



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fourth Session

Wednesday, 29th October, 2025 at 2.30 p.m.

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 29th October, 2025

*The House met at the Senate Chamber,
Parliament Buildings at 2.33 p.m.*

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

PRAYER

DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING

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

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

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

(The Quorum Bell was rung)

Order, hon. Senators. I am informed that we now have quorum. Kindly let us settle down. Take your seats.

(Several Senators sat in their places)

Clerk, you may proceed to call the first Order.

(Sen. Abdul Haji walked into the Chamber)

Senator for Garissa, please, take your seat.

(Sen. Abdul Haji sat in his place)

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM KIPS TECHNICAL COLLEGE

The Speaker (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon of visiting lecturers and students from the School of Business at KIPS Technical College, an accredited Technical Vocational Education and Training (TVET)---

Clerk, can you confirm that indeed we have these guests in the Public Gallery and I am not inviting ghosts to the Senate?

(Sen. Githuku stood in his place)

Senator for Lamu, take your seat.

(Sen. Githuku took his seat)

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

Hon. Senators, sorry for the earlier Communication. I am told that those guests are yet to make their way to the Public Gallery.

VISITING DELEGATION FROM STAREHE BOYS CENTRE,
ALLIANCE HIGH SCHOOL AND KIANDA SCHOOL

I would like to acknowledge the presence in the Speaker's Gallery this afternoon, of students from Starehe Boys Centre, Alliance High School and Kianda School, who are undertaking a two-week voluntary service scheme in the Senate.

(Applause)

Hon. Senators, I request each student to stand when called out, so that they may be acknowledged in the Senate tradition.

- (1) Tony Kiprono, Starehe Boys Centre
- (2) Alexander Mitch, Starehe Boys Centre
- (3) Nathan Wanyonyi, Starehe Boys Centre
- (4) Brandon Walter, Alliance High School
- (5) Reuben Makolo, Alliance High School
- (6) Peter Trevor, Alliance High School
- (7) Tricia Rono, Kianda School
- (8) Nanteiza Uziza, Kianda School
- (9) Yvonne Owalo, Kianda School

(Applause)

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

I know Alliance High School is in Kiambu County, Starehe Boys Centre is in Nairobi County and Kianda is in Nairobi County. However, do we have old boys from Starehe Boys?

(Loud consultations)

I will allow the Senator for Nairobi City County to pass a word of welcome to the delegation from Starehe Boys Centre.

Do we have an old boy from Alliance High School apart from the Chair?

(Loud consultations)

Again, I will allow the Senator for Nairobi City County to extend a word of welcome to the delegates from Alliance High School.

Do we have an old girl from Kianda School?

(Loud consultations)

Again, the Senator for Nairobi City County, will take the opportunity to welcome the three delegations.

You may proceed.

Sen. Sifuna: I hope the students have noticed. You know the tradition of this House is usually that the Senator of the area from which the students come ordinarily welcomes them to the Senate. You have seen how the Chair has struggled to find a reason for me not to be the one to welcome the delegation. Since I serve a living God, every single hurdle that has been placed on my path has fallen.

The Speaker (Hon. Kingi): Senator for Nairobi City County, do not dare the Chair.

Sen. Sifuna: It is on a light touch, Mr. Speaker, Sir.

I take this opportunity to welcome the delegations from the three schools. Indeed, these are the top learning institutions in our country. They have had stellar performance throughout the years.

The students who come from this school have no excuse for not succeeding. As you have seen, this Senate is thin in terms of representation from some of your schools. Some of us went to lesser-known schools.

We are here and it is something that we celebrate. However, if it were people from Alliance, Kianda and Starehe sitting here, it would not be a surprise. At least in the 'Lower' House, the National Assembly, I know of a Member who went to Starehe, the MP for Saboti, Caleb Amisi. I would like to take this opportunity on behalf of all the Members here to welcome you to this House.

Mr. Speaker, Sir, just briefly, I had the opportunity a few months ago to have a meeting with the leaders from these schools under the auspices of the Centre for Multiparty Democracy. I can attest that these schools are really doing their best to equip these brilliant young girls and boys for the future. Ours is to wish you well and welcome you to the Senate.

I hope that you can participate in the debate today and learn something that you can take back to school. We wish you well as our future leaders. May God bless you.

Thank you.

The Speaker (Hon. Kingi): Next Order.

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

Sen. Oketch Gicheru: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): It cannot be a point of order, Sen. Eddy. What is your intervention?

Sen. Oketch Gicheru: Mr. Speaker, Sir, you know it is a very cold season. I want some clarity because, as the cold season begins, I am starting to notice different kinds of dress codes here. So, I am standing under Rule 15 of the Speaker's Rules on dress code. I would like clarity on whether the Majority Whip is dressed appropriately, so that I know if I can also show up with a turtleneck in this cold season.

The Speaker (Hon. Kingi): Now, Senator Eddy, you referred to Rule 15 of the Speaker's Rules. That one deals with smoking; it has nothing to do with the dressing of an hon. Senator. I want to assume that you were referring to Rule 20 of the Speaker's Rules. I will read it for clarity-

“No person, even if otherwise qualified, shall be admitted to the Lounge, Dining Room or Speaker’s Gallery unless he or she is, in the opinion of the Serjeant-at-Arms, properly dressed.”

This means that the person is dressed in a coat, collar, tie, long trousers, socks and shoes or service uniform, religious attire or such other decent dressing as the Speaker may from time to time approve. In the Lounge or the Dining Room, Senators or visitors may wear long trousers, clean shirts, socks, shoes or service uniform. An equivalent standard shall apply in respect of female visitors while in the Gallery, Lounge or Dining Room.”

Sen. Boni, you are in breach of this particular Rule. Therefore, I will ask you to go dress as per this Rule and come back immediately to take part in these proceedings.

Clerk---

(Sen. (Dr.) Khalwale spoke off record)

The Speaker (Hon. Kingi): Sen. Boni, you are a stranger in this House.

(Sen. (Dr.) Khalwale withdrew from the Chamber)

The Senate Majority Leader (Sen. Cheruiyot): When Sen. Eddy will be Sen. Khalwale's age, he will understand why old men sometimes have to dress like that. For now, he cannot seem to appreciate.

PAPERS LAID

Mr. Speaker, Sir, I want to lay the following Papers on the Table of the Senate today, Wednesday, 29th October, 2025-

REPORT ON FINANCIAL STATEMENTS OF UASIN GISHU EMERGENCY FUND

Report of the Auditor-General on the financial statements of Uasin Gishu Emergency Fund for the year ended 30th June, 2025.

REPORT ON FINANCIAL STATEMENTS OF UASIN GISHU COUNTY CLIMATE CHANGE FUND

Report of the Auditor-General on the financial statements of Uasin Gishu County Climate Change Fund for the year ended 30th June, 2025.

REPORT ON FINANCIAL STATEMENTS OF UASIN GISHU COUNTY COOPERATIVE ENTERPRISE DEVELOPMENT FUND

Report of the Auditor-General on the financial statements of Uasin Gishu County Cooperative Enterprise Development Fund for the year ended 30th June, 2025.

REPORT ON FINANCIAL STATEMENTS OF UASIN GISHU COUNTY ALCOHOLIC DRINKS CONTROL FUND

Report of the Auditor-General on the financial statements of Uasin Gishu County Alcoholic Drinks Control Fund for the year ended 30th June, 2025.

REPORT ON FINANCIAL STATEMENTS OF MIGORI COUNTY CLIMATE CHANGE FUND

Report of the Auditor-General on the financial statements of Migori County Climate Change Fund for the year ended 30th June, 2025.

REPORT ON FINANCIAL STATEMENTS OF HOMA BAY COUNTY CLIMATE CHANGE FUND

Report of the Auditor-General on the financial statements of Homa Bay County Climate Change Fund for the year ended 30th June, 2025.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

REPORT ON FINANCIAL STATEMENTS OF NYERI
COUNTY HEALTH SERVICES FUND

Report of the Auditor-General on the financial statements of Nyeri County Health Services Fund for the year ended 30th June, 2025.

REPORT ON FINANCIAL STATEMENTS OF DEKUT ENTERPRISES
COMPANY - COUNTY GOVERNMENT OF NYERI

Report of the Auditor-General on the financial statements of Dekut Enterprises Company – County Government of Nyeri for the year ended 30th June, 2025.

REPORT ON FINANCIAL STATEMENTS OF TRANS
NZOIA COUNTY PUBLIC SERVICE BOARD

Report of the Auditor-General on the financial statements of Trans Nzoia County Public Service Board for the year ended 30th June, 2025.

REPORT ON FINANCIAL STATEMENTS OF KITALE NATIONAL
POLYTECHNIC – COUNTY GOVERNMENT OF TRANS NZOIA

Report of the Auditor-General on the financial statements of Kitale National Polytechnic – County Government of Trans Nzoia for the year ended 30th June, 2025.

REPORT ON FINANCIAL STATEMENTS OF KISUMU COUNTY CAR
LOAN AND MORTGAGE SCHEME (EXECUTIVE) FUND

Report of the Auditor-General on the financial statements of Kisumu County Car Loan and Mortgage Scheme (Executive) Fund – County Government of Kisumu for the year ended 30th June, 2025.

REPORT ON FINANCIAL STATEMENTS OF KISUMU
URBAN PROJECT (PROJECT ADVANCE ACCOUNT)

Report of the Auditor-General on the financial statements of Kisumu Urban Project (Project Advance Account) – CKE 1035.01.G – County Government of Kisumu for the year ended 30th June, 2025.

REPORT ON FINANCIAL STATEMENTS OF KISUMU
URBAN PROJECT (CASH EXPENDITURE FUND)

Report of the Auditor-General on the financial statements of Kisumu Urban Project (Cash Expenditure Fund) – CKE 1035.01.G – County Government of Kisumu for the year ended 30th June, 2025.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

REPORT ON FINANCIAL STATEMENTS OF KENYA HEALTH SECTOR
PROGRAMME SUPPORT III - COUNTY GOVERNMENT OF KISII

Report of the Auditor-General on the financial statements of Kenya Health Sector Programme Support III (DANIDA REF 104.KENYA.810.300-GRANT) – County Government of Kisii for the year ended 30th June, 2025.

REPORT ON FINANCIAL STATEMENTS OF KISII
COUNTY CLIMATE CHANGE FUND

Report of the Auditor-General on the financial statements of Kisii County Climate Change Fund for the year ended 30th June, 2025.

REPORT ON FINANCIAL STATEMENTS OF GARISSA
COUNTY CLIMATE CHANGE FUND

Report of the Auditor-General on the financial statements of Garissa County Climate Change Fund for the year ended 30th June, 2025.

REPORT ON FINANCIAL STATEMENTS OF GARISSA
COUNTY SCHOLARSHIP FUND

Report of the Auditor-General on the financial statements of Garissa County Scholarship Fund – County Government of Garissa for the year ended 30th June, 2025.

REPORT ON FINANCIAL STATEMENTS OF
GARISSA COUNTY EMERGENCY FUND

Report of the Auditor-General on the financial statements of Garissa County Emergency Fund – County Government of Garissa for the year ended 30th June, 2025.

REPORT ON FINANCIAL STATEMENTS OF MUMIAS
MUNICIPALITY – COUNTY GOVERNMENT OF KAKAMEGA

Report of the Auditor-General on the financial statements of Mumias Municipality – County Government of Kakamega for the year ended 30th June, 2025.

Mr. Speaker, Sir, I beg to lay.

(Sen. Cheruiyot laid the documents on the Table)

The Speaker (Hon. Kingi): Next Order.

NOTICE OF MOTION

The Speaker (Hon. Kingi): The Chairperson Delegated Legislation Committee or any Member of the Committee.

RESOLUTION TO EXTEND TIMELINE FOR CONSIDERATION OF THE
COUNTY LICENSING (UNIFORM PROCEDURES) REGULATIONS,
2025 (LEGAL NOTICE No.91 OF 2025)

Sen. Faki: Mr. Speaker, Sir, on behalf of the Chairperson of the Delegated Legislation Committee of the Senate, I beg to give Notice of the following Motion-

THAT, aware that County Licensing (Uniform Procedures) Regulations, 2025 (Legal Notice No.91 of 2025) were tabled in the Senate on Wednesday, 9th July, 2025 and referred to the Senate Committee on Delegated Legislation for consideration pursuant to Section 12(1) of the Statutory Instruments Act;

COGNIZANT, that the Committee is required to make a report within 28 sitting days after the date of referral of the instrument by the Senate pursuant to Section 15(2) of the Statutory Instruments Act, which will lapse on Thursday, 30th October, 2025;

AWARE THAT, Section 15(3) of the Statutory Instruments Act provides that by a resolution, Parliament may extend the time for consideration of a statutory instrument by a period not exceeding 21 calendar days;

NOTING THAT, the Committee is in receipt of submissions on the Regulations from the Council of Governors (COGs), necessitating further consultations with stakeholders, including the Cabinet Secretary for Investments, Trade and Industry and the COGs.

NOW THEREFORE, the Senate pursuant to Section 15(3) of the Statutory Instruments Act resolves to extend the timeline for consideration of the County Licensing (Uniform Procedures) Regulations, 2025 (Legal Notice No.91 of 2025), for a further 21 calendar days to enable the Committee to meet the stakeholders and subsequently make a resolution on or before Tuesday, 18th November, 2025.

Thank you.

The Speaker (Hon. Kingi): Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

The Speaker (Hon. Kingi): Statements pursuant to Standing Order No.53(1).

Sen. Hamida Kibwana, you have three statements.

Sen. Kibwana: Thank you, Mr. Speaker, Sir, though I am holding four statements. Some of them have been on the queue for quite some time.

CHILD SEX TRAFFICKING AND EXPLOITATION IN MAAI MAHIU

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee of National Security, Defence and Foreign Relations regarding the alarming revelations of child sex trafficking and exploitation in Mai Mahiu, Nakuru County.

Mr. Speaker, Sir, the existence of an organised child sex trafficking network operating openly in Mai Mahiu has recently been exposed. This key transport hub in the Rift Valley, located along the Northern Corridor, has become a hotspot for trafficking and commercial sex exploitations of minors reportedly as young as 13 years old. Testimonies indicate that some of these girls are recruited and controlled by madams, who profit from their abuse under the guise of informal protection and employment, and are subjected to unprotected and forced sexual encounters with multiple clients each day.

Despite the gravity of these accounts, there is little evidence of law enforcement action, investigations and accountability. The normalisation of child exploitation in a major transit town like Maai Mahiu constitutes a national crisis that demands urgent and decisive parliamentary action.

In the Statement, the Committee should address the following-

(1) The prevalence of child sex trafficking rings in Mai Mahiu and other major towns and the identities of those perpetrating this criminal activity.

(2) The number of suspects involved in child sex trafficking who have been arrested and prosecuted and additionally, enforcement measures put in place by the police to address the concerns.

(3) Whether the National Police Service (NPS) and Anti-Human Trafficking and Child Protection Unit (AHTCPU) are adequately equipped and actively responding to child trafficking and exploitation cases in Nakuru County.

(4) The status of current national framework for the protection, rescue and rehabilitation of trafficked minors, including the availability of witness protection for child victims of sexual exploitation.

(5) Urgent policy, legislative or administrative interventions to strengthen enforcement against child trafficking and ensure accountability for any public officials who may have abetted this criminal activity through negligence or complicity.

SAFETY OF MOTORCYCLE HELMETS SOLD IN KENYA

Mr. Speaker, Sir, I rise pursuant to Standing Order No. 53 (1) to seek a Statement from the Standing Committee on Roads, Transportation and Housing on a matter of national concern regarding the safety of motorcycle helmets sold and used in Kenya.

Given the widespread use of motorcycles as a means of transport and livelihood, this matter raises grave public health and safety concerns. The continued circulation of unsafe helmets exposes thousands of Kenyans to preventable deaths and injuries.

In the Statement, the Committee should address the following-

(1) The process and regulatory mechanism in place by the Kenya Bureau of Standards (KeBS) and other relevant agencies for inspecting, certifying and approving

motorcycle helmets for sale in the country and ensuring that they meet international crash test standards.

(2) The number of helmet brands currently certified for use in Kenya, including the extent of enforcement measures taken against substandard or counterfeit helmets.

(3) The measurements being taken by the Ministry of Roads and Transport to protect citizens from the risks posed by substandard helmets, including public sensitisation campaigns, enforcement operations and recall of unsafe products.

(4) Whether there are plans to introduce stricter penalties against manufacturers, importers and distributors of substandard helmets in order to safeguard the lives of *boda boda* operators and their passengers.

GAPS IN NEONATAL CARE IN HEALTH FACILITIES COUNTRYWIDE

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health on a matter of national concern regarding reported gaps in the provision of essential nursing care for newborns in health facilities across the country.

My office has received numerous reports from the mothers of newborns indicating that critical nursing interventions are often not provided in a timely or consistent manner. These interventions include the timely initiation of breastfeeding, monitoring of vital signs, infection prevention, thermal care, vaccination and health education for mothers.

Failure to provide these services exposes newborns to preventable complications including sepsis, hypothermia, feeding problems and in severe cases, avoidable neonatal deaths.

In the Statement, the Committee should address the following-

(1) The extent to which newborns are missing essential nursing care in both public and private health facilities and the underlying cause of such lapses.

(2) Measures currently being undertaken by the Ministry of Health and county governments to ensure that every newborn receives comprehensive and quality nursing.

(3) Strategies in place to strengthen supervision, accountability and continuous professional training for nurses providing neonatal care.

(4) The plans by the Government to align newborn nursing care with National Child Health Strategies and Sustainable Development Goal 3, specifically targeting Goal 3(2) on reducing preventable infant and child mortality.

DISPUTE BETWEEN KMPDC AND COUNTY GOVERNMENTS ON REGULATION OF AMBULANCE AND EMERGENCY SERVICES

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health on a matter of national concern regarding the dispute between the Kenya Medical Practitioners and Dentists Council (KMPDC) and county governments on the regulation of ambulance and emergency medical services.

The Council of Governors (CoG), through its Chairperson, His Excellency Ahmed Abdullahi, has faulted KMPDC for issuing a public notice seeking to regulate ambulance services, yet such functions are expressly devoted under Part 2 of the Fourth Schedule of the Constitution.

During a meeting of County Health Executives held on the 5th September, 2025, in Mombasa, the CoG consequently advised counties to disregard the KPMDC notice, citing lack of consultation constitutional overreach and breach of prior inter-government resolutions.

In the Statement, the Committee should address the following issues-

(1) The role of Ministry of Health and its agencies in developing national emergency care frameworks and whether county governments were adequately consulted and whether KMPDC has any legal mandate to regulate ambulance services.

(2) Whether the public notice by KMPDC has legal effect and if it aligns with the principles of consultation and cooperation between the national and county governments.

(3) Whether there are existing or proposed frameworks to harmonise national and county emergency medical systems and mechanism to resolve conflicts of mandate between national health regulatory bodies and county governments.

(4) The measures that will be taken to prevent duplication, ensure constitutional integrity of devolved functions and strengthen coordinated emergency health care.

I thank you.

The Speaker (Hon. Kingi): The Statement by Sen. Chimera is deferred.

STATUS OF OWNERSHIP OF LAND PARCEL
LR.No.14210 IN KWALE COUNTY

(Statement deferred)

The Speaker (Hon. Kingi): Senator for Marsabit County, Sen. Mohammed Chute, proceed.

INVOLVEMENT OF KDF IN IMPLEMENTATION OF PUBLIC
INFRASTRUCTURE DEVELOPMENT PROJECTS

Sen. Chute: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Transportation and Housing on a matter of national concern regarding the trend by the national Government to involve the Kenya Defence Forces (KDF) in the implementation of various public infrastructure development projects, particularly the construction and renovation of several stadia across the country.

In the Statement, the Committee should address the following-

(1) The procurement method adopted for each public infrastructure development projects initiated by the national Government from 2020 to date where the KDF was selected for the project implementation, including a justification in each instance where open tendering was not used.

(2) The rationale for involvement of KDF in the implementation of public infrastructure development projects, despite availability of qualified civilian contractors in the country.

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

UCHELEWESHaji WA MALIPO YA KUSTAAFU YA Bw. ABDALLA
MOHAMED GHAZAL, JIJINI RIYADH, SAUDI ARABIA

Sen. Faki: Asante, Bw. Spika. Nimesimama kuambatana na Kifungu No.53(1) cha Kanuni za Kudumu za Seneti kuomba Kauli kutoka kwa Kamati ya Kudumu ya Leba na Ustawi wa Jamii kuhusu ucheleweshaji wa malipo ya kustaafu ya Bw. Abdalla Mohamed Ghazal, jijini Riyadh, Saudi Arabia.

Bw. Abdalla Mohamed Ghazal alifanya kazi kwa kampuni ya Al Dhaheri International Group for Trading and Contracting kwa muda wa miaka thelathini hadi kustaafu kwake mnamo 2022. Kampuni hiyo ilidinda kumlipa malipo yake ya kustaafu, hivyo basi akaenda mahakamani huko Riyadh, Saudi Arabia.

Mahakama ya kwanza iliamuru Bw. Abdalla Mohamed Ghazal alipwe pesa zake, lakini kampuni haikuridhika na uamuzi huo na ikakata rufaa kwa mahakama mbili za juu. Mahakama hizo zilitupilia mbali rufaa hizo na kuamuru kampuni imulipe Bw. Abdalla Mohamed Ghazal Riyal laki saba elfu kumi na sita mia saba arobaini na tatu, hela ya Saudi Arabia.

Uamuzi wa rufaa ulitolewa Julai, 2024 na hadi sasa, mwaka mmoja baada ya uamuzi huo, kampuni ya Al Dhaheri imekataa kulipa malipo hayo. Bw. Abdalla alifukuzwa kutoka Saudi Arabia baada ya kustaafu. Ubalози wa Kenya jijini Riyadh ulimsaidia tu kupata kibali cha usafiri na Ubalози haujamsaidia kivyovyote ili kupata malipo yake ya kustaafu.

Katika taarifa hiyo, Kamati iangazie ifuatayo-

(i) Sababu ya kutomlipa Bw. Abdalla malipo yake licha ya mahakama kutoa uamuzi alipwe.

(ii) Mikakati ambayo Ubalози wa Kenya inafanya kuhakikisha ya kwamba Bw. Abdalla analipwa pesa zake za kustaafu.

(iii) Idadi ya Wakenya wengine wanaopata changamoto kama hizi nchini Saudi Arabia na kwingineko wanapostaafu makazi ambayo wameajiriwa kufanya.

Asante, Mhe. Spika.

The Speaker (Hon. Kingi): Hon. Senators, I will allow comments for not more than 15 minutes on these statements.

Sen. Olekina, proceed.

Sen. Olekina: Thank you, Mr. Speaker, Sir. I rise to make some comments on the Statement by the distinguished Senator, Sen. Hamida Kibwana, on gaps in neonatal care in health facilities in the country.

Mr. Speaker, Sir, even before I begin to comment on this Statement, let me appreciate the work that Sen. Hamida has been doing in this Parliament. I worked with the distinguished Senator when she was developing an e-health Bill. She called it an e-health Bill, but funny enough, the Ministry of Health took over, plagiarized 99.9 per cent

of her Bill and brought it to this House. It changed the title of the Bill and called it 'Digital Health Bill.' This is one thing that has really bothered me for a very long time. This is because we work day and night to be able to think through, but somebody in the Ministry of Health just sits down there and says, "there is a very good Bill here, but if it goes in as a Government Bill, it achieves that progress and it becomes an Act of Parliament."

If the Ministry of Health had taken some time and consulted the distinguished Senator, Sen. Hamida, these issues of these gaps would not have been there because it is not just the content or the context; it is the thought behind it. It is sad.

I was listening to the Cabinet Secretary earlier today here, one, lecturing Senators, which I think was uncouth. Two, he was also saying that every county government must now submit records on mortality in their counties; and not really addressing the issues because what happens? You can say this is the data we have on how many kids are dying, but what have you done as a Ministry? If your job is to plagiarise legislations developed by this House, then why do you not go a step higher and consult that Member of Parliament who developed that legislation?

Mr. Speaker, Sir, I sit in the Committee on Health and these are some of the challenges that we face. When we are going through developing legislation, some people will be sitting down somewhere; even some names which were being mentioned earlier today here. They will sit and they will come and tell you, look, this is what we want, this is what the Government wants. After that, they are the ones who are heading that Ministry. If we can implement this now, which is Sen. Hamida's mind in her e-health proposals, which is now a Digital Health Bill Act, we should be able to identify these gaps.

We are in the 21st Century, but sometimes you will find that in other parts of this country, just because of either the wrong prescription, you end up finding that people become immune to certain conditions, to a situation where their own body becomes sepsis. Therefore, it is imperative that we follow through on implementation of legislation that are developed here. If then the Ministry of Health wants to be the one to draft legislation and we just become a conveyor belt to pass through, then they should be answering these questions. Why is it that newborns are missing essential health care?

Therefore, this Statement that has been brought by Sen. Hamida is very important. I request the distinguished Senator to take some time and go in and sit down with the Ministry of Health. Tell them, "you took my Bill, brought it here and passed it. You forced us to pass it. Now, how are we going to implement it?" This is because this is an issue of lack of implementation. Otherwise, we would be able to keep trying---

Sen. Cherarkey: Thank you---

The Speaker (Hon. Kingi): What is your intervention, Majority Leader?

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, my apologies to Sen. Cherarkey. However, normally when you guide us on this session, you normally guide on time per Member, so that as many Members as possible can speak. I realise you did not do so today.

Thank you, Mr. Speaker, Sir.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I do not know why the Majority Leader was worried before I speak. Nonetheless, I agree with him that we must be fair to everybody in terms of time.

Mine is on the issue of ambulances. This is one of the most ignored but very important chain that will assist most of our people to get emergency medical services. I was disappointed and sad when we visited Busia County Referral Hospital. Are you aware that under the Governor of Busia, there is no single functional ambulance at the County Referral Hospital of Busia. It is so shameful.

I am happy Sen. Sifuna was there. A number of us were there. The reason some of these people are saying SHA is not working is that the county health system has collapsed. Even in my county, you have to pay Kshs1,000 to get the service of an ambulance because there is no fuel. Some of the ambulances look like matatus. You are being carried by an ambulance which has no emergency kit. There are no gloves in ambulances that ply and operate in Nandi County and even across a number of counties.

On the issue of ambulances, I agree that it is unconstitutional. It is illegal under the Fourth Schedule for KMPTC and the Ministry of Health to give directions on the issue of ambulances. However, the county governments must also up their game. There are issues, for instance, lack of drugs, ambulances and service provision.

Today, we were discussing some of these issues. You are aware that the Cabinet Secretary is on record saying that after 7,000 UHC staff had been given SRC rates, the biggest impediment and obstacle to confirmation on permanent pensionable is the Council of Governors (CoG). That is one of the substratum that will always undermine access to affordable and quality ambulances. We must agree on this.

The Committee on Health, led by the Senator for Uasin Gishu, must tell us what kind of ambulances counties should buy. In my county, when they went to procure – under a friend, of course, I do not want to mention – they procured something like a J6 lorry. It does not operate. A tractor in speed is much better than what was procured. The centre bolt will work, but what about the driving? We must agree also, as a House, when Kilifi, where you were the Governor, and your Senator is here, was purchasing their ambulances then, the standard of ambulances must be the one that is operated by the Red Cross.

So, on this issue, I thank Sen. Hamida. She has been very passionate about issues of health. I hope going into the future, under broad-based engagement, beyond 2027, she should be the Cabinet Secretary for Health, so that she can fix some of these issues.

I yield, Mr. Speaker, Sir.

Sen. Osotsi: Thank you, Mr. Speaker, Sir. I want to comment on this very important Statement by the Senator for Marsabit, Sen. Mohammed Chute, on the involvement of the military in implementation of various public infrastructure projects. This raises a lot of concern, because it has now become a norm, particularly in the implementation of various stadia across the country; the military is fully involved.

There are a number of questions that we need to ask. The first one is how the Public Finance Management (PFM) Act and the Public Procurement and Asset Disposal Act are employed in that case. This could be another form of corruption that we are trying to invent because we know that it is not allowed to scrutinise financial activities of

the military. If we have the military being involved in public development projects, then the issue of oversight will be brought into question.

This is an important matter that we need to look into, bearing in mind that as a country, we need to try as much as possible to keep the military in their spaces in the barracks. The temptation to get the military outside there is not a good thing.

We just saw what happened in Madagascar. When the military was allowed to go and deal with the unrest, they ended up overthrowing the government. Therefore, we need to limit that interaction in public spaces and allow the military to be what it is.

I know people will say that the military is very disciplined. We can also ensure discipline in other sectors of our economy, so that we deliver value for money for our people, instead of getting the military directly involved in some of these things.

Mr. Speaker, Sir, I expect that the committee will interrogate these issues deeply. As much as we are saying that military officers are good in delivery of projects, we must also look at the other issues that may arise from that involvement.

I support.

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

Sen. Nyamu: Mr. Speaker, Sir, I would like to make comments on the Statement on involvement of the KDF in infrastructure projects in the country. The role of the KDF is to protect and keep this country safe.

We need to understand the framework under which the KDF is undertaking construction works in the country. Is it a directive, special arrangement or open tender?

In effect, what that does is to cause unemployment when such jobs are done by the military. The money that is supposed to be in circulation in the economy goes to the military and that has an effect on the economy. This House needs to demand that we get a comparison of value for money. Is it cheaper when the KDF undertakes these contracts or is it more expensive?

We have qualified contractors in this country who have a track record of doing quality work. We need to support them, because as I said, that has a direct impact on the economy.

We respect the KDF. We are not saying that they do not do good work. However, let us have them perform their mandate, which does not mostly involve doing public works like they are doing at the moment.

I thank you, Mr. Speaker, Sir.

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

Sen. Ogola: Thank you, Mr. Speaker, Sir, for the opportunity. I would like to comment on the Statement by the Senator for Marsabit regarding the involvement of the KDF in the implementation of various infrastructural development projects.

Contrary to the arguments that we are getting here, the KDF are trained and paid from the public coffers. Where they are able to give back to the communities and the public, I do not mind if they do some work within certain frameworks that are developed.

We have had disasters like floods and even drought. During those times, the KDF is called upon to help in restoring infrastructure. I do not think there is anything wrong if they are called upon. The only important thing is that we must have a framework within

which they operate on some of the projects. Otherwise, the core mandate remains security but they are also Kenyans trained and paid from the public coffers.

Just the other time when the death of the former Prime Minister happened, we saw the military do commendable work. I want to thank them for the work they did during *Baba's* funeral. I also thank the President of this country, Dr. William Samoei Ruto, for demonstrating statesmanship and giving *Baba* the honour. I would also like to thank the leadership of this House.

Mr. Speaker, Sir, alongside the leadership of the House, you gave us an opportunity to honour *Baba*, and I thank you for that. I also thank all Kenyans for demonstrating patriotism during that time.

Before I get back to my seat, I would like to say that the lion has retreated to the mountain. Therefore, I also congratulate Sen. (Dr.) Oburu for taking over the party. We are proud of him. We are sure and we have confidence in his patience, tolerance and leadership.

Mr. Speaker, Sir, I support.

An hon. Senator: Point of information!

The Speaker (Hon. Kingi): Whom do you want to inform because there is nobody on their feet?

(An hon. Senator spoke off record)

You will get an opportunity to contribute.

Next is Sen. Mungatana.

Sen. Mungatana, MGH: Mr. Speaker, Sir, I thank you for giving me the opportunity to comment on the Statement on involvement of the KDF in civil construction works. What that Statement by the Senator for Marsabit is seeking is just clarification.

We all know that the mandate of the KDF is just to oversee construction and they have done that on stadia and in various counties like Siaya and Nakuru. They have also done supervisory work in some Level 4 Hospitals during reconstruction and finishing because some projects had stalled and they were costing the Government and inversely the people of Kenya a lot of money.

We understand, but what the Senator for Marsabit is asking is whether that mandate has been extended to taking over full construction tenders. We want that to be clarified. If it is about projects that have stalled because of indiscipline of the contractors and what have you and the KDF is coming in to help us finish them, I think we should support them because the KDF has distinguished itself in this country as one of the institutions that we can rely on in terms of helping us through difficult times.

We should not look at this inquiry as negative thing. We would like the committee to have a clear investigation on this matter. They should find out if the KDF has overstepped its mandate. If it is just doing the correct thing, then let us support them.

I submit.

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

Sen. Olekina: Mr. Speaker, Sir, I appreciate you for giving me this opportunity.

We have a problem where pieces of legislations that originate from the National Assembly do not come here, then we assume that since they have not come here, what the KDF is doing is legal. I just want to inform the House that there are two pieces of legislations. One, there was a piece of legislation that was passed in 2021, which set up the Ulinzi Construction Company under the Kenya Defence Forces (KDF) and we have used it here in Parliament.

Two, there was the Critical Infrastructure Bill of 2024 that was being considered by the National Assembly. It was brought by the Ministry of Interior and National Administration for KDF to undertake this critical infrastructure.

Sometimes we might be moved by the interest of our companies outside doing business, but it is important to note that what KDF does is legal. The KDF would not want to get into projects that they are not legally allowed to perform. If you go to Kajiado today, the Kenya Meat Commission (KMC) performed well when KDF got involved; they did not get involved just like that.

Let us not be oblivious of the existing legal framework. As we contribute, before we comment, let us do some due diligence. There is a law that establishes a company under KDF and there was a lot of extensive public participation on critical infrastructure.

In fact, I want to challenge all of us here to do a simple google search and look for the Critical Infrastructure Bill of 2024, so that when we come here to represent Kenyans, we are in the know. We have to respect KDF a lot for everything they do.

Thank you, Mr. Speaker, Sir.

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika.

Niko na taarifa mbili ambazo ninataka kuunga mkono. Kwanza nitaanza na taarifa kuhusu kucheleweshwa kwa malipo ya mfanyikazi Mkenya aliyekuwa akifanya kazi huko Riyadh, Saudi Arabia. Taarifa hiyo ililetwa hapa na ndugu yangu, Seneta wa Mombasa County, Sen. Faki.

Kwanza, ni jambo la kusikitisha kuona kwamba mtu anaweza kufanyia kampuni kazi kwa bidii kwa zaidi ya miaka 30, hususan akiwa nje ya nchi, mbali na nyumbani na hatimaye akimaliza kazi asipewe malipo yake.

Ijapokuwa alikuwa anafanya kazi nje ya nchi huko Saudi Arabia, Saudi Arabia na Kenya ni nchi zilizo na uhusiano mwema. Vilevile, ikiwa kuna jambo ambalo haliwezi kutatuliwa wakati kampuni kama hiyo imekataa kulipa mfanyikazi wa Kenya, kuna ubalozi; Serikali ya Saudia na Serikali yetu pia iko. Wanaweza kuwa na mazungumzo ya kuhakikisha kwamba yule mfanyikazi Mkenya aliyefanya kazi kule amelipwa malipo yake.

Ni jambo la aibu kuona yule Bw. Abdalla Gazal aliyekuwa mchezaji mzuri sana wa mpira hapo zamani, alichezea Kenya na hatimaye akachukuliwa kwenda huko. Lakini alipofika huko, alipata kazi zingine ambazo amekuwa akifanya. Kwa hiyo miaka 30 ambaye amefanya kazi huko, hajapata malipo.

Naunga taarifa hii mkono kwa sababu ni jambo la kusikitisha kuona Mkenya amefanya kazi katika kampuni nje ya Kenya, akaipatia ile kampuni sifa na hatimaye, anapostaafu wanakataa kumlipa malipo yake.

Amefuatilia malipo hayo mpaka kortini, akashinda kesi ya kwanza huko kortini, akashinda pia kesi kwa korti ya rufaa na pia kwenye korti ya juu zaidi. Hatimaye,

alipokuwa akingojea malipo, alifurushwa kutoka huko Saudia kwa hali ya kinyama. Amefurushwa kama ambaye sio mtu aliyeishi nao kwa miaka 30.

Kwa hivyo, ingekuwa bora kwa Serikali ya Kenya kupitia ubalozi, uwezo wake na uhusiano mwema ulioko kati ya Serikali ya Kenya na Saudi Arabia kuhakikisha ya kwamba Bw. Mohammed Gazal amepokea malipo yake.

Kama taarifa hii itapelekwa kwenye Kamati; itakuwa vyema kama Kamati yetu itashughulikia taarifa hii. Hata ikiwezekana, Kamati yetu inafaa iende kule ione kuko namna gani.

Taarifa ya pili ambayo ninaunga mkono ni ya dada yetu, Sen. Hamida Kibwana. Mara nyingi, Sen. Kibwana huwa analeta taarifa kama hizi ambazo zinahusiana na afya zetu kama Wakenya. Ukiangalia, amelea Miswada inazohusiana na afya. Katika taarifa hii, amesema kwamba mama akienda kujifungua, baada ya kujifungua anatakiwa kupata chakula bora---

Bw. Spika, naomba kupewa dakika chache zaidi.

The Speaker (Hon. Kingi): One more minute to wind up.

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika, kwa kunipatia hiyo dakika moja. Nitaomba nukta fulani mbele yake.

(Laughter)

Jambo la muhimu ni kwamba hii taarifa ya Sen. Kibwana ni muhimu. Taifa hili linahitaji hawa watoto wakue na wawe wakubwa kama sisi ili tuweze kuendeleza taifa letu. Ikiwa hawa watoto wataanza kufa wakiwa na umri mdogo, siku hizi tunaona akina mama wakienda hospitali, hawaangaliwi vizuri na wanapoteza watoto. Mama anajifungua vizuri kisha baadaye, anaambiwa kwamba mtoto amefariki.

Ni muhimu sana kuona kwamba taarifa kama hii imetekelezwa. Juzi juzi, tumekuwa na ile e-Health Bill.

The Speaker (Hon. Kingi): Sen. Madzayo, please wind up your thoughts in 30 seconds.

The Senate Minority Leader (Sen. Madzayo): Kuna hii *Bill* ambayo ililetwa na dada yetu Sen. Hamida. *Bill* hiyo ilichukuliwa na watu wa Ministry of Health wakati ilikaribia kuwa sheria.

Hilo ni jambo mbaya sana kwa sababu huwezi ukachukua *Bill* ambayo iko Bungeni halafu uigeuze iwe *Bill* ya Serikali. Hilo ni jambo la kukemewa zaidi sana. *Bill* ambazo zinaletwa hapa ambazo ni *sensitive* kama ile, lazima sisi kama Senate tudhibitishe kimaalum, ili zisichukuliwe kutoka mikononi mwetu na ziende kwa Ministry.

Asante, Bw. Spika.

Sen. Munyi Mundigi: Asante, Bw. Spika, kwa kunipa nafasi ili niweze kuchangia taarifa inayohusu mambo ya KDF. Mimi ni mmoja wa wale wanaojua mambo ya KDF. Nakumbuka wakati nilipokuwa naelekea Turkwel Gorge kutoka Kitale, safari ndefu sana. Kulikuwa na mto mmoja kule West Pokot. Wakati mvua inaponyesha, watu hawakuwa wanaweza kuvuka huo mto. Lakini kwa sababu KDF wako na ujuzi wa

kujenga daraja kwa muda mfupi, walikuja kule. Siku chache baadaye, walijenga daraja na watu wakaweza kuvuka mto.

Kwa hivyo, nafurahia sana kazi inayofanywa na KDF. Wakati mwingine, Serikali inaweza kuwa haina pesa lakini kwa sababu maafisa wa KDF huwa wanatupigania na wengine wana ujuzi wa kujenga, ni vizuri wajikumbushe mambo ya kujenga. Hii ni kwa sababu wakifika wakati wa *retirement*, watafanya kazi ya ujenzi.

Pia nakumbuka mwaka wa 2022 tulipokuwa na uchaguzi, KDF ndiyo ilikuwa ya kwanza kujenga uwanja pale Embu. Pengine Serikali haikuwa na pesa za kutosha na bei ya KDF ilikuwa nafuu ndio pengine walipewa hiyo kazi waifanye. Tangu wakati huo, tumeona wakifanya kazi ya kujenga viwanja vingine zaidi. Naomba watakaoenda kuangalia, waangalie bei iko aje. Ikiwa bei yao iko chini, ni vizuri waendeleo kupewa kazi wakisaidia *county* zile zingine.

Kama Seneta wa Embu County, ningependa kuchangia taarifa ya Sen. Hamida. Ningeomba watakaoenda kuangalia, kwa sababu tumekuwa tukipatia *county* pesa nyingi-- Ambulance ni muhimu sana kwa sababu tunajua hali ya afya ilivyo huko mashinani. Mara nyingi unapata katika county, sub county, na hata location, Level 5, 4 and 3 hospitals hazina ambulances. Seneti hii inapaswa itengeneze sheria, kwa mfano, kuwa kila mwaka kunatengwa pesa ya kununua ambulances, ili kina mama wetu wajawazito wakienda kujifungua au watu wakiwa wagonjwa kule mashinani--- Katika sehemu zingine, unapata hospitali iko takriban kilomita 20. Hivyo basi, vijana, wazee au akina mama hawana pesa za kukomboa ambulansi ama magari.

Kwa hivyo, ikiwa kuna njia tunaweza kusaidia ili kila mwaka kaunti ziwe zinawekewa pesa ama kile kiwango---

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

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I have brief comments on two Statements.

One is on this KDF issue. I need not say much more than what Sen. Ledama Olekina has said, that Ulinzi Construction Company is a legally constituted entity. Even us, as Parliament, we have had to procure their services occasionally, when you have works that are of an urgent nature. Our procurement law allows for one Government entity to contract another, without going through the long route of public procurement process, because in essence, there is no profit to be made, and if there is that company is owned by the people of Kenya.

Mr. Speaker, Sir, be that as it may, there are concerns that people may have. For example, over exposing our military to interaction with citizens and so many other things, which perhaps people are concerned about. The long and short of it, is that many people do not know that there are many countries, for instance, most of these Chinese companies that you see in Kenya carrying out construction are state-owned enterprises and not private entities. So, it is possible for us, as a country, to build our own state-owned enterprises that can compete with the very best.

Mr. Speaker, Sir, we were with you in Kitui County during the Mashujaa Day. You saw the stadium that was constructed in a record three months. We had been with you in the same stadium three months prior. If you gave that stadium to Sen. Chute's company, for example, you know how long it would have taken to put it together.

(Laughter)

Mr. Speaker, Sir, the more important reason I rose to speak is because of the Statement by Sen. Hamida on the child trafficking allegation. No dignified country would want such accusations levelled against it. That there is a certain part of the country where child trafficking, particularly for sex, is encouraged or condoned.

We were all shocked when that report by British Broadcasting Corporation (BBC) was released about what was happening in Maai Mahiu. Subsequently, the police issued a communication saying that documentary had been stage-managed; that those people had been hired and there were people that they had taken statements from.

What bothers me, Sen. Hamida, and what the Committee needs to tell us is how far then have the police gone with that investigation. Who are the people that hired these people to pose for this recording and why have they not been taken to court up to now? So long as those people are not taken to court, that allegation, which is a terrible stain on the moral fabric of this Republic and in our standing across the globe, continues to hang over our head.

Mr. Speaker, Sir, it is my hope that the Senate Standing Committee on National Security, Defence and Foreign Relations will consider this matter and give us a final finding on it.

I thank you, Mr. Speaker, Sir.

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

Sen. Tobiko: Thank you, Mr. Speaker, Sir. Let me also give my contributions on the issue of involvement of the KDF in doing infrastructural projects in the country. The KDF has a lot of expertise within its ranks in various fields, which should benefit Kenyans because they are trained with taxpayers' money. The KDF also has a lot of human resources that can be utilized within our borders.

Mr. Speaker, Sir, it is not always that we have KDF going to war or being involved in any missions, particularly that are related to security. However, I would have liked the Senator who brought this issue to know that doing infrastructural projects is a security measure. Even in Marsabit and North Eastern, when roads and bridges are done, it helps to enhance security. As it has been said, the law allows it.

Mr. Speaker, Sir, let me give an example of projects that I know that were done by KDF a long time ago in Kajiado. For a long time, we did not have roads. I remember before the Isara-Mashuru-Kajiado Road was tarmacked, the only existing steel bridges that were there were done by KDF a long time ago. That is what helped the community for a long time. So, I do not see any harm in KDF being utilised in the development of the country. Furthermore, it brings the cost down in the interest of Kenyans. So, my opinion is that it is important that we utilise KDF to do infrastructure across the country.

I thank you, Mr. Speaker, Sir.

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

Sen. Tabitha Mutinda: Thank you, Mr. Speaker, Sir. I rise to support the two Statements from my sister and good friend, Sen. Hamida, starting with the issue of child sex trafficking.

In 2025, this is the last thing that, as a leader, you would want to discuss. It is very disgusting to imagine that we can be talking about businessmen and women conducting this kind of entrepreneurship, while the country has different business opportunities that people can embark on. Instead, they choose inhumane type of transactions and business using our young, beautiful, innocent girls to make a living, yet when one day they depart, we are supposed to read a very beautiful eulogy of someone who was doing this kind of business. These people should be brought to book.

I just heard the Senate Majority Leader saying that the police report indicated that this was just another content creation. Really? We then need to know who is that who did this content creation or videos. They need to be brought to book. It cannot be assumed, and then that is it. That is the end of it.

The other day we were in Busia County for the Senate *Mashinani*. Through Kenya Women Senators, we were able to interact with innocent young girls who are young mothers, and others who have gone through processes that sometimes you wonder if you are in this world together. These things are happening.

The security apparatus should move with speed. These are our children. You never know, one day, one time, this might be a matter that touches a close family member. So, when we speak as representatives of the people, it is because it is our mandate to voice out about such kind of issues.

Lastly, on the statement with regard to the issue of regulations of ambulances and emergency medical services, just recently, we were in the eastern region. As the Committee on Health, we move to different parts of this country carrying out our mandate.

The Speaker (Hon. Kingi): Next Order?

BILL

First Reading

THE KENYA ROADS (AMENDMENT) (NO. 3) BILL (NATIONAL ASSEMBLY BILLS NO. 34 OF 2025)

*(Order for First Reading read – Read the First Time
and ordered to be referred to the relevant Senate Committee)*

Hon. Senators, allow me, pursuant to Standing Order No. 45(2), to re-arrange today's Order Paper. We will move to Order No.18 to 21 before coming back to Order No.17.

Clerk, proceed to call the Orders in that sequence.

MOTION**ADOPTION OF REPORT ON PETITION ON PLIGHT OF
LANDLESS IN MUTHANDARA, EMBU COUNTY**

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

THAT the Senate adopts the report of the Standing Committee on Land, Environment and Natural Resources on a Petition to the Senate by Mr. Peter Kangwaru Nyaga regarding the plight of the landless in Muthanthara, Embu County, laid on the Table of the Senate on Tuesday, 7th October, 2025.

The petition by Mr. Peter Nyaga regarding the--- I beg your pardon, Mr. Speaker.

(Sen. Faki consulted with the Clerks-at-the-Table)

Mr. Peter Kangwaru Nyaga presented a Petition in this House on the plight of the people of Muthanthara sub-location in Embu County and their complaint was that they have lived in this area for many years. Sometime in the early 1960s, the Government, through the Minister of Lands and Settlement, conducted an adjudication process in that area.

In the adjudication process, the true residents of Muthanthara were overlooked in the allocation of the parcels of land that are located in that area and the land was allocated to outsiders who have never settled in Muthanthara area. Most of the residents have been there for many years and they had settled in that area after coming from the neighbouring Tharaka-Nithi County.

As a result of this injustice, the residents were deprived of their land and there were instant conflicts between the title holders and the settlers. Many of the people going there to buy land got turned away by the residents who have settled there for many years. As result, there have been constant conflicts between the residents and title owners and many of the residents have reported to the police. They have been charged in court and this problem has persisted for a long time.

The Committee, in its consideration of this Petition, visited Muthanthara. I was happy that the Senator for Embu, Sen. Mundigi, accompanied us to Muthanthara although he had other official engagements on that day. He welcomed us in Muthanthara and allowed us to proceed with the Petition. As a result of the discussions, we came back and wrote our report.

Mr. Speaker, Sir, we did invite the Cabinet Secretary for Lands, Public Works, Housing and Urban Development and she indicated to us that this was a community problem because the people who were settled there in Muthanthara originally came from Tharaka. Therefore, there were issues of clannism and indigenouness have taken toll on this community and the land was allocated to the Mbeere community which is predominantly in Embu County.

We discussed with the Cabinet Secretary on whether the adjudication could be set aside and she indicated that it could be set aside through a court order. However, based on this Petition, it is the Committee's observations and findings that the whole

adjudication area needed to be considered afresh and set aside. This is because, those with title deeds cannot access the land and those who were settled there do not have title deeds for that land.

I, therefore, move that this House adopts this Report, so that we move to the Ministry of Lands, Public Works, Housing and Urban Development to nullify this adjudication. This is so that those who are properly entitled to this land can have titles and develop this land for posterity.

Mr. Speaker, Sir, I invite Sen. Beatrice Ogola, a Member of this Committee, to second the Report.

I thank you.

Sen. Ogola: Thank you, Mr. Speaker, Sir. As I rise to second this Motion, just as the Chair of this Committee has stated, this Petition came to our Committee, we deliberated on it and visited the area. This cause of landlessness of this community is a form of injustice.

As the Chair has stated, the people holding the titles, which legally points to ownership, are not the actual people settled on the ground because of certain historical issues, like the Tharakas settled in that area. Adjudication in this country at some point is the source of land cases we have in this country. The people who are physically settled in the land, as has been stated, have no titles.

As I second this Motion, I plead that this Senate goes ahead to adopt this Report, so as to help the people who are physically on the ground and get a way for them to get security of tenure. Some of these injustices are the source of hostilities that clans or communities have between them, and this is a recipe for disaster. It is going to get to security issues and it must be settled.

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

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

Mr. Deputy Speaker, Sir, other than going through the court, the Constitution allows Alternative Dispute Resolution (ADR) method and this can be used.

As I second this Motion moved by my Chair, it reflects back on the nationalism that the former Rt. Hon. Raila kept on talking about; that let us think as Kenyans before we think as people from Embu or Tharaka Nithi.

Land is a natural resource that is given to us. Let us give the people settled in that area their right and sort the injustice that has been meted on them all the years.

I second.

(Question proposed)

Sen. Munyi Mundigi: Asante sana, Bw. Naibu Spika, Kwa kunipa nafasi nichangie Hoja hii.

Ninashukuru sana kwa sababu Kamati ya *Lands* imefanya kazi nzuri. Walipokuja Embu nilikuwa na mambo mengi lakini nilikubali na tukaenda nao mpaka kule Muthandara.

Ninakumbuka vizuri wakati wa kura sikuweza kufika Muthandara. Hawa ni watu walio na kura na wamekaa pale miaka mingi, wengine hadi miaka 60. Tulipokuwa na kikao na watu wa *lands* ni kama hapo zamani watu walikuwa wamekataa kwenda pale. Masoroveya waliwagawia wachache waliokuwa pale. *Woria* mmoja ako na karibu ekari 100, mwingine Mkikuyu ako na karibu ekari 100 na mwingine Mbeere ekari 100. Baadaye waliondoka pale. Wako na karibu ekari 500. Wenye ekari karibu 100 waliuzia watu fulani.

Mimi pamoja na Kamati hatukufurahishwa na mambo hayo. Kamati ilionelea wanaokaa pale waitwe pamoja na tuweze kufanya *amendment* ili warudi kule chini kwa sababu sheria inasema ukikaa pahali miaka mingi inafaa mwenye shamba apewe kidogo na wewe upewe nyingine.

Kama Seneti, tangu tuchaguliwe mwaka wa 2022, tumeangalia mambo mengi sana. Mambo mengi yamefanyika katika nchi yetu ya Kenya, si tu Muthandara kule Embu, bali sehemu nyingi. Labda matapeli walijipa ekari nyingi na watu wakaona hakuna watu wakavamia mashamba yale.

Huenda ikawa sio watu wa Tharaka pekee. Kuna watu wa Mbeere waliokaa miaka 50 hadi 60. Ningeomba kilio chao kisikilizwe, mashamba yale yagawanywe ili kila mtu apate kidogo.

Kuna mtu amekaa pahali miaka 60 na mwenye shamba hayuko. Yule mkazi ana watoto shuleni au biashara pale kwa miaka mingi. Pia, wako na kura ya kuchaguana kwa miaka yote.

Kama Seneta wa Embu, ninaona ni vizuri vile Kamati iliangalia na kusikia kilio cha wale watu. Walikuwa watu karibu 500 na karibu boma 300. Sina njia ya kukataa uamuzi wa Kamati.

Ninaunga mkono.

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, I am giving the Floor, but first approach the Chair.

(Sen. Cherarkey approached the Chair)

Sen. Cherarkey: Mr. Deputy Speaker, Sir, when we talk about land, our lives as Kalenjin community and Africans are intertwined with land. Land in Nandi has given us a lot of problems. I feel for the people of Embu when I hear the Petition brought by Mr. Peter Kagwaru Nyaga.

Even my county we have many landless people, squatters. They were not born squatters, but because of sheer negligence and the disease called “grabiosis” so many people have died.

It is so sad. They say the soul of wit is brevity. We fought for this country against colonialism because of land. It is unfortunate that 60 years down the line, some Kenyans have to live landless or die because of land. I am speaking because when you go to the Coast, there are absentee landlords. When you fly over Nandi, and I have said that a

thousand times, you think we are living in the land of Canaan of honey and milk. This is because we have created squatters, courtesy of the lands that were given to multinationals without the consent of the great people of Nandi.

My people are living like monkeys. The other day you saw what happened in Angata Barikoi. Trigger happy police officers killed people for demanding their rightful share of the land.

Mr. Deputy Speaker, Sir, you came to Kiwani, and I am saying this with a lot of pain. Our people are being killed over land. It happened during the colonial era, post-colonial and even now. The House should be aware that I lost two people in Kiwani area, Tinderet Sub County in Nandi County for fighting for their rightful share of land.

Mr. Deputy Speaker, Sir, you know Nandi very well as a great partner and friend of the great people of Nandi. They died. The police even went ahead and shot six bullets at a motorbike. Who shoots a motorbike? Many people were injured out of police brutality.

The sad reality is that the Independent Policing Oversight Authority (IPOA) has done absolutely nothing to arrest the assassins, the rogue police who killed my people. I have told those people who want to grab Kimwani land in Tinderet Sub County, “please if you want to grab that land, do it but do not kill my people.”

Families have lost their fathers and sons because of land. That land of Kimwani rightfully belongs to the people. Imagine being a squatter in your own motherland. We must be fair. I challenge the Committee on Lands, Environment and Natural Resources, and Sen. Faki should be listening to this, that when you go to the Coast and the Rift Valley, you will find that we are facing many land issues. Nowadays, we have squatters who are called infrastructural evictees. When you come to Serengonik, you will see that my people have been evicted and are living along the forest. In Koibem, we have the Chepkumia exchange programme and Mwein in Emgwen and Chesumei sub-counties.

I challenge the Chairperson of the Committee on Lands, Environment and Natural Resources, Sen. Faki, to call upon the National Land Commission (NLC) and demand answers. They should explain why Kenyans are still squatters 60 years after Independence. They should also explain why Kenyans are being killed for demanding their rightful share of land? We must be told why these things are happening.

We are aware there are leases and I demanded some explanations in a Statement that I sought and hope the Committee on Lands, Environment and Natural Resources will bring a response. I hope this Committee will also invite some of us to ask questions. Leases for multinational tea companies in Nandi County have expired. The national Government, the Ministry of Lands, Housing and Urban Development and the NLC are not giving us a way out. We do not know what befell those leases.

Secondly, many people have occupied the forests and those forests have been de-gazetted. Could we get the catalogue so that my people in Kimwani, Ng’atipkong, Serengonik in Kapchorua Ward, Tabolwa and some areas around Mosop Sub-county do not live in uncertainty?

In conclusion, the NLC was given an opportunity under the Constitution to rewrite land historical injustices. The other day, when we were celebrating the life of Hon. Raila Amolo Odinga, we were also celebrating the anniversary of Koitalel arap Samoei, who died fighting for land. People like Koitalel were displaced. Some of his

people are in Suba, Homa Bay County and are stranded there. We must be told what the NLC is doing.

I challenge Sen. Faki, through the Deputy Speaker, to call the NLC. I know that Meru, Embu and Nairobi counties also have challenges. In Nairobi City County, there are people who are called land hunters. Those people look for old Indian couples and grab their land. Sen. Nyamu is aware of this. We must be told what the NLC is doing.

Let us also ensure that the issue of landlessness is sorted. Sen. Faki, if you do that, your legacy will live on. I know your party leader, may his soul rest in peace, fought for the rule of law, justice, squatters and protection of Mau Forest. That is why we are celebrating him today. You should make this as part of your legacy. I know there are many Motions. I am happy Sen. Ogola was here. Let us ensure that those issues are addressed.

Mr. Speaker Deputy Speaker, Sir, allow me to say this under one minute. We wish our neighbours, Tanzanians, all the best as they go for their General Election. The other day, a former head of state, whose name I cannot mention, was chiding Kenyans and now I see protests underway in that country. We hope that their elections will be peaceful. I am told the contest there is between Samia and Suluhu.

The Deputy Speaker (Sen. Kathuri): Order, Sen. Cherarkey. I have listened to you for 10 minutes and in your submissions, you did not mention the land in Embu.

Sen. Cherarkey: I have mentioned, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): You discussed the issues of Nandi County for 10 minutes and you have now crossed the borders to Tanzania. I will not allow you to do that.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I mentioned.

The Deputy Speaker (Sen. Kathuri): Let us hear from Sen. Mungatana.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I have not concluded.

The Deputy Speaker (Sen. Kathuri): You concluded when you crossed the borders.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I want to say whether I support or reject the Motion.

The Deputy Speaker (Sen. Kathuri): Say that then you sit down.

Sen. Cherarkey: Okay, Mr. Deputy Speaker, Sir. This Motion is well done. With those many remarks, I beg to support because it is Suluhu versus Samia.

Thank you, Mr. Deputy Speaker, Sir.

Sen. Mungatana, MGH: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to make my contributions on this Motion. I support the findings and the report that has been explained to us in a Motion well moved by the able Senator from Mombasa County.

I support the fact that the true owners of the land in this place called Muthanthara in Embu County should be given that land. The fact that the Senator himself was present to support what the Committee on Lands, Environment and Natural Resources was doing is a testimony that the Committee carried out what was just. I also recognise the petitioner, Mr. Peter Kangwaru Nyaga. We appreciate people who move the Senate in this manner to---

(Loud consultations)

Mr. Deputy Speaker, Sir, can I be protected from my colleagues, so that we focus? I thank you.

The Petitioner has done a fantastic job in bringing this Petition to the attention of the Senate. The true facts of the matter are that land adjudication can sometimes be very unfair to locals who do not know the processes. We have been told here that outsiders went to Muthanthara and took as much as 100 acres per person, yet they are people who do not live in that particular area. It was unknown to the people who live there that their land was being alienated and title deeds were being allocated without their participation.

This problem is not unique in Embu and that particular area. It has happened in the coastal region and that information is well documented. While people were living within the coastal area eking out a livelihood and taking care of their families, people from outside were given title deeds squatters were created in the coastal region. This happened because huge land was allocated to other people. The residents were not aware that land was being alienated and title deeds were being issued. In the end, we created squatters.

I want to thank the Committee because they have taken one step forward. We may have so many problems within this country, but I believe in incremental or step-by-step solutions. They have solved one problem in as much as there may be many others. The good thing is that they have solved one problem within that county. I support what they have done. My prayer is that the NLC will act on this Report as early as yesterday. I pray that once we approve it here, the NLC will take its mandate seriously and give the people their land.

Mr. Deputy Speaker, Sir, what is the way forward? In Kenya we have big areas of lands and people think that is their land, yet that land has not been alienated or titled to them. The question is: what should we do? We are facing the same situation in Tana River County. The only way to solve this it is to make sure that land is titled not to individuals, but to communities that can be identified who are living in that particular area.

If community "A" is allocated land and the land is alienated and the title is given, this would mean that any person from Nairobi or anywhere who tries to get land will find that the land is already titled. Therefore, they have to go to the community for it to agree to alienate the land for whatever purposes. It can be settlement or investment, but they will have to go to the community.

Mr. Deputy Speaker, Sir, this is the reason I am taking this Floor; to appeal to the NLC and the Cabinet Secretary in charge of lands and settlement, that Tana River County right now needs a continuation of the process of allocating land to communities, so that community land is allocated to every community that lives in Tana River County. What we do not want is a situation where people from outside Embu come to be given land and titles, as it has happened here in this petition from Embu. What should happen if the land is not titled? Let the people be given the title. Let the communities that are living there be given titles.

I must say, the current Cabinet Secretary who is in charge of lands had started this process of giving communities in Tana River title deeds and I appreciate the work she has done. However, somewhere along the way, we have not seen other communities within Tana River being given the land, and the land is still there. The problem with that is that people can come and practice ‘grabiosis’ to the detriment of the people.

Mr. Deputy Speaker, Sir, I take this Floor to urge the Cabinet Secretary and NLC to continue with the process of allocation of land and giving titles, alienating the land and titling it to communities within Tana River County. So that we can forestall problems like what happened here in this petition, where people from outside Embu came and took land that belonged to the right people there. Now, 30 years later, they cannot go and settle in that land and the communities there do not have the title.

I really want to thank the Committee for what they have done. I urge them to process this, follow it up and not to leave it just after we finish approving this Motion. They must take the responsibility to go and actually get the result by going to the Ministry of Lands and to the NLC and making sure the people of Embu who had been robbed of their land through some fake processes, get back their land.

I submit. I support that Motion. Thank you.

The Deputy Speaker (Sen. Kathuri): I now want to call the Mover to reply.

Sen. Faki: Thank you, Mr. Deputy Speaker. I thank Sen. Beatrice for seconding the Motion, Sen. Mundigi, who is the Senator for Embu County, for contributing to this Motion and Sen. Mungatana for also contributing to this Motion.

What happened here was a clear case of discrimination and historical injustice. The ministry needs to go back to the ground, do a survey, and allocate the land to the right people who were settled on this land. If there is any surplus that will be available, it can then be allocated to the other communities that are in that area.

Secondly, Sen. Cherarkey, our Committee is moved through a Statement in the House or through a petition. We cannot come to Nandi and start grappling and say; ‘we need to know this or that land, this lease has expired, that lease is in the wrong hands.’ We cannot do that. We can only move that through the plenary here, a petition or a Statement, then we come to Nandi and deal with the issue, the way we went to Embu.

On Monday this week, we were in Meru, where the Deputy Speaker is the Senator. People were happy. So, we need to be moved as a Committee to deal with these issues. We are ready at any time to deal with the issues of land as quickly as possible.

Thank you, Sen. Mungatana. If there is any government land in Tana River that has not been alienated, please, present a petition here and because the Government had vowed to deal with the problem of squatters, we can deal with the issue as soon as possible.

Pursuant to Standing Order No.66 (3), I request the deferment of putting of the question to a later date.

Thank you.

(Putting of the Question on the Motion deferred)

The Deputy Speaker (Sen. Kathuri): Okay, next Order.

MOTION

ADOPTION OF REPORT ON PETITION ON THREATENED EVICTION OF RESIDENTS OF MARUNGU, TAITA TAVETA COUNTY

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

Sen. Faki: Mr. Deputy Speaker, Sir, I beg to move-

THAT, the Senate adopts the report of the Standing Committee on Lands, Environment and Natural Resources on a petition to the Senate by Robin Kalama and other residents of Marungu in Taita-Taveta County concerning the threatened eviction from the ancestral land by the Holy Rosary Catholic Parish, Mwanda, laid on the table of the Senate on Tuesday, 7th October, 2025.

This is another case of land historical injustice. The residents of Mwanda, located in Taita-Taveta County, had allocated about 80 acres for the parish. However, when the church went on the ground, they presented a request for 1,000 acres and the 1,000 acres was supposed to be used for the following-

- (1) Administrative centre, two acres;
 - (2) Nursery school and related facilities, five acres;
 - (3) Primary school with related facilities, including school demonstration farm, 30 acres;
 - (4) Secondary school and related activities, 65 acres;
 - (5) Vocation centre and related facilities, 20 acres;
 - (5) Health centre, five acres;
 - (6) Farms, number of families, each with a household family of four acres, 80 acres;
 - (7) Staff farm, four acres;
 - (8) Beekeeping, 20 acres;
 - (9) Water systems with boreholes, shallow wells and dams, 50 acres;
 - (10) Tree planting, 300 acres;
 - (11) Animal dairy cows and sheep and goats, 360 acres;
 - (12) Police force, three acres;
 - (13) Housing for orphans, 30 acres;
 - (14) Church, 10 acres;
 - (15) Sister/nuns, convent and farm, 20 acres;
- all making a total of 1,004 acres.

Mr. Deputy Speaker, Sir, when the adjudication took place, the 1,000 acres which were allocated were composed of land that had already been settled on by the indigenous people of Mwanda location. Therefore, they later came to find out that they were living on land that belonged to the church. When they complained to the church, the church said that the land now belonged to it and there was nothing the people could do.

This land was allocated during the penultimate years of the existence of the county governments from 2010 to 2012. However, the title deed was issued to the church

in December 2020 by the national Government through the Ministry of Lands and Settlement.

During the existence of the then Taita-Taveta County Council, a Motion was presented by the area councilor for the expropriation of 1,000 acres of this land. That particular issue was not subjected to public participation because the residents were not aware that 1,000 acres of their land was being given to the church. We invited the church to give us their views or their position on this allocation but they declined to appear before the committee on the grounds that the committee did not have jurisdiction to deal with the matter.

Mr. Deputy Speaker, Sir, the Minister of Lands and Natural Resources appeared before our Committee and they were categorical that because they have already issued a title, they cannot recall that title, neither can they review that title.

The NLC also appeared before our committee and we invited them to review this grant, because obviously there is some injustice. Already that part of the land which was allocated belongs to the indigenous people of Mwanda, who have nowhere to go as a result of this allocation.

The report is very fair. We are calling on the NLC - because it has the power to review grants - to review this grant, because at the time it was being issued, the NLC was already in existence and, therefore, they had a mandate to make sure that the residents of a Mwanda location in Taita Taveta County were consulted on the allocation of this land to the Holy Rosary Catholic Parish in Mwanda location of Taita Taveta County.

Mr. Deputy Speaker, Sir, I beg that this report be adopted and I invite Sen. Mwaruma, the Senator from Taita Taveta County to second this Motion. We visited Taita Taveta with regards to this report and we had a very fruitful engagement with the residents of the area.

Thank you, Mr. Deputy Speaker, Sir.

Sen. Mwaruma: Thank you, Mr. Deputy Speaker, Sir, for this opportunity to second this Motion on the petition by Robin Kalama, who represented the residents of Marungu. Marungu is in Mwanda-Mgange Ward.

It is true that the Catholic Holy Rosary Parish of Mwanda approached the people of Marungu wanting to be given land for some development. As the Chairperson has explained, they came up with a very good land use plan. They had requested for 75 acres, which the residents agreed to, but when the MCA, representing Mwanda-Mgange Ward presented the request for land, he requested for 1,000 acres.

The minutes that were provided by the County Government of Taita Taveta show clearly that what was given or what was requested for was 1,000 acres, which was contrary to what was requested for when the church went to the ground.

I want to say that this is an issue, as well stated by the Chairperson, of a historical land injustice because there was no public participation as to the request for 1,000 acres. The 1,000 acres was granted in 2008, and in 2020, a title deed was given to the church. However, from then up to now, we have not seen implementation of any of the projects that were outlined in the land use plan.

Part of the land was supposed to be used for construction of an orphanage and some piece of land was supposed to build a police post. There were people who were

already living in that land and now they are facing eviction because the land has already been titled to this parish.

This issue is not unique to the people of Mwanda-Mgange Ward. We went to Meru with you the other day, because a Catholic Church had taken over a piece of land meant for construction of a vocational training college, primary school, secondary school and this same church, the Catholic Church.

We also have a situation or a case in Taita Taveta, where in 2008, the then Commissioner of Lands gave land in a place called Mwakingali, to the Catholic Church again, to construct a church and an academy and now, there are people who are facing eviction, over 500 of them.

There is already an order that is alive and the people are supposed to be evicted. They went to court to defend themselves, the land court, the high court, the appellate court, but still, they are facing eviction.

This is a historical land injustice and we have done our report, as the Chairperson has accurately said, to say that we want the NLC to review this case, because it is a case of historical land injustice. People who have lived there since time immemorial are facing eviction.

We will push for implementation of the recommendation of the Committee. I am hoping that this same Committee, which is the implementation committee, will follow through, so that the recommendations are well implemented.

Mr. Deputy Speaker, Sir, I would like to second.

(Question proposed)

The Deputy Speaker (Sen. Kathuri): Sen. Chimera, would you like to speak on this Motion?

Sen. Chimera: Asante sana, Bw. Naibu Spika, kwa fursa hii niweze kutoa mchango wangu kwa Ripoti ambayo iko mbele yetu leo hii. Kwanza ningependa kuipongeza Kamati hii ya Ardhi, Mazingira na Maliasili ikiongozwa na Seneta ambaye ninamheshimu sana, mzee wangu, Sen. Faki kutoka kaunti jirani ya Mombasa, vile na wale wanakamati wote kwa kazi hii nzuri ambayo wameifanya.

Ukiangalia utaratibu ya biashara ya Seneti, utaona kwamba leo hii, ripoti nyingi kuhusu ardhi zimeweza kuwasilishwa Bungeni na kamati hii, inayoongozwa na Sen. Faki. Wameweza kuwasilisha ripoti kadhaa kuhusu suala la ardhi.

Katika maisha yangu, nimekuwa nikifiri kwamba suala hili la ardhi kama vile kukosa vyeti vya ardhi na pia kufurushwa kwa wananchi wetu, ni suala ambalo liko katika eneo ya Pwani peke yake. Lakini nashangaa kuona kwamba pia wenzetu kutoka kaunti za Embu, Kisii na hata vile Kaunti ya Mombasa pia wao wana shida kubwa ya suala hili la ardhi.

Kweli, donda hili la ardhi limekuwa donda sugu. Hivyo basi, ni nafasi kuu ya Serikali hii kuhakikisha ya kwamba suala la ardhi ndani ya nchi hii, sio pwani pekee kwa sababu mara nyingi tumekuwa tukilia hapa sisi viongozi wa pwani kwamba siku nyingi Wapwani tumekuwa maskwota, mpaka tumezoea.

Mimi mwenyewe ninavyozungumza hapa, mimi ni skwota pale Kwale na mimi ni kiongozi. Kwa hivyo, ni furaha kwamba tuko wengi; kwamba nchi nzima inalilia suala hili. Waswahili husema: “Kilio cha wengi huwa ni harusi.” Kwa hivyo, nina imani kupitia taarifa hii na ripoti hizi, hususan hii ya Mwenda pale Taita Taveta, kwa sababu ni mahali ambapo nimeenda. Pia kuna ndugu zetu kutoka Kwale wanaokaa pale Mwanda na wako katika hatari hii ya kufurushwa kwao kwa sababu ya swala hili la ardhi.

Vile, nikirudi nyumbani, niseme ya kwamba suala hili limekidhiri sana katika Kaunti yangu ya Kwale. Nimeuliza kupitia kauli, taarifa kuhusu mashamba mengi ndani ya Kaunti ya Kwale. Nikutaarifu kwamba kuna wakaazi wa Wasini walioishi hapo zaidi ya miaka hamsini wakijua hapo ni kwao. Lakini leo hii kuna watu au familia binafsi na kwa sababu niko Bungeni leo na ninatetewa kisheria nikitaja majina, familia ya Saggaf imepata cheti cha ardhi ya Wasini pasipo kuwahusisha wananchi, viongozi wa Kaunti ya Kwale au Serikali ya Kaunti. Leo wanasema wanamiliki ardhi ya Wasini.

Vile vile, kuna hatari kuu sana ya wananchi wanaoishi sehemu ya Kuranzi, eneo bunge la Kinango. Wenyeji wana wasiwasi kwamba wakati wowote watafurushwa kutoka eneo lile. Inasemekana yupo bwenyenye anayemiliki ardhi ile.

Naomba serikali zetu za kaunti, najua kuna ugatuzi na wamepatia kipao mbele masuala mengine. Lakini kulingana na ripoti hizi, hususan ripoti ya Taita Taveva, serikali zetu za kaunti lazima zifanye bidii kuhakikisha zinalivulia njuga suala hili na kupambana nalo ili mwananchi asiyejiweza apate haki yake ya ardhi.

Itakuwa ni makosa sana iwapo tutashindwa kutatua suala la ardhi kama viongozi tuliowekwa uongizini. Kila siku tunapata malalamishi kwamba watu wanafukuzwa au nyumba zinabomolewa au watu ni *squatters* sehemu fulani. Hadithi hii ya squatter inafaa kufika kikomo. Namshukuru sana Sen. Faki kwa kazi nzuri na kujitolea kusafiri kila kona ya nchi hii kumsikiliza mwananchi na kuhakikisha anapata haki yake kupitia Kamati yake.

Bw. Naibu Spika, pia nakukumbusha kwamba baada ya Kamati za Seneti kufanya kazi na kutoa mapendekezo mazuri kama haya ambayo ni ya kufurahisha, yanayomjali mwananchi na ya kikatiba na kisheria, lakini Serikali yetu na asasi zake zinazembea kutekeleza mapendekezo haya. Itakuwa tumepoteza fedha nyingi za Serikali na mda mwingi ambao Sen. Faki na wanakamati wake wangepanya mambo yao ya kibinasi. Pengine wangeshughulikia masuala yao ya kisiasa au kukaa na jamii na familia zao, lakini wamejinyima mda ule ili kutuletea ripoti kama hii. Halafu, waliopo na jukumu la kutekeleza wajibu huo, wanashindwa kutekeleza mapendekezo ya Kamati zetu za Seneti.

Bw. Naibu Spika, nitakupa mfano. Hivi majuzi kabla tuende kwa likizo fupi, tulileta ripoti Bungeni ya kufidia wananchi wa Ramisi, vijiji vya Nikavu, Mkono wa Ndugu na vinginevyo. Walifaa kupewa ardhi mbadala ili waendeleo na maisha yao. Ilikuwa amri, wala sio pendekezo, ya mahakama kwamba tume ya masuala ya Ardhi, the NLC, ihakikishe wananchi wa Ramisi wamefidiwa na kupewa ardhi mbadala ili shughuli zao za kawaida ziendeleo. Jambo la kusikitisha ni kwamba hadi sasa, hilo halijafanyika.

Tujiulize, je kuna haja gani Seneti kuwekeza pesa kusafiri sehemu nchini kama Kilifi na Malindi? Vilevile nafahamu pale Malindi uwanja wa ndege, kuna *squatter* zaidi ya 1,000 eneo la Ganda wanaoishi katika hali ya sinto fahamu kwa sababu hawajui kama ni sehemu yao, ilihali wamejenga na wanaishi hapo na hata wanazikana kwa ile ardhi. Sio

sawa ikiwa ndugu yangu, Sen. Madzayo, ataenda kuomba kura tena kwa wananchi na suala hili halijashughulikiwa.

Naiomba Serikali Kuu na serikali za kaunti zitenge pesa kuhakikisha mapendekezo ya kugawanya ardhi hii yafanyike. Tunaona kuna ubadhirifu mwingi wa pesa katika serikali za kaunti, lakini hawafahamu kuna haja ya kuwekeza kuhakikisha wananchi wao wamepata ardhi na wanaishi mahali ambapo hawatasumbuliwa na mtu yeyote na wapate cheti cha ardhi yao.

Nikimalizia, kwa sababu hali hii ni halisia nchini kote, napongeza serikali ya mseto katika jukumu lake na juhudi zake za kuhakikisha kwamba suala la mashamba limetatuliwa pale pwani.

Leo hii wenzangu waliopo hapa, namuona Seneta wa Kaunti ya Taita Taveta pamoja na Sen. Faki na Sen. Madzayo, watakubaliana nami asilimia mia kwamba tuko katika mikakati ya kuhakikisha mashamba yote yaliochukuliwa na mabwenyenye na hawapo, tupate orodha ya *squatters* na kuwasilisha orodha hiyo kwa ofisi husika. Serikali kuu inafaa kulipa fidia ili watu wetu wa Kaunti ya Kilifi, Kwale, Mombasa, Tana River, Lamu na Taita Taveta wapewe ardhi yao ili waishi vizuri. Wakifanya hivyo, wananchi watafahamu kuwa Serikali yao ipo pamoja nao.

Bw. Naibu Spika, kwa hayo mengi au machache, asante sana. Napongeza Kamati ya Sen. Faki. Naamini hivi karibuni, nitahakikisha kuwa Kamati hii imefika Wasini, Kaunti ya Kwale, kuchunguza hatari iliyopo kutokana na masuala ya ardhi.

The Deputy Speaker (Sen. Kathuri): Senate Minority Leader, Sen. Madzayo.

The Senate Minority Leader (Sen. Madzayo): Asante sana, Bw. Naibu Spika. Naungana na Maseneta wenzangu waliochangia Hoja hii ya mashamba. Inavyofahamika Kenya nzima, kama kuna mahali kulikoathirika zaidi na masuala ya mashamba ni sehemu ya Pwani. Mashamba yao yamenyakuliwa kwa dhuluma kupitia vyeti vya ardhi bandia. Toka jadi, watu wameandika vyeti vya ardhi gushi na kuja kufurusha wakaazi wa Pwani bila kujali maslahi yao, makaburi, makanisa au misikiti iliyopo maeneo yale.

Kwa upande wa Taita Taveta, najumuika na---

(Sen. (Dr.) Oburu walked into the Chamber)

Kiongozi wa chama changu cha kisiasa anapita. Kwa hiyo, ni lazima nimpatie heshima yake.

Bw. Naibu Spika, pia watu wa Taita Taveta wameathirika. Kwanza, kuna wanyama wanaoingia kwa mashamba kama tunavyoona. Vilevile, mashamba yao yamechukuliwa na watu wanaojua wazi vitendo wanavyofanya ndani ya Wizara ya Ardhi ni ukorofi, wizi na ufisadi. Utakuta kwamba yote yaliyofanyika kwa wakaazi wa Marungu, Taita Taveta, ni dhuluma.

Katika maono tuliyo nayo, ni vyema Wataita wenyewe wanaoishi katika yale maeneo waweze kupewa hayo mashamba. Jukumu hilo hivi sasa likiwa katika Seneti, tuna imani ya kwamba kupitia kwa Mwenyeketi wa Kamati ya Ardhi, Mazingira na Maliasili, ndugu yetu, Mohammed Faki, atie mkazo zaidi kuona ya kwamba baada ya hapa, haya mambo sio ya kulala, ni ya kuendelea mbele ili kuhakikisha kwamba watu wa Taita Taveta wamepata haki yao.

Vilevile, mbuga nyingi sana, kwa mfano, kule Kilifi, hususan upande wa Mtwapa, Shariani, Vipingo, Kilifi Gold na hatimaye uende juu kabisa mpaka Kilifi North, Msabaha huko kwote na Malindi hadi mbele ya Marafa ambayo ni eneo la Magarini, mashamba haya yamechukuliwa kwa hali ya dhuluma. Hii ni kwa sababu wale wanaoishi pale, wanaweza kuwa hawana ile azma ama akili ya kuweza kufikiria ya kwamba, hapa tunapoishi, tulipozaliwa na ambapo makaburi ya babu zetu ziko, hapa ambapo tukiangalia hivi, hatuna kwingine kwa kwenda katika Kenya hii, isipokuwa papa hapa ambapo kuna makanisa yetu, mashule yetu na makao yetu tunapoishi kama mji; itakuwa ni jambo la kusikitisha hivi leo kuona kwamba watu hao wanafurushwa bila huruma.

Wale ambao tunaweza kuwalaumu zaidi ni kuwa kuna mapolisi maalum ambao wamejihusisha sana na mambo ya mashamba. Ikifika wakati wa kuwafurusha wakaaji au wenyeji katika ardhi zao, utawaona polisi hao; watatoka hata kama ni Mtwapa waende hadi Malindi, Magarini na kwingineko lakini ndani ya Kilifi County utapata hao ndio wamekuwa majabali sasa wa kufukuza wale *locals* kwa sababu wao wanasema, wametumwa, na wana stakabadhi za kortini. Wakati mwingine hata wale askari hawaangalii kama zile *orders* wamepewa kama ni bandia. Mara nyingi inatokea kwamba mawakili wameenda kortini wakiwatetea wale wanavijiji, wanaopata orders ya kwamba, hii tite haonekani ndani ya Wizara ya Ardhi.

Kwa hivyo, tunataka kuweka mkazo; dalili hizi ambazo Kamati hii ya Seneti ya Ardhi ikiongozwa na ndugu yetu Mohammed Faki Mwinyihaji, ni kwamba kuwe na mikakati mizuri ili watu waitwe na waulizwe maswali. Wakiweza kujibu sawa, ikionekana kwamba kulikuwa na dhuluma na mashamba yao yakapewa watu wengine ama watu wakatoa zile stakabadhi bandia, basi suala kama hili litatuliwe na Wizara ya Ardhi kuona ya kwamba watu wanaoishi pale wamerejeshewa ardhi zao.

Asante, Bw. Naibu Spika.

The Deputy Speaker (Sen. Kathuri): Thank you. I now call upon the Mover to reply.

Sen. Faki: Thank you, Mr. Deputy Speaker, Sir. I thank Sen. Chimera for his able contribution to this Motion. I also thank our Minority Leader for his contribution to this Motion. I thank Sen. Mwaruma for seconding the Motion. Sen. Mwaruma is not only a Member of the Committee, but also the area Senator. When we visited Taita Taveta because of this particular petition, he was very helpful in explaining the issues to us, as a Committee.

Mr. Deputy Speaker Sir, as you are aware, the land issue in the Coast is very funny. We have seen instances where people are being evicted just because somebody in Nairobi allocated the land to the wrong person. The other day we were in Meru and we saw for ourselves the issues that were there, the land which was reserved for the public utilities was being appropriated by the church. However, I am glad the church was willing to come, sit down and discuss the issue with us.

In Jomvu, Jomvu Kuu area, the Methodist Church, took about 170 acres of land. Right now, they are subdividing and selling it to third parties yet initially the land was meant for use by the church. How does a church become a land broker?

This is all a matter of addressing the land historical injustices. The NLC should do more than just saying that we are handicapped. Although they have many cases right now, they have about 1,500 cases, and I understand their time is coming to an end next month, but that does not stop them from working hard to make sure that some of these cases are resolved as soon as possible.

I thank you, Mr. Deputy Speaker, Sir. I beg to move that under Standing Order No.66(3), putting of the question be deferred to the next date.

The Deputy Speaker (Sen. Kathuri): Your request is granted, Chairperson of the committee.

(Putting of the Question on the Motion deferred)

Next Order.

MOTION

ADOPTION OF REPORT ON PETITION ON DELAYED ALLOCATION OF LAND TO MWANDABUSI LAND SQUATTERS, KISII COUNTY

Sen. Faki: Mr. Deputy Speaker, Sir, I beg to move-

THAT, the Senate adopts the Report of the Standing Committee on Land, Environment and Natural on a Petition to the Senate by representatives of Mwabundusi land squatters in Bobaracho Ward, in Kisii County concerning delayed allocation of alternative land by way of re-settlement or compensation for the ancestral land that was alienated by the Government of Kenya for creation of the Kisii Agricultural Institute and Kisii Farmers Training Centre, laid on the Table of the Senate on Tuesday, 7th October, 2025

Mr. Deputy Speaker Sir, this is another case of land historical injustice that was presented to this Senate by the Mwabundusi land squatters residing in Bobaracho Ward of Kisii County. The land was alienated by the government for the purposes of the Kisii Agricultural and Livestock Organisation (KALRO), formerly KARI, and the Kisii Farmers Training Centre (KFTC). Initially, the squatters lived on the land in the early 1960s.

The petitioners the Senate to direct the NLC to conduct independent and accurate audit to examine the actual acreage occupied by KALRO and KFTC and number two, ensure expeditious allocation and resettlement of the petitioners on available public land as compensation for the alienated ancestral land.

The KALRO land in Kisii has been in the eye for many years. In fact, several high-profile politicians coming from that region have been beneficiaries of allocations. This include, a portion that was allocated to Jared Benson Kangwana, who in fact obtained judgement in his favour for that particular portion. There were other matters which are still pending in court and, therefore, we could not delve deeper into this land.

Mr. Deputy Speaker Sir, although they had petitioned the NLC which did not hear their cases because of the termination and maybe retirement of the commissioners.

The Committee visited the land and they had an engagement with the squatters. Part of the land is occupied by KALRO and KFTC. The other part is still vacant. However, KALRO and Kisii Farmers Training Centre (KFTC) still need land to undertake their activities.

The Committee recommended that the NLC goes back to the ground, with the assistance of local leaders, community and members of Mwabundusi Squatter Society, to do a survey to ascertain the actual land that is occupied by KALRO and KFTC.

We also recommended that if there will be any available land, apart from the land that is reserved for KALRO and KFTC, the land should be considered for allocation to the squatters who originally occupied that land. However, that is subject to whether the land that is available is enough for KALRO because we know that in the coming days, research will be required in order to uplift the agriculture potential of Kisii County. It will also be required to bring in new and innovative farming ideas to the farmers. Therefore, training will be necessary for farmers, so that whatever is being researched can be passed on to the farmers in order for them to improve their yields due to new and modern farming techniques.

Mr. Deputy Speaker, Sir, having moved this Motion, I request Sen. Beatrice Ogola to second.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Beatrice Akinyi.

Sen. Ogola: Mr. Deputy Speaker, Sir, I am honoured to second this Motion as moved by my Chairman, Sen. Faki. As I second, it is important to note the non-responsive nature of the NLC in all these petitions.

Sometimes back on this Floor, the Committee on Land, Environment and Natural Resources was reminded that we had 13 petitions pending before the Committee. I want to say from the start that Kenyans had a lot of hope in the work of the NLC. However, for most petitions that we deal with, we are unable to move with speed as expected by petitioners because the NLC has been slow. It could be that they do not have the capacity to deal with the expectations of Kenyans efficiently and effectively. If that is not the case, they need to come and tell Kenyans or Parliament clearly that they do not have resources to accomplish the mandates that Kenyans bestowed on them.

This is a petition that we dealt with and the committee went to the ground. As the Chair stated, land issues must be attended to. It is the responsibility of the NLC to manage public land on behalf of counties and the national Government. Therefore, we have a lot to expect from them.

Historically, we know that a number of places have a lot of injustices that have been meted on them. Those are the core mandates that Kenyans bestowed on the NLC.

Mr. Deputy Speaker, Sir, I beg to second.

(Question proposed)

The Deputy Speaker (Sen. Kathuri): I will allow a few Senators time to make comments, starting with Sen. Richard Onyonka.

Sen. Onyonka: Bw. Naibu Spika, kwanza, ningependa kutoa shukrani zangu kwa Mwenyekiti wangu wa Kamati ya Ardhi, Mazingira na Maliasili. Ombi la wakaazi wa

Mwabundusi ambao shamba lao lilichukuliwa na Serikali karibu miaka 80 iliyopita ni jambo ambalo limekuwa likiwakera.

Tulipokutana na wananchi hao hapa Nairobi kwa mara ya kwanza kwa sababu baadhi yao ni viongozi kule mashinani ambao tunajuana nao na wengi wao wamestaafu, walisema kuwa swala la shamba hilo limekuwa likiwakera na hawajui la kufanya. Walileta *petition* hapa katika Seneti kwa sababu mbeleni NLC ilikuwa inachukua muda mrefu.

Ningependa tuangazie jambo hili katika Seneti na ningependa Sen. Faki alifuatilie. NLC ikijua kuwa kuna jambo ambalo wananchi wanataka liangaziwe kuhusu shamba, hawachukui muda mfupi kusuluhisha shida hiyo.

Hapa nchini kuna Katiba inayotumika. Ningependa kutoa shukrani zangu kwa Mzee Raila kwa kusema kuwa kulihitaji taasisi ambayo itasaidia kusuluhisha mambo ya mashamba kihistoria nchini Kenya.

Jambo la pili ni kwamba kwenye shamba hilo ambalo liko katika Mji wa Kisii, kuna Idara ya Serikali ijulikanayo kama Kenya Institute of Highways and Building Technology (KIHBT) inayohusika na mambo ya ujenzi. Vilevile kuna chuo cha National Youth Service (NYS) na Veterinary Department. Vilevile, Kisii Bottlers Limited ilikuwa hapo. Sasa hivi kuna cancer centre hapo.

Kabla ya *petition* hii kuletwa, tulikuwa tunajaribu kuangalia shida iko wapi. Baadaye wazee hao walipokuja, walisema kuwa hawataki kuhusika katika kuondoa KALRO, KIHBT na Veterinary Department. Hata hivyo, walisisitiza kuwa babu zetu walikuwa na shamba ambalo lilikuwa ekari 480. Shamba ambalo walifaa kupeana kwa Serikali lilikuwa ekari 86. Makubaliano hayo na kila kitu kipo.

Baada ya wazee hao kwenda kwa NLC, tulikaa kama Kamati ya Ardhi, Mazingira na Maliasili. Ningependa kusema kuwa nafurahia kwa sababu kamati ya Seneti hii inayohusika na mambo ya mashamba imesema kuwa lazima Idara inayohusika na survey iende kule Kisii kufanya survey ili tujue shamba lile ambalo lina maskwota na Idara za Serikali lilikuwa ekari ngapi.

Jambo la pili ni kuwa Kamati ya Ardhi, Mazingira na Maliasili imesema kuwa uchunguzi ufanywe kuhusu Idara ya Mifugo ambayo iko katika shamba hilo ili tujue shamba lao ni ekari ngapi.

Mwisho, Kamati ilipendekeza kwamba shamba ambalo litabaki bila wakaazi, kwa sababu ukienda pahali panaitwa Itezezi ama Mwabundusi, utapata kuna karibu ekari 50 ambazo ni uwanja tu, hakuna mtu anaishi hapo ilihali idara zote za serikali ziko kwa zile ekari 85. Hata the Kisii National Institute iko kwenye hiyo shamba.

Hawa wazee walisema kwamba hawataki kujihusisha na hayo mashamba ambayo yako na idara za kiserekali kwa sababu wanajua uzuri wa idara za Serikali. Waliuliza kwa afueni yao kwamba survey ifanywe na hii Kamati imekubali kwamba survey itafanywa. Kamati pia imewashauri viongozi wote wanaohushishwa kuketi chini baada ya hawa waze wamekaa chini na National Land Commission (NLC) ili survey ifanywe.

Bw. Naibu Spika, sijui kama Mhe. Faki alijua hilo, lakini, Kamati iliporudi hapa Bunge, walienda wakafanya survey na maafisa wa Serikali. Nadhani hiyo ripoti imeisha.

Ingawa idara inayoshughulika na mambo ya ardhi, the NLC imejaribu sana, kujihusisha, Kenya yetu bado ina mambo mengi kuhusu mashamba. Kuna mashamba

ambayo yamenyakuliwa, mengine yako na title deeds zaidi ya moja, mengine ni mashamba ya shule ambayo yamenyakuliwa na mabwenyenye na wakajenga mahoteli na vitu kama hivyo.

Ombi langu ni kuwa, NLC ijue kwamba iliundwa lengo lake likiwa kusuluhisha shida na vita ambavyo viko pale mashinani. Wakijihusisha vilivyo, hakutakuwa na maskwota na pia unyakuaji wa mashamba. Wananchi hata hawangependa kupeleka hizi kesi kotini kwa sababu kesi za mashamba huchukua zaidi ya miaka kumi kusuluhishwa.

Mhe. Faki, umefanya kazi nzuri katika Kamati yako ya Ardhi, Mazingira na Maliasili.

Bw. Naibu Spika, nilisikia ndugu zangu wakisema kuwa kuna mambo fulani wangependa serikali ijihusishe nayo. Serikali inafaa kuhakikisha kwamba kila mtu, awe Seneta, gavana hata Rais amejisajili na Ardhisasa ili tuweze kujua ni nani ana shamba halali na nani hana. Tukifanya hivi, tutakuwa na rekodi na kupata suluhu wakati kuna vita ama watu hawaelewani. Vile mnavyosema kwamba hii serikali inajali mambo ya watu maskini, lazima ijihusishe vilivyo kwa kuhakikisha kwamba hili jambo la mashamba litapata suluhu na mambo ya Mkenya kuitwa skwota kwao yaishe.

Nikimalizia, ningependa kumshukuru ndugu yangu, Mwenyekiti, Sen. Faki, umefanya kazi nzuri. Natoa heshima zangu sana kwa hii Kamati ya Bunge kwa kuwapea afueni hawa wazee ambao wamesha kustaaifu. Watatu wa wale waliokuwa hapa wana zaidi ya miaka 80. Ni heshima sana, na najua hata wajukuu wao watafurahia kwa sababu at least, justice imekuwa served.

Nashukuru sana, Bw. Naibu Spika.

The Deputy Speaker (Sen. Kathuri): Asante sana.

Naomba mwasilishi wa Hoja aweze kujibu.

Sen. Faki: Asante, Bw. Naibu Spika. Naona unajitahidi kwa Kiswahili kwa sababu juzi tulipokuwa Meru, ulipata shida kutamka “utepetevu”. Asante kwa kunipa fursa hii.

Namshukuru Sen. Beatrice Ogola kwa kuunga mkono Hoja hii. Vilevile namshukuru Sen. Onyonka ambaye alihudhuria mikutano na vikao ambavyo tulifanya na watu wake wa Kisii kuhusiana na swala hili.

Ni kweli kwamba NLC haifanyi kazi yake kwa haraka inavyostahili. Kwanza, wanashida ya bajeti na shida zingine za kimsingi zinazowazuia kufanya kazi zao kikamilifu. Kwa mfano, ripoti zetu nyingi zilichelewa kwa sababu NLC haikuja kwenye Kamati kutueleza mambo kuhusiana na maswala tofauti tofauti. Lakini katika kikao cha mwisho na mwaneyekiti, alithibitisha kwamba atayatilia nguvu maswala hayo ili ripoti zetu zisichelewe na mahitaji ya wananchi ya uchunguzi yasicheleweshe.

Bw. Naibu Spika, ripoti hii ikitekelezwa, itahakikisha kwamba yale matatizo ambayo hawa wananchi mabundusi wameweza kuona kwamba haki imetendeka. Ardhi ambayo ilikuwa imetengewa maskwota wote ilikuwa ekari 400 na Kenya Agricultural and Livestock Research Organisation (KALRO) walisema kwamba yao ni ekari 100. Kwa hivyo, kuna karibu ekari 300 ambazo zikigawanywa, wale ambao wameishi pale kwa muda wa mababu na mababu, watapata afueni.

Vilevile kama Kamati, tutaweza kusimamia Wizara pamoja na NLC ili kuhakikisha kwamba hizi ripoti zote ambazo zimeletwa mbele ya Bunge, zimetekelezwa na kwa muda unaofaa.

Asante, Bw. Naibu Spika.

Naomba uamuzi wa Hoja uairishwe hadi siku za usoni kulingana na Kifungu 66(3) cha Kanuni za Senate.

The Deputy Speaker (Sen. Kathuri): Mwenyekiti, ombi lako limekubalika.

(Putting of the Question on the Motion deferred)

Let us move to the next Order.

Mwenyekiti wa Kamati ya Ardhi, Mazingira na Maliasili.

MOTION

ADOPTION OF REPORT ON PETITION ON RECOGNITION OF LAND OWNERSHIP RIGHTS AND REDRESS OF HISTORICAL LAND INJUSTICES IN MOMBASA COUNTY

Sen. Faki: Mr. Deputy Speaker, Sir, I beg to move-

THAT, the Senate adopts the Report of the Standing Committee on Land, Environment and Natural Resources on a Petition to the Senate by Mr. Nagib Shamsan and others concerning recognition of land ownership rights and redress of historical injustices in Mombasa County, laid on the Table of the Senate on Tuesday, 7th October, 2025.

Mr. Deputy Speaker, Sir, Mombasa and the Coast region has had a unique land ownership tenure which is also known as houses without land; where I own the house, but the land belongs to somebody else. This kind of ownership came up as a result of the historical nature of the coastal strip where land was in the trusteeship of the Sultan of Zanzibar. When the Sultan relinquished the coastal strip to the Government of Kenya, there were no efforts put in place to rectify this problem.

Apart from the few pieces of land that were allocated to people, most of the land remained in the hands of the Government. At the same time, Government functionaries took advantage of that and allocated themselves a lot of land in the Coast region at the expense of the citizens of that region. Therefore, you will find that in most areas such as Kisauni, Chagamwe and even the island, many people do not have title deeds for the houses that they own.

In the 1980s, the late President Moi declared an embargo that all the people who are owning land within the island, will only sell the land to the people who own houses. At that time, the land was going for about Kshs30,000 for those on the main road and Kshs15,000 for those behind the main roads. Many people took advantage of this and were able to regularize their position. However, in places like Kisauni and Chagamwe, this tenure system still persists.

Mr. Deputy Speaker, Sir, currently the land owners are imposing exorbitant land rent on the people owning these houses. They will wake up in the morning and say that they increasing the monthly rent from Kshs500 to Kshs1,500. Some are even asked to pay Kshs10,000 or Kshs15,000. Last week, I saw some notices which were served on some residents of the island where they are being asked to either pay Kshs6.5 million for their plot or pay rent at a sum of Kshs6,000 per month, for that portion which sometimes measures about 50 by 40 or 80 by 100.

Mr. Deputy Speaker, Sir, this is a continuing problem. People have not been able to develop their houses because whenever they want to, they still have to go back to the land owner for consent which is awarded on the basis of the value that one wants to put on that land. For instance, if you are building a house of Kshs1 million, you are supposed to part with Kshs100,000 as a consent fee to the land owner and on top of that you continue paying the land rent. The only document they normally have is the building plan, which is signed by the land owner and the developer, so that if you want to go to the bank, you cannot access to credit or if you want to bond or bail somebody who has been charged with a criminal offence, you cannot take that document to court for issuance of the bail. In a nutshell, you cannot use that document at any other place apart from your relationship with the land owner.

Mr. Deputy Speaker, Sir, we investigated this. We visited Mombasa and had presentations from the National Land Commission (NLC) and Mr. Najib Shamsan and Mr. Abdullahi Farah, who is an elder resident in Mombasa. We had a serious consideration. In fact, we discussed these issues with the NLC and we were able to see what could be done in order to resolve these issues. The NLC also did their own investigation and they presented their report to the Petitioners on the historical land injustices in the last month of September in Mombasa.

Mr. Deputy Speaker, Sir, we are recommending the following-

(1) That the NCL should expedite all the investigations into historical land injustices claims in Mombasa and make a final determination within three months upon adoption of this report by the Senate. I am aware that they have already made their recommendations and their recommendations are twofold-

Number one, that the national Government comes into acquire the land which is owned by these private land owners and redistribute it to the people who are residents on those portions of land.

In the meantime, pending the Government acquiring this land for purposes of resettling those people, there should be no evictions in Mombasa and the coast region in general.

Two, that, the Mombasa County Government to investigate matters of alleged illegal subdivisions of land and streamline the remittance of land rates by the absentee landlords.

Most of these landlords do not pay land rates that are due to the County Government of Mombasa. The County Government has also allowed subdivisions even when they are people with questionable documents. For instance, the land at Mwembe Kuku was one land parcel, but it was subdivided into portions, all of which have now been valued by the landowners at Kshs5 million per plot. These amounts, are very

exorbitant to the people who own those houses because they are not be able to buy those houses and the landowner is at liberty to sell to any other willing buyer.

Three, the Ministry of Lands and Public Works and the NLC should come up with a reasonable land valuation criterion to enable the landowner to charge the lessee and the tenants fairly.

Mr. Deputy Speaker, Sir, the landowner does not use any formula of charging the land rent. They wake up one day and say, we are issuing a notice that effectively from 1st November we are going to charge you Kshs3,000 per month for your plot. So, this one has to come to a stop, because already these people have been paying the rent for the many years and maybe they have not been offered any service by the landowner.

Four, the NLC undertakes a thorough analysis to document the challenges and propose context-specific interventions that will inform future policy reforms and legislative amendments to ensure equitable land distribution and conflict resolution.

These proposals are to be shared with the Committee on or before the 31st December.

Mr. Deputy Speaker, Sir, here we are addressing the issue of policy because at the moment the Government does not have any policy on what happens to these people who have been owning houses, but they do not own the land. Can the Government come up with a policy that they acquire the land from the landowner and then allocate it to the house owners at a reasonable price, so that people are settled and they obtain titles for the land that they own?

Mr. Deputy Speaker, Sir, this is the report on the land historical injustices. The Committee has taken the time to visit Mombasa to see for themselves the problems that these issues have generated. Previous attempts were done. I remember in the years between 2003 and 2007, there was a Committee which was established by the Ministry of Lands, Public Works, Housing and Urban Development headed by Prof. Kivutha Kibwana, who was then the Minister for Lands, Public Works, Housing and Urban Development, to deal with the issues of these historical land injustices in the coast.

Mr. Deputy Speaker, Sir, I beg to move and ask Sen. Mwaruma to second this Report.

I thank you.

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

Sen. Mwaruma: Thank you, Mr. Deputy Speaker, Sir, for this opportunity to second this Motion on the report on historical land injustices in Mombasa. Being a resident of Mombasa, I am well privy and apprised of this issue of historical land injustices in Mombasa and the issue of people who have built houses, but do not own the land. This is an issue of historical land injustices and it should be addressed by the NLC. I want to also decry the complacency and the lack of assertion by the NLC to resolve the issues of historical land injustices which are rampant within the coast region.

Mr. Deputy Speaker, Sir, I wanted to comment about the Mwabundusi land, but you did not give me the opportunity. It is an issue where a historical land injustice claim has been laid within the NLC, but the NLC is not keen on addressing that injustice. Back to Mombasa, there are many people who are suffering and the NLC can apply themselves judiciously to resolve this issue.

Mr. Deputy Speaker, Sir, these issues are not only unique to Mombasa. Even in Taita Taveta, there are areas where Government institutions have taken land belonging to the public. We have cases in Taita Taveta where the National Transport and Safety Authority (NTSA) has taken land. They are claiming that land is theirs, yet the people have built houses and now they want to evict those people.

We have a case where the prison department has taken a big chunk of land at a place called Ore in Voi, where the people of Ore are farming, but because there was a Gazette Notice in the 1970s where the Government gave land to the prison department, the prison department is claiming that land and they have started constructing houses without a title deed. The money that they are using was given by the NLC as compensation because of construction of the Standard Gauge Railway (SGR).

The question we have been asking ourselves is that: Is it proper for the Government to compensate a Government entity land? Therefore, the issues of land in Mombasa and the Coastal region are valid and the Chairperson has explained well that they need to be addressed by the NLC and the Ministry of Lands, Public Works, Housing and Urban Development.

Mr. Deputy Speaker, Sir, I am happy to note that the Government has gone ahead and provided a framework of purchasing some of the land and settling the residents. This is an issue we will laud, but we need expedition of that process, so that the people of Mombasa can live comfortably. We have a house that was built by my family in 1970 in Mombasa, but up to date, we are still paying land rates for all those over 35 years. I hope the recommendations of this report will be expedited and implemented, so that historical land injustices of Mombasa are addressed.

I thank you.

(Question proposed)

The Deputy Speaker (Sen. Kathuri): Sen. Beatrice Akinyi Ogola.

Sen. Ogola: Mr. Deputy Speaker, Sir, I rise to support the Motion as moved by Sen. Faki, who is the Chairperson of the Committee on Lands, Environment and Natural Resources and seconded by the Senator for Taita Taveta, Sen. Mwaruma.

My contribution will put an emphasis on the role Kenyans expected from the NLC. This Commission in its structure to address historical injustices and the mandate that was given to it in the Constitution and the Land Act needed to have vibrant offices in the counties. The NLC should have devolved offices in the counties that are fully constituted and not run by one-man officers in the name of county coordinators that they have in the counties.

This is because the issues that the NLC are dealing with are many and not limited to historical injustices. Initially when this Commission was constituted, they had County Land Boards as a decentralized structure of the NLC that had the coordinator and other professionals like surveyors or adjudication officers. That made it possible for the NLC to deal with the many issues. However, we have a situation where the NLC runs from the national level and only keeps one officer to just send reports. That is not the dream Kenyans had.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Mr. Deputy Speaker, Sir, I support this Motion and say that the historical injustices that have been presented here must be attended to in time. We have proposals that have been brought out in the Report. One of them is a proposal by the NLC that the Government should acquire land in order to resettle some of the petitioners.

If we have to go this way, I suggest that in the acquisition process, evaluation must be done properly and before land is picked by the Government to settle, compensation must be done well in advance. We have projects everywhere in this country where projects are undertaken, land has already been acquired by the Government, but after that, our people cry for compensation for a long time. The other option that was proposed here is that the legal subdivisions must be looked into and a thorough investigation done by the NLC.

The issue of investigation is crucial because if they were to do investigations, the findings would help the NLC solve other related historical injustices. I also would like to emphasize that we must look at the capacity of the NLC in terms of resources and the professionals they have, so that they can address the issues raised by Kenyans, the Senate and elsewhere because that is the main reason that the NLC was constituted.

I thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Having no other Member interested in contributing, I call upon the Mover to reply.

Sen. Faki: Asante, Bw. Naibu wa Spika, kwa kunipa fursa hii. Dhuluma za historia kwa masuala ya ardhi katika eneo la Pwani na Mombasa ni jambo limekuwa donda sugu kwa wakaazi wa huko. Vilio vya watu wa Mombasa ni kwamba, suala hili la umiliki wa nyumba bila ardhi, ni jambo ambalo ni lazima Serikali iingilie kutatua kwa sababu ina uwezo na rasilimali za kutosha kuhakikisha wale ambao wanamiliki ardhi, watalipwa fidia au ridhaa ili watoe ardhi hizi kwa wananchi wa kawaida.

Tunajua Serikali imetoa mikakati na maelezo kwamba watanunua ardhi hizi. Lakini, kwa miaka miwili mfululizo, zile pesa zinazotengwa kwa maswala haya ya ardhi zinatumika kwa miradi ingine inayotokea ya serikali. Ni kama serikali haina nia ya kuimaliza tatizo hili la ardhi kikamilifu katika maeneo ya Pwani. Kuna wengi wako pale na serikali ina uwezo wa kulipa lakini kwa sababu hakuna mfumo ambao utaleta usawa au haki kwa pande zote ili mwenye ardhi asipoteze ardhi yake bila malipo na yule mwenye nyumba asidhulumiwe kwa sababu amewekeza katika nyumba ile kwa muda mrefu.

Hii NLC ingeleta pamoja wenye ardhi na wenye nyumba, kwa mfano, kule Kisauni, wawe na kauli moja kuhusiana na dhamani ya zile ardhi ziko katika eneo lile. Changamwe pia pawe na mfumo kama huo ili watu waelewane na waweze kulipa kiwango ambacho kinaridhisha kwa kila upande.

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

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

Bi. Spika wa Muda, naomba Bunge hili likubali ripoti hii na uamuzi wa uhairishwe kuambatana na Kifungu 66(3) cha Kanuni za Seneti hii mpaka siku nyingine.

(Putting of the Question on the Motion deferred)

The Deputy Speaker (Sen. Kathuri: That request is granted.

Hon. Senators, there was clear guidance earlier on that after dispensing with the Motions up to Order No.21, we go back to Order No.17.

BILL

Second Reading

THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILL NO. 3 OF 2024)

(Sen. Olekina and Sen. Kisang on 08.10.2025)

(Resumption of debate interrupted on 28.10.2025 - Afternoon Sitting)

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, we are now at resumption of debate on The County Oversight and Accountability Bill (Senate Bill No.3 of 2024). Sen. Beatrice Ogola, you had a balance of nine minutes. I do not know whether you still want to pursue your minutes or cede ground to another Senator to proceed. You may take the Floor.

Sen. Ogola: Thank you, Madam Temporary Speaker. I will only use the next two minutes and cede the rest to my colleagues.

I support this Bill primarily because it will improve efficiency, as I indicated and the fact that it emphasizes on the access to information by members of the public.

It will enhance public participation because it even mentions the improvement of public participation facilities. However, I indicated yesterday that the lack of adequate and quality public participation is not necessarily due to lack of facilities, but because of the non-structured way in which it has been undertaken. For us to get quality public participation, we must also include the education of members of the public, so that they also participate in oversight of the projects.

I support.

Sen. Mwaruma: Thank you, Madam Temporary Speaker, for this opportunity to support this very important Bill, The County Oversight and Accountability Bill, co-sponsored by Sen. Kisang and Sen. Ledama Olekina, the Senator for Narok.

In the previous Parliament, we had opportunity to go through this same Bill, but it died on the way. I am happy that he was able to bring it back.

In the new Constitution of Kenya, 2010, devolution is the best thing that we ever gave to ourselves. I laud the late former Prime Minister, Rt. Hon. Raila Amolo Odinga, who was the main proponent of the Constitution and his support for devolution even after the Constitution was promulgated. We will forever, as small communities, remember him

for his support for devolution, which then devolved money and power from the centre to the counties.

This Bill is informed by the fact that when we appropriate money to the counties, we do not have adequate mechanisms of doing oversight. There are gaps in all the structure of oversight and its whole ecosystem in the counties, for the county governments, which is what has informed Sen. Olekina to bring this Bill. Primary oversight is supposed to be undertaken by the county assembly, but the way the assembly is formed, it is not able to do proper oversight.

Some of the reasons that have been postulated is that MCAs are vulnerable because of their little pay. Whether that is true or just theoretical, it has been advanced as a reason there is weak oversight within the county government.

Secondly, the assemblies have constituted themselves into implementers of projects and programmes. They are not the only culprits. Members of the National Assembly, with the National Government Constituencies Development Fund (NG-CDF) have made themselves implementers of projects and programmes. They, therefore, contradict themselves in terms of the principle of separation of powers, where the person who is supposed to do oversight becomes the implementer of projects and programmes. For example, if a construction is taking place and the MCA has been involved in identifying the constructor, there is no way that MCA can oversight that project.

Madam Temporary Speaker, the assemblies are not free. They have to work under the whims of the Executive in that if they are to request for funds from the Controller of Budget (CoB) then the County Executive Committee Member (CECM) for Finance has to sign the requisition. They, therefore, become a bit vulnerable because, then, they are not independent. We have worked on the independence of the assemblies, so that they can be stronger and do their work without undue strangulation from the Executive.

The other level of oversight is the Senate. For us, the committees that do oversight, the Public Investments Committee (PIC) and the Public Accounts Committee (PAC), also do really a post-mortem when money has already been spent, some of it misappropriated and embezzled. We only come to look at the Auditor-General's reports, which is not early enough to nip in the bud, corruption in the county governments.

That is why even when you do reports to the Ethics and Anticorruption Commission (EACC) or the Directorate of Criminal Investigations (DCI) to do investigations, they take a very long time for them to give reports and to act on the recommendations by the Senate.

That whole infrastructure and ecosystem of doing oversight is not well constituted which is why I think Sen. Olekina has seen it fit to bring this Bill.

We have tried, even in our counties, to do oversight. An example is when, from our whistleblowers, you see an act of malfeasance or possible loss of money in the operations of the county government. One time I wrote to DCI here in Nairobi. The DCI, Nairobi wrote to County Criminal Investigations Office (CCIO), in my county who called me.

When I went there, she was telling me to do a report; a statement. After that I would have to bring evidence and stand in the dock to defend my allegations. I told her, “nonsense. I have the Senate and I can still do my work within the Senate.”

One gets worried. Why is it that the DCI cannot act on information that has been given by whistleblowers? Does a parliamentarian have to do a statement and defend the allegations? If they can do that to me, what about the individuals who may be seeing possible corrupt actions and bring this to the DCI? How are they assisted?

I support this Bill for the simple reason that it gives a framework for doing oversight. I think this would be the third important Bill apart from Division of Revenue Bill and the County Allocation of Revenue Act that have to do with vertical division of revenue and horizontal division of revenue respectively.

After that money is appropriated to the counties, how do we, as Senators and the Senate, as a corporate, do oversight? At times we request for statements here. that take very long to be responded to. I was getting amused yesterday when I brought a statement to be considered about the boundary between Kajiado and Taita Taveta. I found out that it was responded to a long time ago. People were fighting the other day where some died and houses were torched.

When I wanted to bring a statement on how the surveyors did the survey and where the cut line was, I found that had already answered to. Can you imagine from 2024 I have not received the response to date when I am asking another question? Those weak links are supposed to be filled through this Bill.

In this Bill, a lot of emphasis has been put on public participation, yet public participation actually happens. It happens during the drafting of the County Integrated Development Plan (CIDP), preparation of the Annual Development Plans and the County Fiscal Strategy Paper (CFSP). Public participation takes place in all these processes. However, we need to ask ourselves if that public participation is effective and meaningful. There are many theories around it. One of the theories and something that I have observed happening as public participation is tokenism.

Sherry Einstein postulated a theory on public participation and what I see happening in our counties is just tokenism. That is the lowest level of public participation, where Government officers come, give you huge documents that you are supposed to read, internalize, understand and comment on them the same day. That is an ineffective form of public participation.

Number two, there are times when people are asked to go for public participation, yet there are people who have already been selected or hand-picked to respond or participate in that public participation. We do have policies here and there, but without a proper law, which directly criminalizes lack of proper, effective and meaningful public participation, we might not go far. That is why we need a proper framework and law to guide public participation.

In this Bill, a lot of premium has been given in construction of halls to conduct public participation. As Sen. Ogola has said, we do not fail to conduct effective public participation due to lack of venues and halls. A lot of premium is given to halls, but I do not believe in construction of halls. My question is: how do you align the construction of halls with the sustainable development goals? This is because the sustainable development goals have to do with reduction of poverty, supply of water, improvement of health and so on. Do we just then build halls? This is because we do not achieve sustainable development goals by building halls. We must remove the premium placed on

construction of halls. This is because we have other areas to look at and the halls are not a priority.

When people attend public participation to contribute on the Annual Development Plan and the budgets, they might be told that a certain project will not be done because as a priority, for example, they have to build a hall. The truth is that we do not achieve much priority by building that hall. Therefore, we should look at how we tweak the Bill to remove much premium on the halls because they might not be a priority to some areas.

The other contention that I have is that part which says that a Senator will do public or will do oversight. The courts have pronounced themselves in a ruling that Senators do not oversight as individuals, but they do it in a corporate manner. Therefore, the distinguished Senator for Narok County should look into that. We should look at how much can be done in a corporate manner as opposed to a Senator doing oversight.

I know where he is coming from. He included this because of the weakness of oversight that is done by the MCAs. It is for that reason that he has laid a premium and emphasis on a Senator coming in to do oversight as a Senator. He has said that a lot of work has to be done by the Senator by putting people together in halls for them to give their views on public participation. However, I am of the view that much has to be done by the Senate as an institution. It has to give facilitation to the people who are supposed to participate in the oversight of counties.

A lot of work needs to be done. The Ethics and Anti-Corruption Commission (EACC) and Directorate of Criminal Investigations (DCI) should take the recommendations of the Senate seriously. We need to put a timeline on the duration that the DCI and the EACC take to do investigations though I do not know how that would be done.

In the County Public Accounts Committee, we have tried to besiege and prevail upon them to have timelines for undertaking the reports and recommendations that have to do with corruption. Instead, they always say that they have to take their time to do the investigations, come up with the recommendations for prosecution, take it to the Office of the Director of Public Prosecutions then taken it to the courts. I wish that can be expedited within this law.

Secondly, what is wrong with this Bill having a clause or two requiring that Senators get a copy of the documents that are sent to the county assemblies and the Office of the Controller of Budget (CoB) such as the quarterly reports on the quarterly implementation of the budget? We have asked the CoB to try and see if we, as Senators, can get the requisitions by the counties to the Office of the CoB.

What is wrong with having that clause in this Bill? With that, a copy of any requisition done by the county government to the CoB whose copy is given to the county assembly will also be given to the Senators. We will then know what the requisition will be for. Is it possible for me, as a Senator, to also know if money has been requisitioned to pay a contractor? With that, I will know that this particular money is to pay this contractor A, B, C, and if that contractor is not paid after that money has been released, we can raise questions.

Otherwise, if we do not tighten the ropes, then the devolution that the father of devolution, Hon. Raila Amolo Odinga who has died, had envisaged or supported will not

be achieved. May his soul rest in peace. If that does not happen, we, the small communities, will not achieve the fruits of devolving money from the central Government to the county governments.

What will subsist is money and corruption given to the county governments. We will not get goods and services procured by the counties. Instead, we will see people's stomachs growing while the counties fail to get healthcare services, construction of roads, Early Childhood Development and Education (ECDE) centres, Vocational Training Centres (VCT) and improvement of agriculture.

I have travelled with the Committee on Education in different counties and it is sad to say that some counties have not constructed as many VTCs as possible yet money has been going to the counties from 2013. Instead, that money is spent by very few people. You will see the budget for tea and mandazi in a county running to close to Kshs60 million as it happens in my county. They do that yet the Kshs60 million can be used to construct 60 ECDE classrooms which translates to three ECDE centres in 20 wards.

I want commend Sen. Olekina for this good Bill. It is timely and fashioned to close the gaps that are there in the oversight ecosystem; the county assembly, which is very weak, the DCI, the EACC and the Senate. Working as a corporate might not be as effective as when we allow individual Senators to take part in the oversight.

With that, I support Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Mwaruma. That is the end of the debate. There are no more Senators wishing to contribute to this debate. So, I request the Mover, Sen. Olekina to reply.

Sen. Olekina: Thank you, Madam Temporary Speaker. Allow me to begin by thanking my colleagues. I will start with the two distinguished Senators who are here for having demystified this Bill.

I want to thank Sen. Johnes Mwaruma, Sen. Beatrice Ogola, Sen. Consolata Wakwabubi, the Deputy Party Leader of ODM; Sen. Geoffrey Osotsi, Sen. James Murango, Sen. John Methu, Sen. Mwinyihaji Faki, Sen. Samson Cherarkey, Sen. Moses Kajwang', the Majority Leader; Sen. Aaron Cheruiyot, Sen. Edwin Sifuna, and my dear sister, Prof. Margaret Kamar.

Madam Temporary Speaker, let me begin first by putting it on record that my sister, Sen. (Prof.) Kamar, and I have consulted widely on this matter, and she is now finally gone back to the position she had on this very Bill back on 3rd April, 2019. I love Parliament because it has records. On 3rd April, 2019, my dear sister concluded the Bill by saying-

"With those remarks, I support and congratulate Sen. Olekina."

When we looked at this, we said it is always good to keep records, because then she has an opportunity to understand the Bill.

One, as I reply, let me try to further demystify this Bill. I am very happy because all the Senators who have spoken on this Bill have enriched it to a point where I will be sitting with the secretariat to amend certain provisions to make this Bill better.

When I first moved this Bill in 2019, about 16 Senators, including three governors currently spoke on it. I remember Sen. Sakaja spoke heavily on this Bill and enriched it. I

believe then Senator for Makueni, Sen. Orenge, Sen. (Prof.) Kamar, Sen. Johnes Mwaruma, all spoke on this Bill. We all agreed that it is imperative to come up with a legal mechanism where Senators can oversight counties.

What I have heard from my colleagues, and I want to point clearly to the Senior Counsel Okong'o Omogeni, who, while contributing to this Bill, made me see areas that had been left out. Those are the things that we are grappling with today on a daily basis. Today, if you ask my dear brother, Sen. Sifuna, to comment on anything, he will tell you to listen to the ground. 'What is the ground saying?' However, we are here under Article 2 of the Constitution of Kenya to represent the interests of the people who have elected us.

Now, Sen. Okong'o Omogeni pointed out Clause 4 of this Bill on this issue of public participation, where he suggests and I agree with him entirely, that citizens should be given an opportunity to vote during public participation. If you have 100 people in the hall, let those 100 people vote for you to implement this project.

What led me to come up with this Bill is the biggest monster that we have, both in the national Government and the county government, which is called supplementary budgets. The issue of the County Integrated Development Plan (CIDP) and Automatic Data Processing (ADP)--- CIDP is a five-year plan. A governor comes and goes to, for instance, Narok County which has 30 wards or Taita-Taveta has 20 wards.

Yesterday, I demonstrated clearly to my sister, Sen. (Prof.) Margaret Kamar, a governor goes to Sergoit Ward and says, 'these are the plans that I have for you for five years'. Then, some skewed public participation is carried out on an annual basis and he comes out to say this is what we are going to do today.

Before the end of that financial year, two, three or four supplementary budgets are brought and passed through the assemblies. Whatever plans the governor had, which the citizens said they agreed with, the projects that they wanted are thrown out of the bus. The governor decides he is just going to do a tiny little road here and says, he did a road for you. That was not our interest.

I agree with the distinguished Senator who has spoken that we will amend Clause 4 and include the following: One, a vote by the citizen, so that when a governor comes to Sergoit Ward or goes to Ildamat Ward where I come from, he or she gives me a plan for five years. This Bill is calling for collective responsibility. The MCA, the Senator and the governor will be seated there. These are public funds.

We say, for instance, Narok County is getting Kshs10 billion a year. Out of that Kshs10 billion, if you divide it whichever way you divide after you have removed salaries and other remunerations, you say for your ward, Ildamat, for the five years, I will give you Kshs500 million. If you give me Kshs500 million for the five years, let the people of Ildamat Ward decide that for the five years that this governor will be in office, these are the projects that we are going to do.

Sen. Mwaruma, the reason we are insisting on these public halls every year is so that we can have a formal location where we can have a monitoring and evaluation officer. This is why, if you look at the Bill - I know the Bill off head - I just want to go specifically to the clause that talks about the Senator being allowed to employ three officers. You have a monitoring and evaluation officer or office, which can have many

other people working under it, you have an implementation officer and an auditor who are all working to support the Auditor-General, the CoB and the Senate as an institution.

This is because this Senate, the committee that is ably deputized by the distinguished Senator from Taita Taveta, the County Public Accounts Committee (CPAC) has been reduced to being morticians. The only way for us to move away from the aspect of being morticians, to being people who are seeing that public money is being utilised properly, and there is accountability, is by involving the citizens. I will put that in Section 4(c). We will amend Section 4 (c) and say, the governor will then take the plans. The Executive is the one who develops the plans for the next five years. When they develop the plans for the five years, they dissect them into plans for one year.

On that particular day, they will say, for this financial year, we will build a hospital for you in Ildamat Ward. Then the residents of Ildamat Ward will say they do not want a hospital and that they already have a hospital which is near in Mosiro Ward. We can go and take our people to that hospital. What we need, Mr. governor, is roads for us to take our food into the market.

Now the governor will be bound by this legislation to make sure that what the people of Ildamat Ward or Sergoit Ward in Uasin Gishu County, have said, they want their money to be utilised in this financial year, is what will be delivered. So, Section 4 will be amended on this Bill, and that is why I am so happy that everyone who spoke on this Bill enriched it further.

When you look at Section 4 (c), it says clearly that-

“(4) All persons shall, in performance of their function under this Act, be guided by the following principle;

(c) The right of the residents, communities and organisation in a county to be affected by decisions on the finance of the respective county to be consulted and involved in the decision-making process.”

Madam Temporary Speaker, we will amend that section and further tie in the ADP and the CIDP. So even the work of the Auditor-General and the CoB will be very simple. This is because, Article 228 of the Constitution of Kenya, 2010 mandates the CoB to oversee the implementation of budgets which means it is very simple. In the County Government of Narok, the county assembly passes a budget and once they have passed that budget, they upload it to the CoB. The role of the CoB now is just to see that whatever you have in that budget is what you are implementing.

Madam Temporary Speaker, if tomorrow the county assembly decides we have a supplementary, the CoB will just be limited to that new supplementary budget. The first budget will be thrown to the trash and now we are looking at the supplementary budget.

This piece of legislation, before a supplementary budget is moved, the governor will now be tasked to go back and sit down with the members of Sergoit Ward, Ildamat Ward, Mosiro Ward and Kilgoris Central Ward and say what were their priorities are. This is representation and accountability as per the Constitution. Public finance management and transparency is the only way we are going to be able to leapfrog.

The President keeps talking about leapfrogging this economy and this society for us to leave these issues of poverty behind. How do you explain a situation whereby during the drought of the 1980s, Narok North still fed this country? Today, Narok North

will continue feeding this country, but guess what, food will rot in the farms because they have no roads. They have no roads to bring that food to either Makueni or any other part of this country which sometimes is hit hard by the drought.

This Bill will give the residents of Narok North an opportunity. I thank the good senior counsel, Sen. Omogeni, for reminding me that we need to be prescriptive. We also need to be intentional in making sure that the voice of the citizen has been heard.

To conclude on that one particular point is that on the citizen voice, we will be amending Section 4 to include a section where the citizens who are carrying out public participation then vote.

I was reading the submissions of Sen. (Prof.) Margaret Kamar back in 2019 when she was contributing on this Bill. One of the things that struck me is that she said she was attending a public participation meeting and in this public participation meeting a CECM came in and said: “You guys you either take this money or I take it back and give it to other people.”

With this Bill that CECM will now be reminded that he or she is a servant of the people, the people who elect us. We say listen to the ground. What is the ground telling us? The ground is telling us that we do not have roads, but what do governors do? They decide they will come and build a hospital and give a contract to one of their friends and get kickbacks.

Now the people will be saying at the end of the financial year you allocated Kshs500 million to this ward; at the end of five years, you allocated Kshs1 billion to this ward. Then you can add everything together even with the World Bank money or the national Government grants. It will be very clear to tell how our wards are being supported.

This Bill will bring a form of equity because the citizens will now be saying it does not matter whether I voted for your government. The fact that you are now the head of this government, you must ensure some form of equity. This means that you will come with your CIDP and that CIDP will take into consideration the amount of money or taxes paid by all residents of that county. So, even the work of MCAs will become easier.

We had these big debates of the Ward Development Fund, which is unconstitutional. We had this debate of the NG-CDF, which is also unconstitutional. In fact, where the late Raila Odinga is sitting, listening to us speak, he is saying, yes, the spirit of devolution. My spirit is still awake. It is still moving these people. We have to fight for devolution. We have to make sure that devolution works.

Devolution will work where everyone, regardless of where you come from, you are taken into consideration. Regardless of who your governor is, whether you voted for that governor or not, that MCA will have power.

Madam Temporary Speaker, there are a few concerns which were raised. Sen. Methu, yesterday while contributing, raised an issue which of course I want to address. I want to actually let him know that I will be changing the words from “the CCM may make regulations” to “shall make regulations” so that we make it mandatory and so that they do not change certain things.

Secondly, there was also an issue of the number of staff and the Bill was being so prescriptive, reducing them to three. We will now then change that to a minimum of three

because also, depending on how much there is, we will change that to a minimum of three.

Now, the issue of public halls - these are things that people have discussed. I know Sen. M. Kajwang' raised an issue of the public halls and Sen. Mwaruma also brought up the issue of the public halls. Let me demystify the reason we saw it fit to set up these public halls. Right now, we are pushing so much on the issue of public participation. Without a gazetted location for public participation, governors will get an excuse and they will say, they will just create names and say that we carried out public participation in a particular place. You, as the Senator, Sen. Mwaruma, whenever you want to meet with residents of a particular ward, sometimes you may end up just having a meeting in a field and sometimes, it may end up just being a political rally, but people do not get an opportunity to engage you.

There is something really attractive about town hall engagements. I like looking at the HANSARD and seeing the way those who came before us debated. You will see them all seated like the way they sit in the UK and the Prime Minister will come and there will be an engagement. People will be able to talk.

We are now talking about public money. Sometimes, it is very difficult for you to say out in the open these are the records of our meeting last year; this is what you said you wanted done; you wanted that road to Kapenguria built; you wanted that road to Tana River built; you wanted that road to Taita Taveta. Particularly, if you look at the issue of Taveta and Taita, if there is a place where there are two wards which are near, you do not need to put one hall in each and every ward. You can say, let us work together.

In most cases, we get a lot of grants that come from the World Bank and grants that come from the national Government. Nothing stops this House from having what we call conditional grants. We worked so hard and we finally changed that issue of conditional grants, because before the fourth generation revenue formula, we used to have conditional and unconditional grants. Now, we have a piece of legislation called Additional Allocation.

Madam Temporary Speaker, in this Additional Allocation, nothing stops us and, in this Bill, we will actually be very clear on it; that where the county does not have money, it can apply for conditional grants, where money is coming specifically to build that hall where people can engage. We achieve so much here, because we have these Senate Chambers where we engage.

We have different opinions from both the minority and majority sides. We debate on issues. When it comes to our resources, how do we oversee them? How do we ensure that we are doing what the citizens want us to do? I beseech my colleagues not to view these halls as added expenditures, but as basic necessities. You want to go to school and learn. You cannot just learn under a tree in the 21st Century. You need a classroom, where you can put your books.

In America, which is my second home, in my little town of Concord, there is a town hall. Whenever development is needed or issues arise in the area, they are discussed there. Today, we are talking about issues affecting this country, such as sex trafficking of young children. These can be brought to town halls for discussion. Therefore, this hall

will not be strictly for oversight; it will also serve community issues. It will be used to discuss how we work together. We have the spirit of *Nyumba Kumi*. How do we meet in *Nyumba Kumi*? How do we ensure security?

Recently, a video was trending. I commend the officers in Diani who showed discipline while doing their job. A foreigner, who appeared to be under the influence of cocaine or something else, insulted and even spat at a police officer. However, the officer remained calm because he is trained to be disciplined.

We should remain calm as well. We are insulted daily, sometimes on social media, but we do not feel the pain of the citizens. When we have a social hall where we are mandated by law to sit and oversee funds, and a citizen stands up and tells us that all we do is talk and not act, we will feel that pain.

Madam Temporary Speaker, in the last Parliament, we visited Uasin Gishu County. Everyone was there, including Hon. James Orengo, Hon. Mutula Kilonzo Jr. and Hon. Sakaja. One senior citizen stood up and said, “You people are nothing. All you do is talk and do nothing for us. The prices of maize had gone down and you are not doing anything.”

We had a hall where the citizens of that area could express their views and communicate with the people they pay a salary. I am paid a salary by the citizens of Kenya. The residents of Narok County pay me. So, for me to propose this legislation and create a place where we can meet with them openly is something that will ensure progress. It is wrong that all we do is give empty promises. We have no way of monitoring them. I hope the Senate will pass this Bill this time.

Sen. Kisang and I have consulted heavily on the content of this Bill. I assure my colleagues, the 18 Senators, including Sen. Kisang who spoke on this Bill, that we will incorporate everything. This time, I have two HANSARD reports: one from 2019 and another one from 2025. The wise men and good leaders, now governors, who contributed heavily will sit with the secretariat to enrich the Bill, so that it outlives us. One of our biggest problems is that we develop legislation that is amended annually. A case in point is the election laws. They are always amended to fulfill certain interests. It is time to develop legislation that will outlive us. The Bill is a piece of legislation that I hope will be able to outlive us and define public participation.

Madam Temporary Speaker, before I end, I just want to comment a little bit on the submissions by the Majority Leader yesterday in terms of public participation. In the last Parliament, we agonised. I remember the former Attorney General, Amos Wako, had sponsored a public participation legislation. That public participation legislation did not see the light of day. It did not. Courts have now been very clear on it, that anything we do ensures that public participation is carried out.

I agree with the Majority Leader that it is imperative that we have one piece of legislation that deals entirely with the procedures of public participation. The difference between that piece of legislation and this piece of legislation is that the proposed piece of legislation is setting up a process that involves the public in accountability. It is wrong for me to sit here and fight so hard, sit here until 6.30 p.m., sit until 2.00 a.m. sometimes, for money to go to Narok County and I cannot oversight. Number two, for the citizens of

Narok County to tell me that the money you sent, we have not seen it; it is just being “eaten”. I want to be able to look back and say, now you are involved in this.

To conclude, as I see my time is up, we are very lucky in this Senate and we are lucky in this sense - the Senate and the National Assembly because when the Cabinet Secretary for National Treasury and Economic Planning is developing the budget, we, as a representative of the people, are part of that process. The first thing that comes up is a Budget Policy Statement, so we know the estimates which are coming up, what are they. Number two, we have the Medium-Term Debt Strategy Paper. Then it has to come here for us to pass.

After that, we go to the Division of Revenue. After the Division of Revenue, the county government and the national government have their money. This Bill is proposing, and this is where we will be very clear on it when I amend Section 4, to involve citizens in the budget-making process, where when the governor comes in and says, this is my plan, this is the money that has been given by the Senate, the assembly will be seated there and they will go through it and say, for Narok County with 30 wards, this is the money that we have done our analysis with the County Executive Committee Member (CECM), Treasury and we have agreed that we will give each ward “X” amount of money. Now, it is up to you, the citizens. I want you to be involved. Let us walk this journey together. Let us decide how we will spend this money. That is the only time that I, as a Senator, together with the Senate CPAC, together with the entire Senate in plenary, can clearly oversight. Article 96 of the Constitution of Kenya will be fully implemented.

Right now, there is a big debate between the role of an individual Senator versus the role of the Senate as a body. However, we are elected as Senators to represent the interests of our people, our counties and their governments.

Madam Temporary Speaker, because time is up, I would like to reply and request that the putting of the question be deferred to another day.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Hon. Senator for those very insightful points. The putting of the question is deferred at the convenience of Senate.

(Putting of the Question on the Bill deferred)

Hon. Members, I am taking the discretion from the Speaker's seat to defer Orders No.9 to No.16 because they require a quorum threshold in the House, which we do not have right now. So, that is deferred.

BILL

Second Reading

THE OFFICE OF THE COUNTY ATTORNEY (AMENDMENT)
BILL (SENATE BILLS NO. 47 OF 2024)

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

(Bill deferred)

BILL

Second Reading

THE SEEDS AND PLANT VARIETIES (AMENDMENT) BILL
(SENATE BILLS NO.4 OF 2025)

(Bill deferred)

BILL

Second Reading

THE COUNTY HALL OF FAME BILL (SENATE
BILLS NO. 18 OF 2023)

(Bill deferred)

COMMITTEE OF THE WHOLE

THE COUNTY LIBRARY SERVICES BILL
(SENATE BILLS NO. 40 OF 2024)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE TECHNOLIS BILL (NATIONAL ASSEMBLY
BILL NO. 6 OF 2024)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE COOPERATIVES BILL (NATIONAL
ASSEMBLY BILLS NO.7 OF 2024)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE TOBACCO CONTROL (AMENDMENT) BILL
(SENATE BILLS NO. 35 OF 2024)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE LABOR MIGRATION AND MANAGEMENT (NO.2)
BILL (SENATE BILLS NO. 42 OF 2024)

(Committee of the Whole deferred)

I am also taking the discretion to defer Orders No.22 to No.28 for two reasons; time is up and the Movers of these Motions may not be in the House today.

MOTION

ADOPTION OF PROGRESS REPORT ON DIVERSITY AND
INCLUSIVITY IN STAFFING OF STATE AGENCIES

THAT, the Senate adopts Progress Report of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration on an inquiry into the diversity and inclusivity in the staff composition of state agencies in Kenya, laid on the Table of the Senate on Thursday, 3rd October, 2024.

(Motion deferred)

MOTION

ADOPTION OF REPORT ON IMPLEMENTATION OF THE SENATE
RESOLUTION ON THE CURRENT STATE OF THE NATION

THAT, the Senate adopts the Report of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration on implementation of the Senate Resolution on the Current State of the Nation made on Wednesday, 24th July, 2024, laid on the Table of the Senate on Tuesday, 3rd June, 2025.

(Motion deferred)

MOTION**ADOPTION OF REPORT ON THE COUNTY OVERSIGHT AND NETWORKING
ENGAGEMENTS TO MANDERA, WAJIR AND MARSABIT COUNTIES**

THAT, the Senate adopts the Report of the Standing Committee on Health regarding the County Oversight and Networking engagements to Mandera, Wajir and Marsabit Counties, laid on the Table of the Senate on Thursday, 2nd October, 2025.

(Motion deferred)

BILL

Second Reading

**THE COUNTY WARDS (EQUITABLE DEVELOPMENT) BILL
(SENATE BILLS NO. 20 OF 2024)**

(Bill deferred)

BILL

Second Reading

**THE COUNTY GOVERNMENTS (STATE OFFICERS REMOVAL
FROM OFFICE) PROCEDURE BILL (SENATE BILLS NO. 34 OF 2024)**

(Bill deferred)

BILL

Second Reading

**THE COUNTY GOVERNMENTS (AMENDMENT) BILL
(SENATE BILLS NO.39 OF 2024)**

(Bill deferred)

BILL*Second Reading*THE STREET NAMING AND PROPERTY ADDRESSING
SYSTEM BILL (SENATE BILLS NO.43 OF 2024)*(Bill deferred)***ADJOURNMENT**

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, it is now 6.30 p.m., time to adjourn the House. The Senate, therefore, stands adjourned until tomorrow, Thursday, 30th October 2025, at 2.30 p.m.

Thank you.

The Senate rose at 6.30 p.m.