



**THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT**



Fifth Session

Thursday, 12th February, 2026 at 2.30 p.m.

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 12th February, 2026

*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)

(Loud consultations)

Hon. Senators, we now have quorum. So, we will start the business of the afternoon. Kindly let us settle down.

Clerk, you may call the first order.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM THE PARLIAMENT OF UGANDA

The Speaker (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon, of a visiting delegation of 11 members of staff of the Department of the Serjeant-at-Arms from the Parliament of Uganda. The delegation is on a benchmarking visit to the Parliament of Kenya.

Hon. Senators, 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 Senate Majority Leader to extend a warm welcome to the delegation.

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The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I thank you for this chance.

I join you, on behalf of my colleagues, to welcome the visiting delegation from the Parliament of Uganda. This is one of the Parliaments that we have the closest working relationship within the region and across the continent. They continue to interact with us and exchange knowledge between members, staff and various people within the circle of Parliament.

I do not know the exact nature of their training, but I have been informed that they are Serjeant-at-Arms, who play a very crucial role in ensuring that Members are safe and orderly.

Mr. Speaker, Sir, I cannot promise that there will be no work for them today. This is because this House sometimes is at five degrees at 2.30 p.m. and by 2.31 p.m., it is 95 degrees and boiling. So, in case it gets hot, they are free to join and carry out some exercise.

I hope they get the full value of the time that they have taken to be with us here in Kenya.

I thank you.

The Speaker (Hon. Kingi): Next Order.

(Sen. Seki stood up in his place)

Sen. Seki, take your seat or you respectfully exit the Chamber, because I could see you are leaving.

(Sen. Seki resumed his place)

PETITION

ENACTMENT OF A LEGAL FRAMEWORK TO PROVIDE FOR CITIZEN INITIATED RECALL OF THE PRESIDENT AND COUNTY GOVERNORS

Hon. Senators, I hereby report to the Senate that a Petition has been submitted, through the Clerk, by Mr. Laban Omusundi, concerning the enactment of a legal framework to provide for citizen initiated recall of the President and county governors.

As you are aware, under Article 119 (1) of the Constitution-

“Every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation.”

Hon. Senators, the salient issues raised in the Petition are-

THAT, the Constitution provides for the recall of Members of Parliament (MPs) and Members of County Assemblies (MCAs), but does not establish a clear or enforceable framework for the recall of the President and governors by the people, despite the executive power they wield and their control over public resources;

THAT, the existing mechanisms for removal from office are vested exclusively in legislative bodies; namely, the National Assembly, the Senate and County Assemblies,

which, in certain instances may be susceptible to compromise, thereby undermining the effectiveness and credibility of the process;

THAT, the impeachment processes have increasingly degenerated into political rituals rather than serving as genuine instruments of accountability, thereby denying citizens an effective remedy in instances where leadership grossly violates the Constitution;

THAT, in instances where MPs and MCAs are compromised in the exercise of their oversight function, citizens are left without any effective democratic instrument to safeguard the Republic.

THAT, the issues raised in the Petition are not pending before any court of law or other constitutional or legal body.

Consequently, the Petitioner prays that the Senate intervenes by initiating and enacting legislation to provide for a citizen-driven recall mechanism for the President and county governors in circumstances where the relevant oversight and accountability systems are compromised.

Hon. Senators, pursuant to Standing Order No.238(1), the Petition is hereby committed to the Standing Committee on Justice, Legal Affairs and Human Rights for consideration.

In terms of Standing Order No.238(2), the Committee is required, in not more than 60 calendar days from the time of reading the prayer, which is today, to table its report to the Senate for consideration.

I thank you.

*(The Petition was committed to the Standing Committee on
Justice, Legal Affairs and Human Rights)*

Next Order.

PAPERS LAID

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate, today, Thursday, 11th February, 2026-

REPORTS OF THE CoB ON NATIONAL GOVERNMENT AND COUNTY GOVERNMENTS BUDGET IMPLEMENTATION REVIEW

Report of the Office of the Controller of Budget (CoB) on the National Government Budget Implementation Review for the first three months of Financial Year 2025/2026.

Report of the Office of the Controller of Budget (CoB) on the County Governments Budget Implementation Review for the first three months of Financial Year 2025/2026.

FOURTEENTH REPORT OF THE PSC ON COMPLIANCE
TO VALUES AND PRINCIPLES OF THE CONSTITUTION

The Fourteenth Report of the Public Service Commission (PSC) on the status of compliance of the Public Service with values and principles in Articles 10 and 232 of the Constitution.

ANNUAL REPORT OF THE PUBLIC SERVICE
COMMISSION FOR FY2024/2025

Annual Report of the Public Service Commission (PSC) for the year ended 2024/2025.

BIANNUAL REPORT OF NACADA ON STATUS OF ALCOHOL
AND DRUG ABUSE CONTROL IN KENYA

The National Authority for the Campaign Against Alcohol, Drug Abuse (NACADA) (22nd) Edition of Biannual Report on the status of alcohol and drug abuse control in Kenya.

REPORTS OF THE AUDITOR-GENERAL ON FINANCIAL
STATEMENTS OF VARIOUS ENTITIES

Report of the Auditor-General on financial statements of Likoni Sub-County Level 4 Hospital, Mombasa County Government, for the year ended 30th June, 2022.

Report of the Auditor-General on financial statements of Port Reitz Sub-County Hospital, Mombasa County Government, for the year ended 30th June, 2022.

(Loud consultations)

The Speaker (Hon. Kingi): Order, Hon. Senators. Sen. Methu, the Majority Leader must be heard in silence.

Proceed, Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir.

Report of the Auditor-General on financial statements of Tudor Sub-County Level 4 Hospital, Mombasa County Government, for the year ended 30th June, 2022.

Report of the Auditor-General on financial statements of Coast General Teaching and Referral Hospital, County Government of Mombasa, for the year ended 30th June, 2022.

Report of the Auditor-General on financial statements of Habaswein Sub-County Level 4 Hospital - County Government of Wajir, for the year ended 30th June, 2022.

Report of the Auditor-General on financial statements of Likoni Sub-County Level 4 Hospital, Mombasa County Government, for the year ended 30th June, 2023.

Report of the Auditor-General on financial statements of Port Reitz Sub-County Hospital, Mombasa County Government, for the year ended 30th June, 2023.

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Report of the Auditor-General on financial statements of Tudor Sub-County Level 4 Hospital, Mombasa County Government, for the year ended 30th June, 2023.

Report of the Auditor-General on financial statements of Coast General Teaching and Referral Hospital, County Government of Mombasa, for the year ended 30th June, 2023.

Report of the Auditor-General on financial statements of Habaswein Sub-County Level 4 Hospital - County Government of Wajir, for the year ended 30th June, 2023.

Report of the Auditor-General on financial statements of Likoni Sub-County Level 4 Hospital, Mombasa County Government, for the year ended 30th June, 2024.

Report of the Auditor-General on financial statements of Port Reitz Sub-County Hospital, Mombasa County Government, for the year ended 30th June, 2024.

Report of the Auditor-General on financial statements of Tudor Sub-County Level 4 Hospital, Mombasa County Government, for the year ended 30th June, 2024.

Report of the Auditor-General on financial statements of Mrima Maternity Level 4 Hospital, Mombasa County Government, for the year ended 30th June, 2024.

Report of the Auditor-General on financial statements of Coast General Teaching and Referral Hospital, County Government of Mombasa, for the year ended 30th June, 2024.

Report of the Auditor-General on financial statements on Maralal Municipality, County Government of Samburu, for the year ended 30th June, 2024.

Report of the Auditor-General on financial statements of Municipality of Kehancha - County Government of Migori, for the year ended 30th June, 2024.

Report of the Auditor-General on financial statements of Magutuni Sub-County Hospital - County Government of Tharaka-Nithi, for the year ended 30th June, 2024.

Report of the Auditor-General on financial statements of Habaswein Sub- County Level 4 Hospital - County Government of Wajir for the year ended 30th June, 2024.

Report of the Auditor-General on financial statements of Kalawa Level 4 Hospital - County Government of Makueni for the year ended 30th June, 2024.

Report of the Auditor-General on financial statements of Kakamega County Revenue Agency Fund for twenty-four (24) months period, for the year ended 30th June, 2024.

Report of the Auditor-General on financial statements of the County Executive of Kwale for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of the County Assembly of Kwale for the year ended 30th June, 2025.

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

Report of the Auditor-General on financial statements on Receiver of Revenue - Revenue Statements - County Government of Kwale, for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of the County Executive of Wajir for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of the County Assembly of Wajir for the year ended 30th June, 2025.

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

Report of the Auditor-General on financial statements on Receiver of Revenue - Revenue Statements - County Government of Wajir for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of the County Assembly of Baringo for the year ended 30th June 2025.

Report of the Auditor-General on financial statements on Receiver of Revenue - Revenue Statements - County Government of Baringo, for the year ended 30th June 2025.

Report of the Auditor-General on financial statements of the County Executive of Baringo for the year ended 30th June 2025.

Report of the Auditor-General on financial statements on County Revenue Fund - County Government of Baringo for the year ended 30th June 2025.

Report of the Auditor-General on financial statements on Receiver of Revenue - Revenue Statements- County Government of Homa Bay, for the year ended 30th June 2025.

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

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

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

Report of the Auditor-General on financial statement of the County Executive of Tharaka-Nithi for the year ended 30th June, 2025.

Report of the Auditor-General on financial statement on County Revenue Fund - County Government of Tharaka-Nithi, for the year ended 30th June, 2025.

Report of the Auditor-General on financial statement of the County Assembly of Tharaka-Nithi for the year ended 30th June, 2025.

Report of the Auditor-General on financial statement on Receiver of Revenue- Revenue Statements - County Government of Tharaka-Nithi for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of the County Executive of Nakuru for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of the County Assembly of Nakuru for the year ended 30th June, 2025.

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

Report of the Auditor-General on financial statements on Receiver of Revenue- Revenue Statements, County Government of Nakuru, for the year ended 30th June, 2025.

I beg to lay.

(Sen. Cheruiyot laid the documents on the Table)

The Speaker (Hon. Kingi): Next Order.

NOTICES OF MOTIONS

APPROVAL OF THE SENATE CALENDAR FOR THE FIFTH SESSION

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to give notice of the following Motion-

THAT, pursuant to Standing Order No.32(1), the Senate approves its Calendar (Regular Sessions) for the Fifth Session (February to December, 2026), laid on the Table of the Senate on Thursday, 12th February, 2026.

The Speaker (Hon. Kingi): Is Sen. Hamida Kibwana not here?

That business is dropped.

MAINSTREAMING A FRAMEWORK FOR CLEAN COOKING

(Notice of Motion dropped)

The Chairperson Select Committee on Delegated Legislation.

EXTENSION OF TIME FOR CONSIDERATION OF THE CROPS (BIXA) REGULATIONS (LEGAL NOTICE NO. 145 OF 2025)

Sen. Gataya Mo Fire: Thank you, Mr. Speaker, Sir. I beg to give notice of the following Motion-

THAT AWARE THAT, the Crops (Bixa) Regulation (Legal Notice No.145 of 2025) were tabled in the Senate on Thursday, 25th September, 2025 and referred to the Select Committee on Delegated Legislation for consideration pursuant to Section 12(1) of the Statutory Instruments Act;

COGNIZANT THAT the Committee is required to make a report within 28 sitting days after the date of referral of the instrument by the Senate pursuant to Section 15(2) of the Statutory Instruments Act which will lapse on Tuesday, 17th February, 2026;

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

(Sen. Cherarkey and Sen. Wamating stood in their places)

The Speaker (Hon. Kingi): Senator for Nandi and Senator for Nyeri, kindly take your seats. Sen. Sigei---

Sen. Gataya Mo Fire: NOTING that the Committee requires more time to consider concerns raised by the stakeholders on the regulations;

NOW THEREFORE, the Senate resolves to extend the timeline for the consideration of the Crops (Bixa) Regulations (Legal Notice No.145 of 2025) for a

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further 21 days pursuant to Section 15(3) of the Statutory Instruments Act to enable the Committee consider objections raised by the public and make its resolution on or before Tuesday, 3rd March, 2026.

Thank you.

The Speaker (Hon. Kingi): Majority Leader, there is a Paper you are supposed to lay.

PAPERS LAID

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, these are additional Papers for laying. I beg to lay the following Papers on the Table of the Senate, today, Thursday, 12th February, 2026-

BUDGET POLICY STATEMENT FOR 2026

Budget Policy Statement for 2026.

DRAFT DIVISION OF REVENUE BILL, 2026

Draft Division of Revenue Bill, 2026.

DRAFT COUNTY ALLOCATION OF REVENUE BILL, 2026

Draft County Allocation of Revenue Bill, 2026.

DRAFT COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL, 2026.

Draft County Governments Additional Allocations Bill, 2026.

MEDIUM TERM DEBT MANAGEMENT STRATEGY (2026/2027 – 2028/2029)

Medium Term Debt Management Strategy (2026/2027 - 2028/2029).

SENATE CALENDAR FOR THE FIFTH SESSION, 2026

The Senate Calendar (Regular Sessions) for the Fifth Session of the Thirteenth Parliament (February to December, 2026).

**REPORT OF THE AUDITOR-GENERAL ON REFERRAL
OF STATUTORY INSTRUMENTS AND PAPERS**

Report of the Auditor-General laid pursuant to the Senate Resolution of Tuesday, 11th November, 2025 on the Referral of Statutory Instruments and Papers submitted during recess.

**REPORTS OF THE AUDITOR-GENERAL ON FINANCIAL
STATEMENTS OF VARIOUS ENTITIES**

Report of the Auditor-General on financial statements of the County Assembly of Lamu for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of the County Executive of Lamu for the year ended 30th June, 2025.

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

Report of the Auditor-General on financial statements on Receiver of Revenue - Revenue Statements, County Government of Lamu, for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of the County Executive of Machakos for the year ended 30th June, 2025.

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

Report of the Auditor-General on financial statements on Receiver of Revenue - Revenue Statements - County Government of Machakos for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of the Machakos County Assembly for the year ended 30th June, 2025.

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

Report of the Auditor-General on financial statements on Receiver of Revenue - Revenue Statements - County Government of Kajiado for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of the County Assembly of Kajiado, for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of the County Executive of Kajiado for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of the County Assembly of Kitui for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements on Receiver of Revenue - Revenue Statements, County Government of Kitui, for the year ended 30th June, 2025.

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

Report of the Auditor-General on financial statements of the County Executive of Kitui, for the year ended 30th June, 2025.

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

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

Report of the Auditor-General on financial statements on Receiver of Revenue, Revenue Statements, County Government of Migori, for the year ended 30th June, 2025.

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

Report of the Auditor-General on financial statements of the County Assembly of Kisumu, for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of the Kisumu County Executive, for the year ended 30th June, 2025.

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

Report of the Auditor-General on financial statements on Receiver on Revenue - Revenue Statements, County Government of Kisumu, for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements on Receiver of Revenue, Revenue Statements, County Government of Embu, for the year ended 30th June, 2025.

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

Report of the Auditor-General on financial statements of the County Assembly of Embu, for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of the County Executive of Embu, for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of Muhoroni Sub County Level 4 Hospital - County Government of Kisumu for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of the Kisumu County Referral Hospital for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of Gulf Water Services Company Limited for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of the Nyakach County Level 4 Hospital - County Government of Kisumu for the year ended 30th June 2025.

Report of the Auditor-General on financial statements of the Nyanas Water and Sanitation Company Limited for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of the Siaya Municipality for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of Siaya County Referral Hospital - County Government of Siaya, for the year ended 30th June, 2025.

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

Report of the Auditor-General on financial statements of the Municipality of Mbita for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of Homa Bay County Water and Sanitation Company Limited for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of Homa Bay County Executive Car and Mortgage Fund for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of Ndiru Level 4 Hospital - Homa Bay County Government for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of Bondo Municipality for the year ended 30th June, 2025.

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

Report of the Auditor-General on financial statements of Migori County Referral Hospital - Migori County Government for the year ended 30th June, 2025.

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

Report of the Auditor-General on financial statements of Mariakani Municipality - County Government of Kilifi for the 18 Month's ended 30th June, 2025.

Report of the Auditor-General on financial statements of Mtwapa SubCounty Level 4 Hospital - County Government of Kilifi for the year ended 30th June 2025.

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

Report of the Auditor-General on financial statements of the Municipality of Lamu for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of Faza Sub-County Level 4 Hospital -County Government of Lamu for the year ended 30th June 2025.

Report of the Auditor-General on financial statements of the Vihiga County Assembly Members and Staff Mortgage and Car Loans Scheme Fund for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of Wesu Sub County Hospital - Taita Taveta County Government for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of the Municipality of Voi for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of Oresi SubCounty Level 4 Hospital - Kisii County Government, for the year ended 30th June, 2025.

Thank you.

(*Sen. Cheruiyot laid the documents on the Table*)

COMMUNICATION FROM THE CHAIR

CONSIDERATION OF 2026 BUDGET POLICY STATEMENT

The Speaker (Hon. Kingi): Sen. Osotsi and Sen. M. Kajwang', kindly take your seats.

Hon. Senators, I have a Communication to make regarding the budgeting process for the next financial year.

As you may have noted, the Senate Majority Leader has tabled the following documents-

(i) The 2026 Budget Policy Statement;

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- (ii) The Medium-Term Debt Management Strategy - (2026/2027) - (2028/2029);
- (iii) The Draft Division of Revenue Bill, 2026;
- (iv) The Draft County Allocation of Revenue Bill, 2026; and
- (v) The Draft County Governments Additional Allocations Bill, 2026.

As Hon. Senators are aware, Section 25 of the Public Finance Management Act and Standing Order No.186 of the Senate requires the National Treasury to prepare and submit the Budget Policy Statement to Parliament by the 15th of February each year.

Hon. Senators, the Budget Policy Statement is an important financial instrument that sets out the broad strategic priorities and policy goals that will guide the national Government and county governments in preparing their budgets both for the subsequent financial year and over the medium term. It contains, among other things-

- (1) An assessment of the current state of the economy and the financial outlook over the medium term, including the macro-economic forecasts;
- (2) The financial outlook with respect to government revenues, expenditures and borrowing for the next financial year and over the medium term;
- (3) The criteria used to allocate or apportion the available public resources among the two levels of Government and various programmes and projects.
- (4) The proposed expenditure limits for the national government, including those of Parliament and the Judiciary and indicative transfers to county governments;
- (5) The fiscal responsibility principles and financial objectives over the medium-term, including limits on total annual debt.

Hon. Senators, as you are also aware, Section 25(7) of the Public Finance Management Act provides as follows-

“Parliament shall, not later than fourteen days after the Budget Policy Statement is submitted to Parliament, table and discuss a report containing its recommendations and pass a resolution to adopt it with or without amendments.”

With respect to consideration of the Budget Policy Statement in the Senate, Standing Order No.186(4) states that-

“upon being laid before the Senate, the Budget Policy Statement shall be committed to each Standing Committee to consider and submit its recommendations to the Standing Committee on Finance and Budget within seven days.”

Pursuant to Standing Order No.186(5), the Standing Committee on Finance and Budget is required “within 12 days following the tabling of the Budget Policy Statement, consider the Budget Policy Statement and the recommendations received under paragraph (4) and table a report for consideration, in accordance with Section 25(7) of the Public Finance Management Act.”

Hon. Senators, cognizant of the importance of the Budget Policy Statement and the above timelines, I direct that the Budget Policy Statement be considered by all Standing Committees. Each Committee is expected to concentrate on matters that fall under its mandate and highlighting any policy and financial recommendations thereof. These recommendations must be forwarded to the Standing Committee on Finance and Budget on or before Friday, 20th February, 2026.

Thereafter, the Standing Committee on Finance and Budget will be required to consider the recommendations from the other Standing Committees, as well as to consult

the institutions referred to under Standing Order No.186(6) in finalizing its report on the Budget Policy Statement. The Standing Committee will be required to table its report on or before Tuesday, 24th February, 2026.

Subsequently, the Senate will be required to consider and make a determination on the report by the Standing Committee on Finance and Budget by Thursday, 26th February, 2026.

Hon. Senators, in a nutshell, it means that any proposal that Senators have regarding the Budget Policy Statement, the draft Division of Revenue Bill, 2026, the draft County Allocation of Revenue Bill, 2026, the draft County Governments Additional Allocations Bill, 2026 and the financing structure therein among other recommendations, must be canvassed and forwarded to the Cabinet Secretary for the National Treasury and Economic Planning for consideration when finalising the budget for the relevant financial year. This is a requirement pursuant to Section 25(8) of the Public Finance Management Act and Standing Order No.186 (9) of the Senate.

In conclusion, I urge all Standing Committees to prioritise the scrutiny of the Budget Policy Statement taking into consideration our most important function of protecting the interests of counties and their governments and safeguarding devolution.

I thank you.

Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

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

The Senator for Kisumu County, Sen. (Prof.) Tom Ojienda. You have four Statements.

Sen. (Prof.) Tom Odhiambo Ojienda, SC: Mr. Speaker, Sir, I have four Statements this afternoon. I would like to start with the Statement on agricultural land restoration in Kisumu County.

INITIATIVES TO RESTORE DEGRADED AGRICULTURAL LAND IN KISUMU COUNTY

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries on a matter of countywide concern regarding ongoing initiatives aimed at restoring degraded agricultural land in Kisumu County. Kisumu County has recently embarked on implementing strategies to rehabilitate degraded farmland with the objective of enhancing agricultural productivity and strengthening food security.

In the Statement, the Committee should-

- (1) Address the extent of agricultural land degradation in Kisumu County and specific strategies currently being implemented for restoration;
- (2) The resources allocated as well as the timelines set for implementation of restoration programmes; and,

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(3) The measures to ensure sustainable agricultural productivity and resilience against climate change and environmental degradation.

(Sen. Kinyua and Sen. Thang'wa stood at the Bar)

The Speaker (Hon. Kingi): Sen. Kinyua and Sen. Thang'wa, kindly take your seats.

(Sen. Kinyua and Sen. Thang'wa bowed to the Chair and sat in their places)

ACTIVITIES OF CRIMINAL GANGS AND PUBLIC SECURITY IN KISUMU COUNTY

Sen. (Prof.) Tom Odhiambo Ojienda, SC: Mr. Speaker, Sir, my second Statement is on criminal gang activities and public security in Kisumu County.

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations on a matter of countywide concern regarding criminal activities and public security in Kisumu County.

In the recent past, Government agencies have mounted operations targeting criminal gangs implicated in extortion, robbery and other violent acts within Kisumu County. These operations follow heightened concerns over rising insecurity and threats to the safety and wellbeing of residents. The situation has raised public alarm and calls for clarity on the measures being undertaken to restore order and safeguard communities.

In the Statement, the Committee should address the following-

(1) The scope, progress and current status of the ongoing operations against criminal gangs in Kisumu County;

(2) The measures being implemented to prevent recurrence of gang-related crime and to strengthen security in the counties; and,

(3) The support mechanisms available to affected communities, including protection of residents, accessible reporting channels and rehabilitation programmes for former gang members who are many.

STRATEGIC ENHANCEMENT AND PERFORMANCE OF KISUMU INTERNATIONAL AIRPORT

Mr. Speaker, Sir, my third Statement is on strategic enhancement and performance of Kisumu International Airport.

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee Roads, Housing and Transportation on a matter of countywide concern regarding strategic enhancement and operational performance of Kisumu International Airport. Kisumu International Airport is a key regional gateway linking Western Kenya to domestic and international markets.

While recent developments during the commissioning of a modern air traffic control tower are commendable, the timely completion of critical infrastructure works

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and the extent to which these investments are translating into improved operational efficiency and economic impact continue to be of concern to the country.

In the Statement, the Committee should address the following-

(1) The status of ongoing infrastructural enhancements at the Kisumu International Airport, including the runway extension works, cargo facilities, cold chain development and passenger terminal improvements, highlighting timelines, milestones achieved and any bottlenecks;

(2) The operational performance of the airport following the commissioning of the air traffic control tower, including flight handling efficiency, safety performance and airline uptake;

(3) The effectiveness of cargo handling and the cold storage facility in supporting regional exports, particularly perishable goods, and any gaps limiting competitiveness;

(4) The economic impact of the airport upgrades, including changes in flight frequency, cargo volumes, tourism inflows and employment creation; and,

(5) The strategic measures proposed to accelerate completion of pending works, maximize the airport's economic contribution and position Kisumu International Airport as a competitive regional aviation hub.

DELAY IN COMPLETION OF KISUMU INTERNATIONAL CONVENTION CENTRE

Lastly, Mr. Speaker, Sir, is a Statement on the delay in the completion of Kisumu International Convention Centre.

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Committee on Devolution and Intergovernmental Relations on a matter of countywide concern regarding delays in the completion of Kisumu International Convention Centre.

The Kisumu International Convention Centre was conceived as a strategic facility to position Kisumu City as a regional hub for conferencing, trade and investment, while stimulating local economic growth. Despite substantial public investment and considerable time lapse since commencement, the project remains incomplete and only partially operational. The prolonged delay has raised serious concerns regarding intergovernmental coordination, project financing, contractor performance and normal accountability in the implementation of joint funded public infrastructure projects.

In the Statement, the Committee should address the following-

(1) The current status of Kisumu International Convention Centre, including the scope of works completed and the outstanding components;

(2) Ascertain the total public funds approved, disbursed and utilised for the project by both the national Government and the County Government of Kisumu;

(3) The specific factors that have contributed to the delay in completion, including issues related to contractor performance, funding flaws and intergovernmental coordination; and,

(4) The measures in place and the timelines established to ensure that the project is completed, made fully operational and to prevent similar delays in future joint projects.

I thank you.

The Speaker (Hon. Kingi): Next is the Statement pursuant to Standing Order No.57(1) by the Senate Majority Leader.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 17TH FEBRUARY, 2026

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I rise pursuant to Standing Order No.57(1) to present to the Senate the business for the week commencing 17th February, 2026. Before I proceed with this Statement, allow me to take this opportunity, on behalf of the leadership of the Senate, to welcome hon. Senators to the Fifth Session of this term of Parliament.

Mr. Speaker, Sir, as you rightly observed in your communication to the Senate on Tuesday, 10th February, 2026, our in-tray is already full with business. Allow me to once again highlight the key legislative business that we need to transact in this Fifth Session.

Dear colleagues, we have 64 Bills that are pending conclusion, of which 42 are at the Second Reading, 18 are at the Committee of the Whole, and four are awaiting First Reading, two of which are scheduled on today's Order Paper. Four Motions are pending conclusion.

We have 19 petitions that are pending conclusion by the respective standing committees. We have 430 Statements pursuant to Standing Order No.53(1) that are under consideration by committees. They do not include the four by Sen. (Prof.) Ojienda. He has just added to the in-tray.

Mr. Speaker, Sir, at some point, you may have to give guidance on how many Statements are allowed per Member and the activity in the committees where they are Members. We need to be sure that you are processing other people's business, so that we consider yours.

Given that this is the penultimate session of the parliamentary term, it is crucial that we seize the opportunity to cement the legacy of this Senate and set the foundation for what this Senate will be remembered for. To this end, I implore upon colleague Senators to be serious with the business listed on the Order Paper every afternoon any day that this House has a sitting.

Similarly, I urge Senators to accord equal priority to committee meetings and sessions in order to conclude the business pending before them. I further urge the party whips to ensure that the requisite number of county delegations is attained to enable the Senate to undertake divisions when due.

Mr. Speaker, Sir, on Tuesday, 17th February, 2026, the Senate Business Committee (SBC) will meet to consider the business for the week. The tentative business for that day will include business not concluded from today's Order Paper as well as business indicated in the Notice Paper.

The tentative business for the morning and afternoon sittings on Wednesday, 18th February, 2026, will include the business not concluded from Tuesday's Order Paper and the following Bills at the Second Reading stage-

(1) The Wildlife Conservation and Management (Amendment) Bill (Senate Bills No.46 of 2023);

(2) The Wildlife Conservation and Management (Amendment) Bill (Senate Bills No.49 of 2023);
(3) The Narcotic Drugs and Psychotropic Substances (Control) (Amendment) Bill (Senate Bills No.1 of 2024);
(4) The Culture Bill (National Assembly Bills No. 12 of 2024);
(5) The County Wards (Equitable Development) Bill (Senate Bills No. 20 of 2024); and,
(6) The Livestock Protection and Sustainability Bill (Senate Bills No. 32 of 2024).
Bills that are at the Committee of the Whole include-
(1) The Public Finance Management (Amendment) (No.4) Bill (National Assembly Bills No. 45 of 2024);
(2) The Office of the County Attorney (Amendment) Bill (Senate Bills No.47 of 2024);
(3) The Public Fundraising Appeals Bill (Senate Bills No.36 of 2024);
(4) The Heritage and Museums Bill (Senate Bills No.8 of 2023);
(5) The Environmental Laws (Amendment) Bill (Senate Bills No.23 of 2024);
(6) The Statutory Instruments (Amendment) Bill (National Assembly Bills No.2 of 2023);
(7) The Sports (Amendment) (No.2) Bill;
(8) The County Civic Education Bill (Senate Bills No.4 of 2024);
(9) The County Hall of Fame Bill (Senate Bills No.18 of 2023); and,
(10) The Referendum Bill.

This is not to be confused with the two-thirds gender rule, but the law that guides the country on how it goes into a referendum. That is a business that we have delayed for far too long. I must appreciate that the Senate has actually taken leadership on this important national exercise.

The projected business for Thursday, 19th February, 2026, will include business not concluded in the Order Paper for Wednesday, 18th February, 2026 and any other business scheduled by the Senate Business Committee (SBC).

Mr. Speaker, Sir, I thank you. I lay the Statement.

(Sen. Cheruiyot laid the document on the Table)

The Speaker (Hon. Kingi): Hon. Senators, I will allow comments on the requests that have been made under Standing Order No.53(1).

Senator for Nandi, Sen. Samson Cherarkey, proceed.

Sen. Cherarkey: Mr. Speaker, Sir, I thank my convincing lecturer of law. He is hardworking and thus was worried about the number of statements he has. I have known him as our lecturer. He used to teach us for almost three hours non-stop. I can see he still has the same energy and zeal. This is my real teacher, not any other who is proclaiming somewhere else; others were librarians.

On this issue of criminal gangs, there is a certain emergence of criminal gangs in this country that is causing a worrying trend. Yesterday, I saw the police trying to repulse alleged criminal gangs here in Huruma, Nairobi. There was also a girl by the name Sheryl who was shot in Makadara Constituency the other day.

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I was shocked and horrified when I watched people wielding machetes and invading a shop somewhere in Mombasa City County, where my brother, Sen. Faki, comes from. It looked like Haiti. In fact, the first time that video was sent to me, I was shocked to see people forcefully entering a shop somewhere in Mtwapa. Such things do not even happen in Haiti.

I thank the Inspector General (IG) of Police for appearing before the Senate County Public Accounts Committee (CPAC) today. I appeal to him for a strategy on how to fight criminal gangs.

Mr. Speaker, Sir, I worry that as we go into the election mood, these criminal gangs will be used to terrorise people for political expedience. I appeal to the Committee of National Security, Defence and Foreign Relations that what we saw in Mombasa, Kisumu, Nairobi, Eldoret and many other counties should be dealt with once and for all.

I thank Sen. (Prof). Tom Ojienda for the Statement.

My final point is that I do not know whether this happened when you were a governor, but there is a new habit in town where governors, such as the Governor of Trans Nzoia County, are now recruiting enforcement officers and then turning them into militia. I have a record to prove. They flock and deal with Senators who ask questions.

Today, when the IG of Police appeared before the CPAC, we asked him why he is allowing governors to recruit enforcement officers, then turn them into mini-militia to use for political expedience. These are the issues we must deal with.

In conclusion, I thank the IG of Police because he confirmed to the Committee chaired by Sen. Moses Kajwang' that he will not hesitate to arrest any governor who will defy the summonses and invitations under Article 125 of the Constitution of Kenya, 2010. He will present them before the Committee in handcuffs because they are fugitives of accountability. Some of us will be ready not only to shoot, but to shoot from the hip.

Mr. Speaker, Sir, with those many remarks, I yield back the microphone.

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

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I am concerned because earlier this afternoon, we had a meeting of the leadership of the House, with regard to certain matters that are of public interest concerning the things that the Council of Governors (CoG) has raised and we resolved that you were to give a communication. I am surprised that it is 3.30 p.m., an hour later, and you have yet to speak to the House.

It is important that the country is updated on this matter. There are certain things that I, as a Senator and Majority Leader, that I and my colleagues want to talk about. I do not know what is happening. We need your guidance on this matter.

If there are editing challenges, some of us are very fluent in that. I can volunteer and I will do better than Sen. Wamatinga, who has brought a new device that has a Democracy for the Citizens Party (DCP) sign and yet, I know he belongs to the United Democratic Alliance (UDA) party. If you look at one of the symbols on this tablet, it is something that Sen. Wamatinga deserves punishment from the party that sponsored him to Parliament.

The Speaker (Hon. Kingi): Senate Majority Leader, what guidance do you require from the Chair?

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, when will you give that communication because certainly, that is the most important business that

Members want to transact this afternoon? We want to listen to that communication and certainly, say a thing or two about what is being discussed out there.

That is a grave matter and as we are walking outside there, people are looking at us suspiciously. There are young men in this House whose wives are about to suspect that they have other families. If what the governors are alleging is true and we do not go on record, then they will be asking where that money goes. I know that some of the most broke people in the country are here.

The Speaker (Hon. Kingi): Yes, Sen. Kathuri.

Sen. Kathuri: Mr. Speaker, Sir, it is only that the Senate Majority Leader has left the podium before I informed him. I have been around for some time and Communication from the Chair has never been a public debate. Even if you had a meeting somewhere with the House Leadership, no Senator can pre-empt what you want to do on matters of Communication from the Chair because this House will sit up to 6.30 p.m.

Therefore, I feel that the Senate Majority Leader should give you time to settle down, even though he wants to hammer a point somewhere. That communication is weighty; therefore, he should give you time to relax and do it at the right time.

Thank you.

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

Sen. Wambua: Thank you, Mr. Speaker, Sir. Two things: one, I think the Senate Majority Leader is speaking from a position of information. He is privy to a discussion where we all sat as leaders. Having interacted with our colleagues before and after that meeting, the expectation on the part of our colleagues is that we need to put this matter to rest.

I think the concern is coming from what he began by saying that Sen. Tom Ojienda has had an opportunity to seek four Statements and Members have started contributing to them.

Mr. Speaker, Sir, as he has said, and he said that looking at me, I do not know why, if there is a problem or a challenge with editing, yours truly is a journalist of long and good standing. I could give *pro bono* service to edit the document, we lay it on the Floor, we put that matter to rest and move on to the next business.

I submit.

The Speaker (Hon. Kingi): Hon. Senators, this is a very weighty matter. It is a matter that touches on the conduct of the business of the Senate because once you discuss one committee of the Senate, it is basically discussing the Senate. Therefore, I undertook to make a communication today regarding the same. Give me 15 minutes, I will be making that communication. My plea to you is; please, do not leave the Chamber until that communication is made because it is extremely important that you listen to that communication and thereafter, of course, I will give an opportunity to Hon. Senators to comment on the same.

So kindly, stand guided. I plead for only 15 minutes and then, I can make the communication. In the meantime, we will proceed with the comments on the statements that have been sought pursuant to Standing Order No.53(1).

Sen. Faki: Asante, Mhe. Spika, kwa kunipa fursa hii kuchangia taarifa iliyoletwa Bungeni na Seneta wa Kisumu, Sen. Tom. Ojienda. Magenge ya majambazi ambao wanazurura na kuhatarisha maisha ya watu ni jambo ambalo limekuwa la kawaida

katika miji mingi. Kule kwetu Mombasa, magenge haya yako katika sehemu za Kisauni, Likoni na vile mjini. Juzi kuna baadhi yao ambao walilivamia duka Mtwapa. Ningependa kumweleza Sen. Cherarkey kwamba Mtwapa iko katika Kaunti ya Kilifi ambapo Mhe. Spika ulikuwa gavana kwa miaka 10. Mtwapa sio Mombasa, ni Kilifi.

Kwa hivyo mkuu wa polisi katika eneo la Pwani, Bw. Nuno, juzi ametoa onyo kwa magenge haya kwamba amepeana amri ya kupiga risasi na kuua. Ni jambo la kusikitisha na kutia hofu kwa suala hili lakini vile magenge kama haya yamezidi kuwaumiza wananchi. Maduka yanafungwa mapema katika sehemu nyingi. Biashara zinafungwa mapema kwa sababu watu wanaogopa magenge haya. Utapata vile vile wale ambao wanafanya katika hoteli wanapata shida kurudi nyumbani kwa sababu wakirudi baada ya saa mibili, tayari ni hatari katika sehemu zao.

Mhe. Spika, kwa hivyo kwanza ningependekeza kwa ile sheria ya *community policing* itekelezwe ili wananchi na polisi washirikiane katika kuwatafuta na kuyaharibu haya magenge ambayo yanaendelea kuwaumiza wananchi na kupora mali na kuvunja sheria. Vile vile polisi wafanye ujasusi ili wawajue wale wanaofanya uhalifu kama huu na kuwakamata na kuwapeleka mahakamani bila kuchelewa. Mara nyingi, uhalifu unatokea na baadaye polisi wanashughulika. Wangejaribu kutafuta *intelligence* mapema ili uhalifu uweze kuzuiwa ili isifanyike kuliko sisi tuwe tunafukuzana na wahalifu.

Mwisho ni kwamba mahakama zetu lazima ziwe macho ili kukataa na kuwaachilia watu hawa kwa *bond* katika hali ambayo ni ya urahisi. Kwa mfano, *bond* za watu ambao wanapatikana na silaha ama wanawapora watu, lazima ziwe juu ili mtu anapopewa *bond* ya, kwa mfano, Shilingi milioni moja ama laki tano, familia ishindwe kumtoa yule ili abaki ndani hadi kesi itakapokwisha. Hivyo basi tutapunguza visa vya uhalifu kama huo.

Pia polisi wetu lazima wapewe magari ya kutosha. Sehemu nyingi katika eneo la Mombasa, gari ni moja katika kituo kizima cha polisi. Kuna vituo vingine ambavyo havina magari. Kuna sehemu ambazo *DCI* wanafanya kazi na hawana ofisi. Kwa hivyo, miundo msingi ya huduma ya polisi iboreshwe ili waweze kupambana na magenge ya uhalifu kwa jumla.

Asante Mhe. Spika kwa kunipa fursa hii.

Sen. Methu: Thank you very much, Mr. Speaker, Sir, for the opportunity to make my comments, especially on this statement that has been sought by Sen. (Prof.) Ojienda on the existence of gangs in most of our towns. The one thing that we cannot allow and must condemn is the creeping back of lawlessness in our nation.

On my comments, supporting the statement that has been sought by Sen. Ojienda, is my complaint on the, number one, laxity of the National Police Service (NPS) in tackling this particular issue, which is a threat to our national security. You have seen a very dangerous trend of occasionally, especially in political engagements, of armed gangs being escorted by the NPS. This may look fashionable, especially when you have some opponents that you are running against. However, if we allow the gangs to exist today, tomorrow when the opponent will not be there, you will be the opponent that they will be engaging. A case in point is the very infamous Witima Church attack. You saw criminal gangs being escorted by police in uniform, by police vehicles. This is something that must be condemned.

Mr. Speaker, Sir, if there is one body, and if there is a refuge that we all run to, it is especially police in uniform. Therefore, the police must remain apolitical. You cannot condone, support or escort criminal gangs to go and attack other Kenyans. It is the work of the police to ensure that they deal with these criminals.

Finally, we have seen a nation descend into anarchy because of allowing criminal gangs to exist. We have sent our policemen to Haiti to go and help that nation deal with criminal gangs that have disturbed and brought instability to Haiti. So, it cannot be that we send our policemen to Haiti to go and deal with criminal gangs, and police back at home are supporting and working in cahoots with criminal gangs, especially for political reasons. This is something that must be condemned by everybody, from every political formation, because violence against me today is not necessarily that the people who are violent against me today are not and shall not be violent against you. We cannot weaponise or criminalise our democracy. If you do not agree with me, do not send goons or send police to come and tear gas me. Go and organise your meeting and come and say, so-and-so was in this place, and what they said, I do not agree with it and therefore, this is what I think is the correct position. However, this issue of policemen and goons being used---

Just this Sunday on our way from Njabini to a place called Naivasha, the police were waylaying us with goons at some place called Githabai, trying to stop us from going to attend a political rally in Nakuru. The people of Nakuru are very welcoming. They were waiting for us. A huge crowd was waiting for us, but the policemen with goons were waylaying us on the road. We expect that the police are the ones who should be able to protect and secure us. We cannot, therefore, on one finger, point to criminal gangs that are raining havoc in our towns, but close our eyes when they are being used for political reasons. The National Police Service must remain apolitical. They must ensure that they address this emerging trend because if we allow it to grow, then we shall not have a nation.

Sen. Wambua: Thank you, Mr. Speaker, Sir. I also add my voice to the statement on the re-emergence of criminal gangs. Truth be told, this is not an isolated case in Kisumu County, Nairobi or Mombasa. It has become a nationwide catastrophe. We have criminals who have developed very high levels of confidence and impunity never witnessed in this country.

I draw the attention of this House to a meeting we had this morning with the Inspector General of Police (IG) where we were discussing matters to do with collaboration between the Senate and his office, especially in respect to enforcing the appearance of governors before Senate committees. At that meeting, I drew the attention of the IG to a very sad state of affairs in Kitui County, where there is an ongoing conflict between a criminal enterprise; a cartel of selfish, greedy individuals masquerading as business people who are trading in our sand from our rivers by force. The community is saying that the sand is its resource and must be exploited for the benefit of the entire community now and into the future.

The day before yesterday, that criminal enterprise ferried gangs armed with pangas and rungus and descended on a community along Mwanya River in Mwingi Central Constituency, seriously harassed and beat up people, killed one man, seriously injured five of them, raped women and just disappeared into thin air.

For now, we can just appeal, maybe going forward, the time for appeal may just elapse, I do not know. My appeal is that the Inspector General of Police will take his commitment to the Senate this morning very, very seriously, that there is nobody in this country who is above the law; that everybody, including himself and myself in this country is a subject of the law. Action shall not just be taken, but shall be seen to have been taken to bring the culprits to book and ensure justice for the victims of that attack.

Mr. Speaker, Sir, this matter began a few weeks ago through the hard work of the Senate County Public Accounts Committee, when we unearthed misreporting on the revenues that Kitui County Government was receiving from sand as a revenue stream. They were reporting that they were collecting cess of Kshs11 million the entire year. We were able to prove to them that from sand alone, the cartels are collecting more than Kshs2 million every day.

The man who died was fighting for the resources of the people of Kitui, I challenge the County Government of Kitui on the floor of the House to make sure that two things happen. One, that the burden of burying Mwendwa cannot be a burden of the family. He was not fighting for his own resources, but to safeguard the resources belonging to the people of Kitui. The County Government of Kitui should take full responsibility to make sure that Mwendwa is given a decent burial.

For those that have been injured and our mothers that were raped, I ask that the law takes full course and effect. In fact, I want to challenge my colleagues in the Kenya Women Senators Association (KEWOSA) to go down there and have a conversation with those bleeding mothers because of the ordeal that they went through in the hands of criminal gangs.

Mr. Speaker Sir, that must prick the conscience of every leader in this country; in this Senate.

I submit.

The Speaker (Hon. Kingi): Hon. Senators, if you get an opportunity to speak, do so for not more than three minutes.

Sen. Kinyua: Asante, Bw. Spika kwa kunipa fursa hii. Ninasimama kuunga mkono taarifa iliyolekwa na Seneta was Kisumu, Sen. Ojienda, kuhusu makundi ya magenge au majambazi.

Magenge haya, kwa muda mchache, yanaonekana kuongezeka. Hivi juzi tu ninakumbuka kulipokuwa na maandamano ya vijana hapa Nairobi, tuliona magenge haya yakiwa yamebeba silaha yakitembea na kusema ya kwamba wao wamekuja kulinda amani.

Magenge ya majambazi na vikundi haramu vimeendelea kuongezeka ilhali tuna maafisa wa usalama na asasi nyingi ambazo Wakenya wanazitolea ushuru. Ningependa kumwuuiliza Inspekte Generali wa Polisi avalie njuga jambo hili kwa sababu Wakenya wanaendelea kusononeka na kuishi kwa woga kwa sababu ya vikundi hivi.

Ukitembea Laikipia, katika vijiji, utapata vikundi hivi kila Ijumaa wakitembelea maboma na kusema ya kwamba wanataka kupewa kiasi fulani cha hela ili kulinda usalama ilhali Wakenya tuna maafisa wa usalama wa kutosha amba wanaapaswa kutulinda. Ni jukumu la serikali kulinda mali na maisha ya wananchi.

Tunamwuliza Inspekte Generali wa Polisi aangalie jambo hili. Kamati yetu ya masuala ya Usalama wa Kitaifa, Ulinzi na Maswala ya Nchi za Nje ambayo naona Mwenyekiti yuko hapa, waangazie jambo hili kwa undani.

Kwetu Laikipia kuna kikundi haramu kinacho julikana wazi kwa kuhangisha watu si vijijini, sokoni, kwa mabasi, kila mahali. Tunapohangaishwa hivyo na vikundi hivi haramu tuna serikali na yule anayehusika na usalama. Si Inspekte Generali wa Polisi pekee. Tuna Waziri wa Usalama ambaye alikuwa ni mwenzetu hapa. Hata yeye anapaswa kuliangalia jambo hili kwa sababu tukilichukulia kwa mzaha linaweza kutuharibia nchi. Kuna kisingizio watu wana sema ya kwamba pengine hawana kazi, wanalipwa pesa fulani ilhali tumelipa hela za kutosha kwa maafisa---

Sen. Olekina: Thank you, Mr. Speaker Sir. I have listened to my colleagues, comment on the issue of gangs as I rise to support this statement by the distinguished Senator for Kisumu Sen. Ojienda. What I have not heard is how we tackle this problem.

I have heard my colleagues pointing a finger at the police, saying the police are the ones who are failing in their jobs, and that the police should deal with this matter. The distinguished Senator, who just spoke last, said that we have one of our own, who is now in charge of the security docket. That, he should be dealing with this thing. My concern is that we are missing the point. The best way to deal with the issue of gangs is for us to study the root cause of these gangs.

Mr. Speaker, Sir, from the top of my head, I can think of two issues. One, which is very major, is unemployment. Number two, is that unless we deal with the issue of rural-urban migration, there is no day that we will stop having problems in cities like Kisumu, Nairobi and Mombasa. So, the first thing we must do as the Senate of this Republic, is to work with our county governments, and for our county governments to re-engineer their County Integrated Development Plans (CIDPs), to incorporate projects that can provide employment to the youth.

Mr. Speaker, Sir, the National Youth Service (NYS) has produced the best technicians, engineers and boiler operators. Why do we not think of a way that Mombasa, Kilifi and Nairobi counties will look at their CIDPs and readjust, so that we can end the issue of unemployment.

Mr. Speaker, Sir, it is no brainer that gangs thrive as a surrogate for jobs, offering income, protection and purpose to idle youth. If you go to Kibera today, there are so many idle youths. Of course, when a gang comes, it will thrive as a surrogate, offer protection, give them jobs and they make money. So, the idea is that we now need to look at our social position and families. We must mentor our youth and provide them with jobs to end this unemployment.

Mr. Speaker, Sir, I bet you, if one of us was unemployed and the only way for you to make ends meet is to join a gang, I am sure most of us here would have joined gangs. So, instead of pointing a finger, let us look at the root cause of this problem. There is a lot of socio-economic marginalisation of our youth. If you look at towns like Kibera or along Waiyaki way, there are people who have migrated from Western Kenya to come and look for jobs here. Now---

(Sen. Olekina's microphone was switched off)

The Speaker (Hon. Kingi): Sen. Gataya Mo Fire, please proceed.

Sen. Gataya Mo Fire: Mr. Speaker, Sir, I have captured the sentiments raised by Prof. Counsel Tom Ojienda over the levels of insecurity in Kisumu County. We have been around the country for a long time and we have flagged these issues for quite some time about the levels of impunity and insecurity across the country.

In my opinion, we have to associate some of these issues with the politics. I have seen some instances where some of us who are in the political space--- Today I listened to one of my good friends, Sen. Wambua, when he was lamenting about the cartels in Kitui County before the Inspector General (IG) of Police. The IG categorically asked whether the County Government could be involved. Some of these things are manufactured just under our watch. If you cut across many spaces in the country, you will find some governors who have turned law enforcement officers into militias. During campaigns, we have seen some people who commit crime and walk away, scot-free, without being apprehended. We have deep issues to address, away from the way we are trying to handle them. We are breeding some serious levels of impunity, which are likely to eat into our morals and ethics.

So, Mr. Speaker, Sir, this is a matter that needs a national conversation. It is not a light matter that we can easily discuss. Some individuals in this country, out of levels of connections, have in one way or the other, manufactured serious issues to do with impunity, where people commit crime and walk away.

I have witnessed some instances during campaigns. Some politicians walk along with militia, carrying weapons, *rungus and stones*, terrorizing other opponents. We need to address this as a country, regardless of our political affiliations and where we want to push our politics. It all revolves around politics. We do not have to treat anybody with levels of “you cannot be touched”. It is an issue, that needs national conversation, and it requires---

(Sen. Gataya Mo Fire's microphone was switched off)

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

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

I rise to contribute to the Statement by Senator for Kisumu County, Hon. (Prof.) Tom Ojienda, on the rise of gangs. From the contributions of my colleagues, it is clear that the rise of gangs has become the newest menace across the country. I have heard of a county in the east, west, southern, coastal part, and even worse, we now have gangs in Samburu County.

Mr. Speaker, Sir, it is very sad to announce that we had lost a young man by the name Kevin Kimani, who was shot at night and his chicken stolen in Maralal Town a few days ago, and was buried at Ol Moran in Laikipia County.

It is very unfortunate that we have to lose young lives of very hard-working young people who have decided to chart a new path for themselves and eradicate or fight poverty in their families. That was a young man doing chicken business, being attacked by another idle man, probably high on drugs or just being notorious.

Mr. Speaker, Sir, when we address the root cause of some of these things, at the centre of it you will discover that there is an element of drug abuse, unemployment,

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corruption within the systems and inadequate facilitation for the law enforcement authorities.

As the Senate, we need to ensure that we are proactive in ensuring that resources at the helm of the Ministry of Interior and National Administration trickle down to the common police officer down at the grassroots, because these are the people who are directly in charge of ensuring that there is a proper law enforcement within these counties and major towns.

As the Orange Democratic Movement (ODM), we support the broad-based government, but we must also ensure that it delivers on its promises, particularly the Bottom-up Economic Transformation Agenda (BETA). This means taking care of people at the grassroots. This means that resources from the Ministry of Interior and National Administration should reach the local level. Police officers need better housing, fair salaries, fuel for their vehicles and proper financial and equipment support to remain proactive.

In that regard, I commend our police officers---

The Speaker (Hon. Kingi): Sen. Tabitha Keroche.

Sen. Tabitha Keroche: Thank you, Mr. Speaker, Sir. I also rise to support the statement made by the Senator for Kisumu County, Sen. (Prof.) Tom Ojienda, SC, on the issue of criminal gangs. Nakuru is notorious for these gangs, who now rob residents in broad daylight. This menace is scaring away investors, especially in Nakuru, which is a business hub.

I urge the Inspector General (IG) of the National Police Service (NPS) to act swiftly to stop this crisis. If these gangs are not dealt with, even His Excellency's efforts to support youth and entrepreneurs through the National Youth Opportunities Towards Advancement (NYOTA) Programme will be undermined. The IG must move quickly to restore peace and protect residents. People keep asking: where are the police when robberies happen in broad daylight? The police must be supported to ensure their presence is felt everywhere, so that criminals know they will be arrested. We cannot allow investors to be scared away from cities like Nakuru, Nairobi, Mombasa and Kisumu.

Thank you, Mr. Speaker, Sir.

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

Sen. Maanzo: Thank you, Mr. Speaker, Sir. I wish to comment on Sen. (Prof.) Ojienda's request for a statement from the Cabinet Secretary for Interior and National Administration. Gangs have become a serious menace. The worst is when they appear at political rallies, creating uncertainty and risking injury to both leaders and the public. At times, gangs operate under police protection, as witnessed during demonstrations in the city or even what was witnessed recently in a church in Nyeri.

Why should people without uniforms or police numbers be allowed to act this way? We have seen attacks where bullets and tear gas canisters were used recklessly, like the attack in Nyeri. This must stop because it endangers everyone. Even when Parliament was stormed, attackers broke windscreens indiscriminately, targeting both government and opposition members. This House must take the matter seriously.

The government must also address the difference between the rich and the poor. When wealth is not distributed fairly, when youth lose hope and when graduates remain

jobless, many turn to gangs for survival. This trend, seen in parts of South America and South Africa, is now growing here. This House and the government must take this matter seriously. The government should act decisively and lead by example. If security systems collude with gangs, Kenyans will remain unprotected.

That is why we want the IG of NPS to come and explain who these gangs are and why they operate with police support. Only then can the police effectively deal with other gangs terrorising smaller towns and rural homes. Nowadays, gangs steal food from farms and livestock from homes, often killing or injuring people in the process, who end up dying in hospital or end up leaving---

The Speaker (Hon. Kingi): Hon. Sen. Andrew Omtatah.

Sen. Okiya Omtatah: Mr. Speaker, Sir, thank you for the opportunity to contribute to the statement on the floor on the armed gangs mushrooming across the republic. I would like to take off from where the Senator for Makueni County has left. He mentioned that gangs are even stealing food from farms. We must examine the economic relationship between the struggling economy and the rise of gangs. Many are mobilised for very little money, simply to survive. We must address the ecosystem that enables them.

If my memory serves me right and as a Catholic, I recall that Pope Paul VI, in his 1967 encyclical “Populorum Progressio”, “The progress of the People”, he said; “The new name of peace is development.” We must make our people rich. If we continue stealing from this country and turning it into a basket case, we cannot expect anything other than a scavenger culture thriving across the nation. Those destroying the economy must stop. The police cannot and will not be able to contain a country where people are hungry. Simply trying to cover up the problem will not work. We must drain the swamp and the swamp is the bad policies that are impoverishing this nation. Let us focus on developing our people.

As Pope Paul VI said, “The new name of peace is development.” Development will rid us of these problems. If we make our people poor, they will inevitably resort to survival tactics and we cannot blame the police for that. The police cannot patrol every inch of this country. Let us build a thriving democracy and many of these problems will disappear. Once again, I urge those who are destroying this country by stealing from public coffers to stop and allow development to take root.

Thank you.

(Applause)

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM KALONZO HIGH SCHOOL IN KITUI COUNTY

The Speaker (Hon. Kingi): Hon. Senators, I have the following communication to make.

I would wish to acknowledge the presence, in the Public Gallery this afternoon, visiting teachers from Kalonzo High School in Kitui County. The delegation consists of two teachers and 53 students.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to the delegation and on behalf of the Senate and my own behalf wish them a fruitful visit.

I will call upon the Senator for Kitui County to welcome the delegation.

Sen. Wambua: I thank you, Mr. Speaker, Sir, for granting me this opportunity to join you and my colleagues to welcome the visiting delegation comprising of two teachers and students from Kalonzo High School in Kitui school which is situated in Mwingi Central Constituency, which is part of Kitui County.

I take this opportunity to encourage the students and their teachers to continue working hard and smart to ensure that the values that have been so well espoused by the Senator for Busia can begin to take root even from our own classrooms. A thriving democracy is important for development to take root in this country and that the new name for peace is development.

The students will commit themselves to take their studies a lot more seriously, to aspire for greatness, including some of them aspiring to be Senator of Kitui in the near future.

I thank the administration of the school for choosing to bring the students into the August House, the upper house of the Parliament of the Republic of Kenya, the Senate and I hope that their stay and interaction with the proceedings of the Senate meet the expectations and that as they prepare to go back home, they will go back better equipped, better motivated, and that they will be good ambassadors of the Senate and the work that goes on in the Senate.

Mr. Speaker, Sir with those remarks, I join you and my colleagues in welcoming the delegation.

I thank you.

The Speaker (Hon. Kingi): Senators, kindly take your seats.

Now, Hon. Senators, this is the Communication that the Majority Leader was seeking earlier on.

ALLEGATIONS MADE CONCERNING OPERATIONS OF CERTAIN COMMITTEES OF THE SENATE

Hon. Senators, I have the following Communication to make.

This Communication relates to the series of allegations that have been circulating in the media concerning the operations of certain Committees of the Senate, specifically the County Public Accounts Committee (CPAC) and the County Public Investments and Special Funds Committee (CPISFC).

As Hon. Senators may be aware, this matter began on Monday, 9th February, 2026, with a press statement issued by the Council of Governors (CoG) purportedly demanding for the re-constitution of the CPAC on the basis of claims of political witch-hunt, harassment, extortion and intimidation, allegedly involving four unnamed Members of the Committee.

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A position was taken by the CoG to suspend appearances before the CPAC until a structured engagement is held between its leadership and that of the Senate and to limit appearances before the CPISFC to once per audit cycle.

Subsequently, in a press statement, which I issued on Tuesday, 10th February, 2026, I reiterated the Senate's oversight role over county governments and its firm anchorage in the Constitution.

Hon. Senators, as you are aware, Article 96(3) of the Constitution of Kenya, 2010 provides that-

“The Senate determines the allocation of national revenue among counties, as provided in Article 217, and exercises oversight over national revenue allocated to the county governments.”

Further, Article 96(1) states that-

“The Senate represents the counties and serves to protect the interests of the counties and their governments.”

I further reiterated that in executing its mandate, the Senate's audit committees are guided by Article 229 of the Constitution, which requires Parliament to consider and dispose of audit reports within three months of their receipt from the Auditor-General by 31st March of each year. Compliance with this constitutional timeline is not optional and any actions that impede the audit process undermine accountability and prudent use of public resources.

I emphasised that the Senate remains committed to fulfilling its constitutional mandate and ensuring that oversight over public funds allocated to county governments remains robust, objective and timely and informed the CoG that should the Council have concerns regarding the conduct or operations of Senate committees, established and legitimate institutional channels exist through which such concerns may be formally raised and addressed, noting that while the Senate remains open to structured and constructive dialogue with devolution actors, recourse to public mudslinging and unsubstantiated allegations in the media, unsupported by evidence, is neither appropriate nor conducive to intergovernmental cooperation.

Hon. Senators, Subsequently, my office has received two letters, Ref. COG/6/10 Vol.13(84), dated 9th February, 2026 and Ref.COOG/6/10 Vol.13(85), dated 11th February, 2026.

The purpose of the two letters from the CoG is stated as being-

- (i) To bring to my attention the CoGs' concerns and resolutions on the matter of appearances by governors before the CPAC and the CPISFC; and,
- (ii) To request for an engagement with the leadership of the Senate, at the earliest opportunity, to address the concerns raised with a view to developing an engagement framework with the two Committees.

In the letters, the CoG further communicates the resolutions of the Council that-

- (a) Governors shall, with immediate effect, not appear before CPAC until the concerns raised about the Committee are adequately and conclusively addressed; and,
- (b) Four Senators, whom you have named, be removed from the affected Committees as a pre-requisite to restoring confidence, integrity and fairness in the oversight process.

Hon. Senators, as you are aware, Article 125 of the Constitution provides that-

“(i) Either House of Parliament and any of its committees, has power to summon any person to appear before it for the purpose of giving evidence or providing information.

(ii) For the purposes of clause (1), a House of Parliament and any of its committees has the same powers as the High Court-

(a) to enforce the attendance of witnesses and examine them on oath, affirmation or otherwise;

(b) to compel the production of documents; and,

(c) to issue a commission or request to examine witnesses abroad.”

As you are further aware, pursuant to Article 96 of the Constitution, the Senate represents counties, serves to protect the interests of the counties and their governments and exercises oversight over national revenue allocated to county governments.

Hon. Senators, the thrust of the foregoing provisions and indeed the totality of the constitutional architecture, is to vest in the legislature the power and mandate to exercise oversight over all State organs and State officers in the performance of their constitutional and statutory functions. No organ, authority or person, not least the Senate, has the power to suspend, compromise, vary or waive the legislature’s mandate.

Consequently, the resolution by the CoG that Governors will not appear before CPISFC until the concerns raised in their letters are addressed through a structured engagement between the leadership of the Senate and the CoG is untenable.

Equally, the resolution by the CoG that governors will only appear once for every audit cycle to respond to any queries before the CPAC comprehensively, is also untenable. The constitutional oversight mandate is exercised by the Senate as often as whenever the Senate in its judgment considers appropriate and any purported restriction or limitation of this mandate, such as is proposed, is unconstitutional.

This is further underlined by the decision of the High Court in the case of Hesbon Mole Agwena and Jairus Musumba & 3 others versus Nairobi City County & Office of the Auditor-General, HCJR/E082/23 where the court held that the constitutional timelines spelt out in Article 229(4) of Constitution (which requires that the Auditor-General shall, within six months after the end of each financial year, audit and report, in respect of that financial year on the accounts of the national and county governments and all funds and authorities of the national and county governments) must be complied with and correspondingly that Parliament must debate and consider such reports within three months after receipt of an audit report.

This puts the cut-off date for the consideration of audit reports at 31st March of each year and severely constrains the programme of the Senate watchdog committees.

Article 124 of the Constitution vests in Parliament the power to establish its committees and to make Standing Orders for the orderly conduct of its proceedings, including the proceedings of its committees. The power to appoint members of committees and to remove them from the service of the committees is exclusively a power of the Senate and the CoG’s demand that certain Senators be removed from the service of any committee is without constitutional anchor.

Hon. Senators, the foregoing notwithstanding, the request by the CoG for an engagement with the leadership of the Senate is consistent with the constitutional requirements of Articles 6(2) and 189 of the Constitution for consultation and

cooperation between the two levels of government and is welcome. Accordingly, I have invited the leadership of the CoG to a meeting with the leadership of the Senate to be held on Thursday, 26th February, 2026, at 10.00 a.m. at the Mini Chamber, County Hall, Parliament Buildings, here in Nairobi.

In the meantime, I have made it clear to the CoG that as a condition for going ahead with the meeting on the proposed date, the constitutional provisions on legislative oversight must be clearly understood to be in force and accordingly, any governor invited or summoned to appear before any committee of the Senate must do so, failing which the consequences provided for in the Constitution and the law shall follow.

I thank you.

(Applause)

Yes, Senate Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I thank you for your communication. That gives me a little bit of comfort, at least, knowing that the leadership and you, have addressed and given this matter the weight it deserves because as we sit here today, we stand accused because of the actions of governors who instead of choosing to pursue whatever grievances they may have with a committee of this House, have decided to cast aspersions, name and say many unhelpful things which many of us took great exception of.

Mr. Speaker, Sir, I am glad and I appreciate your wisdom in the communication that you have given. Just to provide clarity, I hope I heard you clear that for us to have that meeting as the leadership of the House on 26th February, 2026 that is pegged on the conduct of governors continuously appearing before our oversight committees. If any of them fails to appear, then let the law follow its course because the Parliamentary Powers and Privileges Act as well as other laws provide for what to do with errant members of the public who fail to appear or honour parliamentary summonses.

Parliamentary summonses are equivalent to an order of the High Court of this republic. Therefore, they can never be waived by a decision of people who are cooling breeze and enjoying themselves in Kilifi then decide to incite each other like Form Two students by saying that they will no longer appear before the Senate. That should not be entertained.

Mr. Speaker, Sir, you cannot behave in an undignified manner then you address the House from all the corners of the country by saying whether you shall come or not. That can never be waived; not even by you or this House because the Constitution sits at the apex of constitutional order in this country and it has placed a responsibility on this House on what to do when there are matters of concern.

I would have appreciated what I expect a decent governor to do. If you feel that you have been harassed by a Member of a certain committee, for example, somebody has reached out to you inappropriately, you should write to the Speaker saying you have an issue that you need to bring to their attention because you are the umpire of this House who ensures that everything that we do and how we operate is in accordance with the law, statutes and the Constitution. By doing that, you would have guided them on how to

file a case before the Powers and Privileges Committee; a committee that is completely different from any other in this House.

That has happened before. Therefore, it is not the first time. Last time we had mentions of such incidences. Finally, when those members who were complaining were invited to appear before that committee, they had nothing to share. Unfortunately, they had already besmirched the House by saying unhelpful things about this particular House. That should not be allowed to continue.

Therefore, Mr. Speaker, Sir, I appreciate that you have put it on record that if any governor who fails to appear before any committee of the House as expected by law, then necessary sanctions must take precedence as expected because we cannot waive that duty on the altar of political convenience.

The last thing I want to say to you colleagues is that our duty is not a very easy one. Members of the Senate are perhaps the only members of the elected leadership positions in the country who handle no other public funds except their salary. That should never be construed to mean that we are cheap or people that can be easily enticed, so that any time people interact with us, if somebody asks difficult questions, then you believe that maybe there is something they want from you. That is not an accurate representation of who we are as a House of Parliament.

Therefore, Mr. Speaker, Sir, I register my appreciation to you and to the leadership of this House for that very wise decision. Let them appear, so that they come on 26th because there are many difficult questions beyond---

For the record, I have been an advocate saying that I do not feel that the CPAC is doing enough of what needs to be done. For each of us here from the counties that we represent, there are more difficult questions being asked by *wananchi* and the people that we represent than what is being asked in the CPAC. It is our duty to ensure that we represent our constituents and ask the right question so that devolution succeeds.

Mr. Speaker, Sir, I look forward to that interaction on that particular day, hoping that it will put this matter to rest, so that we go back to our constitutional duty of ensuring that devolution succeeds in the Republic of Kenya.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. M. Kajwang'.

(An hon. Senator spoke off record)

Sen. M. Kajwang': I think, in the wisdom of the Speaker, he has allowed me to speak. I am not accused; it is the House that is. I must speak for the House rather than for myself.

Mr. Speaker, Sir, I have seen my name circulating in what I would call gutter press, but that does not scare me. What scares me is the point when this House becomes neutered, rendered weak and ineffective and micromanaged by the CoG. That must be the focus. It is not about Kajwang' or Sifuna or Cherarkey or Mwaruma. It is about this institution where I have chosen to serve for the past 10 years.

We have never had a situation where the CoG attempts to define and dictate who sits in which committee. It is unfortunate that today, the CoG has close to five governors who have been ranking members of this House. They include; the former Speaker of this

House, the former Minority Leader of this House, the former Majority Whip of this House, the former Chairperson of the CPAC and the former Minority Whip of this House.

We would have expected that over the years, relationships between governors and the Senate would improve. Indeed, the Senate is fulfilling its end of the bargain. Every year, we are engaged in conflict with the National Assembly and the National Treasury as we fight for more resources to go to county governments.

Mr. Speaker, Sir, this year, we have committed ourselves to transfer not less than Kshs450 billion. When I looked at the dispatch from the Cabinet this week, I think the figure the Presidency indicated to go to county governments is Kshs495.7 billion. Just a few billions shy of Kshs500 billion.

Now, that is the work of the Senate. We have delivered our bit of the bargain. Can the governors not just style up? Can the governors not just take a day, we are not calling for a week or month, to account for how they are using those resources?

Mr. Speaker, Sir, if we do not stand up for this House, today it will be Kajwang chairing the committee, tomorrow, it will be my brother, the Majority Whip, chairing the committee. If that sword of Damocles coming from the CoG is not severed, then, this House will not be able to do anything.

In a properly functioning financial system, when you are given money, you account for it before you get more. Over the last 10 years, we have not done so. It is time for us to come up with a framework where, if you are giving counties Kshs495 billion, they must account for it before they come for more. That must be the insistence.

Mr. Speaker, Sir, I thank you, the Chair, and the leadership of this House for not reducing this to an individual problem. You reached out and spoke with those of us in the CPAC and CPISFC. You told us not to go on the defensive because it is not us, as individuals, but a coordinated attack on the institution of the Senate.

Mr. Speaker, Sir, you, and the leadership and all members of this House have spoken in unison. Allegations have been made against us; allegations that have not been substantiated and supported by evidence. The rules of debate in this House are that if you cannot substantiate an allegation, you withdraw and apologise. Members here have never hesitated to invoke that particular Standing Order. I challenge the accusers that if they have evidence, let them do it in a proper manner and substantiate. If they cannot substantiate, let them withdraw and apologise. The damage has already been done.

On the other hand, we as Senators, the evidence of theft in county governments is documented. It is in the reports of the Auditor-General. In Tharaka-Nithi, Kshs35 million was used to buy an incinerator. The EACC has recommended that the Directorate of Public Prosecutions (DPP) press charges, but nothing has happened.

Mr. Speaker, Sir, let us put it in context because we just throw around numbers. For an average Kenyan earning Kshs30,000 a month, Kshs35 million is his salary for 97 years. In the County of Vihiga, Kshs5 million spent on housewarming is not our invention; it is verifiable in the audit report and the documents of the County. For a Kenyan earning Kshs30,000 a month, that is a salary for 14 years.

In Bungoma County, Kshs3.9 million was spent on lighting a Christmas tree in September. I am happy that the EACC has swiftly swung in to investigate the matter. For a Kenyan earning Kshs30,000, Kshs3.9 million is his salary for 10 years. In Mandera

County, Kshs55 million was spent on seedlings during a period of drought. For a Kenyan earning Kshs30,000, Kshs55 million is a salary for 152 years. None of us is going to live long enough to earn that kind of money. In Embu County, Kshs10 million was used on a boda boda event. For a Kenyan earning Kshs30,000 a month, Kshs10 million is a salary for 28 years.

Kenyans need to be outraged by the kind of reports, stories and revelations that come out of these Senate committees. What do our governors do? They are the proverbial thief who turns around and accuses the pursuer of being the thief. We have had two weeks of exposures; not our invention, not fiction, but based on audit reports.

What are the governors trying to do? They are trying to deflect attention and make the Senate look like they are the thieves, yet, they are the ones with documented evidence and proper reports of theft.

Mr. Speaker, Sir, in conclusion, I have never seen a situation where you go to court and the suspect insists on empanelling the bench. I have never seen, even in my football days, where the players decide on the referee. It cannot be that the CoG wants a user-friendly committee.

I pray and I have firm conviction in your leadership and the leadership of this House that you are not going to accede to that request. If it works in Parliament; today, it will be the governors and tomorrow, it will be the President making a call. Once they are done with Parliament, they will go to the Judiciary and the constitutional order, as you know it, will completely die. Let this baby not die in our hands.

I thank a few counties that are outliers. They have said that they have read the Constitution and the County Governments Act, and they know that when we invite them, we never invite a mongrel called the CoG, we send invitations directly to governors and counties.

Narok County appeared before my committee yesterday, while Kitui and Laikipia counties appeared before the CPAC. My advice to the governors is that; we are going to fight for you to get Kshs495.7 billion, but please, just take a day or two to come and tell us how that money has been used, how it is impacting the lives of the people and we shall be good. Any other matter will be sideshows that we, as a Senate, will not tolerate.

Thank you, Mr. Speaker, Sir, for your steadfast support. I guarantee this House that we shall continue doing our job in the CPAC. If you give us that opportunity, we shall be very firm but also fair. We shall be mindful and respectful but where there is evidence of theft of public resources, we shall call them out, identify the thieves and tell EACC to deal with them.

I congratulate the IG of Police because he is an appointee of this House. He appeared before my Committee today and confirmed that he agrees that Article 125 puts him in a position of responsibility to produce governors. His conclusion was that, if a governor refuses to come to the Senate, we just need to write to them and tell them the date and the time when we need that governor and they will produce that governor within 24 hours.

Thank you, Mr. Speaker, and the House, for standing for the institution called the Senate.

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

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

Kwanza, ni kweli kwamba, yaliyosemwa na magavana hayajasemwa kuhusu wachache wetu, ila, yamesemwa kwetu sote. Ukioma manyoya, ujuwe imeliwa. Kitu ambacho sikuelewa ni kwamba, walipoongea yale maneno ambayo walisema, hawakusema kama kuna kitu walipeana. Hawakuwa na shida na kusema hayo, walikuwa na shida kwa sababu wanaitwa kuja katika kamati tofauti. Mmoja wao alisema kwamba ni vizuri kukosa kuja kwa sababu ile faini ambayo wanapewa huwa nafuu. Kwa hivyo, shida yao haikuwa pesa.

Kwa wenzangu waliotajwa, wasijali kwa sababu wa kuzungumziwa sifa nzuri huwa ni marehemu pekee yake. Kwa hivyo, sisi tutasemwa kwa sababu lazima tutafanya kazi. Kuna kazi ambayo tumepewa kuiangalia katika kamati ya uhasibu. Mrina haogopi nyuki, kama anaogopa nyuki, hakuna vile atapata asali. Kwa hivyo, wakati kamati ya uhasibu inafanya kazi, musiogope kusemwa kwa sababu mtasemwa.

Mwenye kiti; mtu akija amekosea, fyeka yeye. Sen. Cherarkey, mtu akija ameiba pesa ya umma, fyeka mbali. Kama kuna kesi, itakuja baadaye tutaisimamia na kuisikiza. Tukubaliane hawa magavana tabia zao tunazozijua. Wanataka kwanza watuuzie uoga ili tuachane na wao waendelee na ubadhilifu wa pesa na watuondolee zile nguvu tumepewa kikatiba.

Bw. Spika, nilipowaangalia wale waliokuwa wakiongea--- Ukienda kula chakula halafu upate unywele kwenye chakula, huwa inashukiwa zaidi kama mpishi ana kipara. Unaanza kujiuliza, zile nywele zilioko kwenye chakula zimetoka wapi. Wale waliokuwa wakiongea pale na kutoa taarifa, ni kama mpishi ambaye ana kipara. Wako na madoa. Mmoja ni yule aliwasha mti, "kichaka" ya kusheherekea sikukuu kwa shilingi milion tano - ndiye alikuwa anatoa taarifa na kejeli wakifikiri ya kwamba sisi tutawaogopa. Tutaendelea kusema.

Mstahiki Spika, nikimaliza, naona kwamba uhusiano wetu na magavana ni mzito sana. Ni kama ndoa ya kobe na simba marara. Hii ni kwa sababu ndoa kama ile, siku zote mkianza kutembea, huwa ni malumbano kwa sababu kobe hana mwendo na simba marara ana mwendo. Hii ndoa yetu na magavana lazima tujue tunaenda nayo mpaka wapi. Hii ni kwa sababu kila siku magavana wakienda waongee maneno hayana maana, sisi kazi yetu in kuwapapasa. Mimi nasema kwamba mshale ukija usiku, unarudishiwa njia hiyo ya usiku. Tusije tukawabembeleza tena. Hii ni kwa sababu wamezoea. Tukiuliza maswali ambayo yanafaa katika kamati husika, badala wajibu wanachukua miezi na wengine karibu hadi miaka. Tunapowauliza maswali hapa wanaanza kuwa wakali.

Ni sadfa kwamba ripoti ya mkaguzi mkuu, wakati inapotoka, wakati wanaanza kuitwa ndipo wanaanza kulalamika. Kwa nini basi hawakuwa wanalamika mmoja? Tangu lini katika mbio za farasi, ng'ombe amekuwa mshauri? Kwa hivyo hakuna vile tutachukua wosia wa magavana. Ni nani atakaa kwenye kamati? Kesho watakuja waseme hatutaki huyu, tunamtaka Mundigi, hututaki huyu – kama ni hivyo, kwa nini basi tuwe na Seneti? Mtu kama anataka kusamehewa aende kanisa na afuate Biblia huko lakini ukija katika Seneti, utajibu maswali, ataudhika lakini lazima utakuja kuwajibika useme pesa za wananchi zimeenda wapi.

Nitamalizia kwa kusema kwamba sijakaa kwa muda mrefu katika Seneti. Lakini ujue kwamba yule anayetaka kukumaliza ukiwa na jeshi lako, ataanza kuua mwanajeshi

wako ambaye anaonekana shupavu na mwenye nguvu. Kwa hivyo mchakato wote huu unaona wa magavana, umewalenga wale watu wameona wanaweza kusimama na kuongea bila uoga. Ukiangilia waliotajwa, utajua ni watu ambao wanaweza kusimama na kuongea. Wanatakiwa kwanza watolewe hapo ili ionekane kama kuna udhaifu. Wanataka gavana akija asalimiwe, baadaye tuwe na maombi halafu anabarikiwa, anakunywa chai na anaambiwa, nenda nyumbani salama na umsalimie mkeo. Tusikubali hayo.

(Laughter)

Asante sana, Mhe. Spika.

Sen. Olekina: Thank you Mr. Speaker, Sir. Let me appreciate you for taking your time to defend this House and for your communication. I am quite saddened by the position taken by the CoG; a unity that will not save any individual governor from accountability. Regardless of the allegation, oversight is a must. These governors know very well that the Senate has been established by statute; by the Constitution, to defend the interests of the counties and their governments. Why is it that it is okay and we are the darlings of governors when we are fighting for them to get more monies? Why is it that it is okay for us to fight among ourselves when we want more monies to go to our counties, but it is not okay for county governors to be able to come and to be held accountable?

The Senate does not audit county governors. The audit is carried out by the Auditor-General. Today, Kenyans will be shocked when they hear facts. I will take a minute or two, to highlight certain facts which have been laid by the Auditor-General on specific counties. Today, I have taken it upon myself to call upon the EACC and the ODPP to proceed further and investigate.

Number one, if you look at the issue of Kisii County, and I will be very candid on this, there is an issue of ongoing unsupported work expenditures and post-audit adjustments masking potential fraud. Those are not the words of my colleagues in the CPAC. They are not the words of this Senate. That is a finding of the Auditor-General.

Wajir County; there are large unsupported payments with inadequate documentation risking ghost northern projects. Those are not my words. Those are the Auditor-General. In Nyeri County; there are delayed reconstructed accounts and near-end expenditures, surge-suggesting concealment. Those are not my words. Those are the words of the Auditor-General.

Mandera County; there is a chronological impossible payment, predicated invoice, and bulk voucher without verifiables. Let us move to Busia County where there is irregular pre-audit approvals and phantom supplies disbursements. I am particularly perturbed by Bungoma County because the current governor sitting there was sitting in the chair. The auditor has cited serious issues, including split transactions to a VAT threshold and repeated vendor overpayment. If you go to Embu County, which my colleagues have already alluded to, there are specific issues to do with cash control lapses and unverified advances in service delivery.

Let us move to Homa Bay County. Let us all be candid today. There is disputed bursaries, health allocation denied to the end beneficiaries. If you go to school, the

teachers will say, they did not receive those bursaries. You go to health facilities, they will say, they did not receive that money.

Let us go to Vihiga County. There are missing project files and adjustments, heavy bursaries and work programmes. Now, the icing on the cake. Tharaka-Nithi, there is sequential voucher alteration, post-submissions to cover malfeasance or wrongdoings. If the county governors, who are tasked with the fiduciary responsibility, are not willing to be accountable, what exactly are we talking about here? Why should we even be standing here and fighting for Kshs495 billion to go to counties?

Most of those governors, I dare say, were hustlers. They lived in apartments in Nairobi. However, today they live in manicured mansions, travel in helicopters, fleet of vehicles, and they dare point a finger at this House which is supposed to be overseeing them. Shame on them. Accountability or being called to account for what has been sent to you is not harassment.

Today, I want to tell these governors, you are bringing this to yourself. You traversed your counties and asked for the citizens to vote for you. Do you think that the privileges that we have now--- Earlier, we were talking about gangs that are coming up. They are coming up because you cannot sit down there and look at your County Integrated Development Plan (CIDP) and say, I have a problem here. The only thing you can say is that I do not want to be harassed. Harass my foot. You need to grow some thick skin to know that those who are given so much, a lot is required from them.

Mr. Speaker, Sir, I am glad that you have pointed out that under Article 125, and it is in your communication, the word is not please, it is a must. I invite the governors to take the Constitution and re-read Article 125, and to read the Statute, the Parliamentary Powers and Privileges Act, Section 19. I know earlier we were talking about, you know, maybe adjusting the figures. I heard my colleague saying, I would rather not show up and pay the Kshs500,000, which I will be penalised. It is about time that we do not treat any statute as static. It is about time that we looked into the consequences, intended and unintended, in terms of our legislation, to guarantee accountability. It is wrong to say that because the fine is Kshs500,000 and that money is not your own hard-earned money, you could get it from public coffers and use it to pay a fine.

Mr. Speaker Sir, I want to conclude by saying this. Every governor out there must uphold the fiduciary responsibility. Remember that today, you are there. Tomorrow, most of them will be crying to come to the Senate. I want to tell you that the CoG will not defend you when you go to court. In fact, the courts have already upheld the position of the Senate and they have already made a determination that the CoG cannot defend issues of fiduciary responsibility.

The CoG can talk about devolution. They can come together and say, “let us lobby the Executive, let us lobby Parliament together for more money to go to our counties.” I remind them that the CoG will not be there when you are being prosecuted, when you are being asked to account for the money that you have been entrusted a fiduciary responsibility.

In fact, most of them will be saying, “hey, even me, they are coming after me.” So, the EACC, the ODPP, it is upon you. Let us not, for the sake of future generation turn those audit reports to just documents that the Auditor-General has spent so much money and manpower to unearth the rot; and the malpractices happening in the counties and

just keep them to collect dust. Let us now take it upon ourselves to make sure that we call these governors to account.

Mr. Speaker Sir, as I sit down, I thank you for reiterating the issue. I want to spell it out that the only time that we will be willing to sit down and discuss issues to do with accountability, issues to do with treatment, maybe making sure that when you appear, we do not waste so much time is when you continue attending these sessions. The Senate cannot stop you from coming. This is a constitutional requirement that you must respect.

Sen. Kathuri: Thank you, honourable Speaker, for the opportunity to give a comment or two on this matter that has really elicited a lot of public attention. Even without going very far, the role of the Senate is very, very clear, like day and night. This House, as in Article 96(3) determines the allocation of national revenue among counties, as provided in Article 217 of the Constitution of Kenya, and exercises oversight over national revenue allocated to the county governments.

Without translating or trying to get letters from the CoG, the Constitution is very clear. What they are requesting you to do, is to suspend members of the CPAC, not to appear many times in the Senate, and that they should be appearing only once during the audit process that is between January and March.

Mr. Speaker, Sir, you have no power to do that. What they are asking you to do is to save someone who is going to die, yet you have no power to do that. The Constitution is very clear. You cannot suspend it. Actually, you should take these people to court because they are actually trying to give you more problems.

I remember this House since we came in 2022. During the Financial Year 2023-2024, we allocated Kshs354 billion to the counties. The following year, 2024-2025, this money went to Kshs387 billion. In the Financial Year 2025-2026, it moved to Kshs415 billion.

I remember in the year 2024-2025, before the Financial Bill, we allocated Kshs405 billion, and we agreed. I was the co-chair of the mediation committee between myself and Hon. Ndindi Nyoro. When we were negotiating, governors were calling me every time. They were happy, clapping that we were determined to give them more money. If more is given to you, more is expected from you as in accountability. They were very happy indeed. They are always happy when we are discussing money issues in this Senate.

Mr. Speaker, Sir, you know we are champions of devolution. We are always telling the national Government, please devolve functions and also devolve resources to the counties, but then, what are we getting for from the governors? They are really throwing rotten egg to the Senate.

You know the Senate does not; the CPAC and CPISFC do not summon the CoG to appear before these committees. It is the responsibility of that particular governor to account for the resources that go to his county, but the failing governors just call for a meeting so that now all of them can do what we call mob justice to the Senate. Today, tomorrow, the following day, there will be no invitation coming from you and the Clerk of the Senate going to the CoG. Letters are written directly to the respective governors because the accountability is not joint. It is the particular governor who should account for the resources.

It is very absurd that if you go to the committee such as CPAC today, you will find that even the Chairperson of the CoG is writing letters requesting for more time, so that he can appear, but then he is parading governors saying they shall never appear. He is still talking to the committees, saying “give me more two, three days, so that I can appear and clear myself.” There is no genuineness in this matter.

If you scrutinise all these governors who are in the press conferences, you will see that they have been Members of Parliament. I do not want to mention their names. If you scrutinise them, the counties have been mentioned here by my colleagues, two or three of them have been legislators and they have beef. Maybe I do not know whether they did, but they did not perform when they were serving this House or the “lower” House, the National Assembly.

I served with some of them also in the National Assembly. Others served with other colleagues such as the Chairperson of CPAC in this House, including the Speaker who used to sit where you are sitting. I do not know why Members who have served in the legislature are more aggressive than those who have come from other quarters to become governors.

Mr. Speaker, Sir, I am happy that you have given very good guidance. You are also very magnanimous that besides trying to suspend committees, trying to say they will not appear, you have also given them a date to appear before your leadership and this is a good thing.

This afternoon, the Majority Leader has tabled so many other reports from the Auditor-General, going to the counties, going to CPAC, others to CPISFC. When they say they will not be appearing before the Senate, where shall we take these reports that are being read here every afternoon by the Majority Leader? Do they want us to close the Senate and go home? I have said it again, even this week; that governors have no option. If you do not want accountability, resign and go and do your personal business because you will have no public scrutiny.

I think the Chairpersons of CPAC and CPISFC, you have been so lenient with these officers, state officers. Put your best foot forward from today. Just bring reports. We have been asking you, the Chairpersons, why not give us the governors who have misused public resources?

Every audit cycle, even after March, the deadline, just table a very clear report, so that we can discuss them properly with your findings because you have been sitting and summoning them. Table your findings from the committees in this House, so that in March we can discuss those reports and see the rot that is in the counties.

The Governor of Meru appeared before CPAC. I was with Senator Mwaruma, the Vice-Chairperson who was the Chairperson of the session and we went through the reports. We saw grey areas. We then said this should be improved. For instance, there are some instances where approximately Kshs700 million was used on the Mechanical Transport Fund (MTF), yet nobody knows where it went. There is no documentation on the roads that were done. So, we have said we want the auditors to do special---

(Sen. Kathuri's microphone went off)

The Speaker (Hon. Kingi): Hon. Senator, you have done 10 minutes. I will add you one minute to conclude.

Sen. Kathuri: Mr. Speaker, Sir, sorry, but this is a very juicy topic because that is why we were elected by the people we represent, to take care of the counties.

As I was saying, Chairpersons, please let us have clear reports after this, so that we scrutinise your findings after 30th March.

Thank you, Mr. Speaker, Sir.

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

Sen. Wambua: I thank you, Mr. Speaker, Sir.

Mr. Speaker, Sir, I would like to also join my colleagues to congratulate you for the bold decision, and the official communication that you have issued concerning the appearance of governors before committees of the Senate.

First of all, it is baffling to see governors, who are supposed to be heads of county governments, coming together and instead of discussing important issues affecting our counties, they are busy picking and choosing where to appear and where not to. They have even taken the joke further and want to take it upon themselves to be the people determining which Senator sits in which committee. As if that is not enough, they have issued a flimsy threat that if their conditions are not met, they are not going to appear before committees of the Senate.

Mr. Speaker, Sir, let us speak to these governors straight. The choice of whether to appear or not is a choice between good and evil, and is a personal choice. You can choose to disobey or obey the law. You can choose to be guided by the Constitution or not. There can never be any aspect of collectiveness in that decision. You cannot tell us that you have decided as CoG that you will not be appearing. The CoG does not make accountability decisions for individual governors.

Mr. Speaker, Sir, secondly, I want to remind the county governors that the appearance before Senate committees is so important that it is astonishing that one would even think that they can invite the Speaker of the Senate to join them in subverting the Constitution. They are asking the Speaker to join and agree with them that certain things need to happen for them to appear before the Senate. No person, even the President himself, and I want Sen. Cherarkey to hear this, let alone the governors who represent smaller constituencies compared to the President--- Under the Constitution, Article 132 under the functions of the President, the first function of the President is to appear before Parliament. That is in the Constitution. That is the first function assigned to the President.

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

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

Surely, I do not know what these governors are thinking. Now that they are saying they will not appear because they do not want so and so sitting in a committee, are they also suggesting that the President should one day wake up and say, because Sen. Wambua says “one term” all the time, I will not appear before Parliament if Sen. Wambua is still in Parliament? What kind of thinking is this?

Governors, wake up and smell the coffee. This is not a suggestion. We are not even pleading with you to appear. Honestly, we should not plead with any governor to appear before a committee of Parliament. If they choose not to appear, then so be it. The Constitution is clear on what we do as Senators sitting in committees of Parliament, especially the oversight committees, that is, the Senate's CPAC and CPISFC. Ours is just to consider and debate the report of the Auditor-General.

That is all we are called upon to do.

Mr. Deputy Speaker, Sir, I keep asking myself, if and when a governor appears before a committee and the report of the Auditor-General says that this governor has spent Kshs5 million for a housewarming party, what are we, as Senators, expected to do? Are we supposed to overlook that report or are we supposed to clap for them for spending that money for a housewarming party? When a governor says that we have spent Kshs10 million from the County Aggregation and Industrial Park (CAIP) Fund to do a boda boda event, and it is in the report of the Auditor-General, what am I, as a member of the committee, supposed to do? Should I tell the people of that county that that money was used prudently? When a governor appears before an oversight committee of the Senate, and in their own words admit that it is true that they have employees who are working long after their contracts have expired, what are we supposed to do?

Mr. Deputy Speaker, Sir, what I am trying to say is, for us as a Senate, we shall be guided, and shall base our interrogation on the reports that we receive from the office of the Auditor-General. If any governor has a problem with any Senator, for whatever reason, there are channels that are open for redress. There is a procedure that is open for anybody, not just governors, to raise their concerns with whatever behaviour they think is unbecoming of whichever senator.

Mr. Deputy Speaker, Sir, governors want to come together and list names of Senators, assassinate their characters and expect that after doing that they will get a meeting with the leadership of the Senate. To discuss what? I thank you for the decision that you have taken. That before any such meeting happens, the governors must demonstrate goodwill and good faith. They must be seen appearing before committees of the Senate. They must withdraw the letters they have published in the social media and sent to the Speaker. They must apologise and withdraw the remarks they have made against individual Senators, assassinating their characters without reason.

Mr. Deputy Speaker, Sir, in conclusion, when I woke up in the morning to come here, I was a bit disturbed. I knew I was coming into a leadership meeting and did not know what decision the leadership of the Senate was going to take on this matter. I want to go on record that I will go home a very happy Senator. The leadership of the Senate and the entire Senate of the Republic of Kenya have reaffirmed their faith---

The Deputy Speaker (Sen. Kathuri): Your colleagues are waiting on the queue. You can see the traffic flow coming to the Chair because they want to speak on this. Add him 30 seconds to put a full stop.

Sen. Wambua: Mr. Deputy Speaker, Sir, why 30 seconds? You have given out one minute just a few minutes ago. You cannot extend the same favour to your colleague?

The Deputy Speaker (Sen. Kathuri): I am the Deputy Speaker.

Sen. Wambua: Mr. Deputy Speaker, Sir, surely you cannot extend the same favour to your colleague?

The Deputy Speaker (Sen. Kathuri): You are still--- Trace the time.

Sen. Wambua: Mr. Deputy Speaker, Sir, I submit.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, there is a problem with the system. I cannot see most of your requests on the screen. You can make your requests again, especially if you cannot see any light on your gadget.

Sen. Wafula, Senate Majority Whip.

(Sen. Faki spoke off record)

Sen. Wafula: Thank you, Hon. Deputy Speaker, for this opportunity for me to ventilate. I request the Speaker to protect me from Sen. Faki. He is yelling in the House. I want to weigh in on this matter, where governors are behaving as if there are no rules and Constitution in this country. I watched them talk yesterday and I thought we have no Government. I thought we have no Senate. I thought the citizens of this country had gone to nearby countries as tourists. Our governors were singing this song in Swahili, “*Bora nienjoy, maisha mafupi nisipo---*”.

A governor says that Kshs500,000 is little money, when the county they come from children stayed all day without food in schools, the floors of their class rooms are in a bad state and the Community Health Promoters (CHPs) were not paid from July up to December. It is an insult to Kenyans. When an accused officer is asking a cockroach to dictate if it is a duck, a hen or a turkey to adjudicate its case, it cannot happen. They must come and be accountable to the people of Kenya.

It is sad to note that when you visit some of these counties and see the bills they incur, you will realise that some workers are on contract for over 10 years and their gratuity has never been paid. When you ask where the money is, they cannot tell. When you ask some of these people the last time their workers were promoted, they cannot tell. The real workers are not promoted, but the people in the line ministries are promoted. It is bad manners.

When you visit county hospitals as we have done in the Committee on Health, you will find that they have no drugs. The mortuaries are in a bad state and people are held hostage because they cannot pay bills, yet they insist they cannot be held accountable. We examined the running of hospitals under Mheshimiwa Osotsi. At times, they simply switch off systems and resort to collecting money as if they were collecting love offerings in church. When you look at the books of accounts on monies in and monies out of the County Revenue Fund (CRF), the figures do not match. They do not want us to ask those questions.

We examined how they purchase fertiliser and farm inputs and the way they distribute them. When you ask if they have a farmers' inventory to guide distribution, they do not have one, yet they behave like benevolent dictators in this country. The law must be followed. They must be held to account.

Hon. Deputy Speaker, we reviewed the books of Bungoma County. How can you fail to remit statutory deductions of workers for many months, yet you go back to the Controller of Budget (CoB) to ask for another allocation? We will not accept this. We are

asking the governors of this country that they are here for a period and a season. Do what you ought to do and give us peace as Kenyans.

Someone said that if Senators go out to counties, it is called, “county tours of oversight”. Then a governor tells you, as a Senator, you have no right to inspect programmes and projects on the ground. He is simply telling you that you are not a voter nor a Kenyan. Any Senator can visit any programme or project anywhere to confirm if it exists, unless the governor was ferried from a country not known in this world.

We are telling governors that we are going the extra mile to confirm the projects we see on paper, whether they are reflected on the ground, the quality of work and whether the people were involved. We have a scenario where people just sit in an office and decide to put Kshs30 million for porridge because the children look malnourished. When you confirm from the factory versus what is in the cup, these people are behaving like the proverbial Ananias in the Bible. We have to catch up with them and stamp our authority.

I request the Senate to invite the Ethics and Anti-Corruption Commission (EACC) on these damning reports we are reading and presenting to Kenyans every day. Last year, when I was a Member of the County Public Investment and Special Funds Committee (CPISFC), we looked at the Bursary and Scholarship Fund of Bungoma County. Millions of shillings could not be accounted for.

The Chairman requested the EACC to do a forensic audit, but they have not. My governor says since the EACC has not given a report, they cannot pay. However, I saw in the books for the Financial Year 2023/2024 that there was money for bursaries and scholarships. I do not know where it went.

My friend, Ken Lusaka, I am coming for you. You must be held accountable. As you enjoy declaring success stories, I was voted to oversight and raise grey areas affecting the people. No governor in this country can dictate which voice, tune, rhythm or speed Senators must execute their work. You must simply come with your books of accounts. If you have made a mistake, say “I am sorry,” and state within which span you will correct it.

Hon. Deputy Speaker, let me stop at this point and assure Kenyans that we are united to defend, propel and make people benefit from devolution. They should not suffer and regret why we voted for this new Constitution.

Thank you.

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

Sen. Osotsi: Thank you, Mr. Deputy Speaker, Sir. As I sit here, I am surprised. It is unfortunate that instead of governors decorating and celebrating this Senate for the good work it has done, they are condemning it. I will explain why. It has been a concern that the previous Senates were examining audit reports for governors who had left office. We were four years behind.

When we came in, we were reviewing reports for the Financial Year 2017/2018. However, the two committees of the Senate, the County Public Accounts Committee (CPAC) and the County Public Investments and Special Funds Committee (CPISFC) have worked hard to ensure that we are now up to date. We are now reviewing the reports for the Financial Year 2024/2025, which is the current one.

Mr. Deputy Speaker, Sir, when you see governors complaining and getting worried, it is simply because this House has worked so hard to ensure that we are dealing with the current reports and ensuring that the governors respond to the issues while they are in office, not to come and respond to the issues of the previous governor who was there. That is where the fear is.

We interact with these governors and some of them have been telling us, “you are too fast, why can you not delay, so that someone else will come and answer my queries?” These committees must be celebrated by Kenyans for being current.

It is so surprising that the governors who expect us to give them more money are the ones who are trying to derail our work. As you are aware, the same counties are the ones who went to court. The officials of Nairobi City County Assembly went to court to question the report by the County Assembly of Nairobi City, the Alcoholic Drinks Fund. That report was done outside the timelines defined under Article 229 of the Constitution, which requires that three months after the Auditor-General has presented the report before the House, the House must dispense with that report in three months.

As a result of that court ruling, the Speaker of this House directed that we must comply with Article 229 of the Constitution and this House has done so well. Members of these two committees have been here since the second week of January, trying to deal with this report, so that they beat the deadline, but the governors have been busy going for holidays, going for retreats, lying beside the beaches as we work, only to come out and start saying that the Senators are harassing them and extorting money from them. This tells you how the priorities in our counties are misplaced.

I want the governors to understand that if this House complies with Article 229 of the Constitution, it means we will be up to date and, therefore, they would rather work with us, so that we can compel the National Assembly to adhere to Article 203 of the Constitution that requires that while computing the shareable revenue, you base it on the most current audited reports. That cannot be done if they do not support us.

So, this is not the time for our governors to take us through the mud, but to support us, so that we comply with the provisions of Article 229. This is so that they can get more money; in fact, more money than Kshs495 billion that the national Government is proposing.

Mr. Deputy Speaker, Sir, in my committee, the County Public Investments and Special Funds Committee, we have noted numerous issues in our counties. The water companies in our counties; 95 per cent of our water companies are actually insolvent. They are not making profit. They are not making any money, and they have high non-revenue water, meaning that more than 50 per cent of the water that they generate is not accounted for, but that is the money that is taken into people's pocket.

If you go to municipalities, 99 per cent of the municipalities in all the counties have not been operationalised. They are not autonomous as required by the law, the Urban Areas and Cities Act. The governors have been appearing before us year in, year out, and they promise they are going to do something about it, but when they come back, they have done nothing.

Mr. Deputy Speaker, Sir, every year, this House appropriates money, the County Additional Allocation money from World Bank to support these municipalities and this money is not accounted for.

If you look at the funds, most of the funds that have been established in counties are conduits for corruption. Notoriously, there is a fund called Enterprise Fund, where they put in money and they cannot account for that money. They cannot tell you who they have given those loans and how they are going to recover. This is nearly in all the counties. Bursary fund in our counties is money that is supposed to be helping our children, but most of it is misappropriated. Most hospitals that we review the audit reports have issues of accountability. These are the issues that we raise with the governors. All they can say is that we are harassing and intimidating them.

I am happy they are complaining. They are complaining because the Senate is doing its job. We are making them accountable. We are stopping them from stealing and I want all Kenyans to hear us very loudly that indeed, the Senate is working for the people of Kenya.

Governors complain that my committee is inviting them multiple times. We are inviting them multiple times because they have created unnecessary funds in the counties, they have a lot of issues in hospitals, municipalities and water companies, and they are not responding to those issues that we raise.

Within this short period of three months, from January to end of March, my committee is supposed to process 560 audit reports. If you divide by the 47 counties, then you note that averagely, each county has 12 reports. The governors are telling us that they want us to process 12 reports in one sitting. We are not there just to touch and go; we need to interrogate issues which are in those reports.

Mr. Deputy Speaker, Sir, we came up with a formula and said, because of the need to beat the deadline, we will do four reports per sitting and, therefore, each county is supposed to appear before us three times. They are now complaining that they will not come to our committee three times, but they will only come once. That is one way of avoiding the audit issues that are raised in those reports.

We have made a decision as a committee that any governor who will fail to appear before us we will surcharge him for the cost of that meeting; and, we will adopt the report of the Auditor-General as it is and recommend prosecution of the officers involved where there is misappropriation of funds.

A significant number of counties have not been complying with the Public Audit Act that requires that they submit financial statements. The law says that if you do not submit financial statements, then three things can happen to you. They include imprisonment for a period of five years, a fine of Kshs5 million, or both.

We have been very lenient on this because we want to have a mutual engagement with governors. However, as a committee, we have decided that for any county that has not submitted financial statements to the Auditor-General for audit as required under the Public Finance Management (PFM) Act and the Public Audit Act, we will apply the law. Moving forward, we will recommend imprisonment of those accounting officers or fine them Kshs5 million.

I also want Kenyans to understand that the Senate makes recommendations for investigation and prosecution. However, our two constitutional offices, that is, the Ethics and Anti-Corruption Commission (EACC) and the Office of the Director of Public Prosecutions (ODPP) need to do their job. We need to see them taking people in, so that

we do not have these people playing around with us. They know that we make recommendations, but they play their games around the EACC and avoid the law.

Mr. Deputy Speaker, Sir, one of the things we need to do is to call the EACC to appear before the Committee of the Whole to explain to us why they do not take our recommendations to investigate and why the ODPP does not prosecute the governors involved. This is a very serious matter. Now that the two committees are working so hard to process the reports of the Auditor-General for the Financial Year (FY) 2024/2025, I request the SBC to consider the last two weeks before the deadline of 31st and spare that time, so that we discuss audit reports for each county because we have adequate time. We can suspend everything else and deal with county by county so that Members can appreciate the kind of plunder, mismanagement and violation of the law that is happening in our counties.

I heard the communication by the Speaker. Moving forward, we should deal with individual counties and not the amorphous body called the CoG. The CoG is proving to be a criminal enterprise. That is where they collude on many issues against the people of Kenya. We should deal with individual counties because when we appropriate money in this House, we give individual counties and not the CoG. The CoG is not even in law. Why are we bothered about them?

Even as they said that they will not appear before the committees of the Senate, some governors are appearing. Some have even called telling us that they want to come on certain dates. It is just a notorious group of governors who think they are bigger than life or they are small gods who should not appear before us.

Governors who are vocal about what the Senate is doing are the same ones who have issues with our committees. The Governor of Wajir, who is a Fellow of the Institute of Certified Public Accountants of Kenya (FCPA), is also the Chairperson of the CoG. I would like to challenge him. Why are there so many issues around entities in his county, yet he claims to be an FCPA? There are a lot of financial misreporting in water entities and even hospitals in Wajir.

Mr. Deputy Speaker, Sir, we need to be firm and we should not be intimidated. As the Chairperson of the County Public Investments and Special Funds Committee, I will not be intimidated by any governor. We are going to do reports based on facts, examination of those reports and deliberations in our sittings in a free, fair, but very firm manner. Hon. Members, I urge you to support the two committees, so that we can have proper governance in our counties.

Sen. Wakoli also raised an issue about intimidation, that Senators are facing regarding graft. Governors have the audacity to convene rallies with their officers and condemn Senators because of our work here. I think we also need to look at the conduct of some governors.

Where I come from, which is western region, the governors are not working. They have started early campaigns. All the four are in the campaign committees. We have Governor Lusaka, Governor Ottichilo, Governor Barasa and Governor Otuoma. They have already started campaigning for seats in 2027 because of a particular presidential candidate using county money. That will not be tolerated. Senators from the region will not allow them to use county money to campaign this early. They should focus on delivering services to the people of their respective counties.

Mr. Deputy Speaker, Sir, I would like to urge governors to work closely with Senators because we are the ones who appropriate money to them. They should not start fighting us or appear like they want to intimidate us by telling us when to come and when not to.

It is sad that some governors who are promoting that practice have been Senators here. I am surprised about my good friend, Hon. Mutula Kilonzo Jnr., whom I have respected for years. Today he was supposed to appear before the County Public Investments and Special Funds Committee, but wrote a letter saying that he will not appear because of the decision of the CoG. I am wondering about that because he is a lawyer. The CoG is an amorphous body. Why is he making reference to the CoG, yet he knows its legal standing?

We are serving here as Senators, but maybe in future, we will be governors. I pray to God that I do not be that kind of a governor. I will be a governor who respects the Senate. I will be a governor who understands the constitutional role of the Senate. You should not change goalposts and say that since you are on the other side, you now disregard the Senate.

Some governors who are making noise want to become Senators. How will they work as Senators when they are busy ridiculing this House? The governors for Wajir, Tharaka-Nithi and many others want to become Senators. How will they do their work if they are elected as Senators and find that they cannot do their oversight role because of what they did when they were governors and having been against the Senate and, therefore, they face challenges?

I want to encourage the House. Let us spend quality time to review the reports and debate them before expiry of the 31st March deadline.

Mr. Deputy Speaker, Sir, I support the Communication by our Speaker and thank him for his firmness and refusing to be intimidated by anyone. I also urge His Excellency the President because I know some governors run around the President for protection. Mr. President, hear us Senators. You should look at what some governors who move closer to you are doing in their counties. Look at the audit reports that are before this House and let them serve the people of their respective counties in a fair, transparent and accountable manner.

Mr. Deputy Speaker, Sir, I support.

The Deputy Speaker (Sen. Kathuri): Fair enough. Proceed, Sen. Tabitha Keroche.

Sen. Tabitha Keroche: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to support the Communication made by our Speaker. I thank him for standing with this House. I know today is a sad day for Kenya because we Senators are the hope and custodians of devolution.

Today, governors are threatening us. They want to gag us like they gagged the Members of County Assemblies (MCAs). I know they have gagged the MCAs; they think they can do the same thing to the Senators.

Today is the day Her Excellency, our Governor, was also supposed to meet the CPAC, but she gave some excuses that she will not be able to come and yet, the people of Nakuru County were waiting for her. I know the people of Nakuru County were waiting for her because they had a lot of questions to ask. There has been a lot of

misappropriation of our funds; they were waiting to see her being asked the questions that they have been asking and how she was going to respond.

I know she is in China on her private matters, not on official duty. She was given the letter to appear before the CPAC more than a week ago. If she were serious, she could have left whatever she was doing wherever she was and come to respond to the people of Nakuru, because these committees ask these questions on behalf of the people of those counties.

Mr. Deputy Speaker, Sir, there are a lot of queries that these governors need to answer to the people. I know I have been at the forefront of doing oversight of our county. Today, if I talk to the governors who appeared on television demanding unconstitutional things such as Senator's resigning, I would ask them to resign themselves because they do not deserve to be governors in this country.

If you look at the Auditor-General's or Controller of Budget (CoB) reports, you will see that Nakuru is one of the counties that has not done any development for its people. I was really waiting for Her Excellency to come because the CoB says in that report that only 0.9 per cent of the budget has been put aside for development for the people of Nakuru. That is about Kshs90 million, yet this is a county that has a Kshs26 billion budget annually.

In the same CoB's report, you will see that our county is operating 311 accounts in commercial banks that have not been approved by the CoB. You will see that our county's own-source revenue potential from the Commission on Revenue Allocation (CRA) is about Kshs10.9 billion. When Her Excellency came to office, she found the previous regime collecting Kshs3.9 billion; she dropped it to Kshs1.6 billion.

Mr. Deputy Speaker, Sir, in that report, she says that she collected only Kshs700 million in the last financial year, in a county that has the potential to collect own-source revenue of Kshs10.9 billion. We have 15 revenue streams and only two streams can collect over Kshs3 billion. Today, Her Excellency says that she collected only Kshs700 million. That is why the people of Nakuru wanted our governor to appear before the CPAC, so as to answer those questions on misappropriations of funds.

Now, what our governors are trying to do is gag us, so that we do not talk just like they have done to our MCAs, who are in the first line of oversight and refuse to do their job. They think they are in control of our country.

When we push the revenue to go to our counties, they do not want to be asked any questions. As one of our Senators has said, their work is now to go sunbathe in Mombasa while some fly to America. As you all know, that is what ours normally does now and then. Even the people of Nakuru County call her the Governor of Aviator. We will not allow that.

I am very happy with our Speaker for agreeing to support us and ensure that this House is not intimidated or threatened by governors who have been put in those offices by the same people who also put us in this House to push for revenue to go to the counties and also do oversight. As one of the Senators has said, I go home very happy knowing that we have agreed to stand up for our people.

Senators, you may not know, but we are the only hope now remaining for our people. Our governors, MCAs and MPs have let our people down. It is only the Senators

who have stood with our people. I know when the time comes, we will bring the score cards and they will see the work that we have done for them.

Mr. Deputy Speaker, Sir, you can see that we pushed for Kshs425 billion to our counties and now, we want to push it to half a trillion, yet these governors have the audacity to tell us what to do and what not to do. They better do the work that they were given by the people and let us do the work that we were given by our people. We know very well that when we push for that money, we also have to ensure that we oversee it, to ensure that development is being done.

Senators, let us keep on. Let us not allow these governors to think that the money they are given belongs to them. When the money they are given hits their accounts, it gets to their heads. They think they can push around everybody in this town. As Senators, let us stand firm; ensure that we work for our people and push for that money to do development.

If there is any department that has let this Kenya Kwanza Government down, it is our governors. The public does not know who puts medicine in the hospitals and makes roads, they think that everything is done by the national Government. They do not differentiate the mandate of the counties and that of the national Government.

That is why you see that in some areas, the Government is suffering and opposition is taking advantage of that. They do not want to tell the people that it is their governor who has used the money that is supposed to put medicine in these hospitals.

I agree with Sen. Osotsi that even when the President comes to the ground, he should be careful with whom he works with. The proper mirrors to check on our governors are the Auditor-General's and the CoB's reports. When you see that you are working with a governor who is operating with 311 commercial accounts in a county, you know straightaway that it is corruption and corruption is written on her back.

In Kikuyu, there is a saying that goes, "if you walk with a thief, you also will become a thief." When His Excellency, our President, comes to the ground to do his work and launch his projects, he should ensure that he is not working with those governors, because they are letting him down. We know very well that the President is working; it is our governors who have slept on the job. You can see that now they want to push the Senators out of the job that they were given by the people.

Mr. Deputy Speaker, Sir, thank you so much for standing with this Senate because if this Senate is shut down by the governors, this country will be thrown to the dogs, and we will not allow that.

The Deputy Speaker (Sen. Kathuri): Very well, next is Sen. Maanzo Daniel.

Sen. Maanzo: Thank you, Mr. Deputy Speaker, Sir. When the reports come to us from the Auditor-General, we then invite a governor to appear before the Senate Committee. When the invitation is not honoured for no proper reason, then the governor is summoned. Upon summoning, then the governor, if he or she does not show up and does not honour summon, then under our Standing Orders, that governor pays a fine of Kshs500,000 from his own coffers, not from the county monies. In the event that the governor fails to pay that amount, now that the committees and the Senate operate with a mandate equivalent to one of High Court, then Article 244 of the Constitution kicks in, which is objects and functions of the National Police Service. In 244(b) it reads –

"prevent corruption and promote and practise transparency and accountability."

So, at that particular moment, even in the High Court situation, the courts use the police and that is why I am very happy that the Inspector General appeared before the Senate Committee this morning and gave his commitment to adhere to Article 244 of the Constitution. He said when he is called upon to enforce arrest of a governor, he will do it with immediate effect. Not only when we give reports of corruption, when a governor commits a cognisable offence, the police should move *suo moto* without being moved by anybody, investigate that governor, either through DCI or the police itself, arrest that governor and charge them.

In the event of a conviction and to the highest level of appeal, then the governor has to vacate office. So, there is no governor who is above the law. There is no governor who can purport that they are going on strike. In fact, not every governor is bad. There are very many cooperative governors despite a challenge or two; Governor Anyang'-Nyong'o comes to this House when he is summoned and he comes very early. He arrives on time, he is very ready with his paperwork and his team, he answers all the questions, and I have never heard him being accused or complaining of having been asked for a bribe or extortion. In fact, most governors who have been Senators have performed very well.

I am however surprised by my own Governor, Mutula Kilonzo Jr. When I heard a letter this morning read that he is seeking to be excused for today in compliance with the Council of Governors (CoG's) protest. I tell him that the protest of the CoG, unfortunately, is unconstitutional and will be dealt with by the law. So, I advise him the next time he is summoned, he appears and abandons the corrupt governors to face the law as it is.

In fact, I dare say that we are personally going to make sure that the Constitution and the provisions of our Standing Order and any other law applicable to this situation is implemented. Now, for a governor who has been invited and they did not show up, I really want to ask the Clerk to summon them. Once they do not honour the summon, then we will proceed to write to them to pay the fine by law. If they do not pay the fine then they will be in breach of the law, then we will officially write to IG Kanja citing this governor for contempt of this House and asking them to arrest and present them before us. Therefore, in fact, there is a pending request now for the Governor of Samburu to be arrested and to be presented before the Committee.

There are quite a number of governors who appear. They are clueless of what they are doing. For every question they are asked, they turn to their Executive, who also have something to hide. A good example is cited of the Governor for Mandera, who allegedly was hosting the President today. The Governor of Mandera could not be able to explain to the Committee the use of Kshs65 million which is purported to have done seedlings. The climate conditions of Mandera are known. If there are seedlings of that nature which have been prepared or bought for farmers to be planted, whether for mango or whatever plant along the rivers, can be accountable. This Committee should be able to go with this governor on site and show us where these seedlings are and count them one by one. If they do not, then we hand them over to the police. Therefore, there is no one above the law.

If you are willing to be extorted or if you are willing to give a bribe, it means you have a problem. I have not known Governor Anyang' Nyong'o to give any bribes or to

complain of any extortions. He does not bother about it. He is not the only officer in government who presents perfect work. There are quite a number of officers in government who are good with their job. We want the ones who have a problem to emulate the good ones. A lot of monies now are unexplained from the counties. A lot of monies are unexplained for those governors who have already joined the band wagon and are using their monies to fund activities of political parties. They are also using these monies to fund presidential campaigns, too early presidential campaigns. This money is meant for the counties. Even the national Government, we really push it to get the allocation. We really push them to send the money in time.

Up to now, there are many counties without roads and water. There are so many counties which have dirty hospitals where there are no incinerators to burn the effluent from the hospitals, which is very dangerous. The hospitals are dirty. The materials and beddings used by patients are very dirty. In fact, such hospitals are even a death trap to people who go there. A governor who does not even visit that hospital dares say that we should not visit counties. Today, the IG has offered to give us full security when we go to apprehend governors in their counties, when we visit, when we go to inspect, so that no Senator will feel intimidated. Any governor who obstructs justice should be charged with immediate effect with obstruction of justice, so that the governors can account for the monies given to them by the public. This is the work of Senate.

As I conclude, because I know other Senators want to contribute, the Senate is the last line of defense of this country. The governors have intimidated quite a number of counties or colluded with them, and counties are not doing their jobs. We really want county assemblies and the Senate empowered, so that devolution can work in this country.

Mr. Deputy Speaker, Sir, I thank you. Let me yield, so that other Members can contribute.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, through consensus, we have agreed that because we have five Senators left, then we can do five minutes each, so that at least all of you can make a comment.

Proceed, Sen. Cherarkey.

Sen. Cherarkey: Thank you, Mr. Deputy Speaker, Sir. I agree. In the interest of time and everybody, I will just make two points. As everybody has said, the work we do as CPAC is anchored in Article 229 of the Constitution of Kenya, 2010, where we consider the office of the Auditor-General reports that are tabled before the House. All of us in this House, or anybody who is a holder of public office, took an oath of office to protect and uphold this Constitution. We are exercising these powers deriving from the people and by the people.

I warn governors because I saw 39 of them sign a communication. I am happy, Mr. Deputy Speaker, that you have noted they have not sent a letter having either of my name or the four Senators alleged to have been named. This is very unfortunate and I hope and request, if you grant audience to them on Thursday next week, they must provide unqualified apology to me and my other three colleagues. We are victims of vicious corruption that is fighting us. I challenge Kenyans who have been following CPAC meetings, and you are in one of them, Mr. Deputy Speaker, Sir.

They are naming the four of us because we do not tolerate mismanagement of public funds. When a governor buys Kshs3.6 million worth of Christmas tree, does he want us to clap and give him a standing ovation? When a governor purchases Kshs55 million worth of seedlings in Mandera, which is a dry area, does he want us to clap for him? When a governor does a speaker's housewarming party in Vihiga County, where there are no drugs in hospitals, does he want us to clap for him? When the Governor of Nandi, Hon. Sang, uses Kshs41 million to do car purchases and hire services for personal escapades, does he want me to clap for him? No, we will resist!

I was embarrassed by the Chairperson of the CoG, Governor Ahmed Abdullahi, who read the communique. Can you believe that in Wajir Town today, as we talk, there are people hired to collect toilet waste every evening and he has the audacity to lecture some of us? Can you believe that in Wajir Town there is no dumping site, and he does lecture us, as a CoG chairperson?

In Wajir, he was using Kshs195 million on travel for personal escapades in Dubai, South Africa and America, yet he puts only Kshs100 million to relief services in a county affected by drought. He has the audacity of using close to Kshs200 million for purchase furniture for the office of the governor according to the Auditor-General's report, yet he gives Kshs100 million only to emergency services. I do not know whether the seat has massage function or whatever.

Wajir has a pending bill that grew to Kshs5.5 billion, which is on statutory deductions. I appeal to the EACC to move with speed, investigate and prosecute the Wajir County Government and the Governor. For those of us who are lawyers in this House, we know that when you deduct and do not remit, that is theft of Kshs1.5 billion.

Mr. Deputy Speaker, Sir, it is embarrassing that these people are calling us thieves, so that they can run away. In town when you catch a thief, his accomplices call you the thief as the real thief disappears. We warn them that accountability is not a privilege or a favour, but a constitutional obligation.

As I conclude, there are three things I want to request of Kenyans: Do a citizen arrest of any governor who refuses to appear before the Senate. That is what the law provides. I appeal to my people of Nandi, whenever you spot Governor Sang, do a public citizen arrest; bring him to the Senate. The same case for Makueni and Meru--- if he refuses, but at least he came.

Number two, when we will be tabling a report, we need to declare some of these governors as unfit to hold public office. Article 226 (5) states as follows-

“If the holder of a public office, including a political office, directs or approves the use of public funds, contrary to the law or instructions, the person is liable for any loss arising from the use and shall make good the loss, whether the person remains the holder of the office or not.”

I warn governors that as they speak; as they yell, as they call themselves excellencies, Article 226 (5) of the Constitution of Kenya is waiting for them and they should be punished.

Finally, for those governors who are seeking re-election, I appeal to the Kenyan voters, punish them by chasing them away to their homes and get people who can be held accountable.

With those many remarks, I will not be intimidated; I will not be blackmailed. We shall soldier on.

Aluta continua. I yield back.

The Deputy Speaker (Sen. Kathuri): Thank you, Sen. Cherarkey. I think there is a system failure, because even after you have done your five minutes, you still you have them because the mic is still on. So, I think the timing---

Sen. Faki: Asante, Mhe. Naibu Spika. Umemwongeza dakika zingine tano kwa sababu yeye ni katika wale washukiwa wanne ambao---

Kwanza, nichukue fursa hii kukupongeza kwa taarifa yako ambayo imetetea Seneti. Pili, ni kuwapa kongole Kamati hizi mbili zikiongozwa na Sen. M. Kajwang' na Sen. Osotsi kwa kazi nzuri wanayofanya. Nilihudumu katika Kamati hii ya Uhasibu wa Fedha za Kaunti mwaka 2017-2020. Kazi hii si rahisi kusema ukweli.

Nimefurahi kwamba wanafuutilia mambo yanayotendeka sasa. Wanakagua hesabu za sasa. Kwa mfano, mwaka huu wanakagua hesabu za mwaka wa fedha 2024/2025 ambao ulikwisha mwezi Juni mwaka jana.

Jambo ambalo ningependa kuwasitisizia ni kwamba wakati wanafanya hii kazi, ni lazima wawe *steadfast*. Hakuna kucheka na magavana ama kupigana pambaja kwa sababu wanapokuja pale, wanakuja kujibu maswali ambayo yanahusiana na ubadhirifu wa fedha za uma. Huwezi upande mmoja kuwachunguza na mwingine unacheka nao kama kwamba nyinyi ni marafiki mlioshirikiana katika ubadhirifu wa fedha hizo.

Kamati hizi lazima zioneshe sura ya kazi wakati zinapofanya uhasibu huu kwa sababu ndiyo njia pekee ya kuonyesha Wakenya kwamba wako *serious* katika kazi wanayofanya.

Ni masikitiko kwamba ripoti zetu nyingi ambazo zimetolewa katika Seneti hazijafanyiwa kazi. Tume ya kupambana na ufisadi, EACC na ODPP zimekalia ripoti hizo. Mbali na ripoti hizo, mara kwa mara Kamati hizi zinapoangalia hesabu hizi zinatoa maagizo kwa EACC na ODPP kwamba masuala hayo yachunguzwe na hatua zichukuliwe kabla ya mambo kwenda mbali. Inachukua muda kwa taasisi hizi mbili kuendeleza uchunguzi na vile vile kuchukua hatua hata kama ni wazi kwamba kuna ubadhirifu wa fedha na gavana wanaohusika.

Ni kinyume na maadili kwa magavana hawa kupitia kwa Baraza lao kusema kwamba wao ndio wanafaa kuchagua Kamati na wanakamati. Kesho pia watasema wao ndio wanafaa kuchagua mwendesha mashtaka ama Jaji kwa sababu wanaona kwamba aliye kawefanya haki. Hiyo haiwezi kukubalika kwa sababu hakuna mtu ambaye anajihukumu mwenyewe. Lazima wenye kuhukumu na wenye kuchunguza wawe watu tofauti na yule mshtakiwa aliye mbele ya mahakama.

Mhe. Naibu Spika, la mwisho ni kwamba Kamati inafuutilia ripoti zililifanywa na *ma-auditor*. Kabla ya ripoti kuletwa hapa *auditor* humpa nafasi gavana au kaunti husika kutoa ripoti ya mambo yaliyoonekana kwamba yamefanyika kinyume cha sheria.

Mwisho wa mwaka wa kifedha tarehe 30 Juni, kaunti hizi zina nafasi ya miezi miwili kutengeneza ripoti zao. Baada ya kutengeneza ripoti hizo, *auditor* anachunguza vile vitabu na kutoa ripoti yake ambayo inapewa serikali ya kaunti ambayo inapewa siku 30 za kujibu. Baada ya kujibu, ndipo ripoti ya *auditor* inaletwa hapa kwa yale mambo yaliyo chunguzwa na kuonekana kwamba hayafai.

Licha ya hayo, kaunti hizi bado hutaka muda Zaidi. Wanakuja hapa na kudai hawakuweza kutengeneza ripoti fulani kwa kukosa rekodi na vizingizio vingi wanavyoweza kutumia kuchelewesha mchakato wote wa kazi ya Kamati hizi.

Wakati wa kubembelezana umekwisha. Wengi hivi sasa wanakuja kulalamika waweze kupewa muda lakini tuangalie kwamba Kamati inapaswa kutoa ripoti kufikia Machi 31, na inaangalia hesabu za kaunti 47.

Mhe. Naibu Spika, hio ni kazi kubwa sana kufanyika kwa muda wa miezi miwili. Kwa hivyo---

(Sen. Faki's microphone was switched off)

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

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

Kwanza kabisa, nataka kushukuru Spika kwa Taarifa nzuri ambayo ulisoma, na vile kushukuru uongozi wa Jumba hili kwa msimamao wao dhabit na kusimama kidete kutetea na kuheshimika kwa nyumba hii.

Bw. Naibu Spika, ningependa kupongeza Kamati ya Seneti ya Hesabu za Umma za Kaunti inayoongozwa na Sen. Kajwang' pamoja na Kamati ya Seneti ya Uwekezaji wa Umma na Hazina Maalum ambayo inaongozwa na Sen. Osotsi, kwa kazi nzuri waliofanya.

Kuna visingizio ambavyo vinaletwa na magavana kusema ya kwamba kuna maseneta waliowataja amba wanawaitisha hela. Hakuna mtu ye yeyote anaweza kukuitisha hela. Nilismikza Gavana wa Kaunti ya Kisii akisema ya kwamba atakapoitwa atasema "Wewe nilikupatia".

Bw. Naibu wa Spika, ikiwa umefanya kazi ambayo unapaswa kuifanya kwa makini bila shida yoyote, ni mambo gani hayo unasema kuhusu hela? Maseneta hawa wamefanya kazi ambayo wanapswa kufanya na nawapongeza na waendelee na mtindo huo huo wa kuziangazia kaunti hizi.

Bw. Naibu Spika, nikiangalia majina yaliyotajwa, ni maseneta amba wananaliza maswali magumu - Sen. Sifuna, Sen. M. Kajwang' na Sen. Cherarkey. Baada yao kuulizwa maswali magumu, hawawezi wakayajibu.

Nilimsikiza Gavana akiulizwa swali kuhusu mbegu na hakuweza kujibu vile ambavyo ametumia hela zaidi ya Shilingi milioni hamsini na tano. Baada ya hapo, sasa wameleta visingizio kusema kuwa Seneti inatafanya hivi na vile.

Sisi tunafanya kazi katika Kamati zetu tukiongozwa na Katiba na Katibu za Kudumu za Seneti hii. Kwa hivyo, mtu ye yeyote kusema kuhusu Kamati hii kuonyesha ishara ya kwamba unajaribu kudhishaki Seneti hii kwa kazi yake.

Bw. Nabu wa Spika, tutalinda na kutetea Katiba ya nchi hii kwa jina kucha kwa sababu hio ndiyo kazi yetu. Inafaa ijulikanwe wazi kuwa hakuna mtu ye yeyote mwengine unapaswa kuja katika Seneti hii katuambia jinsi ya kufanya kazi. Nimeskia wanasesma ya kwamba ati wengine wnapaswa kuondolewa au wabadiishwe katika Kamati hio. Msimamo wangu ni, kama ni kubadiishwa wabadiishwe na Mwenye Kiti awe ni Kajwang', naibu wake awe ni Mwaruma na hao wanakamati warudishwe wao kwa sababu wamefaya kazi ambayo wanapaswa kufanya na wamefinya vizuri ndiposa

magavana wamekusanyika na kusema ya kwamba watakuja wakati hii Kamati itabatilishwa.

Bw. Naibu Spika, hiyo haitawezekana kwa sababu kwa Taarifa yako umesema ya kwamba, hakuna mukutano wowote utafanyika isipokuwa ule mukutano ambao umetaja kuwa mtakutana nao tarehe 26 ikiwa tu wao watafuatilia kuja katika vikao vya Seneti na kuleta Taarifa wanazoulizwa.

Bw. Naibu wa Spika, haiwezekani Seneti hii ni nzuri tu wakati sisi tunapigana kufa kupona kuongeza pesa zinazienda katika Gatuzi zetu. Hivi juzi tu, hata kwetu Kaanti ya Laikipia tulikuwa hapa tunang'ang'ana ili hela ziweze kuongezeka. Wewe na maseneta wengine mliniunga mkono na hela zilizoenda Kaanti ya Laikipia zikaongezeka kwa shilingi milioni mia saba. Hizi ni pesa zilizoongezwa kwa kaanti ambazo zilikuwa zinapata idadi kidogo ya hela kama vile Lamu na Nyandarua. Walakini, wakiambiwa wawajibike kwa zile hela wanaanza kuleta vijisababu na kusema hawawezi kuja, wanaitishwa hela na kutukanwa.

Ningetaka kuwaambia magavana kuwa wafuate sheria kwa sababu katika Katiba ya Kenya Kipengee cha 125 kinasema ya kwamba, Sentei hii inapaswa kuita mtu yeoyote awe ni Gavana au nani ili aweze kuulizwa maswali na kuleta ushahidi ambao unahitajika bila kupeana vijisababu.

Bw. Naibu Spika, baada yao ku---

(Sen. Kinyua's microphone was switched off)

The Deputy Speaker (Sen. Kathuri): Next is Sen. Veronica Waheti Maina.

Sen. Veronica Maina: Thank you, Mr. Deputy Speaker, Sir. I stand in support of the Communication that has been given by you, giving direction to the statement that was given by the Council of Governors (CoG), led by the Chairperson, who read out what I would call a very alarming statement. It is alarming because the CoG has been entrusted with national revenue; resources that are disbursed to the counties. In fact, I am surprised because most of the governors that we have are people who are well educated and schooled, who have been given an opportunity to serve counties in this republic. They well know that the Senate serves to protect the interests of the counties in line with Article 96.

I am also sure that governors know that the Senate determines allocation of national revenue among counties. This is well provided in Article 217. The Senate exercises oversight over national revenue that has been allocated to the counties.

Mr. Deputy Speaker, Sir, what is shocking is, in the current financial year, a whopping sum of Kshs415 billion has been disbursed to the counties, or is in the course of being disbursed to the counties. The Senate's County Public Accounts Committee (CPAC) is mandated, under Article 229, to carry out the work of oversight over how those resources are being spent within the counties.

Let me therefore say, with this kind of resource disbursed to the counties, it was shocking and alarming, that the only tackle the Chairperson of the CoG could give to the Senate and to the public in the Republic of Kenya was to question and allude that there are some Senators who are extorting them. I would not deny, neither would I admit. However, I would have said, if they have legal personnel in those counties and within the

CoG, did they not bother to give more information to the public because corruption has riddled our country and it is important for leadership to take responsibility for statements issued, especially at that level.

If a governor has been extorted by Senators, do they know the names of the people who extorted them? Do they know the names of the Senators? If they do, did they give the money they were being extorted? How much did they pay? What was the source of the money they paid to the Senators? Have they reported to the Ethics and Anti-Corruption Commission (EACC) or to any other agency of extortion that is existing within that Committee? It would also be sad to think that the Committee would be extorting. However, is this the most responsible reaction to a problem if there exists one? I would say this, if the CoG is serious about the claim and the allegation of extortion, offer more evidence, report to the right desk and seek for support and help.

To the governors, have they paid that money? If they have, why do they not come out and say, I have given Kshs2 million to A, Kshs10 million to B, and this is my support on how I have done that rather than to give a statement of that nature. I hope it will not end here, but there will be more accountability.

They have gone for a recourse to boycott this Committee, which is dispensing its constitutional mandate. Is that the response that they should have had to the problem that they were experiencing, if at all? I believe this is a wrong approach.

First of all, it is denigrating to the Senate. It shows lack of respect for a constitutional institution. This is Parliament. If governors think they can treat the Senate like that, how would they like it if, when impeachment proceedings are brought here, Senators issue a statement that anybody who comes before the Senate accused of offences, gross misconduct, abuse of office---

The Deputy Speaker (Sen. Kathuri): Add her one minute.

Sen. Veronica Maina: How would they like it if Senate decided to act against the Constitution by saying that any governor who appears before the Senate for Impeachment will be found guilty without any trial? Would that be a proper recourse for the Senate?

I put it to the Chairperson of the Council of Governors (CoG), from wherever he is watching because I know he is, that the statement he has given is equivalent to the Senate taking the law into its own hands and deciding that every governor who comes here is already guilty before any explanation or trial.

If you are summoned by County Public Accounts Committee (CPAC) and you do not appear as a governor, you know what that means. It is either you have no explanation or you do not want to account for public resources. That already speaks to your conduct in how you most likely handled those resources. You do not have that option. There will be consequences from the Senate.

The best thing is, if you are summoned, do not take the group mentality that you will not appear. When it comes to responsibility to answer those summons, you will be held personally accountable for any summons that you do not---

The Deputy Speaker (Sen. Kathuri): Thank you. Next is Sen. Karen Nyamu.

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

That is the end of the comments on the Statement by the speaker. Let us move to the next Order, Clerk.

BILL*First Reading*

THE PUBLIC SERVICE INTERNSHIP BILL
(NATIONAL ASSEMBLY BILL NO.63 OF 2022)

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

Next Order.

BILL*First Reading*

THE BASIC EDUCATION (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO.59 OF 2023)

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

Hon. Senators, I have looked at the business from Order No.10 and I can see none of the Movers is around. Therefore, we have come to the end of today's session.

BILL*Second Reading*

THE KENYA NATIONAL COUNCIL FOR POPULATION AND DEVELOPMENT BILL (NATIONAL ASSEMBLY BILLS NO.72 OF 2023)

(Bill deferred)

MOTION**ADOPTION OF REPORT ON THE COFFEE BILL
(SENATE BILLS NO.10 OF 2023)**

THAT, the Senate adopts the Report of the Mediation Committee on the Coffee Bill (Senate Bills No. 10 of 2023), laid on the table of the Senate on Thursday, 4th December, 2025, and that pursuant to Article 113(2) of the Constitution and Standing Order 167(3) of the Senate, approves the mediated version of the Bill.

(Motion deferred)

MOTION**ADOPTION OF REPORT ON OUTSTANDING BENEFITS AND
MAZIWA SACCO DUES TO FORMER KCC EMPLOYEES**

THAT, the Senate adopts the Report of the Standing Committee on Labour and Social Welfare on a petition to the Senate by employees of the former Kenya Cooperative Creameries Limited (KCC) concerning non-payment of outstanding terminal benefits and Maziwa Sacco dues to former employees of Kenya Cooperatives Creameries Ltd, laid on the Table of the Senate on Thursday, 27th November, 2025.

(Motion deferred)

MOTION**ADOPTION OF REPORT ON PETITION BY MR. TITUS NJOROGE ON HIS
DISMISSAL BY AIC AND NON-PAYMENT OF ARREARS OWED TO HIM**

THAT, the Senate adopts the Report of the Standing Committee on Labour and Social Welfare on a petition to the Senate by Mr. Titus Njoroge concerning his dismissal by the African Inland Church (AIC) of Kenya and nonpayment of arrears owed to him, laid on the Table of the Senate on Thursday, 27th November, 2025.

(Motion deferred)

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

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

(Motion deferred)

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

(Bill deferred)

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

(Bill deferred)

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

(Bill deferred)

BILL*Second Reading***THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO.48 OF 2024)**

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(Bill deferred)

BILL

Second Reading

THE COUNTY GOVERNMENTS LAWS (AMENDMENT) BILL
(SENATE BILLS NO.52 OF 2024)

(Bill deferred)

BILL

Second Reading

THE ELECTRONIC EQUIPMENT DISPOSAL, RECYCLING AND
REUSE BILL (SENATE BILLS NO.5 OF 2025)

(Bill deferred)

BILL

Second Reading

THE ENERGY (AMENDMENT) BILL
(SENATE BILLS NO.11 OF 2025)

(Bill deferred)

COMMITTEE OF THE WHOLE

CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO
THE METEOROLOGY BILL (SENATE BILLS NO.45 OF 2023)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO.45 OF 2022)

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

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE COUNTY GOVERNMENTS ELECTION LAWS (AMENDMENT)
BILL (SENATE BILLS NO.2 OF 2024)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE NUTS AND OIL CROPS DEVELOPMENT BILL
(SENATE BILLS NO.47 OF 2023)

(Committee of the Whole deferred)

ADJOURNMENT

The Deputy Speaker (Sen. Kathuri): Hon. Senators, there being no other business on the Order Paper, the Senate stands adjourned until Tuesday, 17th February, 2026, at 2.30 p.m.

The Senate rose at 6.19 p.m.