



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fourth Session

Wednesday, 5th November, 2025 at 2.30 p.m.

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 5th November, 2025

*The House met at the Senate Chamber,
Parliament Buildings at 2.32 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)

Hon. Senators, we now have quorum. So, kindly settle down.

Clerk, proceed to call the first Order.

Technical team, can you power the microphones better?

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM THE PARLIAMENT OF NAMIBIA

Hon. Senators, I have the following Communication to make. I would like to acknowledge the presence in the Speaker's Gallery this afternoon, of a visiting delegation of Members of Parliament and staff from the Committee on Urban and Rural Development and Land Reforms of the Parliament of Namibia. The delegation is on a benchmarking engagement to learn and gain practical knowledge on the legislative process and the critical role that the Senate plays in Kenya.

I request each Member of the delegation to stand when called out, so that they may be acknowledged in the Senate tradition-

1. Hon. Elifas Dingara, MP, Chairperson

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2. Hon. Derek Klazen, MP
3. Hon. Abednego Hishoono, MP
4. Hon. Marlayn Mbakera, MP
5. Hon. Elder Filipe, MP
6. Hon. Oillie Haitota, MP
7. Hon. Eneas Emvula, MP
8. Mr. Nobert Uuyuni
9. Mr. Risto Nakanyala

(Applause)

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

I call upon the Majority Leader, in under one minute, to extend a word of welcome to the delegation.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I join you, on behalf of my colleagues, to welcome this delegation from the Parliament of Namibia that is here to interact and follow the proceedings of this House this afternoon. Unfortunately, I have never been to Namibia, but I have heard of its very good stories.

The last three ambassadors from Kenya to Namibia have all been from the county that I represent in this House, including the present one. They speak very highly of this country, its beauty and its people. Therefore, I hope that in the course of our session this afternoon, once we are done, a few of my colleagues will get the time to interact with these Members and share experiences.

We wish them well and hope that we can have even better collaboration between our two countries as we push on the dream of making our continent the best place to live in.

The Speaker (Hon. Kingi): Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

Request for Statements pursuant to Standing Order No.53(1). The Senator for Nairobi City County, Sen. Sifuna.

Sen. Sifuna: Mr. Speaker, Sir, the Senate Majority Leader forgot to mention that Namibia elected its first woman President and she is quite exemplary, unlike others we have seen on the continent.

(Laughter)

So, we are very proud to be associated with them.

OWNERSHIP STATUS OF JAMHURI PARK
IN NAIROBI CITY COUNTY

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources on a matter of national concern regarding the ownership status of Jamhuri Park in Nairobi City County.

Mr. Speaker, Sir, Jamhuri Park is a strategic infrastructure in Nairobi City that has for decades hosted premier international and national commercial events, including the annual Agricultural Society of Kenya Nairobi International Trade Fair, popularly known as the Nairobi Show. It remains to be one of the drivers of the Nairobi economy, as well as the national economy.

In light of the growing trend of unlawful encroachment and land grabbing targeting public spaces, the ownership of this park must be ascertained and secured.

In the Statement, the Committee should address the following-

(1) The current ownership status of Jamhuri Park in Nairobi City County and obtain copies of the relevant ownership documents that demonstrate the respective stakes of the Nairobi City County Government and the national Government or any other interested parties.

(2) Address the measures put in place to secure Jamhuri Park and similar public spaces from unlawful encroachment and land grabbing.

Thank you.

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

Those two statements by Senator Hamida Kibwana are dropped.

MANAGEMENT OF THE ANNUAL HAJJ
PILGRIMAGE BY THE SUPKEM

WELLBEING OF ADOLESCENTS IN URBAN
CENTRES IN THE COUNTRY

(Statements dropped)

The Senator for Tharaka Nithi County, Hon. Mwenda Gataya.

INSPECTION AND ENFORCEMENT OF WEIGHING SCALES AND
WEIGHT MEASURES BY BUSINESSES ACROSS THE COUNTRY

Sen. Gataya Mo Fire: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Trade, Industrialisation and Tourism on a matter of county-wide concern regarding the inspection and--- Is this the right one?

Many traders continue to use and verify the equipment in violation of the Weights and Measures Act Cap. 51(3), exposing customers to unfair trade and economic

exploitation, while disadvantaging compliant traders. The Department of Weights and Measures, mandated to ensure accuracy and fairness in trade, faces challenges of inadequate funding, limited personnel and weak enforcement. This has undermined market integrity and the objectives of the bottom-up economic transformation agenda, Vision 2030 and the African Continental Free Trade Framework in this regard.

In this Statement, the Committee should address the following-

(1) The measures being taken to ensure frequent inspection and verification of weighing scales and measuring instruments across all business premises country-wide.

(2) The steps being undertaken to provide adequate financial and human resources to the Department of Weights and Measures to enhance supervision and enforcement.

(3) Plans by the State Department of Trade to construct national sensitisation and public awareness campaigns to educate traders and consumers on the importance of using certified and verified instruments.

(4) The progress made towards developing and authorization of computerized verification reporting system to enable consumers to confirm.

The Speaker (Hon. Kingi): Sen. Mwenda Gataya, the Statement that I approved is on Education.

Sen. Gataya Mo Fire: That is why I think I have been reading the wrong statement. However, this is also mine. I have two statements.

The Speaker (Hon. Kingi): No, you will read the one in the Order Paper.

Sen. Gataya Mo Fire: That is well guided, but this Statement is also mine.

The Speaker (Hon. Kingi): You will read them at a later date.

WELFARE OF LEARNERS IN THARAKA NITHI COUNTY

Sen. Gataya Mo Fire: Thank you, Mr. Speaker, Sir. There was a mix-up, which is normal.

I rise pursuant to Standing Order No.53(1) to seek a Statement for the Committee on Education on a matter of country-wide concern regarding the welfare of learners in Tharaka Nithi County.

In the Statement, the Committee should address the following-

(1) The current state of infrastructure development in schools in the county, including classrooms, water supply and sanitation facilities and explain the measures being taken to address existing gaps.

(2) Whether there are plans to establish a school feeding programme in Tharaka Nithi County and provide the projected timeline for implementation.

(3) Psycho-social services available to learners in the Tharaka Nithi County and how these services are addressing the unique social challenges faced by learners.

(4) Partnerships or collaboration with Non-Governmental Organizations (NGOs) and other stakeholders to provide additional resources and support education and skills development in the county.

(5) The specific challenges and interventions being implemented to ensure equal access to quality education for learners in Kenya, regardless of their background or socio-economic status.

Thank you.

PAYMENT OF COMMUNITY HEALTH PROMOTERS
IN NYANDARUA COUNTY

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

You may proceed, Sen. Kibwana, on behalf of Sen. Methu.

Sen. Kibwana: Thank you, Mr. Speaker. I will read this Statement on behalf of Sen. Methu.

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Finance and Budget on a matter of county-wide concern regarding the budgetary allocation and payment of Community Health Promoters (CHPs) in Nyandarua County from 2022 and 2023 to date.

Community Health Promoters form the first line of contact between the household and the healthcare system, offering essential, preventive and promotive health services at the community level. Despite the critical role, CHPs in Nyandarua County continue to face challenges related to delayed disbursement of stipends. Further, in the county's supplementary budget for the Financial Year (FY)2024/2025, an allocation of approximately Kshs3 million, initially budgeted for the payment of CHPs stipends, was reallocated to other expenditure items.

In the Statement, the Committee should address the following-

(1) The total amount of budgetary allocations made to support CHPs in Nyandarua County from FY2022/2023 to date, indicating both national and county government contributions.

(2) The number of CHPs currently engaged in Nyandarua County, showing their sub-county distribution, training status and whether they have been formally absorbed under the National Community Health Framework.

(3) The total amount paid to each CHP in Nyandarua County since the inception of the programme, the current monthly stipend amount, frequency of disbursements and any pending arrears.

(4) The rationale and circumstances surrounding the reallocation of approximately Kshs3 million meant for CHP stipends in the county's supplementary budget for FY2024/2025, indicating the current status of those funds.

(5) The accountability and implementation mechanism in place to ensure timely and transparent payment of stipends and describe how funds are transferred from the county treasury to the respective community health units.

(6) The role of donor or partner funding, including contributions through the Danida Support to Level 1 CHPs and NG grants, indicating whether the county government has plans to harmonise all funding streams within one framework.

(7) The county government's sustainability plan for the CHP programme beyond donor support, including budgetary provisions for future financial years and measures to ensure the program's continuity.

Thank you.

The Speaker (Hon. Kingi): Sen. Kibwana, you may proceed to read your two statements that had been dropped.

MANAGEMENT OF THE ANNUAL HAJJ
PILGRIMAGE BY THE SUPKEM

Sen. Kibwana: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Labour and Social Welfare on a matter of national concern regarding the management of the annual Hajj pilgrimage by the Supreme Council of Kenya Muslims (SUPKEM).

Mr. Speaker, Sir, over the last past several months, many Muslims, including respected---

The Speaker (Hon. Kingi): Sen. Joyce Korir, you are out of order. Kindly sit appropriately.

You may proceed.

Sen. Kibwana: Thank you, Mr. Speaker, Sir.

Over the past several months, many Muslims, including respected sharifs, have called for elections to reconstitute the Council's leadership on grounds of poor planning and facilitation of Muslims attending the Hajj pilgrimage, as well as general concerns about mismanagement of funds. The situation has escalated into public demonstrations and if left unaddressed, threatens the credibility of SUPKEM, which has for a long time empowered Muslims and acted as a central voice of social cohesion, interfaith dialogue and peaceful coexistence among communities of various faiths across the country.

In the Statement, the Committee should address the following-

(1) The actions taken by the Registrar of Societies to address the situation at SUPKEM, including whether the Registrar has initiated investigations into allegations of mismanagement of funds, particularly in relation to the planning and facilitation of Muslims attending the Hajj pilgrimage.

(2) The number of individuals facilitated by SUPKEM to undertake the Hajj pilgrimage from 2020 to date and obtain information on the specific challenges or complaints reported by the individuals.

(3) The measures in place to ensure that SUPKEM continues offering its services, including facilitation of Hajj pilgrimage, pending resolution of the prevailing wrangles.

(4) The reforms under consideration to enhance transparency and accountability within SUPKEM and other faith-based organisations to prevent recurrence of similar governance crises.

Thank you.

WELLBEING OF ADOLESCENTS IN URBAN
CENTRES IN THE COUNTRY

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 well-being of adolescents in urban centres in the country. Recent studies including

findings published by the World Health Organization (WHO) and Community Health Assessment in Kenya show that teenagers experiencing loneliness are significantly more likely to suffer sleep-related problems, such as insomnia, irregular sleep patterns and daytime fatigue. Research indicates that loneliness is a major risk factor for poor mental health outcomes among young people.

In fact, a 2023 study by the Kenya Medical Research Institute (KEMRI) found that adolescents in Nairobi who reported persistent loneliness were twice as likely to experience insomnia compared to their peers. In urban centres, such as Nairobi, where rapid urbanisation has strained family support structures and limited access to safe recreational spaces, many adolescents report feelings of isolation despite being surrounded by large populations. Such social-emotional distress has been shown to interfere with natural sleep cycles, lowering academic performance, weakening immunity and increasing vulnerability to depression and anxiety.

In the Statement, the Committee should address the following-

(1) Measures to strengthen mental health awareness and resilience-building programmes in schools.

(2) Strategies to expand youth-friendly counselling services and mental health support within primary health care.

(3) Plans to invest in safe recreational and social activities for adolescents across Nairobi and other urban centres to mitigate loneliness and promote holistic well-being.

Thank you.

The Speaker (Hon. Kingi): Hon. Senators, I will allow comments on those requests for statements for not more than 15 minutes. So, if you get an opportunity to speak, you will do so for no more than three minutes.

Proceed, Sen. Wafula Wakoli.

Sen. Wafula: Bw. Spika, asante sana kwa nafasi hii uliyo nitunuku ili nichangie taarifa iliyoletwa kuhusu madaktari mashinani wanowahudumia Wakenya. Wakati umefika wa kusemezana ukweli katika Bunge hili. Tumezuru pembe mbalimbali za humu nchini na Kamati ya Afya. Tumekuwa Makueni, Kitui na Machakos. Vile vile, tumezuru Kaunti ya Busia. Pia tumekuwa tukipata barua pepe zinazokuja katika Kamati ya Afya kutoka kaunti mbali zikiwemo Taita Taveta, Turkana na zinginezo kwamba madaktari wengi mashinani kwa zaidi ya miezi kumi, hawajapata pesa zao kutoka hazina kuu. Kinachohuzunisha ni kwamba tunaona baadhi ya viongozi wa kaunti hizi wakizunguka humu nchini, wengine wako katika hafla za kisiasa wakijitapa na kujipiga vifua ilhali madaktari mashinani wanatoa miao wakilia wakiuliza Mungu wao yuko wapi. Wakati umefika wengine wanatembea huku na kule wakisema “Nimetembea, nimetembea”.

Bw. Spika, imefika wakati hao watu waache kutembea na wakimbizwe mbio sana na Kamati husika za Afya, za Kiuchumi na Fedha na Kamati za Fedha ili ibainike wazi iwapo maswala ya madaktari hawa yamewekwa kwenye bajeti au wao ni kama kupe katika kaunti.

Wanatembea wakipeana matibabu, maelezo, kupeana moyo katika watu wetu wa mashinani. Lakini viongozi katika kaunti hizi hawatili maanani tiba mashinani. Iwapo nchi lazima iwe na watu wenye afya, Amani na mistakabali njema lazima walipwe pesa zao kwa wakati unaostahili. Mimi kama mwanachama wa Kamati ya Afya vile vile,

nitamrai mwenyekiti wangu kwamba kupitia kinara au muungano wa magavana, waweze kujitokeza wazi na kila mtu ajieleze iwapo wanalipa madaktari hawa au la. Wakiwemo watu wangu, Community Health Promoters, ambao katika miezi tisa hivi, hawajalipwa pesa. Siwezi watetea wengi kule nje ilhali wangu wanalia. Wote ni wakenya, lazima tuwatetee ili waishi vizuri kama wakenya wengine.

Asante.

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

Sen. Faki: Bw. Spika, asante kwa kunipa fursa hii kuchangia maombi ya kauli kutoka kwa Seneta Hamida kuhusiana na maswala ya Hajj na chama cha SUPKEM.

Ibada ya Hajj ni katika nguzo tano za dini ya Kiislamu. Kwa hivyo, ni ibada muhimu sana kwa Waislamu na inawagharimu pesa nyingi kugaramia safari ya kutoka hapa hadi Makkah, katika nchi ya Saudi Arabia. Katika miaka hivi punde, kumekuwa na malalamiko mengi kutoka kwa wasafiri wanaokwenda kwa ibada ya Hajj kule Makkah. Malalamiko hayo ni kwamba usimamizi wa swala hili la shirika la SUPKEM ambalo limekuwa na shida sana. Kumekuwa na utepetevu mwingi kiasi ambacho wanakosa kufanya ibada hii kwa amani kwa sababu ya mambo wanayofanyiwa. Kwa mfano, wale waliokwenda Hajj mwaka huu mnamo mwezi wa nne, walikosa usafiri wa kutoka mji wa Makkah kwenda mji wa Uamina, na kutoka mji wa Uamina hadi mji wa Arafa ambapo ibada hufanyika. Kule wanalala kwenye mahema, yale malazi waliyopewa Wakenya yalikuwa duni sana. Wakenya wengi walikuwa wanalala chini kwenye magodoro wakati wale wengine wamekuja, kwa mfano nchi jirani ya Tanzania, walikuwa wanapewa vitanda na chakula kinacho stahili makazi yale.

Kwa hivyo, imeonekana wazi kwamba SUPKEM kwa sasa hawawezi kudhibiti swala hili. Ipo haja ya Serikali kutumia balozi kule kupanga kamati tofauti na kamati hii ya SUPKEM. Tumeona miaka mingi kwamba SUPKEM wanafanya kazi hii kwa siri kubwa. Vile vile, utapata kwamba zile ada zinazolipishwa ziko juu kuliko zile ambazo watu katika nchi ingine wanalipishwa ilhali huduma tunazopata kule Saudi Arabia ni duni kuliko zile wengine wanapata. Kwa hivyo, iko haja kwa sababu SUPKEM ni shirika. Kuna mashirika mengi ya Kiislamu. Kuna CIBK na mengi mengine ambayo yanaweza kufanya kazi hii. Iwapo kutatakikana kuwe na kamati, lazima kamati hii iwe na watu tofauti. Hapa Kenya wanajiita SUPKEM, wakifika Saudi Arabia wanajiita Hajj Mission.

Hajj Mission ni wale Chairman, Treasurer na Secretary wa SUPKEM. Itakuwaje hapa ni maafisa wa SUPKEM kisha kule Saudi Arabia wanajiita Hajj Mission ambapo balozi wa Kenya---

(The red light went off)

Mheshimiwa niongeze dakika moja.

Nilikwenda Saudi Arabia, Jeddah, mwaka wa 2023 na Kamati ya Kazi na Ustawi wa Jamii. Tulienda Riyadh kwanza kwa Balozzi alafu tukaenda Jeddah---

(The red light went off)

Naomba dakika moja, Bw. Spika.

The Speaker (Hon Kingi): Sen. Faki, I will give you 30 seconds.

Sen Faki: Asante, Bw. Spika. Kwa hivyo, tulikuwa tumeenda Riyadh na Kamati ya Leba na baadaye nikaenda Jeddah kuangalia maswala haya. Kwa bahati nzuri nilikuwa na Balozi Ogego ambaye alikuwa balozi wetu wa Saudi Arabia wakati ule, na akanielezea zile hali zinavyokuwa. Akasema kwamba kuna malalamiko ya wananchi kuhusiana na swala la SUPKEM.

Bw. Spika, tungependa kamati hii ifuatilie swala hili kwa undani zaidi, kwa sababu hivi sasa walikuwa wametoa makataa ya mwezi wa nane kwa wale wanaotaka kusafiri Hajj mwezi wa tano waweze kuwa wamelipa asilimia hamsini ya zile gharama. Lakini kulingana na hali ya uchumi ilivyo sasa, wengi wao kwa hakika hawawezi kutimiza sharti hilo.

Kwa hivyo, Serikali inafaa kuliangilia swala hilo kwa sababu wale wanatumia vibaya mamlaka ya Serikali kule kwa balozi.

Asante Bw. Spika.

The Senate Majority Leader (Sen. Cheruiyot): Thank you Mr. Speaker, Sir. I want to just make a quick comment on this Statement by the Senator of Nairobi, with regards to the status of ownership of Jamhuri Park in Nairobi.

This is such a contentious issue. Remember, Jamhuri Park is near where a very significant development is being undertaken by the Ministry of Youth Affairs, Creative Economy and Sports; a signature project of this administration. Yet, even that project is riddled in controversy over ownership of that parcel of land because there are private people who continue to lay claim on that particular parcel of land. I am aware that there is also a dispute going on between the forest nearby and a few investors and other public institutions such as churches near that particular place.

Therefore, this is one such matter that requires the very urgent attention of our Standing Committee on Land, Environment and Natural Resources to be able actually address and sort this issue with finality because this is an area whose ownership has been contested for quite a while and it is quite unfortunate that this has been allowed to permeate for long.

We were told when this Ardhisasa system was introduced that all areas of high value, particularly those that are owned by members of the public, that is public institutions and public land, were among the first to be booked. However, we know for a fact, that every president - and I recall this from when I was a child - has attempted to clean up the records at the Ministry of Lands, Public Works, Housing and Urban Development. I recall Minister Charity Ngilu, during President Kibaki's time, spending nights at the Ministry of Land and in the last administration, I think the president himself went there.

Today we are being told that Jamhuri is still under contestation. If we do not sort this out, with increasing pressure on the value of land, particularly in urban centres like Nairobi, this may be a recipe for a civil war. If such matters are not attended to, then people may resort to sort themselves out, which might not be a particularly good incident.

Finally, just because I recall this particular topic on public institutions and land ownership, it would be important when the Committee returns a report on this project to tell us also the status of registration of public institutions, particularly schools, both

primary, secondary and Technical and Vocational Education and Training (TVET) institutions across the country. This is because that is an area also that has been manipulated and many people do not follow to ensure that ownership is settled.

At the end of the day, there is no particular benefit to individuals and, therefore, sometimes people operate without a care in the world. Therefore, I hope this Committee will sort that for us.

I thank you, Mr. Speaker, Sir.

Sen. Wambua: Thank you, Mr. Speaker, Sir. I want to take it from where the Majority Leader has left off, on that matter that has been raised by Sen. Sifuna. It is a very serious issue. Those of us who have had the opportunity to attend the activities that take place around Jamhuri will attest to the fact that this is a very important public facility. It is not just important because of the Nairobi show. We remember that almost every Sunday, there are very genuine car dealers who do their trade on that ground.

Now that the Talanta Stadium has been constructed, not near Jamhuri Park, but within Jamhuri Park, the appetite by land grabbers to annex some piece of land from the park and construct hotels so that they can get clients from people visiting the stadium, has increased.

Therefore, we need to move with great speed. The Committee on Land, Environment and Natural Resources, chaired by Sen. Faki, I think, really needs to move with great speed, to ensure that land is secured and the title for it, is in safe hands.

It is not just that issue. There is the issue of public land and the need for this country to begin to respect the dignity and the sanctity of public property.

There is the issue of the Kenya Railways. If there is a place where there is a rot in this country on matters land, it is the Kenya Railways. Everybody who wants to grab any piece of land, they rush to the Kenya Railways. Sen. Faki and your Committee, you have your job cut out for you. There is need to secure public land in this country. The Kenya Railways has pieces of land across the country, along the colonial rail line.

A lot of that land has already been grabbed and gone into private ownership. This Committee needs to move with speed and secure that public land, including land for dams across every county.

There used to be colonial dams which had huge catchment areas. Those pieces of land have also been grabbed. The Committee on Land, Environment and Natural Resources must move with speed to ensure that these pieces of land are secured for the benefit of this generation and for posterity.

Mr. Speaker, Sir, I support the Statement.

Sen Chute: Asante sana, Bw. Spika ningependa kuongeza sauti yangu kwa taarifa ya Sen. Sifuna. Wiki jana kuna mtu alikuja kwangu akaniambia Jamhuri Park imekuwa leased kwa mtu ambaye ametoka Eastleigh. Kwa hivyo, nimefurahi sana kuskia Sen. Sifuna ameleta taarifa hii.

Bw. Spika, Kamati ya Ardhi inafaa ishughulike, wawajibike na waite watu ambao wanahusika na hiyo ardhi na wale ambao wamejaribu kujenga kwa hiyo ardhi.

Kuanzia 2022 haya mambo ya kiu cha ardhi yame enda mbio sana. Ardhi yote ya Shirika la Reli, karibu asilimia 80 ama 90 imechukuliwa. Ukiuliza nani amechukua wanakuambia uliza 'huko juu'. Sisi hatujui huko juu ni wapi.

Shirika la Reli na Kanisa ya Katoliki ndio wako na ardhi kubwa sana huku Kenya. Ardhi ya kanisa la Katoliki haichukuliwi kwa sababu wanaichunga. Ardhi ya Shirika la Reli ambayo ni dhamana na mali ya Wakenya milioni hamsini imenyakuliwa.

Ningependa Kamati ifuatilie, waulize na waweke vikwazo, kama kuna mtu amechukua ardhi ya Shirika la Reli ama ardhi yoyote ya umaa, siku zao zinahesabika. Kuna siku watawajibika hata kama leo wako mahali ambapo wanaweza kudhulumu Wakenya. Kuna siku wataulizwa na watawajibika.

Jambo lingine ni kuhusu SUPKEM ambao wamekuwa wakora na sio kuhusu mambo ya Hajj peke yake; wamekuwa wakora na wanasiasa. Wameacha kazi ya dini na wameanza kazi ya siasa. Wameenda msikiti wa Huruma na wakaleta tajiri kutoka Uarabuni karibu achukue huo msikiti wa Huruma ili ajenge affordable housing.

Utawezaje kujenga nyumba za bei nafuu kwa mskiti? Unavunja mskiti na madrasa kwa sababu unataka kujenga nyumba za bei nafuu? Hadi wakaenda kwa Mheshimiwa Rais kumweleza kwamba wameleta waarabu matajiri, wavunje hapo ili wajenge affordable housing. Hii SUPKEM ifanyiwe uchunguzi. Ikiwezekana, Ethics and Anti-Corruption Commission (EACC) wahusishwe kwa hayo mambo.

Tangu huyu mkubwa mgeni wa SUPKEM alipoingia, SUPKEM imekuwa na siasa sasa---

The Speaker (Hon. Kingi): 30 more seconds, Hon. Senator.

Sen. Chute: Bw. Spika, wakati mwingine wanajiita SUPKEM/UDA kwa sababu wanajifanya wako ndani ya serikali kwa hivyo wanaweza kunyakuwa mali ya mskiti na madrasa.

Kwa hivyo, ningependa hata ikiwezekana, kamati iulize jukumu la SUPKEM. Kazi yao ni kuchunga mali ya muskiti, ardhi sio yao. Hakuna *title deed* imeandikwa kwa jina lao. Ikiwezekana, kamati ifanye uchunguzi wa kutosha ili ije na ripoti kamilifu.

Asante Bw. Spika.

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

Sen. Olekina: Mr. Speaker, Sir, thank you for this opportunity to briefly comment on a couple of statements.

One is a statement by Sen. Sifuna. This morning, I was listening to a song by one of my favourite artists called Wyclef Jean. I invite all of us to google the song. It says-

“If I was elected president on a Friday, I would be assassinated on Saturday, I would be buried on Sunday and then on Monday, life goes on. People move back and continue with their life.”

It is sad that in the 21st century, in a country where citizens are woke and where we have the internet, there is still room for a secret deal to be carried out. This issue of Jamhuri Park has been in the news for quite some time. The citizens of this Republic are aware that there is a secret deal happening to lease Jamhuri Park to some Chinese. That is ludicrous.

Jamhuri Park is owned by the Kenyan Government. It was set aside by our forefathers for recreation purposes. It is unheard of. I request my brother, Sen. Mohamed Faki to move expeditiously and unearth all that rot of that secret land lease deal, because it is there. Someone somewhere is attempting to lease Jamhuri Park to make money.

I remind everyone that it is all vanity. At some point, you will go somewhere and own whatever you want to own. However, one day, you will just leave it all on earth. Can we allow generations to enjoy what our forefathers left behind? People have encroached into the Nairobi and Ngong forest. In fact, we are all now choking with pollution, because what had been set aside to absorb all that pollution, is now luxury five-star hotels being built. Come on! Enough!

Mr. Speaker, Sir, the secret leasing of the land must come to an end. I wish that Sen. Faki will be able to go to the land's office, not just invite the Cabinet Secretary here, the Survey of Kenya (SoK) and check the records. What we know and what we have known is that Jamhuri Park is a public asset owned by the Government of Kenya.

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

Sen. Cherarkey: Mr. Speaker, Sir, I join my colleagues and the Nairobi City Senator to resist this intention to remove Jamhuri Park from its rightful owners. The Section on land in Article 67 is very clear that the National Land Commission (NLC), the county government and the national Government are custodians of the land. This is very unfortunate.

By the way, I inform the House that this disease of *grabiosis* is no longer only within Nairobi. Even in Nandi County, two of my people were killed the other day because some powerful individuals want to grab land. My people are living like monkeys because multinationals have taken over land.

Mr. Speaker, Sir, even when you go to the coast where you hail from, there are absentee landlords who are taking advantage of land. Your people are living like squatters. This is a national crisis.

I challenge Sen. Faki, the Chairperson of the Committee on Land, Environment and Natural Resources, under this broad-based arrangement, to seize the matter. I call upon the Secretary General (SG) and the Whips of the Minority Side to direct the Chairperson of Land, Environment and Natural Resources to do his job. Then from there, we can report.

As you have always told us, in your wisdom, we cannot be a House of lamentation. Sen. Sifuna, the Chairperson of the Committee on Land, Environment and Natural Resources should report on the issue of Jamhuri Park by next week or face the party disciplinary--- That is on a lighter note, it can be expunged from the record.

Finally, in my remaining time, the other issue was on Community Health Promoters (CHP's). I thought we allocated funds. Why are the CHPs not paid in our counties? I think the Governor of Nyandarua and all governors must pay them.

When we were having a Motion courtesy of your approval, I received information that post workers in this country have gone without salaries for the last six months yet, the Cabinet Secretary, Hon. Mbadi was telling us that they spent over Kshs80 billion that is around Kshs1 trillion in salaries in every financial year. It cannot be that post workers have gone without salaries for the last six months.

Yesterday, I mentioned the issue of payments to interns. We also have interns working for the Parliamentary Service Commission (PSC). I am happy that the Commissioner of PSC, Sen. Joyce is here. I wish she would be listening. We must remunerate them well, so that they can also dress well. Members of

Parliament (MPs) dress up in suits of up to Kshs 1 million - I get mine from Gikomba - while interns are wearing what they buy from Eastleigh. Different shades of black. As Parliamentarians, through the PSC, we must also remunerate them well.

Mr. Speaker, Sir, I support all statements.

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

Sen. Abbas: Thank you, Mr. Speaker, Sir.

I support Sen. Hamida on the issues of SUPKEM. SUPKEM caters for the welfare of all Muslims in this country. However, this time, it has been politicised; taken to be more or less of an individual ownership. Muslims undergo difficulties in Hajj. It is an obligation part of the religion that at one time, every Muslim must go to Hajj to fulfil a religious obligation.

In other countries, members of the Islamic faith are represented by their countries. Members from the foreign office are accompanied by other people who go with them. The other members are taken care of by SUPKEM which has now become irresponsible; they are not taking care of the Muslims.

Mr. Speaker, Sir, we urge the intervention of the respective Government institutions where these social society things fall under to at least see that these problems have been solved. I request the foreign officers in our embassies in countries such as Saudi Arabia to also intervene. As it is, things are now bad for Muslims. Actually, they are undergoing a lot of difficulties during the time of Hajji. Hajj is coming up in the next four or five months, I think we need to solve these problems before then.

Mr. Speaker, Sir, the issue of Jamhuri Park is actually very unfortunate. Jamhuri Park is our national heritage. This is why we have our international shows, trade fairs and many other activities taking place there since time immemorial, even before independence. Today, unfortunately, people have developed a high affinity for land grabbing in this country. Most of our land is going to individuals. I do not know where this country is heading to because how will the country produce food?

The Agricultural Development Cooperation (ADC) is almost gone, the railways is also going and almost all research stations are now being grabbed. It is high time that this House must go the extra mile to save this country's land, so that at least we keep some land for our own food production and own heritage and be able to know where our land is. The Committee should move fast in order control this kind of land grabbing. Most of the people grabbing this land are not even proper Kenyans. They came. They are investors here. I do not know where they came from.

Mr. Speaker, Sir, we are not ready to give out our land and our heritage.

With these remarks, I beg to support.

The Speaker (Hon. Kingi): Sen. Essy Okenyuri.

Sen. Okenyuri: Thank you, Mr. Speaker, Sir. I wish to support the Statement that was read on behalf of Sen. Methu on CHPs. The CHPs are an integral cohort in the bottom-up economic transformation agenda on the side of healthcare. However, it is very unfortunate to witness what we are seeing from county governments, not just in Nyandarua, but in many other county governments.

The CHPs are either lamenting from delayed payments or non-payment of stipends. They also have many other challenges. Imagine CHPs ordinarily should be covering 100 households, but on a daily basis, they sometimes cover more than those 100 households.

It is not just a matter of stipends, but, this Committee should also go and find out why CHPs are not able to get data to aid them in the synchronisation of data that is in the electronic Community Health Information System because on a daily basis, they have to do this. So, with no data or with as little as no data, they are not able to do the same.

Mr. Speaker, Sir, CHPs previously benefited from the National Health Insurance Fund (NHIF) that they were paid for. Currently, they do not have the Social Health Authority (SHA) coverage benefit. That is one of the things we need to look at, if at all they are crucial as we look at them.

Finally, now that all of us agree that CHPs are very integral in the healthcare system in this country, why not incorporate them with the rest of the other professionals in the healthcare system in linking the bottom most part of this country with the main system in the healthcare sector, so that they can serve citizens efficiently and also feel that their services are appreciated.

The Speaker (Hon. Kingi): Next Order.

Clerk, do we have the requisite quorum?

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

Now, for the convenience of the House, allow me to rearrange the Order Paper pursuant to Standing Order No. 45(2).

We will now move to Order No. 18.

Clerk, you may proceed to call that Order.

MOTION

ADOPTION OF REPORT ON PETITION ON CHANGARA WATER PAN PROJECT IN BUSIA COUNTY

The Speaker (Hon. Kingi): The Chairperson, Standing Committee on Land, Environment and Natural Resources.

Sen. Faki: Mr. 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. William Kaguro Michael regarding the Changara Water Pan, a World Bank funded project in Busia County, laid on the Table of the Senate on Tuesday, 7th October, 2025.

Mr. Speaker, Sir, on 11th October, 2023, you reported a Petition in this Senate by the residents of Changara in Teso North Sub-county, Busia County, regarding the Changara Water Pan, a World Bank-funded project in that county. The Petitioners sought three main prayers in the petition-

(1) That the Committee investigates the procurement process and determines how Bayrodi Company was awarded the contract for the project.

(2) That the Committee examines and addresses any misappropriation or misuse of funds allocated to the project and hold accountable all individuals and officials found culpable of compromising the project and its objectives.

(3) The Committee facilitates the timely completion of the project to deliver its intended benefits to the community.

Mr. Speaker, Sir, the Committee visited Busia County in April this year and it also had consultations and hearings both here in Nairobi and in Busia. We also had an opportunity to invite the Governor of Busia, his Excellency Hon. Otuoma and also the Ethics and Anti-Corruption Commission (EACC).

Our recommendations are that-

(1) At the time of the investigation, the EACC had already commenced investigations to the project and they were at an advanced stage in conclusion of their investigations. So, we recommend that the EACC expedites its investigations and concludes the same within three months of the tabling of this report.

(2) The EACC, upon completion of its investigation, any financial resources that were misappropriated under the attendant incidence should be recovered and ploughed back into completion of the project. Most of the time when the EACC recovers these funds, they are usually paid to the Exchequer. However, it is time the EACC refunds these funds to the requisite county or government department, so that the projects that were intended to be done are completed by those funds.

(3) That the County Government which had already taken steps to complete the project do ensure that there is security and safeguards the Water Pan assets and equipment to avoid further vandalism. When we visited the site, we found out that there was no boundary wall or the guard office, which were projects paid for by the funds.

(4) That the County Government institutes immediate plans to complete and operationalise the Water Pan project and properly hands over the project to the community within the Financial Year 2025/2026 and ensure its sustainable use and maintenance.

(5) The County Government should seek legal redress on the observed breach in the contract during the construction of the water pan and future public projects should follow strict adherence to the procurement laws and procedures and ensure public participation is conducted adequately as per the provisions of the constitution and the relevant statutes.

(6) The County Government provides a status update within three months of the adoption of this report by the House.

Mr. Speaker, Sir, the gist of the report is that we found there were a lot of irregularities in the award of the tender. There was also inflation of the cost of the project. Of more concern to us was the fact that the project was not completed. There is nothing on the ground to show that such a project was conducted in that area of Changara.

Mr. Speaker, Sir, I move that this report be adopted and invite my brother, Sen. (Dr.) Murang'o, who is also a Member of our Committee, to second this report.

Thank you, Mr. Speaker, Sir.

Sen. (Dr.) Murango: Asante sana Mstahiki Spika. Naunga mkono ripoti iliyoletwa katika Bunge la Seneti na mwenyekiti wa kamati husika.

Ni ukweli tulienda Changara tukayathamini yaliyotendeka. Changara sio karibu. Ile kazi ambayo ilichukua Shilingi milioni 24 haikuwa imefanyika vilivyo. Waswahili husema ya kwamba ukiona manyoya, jua ya kwamba imeliwa. Kwa hivyo, Kamati ilithamini ya kwamba fedha ambazo zilitumika pale ni kama zimepotea.

Ningependa kumwambia mwenyekiti ya kwamba picha ambazo zinawekwa kwa ripoti ni lazima zionekane. Niko katika picha ambayo iko katika hii ripoti lakini ninaonekana kama gunia ya makaa.

Tuliambiwa ya kwamba mradi ulitekelezwa ulikuwa na faida kwa wakaazi ilhali tulipata ya kwamba hakukuwa na mfereji hata mmoja wa kutoa maji kutoka bwawa la Changara. Hilo bwawa lilikuwa linufaishe wakazi ambao walikuwa wanaishi chini ya bwawa. Tulielezwa ya kwamba mifereji ilikuwa imeibiwa.

Tulipokuwa pale, tulipata ya kwamba, hatua moja kutoka kwa bwawa iliyokuwa imechimbwa, kulikuwa na bwawa ambalo lilikuwa limejengwa na walowezi mwaka wa 1914. Lile bwawa lilikuwa katika hali nzuri kuliko lile lipya ambalo lilikuwa limetumia takriban Shilingi milioni 24. Tulipoenda pale, hatukukaribishwa kwa njia iliyofaa. Ninadhani walifanya hivyo kwa sababu mtu ambaye anakosa huwa anakimbia hata kama hakuna mtu ambaye anamfukuza.

Baadaye, tuliambiwa ya kwamba kuna ofisi na vyoo ambavyo vilikua vimejengwa katika eneo lile. Tulipofika pale, hatukupata hizo vitu na tuligundua ya kwamba ua ambalo ulikuwa umewekwa sio ule ambao ulikuwa umepeanwa katika kandarasi ya kujenga. Tuliathamini ya kwamba mtu aliyepewa kandarasi alikuwa mwakilishi wadi katika eneo hilo. Hii ilionyesha wazi kwamba kulikuwa na utumishi mbaya wa mamlaka.

Tulipata ya kwamba lile bwawa lilikuwa linavuja maji kutoka chini ilhali ulikuwa wakati wa kiangazi. Kwa hivyo, sijui vile kutakuwa mvua ikinyesha. Tunajua ya kwamba tulikuwa na janga la bwawa ambalo lilivunja kingo zake katika eneo la Nakuru. Hii ilifanya tuone ya kwamba bwawa lile lilikuwa hatari kwa wakaazi ambao walikuwa wanafaa kunufaika na ule mradi.

Tulikaa na taasisi husika kama Ethics and Anti-Corruption Authority (EACC). Tuliongea nao na walisema ya kwamba watachukuwa hatua. Changamoto ambayo huwa watu wakifuatwa kwa sababu ya kuvuja pesa ya umma ni kwamba hiyo pesa inapopatikana, haita rudishiwa wakaazi wa Busia. Itawekwa kwa hazina kuu na wale wananchi wa Busia watapoteza pesa ambazo zilikuwa zinafaa kuwanufaisha.

Tulisema ya kwamba ni vizuri kuwe na utaratibu ili uchunguzi ukifanywa na fedha zimepatikana, hiyo pesa irudishiwe gatuzi husika ili isaidie wale watu ambao walikuwa wametarajiwa kunufaika na ile fedha.

Kazi ambayo ilifanywa ni duni. Sisi ni wakulima na tuliona ya kwamba lile bwawa lina fanana na zile ambazo hutumia Shilingi milioni mbili kujenga ilhali tuliambiwa ya kwamba walitumia Shilingi milioni 24. Tulipata ya kwamba kulikuwa na kasoro ambayo inafaa kurekebisha. EACC wakifanya uchunguzi, inafaa watu wachukuliwe hatua ili iwe ni kielelezo kwa wengine ambao wanaweza kuwa na tabia kama hizo.

(Question proposed)

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. As I support this Motion, the Chairperson of this Committee should apologise to me because he had assured me I would second it. He actually gave me a lot of material to digest. I say that on a lighter touch.

This is a straightforward matter. The Changara water pan was funded by the World Bank. The EACC and necessary agencies should take it up. Many people think that the money we get from the World Bank is *sadaka* or tithe. I am sorry for using that term. The money we get from World Bank is a loan even when given as a grant. It is the Conditional Allocation Act that guides the usage of World Bank funding. It should, therefore, be noted that money given to us is not tithe or *sadaka* hence it has to be used in a proper way.

We had a problem in Nandi County with the Kenya Urban Support Programme (KUSP) which was rolled out sometimes back. I do not know if you were still a governor when the support programme and upgrading was being done across counties. The Nandi County Assembly went ahead and investigated the World Funded Programme because the money we received *vis-à-vis* the project, *vis-à-vis* the Bill of Quantities (BQ), were totally worlds apart. It was as different as hell and heaven.

When we raised questions, the World Bank country directors and officials did not look into the issues that we raised at Kapsabet Town. There was improvement of foot paths in Kapsabet Town. I want the Chairperson of the Committee on Liaison and EACC to listen to this. I am told that there is only one contractor who works with the World Bank. They built foot paths around Kapsabet Town that was not even enough for two dogs to pass each other.

Kapsabet Town is blessed with rains and the foot path has now been washed away. The foot path ran all the way from Namgoi to Kamobo as you exit towards Nandi Forest. We are lucky because we have three forests in Nandi County. We have Nandi North, Nandi South and Kimondi Forests. Those foot paths that were done did not meet the threshold.

I, as the area Senator, wrote a thousand and one letters. I did not write the letters that were written by Paul in the Bible nor the letters that were written to the Corinthians or the Galatians. I wrote letters to the World Bank to demand for accountability. I wanted to know the amount of money that they had given to Nandi County.

Mr. Speaker, Sir, can the Committee on Land, Environment and Natural Resources, Committee on Finance and Budget Committee or the Committee on County Public Accounts demand for an audit of World Bank projects across the country based on this Motion? They can focus on the Kenya Urban Support Programme and the water projects across the country. We should get the catalogue of the audit of those projects for accountability and transparency.

When that is done, we can solve the Changara water project issue that was supposed to be funded. One, we have lost value for money because the people who are

supposed to use this water have not done so. I do not want to belabor on this. I appeal to the EACC to move *suo moto* and prosecute the individuals who perpetrated these crimes.

I have tremendous respect for Sen. Faki who was once a Member of my Committee, the Committee on Justice, Legal Affairs and Human Rights. Then, I was powerful in this House. We went with him to Mombasa and he hosted us very well. I request that his Committee, the Committee on Land, Environment and Natural Resources keeps a track record on the implementation process by the EACC within 90 days.

I challenge the Ethics and Anti-Corruption Commission (EACC) on the issue of arresting Kenyans for bribery involving Kshs10,000 or Kshs20,000. When they appeared before us, they reported arrests of bribes of KSh20,000. Dollar billionaires who have plundered public resources, including the Changara Water Pan, are enjoying their loot across Malaba One Post Border Post (OSBP), where we were during Senate Mashinani. Some of them are buying designer items. I forget the name of the shoe I was told, something like Louis Vuitton. They wear designer brands, while my suits come from Gikomba. That is why we need the EACC. The issue of lifestyle audit must be addressed. The project managers, the people who approved the projects and the county governments, must be arrested. I challenge the EACC to act.

Mr. Speaker, Sir, you spoke very well and eloquently in Homa Bay during the Devolution Conference. You said that counties have received Kshs4 trillion over the past 15 years for devolution. However, there is nothing to show for it. Projects are initiated and conceptualised well, but people do not get value.

In conclusion, many centralists want to kill devolution because of corruption. Every Senator will tell you, including Sen. (Dr.) Murango, I am not sure whether he is Kagege or Tugege. Someone said elected leaders from the Mount Kenya region are not as learned as people like Sen. Faki. Every weekend, the speeches of Senators here would be about accountability and public funds. I have heard Sen. Wakoli talk about that on several occasions. Every Senator should question his governor about the use of public funds although nothing is being done.

We are calling on the EACC to do its job. I remember a payroll scandal in Nandi County, where a senior county executive employed his mother and brother and others, who were not on the payroll. We are losing more than Kshs3 billion. The EACC nowadays appears like Jesus Christ. As Christians, we are told Jesus will come, but we do not know when. That is how the EACC operates.

In Nandi, they took computers a year ago and have not even arrested a rat. This is embarrassing. I am worried about this report. We might adopt it and see no results. The people who looted the Changara Water Pan in Busia County may never be held accountable.

Therefore, I celebrate and congratulate Sen. Faki. I know this Committee is committed. The issue of land is very emotive. My law lecturer, Prof. Tom Oghenda, used to sell us a book called; *“Conveyancy: Principles and Practice.”* In its preface, he writes, “Land is an emotive issue.” That statement stands on its own. We used to buy this book to learn about land matters. I encourage Sen. Faki and even Sen. Maanzo to read it.

Mr. Speaker, Sir, I know that Sen. Faki, as Chairperson of the Lands, Environment and Natural Resources Committee, is very busy. As we support this Motion,

which I believe is straightforward, I request if adopted, we be informed who is responsible for this issue in 90 days. I am not sure if you can use your powers within the Standing Orders to do that.

Mr. Speaker, Sir, with your indulgence, there appears to be political interference. As we speak, one of the Tindaret Member of Parliament aspirant, Eng. Shadrack Maritim, has disappeared. The other day, another young man, Ken Maswai from Kapseret Constituency, was clobbered and had his blood spilled all over more than that of Jesus Christ on the cross.

Mr. Speaker, Sir, let us preach peace and promote tolerance in our country. With those remarks, I beg to support. I thank you for your indulgence. I know you are a wise man.

The Speaker (Hon. Kingi): Senator for Nandi County, observe relevance whenever you are making your contributions.

Sen. Mandago, proceed.

(Sen. Mandago consulted with the Clerk-at-the Table)

Sen. Maanzo, proceed.

Sen. Maanzo: Thank you, Mr. Speaker, Sir. As the Senator for Uasin Gishu familiarises himself---

(Sen. Mandago crossed the bar without bowing to the Chair)

The Speaker (Hon. Kingi): Sen. Mandago, you are out of order. You do not cross that way.

Sen. Maanzo: Mr. Speaker, Sir, this is a very important matter. It is not only occurring in cases in World Bank funded projects, but similar cases have occurred elsewhere. In fact, projects funded by the Ministry of Agriculture and Livestock Development, instead of being devolved to the counties are often implemented directly by the Ministry.

These projects, funded by various bodies, are presented as county initiatives, yet many, especially water pans like this one end up incomplete, poorly constructed or with other issues. Despite this, the projects are marked as complete and contractors are fully paid.

There must be a sense of responsibility. If we want to provide Kenyans with water, then we must complete these projects. Many parts of the country are dry. If we properly irrigated or supplied water, we would solve more than half of the disease burden. Sufficient clean water eliminates many illnesses caused by drinking dirty water and poor sanitation.

Having a dam of this magnitude in Busia County, which receives fair rainfall, would greatly improve livelihoods. Unfortunately, that did not happen. The dam was abandoned halfway. Such projects are expensive and we must evaluate our relationship with the organisations funding them. When contractors act irresponsibly, problems arise.

Even if the projects are World Bank funded, the county plays a great role in water function. Water, land and agriculture are devolved. Therefore, the ministry handling these projects must ensure delivery on the ground. Failure to deliver and abandoning projects discourages future partnerships and undermines public trust.

This particular case ended up as a petition before the House under the Committee on Lands, Environment and Natural Resources. As a Senate, we must see it through to the end. After making our recommendations, we want to see people prosecuted.

Unfortunately, there has been confusion over whether it is the EACC's role to prosecute or investigate. When reports go to the Directorate of Public Prosecutions (DPP) for approval of prosecution, the process often stalls. Since the DPP has the power to either prosecute or not, many people are discouraged from pursuing corruption cases.

It is also true that witnesses in corruption cases have died and disappeared. Many people are too afraid to testify. I recall one case where a witness giving evidence on the National Land Commission (NLC) disappeared from the premises of NLC and was found dead two days later in Ngong Hills. This was about two years ago, during the COVID-19 period. No one was ever convicted, despite the witness being key to the case. Therefore, as much as we give recommendations here for action to be taken, many people fear to confront those who are doing bad things in the country. The Witness Protection Programme must be strengthened.

The Office of the Director of Public Prosecutions (DPP) has to be very firm. Whether there is sufficient evidence or not, there are no sacred cows. Let those people face the law. In the minimum, let them do retribution. Let them return to the state what the state has lost. If that offer was there, and somebody had a choice between prosecution or refunding part of the money, most probably they would refund the money other than face prosecution; a plea bargain of some sort.

Therefore, it is not enough for this House to vote and make recommendations, but it must also see the end of it. The necessary investigative and prosecuting bodies should do their job. The DPP's office should do what is right and send these people to jail, so that others do not play around with Kenyans, the property of Kenyans and the benefits of Kenyans conferred to them by World Bank.

Mr. Speaker, Sir, I thank you. I beg to support.

The Speaker (Hon. Kingi): Sen. Faki, you may proceed to reply, having moved the Motion.

(Sen. Olekina spoke off record)

My dashboard is clear. Well, the Mover has already taken to the Floor.

Sen. Faki: Mheshimiwa Spika, Sen. Olekina alikuwa amenidokezea kwamba angependa kuchangia. Kwa hivyo naomba umpe fursa.

The Speaker (Hon. Kingi): Kindly give him the microphone. Proceed, Sen. Olekina.

Sen. Olekina: Thank you, Mr. Speaker, Sir, for your magnanimity. Sen. Faki has allowed me to comment on this very important Motion.

The role of the EACC in Kenya has been misunderstood. In most cases, you will find that when projects are investigated, where there is either misuse of public funds or a collusion, the people who end up suffering are the citizens. This is because whatever is discovered is maintained in the EACC offices and projects which are supposed to benefit individuals, end up just being white elephants.

As I comment on this petition, by a citizen in terms of misuse of World Bank funded projects, what people do not understand is that anything given by the World Bank is a loan. Anything given by the World Bank comes with conditions. In fact, most of the additional allocations that we send to the counties are normally conditioned on the assumption that the money has got to be spent strictly on the project which it is intended.

Mr. Speaker, Sir, the importance of petitions to the Senate, by the citizens has always been misunderstood, both by this House and also by the citizens. This is because the question that comes out is what happens next? Let me appreciate the work which is being done by the distinguished Senator from Mombasa, Mohamed Mwinyi Haji Faki. This is because for the past sittings, about six or so sittings, the distinguished Senator has been sitting here giving this House reports on petitions that have been brought by citizens. These petitions are brought solely because of the issue of accountability and transparency. It is about time we amended our Standing Orders, so that if this House votes on a report that has been submitted by a committee, despite the fact that we do not have an implementation committee, the committee submits the report and works with the Secretariat and reports back to this House regarding the implementation matrix that they will come up with.

I was seated here listening to Sen. Faki when he was moving the report and my good friend Sen. Sifuna came had called me. He told me that the former Speaker of this Parliament, Hon. Ole Kaparo, was waiting for me in my office. When I went to see him, he gave me a book he has written. I encourage all of us to get a copy of his book. He said to me, I want you to read the last paragraph. It is quite interesting that what he told me to read related fairly to the events happening under the current generation.

Many people think that they can do anything today, and no one will know. He told me to read the last paragraph which I want to read. He said-

“Today, the younger generation is the best gift Kenya has to right the wrongs of the past because they live in the golden age of increased knowledge. Their world is expanding into boundless villages on account of the internet which connects people around the world in ways that seem magical to their forebearers.”

Mr. Speaker, Sir, previously, people would misuse public funds and there would be no accountability or transparency. When the anti-corruption body investigated, even if the issue went to court, it would stay there for long. When you read what Hon. Ole Kaparo has written here and you juxtapose it with the current situation on this petition, the first thing that you will ask yourself is: Hypothetically, if the EACC were able to recover any money, would that money go back to complete that dam or would it be sent back to Treasury or EACC or would there maybe be a deal to keep the money? Ultimately, what would happen?

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

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

Speaker Kaparo has told us that the younger generation know and that is why everyone is coming to the Senate to bring a petition. However, what we have not been able to answer is; how do we guarantee the petitioner that this House will give a solution? There is absolutely no way that we can guarantee the petitioner when there is a big question mark on the powers that this House has today. There is a big question mark on the power that the Judiciary has today. I want to repeat this; unless we become bold enough and to make sure that whatever this House pronounces--- If we were to vote right now, we would first get busy, looking for Senators to come in, so that we vote and adopt the report tabled by the distinguished Senator from Mombasa. However, what happens if we are not bold enough to give this House the power that has been donated to it by the Constitution? Speaker Kaparo says that there will be a revolution and this time we will not be able to stop it.

So, fellow Senators, it is wrong that conditional grants, money donated, money loaned for specific projects is misused and nothing happens. I plead with the Chairperson of the Committee on Lands, Environment and Natural Resources, Sen. Faki, who is also an accomplished lawyer, to do things differently this time around, to show that this House indeed, has a lot of power. We could ensure that when the EACC recovers any money, this House directs that the money goes back to complete that project because otherwise, we would not be doing anything.

In conclusion, I end by saying that we must now develop the will to fight for this House to regain its power. Whatever Motion we pass here because the Senate only pronounces itself through Bills and Motions, does not just become a piece of paper or literature. The decision must not just become moot; it must come out with action and it must also bite. Therefore, the EACC, the ball is in your court, but remember it is this House that gives you power.

Sen. Faki, if we have to amend the EACC Act, so that whatever money they recover from their investigations goes back to benefit people who are being investigated, so be it, since we know Motions can be taken lightly.

We pass so many Motions here. One of the Motions which I worked so hard to pass was on pending bills. What happened to that Motion and was it implemented? The answer is no. It boils down to the fact that if I want it to be implemented, I should use my money, go to court and get court orders to compel. Then where is the power of Parliament?

Mr. Deputy Speaker, Sir, Sen. Faki has an opportunity to start giving this House a chance to regain its powers as Parliament.

I thank you.

The Deputy Speaker (Sen. Kathuri): Sen. Faki, you can now reply. Had you donated your time?

Sen. Faki: Mr. Deputy Speaker, Sir, first of all, I want to thank all the Senators who have contributed. They include Sen. (Dr.) Murango who was a Member of the Committee on Lands, Environment and Natural Resources; Sen. Cherarkey who has been

very passionate and who has contributed to all the reports that have tabled in this House; Sen. Maanzo and Sen. Olekina.

Mr. Deputy Speaker, Sir, earlier when Members were contributing to the Statement by Sen. Sifuna, on the alleged grabbing of Jamhuri Park land, several issues were raised. Our Committee only gets seized of the matters when they are referred to us by this House.

Last week on Monday, we travelled to Meru with you, Mr. Deputy Speaker, Sir. While in Meru, one of the petitioners explained to us that 230 plots, which translates to about 1,735 acres of land that belong to the Meru County Government, had been grabbed by private individuals. Unless we have that information in writing in this House, we may not do much.

I want to thank them for contributing to this report. Our recommendations are there. Once the report is approved, we will have a matrix of implementation, together with the other reports which were adopted last week. Within a period of 90 days, we will have regular briefs to the House. Whenever we present our reports for debate, we shall also present on how our reports are being implemented.

On the issue of recovery of money that was misappropriated through the EACC, that has been a problem. In fact, sometimes prosecution is derailed by the Office of the Director of Public Prosecutions (ODPP). A case in point is the case of the former Governor of Migori. The EACC is insisting on prosecution of Hon. Obado, while the ODPP is willing to bargain, withdraw the charges and return the money in form of assets that have been recovered from him.

In such a case, the assets amount to about Kshs400 million. That is money which was meant for the County of Migori. However, that money will go back to the National Treasury where it will be reallocated, yet the people of Migori lost an opportunity to have development projects using that money. The same applies to the Changara Water Pan Project. Any amount recovered should go back to Busia County because that money was for the people of Busia.

Mr. Deputy Speaker, Sir, I beg to reply. Pursuant to Standing Order No.66(3), I request for deferment of putting of the question to a later date.

I thank you.

The Deputy Speaker (Sen. Kathuri): Your request is granted.

(Putting of the question on the Motion deferred)

Let us go to the next Order.

MOTION

ADOPTION OF REPORT ON PETITION ON HISTORICAL INJUSTICES AND
ILLEGAL ALIENATION OF LR NO.7153/1, NO.7153/2, NO.7153/2R
AND NO.12825 IN KIAMBU 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. Francis Wainaina Njuguna Mbogo concerning historical injustices and illegal alienation of L.R. No. 7153/1, 7153/2, 7153/R, also known as L.R. No. 12825 in Kiambu County, laid on the Table of the Senate on Tuesday, 7th October, 2025.

Mr. Deputy Speaker, Sir, this was a petition received from the family of Mbogo regarding those three parcels of land. Their prayers were that the Senate committee recommends to the NLC to consider reinvestigating the claims of historical land injustices regarding these parcels of land to its logical conclusion. Secondly, that the committee recommends immediate cessation of any forced evictions towards the petitioners.

By the time we had the petition, this matter had already been submitted to the NLC, which has the mandate, under the Constitution, to investigate historical land injustices. There are also several matters which were pending before the High Court in Kiambu and Nairobi. Therefore, our hands were a bit tied.

We have recommended that the NLC proceeds to conclude the investigations on these pieces of land on or before 30th December, 2025. We also recommend that there should be no further evictions of the Mbogo family from the pieces of land that are mentioned in this petition. They are L.R. No. 7153/1, 7153/2 and 7153/R, also known as L.R. No. 12825.

Mr. Deputy Speaker, Sir, I beg to move and request Sen. Issa Juma Boy of Kwale County to second this report.

Sen. Boy: Mr. Deputy Speaker, Sir, I second.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I now propose the question.

(Question proposed)

I want to give an opportunity to Senators to contribute to the Motion. So far, none is on my dashboard.

Proceed, Sen. Olekina.

Sen. Olekina: Mr. Deputy Speaker, Sir, let me appreciate Sen. Faki for the good work he has been doing. In fact, when people are awarded medals or honours, they should look at the kind of work that these Senators are doing here. This petition is important and I am happy that the Committee on Lands, Environment and Natural Resources has made recommendations. Sometimes, it is difficult for the Senate to make recommendations on matters that come to this House because there are so many other legal issues surrounding them. Having so many court cases related to the same land is something that makes it very difficult for the Senate to give a recommendation that will be rewarding to the petitioners.

I urge the petitioners to read carefully the findings of the Senate on this matter. They can utilise the findings of these cases to build up their case. Meanwhile, subdivision of that piece of land in a cooperative has to be done in the right way. I urge the gentleman from Kiambu County to engage the NLC thoroughly, which I know, currently has few

commissioners who are being vetted. I hope that the President will move expeditiously and appoint new commissioners. I believe there are about three.

It is very interesting that at times there are changes in terms of commissioner's terms coming to an end. However, when we have big cases, like the one surrounding the Standard Gauge Railway (SGR), some commissioners go to court to challenge their removal. How do you challenge being removed when you were appointed? You just let go. This is what is delaying the process. I am pretty sure that there are many cases in the NLC that cannot be concluded because, as it is, the Commission is fighting itself. Others have gone to court to challenge their removal or the changes.

Mr. President, what you can do is to proceed and appoint the three while you await the court's decision on the rest that have gone to court. Ultimately, the people who end up suffering are citizens. When you are put somewhere, you are not just put there so that you benefit or line your pocket. Why would you fight the appointing authority? If you are given an opportunity to serve, serve and if you are told to go home, go home unless it is the citizens who have elected you. When the citizens elect you, there is a time frame of five years and if they are not happy with your job, they take you home. However, any appointed position can be changed at any given time.

Mr. Deputy Speaker, Sir, I urge the Petitioner to read the findings of the Senate carefully, proceed to the NLC and start working with them, so that they can get what is rightfully theirs.

Thank you, Mr. Deputy Speaker, Sir.

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

Sen. Faki: Thank you, Mr. Speaker, Sir. This is a matter that squarely falls under the mandate of the NLC. We are aware that the Commission's term of office are about to expire. However, they have done a lot under the stewardship of Mr. Gershom Otachi. They have assured us that they are willing to work extra hard to conclude the reports that they have been working on.

We further recommend that the Commissioners who will be appointed be sufficiently funded, so that they are able to deal with the historical land injustice cases expeditiously. This is one of the problems that we have encountered throughout the Republic.

I beg to move that under Standing Order No. 66(3), the putting of the question be deferred to a later date.

Thank you.

The Deputy Speaker (Sen. Kathuri): Very well noted. The putting of the question has been deferred.

(Putting of the question on the Motion deferred)

Let us move on to the next Order.

The Chairperson, Standing Committee on Lands, Environment and Natural Resources, Sen. Mohamed Faki, proceed.

MOTION

ADOPTION OF REPORT ON PETITION ON DELAYED COMPENSATION
AND OCCUPATION OF PARCELS OF LAND BY DISPLACED
PERSONS FROM NYANDARUA

Sen. Faki: Thank you, 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. James Mwaura Njoroge and other Nyandarua Internally Displaced Persons (IDPs), concerning the delayed compensation and occupation of parcels of land laid on the table of the Senate on Tuesday, 7th October 2025.

Mr. Deputy Speaker, Sir, this is a Petition by the IDPs, the people who were displaced by the internal clashes of 2007 after the General Election of 2007. We visited the petitioners deep inside Nyandarua County at the border of Laikipia County and saw the plight of the IDPs. They are living in very harsh conditions with no sanitation facilities, water and nearby schools to take their children. They have been there for a long time.

The land was purchased. In fact, this morning, when the Cabinet Secretary for Internal Security and National Administration, Hon. Murkomen, came to the Chamber, he alluded to the fact that land was bought for the IDPs. However, the land was not subdivided and allocated to these IDPs.

The situation we found during that visit was very traumatising. We recommend that this report is adopted, and the Ministry of Land, Public Works, Housing and Urban Development avails funds for the demarcation of the land that was acquired for this purpose. In fact, the IDPs were living on a piece of land which was acquired specifically for their resettlement. So, there is no issue of lack of land; the land is available. It is just a matter of demarcation and allocation of the plots to the people who are on it.

Another recommendation is that; it is time for all the camps to now be closed. Everybody should be allocated land and move on with their lives. It is now about 18 years since the General Election that caused the chaos. We have also recommended that the County Government of Laikipia, where these people are situated, provides sanitation facilities and water to these people. They are living in prehistoric times, where they have to go long distances to find water for their daily use.

I move that the House adopts this report and invite my able Member, Sen. Murango, to second it.

Thank you.

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

Sen. (Dr.) Murango: Asante Bw. Naibu Spika.

Kwanza, naunga mkono ombi ambalo limeletwa kutoka Nyandarua. Pia, nampa hongera Mwenyekiti wa Kamati ya Ardhi, Mazingira na Mali Asili kwa sababu jambo la kuangalia mambo ya mashamba sio jambo ambalo unaweza kulifanya ukiwa umeketi Bungeni. Lazima tuwafuate wale ambo wameadhirika ili tuwaelewe na tutafute jawabu la kero walilo nalo.

Utapata ya kwamba, wale IDPs wanakaa katika mazingira mabaya sana. Hakuna vyoo na maji. Kwingine, hata hakuna shule. Kwa hivyo, magonjwa yanawapata kila uchao. Kwa hivyo, ni vizuri waweze kuangaliwa.

Wizara ya Ardhi, Mazingira na Mali Asili waache kuzembea kwa sababu shamba lina watu ambao wanahangaika. Ni vizuri kila mtu apewe mahali pake ili aweze kukaa na kulea watoto. Tukizingatia zaidi, wengi walio kuja kwa hizo kambi ni watu wazima ambao wameoa na wameolewa. Kwa hivyo ni vizuri waharakishe ili tuwape afueni wale walioadhirika kwa hayo mazingira mabaya.

Asante sana Bw. Naibu Spika, naunga mkono.

(Question proposed)

The Deputy Speaker (Sen. Kathuri): Sen. Ledama Olekina.

Sen. Olekina: Thank you Mr. Deputy Speaker, Sir. Let me, once again commend the Committee on Lands, Environment and Natural Resources for doing its job. However, as I do so, it is a bit perplexing and confusing that for 18 good years, from 2007, children are now graduating from high school and yet, their parents are still living as IDPs. Those children will soon be getting ID cards.

Where will that child indicate as their home in their ID? Will they say that they live in an IDP camp? Who is your chief? Which chief will you go to in order to give you recommendation to get an ID? Where will you say you come from? Will you say you come from Nyandarua or Laikipia County? The Government should be asking itself some of these tough questions. We are talking about 18 years. I am sure that within those 18 years, many of those IDPs died. Some of them are still wallowing in poverty and some are still struggling to find an identity because their dignity was taken away from them.

There are certain things we should not be talking about in this day and age. You take 18 years to compensate someone who has been displaced by the fact that they either fought for you or they fought for the opponents, just because of elections. It is quite sad.

I am saying the same thing, Sen. Faki. That this thing cannot end on this desk. It cannot end with a voice vote of 15 Senators, minimum, to adopt that report. This requires action. Earlier, you talked about the NLC, but in this case we have land. However, when you talk about Laikipia and Nyandarua counties, there are other competing interests. There is an issue of grass and the conflict between my people; the Maasais, the Samburu and the Pokot. Could that be the issue why these people are not settled and why they have not been compensated?

Mr. Deputy Speaker, Sir, the last I checked from my geography, Kenya is quite large. If these people cannot be settled there because maybe, the original inhabitants of that land are not settled, we are just pastoralists moving from one place to another, why not go and create new modern cities and move the people from there?

Every time we talk about IDPs, how do we even identify those people? Other people who may be landless might decide to go and join that camp and consider themselves IDPs because it has been 18 years. I know the Senate Committee visited that place, but I challenge them as well. There is no way you can say that everyone who is living there now was as a result of the post-election violence of 2007. We, therefore, need

to be realistic and ask, what do we do? I compare the issue of compensation with the issue of land being forcibly acquired by the Government or the issue of way leaves. Even those people who do not qualify end up joining the queue.

Mr. Deputy Speaker, Sir, five years ago if you drove from Maai Mahiu to Naivasha, the land was virtually empty. You could probably count two, three or four houses, but that land was acquired by the Government. Some of the Kenyans who were internally displaced by the violence in 2007 were placed there and now when you go there, you will think it is a city that existed for over 20 years.

As I conclude my remarks on this matter, it is important that when the implementation matrix is developed, one of the things that should not be left out is a process of conducting accurate profiling of all the IDPs, so that we do not blame everyone and yet, many people have already been settled. Many are interested in going to Laikipia because there is a lot of land which is free. Also with the implementation matrix, it is important to ensure that we talk to each other to address the problems that have caused some of our brothers and sisters to be internally displaced in our country called Kenya. If we do not talk to each other, 2027 is coming.

What will happen if we go haywire and other people are displaced? We will not have solved the 2007 issues and we will now try to deal with the 2027. It is imperative that we talk to each other and encourage people to live together. Chairman of the Committee, that must also be part and parcel of your implementation matrix.

It is also very important that the security of the area - and I say this having been in that area and having understood the politics surrounding Laikipia and Nyandara counties - the land which is occupied by Kenyans is literally an eighth of the total land which is available in Laikipia County. Most of the land there is occupied by foreigners who have got more than a hundred thousand acres of land.

When I heard Sen. Faki saying; the land is there, it is just that it has not been subdivided for these people to be compensated. I said; my friend, there is something you are missing there. There is more than meets the eye on that land which is available. There are people who are sitting pretty in London and the Netherlands with a title deed of more than a hundred thousand acres of land in Laikipia County.

Mr. Deputy Speaker, Sir, I support this Motion and once again, I commend the distinguished Senator for Mombasa for having given this Senate work because if it were not for his reports and if you look at the Order Paper, we have about eight Bills which are supposed to be passed, but look around. On this side of the House, we have three Senators and the other side we have a few senators. We can only be taken seriously if we take our jobs seriously.

I thank you.

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

Sen. Faki: Thank you, Mr. Deputy Speaker, Sir. Once again, I thank Sen. (Dr.) Murango for seconding this Motion. I also thank my Whip, Sen. Olekina, for contributing to the Motion.

The contributions by Sen. Olekina are well thought out and we undertake to incorporate them in our implementation matrix, so that we can resolve this matter once and for all. This issue of IDPs needs to have a closure. The land which I talked about is

land which has already been bought by the Government to settle the IDPs. What the Cabinet Secretary for Lands, Public Works, Housing and Urban Development does not have is funds to subdivide and allocate this land to the people.

I see there is money in the Hustler Fund which can be used to settle these people and it can be recoverable as a loan to these people. I know most of them have Safaricom lines and they can take advantage of this, pay for survey and the subdivision, so that everyone can get a title. Thereafter, we can then close this matter of IDPs.

Mr. Deputy Speaker Sir, I beg to move. The Petitions of the three reports that I have read were filed in 2023. I take this opportunity, on behalf of the Committee and on behalf of the Senate, to apologise to the petitioners because the reports took so long. However, we concluded them within six months from the date we were appointed to this Committee.

I commend my Committee Members for the hard work they have put in this. When we went to Nyandarua, we travelled back to Nakuru at about 8.00 p.m. At that time, we did not think of acquiring air transport that would help us move faster and be back to Nairobi without wasting a lot of time on the road. We actually arrived back in Nairobi past 11.00 p.m. The Members gave a lot of sacrifice to the work that we concluded. I take this opportunity to apologise to the petitioners. Right now, their reports are ready and they will be given to them.

I beg to move that pursuant to Standing Order No.66(3), the putting of the question be deferred to another date.

(Putting of the question on the Motion deferred)

The Deputy Speaker (Sen. Kathuri): The Chairperson of the Committee on Lands, Environment and Natural Resources, I also want to appreciate your work. In the Liaison Committee, we have been toiling on the petitions that have surpassed three years without conclusion. I thank you and your Committee and request that you to keep the spirit on because most of the Petitions and Statements are usually on land issues. Keep up the good work.

Next Order.

Could we hear from the Chairperson of the Committee on Lands, Environment and Natural Resources?

MOTION

ADOPTION OF REPORT ON PETITION ON LAND OWNERSHIP DISPUTE OF MWANANCHI SETTLEMENT SCHEME

Sen. Faki: Thank you, 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 Wananchi Self-Help Group regarding the land ownership dispute of Mwananchi Settlement

Scheme in Mwatate Constituency in Taita Taveta County laid on the Table of the Senate on Tuesday, 7th October, 2025.

Mr. Deputy Speaker, Sir, the disputed land is located in Taita Taveta County and we visited it sometime in April. This Petition was brought to this House on 18th February and it was read by the Speaker on the same date. This land was acquired by the Government and they came up with the Mwananchi Settlement Scheme in Mwatate Constituency, Taita Taveta County.

The original owner of the land, Mwananchi Ranching Company filed a case in the High Court at Voi where they complained that their land had been sold fraudulently to the Government through the settlement fund trustees. As a result, the High Court gave a judgement that all the titles which had been issued through the settlement scheme be cancelled and the people be evicted.

A total of 1,322 people had been allocated land in that area. The total acreage of the land is 9,070 hectares and most of the people had already settled. Some were doing mining, while some were doing farming and so on and so forth. We visited the land and had representation from the petitioners and the community and thereafter we did our investigations.

In the course of the investigations, the Attorney General applied, on behalf of the settlement fund trustees, and the Ministry of Lands, Public Works, Housing and Urban Development to be allowed to appeal the decision of the High Court. They were granted leave to appeal and the appeal is pending before the Court of Appeal in Mombasa.

So, in view of the fact that the matter is pending before the Court of Appeal, we made some recommendations which if implemented, will take care of the concerns that the petitioners had over this issue. The prayers they sought are that the Committee intervenes and investigates the matter with a view to ensure that the area residents are adequately compensated. There is an ongoing matter in the Court of Appeal. The application was filed on 20th June, 2025 by the Attorney General on behalf of the Ministry of Lands, Public Works, Housing and Urban Development and the residents. The matter is now pending before the Court of Appeal.

The second prayer was that the Committee enquires into the matter and makes appropriate recommendations on the irregular transaction on LR/No.12924 situated in Mwatate Constituency. There is an ongoing civil appeal case which ties our hands. Therefore, we cannot investigate it until the matter is determined by the court.

The last prayer was that the Committee enquires into the matter and makes legislative interventions relating to the land transfer and acquisition processes to ensure that innocent Kenyans are protected. The Committee noted that concerns of the petitioners regarding safeguards to ensure the protection of right to acquire and own property and will address the legislative interventions progressively.

Mr. Deputy Speaker, Sir, this was a clear case of fraud where people pretended to be the owners of the land through a company called Mwananchi Development Company. They sold that land to the Government through the settlement fund trustees. The Government then subdivided the land into 12 acre plots and allocated the land to the residents who paid a sum of about Kshs35,000 per plot of 12 acres.

The owner of the land came to realise that people had settled on his land and he went to court and sued the Government. Unfortunately, the Government did not file a defence in time and the residents were not aware of the pendency of this case. As a result, an *ex parte* judgement was given and they went back to the court to be given an opportunity to be heard.

Mr. Deputy Speaker, Sir, I believe the court is now seized of the matter and as a Committee, we should allow the court to deal with the matter to its logical conclusion. However, we have made some recommendations. One of which is that the EACC and DCI come in to investigate whether those, people who sold the land to the Ministry of Lands, Public Works, Housing and Urban Development, through the settlement fund trustees, had adequate title or had a good title to pass on to the Government. It appears they did not have requisite documents to sell that land to the Government.

Number two, the Ministry of Lands, Public Works, Housing and Urban Development should immediately suspend any ongoing transaction on these parcels of land. The land should be preserved as it is.

Number three, the National Land Commission (NLC) should carry out investigations to establish the legitimacy of ownership of the land LR/No.12924 and if there are any arising irregularities, a report be made to the Senate within a period of 90 days.

Mr. Deputy Speaker, Sir, I move that the Senate adopts this report. I invite my brother, Sen. (Dr.) Murango, to second this report.

Thank you, Mr. Deputy Speaker, Sir.

Sen. (Dr.) Murango: Asante sana Naibu Spika. Ninaunga mkono ripoti iliyosomwa na Mwenyekiti wa kamati husika.

Kitu cha kushangaza ni kwamba tunapotaka kujua mbivu na mbichi wakati wa kununua shamba, sisi huenda kwa ofisi ya Serikali ambayo iko katika wizara ya mashamba. Ie wizara ndiyo hugawa mashamba na hupeana hati miliki. Jambo ambalo sielewi ni vile wizara inayohusika na stakabadhi iliuziwa shamba na wakora. Natumai kuwa wakora waliouza lile shamba walikuwa na mpango fulani ambao pia wizara iliujua. Ni vizuri tung'amue mbivu na mbichi tujue ilinunuliwa vipi wakati huo, ili wananchi wasiendelee kuteseka.

Asante.

(Question proposed)

The Deputy Speaker (Sen. Kathuri): Sen. Ledama Olekina.

Sen. Olekina: Mr. Deputy Speaker, Sir, let me briefly do my job and congratulate the good Senator for Mombasa County, once again, for supporting the citizens and petitioners who have come to this House seeking refuge and settlement.

It becomes very difficult when the Government carries out a transaction and the landowner proceeds to court. These matters, which are of public interest, are often not publicised, leaving citizens unaware that a case exists. Expedited orders are granted without public knowledge.

I urge the Judiciary, that whenever a matter touches on public interest or land, is brought before them, the first question should be whether the petitioner has notified the public. There should be a requirement to publish an advertisement in all major dailies, including vernacular radio stations and platforms accessible to where the affected people live. It should also be posted online. The practice of quietly obtaining expedited orders should be of the past. It is like getting into the Chambers and getting an order, yet land issues affect many people.

Mr. Deputy Speaker, Sir, Taita Taveta is another county where a few individuals own vast tracts of land, while many residents remain landless. There will come a time when even the billionaires and large landowners will leave that land behind.

I support this Motion. I hope that while the affected people have an opportunity to appeal, the Judiciary will ensure decisions are made with full awareness on the ground. We must be innovative. I speak to the Judiciary. I do not know whether I am qualified, but I will just give them my two cents. It is up to them to take it or not.

My advice as an elected representative of the people; let us be unorthodox when it comes to land matters. Let us go to the site and resolve issues there so that affected communities are not blindsided by court orders they were unaware of.

Mr. Deputy Speaker, Sir, we must also consider that if a matter is already in court and Parliament cannot act on it due to constitutional limitations, the Secretariat should advise citizens accordingly. Alternatively, our legal department should scan for active court cases, write to the Judiciary to confirm their status and guide petitioners on the appropriate steps. We are here to listen to everyone and ensure they are heard.

I thank the Standing Committee on Lands, Environment and Natural Resources for their work. I wish all committees would expedite Petitions. I heard the Speaker mention that the Liaison Committee is struggling with petitions. The same applies to Statements. I believe each committee is handling over 100 statements. When will we deliver justice? When will we read those statements, interrogate them, investigate and come up with conclusive decisions?

I urge other committees to move swiftly. I would rather spend the whole day here if needed, sit, review and comment on those reports. That will show we are doing our job. This is where we are supposed to be.

Thank you.

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

Sen. Faki: Thank you, Mr. Deputy Speaker, Sir. I thank Sen. (Dr.) Murango for seconding this Motion. I also thank Sen. Olekina for his contribution.

By the time the petitioners came to this House they had reached a dead end. The court had already issued a decision to cancel their title deeds and the Government, through the Office of the Attorney General, was reluctant to pursue an appeal to set aside that judgment. I believe this was due to lethargy on their part, as they had been given an opportunity to defend but failed to file their defence in time.

As a result of the Petition being brought before this House, we were able to pressurise the Office of the Attorney General, through the Ministry of Lands, Public Works, Housing and Urban Development, to take up the matter and file an appeal in the

Court of Appeal. That is how the appeal came into being. They were granted leave and a stay of execution and the matter is now pending before the Court of Appeal.

Regarding this Petition, we were able to forestall the eviction of 1,322 people who had already settled on the Mwananchi Ranch. In doing so, we have assisted the petitioners in ensuring their case is heard before the Court of Appeal.

I beg to move that the report be adopted. I reply.

Pursuant to Standing Order No. 66(3), I beg to move that the putting of the question be deferred to a later date.

I thank you for giving me the opportunity to move these four reports.

The Deputy Speaker (Sen. Kathuri): Very well. The putting of the question has been deferred.

(Putting of question on the Motion deferred)

We will go to the next Order.

The Deputy Speaker (Sen. Kathuri): Yes, Sen. Murango.

QUORUM

Sen. (Dr.) Murango: Naibu Spika, naona kwamba akidi haijatimia ili tuweze kuendelea na kikao.

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Murango, just hold your horses. I want to---

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

Clerk, do we have the quorum? Can you confirm?
Serjeant-at-Arms, ring the Quorum Bell for five minutes.

(The Quorum Bell was rung)

The Deputy Speaker (Sen. Kathuri): Serjeant-at-Arms, ring the Quorum Bell for another five minutes.

(The Quorum Bell was rung)

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

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

The Temporary Speaker (Sen. Veronica Maina): Clerk, could you confirm if we have the quorum?

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

We can now proceed. It has been confirmed that we have quorum.
Sen. Kathuri Murungi, could you, please, approach the Chair?

(Sen. Kathuri consulted with the Temporary Speaker)

An Hon. Senator: Have we confirmed that we have quorum?

The Temporary Speaker (Sen. Veronica Maina): I have already confirmed that. Therefore, we are not repeating that confirmation.

Hon. Senators, I am deferring Order Nos.8 to 17.

MOTION

WELFARE OF INTERNS WORKING UNDER THE PUBLIC SERVICE COMMISSION

THAT, AWARE THAT, the Public Service Commission has provided internship opportunity to many youths in various government Departments and Agencies for a period not exceeding one year pursuant to Guidelines on Management of the Public Service Internship Programme of October, 2019;

APPRECIATING THAT, since its inception, the internship programme in Kenya has been instrumental in providing practical experience to graduates, enhanced employability, offered networking opportunities and has on a number of occasions led to full-time jobs to graduates;

CONCERNED THAT, internship opportunities are limited in number, skewed in distribution across government Departments and Agencies, lack clear pathway to permanent employment, have inadequate opportunities for skill development due to the short duration that they are offered and that the stipend offered to PSC interns is insufficient with an average stipend ranging from Kshs15,000 to Kshs30,000 per month which is not sustainable especially to interns living in major cities like Nairobi, Mombasa and Kisumu where the cost of living is too high;

NOW THEREFORE the Senate resolves that the Cabinet Secretary for Public Service and Human Capital Development in consultation with the Public Service Commission reviews the Guidelines to the Public Service Internship Programme of October, 2019 with a view to: -

1. increase the stipend offered to interns to cushion them against the high cost of living; and
2. put in place mechanisms to promote and reward innovation by interns.

(Motion deferred)

BILL*Second Reading*

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

(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)

BILL*Second Reading*

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

(Bill deferred)

COMMITTEE OF THE WHOLE

THE NATIONAL ASSEMBLY AMENDMENTS TO THE
COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS
(No.2) BILL (SENATE BILLS NO.8 OF 2025)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

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

(Committee of the Whole 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)

I now direct the Clerk to call out Order No.22.

The Temporary Speaker (Sen. Veronica Maina): Let us have the Chairperson of the Committee on National Cohesion, Equal Opportunity and Regional Integration. Sen. Kamau, are you the Chairperson or you are a Member?

Sen. Githuku: Madam Temporary Speaker, I am a Member of the Committee. Therefore, I am standing on behalf of my Chair.

The Temporary Speaker (Sen. Veronica Maina): Proceed.

MOTION

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

Sen. Githuku: Madam Temporary Speaker, I beg to move the following Motion-
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.

Madam Temporary Speaker, I call upon Sen. Cherarkey to second.

The Temporary Speaker (Sen. Veronica Maina): Sen. Kamau, could you, please, approach the Chair?

(Sen. Githuku consulted with the Temporary Speaker)

Please give the report to the Senator.

Sen. Githuku: Madam Temporary Speaker, I beg to move the following Motion-

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.

Madam Temporary Speaker, at the sitting of the Senate held on Wednesday, 24th July, 2024, the Senate adopted the resolutions on the current state of the nation, part of which directed the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration-

(1) To engage the Public Service Commission on the National Cohesion and Integration Commission (NCIC) audit of the state of employment of the public service, including county governments and propose strategies to adhere to equal opportunities across the public service as espoused in Article 232 of the Constitution of the Values and Principles of Public Service; and,

(2) Engage the Public Procurement Regulatory Authority to audit, in compliance with Section 53(6) of the Public Procurement and Asset Disposal Act (PPADA), by all public procurement entities with a view of establishing a roadmap to ensure compliance of the said provision of the Act.

Madam Temporary Speaker, the Committee embarked on the assignment, hereupon invited and held deliberations with the governors and key officials of the 47 county governments under the following thematic areas-

(1) A demographic composition of employment of the county governments in terms of gender, persons with disabilities, age and ethnicity.

(2) The demographic composition of the County Executive Committee Members (CECMs) and the Chief Officers (COs) in terms of gender, persons with disabilities, age and ethnicity.

(3) Any recruitment conducted by the counties in the last three years outlining positions that have been filled and criteria applied in the selection of candidates.

(4) The status of compliance by the counties with Section 53(6) of the PPADA Cap 412(c).

(5) Affirmative action measures being implemented by the counties in the promotion of women, youth, persons with disabilities in recruitment and leadership.

(6) The audit of assessment that was undertaken in the last three years to ascertain the level of inclusivity in the recruitment process.

Madam Temporary Speaker, the Committee also invited and held deliberations with Public Procurement Regulatory Authority regarding compliance by public entities with Section 53(6) of the PPADA with a view of establishing a roadmap to ensure compliance with the said provision of the Act.

The Committee further held deliberations with the NCIC regarding the ethnic and diversity audit of the County Public Service Board carried out by the Commission.

In total, the Committee held 32 meetings where it received oral submissions and written memorandum from the county governors and Public Procurement Regulatory authority and the NCIC.

The Committee thereafter, retreated to have the submissions received where upon, it arrived at observations and recommendation as set out in the report.

Madam Temporary Speaker, the key recommendations by the Committee are as follows-

Thematic area one: Democratic composition of the employees by the county governors in terms of gender, persons with disability, age and ethnicity. The Committee recommended as follows-

(1) That Mandera, Nandi and Wajir county governors should appoint the required number of women, comply with the Constitution's requirement that not more than two-thirds of members of appointed bodies shall be of the same gender. Not more than two-thirds of the gender principle within 18 months of tabling this report. The county governments that are compliant should put policies in place to continue to adhere to the constitutional requirements.

(2) All county governments should comply with the provisions of Article 54(2) and Section 13 of the Persons with Disabilities Act and take affirmative action urgently to employ persons with disabilities to comply with the constitutional requirement to solve five per cent of appointed positions in county public service with 18 months of tabling this report.

Noting that none of the county governments is compliant with the provisions of the law, the county governments should liaise with the National Council for Persons with Disabilities (NCPD) during recruitment and selection of the pool of qualified persons with disabilities applicants.

(3) That the 32 county governments that fail to comply with the requirements should ensure that at least 30 per cent of the vacant positions are filled by candidates who are not from the dominant ethnic community in the county by putting deliberate measures in place to comply with the diversity requirement within 18 months of tabling the report.

These county governments are Kwale with 75.2 per cent; Kilifi, 79 per cent; Wajir, 91.05 per cent; Mandera, 81.4 per cent; Meru, 90 per cent; Kitui, 90 per cent; Machakos, 85 per cent; Makueni, 92.63 per cent; Nyandarua, 93.66 per cent; Nyeri, 93.66 per cent Kikuyu; Kirinyaga, 96 per cent Kikuyu; Murang'a, 93 per cent Kikuyu; Samburu, 96.65 per cent, Samburu; Uasin Gishu, 85 per cent Kalenjin; Garissa has 80.15 per cent Somalis; Elgeyo Marakwet, 96.22 per cent, Kalenjin; Nandi, 95.67 Kalenjin; Baringo, 92.93 per cent Kalenjin; Laikipia, 70.06 per cent Kikuyu; Kajiado, 70.53 per cent Maasai; Bomet, 97.28 per cent Kalenjin; Kakamega, 90.68 per cent, Luhya; Bungoma, 83.6 per cent Luhya; Vihiga, 89.79 per cent Luhya; Kisumu, 87.69 per cent

Luo; Homa Bay, 96.98 per cent Luo; Migori, 71.77 per cent Luo; Kisii, 94.28 per cent Kisiis and Nyamira, 95 per cent, Kisiis.

(4) All the county governments should use alternative means of job advertisements such as local and national vernacular radio stations, social media and local leaders to reach a wider pool of candidates by doing targeted civic education and advertising the recruitment opportunities.

(5) That all county governments should use target job advertisements encouraging minority communities, youth, women, persons with disabilities to apply and be considered.

Thematic Area Two: Demographic composition of the CECM and COs in terms of gender, persons with disability, age and ethnicity. The recommendations are as follows-

(1) That the following county governments namely; Kisumu, Kisii, Isiolo, Nyeri, Laikipia, Wajir and Embu counties should comply with the constitutional requirement that not more than two-thirds of members of the opposite bodies shall be of the same gender. Not more than two-thirds gender principle in the composition of CECM and COs.

(2) The 42 county governments that fail to comply with the constitutional requirement to reserve five per cent of appointed positions (CECM and COs) in the county public service to persons with disabilities are required to comply with the law within 18 months of tabling this report with the exception of Lamu that has five per cent; Taita Taveta, 8.7 per cent; Wajir, 6.45 per cent; Turkana, 6.06 per cent and Nandi, 5.26 per cent; county governments that complied with the constitutional requirements to serve the five per cent requirement.

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

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

(3) That the county governments should put in place policies and guidelines that guarantee the inclusion of youth and marginalised groups in the county executive leadership positions.

(4) That the Senate amends the County Governments Act to provide the timeline for appointment of chief officers following gubernatorial election.

(5) The county governments of Elgeyo-Marakwet, Kericho, Makueni, Nyandarua and Vihiga, which had county executive committee members and county chief officers exclusively from dominant ethnic communities in their counties should adhere to the constitutional requirement of diversity and inclusivity and take immediate measures, not later than 18 months upon the tabling of this report in the Senate, to comply with the requirement that at least 30 per cent of the vacant positions are filled by candidates who are not from the dominant ethnic community in the county.

Thematic area three: Recruitment conducted by county governments in the last three years, the positions that have been filled and the criteria applied in the selection of candidates. The recommendations are as follows-

(1) That all county governments should strictly adhere to the existing legal frameworks, including the National Cohesion and Integration Act and the County Governments Act to ensure compliance with the law in the recruitment of public service management and additionally, county public service boards must comply with Sections 66, 67 and 68 of the County Governments Act, which outline the consideration and appointment of the requirements for wide application of advertised positions and proper maintenance of recruitment records.

(2) That all county governments should take immediate measures to ensure accessibility of the job advertisements through diversifying their means of advertisement by utilising social media platforms, the national radio stations and TV stations and use of local leaders to help reach out to many candidates, including special interest groups.

(3) That county public service boards should put in place guidelines and policies that should guide that at least 30 percent of vacant entry level positions be filled by candidates who do not belong to the dominant ethnic community in the counties.

As required under Section 65(1)(e) of the County Governments Act, the measures will foster diversity and promote the representation of county employment.

Madam Temporary Speaker, thematic area four is on the status of compliance by counties with Section 53(6) of the Public Procurement and Asset Disposal Act, Cap. 412C. The Committee recommendations are as follows-

(1) The 22 county governments that failed to comply with Section 53(6) of the Public Procurement and Asset Disposal Act on reservation of 30 percent of procurement for special groups should take deliberate measures to ensure compliance within 12 months of the tabling of this report in the Senate. These county governments are Mombasa, Kwale, Wajir, Isiolo, Meru, Embu, Kitui, Machakos, Makueni, Nyeri, Kiambu, Turkana, Nandi, Baringo, Nakuru, Samburu, Narok, Kericho, Vihiga, Migori, Nyamira and Nairobi.

(2) To ensure compliance with 30 percent of Access to Government Procurement Opportunities (AGPO) requirement by the county governments that fall below the threshold, they should implement target intervention to increase procurement opportunities for special groups, including sensitization campaigns and capacity building programmes. Moreover, the Council of Governors (CoG) should encourage sharing of best practices among county governments by replicating successful county specific procurement initiatives such as Trans Nzoia Nawiri Programme to ensure local empowerment.

Additionally, the practice from the county governments with remarkable compliance such as Lamu and Elgeyo-Marakwet should be studied to adopt, where applicable, to improve compliance and effectiveness of Government procurement.

(3) That the Public Procurement Regulatory Authority should report to the Senate on Access to Government Procurement Opportunities and procurement performance at the end of every financial year.

(4) That all county governments should develop and implement affirmative action programmes while carrying out benchmarking with their better performing counterparts in order to comply with Section 53(6) of the Public and Procurement and Asset Disposal Act.

(5) That all county executives should strictly adhere to Section 157(12) of the Public Procurement and Disposal Act.

Thematic area five was about affirmative action measures being implemented by counties in promotion of women, youth and persons with disabilities in requirement and leadership. The Committee's recommendations are as follows-

(1) That all county governments should have in place and implement affirmative action policies prioritising the empowerment of persons with disabilities, women and minority groups in line with the national policies, including the following policies-

- (a) An internship and capacity building policy
- (b) Gender mainstreaming policy
- (c) Disability mainstreaming policy
- (d) Requirement and selection policy
- (e) Youth and ICT policy

(2) That all county governments should develop a county minority register to track minority and marginalised communities within the county while fully implementing the affirmative action policies in place.

Madam Temporary Speaker, thematic area six was about the audit of assessment undertaken in the last three years to ascertain the level of inclusivity in the recruitment process. The recommendations are as follows

(1) The Senate to organize capacity building programmes for county assemblies that would enable them to effectively play their oversight role by ensuring that county executives comply with the law specifically on ethnic diversity and inclusivity during recruitment and promotion of employment.

(2) Access to government procurement in line with Sections 12(7), 35(2) and 97(a) of the County Governments Acts, 2012 and 53(6) of the Public Procurement and Asset Disposal Act, 2015.

Other recommendations are-

(1) The county public service boards should prepare and implement a county implementation unity equity plan for purposes of eliminating ethnic imbalance.

(2) That all county governments should liaise with the IGRTC and CoG to implement standardised county level recruitment guidelines, career progression policies, transition framework, salary structure and ensure consistent and equitable employment processes to better their infrastructure and to attract professionalism.

(3) That county public service boards should be empowered to fulfill their mandate without undue process from county and national leadership.

(4) The public procurement regulatory authorities should be adequately resourced to monitor and enforce compliance with the scheme introducing administrative sanctions on procurement entities to enforce compliance.

Madam Temporary Speaker, the Committee wishes to thank the Office of the Speaker of the Senate and the Office of the Clerk of the Senate for the support extended to the Committee in the execution of its mandate. The Committee further extends its appreciation to governors who appeared before the Committee and provided invaluable information. The Committee also appreciates the technical support accorded to it by NCIC and PPRA.

Finally, I thank fellow Senators for their oversight and thoughtful participation in inquiry and their dedication to the objective of inquiry. The appreciation also goes to the dedicated secretariat who actively participated in the proceedings of the Committee.

Hon. Temporary Speaker, it is now my pleasure, duty and privilege, on behalf of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration, to table the report on the Committee on its consideration of the Senate resolution of the current state of the nation and to commend it to the House for debate and adoption, pursuant to the provision of the Senate Standing Order No.223(6).

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Sen. Mumma): Who is your seconder?

Sen. Githuku: Madam Temporary Speaker, I wish to call upon Hon. Sen. Cherarkey to second.

Sen. Cherarkey: Thank you, Madam Temporary Speaker. I commend Sen. Githuku for giving the House elaborate details on what the report entails.

As I rise to second, you and me were on the Floor of the House when, under the guidance of the Senate Majority Leader and the Senate Minority Leader, the House came up with a joint Motion to discuss the state of the nation. This was a precursor of the Gen Z protest that happened in June, 2024 over the state of governance in the country and the issue of the Finance Bill, 2024.

The House assigned the Standing Committees and the Sessional Committees to follow-up on the resolutions of the Committee. The Committee on National Cohesion, Equal Opportunity and Regional Integration was given the task of following up on the issue of inclusivity, ethnic diversity, issues of public procurement and disposal and audits of the diversity in terms of gender parity across the country.

I was here in the morning when you were following up on the issue of IDPs in the country and their compensation. I agree with you largely. The unfortunate thing is you were interrogating somebody who is incompetent hence, he could not comprehend what you were asking. I wish he listened and understood what you were asking.

If we do not have gender parity, ethnic diversity, inclusivity and equal opportunities, the result will be violence, IDPs and an unstable country. There will be no rule of law, democracy and human rights. You were saying that for us to rewrite an injustice that has been committed, we must have a transparent and accountable compensation.

Your question was simple. Compensation should not just be given to the IDPs or victims of post-election violence or protests. Even my people in Serengonik and Ng'atipkong who have been evicted should be compensated. We should compensate the forest evictees.

Madam Temporary Speaker, you have an illustrious career and I know that you are aware that we now have what we call infrastructural evictees; people whose land is grabbed and they end up with evicted. This happens in major towns. We were discussing Jamhuri Park. We are discussing the issues where policies are affected. You remember some Kenyans were evicted in the middle of the night in Ruai during COVID-19 Pandemic. Those are the people we refer to as infrastructural evictees. Therefore, we need to compensate the IDPs, forest evictees and infrastructural evictees.

I want to inform you and the House, that some senior officials within the Ministry of Interior and National Administration are eating that money. If you ask them of the number of IDPs who have been settled, given land or given money, they cannot tell you. That is why he was giving a story that is neither here nor there.

We need to be told the truth. If it is 1,000 families, we should be told how many were given land and what acreage it was. We need to know why they were compensated. That is what you were asking. Unfortunately, some of us who are brilliant do not serve in those offices. We would have answered you with the necessary information. I am linking that with this because of what we are having. If we want to cure IDPs and many others, we must have inclusivity, ethnic diversity, ethnic inclusivity and gender parity.

I will make a few comments so as to allow my colleagues to also contribute. I thank the Committee and Sen. Githuku, the distinguished Senator of Lamu County, for ably moving this report. At the time when we debated the State of the Nation, no one was safe. This Parliament was attacked. We were no longer safe as the ruling class until we sat and spoke about the State of the Nation.

We now want to report back to the country. We can, for example, tell the young people that in your country, there is no ethnic diversity or opportunities. I moved the Motion on the issue of Public Service Commission interns and the recommendations were that we should ensure that every ward in this country is given allocation of internship under the Public Service Commission. In fact, it should not just be in the public sector, but also in the private sector and stakeholders. There was also a proposal that we should give tax incentives to the private sector to take young people. Those are the opportunities that young people want. That is the inclusivity.

Yesterday, I said, unequivocally that many people do not know how to segregate young people. There are young people who did not go to school and they are doing business such as *boda* and farming. We also have a group of young people who want to go to school hence they are in need of bursaries and scholarships. We also have a group of young people who have gone to school and have degrees and diplomas. That is why we must look at, inclusivity through the prism eye, the 3D, for our young people to understand that there is inclusivity.

On thematic one: gender and Persons with Disabilities (PwDs), it is unfortunate that Nandi County is ranking higher among the counties. It has been established that we do not comply with gender parity. You have to note that Nandi has serious women of substance. You all remember the seven bearded sisters, Chelagat Mutai. It is, therefore, a shame that under Governor Sang', Nandi County cannot comply on the issue of gender parity yet we have serious women of substance in Nandi, including my beloved mother. I can confirm to you.

I can agree with the findings for Mandera and Wajir counties. We can allude it to the cultural values of those areas. However, the Nandi case is unfortunate because that is where the current President comes from. I hope the Governor of Nandi County will come in the next 90 days that the Committee has recommended to tell us what he is doing to ensure that women are included.

You cannot love women by word of mouth. You must love women through actions. The Bible says that actions speak louder than words. I always hear my Governor

saying he loves women yet he does not. The performance on this report does not reflect that.

The report on the PWDs is embarrassing. In fact, if the former Vice-President, Moody Awori, gets to hear that 32 county governments have not complied on the issue of PwDs, he will be very mad. I am happy you mentioned Hon. Moody Awori on the Floor of the House in Busia County. I saw him the other day and he is still very strong. I wish him long life and good health.

The 32 county governments that have not complied is more than three quarters of the counties in the country. This report should cause an alarm among us, leaders. Where do we put our PwDs, the people who are abled differently? It is unfortunate that 32 counties have not complied to ensure that they have an aspect of PwDs. The report says that they should comply 18 months after the tabling of this Report.

The other aspect is on ethnic diversity. More than 30 county governments are employing people predominantly from one ethnic group. Are we turning county governments into ethnic enclaves? I commend Lamu County, it is more cosmopolitan. Why are other counties becoming ethnic strongholds?

There is a principle in biology called cross-pollination. It improves the quality of genealogy. If intermarriage occurs only within a particular lineage, the resulting offspring may suffer deformities. You understand this well as a mother. Why are we allowing our county governments to become ethnic headquarters?

When I visit Kisumu, Nandi, Kisii, Mandera or Garissa, over 90 per cent of the county workforce speaks only one language. This should awaken the conscience of the nation. As Francis Imbuga wrote in *Betrayal in the City*, "If something disturbs a man, it should disturb the conscience of the nation."

Let me skim through a few examples. I will mention a few, as my colleague has done so well. Kwale has 75.5 per cent dominance. Kilifi and Wajir are worse. Wajir stands at 91 per cent. The Chairperson of the Council of Governors (CoG), who helped plan the Devolution Conference in Homa Bay, also has 91 per cent dominance in his county. He can conduct cabinet meetings and staff briefings entirely in Somali.

Mandera and Meru, where the Deputy Speaker comes from, have 90 per cent dominance. Unfortunately, the Deputy Speaker has left. He should tell us why 90 per cent of workforce in Meru County can speak one language. Bomet is at 97.2 per cent. Elgeyo-Marakwet stands at 96.2 per cent Kalenjin. Murang'a has 93.7 per cent Kikuyu. Migori is at 71.1 per cent. Homa Bay is also performing poorly.

Madam Temporary Speaker, the way to cure this is through inclusive recruitment. I have sat in many committees and I know cohesion is a key concern. When governors are asked how they recruit, they say they advertised in national newspapers. Why not use local vernacular stations like Kameme FM, Voka FM, Kass FM, Kitwek FM or Muga FM? They rely only on *The Standard Newspaper*, *The Star* and the *Daily Nation Newspaper*. They must improve circulation and outreach.

Sadly, most county websites are dormant and no longer functional. I challenge Sen. Githuku to try accessing the website of Lamu County. The last update was in 2016. How do we ensure access to information in this digital age?

On thematic area number two regarding the inclusion of Persons with Disabilities (PwDs), it is unfortunate that many counties have failed to comply. However, I commend Lamu County for its impressive efforts. Taita Taveta, Wajir, Turkana and Nandi have also complied. In fact, this may be the only time Nandi has gotten it right on the five per cent inclusion of PwDs. I must appreciate Uncle Moodi Awori, one of the champions behind the Disability Act of 2003.

The other counties at the bottom line are Elgeyo-Marakwet, Kericho, Makueni and Nyandarua counties. I hope my friend, the Governor of Makueni County, is listening. We have agreed that advertisements for opportunities should be done widely and inclusively.

On thematic number four, I want to drive this point home hot and sharp. The Public Procurement and Disposal Act, Cap, 412C was a progressive law. The reason young people took to the streets in protests, what they called “*Kusalamia Governor*”, was due to lack of opportunities. It is embarrassing that 22 county governments have failed to comply with Section 53(6) of the Act, which mandates 30 per cent of procurement opportunities be allocated to special groups, including youth, women and PWDs

I challenge the Office of the Attorney General and the State Law Office. Many of the companies awarded contracts in counties are cronies of governors and senior officials. I know this firsthand in Nandi. This is violation of the law. How do we expect young people not to be restless? How do we expect them not to demonstrate when they are denied 30 per cent of procurement opportunities? This is shameful.

The counties that have failed to comply are 22. They include: Mombasa, Kwale, Wajir, Isiolo, Meru, Embu, Kitui, Machakos, Makueni, Nyeri, Kiambu, Turkana, Nandi, which is my own county, Baringo, Nakuru, Samburu, Narok, Kericho, Vihiga, Migori, Nyamira and Nairobi.

The young people of Nandi are enterprising. They want opportunities, but under the Governor Sang’s administration, their future has been destroyed. This is a national shame. How can we expect young people not to protest if we continue denying them opportunities?

Nairobi City County is the worst-performing county in this regard, with only 10.7 per cent compliance. I say this without fear of contradiction: Nairobi City County should be handed over to the Nairobi Metropolitan Services (NMS). The county government has failed in its duty to manage the city.

Are we awake to the reality? Even driving through Kilimani, the potholes are unbearable. If you drive a Sports Utility Vehicle (SUV), you risk disappearing into one. Just within the CBD, Kirinyaga Road, for example, the road surfaces have deteriorated completely. I appeal to the President to consider placing Nairobi City County under NMS once again. The Governor has abrogated his responsibility and we must even consider amending the Constitution to designate Nairobi as a metropolis managed at the national level.

Madam Temporary Speaker, as I second this Motion, I must also raise a concern. Yesterday, we received news that Shadrack Maritim, a parliamentary aspirant from

Tinderet, has gone missing. We hope Government agencies will trace him. However, this incident reflects a growing intolerance and abuse of the law in our country.

Yesterday, when my constituents attempted to demonstrate at Maraba Centre in Tinderet Sub-County, live bullets were used, near Kisumu, where you come from. A few weeks ago, two people were killed in Kimwani under similar circumstances. Where are we headed as a country?

Political intolerance is rising. A young man named Ken Maswai from Tinderet was clobbered for expressing divergent political views. I call on the Ministry of Interior and National Administration and other state actors to urgently address this growing political intolerance and police brutality.

Madam Temporary Speaker, this is a progressive report. I urge all Committees to bring forward their reports and expedite their work.

With those many remarks and with tremendous respect, I beg to second.

(Question proposed)

The Temporary Speaker (Sen. Mumma): Proceed, Sen. Ledama.

Sen. Olekina: Thank you, Madam Temporary Speaker. As I rise to contribute on this Motion from the Committee on Cohesion, Equal Opportunities and Regional Integration, my views are completely unorthodox. I do not believe that I support the report of the committee in its entirety.

I have listened to my colleagues contribute. I am baffled because I wonder when my colleagues say that county governments must comply, that they must develop other alternatives or means of advertising for jobs, so that PwDs can work there, and so that other ethnic groups can go and work in other counties. The question is, why would a county government develop this new technique of calling people from other counties to come and work in that county yet the people in that county are jobless?

Let us not kid ourselves. You know, we are too quick and I know this came out of the State of the Nation address, but let us be factual. Today, our county governments are not providing job opportunities for citizens of those counties. They are not providing procurement opportunities for citizens of those counties. I expected this Committee to develop a mechanism in which county governments can ensure that 100 per cent of all the development contracts, of all the jobs that the county governments advertise, are serviced by the people and the youth from those counties. Where the youth do not have the qualifications to build roads, those county governments should come up with training to make sure that they absorb the youth from those counties. I am tired of this rural urban migration.

In Nairobi, you will see a lot of the Luhya nation, if I can just take as an example. You will see even the Maasais also now coming to Nairobi, although Nairobi was ours and it was taken away from us, but we come here, we look for jobs to become watchmen. Both the Luhya nation and the Maasais are looking for jobs here in Nairobi to become watchmen. Then you come up with this thing that does not even consider the situation in our counties. You tell us that where we have highly qualified young Maasai men and women who cannot be employed elsewhere, that we cannot employ them in our counties

because we have hit the threshold of 70 per cent. I beg to differ. If we have Luhyas in Kakamega who are fully educated and can be able to occupy 100 per cent of jobs in that county because they are the predominant community in that county, absorb them. I am not saying that we should not promote regional integration. We must.

Can we first of all, consider the people who are there? Where do you think they will go and get jobs? If you now chase a young Luo boy from Kisumu and say, go to Nairobi or go to Maasai land and look for a job, and he is educated, he has got a PhD, but he cannot be employed there because of such policies--- Sometimes these policies are retrogressive. Let us encourage--- What I expect this Committee to come up with are innovative measures of ensuring that we absorb everyone who is educated and qualified in the counties that they live in.

When you talk about devolution, Raila Amolo Odinga promoted this. He really fought for devolution. I think what he had in mind was a nation that will be able to one day, if you are born in Narok, you live, get married you are buried and go to holiday in Narok. It will be a county that will be able to accommodate everything, but not a county that you are born there, all you know is how to speak your mother tongue. However, I hear my colleague, Sen. Cherarkey, saying that, oh, in Homa Bay, the county governor can carry out a session in a vernacular language. So what? It is our language. Why do we always forget about these issues of being truly African? I am advocating for the time now where, even if the best way we can fight corruption is by Maasais and Kalenjin both speaking the same languages in the assemblies where those two communities exist. For instance, in Narok County, the most predominant community is the Maasai. That is where I was born but, of course, we also have our brothers the Kalenjin. If we can speak both of those languages and even carry out a Parliamentary session in those two languages, what is the big deal? Maybe that might sink in deeper, so that we protect our interests.

Madam Temporary Speaker, I do not support the recommendation by this Committee. I want us to find innovative measures of taking care of everyone. Do not discriminate against me because you have hit a mark of 70 per cent, that now you cannot employ me because I am Maasai, and that Narok County has already hit 70 percent. No! Create jobs opportunities for me. Give me those jobs.

The only thing that I probably would support this Committee, and I was speaking to my good friend from Lamu, is that when it comes to PwDs, the first thing that actually each county needs to do is to make sure that they have carried out statistics and to know how many people are disabled who live in that county; then enable them to form companies, offer them training and ask them what they are capable of doing. If it is to build roads, support them in building roads. If it is working in industries, support them in getting the training necessary. Then, by default, that five percent can even be increased to 10 percent because we are able. Those are enabled. Let us enable them so that they can also be able to have equal opportunities. Let us define the term equality to truly mean enabling someone who does not have any other means to survive and be equal like any other person who has got two legs.

Madam Temporary Speaker, the thematic area, number one, on which the Committee embarked on, which is a demographic composition of all employees of the county governments in terms of gender, PwDs age and ethnicity, it is the only thing

which I think we need to move further on to see that we have more women. In fact, we should have 50-50. In any county government, we should have 50 per cent women and 50 per cent men working there. That is the only thematic area that I think the recommendations by this Committee are worth being discussed. However, when it comes to the issue of tribal lines that you cannot now employ a Luo child to work in Kisumu because you have hit 70 per cent, that is ridiculous. That is retrogressive.

The second thematic area is on the demographic composition of county executive committee members and chief officers in terms of gender, PwDs, age and ethnicity, I only support up to that section of age, not ethnicity. I will give you a good example. If you go to Narok County, we have 30 wards. In those 30 wards, by default, we have around 26 wards or 27 wards that in most cases maybe one ethnic community will be able to dominate and someone is elected there as a member of the county assembly.

Now, when it comes to appointing someone as a County Executive Committee Member (CEC), you should, first of all, consider those two communities. In Narok County, it is mostly the Maasais and the Kalenjins. When you go to a cosmopolitan area, you should treat it differently. You should treat Narok Town differently because we have every ethnic group there. There are Kambas, Kikuyus, Luhyas, Luos, Maasais and everyone. You should give those ones an opportunity, so that they represent their interests.

If you tell me that you are going to appoint a CECM who is going to deal with agriculture and they live in Narok Town, what form agriculture does that person know? Is it just because you want to fit this recommendation which was made by the NCIC?

Madam Temporary Speaker, my views today are completely unorthodox because other communities like the Maasai have been discriminated upon by extreme measures and stigmatised for so long. It is time for us to demand our share. We will have the Maa Cultural Week in Kajiado County, but guess what? Even during that week, those who will be given contracts to provide tents and advertising services are not people from that county. How are you supporting that economy? You support an economy by building the citizens of that economy. You should do an audit and say, for example, the person given a contract for advertising should be from Narok, Kajiado or Samburu because it is about them. However, you will find that the big tents are owned by somebody from Nairobi; a good friend of my sister Karen Nyamu. They get the tender to provide tents. Today, I know your name.

Let us not continue lying here that we care about this issue of integration yet we do not. Look at Nairobi, for example. In Nairobi, it is *mwenye nguvu mpishe*. It depends on who has the ability---

QUORUM

Sen. Nyamu: On a point of order, Madam Temporary Speaker. I am rising under Standing Order No.41. We are only two Senators in the House. Therefore, we do not have quorum.

The Temporary Speaker (Sen. Mumma): Clerk-at-the-Table, please, confirm whether there is quorum. We do not have quorum.

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

(The Quorum Bell was rung)

ADJOURNMENT

The Temporary Speaker (Sen. Mumma): Hon. Senators, having failed to attain quorum at the expiry of 10 minutes, the Senate stands adjourned pursuant to Standing Order No.41(2)(a) until tomorrow, Thursday, 6th November, 2025 at 2.30 p.m.

The Senate rose at 6.23 p.m.