hapa. Nina uhakika atafanya kazi ya useneta kwa ustadi mkubwa.

Aliyekuwa Seneta wa Kaunti ya Bungoma sasa ndiye Spika wa Bunge la Kitaifa. Seneta Wetangula alikuwa kiongozi wa Walio Wachache na alijithibitisha vilivyo kama mwakilishi wa kaunti hiyo. Vile vile, alikuwa kama taa katika hili Bunge la Seneti.

Ni jambo nzuri kuwa Sen. David Wafula amekuja kujiunga nasi. Uhakika anavaa viatu vikubwa. Kwa hivyo, watu wa Bungoma wanatarajia kwamba atafanya kazi kama alivyofanya mhe. Wetangula. Ni jambo la furaha na tunamtakia kila la kheri.

Jambo la muhimu ambalo Sen. David Wafula anapaswa kulielewa ni kwamba katika Bunge la Seneti tunajaribu tunavyoweza kuona kwamba mijadala yetu haiegemei upande wowote. Mijadala yetu huwa ni ya kitaifa. Yote tunayofanya hapa ni kusaidia serikali zetu za mashinani. Kwetu hilo ndilo jambo muhimu.

Mimi nataka kumpa wosia kuwa awe mkakamavu kama sisi wenzake. Hata ikiwa kama alivyosema ndugu yangu mdogo Sen. Cherarkey ya kwamba akienda kwa *induction* ni sawa pia wengine wanaojisikia kwenda waandamane naye. Watafundishana wakiwa huko na hatimaye wakirudi watakuwa mabingwa ndani ya hii Seneti yetu.

Namtakia kila la kheri ndugu yetu Sen. David Wafula katika kazi yake anayoeanza kuifanya leo. Nina hakika kwamba watu wa Bungoma hawakufanya makosa kumchagua yeye kama Seneta wao. Ndugu yangu, watu wako wana imani na wewe. Kwa hiyo, kuwa mkakamavu katika kazi yako. Kama kuna jambo lolote unaweza kuja kuuliza upande huu ambao umejaa maprofesa, huko huru kufanya hivyo. Upande ule mwingine hakuna maprofesa.

(Laughter)

Asante, Bw. Spika.

The Speaker (Hon. Kingi): Proceed, Sen. Tabitha Mutinda.

Sen. Tabitha Mutinda: Thank you, Mr. Speaker, Sir. I take this opportunity to congratulate Sen. David Wafula. It is a good space in Senate from the leadership of the Clerk, it has been wonderful and we believe the same will still be offered from the same leadership.

As new Members, we have walked a good journey. As you take the leadership of Bungoma, Sen. Wetangula has been on the lead and we urge that you continue with the same spirit. As a woman on matters women, I request you my brother that you keep the same spirit of the women of Bungoma and the youth of Bungoma.

We are few in the House as women, but we always advocate matters women. Therefore, we urge that you keep the same spirit and also take care of the youth in Bungoma County. We are also happy as Kenya Kwanza fraternity because we have retained our seat. We believe that you are going to deliver and the support will always be there.

I thank you.

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

Sen. Wambua: Thank you, Mr. Speaker, Sir, for this opportunity to also add my voice in congratulating the Bungoma Senator David Wakoli Wafula.

Allow me to also take this opportunity to welcome our colleagues from the National Assembly who have come to escort their Senator. I do hope that this show of

solidarity amongst elected leaders from Bungoma County will continue beyond today. If it does continue beyond today, then it is a good thing for the great County of Bungoma.

As it has been said, we used to sit here with the Sen. Wetangula, now the Speaker of the National Assembly. He was a star Senator; he did very well. Sen. Wafula, you have your work cut out for you. Human beings tend to compare performance among their leaders. The challenge for you now is to ensure that when the people of Bungoma begin to compare your performance with that of Sen. Wetangula, they will be comparing apples with apples.

The beauty of it is that there will be an opportunity for you and all of us to learn. Learning is a continuous life process. I like what Sen. Cherarkey has said that you will be accorded an opportunity to be inducted and be trained on the workings of the Senate. He also mentioned that if there are some leaders who also want to join in that mentoring and induction training then they can tag along.

Mr. Speaker, Sir, the only thing that Sen. Cherarkey was shy of saying and I will say it on his behalf, is that we all need to be inducted and trained, but I think he needs it a lot more than many of us. Therefore, if there will only be one more chance for a Senator to accompany Sen. Wafula, I plead that it be given to Sen. Cherarkey.

(Laughter)

With those remarks, I welcome the new Senator.

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

Sen. Mungatana: Thank you, Mr. Speaker, Sir. I also take this opportunity to add my voice, first of all, to congratulate the hon. Senator for Bungoma for making it into the House amidst stiff challenge from other worthy competitors.

A heavy burden rests on the shoulders of Sen. David Wafula. I say so because Bungoma County has been a barometer of the politics of western Kenya. So, whatever utterances or political moves that he will make, the people of Tana River and the rest of Kenyans will be watching. All of us will be interested in his moves.

We welcome him to this House. In this House, we are all friends. We push for one singular issue that devolution be respected and protected. It is our interest to see to it that our counties get a fair share and that devolution works.

I also want to encourage him that now that Bungoma has produced a Speaker, it is upon him now to aim higher. Maybe in future he should be thinking of running for the presidency and not just sitting around.

With those few remarks, I welcome Sen. David Wafula.

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

Sen. Methu: Thank you very much. I also stand to congratulate my brother Sen. Wakoli. I had an opportunity to go to Bungoma because we had our own candidate. On behalf of our candidate, I concede that we lost to him. However, that was a friendly match between our party and Ford Kenya.

It was a well-deserved win. I congratulate him. Many people have said that he is filling big boots of the Speaker of the National Assembly, hon. Wetangula. However, I am confident that he will be up to the task having worked with Sen. Wetangula. Indeed, he was the engine that was running the person of Sen. Wetangula, therefore, I am confident that he will be able to discharge his mandate.

I am also particularly happy that he is also coming in. The other time I spoke here I was making reference to the young people who were appointed to the Select Committee that was looking into the matter of Gov. Kawira. I am happy that he is also coming in as a young person. I am happy that people of Kenya are appreciating youth leadership.

I will be part of those who will be inducting him having been here for the last three months. I know the good guys and the bad guys. I know the people who can induct him properly. I will also be able to guide him properly as his age-mate.

Finally, I have made an observation and I think it is important that I put it---

The Speaker (Hon. Kingi): What is your point of order, Sen. Madzayo?

The Senate Minority Leader (Sen. Madzayo): Bw. Spika, sijui kama ulisikia Seneta alivyosema hapa. Alisema kwamba kuna *guys* hapa. Nashindwa hawa *guys* ni akina nani. Hapa kuna *distinguished Senators*. Matumizi ya lugha ni muhimu sana hapa kwa sababu hatutaki kupata ujumbe usiofaa.

The Speaker (Hon. Kingi): Indeed, Sen. Methu, that language is unparliamentary. Kindly retract and proceed to conclude your comments.

Sen. Methu: Mr. Speaker, Sir, I withdraw that comment. I never meant to disparage Senators who are here because I have a lot of respect for them. However, the point I was making as I was winding up, is that this is a season of assistants going all the way up.

Hon. David Wafula was an assistant to hon. Wetangula and is now a Senator. I was an assistant to the Speaker of Nyandarua County Assembly and I am here. Hon. (Eng.) Josses Lelmengit was the assistant of Sen. Cherarkey, now he is the Member of Parliament (MP) for Emgwen Constituency. Hon. Adams Kipsanai who used to be the assistant of the former Senate Majority Leader, Hon. Kipchumba Murkomen, is now the MP for Keiyo North Constituency.

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

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

As I wind up, it is also a burden on us---

Sen. Kinyua: Point of order of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Just a minute Sen. Methu. What is your point of order, Sen. Kinyua?

Sen. Kinyua: Bw. Naibu Spika, hoja yangu ya nidhamu haihusiani na Sen. Methu. Hakukuwa na Spika kwenye hicho kiti dakika kama mbili zilizopita na hiyo imenishtua. Wakati Sen. Methu alipokuwa anaongea, ni kama hakuwa anaongea katika Seneti ya Jamhuri ya Kenya kwa sababu hicho kiti hakikuwa na Spika, kilikuwa kuwa wazi.

The Deputy Speaker (Sen. Kathuri): Samahani, Sen. Kinyua. Dakika mbili ni muda wa sekunde ngapi?

Sen. Kinyua: Hatupaswi kutokuwa na Spika kwenye hicho kiti hata kama ni sekunde moja.

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

Sen. Methu: Thank you very much, Mr. Deputy Speaker. You know, there is a challenge of time zones in Laikipia. Therefore, we should understand the Senator for Laikipia.

Mr. Deputy Speaker, Sir, I also had an opportunity of being here when your assistant or a person who used to work in your office was testifying in a matter that we shall discuss later. He is the Chief of Staff and he did very well. So, it is upon us to also help the people working in our offices, so that they can become good leaders and take up after us.

I thank you.

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

Sen. Osotsi: Mr. Deputy Speaker, Sir, I want to start by congratulating Sen. Wakoli for his deserved victory to become the Senator for Bungoma County.

I participated in the campaigns in Bungoma and I know how hectic and competitive it was. So, for Sen. Wakoli to have won, is not a small achievement. Indeed, it is a big achievement. I also thank the people of Bungoma County for conducting peaceful elections that have produced a Senator.

My advice to Sen. Wakoli is that as my colleagues have put it, he is coming in to feel big shoes left behind by the Speaker of the National Assembly and the former Senator for Bungoma, Hon. Wetangula.

In addition to that, we are all aware that the work of a Senator is to provide oversight in the counties. Sen. Wakoli is coming in to provide oversight on a Governor who has been a Governor before. He was the Speaker of this House and went back again to be a Governor. That means he has to work extra hard to oversight Governor Lusaka.

Some of us know the history of Bungoma County. The predominant community in Bungoma County is the Bukusu and it has been known to produce some of the best leaders in this country. We have had people like Michael Kijana Wamalwa, George Kapten, Mukhisa Kituyi, Masinde Muliro and now Hon. Wetangula. So, being a Senator of that county---

An hon. Senator: Bifwoli Wakoli.

Sen. Osotsi: Of course, Bifwoli Wakoli and others.

(Laughter)

Mr. Deputy Speaker, Sir, therefore, being a Senator for that county, it means you are the leading political leader in that county on matters of oversight. That means you will have to maintain high standards of leadership that these leaders had.

I did not campaign for Sen. Wakoli. I campaigned for Hon. Wamunyinyi who was running on Azimio la Umoja-One Kenya Coalition Party. Fortunately, we now have a leader who was chosen by the people of Bungoma.

As a Senator representing one of the counties in the Western region, we will work closely with Sen. Wakoli to ensure that we have proper oversight in our region. I know one of my other colleagues from the region, Sen. (Dr.) Khalwale, campaigned vigorously against Sen. Wakoli.

Now that he is the Senate Majority Whip, I am sure he will also provide leadership and even share lessons with the new Senator for Bungoma County. This is

because we want to move together as one House and the Senate has been known to be a House that practices a bipartisan approach to issues.

Sen. Wakoli, as the Senator for Vihiga County, I guarantee you that I will offer you maximum support in this Chamber as you oversee the County of Bungoma because I have a lot of interest in it. I started my career in Bungoma County. I own property in Bungoma County and my children went to school there. So, I have a lot of interest in that county. Therefore, Sen. Wakoli be assured of my maximum support as you perform your duties as the Senator for Bungoma County.

I thank you, Mr. Deputy Speaker, Sir. Merry Christmas and happy new year.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I request that we make brief comments in just one or two minutes.

Sen. William Cheptumo, you may proceed.

Sen. Cheptumo: Mr. Deputy Speaker, Sir, I wish to join my colleagues in congratulating Sen. Wafula on his election as the Senator for Bungoma. During the elections held on 9th August, Bungoma County played a critical role in the success of the Kenya Kwanza Alliance victory. I am happy that Sen. Wafula is now representing that county.

It is because of that election that the former Senator for Bungoma County was elected to serve as the Speaker of the National Assembly. So, we appreciate him and I want to assure him that he is joining the 'Upper' House.

One thing I would like Sen. Wafula to know today is that he has taken the oath on a critical day of this House.

Mr. Deputy Speaker, Sir, shortly after this, there will be an Impeachment Motion in the House. I refer my colleagues to Article 96---

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

Sen. Wambua: Mr. Deputy Speaker, Sir, could the Senator kindly take his seat? I hate to disrupt Sen. Cheptumo's train of thought. However, our Standing Orders prohibit us from anticipating debate. He was talking about a Motion that is coming. How does he even know that there will be a Motion?

The Deputy Speaker (Sen. Kathuri): Sen. Cheptumo, you are a ranking Member. You should know some of these things.

Sen. Cheptumo: Of course, I am. Without anticipating debate, let me say--- Can I amend it that way then proceed?

The Deputy Speaker (Sen. Kathuri): Proceed without referring to other matters that are yet to come.

Sen. Cheptumo: Let me stop there because I do not want to lose my point. Article 96 of the Constitution sets out the role of the Senate. Sen. Wafula, it will be your responsibility and all of us in this House to protect the interests of the county governments and the counties. I have no doubt that my new colleague will protect that responsibility. Apart from our nominated Members, we spend time going round our counties to plead with the electorate to give us votes. We made various pledges and promises.

Mr. Deputy Speaker, Sir, I believe that Sen. Wafula will embrace teamwork together with the rest of the Members in this House, to protect the interests of counties and devolution.

Bungoma County will, definitely, be put at a high level that was set by the former Senator, Sen. Wetangula. It is important for my colleague to know that we are a family. As much as we have two sides of the divide, we are one united House by the roles we are supposed to play. Sen. Wafula, it is your turn to now unite with the Senators who campaigned for your opponent, like Sen. Osostsi.

I am happy with the presence of the Members of Parliament (MPs) from Western Kenya and, particularly, Bungoma County in the House. That confirms the support that the new Senator has received from the entire leadership of Bungoma County.

I congratulate and wish him well as he begins his journey of leadership in this House.

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

Sen. Faki: Asante Bw. Naibu Spika kwa kunipa fursa hii kumpongeza Seneta mteule, Sen. Wafula. Kwanza, ameweza kuregeshea hadhi chama cha Ford Kenya ambacho ni chama cha kutoka mwanzo katika vyama ambavyo vilipigania vyama vingi nchini Kenya.

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

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

Mimi pia nilikuwa mwanachama wa chama cha Ford Kenya awali katika safari yangu ya siasa. Karibu katika Seneti. Tunatarajia mchango wako utasaidia pakubwa Bunge hili Pamoja na watu wa Kaunti ya Bungoma.

Katika kura ambayo ulishiriki, kulikuwa na vyama vingi ambavyo viliweza kukupinga. Nafikiri kitu ambacho kilitushangaza ni kuwa wale wengine wanaokupongeza hivi sasa wako katika vile vyama ambavyo vilikuwa mstari wa mbele wakiponda chama chako na kukuponda wewe binafsi kama mgombea wa kiti cha Seneti katika Kaunti ya Bungoma. Hawakumpa heshima Spika wa Bunge la Kitaifa sasa, ambaye ni kiongozi wa chama cha Ford Kenya; kuwa pale ni nyumbani kwake na kwa hivyo angependa apate kijana kiongozi ambaye yeye mwenyewe ameweza kupendelea.

Bw. Spika, hiyo ni siasa. Ningependa nikiyazungumza mambo haya, Sen. (Dr.) Khalwale awe hapa kwa kuwa alijipiga kifua sana kwamba anachukua kiti cha Kaunti ya Bungoma. Lakini, nafikiri 'alilamba lolo' na tutayaachia hapo kwa sasa.

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

Sen. Kathuri: Mr. Speaker, Sir, thank you for giving me this chance. I also take the opportunity to congratulate the newly elected Member for Bungoma. I thank the constituents of Bungoma County for voting in the new Senator, Sen. Wafula. I actually visited Bungoma County during the campaigns. The runner up is my friend whom we served with in the National Assembly.

One of the weekends I visited Bungoma County, the contest was too close to call. It was not very easy to know who was to win. I knew whoever would win would be a Member of the *Kenya Kwanza* Coalition. Sen. Wafula is a member of the *Kenya Kwanza* Coalition. The other competitor who was number two also happens to be a member of United Democratic Alliance (UDA).

Sen. Wafula, I congratulate you and ask you to fit into the shoes of Sen. Wetangula.

*(Sen. (Dr.) Khalwale, accompanied by other Senators,
was applauded as he walked into the Chamber)*

The Speaker (Hon. Kingi): Senators, please, proceed to your seats.

Sen. Kathuri: Sen. (Dr.) Khalwale, you have been recognized enough. *Karibu sana*. You overstayed at the Bar. I do not know whether you wanted us to stand up, but you have been recognized. Your presence and that of your entire Committee is well noticed.

I congratulate Sen. Wafula and ask him to fit into the shoes of his predecessor, Sen. Wetangula, who is the Speaker of the National Assembly. There is a lot of potential in this House because the main mandate of the Senate is to make sure that devolution works. Sen. Wafula, join this team with a lot of self-esteem, so that we all work together to ensure that devolution works and to be seen working.

This House has so many visitors. If I do not get another chance to speak, even though you have not recognized them, I can see my DNA is associated with so many guests who are in this House today in both galleries. I welcome them to this Senate.

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

Sen. Beth Syengo: Thank you, Mr. Speaker, Sir. I take this opportunity to congratulate Sen. Wafula and inform him that this is a House of very friendly Members; both men and women. I am sure that he will take a very short time to learn, catch up and play his role of representing the people of Bungoma County.

Mr. Speaker, Sir, secondly, allow me to inform our Senator for Bungoma County that I am the president of women in this country. The women in Bungoma County and even in your house are under my leadership. I hope your service to the people of Bungoma County will be very productive following on your predecessor's footsteps, who did very well in this House. I hope that you will serve the people of Bungoma County very well by coping and following all the positive things that the current Speaker of the National Assembly did in this House as he represented and served the people of Bungoma County.

However, Sen. Wafula, I hope there will be no point when your service and comments will be messy, noisy and unfriendly.

I thank you.

The Speaker (Hon. Kingi): Hon. Senators, we have congratulated and welcomed the Senator for Bungoma. However, Sen. Sifuna says that he has roots from Bungoma and wants to say something.

Sen. Sifuna, kindly, proceed.

Sen. Sifuna: Thank you very much, Mr. Speaker, Sir. First, I apologize to my brother the Senator for Bungoma, Sen. Wafula Wakoli. This is because I had made a public commitment to walk him down the Senate to take his oath, but I am sure he understands why I was not here. I was committed in other duties of this House.

I take this opportunity to congratulate my brother and welcome him here. As you know, my rural home is in Bungoma. I congratulate the Senator, who is now my father and mother's Senator at home. We welcome him to this House. We know that he has very big shoes to fill.

Mr. Speaker, Sir, over the Christmas period, I am sure the Senator is aware that there were many issues regarding some of the results from some of the schools in his

county. People were reaching out to me, but I told them that they have their own Senator, who is capable and up to the task.

I am sure he will take up the pleas of Moi DEB School regarding their results with the Kenya National Examination Council (KNEC). I have no doubt that in these colleagues of yours, you will find necessary support for you to undertake your duties.

I am also very proud because he is a young man. Whenever we see young people progressing and coming up in leadership, we see a great future for this nation, because we see the regeneration of leadership in this country.

Welcome to the House, Sen. Wakoli.

The Speaker (Hon. Kingi): Sen. Kinyua, to conclude this particular order.

Sen. Kinyua: Asante, Bw. Spika, kwa kunipa fursa hii.

Ninachukua muda huu kumpongeza na kumkaribisha, Sen. Wakoli, na kumwambia ya kwamba kaunti ambayo yeye mwenyewe alichaguliwa kama Seneta, imekuwa na Seneta ambaye amebobea sana na ambaye alikuwa na uzoovu wa kazi yake katika Seneti hii.

Ningependa kumwambia kwamba mimi nikiangalia na kupiga darubini, ninaona atakwenda mbali kwa sababu alichaguliwa kuwa mgombea wa chama cha FORD-Kenya ambacho kiko katika mrenjo wa Kenya Kwanza na wakaweza kufanya vizuri sana.

Ningependa kumwambia Sen. Wakoli kwamba ukiangalia watu wote ambao wametoka katika Kaunti ya Bungoma, kama vile Seneta ambaye alikuwa hapa, Spika ambaye ni Governor huko na tena, Sen. Wetangula, ambaye amekuwa Spika, sina shaka rohoni ya kwamba hata wewe utakuwa Spika na sio spika peke yake; utaenda mbali.

Kwa hivyo, tunakuombea mema na ni vizuri ujue ya kwamba viatu utakavyo vaa ni vikubwa kwa sababu Sen. Wetangula amebobea katika mijadala na uzoovu wa kazi yake. Lakini sina shaka rohoni. Vile ulivyoambiwa na Sen. Cherarkey, utafunzwa na kuelewa maneno. Sio magumu kwa sababu hakuna mtu ambaye alizaliwa akiwa anajua. Sisi sote tunasoma na tuna hakika ya kwamba hata wewe utafanya vyema na kuweza kuchunga mali ya kaunti yako kama vile Maseneta walioko hapa wanavyochunga na vile vile kupigania kaunti zao ili ziweze kupata pesa zaidi.

Asante Bw. Spika kwa kunipa fursa hii.

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

CONVENING OF SPECIAL SITTING OF THE SENATE
TO CONSIDER THE REPORT OF THE SPECIAL COMMITTEE ON
THE PROPOSED IMPEACHMENT OF GOV. KAWIRA MWANGAZA

The Speaker (Hon. Kingi): Hon. Senators, I welcome you to this Special Sitting of the Senate.

On the request of the Senate Majority Leader *vide* letter Reference No.SEN/MLS/CORR (2), dated 22nd December, 2022, and with the support of the requisite number of Senators, I appointed today, Friday, 30th December, 2022, as a day for a Special Sitting of the Senate, *vide* Gazette Notice No.16005, dated 28th December, 2022.

In the Gazette Notice, I indicated that the business to be transacted at this Special Sitting shall be –

- (i) swearing-in of David Wakoli Wafula, the Senator-elect for Bungoma County which has already happened; and,
- (ii) consideration of the Report of the Special Committee on the proposed removal from office, by impeachment, of the Governor of Meru County.

Hon. Senators, you will recall that by a letter, Reference No.CAM/RES/VOL.V/2, dated 15th December, 2022, and received in my office on the same day, the Speaker of the Meru County Assembly informed me that at a sitting of the County Assembly held on Wednesday, 14th December, 2022, the County Assembly approved a Motion, pursuant to Article 181 of the Constitution and Section 33 of the County Governments Act, for the removal from office, by way of impeachment, of Hon. Kawira Mwangaza, the Governor of Meru County.

(Sen. Madzayo stood at the Bar)

Senator, you may proceed to take you seat.

(Sen. Madzayo walked into the Chamber and took his seat)

In terms of Article 181 of the Constitution, Section 33 (3) (a) of the County Governments Act and Standing Order No.80 (1) (a) of the Senate Standing Orders, the Speaker of the Senate, upon receiving notice of the resolution from the Speaker of the Meru County Assembly, convened a meeting of the Senate on Tuesday, 20th December, 2022, to hear charges against the Governor.

Consequently, Hon. Senators, the Senate, on Tuesday, 20th December, 2022, pursuant to Section 33(3)(b) of the County Governments Act and Standing Order No.80 (1) (b) (i), by resolution, established a Special Committee comprising 11 Senators to investigate the matter of the proposed removal from office, by impeachment, of the Governor of Meru County, and to report to the Senate within 10 days of its appointment, on whether it finds the particulars of the allegations to have been substantiated.

Hon. Senators, for your information, both Section 33(6) of the County Governments Act and Standing Order No.80 (4) provide as follows –

“If the special Committee reports that the particulars of any allegation against the governor—

- (a) have not been substantiated, no further action shall be taken under this section in respect of that allegation; or,
- (b) have been substantiated, the Senate shall, after according the governor an opportunity to be heard, vote on the charges.”

The Chairperson of the Special Committee will shortly lay on the Table of the House the Report of the Committee. If the Special Committee has found the allegations against the Governor not to be substantiated, the matter stands concluded. I will give further directions on this.

However, in the event that, once the Report is tabled, the Special Committee has found the allegations against the Governor substantiated, the Senate will be suspended for thirty minutes in order to allow Hon. Senators some time to peruse the Report.

Further, a Motion will be listed for business in a Supplementary Order Paper, which, once prepared, will be circulated when we reconvene after 30 minutes. Debate

will then ensue in the usual manner and at the conclusion thereof, the Senate will proceed to vote on each of the impeachment charges after according the Governor the opportunity to be heard.

Hon. Senators, in this regard, an invitation has been extended to the Governor of Meru County to sit in the Gallery during debate on the Motion. At the appropriate time before I put the question on the Motion, the Governor will appear, if present, before the Senate and be heard, either by herself or her legal representative.

I wish to inform the Hon. Senators that if the Governor chooses to exercise this right to appear and be heard by the Senate, she shall be heard here, either by herself or her legal representative, in total silence.

The Governor's speech shall not be followed by any question or comment and the Senate shall, thereafter, immediately proceed to vote on each allegation found to have been substantiated.

I thank you.

PAPER LAID

REPORT OF THE SPECIAL COMMITTEE ON THE
PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF
HON. KAWIRA MWANGAZA, THE GOVERNOR OF MERU COUNTY

The Speaker (Hon. Kingi): The Chairman of the Special Committee, kindly proceed to table your Report.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, 30th December 2022-

Report of the Special Committee on the proposed removal from office, by impeachment, of Hon. Kawira Mwangaza, the Governor of Meru County.

(Sen. (Dr.) Khalwale laid the document on the Table)

The Speaker (Hon. Kingi): The Chairperson of the Special Committee on the impeachment of Gov. Kawira Mwangaza, kindly, take the House through the Report in a very summary version, indicating the decision of the Committee.

Sen. (Dr.) Khalwale: Thank you Mr. Speaker, Sir. I would like to thank you, the House and ---

The Speaker (Hon. Kingi): Just hold on there. Sen. Cherarkey, what is your point of order, I thought these are simple procedural issues.

Sen. Cherarkey: Mr. Speaker, Sir, under Standing Order No.91, since these are our Standing Orders guiding business here, there is Standing Order No.223. I will need your ruling on two things, with all due respect.

First, this Report has been laid. Standing Order 223, Sub-Article 7, is not specific to the report that is about to be presented by the Senator, whichever the outcome.

It says-

“Within 48 hours after the report has been laid on the Table of the Senate, the Clerk shall publish the report in the Parliamentary website and circulate all copies to all Senators.”

It says, ‘laid.’ It does not say ‘after the Chairperson has moved.’

The last one, so that I give you the opportunity, this Select Committee Report is just like any other report. Some of us, whatever the outcome, despite the constraint that Article 181 of the Constitution of Kenya, Section 33 of the County Governments Act, Standing Order No.80 and the Third Schedule on the procedure of removal through the Committee process, might want to amend the contents of the report, noting that I am not anticipating the contents of the Report.

Mr. Speaker, Sir, I need the ruling on that Standing Order No.223 (7), and whether such a report that is about to be tabled by the Senate Majority Whip, can go full Motion, where members after looking at it, can amend whatever the outcome of the report is, whether it acquits the Governor or some allegations have been substantiated.

Thank you, Mr. Speaker.

The Speaker (Hon. Kingi): Sen. Cherarkey, you are out of order. The procedure of removing a governor is very elaborate. It springs from Article 181 of the Constitution, which mandates Parliament to come up with a law on the procedure to govern the procedure of the removal from office of a governor.

If you go through the Standing Orders on the removal of a governor, it is very conclusive on how it starts, how you table the report and on how it ends. We shall abide by that procedure.

The Chair of the Special Committee, proceed.

Sen. (Dr.) Khalwale: Thank you Mr. Speaker, Sir, I want to thank you, the House, colleagues and all the stakeholders in this matter of the Special Committee that was considering and investigating the proposal for removal from office, by way of impeachment, of Hon. Kawira Mwangaza, the Governor of Meru County.

Mr. Speaker, Sir, the Committee considered, investigated and made a decision on Charge One, being nepotism, illegal appointments, unlawful dismissals and usurpation of the Constitutional and statutory functions of the county organs.

It also made a decision on Charge Two, on incitement, bullying, vilification and misleading campaigns against other leaders.

Mr. Speaker Sir, Charge Three was processed in the same manner and it was about forceful entry into the assembly precincts and mobilization of unlawful riots against Members of the County Assembly (MCAs).

Charge Four was violation of Public Finance Management laws. Finally, Charge Five was misconduct relating to nomination of County Executive Committee Members (CECMs).

Mr. Speaker, Sir, after the consideration and investigations, observations and conclusions were made, and by a decision of Member after Member, all the eleven members agreed and recommended to this House in this Report that none of the charges was proven or substantiated.

Thank you, Mr. Speaker, Sir.

(Applause)

The Speaker (Hon. Kingi): Thank you, Chairperson of the Special Committee.

Hon. Senators, as you may have noticed, the Committee has found all the allegations against the Governor not to be substantiated.

Therefore, Hon. Members, the procedure to be followed in this case, is that set out in Section 33(6) (a) of the County Governments Act and Standing Order No.84 (a), both of which provide as follows –

“If the special committee reports that the particulars of any allegation against the governor –

(a) have not been substantiated, further proceedings shall not be taken under this Section in respect of that allegation.”

Therefore, this means that in so far as the matter of impeachment of the Governor of Meru County is concerned, that matter is now put to rest by that Report.

(Applause)

We cannot purport to debate the Report. The Committee that came up with that Report is a creature of this House. By extension, it is the Senate that came up with that Report. Having pronounced ourselves through that Report, the Senate now stands *functus officio*. You cannot debate your own decision. Therefore, Members, that rests the matter of impeachment of the Hon. Governor.

However, I am aware that, indeed, we have wise men and women in this Chamber, who may give us comments and opinions for the future and not for purposes of the impeachment of Gov. Kawira Mwangaza.

I will allow those wise men and women to comment, but do not take your comments to that Report. It is because those comments will not, in any way, affect the validity, or otherwise, of that Report. Your comments will not even remove or add a comma of that report. We simply want to seek your wisdom going forward.

Senators, for those who are willing to make their comments in that regard, I will be calling one after the other. That exercise shall not be undertaken for more than one hour.

(Applause)

Let us now listen to Sen. Joe Nyutu.

Sen. Joe Nyutu: Thank you, Mr. Speaker, Sir, for giving me this opportunity. I thank God that, today, I am the first one to make a contribution.

The Speaker (Hon. Kingi): Senator, maybe just before you proceed, I can see quite a number of Senators who wish to comment. Therefore, we have to limit the time within which each one of us will speak. I suggest we take two minutes per Senator.

Please, proceed, Senator.

Sen. Joe Nyutu: Thank you, Mr. Speaker, Sir. I will observe time. I thank the Committee for their decision. Not all of us were Members, but we followed on our screens. We saw and agree that all of those allegations could not be proved.

However, Mr. Speaker, Sir, you have said that we can offer words of wisdom, and I thank God that the Governor is here. I think most of the problems in Meru County come from maybe the way the Governor carries out her business. She is an honourable lady that has made great achievements, being the first woman to be elected on any other sit in Meru County, than that of a Woman Representative. She was elected on an Independent ticket, flooring giants like Hon. Kiraitu and Hon. Linturi.

Mr. Speaker, Sir, I want to advise the Governor that all those achievements should not make power get into her head going forward. Her concerns were very valid about the Catholic Church occupying and collecting rent from a county property and leaders pressurising her to employ their people.

However, Governor ---

(Loud consultations)

The Speaker (Hon. Kingi): Sen. Joe Nyutu, you are veering off. I am afraid I may stop you there. So, conclude your comments. I was very clear when I said that we were not going to debate the Report. All I said is; because we have men and women of wisdom, going into the future, looking at devolution, what would be your opinion or counsel?

Sen. Joe Nyutu: Mr. Speaker, Sir, thank you for that guidance. I am going to be very brief.

I would advise the Governor to be very careful as she leads. Do not address anything--- I mean, boardrooms are there, so that we can address matters in boardrooms. You do not have to say 'no' even if you mean 'no.' Madam Governor, you can say 'yes' even when you mean 'no' and you do not have to pick quarrels with anybody.

Since, I do not want to get into the matter again, maybe in the future, we may consider looking at impeachment. This is because it is a very conclusive matter that when you are impeached from one office, you may not even occupy another public office.

Mr. Speaker, Sir, we may have to look at the rules of this House, so that---

(Sen. Joe Nyutu's microphone went off)

The Speaker (Hon. Kingi): Your time is up, Senator.

Sen. Osotsi, proceed.

Sen. Osotsi: Thank you, Mr. Speaker, Sir. Mine is very brief. First, I thank the Committee of 11 Hon. Members, who have done a very wonderful job under the leadership of my neighbour, Sen. (Dr.) Khalwale, the Bull Fighter.

We watched them and they were very objective. I must say Sen. (Dr.) Khalwale is a medical doctor, but he sounded like a lawyer from the way he was prosecuting issues as the Chair of the Committee. We thank you for that.

The Committee worked long hours and some of us stayed on the television until 2.00 a.m. in the night watching the Committee work. That is a good spirit that this Senate must cultivate.

Mr. Speaker, Sir, without going into the substance of this Report, maybe this is the time that we need to fast-track the impeachment Bill. This is so that some of the challenges we have noted, including the shortest time of impeaching the governor; we must define after how long a governor should be impeached. There are many other challenges including the constitutional threshold of impeaching a governor.

I have known Gov. Kawira Mwangaza. We served together in the National Assembly in two Committees; the House Business Committee and the Committee on Information and Communications Technology (ICT).

I am sure this is a learning point. I am sure she will have an opportunity to read the Report, improve on some of the flaws that were noted and be a better Governor.

I thank the Committee for a wonderful job.

(Applause)

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

Sen. Orwoba: Thank you, Mr. Speaker, Sir. I am very delighted to be in this House today. It is wise that you have given us an opportunity to offer words of wisdom for future impeachment Motions or opportunities like this.

Your Excellency, Gov. Kawira Mwangaza, you are a Governor and you were elected under an Independent ticket.

We should also learn to address people with their right titles even as we go through all types of motions. Mr. Speaker, Sir, allow me to say that because the governor is seated here and I feel as though, as much as this is a learning moment, it should not be a moment to bring her down as an elected governor under an independent ticket.

As we look at impeachments in future, we will also have to look at the Bill of Rights. Under this Bill of Rights, we have equality and freedom from discrimination such that when Motions are brought to the House, it should be about devolution, following the law and the Constitution and not about how assertive, passionate or firm someone is.

The impeachment motion should be about whether someone has defied the Constitution or whether there are grounds for removal from office. It should not be about whether you like how someone looks or not. As women in this House sometimes we can be misconstrued; our walking styles can be misconstrued. However, those are not grounds for impeachment.

For the future of devolution let us try and stick to the grounds of removal which is gross violation---

(Sen. Orwoba's microphone was switched off)

The Speaker (Hon. Kingi): Sen. Orwoba, your time is up. Kindly take your seat. Proceed, Sen. (Prof.) Kamar.

Sen. (Prof.) Kamar: Thank you, Mr. Speaker, Sir, for giving me the opportunity. These two minutes will not be enough for us to congratulate the Committee and Her Excellency, Hon. Kawira.

I thank the Committee. When we talked to them as it was being formed, we requested them to be fair and honest in their dealings. We told them we would like Kenyans to see the integrity of this House and they did it. Congratulations to this Committee and we really appreciate you.

(Applause)

I also want to congratulate Her Excellency the Governor for the way she handled herself and with a lot of decorum, speaking nothing but the truth. I want to tell the Chairperson of the Committee on Education that pastors have only one truth. So, there is no way you can dodge the truth so that you say one truth when you are talking to the

Members of the County Assembly (MCAs) and another truth when you are talking to other leaders. So, I congratulate her for standing firmly on truth.

Mr. Speaker, Sir, I drove all the way from Eldoret because when you called us there were no available flights. The reason I came was because the Governor was elected by 209,148 people of Meru. I told myself: In two months, a very enthusiastic county assembly has discovered the faults that the people of Meru never discovered. I was very concerned. I wanted to listen to what the Committee has done. That is why I want to congratulate the Committee.

We wish her all the best. We will discuss the issue of gender later because it came up during our discussion.

The Speaker (Hon. Kingi): Hon. Wakili Sigei.

Sen. Wakili Sigei: Thank you, Mr. Speaker, Sir. You have indicated that we make comments like wise men. I want to congratulate the Committee chaired by Sen. (Dr.) Khalwale for a good job well done. I believe in the fullness of time we shall have to also interrogate beyond the findings of the substantiation or non-substantiation of the matter that was before this House.

Going into the future, I believe that we might have the opportunity to be granted more time to discuss the issue of impeachment, as to at what point can a governor who has been elected into office be available for impeachment. If and when a report has been brought to the House like in this case, do we just get bound by the Committee report? In future, we should look into interrogating beyond the report that has been presented by a Special Committee that has been selected.

Mr. Speaker, Sir, I thank the Committee for the work they have done. I also wish this House, the hon. Governor and the people of Meru, a happy New Year and festivities.

The Speaker (Hon. Kingi): Sen. Beth Syengo.

Sen. Beth Syengo: Thank you, Mr. Speaker, Sir. I take this opportunity to congratulate and thank the Committee and the leadership of Sen. (Dr.) Khalwale, the bullfighter. He has done us proud. We followed the proceedings and he did a marvelous job.

I thank Kenyans and the Meru people who elected the Hon. Governor. I am happy as a woman leader that we have retained the number of female governors. In future, I urge Kenyans to elect more women because this will actualize the two-thirds gender rule.

I know the Hon. Governor is a woman of God, she has learnt her lessons and she will do a fantastic job for the people of Meru.

I thank you.

The Speaker (Hon. Kingi): Sen. Karen Nyamu.

Sen. Nyamu: Thank you, Mr. Speaker, Sir, for giving me this opportunity to give some guiding words for the future. First, I wish to congratulate the Committee. I am a happy woman and a proud woman at that. We were closely following the proceedings and we had questions too.

To the county assemblies in this country, we want to tell you to use impeachment very sparingly and when necessary. Not every feud you have with a governor should land in the Senate in form of impeachment proceedings. The matter of the First Gentleman is going to be a normal occurrence in this country going forward because a lot of us have ambitions to be governors in this country. So, our spouses should not be victimized.

(Applause)

We have witnessed double standards when it comes to women leadership. I am a recent victim.

(Applause)

We have to stand firm in our space with no apologies and we are here to stay. Women leadership is here to stay. We will not be victimized any time we do much less than our male counterparts are doing.

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

Sen. Wambua: Thank you, Mr. Speaker, Sir. I take this opportunity to congratulate Governor Kawira for being acquitted. I thank the Special Committee led by the Majority Whip for doing a fantastic job.

Mr. Speaker, Sir, since you asked us to give wisdom, here is wisdom. It may be bitter but it has to be said. We are here because the County Assembly of Meru brought an impeachment Motion against their Governor. When we were setting up the Special Committee, I remember Sen. Abbas, the Chairperson of the Committee on Devolution and Intergovernmental Relations complaining bitterly that he had not been consulted nor included in the Committee.

The Committee on Devolution and Intergovernmental Relations has failed the Senate. They stood back and watched as Meru crumbled. I am hearing murmurs about Kiambu, Kisii and Nakuru counties. It is the responsibility of the Committee on Devolution and Intergovernmental Relations to move *suo motu* on their own motion. Go to counties where there are issues and try to resolve those issues before we get to impeachment.

Going forward---

(Sen. Wambua's microphone went off)

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

Sen. Mungatana, MGH: Mr. Speaker, Sir, I will try to be a prophet and say that 40 years from today, when all of us will not be sited here, the people of this country may decide to choose a president not from the two major political formations that will be in existence at that time.

The people of this country, in expression of their independent will, may choose to elect an independent candidate into State House. That President will not be having Committee Members or any person in Parliament but the will of the people.

Going forward, it is my prayer that we look at the law that will respect the will of the people. The will of the people is the high currency that all of us live by. Unless there is such gross violation, we must never ever allow those who have been placed by the will of the people to serve them, in expression of their collective thinking or opinion, to be removed from those offices.

The law must be made clear. If it is difficult to remove a Member of the National Assembly, a Senator or a Member of the County Assembly (MCA), why should it be so easy to remove a Governor who is elected by the will of the people of an entire county?

This must come to an end. We do not have to love each other but rather work with each other. You are a governor; I am a Senator and an MP. We were elected to office not because we love each. It is because of the will of the people we serve. I am urging our people---

(Sen. Mungatana's microphone went off)

The Speaker (Hon. Kingi): Your time is up. Hon. Edwin Sifuna, proceed.

Sen. Sifuna: Thank you, Mr. Speaker, Sir, for the opportunity. I thank this House for according me the opportunity to be on that Committee. I admit it has been a learning curve.

I thank all the counsels for the parties who have enriched our research. I also thank the people of Meru county for being patient with us. I want to confess that I have lost many friends because for the past few days I have refused to answer phone calls that have been coming from Meru. People must understand that when we take up these responsibilities, it is a solemn duty to this House.

Out of the experience, I would like to share three things. As a committee, we feel that when this House decides to go by way of committee, it has to be clear the level and extent of the involvement of our colleagues who are not Members of that committee. At some point, and my Chair will bear me witness, the Committee felt under siege because there was a lot of interest from our colleagues.

Secondly, is the question of time that it takes for us to investigate. Some of us feel that the time is too short. Also, we have the provisions of Standing Order No.80. Once a report is tabled, because of the interest, Members should be allowed to debate.

My advice is that the Council of Governors (CoG) must look into the training of newly elected governors on various issues of capacity. I believe that they need to be trained on basic provisions of Constitution and the law.

They need to be taken through these courses because I believe elected leaders come from different backgrounds. Some of the problems we see people getting themselves into is because of misapprehension, misunderstanding or basic ignorance of the law and many of these issues can be avoided.

Finally, I hope we have demonstrated that in these matters, gender is not an issue, and that men can defend women, women can defend men.

I thank you. I would like to leave it there and advise the county assemblies---

(Sen. Sifuna's microphone went off)

The Speaker (Hon. Kingi): Sen. Tabitha Mutinda, proceed.

Sen. Tabitha Mutinda: Mr. Speaker, Sir, I take this opportunity to thank the Committee led by the bullfighter because they have done a good job. I do not want to say "keep it up" because we do not want to foresee more impeachments; we want the elected governors to keep performing.

I also specially want to thank Her Excellency Governor Kawira Mwangaza. This is not just a win for you nor the women of this country, we have upheld the Constitution.

I also support His Excellency the President on the legislative matters of the Funds. This is the National Government-Constituencies Development Fund (NG-CDF), the

County Oversight Fund and the Ward Fund. All the MCAs needed was the Ward Fund. I appreciate that the Governor was able to identify the problem and give a solution.

Governor Kawira, Meru County is my home. I look forward to Meru County shining. I know you will work with the MCAs. All they needed has been identified. Keep the spirit. You are not just a woman Governor but a leader. In the future, we will not just have women leaders but leaders. Keep leading by example.

The Committee Member, like Sen. Tobiko, also advised you. Kindly try and work with your team. You need the MCAs and they also need you. We believe Meru County will shine. It is one of the good productive counties. I am proud of Meru, keep up the spirit.

The Speaker (Hon. Kingi): Sen. Seki, proceed. The hon. Senator is dozing. I can see from a distance if you are not hearing. Hon. Seki.

(Laughter)

Sen. Seki: Mr. Speaker, Sir, I am already upstanding. Let me take this opportunity to congratulate the Committee for the good work done. Thank you for making the Senate proud and being brief in presenting the issues. The issues raised against the Governor were few. You have been clear to the Senate that the issues were not something that can make the Governor to be impeached.

I thank the Governor of Meru. As the Senator for Kajiado County, I congratulate you for being elected. Please take the issues raised by the Committee seriously.

I followed the proceedings and heard Sen. Tobiko advising you on how you should handle issues in the future. Please take those recommendations and advice seriously because it will not be good for you to come back here again. Observe the recommendations by the Committee.

Going forward, we will have a good county where consultations take place and all leaders---

(Sen. Seki's microphone went off)

The Speaker (Hon. Kingi): Time is up Senator. Sen. Kibwana, proceed.

Sen. Kibwana: Thank you, Mr. Speaker, Sir. I would like to echo the sentiments of my colleagues. I appreciate the Committee led by Sen. (Dr.) Khalwale and Sen. Kavindu Muthama for the good work. We are proud of you.

To Her Excellency Governor Kawira, you have been given another lease of life. It should not be the end of anything but the beginning of everything.

To the Members of County Assembly (MCAs) of Meru County, kindly, support Governor Kawera. I am sure this time she has learnt her lesson and she will work with you.

Thank you, Mr. Speaker, Sir.

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

Sen. Cheptumo: Thank you, Mr. Speaker, Sir. I also appreciate the Committee for doing a good job. I served with the Governor when she was the Woman Representative for Meru County.

I thank this Committee because Article 181 sets out the grounds on which we can impeach a Governor. It was important for the Committee to apply those principles of law

on the allegations made against the Governor. This House shall continue to stand firm and to uphold the law.

Pongezi Sen. (Dr.) Khalwale and your team.

Mr. Speaker, Sir, life is about learning. Leadership is about challenges. For the last several days, the Governor has gone through a process; listened to allegations made against her by the MCAs and the other leaders. The Governor is a Bishop. Yesterday she made very clear comments in her closing remarks. She spoke about forgiveness, she will listen and she is prepared to sit down with the other leaders.

Governor, the following leaders were elected by the great people of Meru County; yourself, the Senator, the Woman Representative and the MCAs. You need to unite them so that they come together.

I agree that we need to look at the laws on impeachment. I believe the 10 days that the Committee had to retreat and come up with a report is not enough that is why the team had to stay long during the hearing.

(Sen. Cheptumo's microphone was switched off)

The Speaker (Hon. Kingi): Sen. Cheptumo, your time is up.

Sen. Montet Betty, you have the Floor.

Sen. Montet Betty: Thank you, Mr. Speaker, Sir, for giving me this opportunity to also join my colleagues in congratulating the Committee, which did a good job. They sacrificed and sat down for hours. We are proud of them. They have made Kenya proud.

As women, we are happy today. We urge her Excellency the Governor, by her own words to please take it up. It is a second chance, let her show the Nation that women can also lead. The other thing is that, could this House look at the issue of the roles of the First Husbands and Ladies so that in future, this conflict can be sorted out?

Thank you and congratulations your Excellency Madam Governor.

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

Sen. Wamatinga: Thank you, Mr. Speaker, Sir, for giving me this opportunity. I kick it off by congratulating the Committee for the job well done. Sen. (Dr.) Khalwale and the other 10 Members have done this House Proud. Thank you very much.

Coming from a county that experienced an attempt to impeach the first Governor of Nyeri County, five years down the line, there was nothing that was delivered to the people of Nyeri County.

Mr. Speaker, Sir, my request to the Governor and the leadership of Meru County, it is a high time that they sit together as leaders and realize that they were voted into the office to work for the people of Meru. The pulling and pushing is what wasted five years in Nyeri County. It will be unfortunate if Meru County was to take the same path.

We are all leaders chosen by the same people to make sure that we serve them. As stated before, we do not necessarily need to love each other, but to we must get a formula of working as leaders and most importantly - I heard it repeatedly said during the Committee sessions - in the name of Jesus Christ, we must work together. That spirit should bind the people of Meru County together. They should find a working formula with the governor, the Executive, the MCAs and all other elected leaders so that they can move the great County of Meru forward.

Thank you, Mr. Speaker, Sir.

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

Sen. Maanzo: Thank you, Mr. Speaker, Sir, for this opportunity once again. I congratulate the Committee.

Parliament and for that matter the Senate, is forever wise. I thank Sen. (Dr.) Khalwale for his leadership in this matter. You have shown the country that devolution is important and it must be protected.

We have had experiences like this in Makueni County. I can assure the people of Meru County that when Makueni County went through such a phase, we wasted a lot of time on unnecessary things and many resources. We were behind in development at that particular time when we had a similar situation.

Meru County has to learn from our experience. The political events which followed then and the participants of this particular event were very nasty. I believe things are going to be different in Meru. I really want to wish the people of Meru County well, peace, reconciliation and that they can put their great county together and things will work well.

Finally, I wish the people of Meru, Makueni County and the people of Kenya, a Merry Christmas, and a happy new year.

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

Sen. Mandago: Thank you, Mr. Speaker, Sir. I speak to two things on matters impeachment.

One, it will be important for this honorable House to follow on its own recommendations where it has been made in passing impeachment. There is need to amend Standing Order no. 82 that gives only 10 days to the Committee. For any Committee to do a more serious work in terms of reporting, there will be need to do that.

Two, matters impeachment of a governor are not gender matters. We get completely disappointed when they are looked at in the eyes of gender. We are looking at a Governor who has been elected and is serving. I ask that in all leadership status, we have to respect all leaders regardless of their cadres; be they MCAs or Members of Parliament (MPs).

I strongly recommend that this House looks into making a unified law that enables counties to have Ward Development Fund. The mistaken perception that MCAs will be responsible for these funds is actually not true. It is the executive who use the funds to implement but the MCAs are given an opportunity, being the grassroots leaders who represent the people of those wards, to bring the requests of their citizens to the executive. Having a fund that is close to the ward level will enable the county executive to respond to the needs of the residents of the wards who are also residents of that county.

Going into the future, we need to expedite ---

(Sen. Mandago's microphone was switched off)

The Speaker (Hon. Kingi): Senator, your time is up.

Sen. Oketch Gicheru, you may have the Floor.

Sen. Oketch Gicheru: Thank you, Mr. Speaker, Sir. Just like my leader in the party, the Secretary General, Sen. Sifuna, has stated, I thank this House for giving us the opportunity as a committee to examine and investigate the issues that were raised by the County Assembly of Meru. I thank you for the trust you put in us. I hope that in that

spirit, we will be putting trust in each other for whichever Committee opportunities we are given.

Lastly, I register that this House is established to protect the interest of counties and our county government.

County governments are inclusive of the county assembly and the executive. So, sometimes when the issue of impeachment come to this place and it either goes the executive or county assembly way, it does not mean that the House leans to one side. This is because impeachment issues are put by the Constitution as a tool of accountability in our counties.

I thank the team for working together. I hope that, as a House, we will stand strong according to our responsibility under Article 96 to protect the interest of counties when such issues arise.

I thank you.

(Sen. Ali Roba approached the Chair)

The Speaker (Hon. Kingi): Proceed, Sen. Ali Roba.

(Laughter)

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

The Speaker (Hon. Kingi): Sen. Ali Roba, nobody approaches the Chair seeking time to speak. We shall speak using the dashboard.

Sen. Ali Roba: Thank you, Mr. Speaker, Sir, for giving me this chance and more importantly, for giving the House the opportunity to comment.

I humbly and respectfully take this opportunity to advise the Governor of Meru County to be humbled by the calling of leadership and understand that it is very weighty.

There is a Swahili saying “*aliyekupa wewe kiti ndiye alinipa mimi kumbi*”. The same God who gave you that power of leadership is the same one who distributed other opportunities.

I request you to be humbled by the calling of leadership. Kindly get in touch with the leaders of Meru County. Sit down together within the confines of the law and try and work with them. We have executed this impeachment process and we believe there is a lot that has been learnt.

The Senate is here to advise you whenever you so require in terms of giving guidance on grey issues.

I thank the House for giving us this opportunity to undertake this responsibility on its behalf.

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

Sen. Faki: Asante Bw. Spika kwa kunipa fursa ya kuchangia ripoti hii. Kwanza, naipa kongole Kamati iliyo ongozwa na mpiganishaji mafahali. Wamefanya kazi mzuri na kuipa moyo Bunge la Seneti kuwa wanaeza kutenda haki kwenye yeyote atakafikishwa mbele yake.

Pili, ningependa kumwambia Gavana Kawira ambaye yuko hapa mbele yetu na pia bunge la kaunti kuwa sio kwamba mmoja ameshinda na mwengine ameshindwa. Mumeletwa pamoja na kuzinduliwa kwamba mmechaguliwa kutumikia wananchi wa

Meru na wa Kenya kwa jumla. Kwa hivyo, hapa hakuna mshindi. Walioshindwa ni wakaazi wa Meru amabao wamekosa huduma kwa muda wa miezi minne sasa.

Bw. Spika, kuenda mbele, tunafaa kuangalia kama tunaweza kurekebisha sheria ili kabla ya watu kuenda katika maswala ya kubanduliwa uongozini, kuwe na taratibu zinazofatwa Kwa mfano, waweze kupitia tume ya *Intergovernmental Relations Technical Committee* (IGRTC) na wajaribu kutatua matatizo yao kupitia mazungumzo au *arbitration* wakishindwa, waende katika swala la mwisho la *impeachment*.

Hili swala la mtu kubanduliwa mamlakani, linafanya mtu kutosimama katika cheo chochote hata katika baraza la chifu. Hio ni silaha ya mwisho ambayo inaeza kutumika kumwondoa mtu mamlakani kwa maswala kama hayo. Unapobanduliwa mamlakani, naibu wa Gavana hafai kuchukua nafasi ile. Kwa mfano, naibu wa Gavana wa Meru hajui amuunge mkono Gavana wake au la---

(Sen. Faki microphone was switched off)

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

Sen. Methu: Thank you, Mr. Speaker, Sir. First and foremost, I laud the Committee led by Sen. (Dr.) Khalwale. That was a job well done. I was with you on one of the days when you were doing investigations. You sat until past 1.00 a.m. That is a lot of commitment. We are proud we gave you that opportunity and we have learnt lessons. Your leadership was good.

Second, I congratulate Gov. Kawira for getting an opportunity to go back to Meru County. Go and serve the people of Meru. They voted for you overwhelmingly. Over 200,000 is quite a huge number. I wish you well as you serve them.

Third, now that you are through with the legal challenge that was ahead of you, what remains is the political challenge. I ask and beseech the man on my left, Senator for Meru County to provide leadership. You will be doing a great disservice to the people of Meru if you spent the next two to five months on a push and pull.

I also ask county assemblies to not fear to bring impeachment Motions and Petitions to the Senate. Bring them and we shall do justice just as we did to the one brought by the County Assembly of Meru.

It does not matter whether you take two or three months or whatever time. Bring it and we shall unbundle it and pack it for you and see whether it will fit or not. That is part of our job and we are well placed. Finally, this is for all of us as leaders. Dialogue, speaking to each other will and shall sort out most of the issues---

(Sen. Methu microphone was switched off)

The Speaker (Hon. Kingi): Time is up.

Proceed, Sen. Madzayo.

The Senate Minority Leader (Sen. Madzayo): Asante Bw. Spika. Kwanza, nataka kumpa kongole ndungu yangu, Sen. (Dr.) Khalwale, kwa kuongoza Kamati ilyochunguza mambo haya. Sote tunawapata hongera kwa kazi mlioifanya kama Kamati.

Pili, nataka kumweleza dada yetu Gov. Kawira kwamba amepewa mamlaka na wananchi wa Kaunti ya Meru. Ni lazima uangalie mamlaka unayoyatumia na utendakazi

wako kwa watu wa Meru ili wafurahie kwa sababu wamekuchagua kama kiongozi. Mambo ya kujipiga kifua na kusema kuwa wewe ndiye kila kitu pale tuiweke kando. Tenda kazi kwa watu wa Meru. Shirikiane pia. Huwezi kuwa kiongozi kama gavana kama hushirikiani na MCAs wako.

Kushirikiana ndiko kutaleta maendelo na hayo ndio yanatakikana na watu wa Meru. Dada yangu, weka kibri, kujidai na vitu vyako vyote ambavyo vinafanya MCAs kutofanya kazi na wewe kando na utumikie watu wa Meru na kusaidia MCAs kuleta maendeleo katika maeneo yao.

Huo ndio wasia wangu kwako. Umepona chupu. Waswahili husema. Otherwise ungeiona barabara ya kuenda nyumbani.

(Laughter)

Fanya na uwatendee kazi watu wa Meru County.

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

Sen. Cherarkey: Mr. Speaker, Sir, two quick observations. One, is that many substantive issues were raised by the MCAs but fortunately it was close over.

Secondly, today, in my observation, we have legitimized temporary impunity where you go to an office, you foul the law and that is it.

Third--

The Speaker (Hon. Kingi): Hon. Senator, I gave directions on how to make comments going forward.

The Report by the Committee is a report of the Senate. You are a Senator and, therefore, you are *functus officio* as far as the Report is concerned. Therefore, you cannot purport to distance yourself from that Report. If that is your line of contribution, kindly take your seat.

Sen. Cherarkey: Mr. Speaker Sir, I thought comments are part of the opinion. I am not blaming anybody. Can I conclude?

(Loud consultations)

The Speaker (Hon. Kingi): Take your seat. Hon. Cherarkey, I know that you are forcing me to give you a new year's gift. I will give it to you. I will

I was very clear and the law is very clear on this matter. When the Report is tabled, the matter ends there. Whether you have misgivings or not, you do not put them before the House. This is because it is the Report of the House. In other words, you cannot criticize your work. Having said that, can you proceed to utilize your two remaining seconds?

The Speaker (Hon. Kingi): What is your point of order Sen. Sifuna?

Sen. Cherarkey: Mr. Speaker Sir ---

The Speaker (Hon. Kingi): Take your seat Sen. Cherarkey.

Sen. Sifuna: Mr. Speaker Sir---

The Speaker (Hon. Kingi): Yes.

Sen. Sifuna: Mr. Speaker Sir, on behalf of the---

The Speaker (Hon. Kingi): Sen. Kinyua, can you take your seat, please.

Sen. Sifuna: I am on a point of order.

The Speaker (Hon. Kingi): You are not on a point of order. He is on a point of order. Sen. Sifuna is on a point of order, you are not.

(Laughter)

The Speaker (Hon. Kingi): No! Oh! I said Sifuna!

(Laughter)

The Speaker (Hon. Kingi): I did not say Sen. Kinyua. So, kindly take your seat.

(Loud consultations)

What is your point of order?

Sen. Sifuna: Mr. Speaker Sir, on behalf of the Committee that I served in, I find it insulting after the hours of work that we have put in. The nation has witnessed how long we have sat in this Chamber to be able to go through the evidence, listen to the parties, do our research and lay a detailed Report before the House. You will be able to see the industry that was put in by this Committee.

I, therefore, feel strongly insulted by the Senator for Nandi to suggest that we have glossed over matters that were brought before this Committee. He has to withdraw and apologize.

The Speaker (Hon. Kingi): Senator, let me rule on this point of order. Kindly take your seat. Kindly take your seat Senator. Please. Sen. Kinyua, take your seat.

Sen. Cherarkey, I was very clear before I opened up space for comments going forward. We said that we are not going back to that Report because it is now a property of the House, including yourself as Senator for Nandi.

Your statement to the effect that the Committee glossed over some issues is unfortunate. I am afraid you will have to retract and apologize, failure to which I may order you to be out of order and proceed to throw you out.

Sen. Cherarkey, proceed. Members, the Senator will be heard in silence.

Sen. Cherarkey: Mr. Speaker Sir, with all due respect, you are the umpire of the Senate. The Constitution gives us the right to opinion and expression. We will not use the Senate to gag some of our opinions. We shall not. I stand by my words; it is an observation. When Members---

(Loud consultations)

Mr. Speaker Sir, let me finish. When Members were congratulating, we did not have a problem.

(Loud consultations)

When we were being congratulated, we did not have a problem.

(Loud consultations)

The Speaker (Hon. Kingi): Take your seat. Sen. Cherarkey. Can you take your seat Sen. Cherarkey?

(Sen. Cherarkey consulted loudly)

Sen. Cherarkey, you are not in the market. You speak when you have been allowed to. I am going to repeat myself so that you get me as clear as you can.

When this Report was laid on the Table today, it was laid pursuant to both Section 33 of the County Governments Act and Standing Order No.80 of the Senate Standing Orders. If you read Standing Order No.80(4), it stipulates how the Senate should handle the Report, it gives two scenarios.

If the charges are substantiated, then you proceed and the Senators will have an opportunity to debate the Report and thereafter vote on every charge. When no charge has been substantiated, the Standing Orders are also very clear that the matter rests at that and no further proceedings shall be taken as far as those allegations are concerned.

Whether you feel aggrieved or feel that the Committee did whatever you are saying, that has no space on the Floor of the House as far as the law is concerned. You may use another opportunity to air your grievances and misgivings. However, not the floor of the House. To that extent, you have to retract and apologize.

Proceed Sen. Cherarkey.

An Hon. Senator: On a point of information, Mr. Speaker, Sir.

Sen. Cherarkey: Can I be informed, Mr. Speaker Sir?

(Loud Consultations)

Can I be informed? Can I be informed? Right to be informed!

(Loud consultations)

Relax, I will listen to you. Why are you in a hurry?

Mr. Speaker Sir, can I be informed? Can I be informed?

(Loud consultations)

The Speaker (Hon. Kingi): Proceed Sen. Cherarkey.

Sen. Cherarkey: Someone wants to inform---

The Speaker (Hon. Kingi): Proceed to retract and apologize.

Sen. Cherarkey: Mr. Speaker Sir, in your ruling when you allowed us to make comments, you said that any comment we make here will not alter or change the course of the decision of the Committee. So, all these opinions everybody has been raising are personal opinions of what they think.

I have heard people commenting about the process, including the Chairperson, and everybody. Even others were congratulating the Government. So, I cannot be gagged. The Constitution gives a right.

Every Kenyan has the right to an opinion, and the right to say who they are unless the Senate has changed and decided to gag its Members from expressing their positions. If anything we say---

The Speaker (Hon. Kingi): Have your seat. Sen. Cherarkey, you are holding your Standing Orders. Kindly proceed to Standing Order No.122 - Gross Disorderly Conduct. I have made a ruling. You do not debate my ruling. You do not.

Standing Order No.122 (1) (a) States as follows –

“A Senator commits an act of gross disorderly conduct if the Senator defies a ruling or direction of the Speaker or the Chairperson of the Committee”.

That is exactly what you have done.

Now, before I give you the consequences of doing so, I am giving you the last opportunity. Proceed to retract and apologize.

Sen. Cherarkey: Mr. Speaker, Sir, the Constitution is very clear. This Standing Orders emanate from the Constitution but the supreme of the Constitution in the case of *Opiyo Wandayi and others*, when they whistled at the Floor of the House, the court made its ruling.

(Loud consultations)

I am expressing my opinion according to the ruling that you gave, that anything we make here will not have any consequences. Therefore---

The Speaker (Hon. Kingi): Sen. Cherarkey, please have your seat. I will take you to Standing Order No.122(2). It provides as follows-

“The Speaker may call a Senator whose conduct is grossly disorderly to order, and shall order the Senator to withdraw immediately from the precincts of Parliament—

(a) On the first occasion, for a maximum of three sitting days---

This is your first occasion. I order you to withdraw for the remainder of the day. Kindly, proceed to withdraw.

(Sen. Cherarkey withdrew from the Chamber following the order by the Speaker)

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

(Loud consultations)

Sen. Mwaruma: Asante, Bw. Spika kwa hii fursa hii. Ninashukuru Kamati kwa kazi waliofanya na ninashukuru Bunge hili kwa kunipa fursa ya kuwa kwa hiyo Kamati. Tuliangalia ule Hoja ya kumwondoa Gavana wa Kaunti ya Meru kwa kina.

Watu wamezungumza na kusema ya kwamba, labda tuangalie mambo kadha wa kadha katika ile sheria ya *impeachment*. Kwanza ni, je, gavana anahitajika kufanya kazi kwa muda gani kabla ya Hoja ya kumuondoa iletwe. Mambo ya muda hayana shida kwa sababu hata siku ya kwanza, unaweza kufanya makosa ya jinai. Kwa hivyo, muda ambao unahitajika Gavana afanye kazi ili Hoja ya wa kumuondoa iletwe, hautakikani ubadilishwe. Hii ni kwa sababu hata siku ya kwanza ama ya pili, unaweza kufanya makosa yanayohitaji uondolewe.

Bw. Spika, la pili, muda wa kuangalia Hoja ya kumuondoa gavana ni mchache mno. Tulifanya kazi usiku na mchana. Tunatakikana tuangalie ile sheria kwa sababu mapendekezo mengi ya ripoti za *impeachment*, yanaonyesha kwamba inatakikana muda uongezwe. Kwa hivyo, tutaangalia hiyo sheria ya 33 ya County Governments Act, ili ule muda uongezwe.

Tatu, kumeingia chachu kule katika---

(Sen. Mwaruma's microphone was switched off)

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

Sen. Abass: Mr. Speaker, Sir, this is a House of records. I want to put the record straight on what Sen. Wambua has said, that the Committee on Devolution and Intergovernmental Relations has delayed in intervening in these issues. We did not delay. We moved fast and consulted the local leaders, including our Deputy Speaker, so that this issue could be solved. We were advised that the matter was being handled by local leaders and that they would inform us later.

Before they completed their consultation, the matter went to court. So, we could not intervene on a matter that was in court. Since the court ruled in favour of the Governor, we could not now take that issue seriously because it has been finished by the court. The matter came again the second time and it moved very fast. With that information, I wish to request the HANSARD to be corrected. The Committee actually made all efforts.

One other thing, I also commend the Senate Committee on the matter. To the Chairperson, I was watching on television and that was a wonderful session.

I advise the Governor that as much as she is right, we need her to consult. The Assembly is a very important institution in her day-to-day management. Without consulting and dialoguing with the Assembly---

(Sen. Abass' microphone was switched off)

The Speaker (Hon. Kingi): Senators, our hour is long spent. I am going to give two chances to both sides, starting with Sen. Omogeni then we will take it from there.

Sen. Omogeni: Thank you, Mr. Speaker, Sir. I begin by thanking the Chairperson of the select Committee, Sen. (Dr.) Khalwale. He deserves honorary recognition as a lawyer by the Law Society of Kenya (LSK), for the splendid work he did while guiding the Committee. Congratulations, Sen. (Dr.) Khalwale and your nine Members for the good job. As a House, we fully support the contents of your report.

Mr. Speaker, Sir, speaking to the MCAs of the great County of Meru, men have various talents. When women pick their husbands, they look at various talents. Ms. Mary, the beautiful wife of the Senator for Kitui County, Sen. Wambua, picked a journalist. He is a great man who can use the power of the pen to communicate to people. My wife, Ms. Jacqueline, opted for a Senior Counsel, a celebrated lawyer in this Republic. The Governor of Meru County chose a husband who has a talent with the guitar. He is celebrated by many women as a man who can campaign for this great Governor of Meru County.

(Applause)

I urge the men and women who have been lucky to be elected as MCAs of the great County of Meru to embrace the talent of the First Gentleman and allow this beautiful woman – who has broken the glass ceiling by being among the few who have managed to convince voters to elect them as governors – to be given an opportunity to serve the people of Meru County.

You came to this Senate looking for justice. We have given it to you. Go to Meru County and serve the people there.

(Applause)

The Speaker (Hon. Kingi): Sen. Mariam Omar, proceed.

(Sen. Kinyua approached the Chair)

Sen. Mariam Omar: Thank you, Mr. Speaker, Sir, for giving me this opportunity. First, I congratulate the Committee for the “tiresome” work led by---

Sen. Korir: Point of order, Mr. Speaker, Sir!

The Speaker (Hon. Kingi): What is your point of order, Sen. Korir?

Sen. Korir: Mr. Speaker, Sir, is it in order for Sen. Kinyua to march to your seat without respecting the seat?

The Speaker (Hon. Kingi): Certainly, Sen. Kinyua, you are out of order. You can approach the Chair, but you know exactly how to approach the Chair.

(Laughter)

You may proceed to take a seat.

Sen. Mariam Omar, proceed.

Sen. Mariam Omar: Thank you, Mr. Speaker, Sir, for this opportunity. I congratulate the Committee Members led by Sen. (Dr.) Khalwale for the tiresome work.

I was following the impeachment proceedings. In my opinion, the Governor has a second chance. She may need to improve on her communication and relationship with her employees. She must have a good relationship with the employees and MCAs.

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

Sen. Kinyua: Ahsante Bw. Spika kwa kunipa fursa hii. Kwanza, nataka kupongeza Kamati hii kwa sababu wamefanya kazi nzuri wakiongozwa na Sen. (Dr.) Khalwale.

Lakini kwa sababu sijasoma hii ripoti, kuna maswali niliyokuwa ninajiuliza. Kwanza kabisa hawa MCAs - madiwani wote ambao wako Kaunti ya Meru, wote walionekana kuegemea upande mmoja.

Nilikuwa nikijiuliza hayo maswali kwani, ijapokuwa nimesikia ya kwamba Kamati waliongea nao na wakawaambia kwamba washikane na Governor ili waweze kuendelea mbele ni vizuri sisi tuweke sheria hapa kwa sababu kazi yetu ni kutunga sheria, itakuwa ni muda gani *governor* atakuwa nao ili aweze kuletwa hapa ili kutibuliwa.

Jambo lingine ni kwamba Kamati ya hapa Seneti; Kamati ya Ugatizi imezembea katika kazi yake. Wanaweza wakakupatia sababu nyingi lakini ukweli wa mambo ni huu, wanapaswa kuwa wametembelea zile kaunti.

Nilipokuwa mwenyekiti wa kamati ya ugatuzi, tulitembelea Kaunti ya Murang'a na mwenda zake Sen. Kabaka; Mungu ailaze roho yake mahali pema peponi. Tukatembea Kisii. Tukaenda mpaka Taita Taveta na haya mambo hayangefika hiki kiwango ambacho kimefika.

Jambo lingine ni kuwa Sen. Cherarkey alipokuwa hapa alisema ya kwamba vile ambavyo Kamati walivyofanya kazi, hawakufanya yeye mwenyewe alifikiria angefanya.

Watu wote ambao wanasimama hapa kutoa heko kwa Kamati unasema hao wamefanya viziri, lakini Sen. Cherarkey alipo simama hapa kusema ameona mkushi katika hii Kamati vile walivyofanya maneno, mulimtimua---

(Loud consultations)

The Speaker (Hon. Kingi): Sen. Kinyua, do not pursue that line of thinking, please.

Proceed, you are doing very well, but do not pursue that line.

Sen. Kinyua: *Sawa.* Bw. Spika unajua sisi hatujazaliwa na mama mmoja wala baba mmoja, pengine fikra zangu na vile ambayo ninaangalia maneno ni tofauti lakini kwa sababu tayari mimi ninakuheshimu na ume niambia niwachane kufuata huo msururu wa maneno nimewacha.

Ningependa kumwambia *Governor* ya kwamba aungane na viongozi wale wengine waweze kufanya kazi pamoja. Waswahili wanasema “Umoja ni nguvu utengano ni udhaifu”. Mkifanya kitu pamoja na mkiwa pamoja mtatembea mbali kwa sababu ukitaka kwenda mbali mweende mkiwa pamoja lakini ukitaka kwenda haraka uende peke yako na utasulubiwa ukiwa peke yako.

Ahsante.

The Speaker (Hon. Kingi): Well, Sen Kinyua. So, we are going to wind up with the Senator of Meru.

Sen. Kathuri: Ahsante sana Bw, Spika kwa fursa hii. Ninashukuru Bunge hili la Seneti kwa sababu ya kutoka kwa likizo yao ili wakuje hapa kwa hizo wiki mbili kuskiza maswala ambayo yako Meru. Hii ni siku kubwa sana ya Wameru nikiwa mmoja wao.

Yale mambo yote ambayo yamejadiliwa katika Kamati ya wale Maseneta kumi ma moja, ni mambo yaliyokuwa wazi kwa Taifa nzima kwa sababu yalikuwa kwa rununu ama kwa televisheni zetu.

Kwa sababu nimekuwa katika vikao vyote, wanakamati wameshauri viongozi wote; wameshauri Gavana wa Meru, walishauri pia MCAs wetu. Na kwa vile yale mawswala yako wazi kabisa katika vichwa vyetu tukiwa Wakenya, ningepomba Gavana wangu kwa sababu yuko hapa: Kwa sababu umepata fursa nyingine ya kuhudumia watu wa Meru nakuomba kwa unyenyekevu nikiwa Seneta wako pia uweze kuwafikia wale viongozi wa Bunge la Kaunti ya Meru, uweze kukaa nao chini haraka iwezekanavyo ndipo muweze kushauriana vile mtafanya kazi pamoja.

Kenya hii imeangalia Meru kwa macho mawili, Meru imekuwa sasa ndio ile inatwa *trending*, *inatrend* kabisa katika taifa. Sisi tukiwa viongozi wale wamechaguliwa

Meru, mimi Seneta na wale viongozi wengine, *Members of Parliament* (MPs) tutafanya vile tutaweza ili tuendeleze Meru pamoja.

Wewe mwenyewe pale ulisema na unajua ile shida iko Meru na vile ungependa kufanya kazi yako. Tafadhali, ninaomba ukirudi Meru, enda ufanye vivyo hivyo. Kaa na wale viongozi wetu; sisi wote hatutahama Meru. Tumezaliwa pale Meru tutazikwa pale siku ile tutakufa. Kwa hivyo tuungane sote na tufanyie Wameru kazi.

(*Applause*)

Bw. Spika, hii Kamati ya Ugatuzi inayoongozwa na mwenye kiti Sen. Abass, ningependa ipige kambi Meru ili iweze kusaidia ugatuzi wa Meru. Waweze kujadiliana pia wawapee ushauri.

Mheshimiwa Sen. Abass Mwenyekiti wa hii Kamati ni kiongozi ambaye tumefanya naye kazi katika Bunge la Kitaifa. Ninajua ushauri wake na Kamati yake utasaidia sana Gavana wetu na usaidie *County Assembly* ndipo tuweze kuendelea.

Siku ya leo sio siku ya ushindi wa mtu mmoja, tuseme tukitoka hapa eti tumeshinda na hao wengine wameshindwa. Ningependa tutoke hapa kama Meru imeshinda kwa ujumla.

(*Applause*)

Kwa sababu kesho na kesho kutwa tutakuwa tunaangaliwa Meru, baada ya kutoka Nairobi kwa wiki mbili, tunaendelea namna gani pale Meru. Gavana, ninakuomba na watu wako tusijivune vile tumeshinda katika hili swala lililokuwa hapa.

Tukitoka hapa, uwashauri watu wako wasiandike kwa mitandao vile kikundi chako kimeshinda wale wenzetu wa *County Assembly*. Wewe mwenyewe thibiti watu wako wale wanaotangaza maneno. Ninaongea kwa Kiswahili ili yule mama aliye kwa kijiji leo asikie.

Ninaomba uwaambie watulize boli tuungane. Mimi niko tayari na mlango wangu umefunguliwa ili tuweze kuungana na kuunganisha watu wetu. Unajua mimi kabisa nimejaribu katika hii *process* ndipo tukae pamoja; tukae na MCAs ili tuweze kwenda kwa safari moja.

Wale wambao wanafikiria Kathuri ana mambo mengine, ninataka kuwaomba ya kwamba mambo ya uongozi kile kitu mtu atakuwa kesho na kesho kutwa, ni Mungu anajua. Mimi *ninaserve* serikali; *ninaserve* inchi yetu ya Kenya nikiwa Senator na kwa hivyo tufanye kazi pamoja.

Wiki jana tumeuungana hapa na Maseneta tukapitisha sheria ile inaitwa *Additional Allocation Bill*, now it is an Act of Parliament na Meru tumeongezea bilioni moja na laki mbili; tumeileta Meru last month. Kwa hivyo tutakuunga mkono vile tutaweza ili tuweze kueendeleza Meru na taifa letu pamoja.

Bw. Spika pia ninakushukuru. Ninashukuru ile Kamati iliyohusika na huu msakato kwa wiki mbili; siku kumi na ninasema kwamba tutaenda sana kwa sababu hizo siku mimi nimebeba mzigo wote wa Kaunti ya Meru.

Nitaomba kama kuna maswala katika kaunti yoyote, Maseneta wenzangu muwe mkiyasuluhisha hayo maneno kabla yafike hapa. Mambo yakifika hapa yanakuwa mazito zaidi.

Ninashukuru Bw. Spika; ninakuombea Mungu asaidie Kaunti yetu na tuweze kuendelea vizuri na tusrudi hapa tena, Mama yetu *Governor*.
Asanteni sana na Mungu awabariki.

ADJOURNMENT

The Speaker (Hon. Kingi): Hon. Senators, that brings us to the end. There, being no other business, the Senate stands adjourned until Tuesday, 14th February, 2023, at 2.30 p.m.

The Senate rose at 5.00 p.m.