



**THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT**



Fifth Session

Wednesday, 18th February, 2026 at 2.30 p.m.

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 18th February, 2026

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

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

The Deputy Speaker (Sen. Kathuri): Serjeant-at-Arms, ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

Clerk, if we now have quorum, please, read out the first Order. We are now properly constituted.

PAPERS LAID

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Deputy Speaker, Sir, on behalf of the Senate Majority Leader, I beg to lay the following Papers on the Table of the Senate, today, 18th February, 2026-

THE CLIMATE CHANGE (NON-MARKET APPROACHES) REGULATIONS, LEGAL NOTICE NO.8 OF 2026

The Climate Change (Non-Market Approaches) Regulations, Legal Notice No.8 of 2026.

AUDITOR-GENERAL'S REPORT ON THE COUNTY GOVERNMENTS, COUNTY EXECUTIVES (VOLUME 1) FOR FINANCIAL YEAR 2024/2025

Auditor-General's Report on the County Governments, County Executives (Volume 1) for Financial Year 2024/2025.

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AUDITOR-GENERAL'S REPORT ON COUNTY GOVERNMENTS, COUNTY ASSEMBLIES (VOLUME 2) FOR FINANCIAL YEAR 2024/2025

Auditor-General's Report on the County Governments, County Assemblies (Volume 2) for Financial Year 2024/2025.

(To be laid pursuant to the Senate Resolution of Tuesday, 11th November, 2025, on the Referral of Statutory Instruments and Papers submitted during recess)

ANNUAL REPORT OF THE OFFICE OF THE REGISTRAR OF POLITICAL PARTIES FOR FINANCIAL YEAR 2024/2025

Annual Report of the Office of the Registrar of Political Parties (ORPP) for Financial Year 2024/2025.

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

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

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

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

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

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

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

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

Report of the Auditor-General on financial statements on County Assembly of Tana River Car Loan and Mortgage Fund for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements on Tana River County Inuka Fund for the year ended 30th June, 2025

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

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

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

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

Report of the Auditor-General on financial statements of Tana River County Staff Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2025.

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

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

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

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

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

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

Report of the Auditor-General on financial statements on Tambach Sub-County Hospital, County Government of Elgeyo Marakwet, for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements on Burnt Forest Sub-County Hospital, County Government of Uasin Gishu, for the year ended 30th June, 2025.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Report of the Auditor-General on financial statements on Baringo County Assembly (Members) Car Loan and Mortgage Fund for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements on Baringo County Lake Bogoria Community Grant for the year ended 30th June, 2025.

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

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

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

Report of the Auditor-General on financial statements on Eldama Ravine District Level 4 Hospital, County Government of Baringo, for the year ended 30th June, 2025.

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

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

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

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

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

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

Report of the Auditor-General on financial statements on Baringo County Assembly (Staff) Car Loan and Mortgage Fund, for the year ended 30th June, 2025.

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

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

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

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

Report of the Auditor-General on financial statements on Ewaso Ng'iro South River Basin Development Authority for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements on Nthongoni Level 4 Hospital for the year ended 30th June, 2025.

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

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

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

Report of the Auditor-General on financial statements on Kabianga Tea Farm Company Limited, for the year ended 30th June, 2025.

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

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

Report of the Auditor-General on financial statements on Kericho County Executive Staff Mortgage Scheme Fund, for the year ended 30th June, 2025.

Report of the Auditor-General on financial statement on Suba North Sub-County Hospital, County Government of Homa Bay, for the year ended 30th June, 2025.

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

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

Report of the Auditor-General on financial statement on Nduru Sub-County Referral, County Government of Kisii, for the year ended 30th June, 2025.

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

Report of the Auditor-General on financial statement on Sigowet Sub-County Level 4 Hospital, County Government of Kericho, for the year ended 30th June, 2025.

Report of the Auditor-General on financial statement on Esani Level 4 Hospital, County Government of Nyamira, for the year ended 30th June, 2025.

Report of the Auditor-General on financial statement on Gesusu Level 4 Hospital, County Assembly of Kisii, for the year ended 30th June, 2025.

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

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

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

Report of the Auditor-General on financial statement on Masaba District Hospital – Level 4 Hospital, County Government of Nyamira, for the year ended 30th June, 2025.

Report of the Auditor-General on financial statement on Kijauri Level 4 Hospital, County Government of Nyamira, for the year ended 30th June, 2025.

Report of the Auditor-General on financial statement on Fort Ternan Sub-County Level 4 Hospital, County Government of Kericho, for the year ended 30th June, 2025.

Report of the Auditor-General on financial statement on Ekerenyo Level 4 Hospital, County Government of Nyamira, for the year ended 30th June, 2025.

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

Report of the Auditor-General on financial statement on Lunga Lunga Sub-County Level 4 Hospital, County Government of Kwale, for the year ended 30th June, 2025.

Report of the Auditor-General on financial statement on Msambweni County Referral and Teaching Hospital Level 5, County Government of Kwale, for the year ended 30th June, 2025.

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

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

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

Report of the Auditor-General on financial statements on Port Reitz Sub-County Hospital, County Government of Mombasa, for the year ended 30th June, 2025.

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

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

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

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

Report of the Auditor-General on financial statements on Tavevo Water and Sewerage Company Limited, County Government of Taita Taveta, for the year ended 30th June, 2025.

I beg to lay.

(Sen. (Dr.) Lelegwe Ltumbesi laid the document on the Table)

The Deputy Speaker (Sen. Kathuri): Very well. Next Order.

NOTICES OF MOTION

The Deputy Speaker (Sen. Kathuri): Chairperson, Standing Committee on Labour and Social Welfare, you have a Notice of Motion to give.

As you prepare, let Sen. Veronica Maina give Notice of her Motion.

DECLARATION OF ROAD ACCIDENTS AS A NATIONAL DISASTER

Sen. Veronica Maina: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion-

AWARE THAT, Article 43 guarantees the right to the highest attainable standard of health, including emergency medical treatment and Article 21(1) of the Constitution obligates the state and all state organs to observe, respect, protect, promote and fulfil the rights and fundamental freedoms contained in the Bill of Rights;

NOTING THAT, Article 238 of the Constitution provides that national security includes the protection of the people of Kenya and their property against internal and external threats, which encompasses safety on national transport networks;

COGNISANT THAT, road traffic injuries are among the leading causes of death in Kenya and constitute the leading cause of mortality among adolescents and adults in their most economically productive years, surpassing many communicable and non-communicable diseases, resulting in significant loss of human capital and productivity;

NOTING THAT, in 2025 more than 4,400 Kenyans lost their lives, with over 17,000 injuries from road crashes, a 3 per cent increase over the previous year, while nearly 400 people were killed in road traffic accidents in January 2026 alone, representing an 11 per cent increase compared to the same period in the previous year, illustrating a continuing trend of preventable loss of life;

CONCERNED THAT, beyond loss of life, road traffic accidents result in long-term disability, psychological trauma, family disruption and significant economic loss, with estimates suggesting losses amounting to billions of shillings

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annually to the national economy, while placing severe strain on health facilities and emergency services;

FURTHER CONCERNED THAT, despite the existence of the National Road Safety Action Plan (2024–2028) and other statutory measures, road carnage persists due to preliminary causes including overspeeding, impaired and distracted driving, non-compliance with traffic laws, inadequate driver training, unsafe road infrastructure, unroadworthy and overloaded vehicles, as well as systemic challenges arising from inadequate investment in road safety infrastructure, weak coordination among transport, enforcement, health and county authorities, and limited emergency medical response capacity;

NOW THEREFORE, THE SENATE resolves that:

1. Road traffic accidents in Kenya be declared a national disaster, requiring urgent, coordinated and sustained multi-sectoral intervention across prevention, emergency response, rehabilitation and long-term systemic reform;

2. The Ministry of Roads and Transport and the Ministry of Health in conjunction with the National Transport and Safety Authority (NTSA), the National Police Service (NPS) and the Council of Governors (CoG), urgently strengthen the implementation of the National Road Safety Action Plan (NRSAP), (2024–2028), including enhanced enforcement of traffic laws, safer road design, public education, data-driven interventions and improved emergency response capacity;

3. The Ministry of Health, in collaboration with the county governments, is to set aside adequate resources to support road safety interventions, emergency medical services, trauma care systems and post-crash rehabilitation services, and

4. The National Treasury, in collaboration with the Ministry of Roads and Transport, establishes a Road Safety Disaster Response Fund to support road safety interventions, victims and families affected by road accidents.

ADOPTION OF REPORT ON PETITION ON PEOPLE
LIVING WITH INVISIBLE DISABILITIES

Sen. Murgor: Mr. Deputy Speaker, Sir, I beg to give Notice of the following Motion-

THAT, the Senate adopts the Report of the Standing Committee on Labour and Social Welfare on a petition to the Senate by Ms. Beatrice Likwop concerning people living with invisible disabilities, laid on the Table of the Senate on Tuesday, 2nd December, 2025.

I lay.

(Sen. Murgor laid the document on the Table)

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

QUESTIONS AND STATEMENTS**STATEMENTS**

The Deputy Speaker (Sen. Kathuri): Hon. Senators, we have two Statements under Standing Order No.52(1). We start with the nominated Senator, Sen. Veronica Maina, MP.

**PROTECTION OF CHILDREN FROM
VIOLENCE AND EXPLOITATION**

Sen. Veronica Maina: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.52(1), to make a Statement on a matter of national importance, namely, the urgent need to strengthen the protection of children from violence, neglect, abuse and exploitation, particularly in the light of the disturbing rise in cases of defilement, disappearance and brutal murder of children in Kenya.

Mr. Deputy Speaker, Sir, the nation remains deeply shaken by the heinous and inhumane murder of the late Shantel Waruguru, a nine-year-old child from Kianjathi Village, Mathira West Constituency, Nyeri County. This tragic and senseless act compels us, as leaders and policymakers, to urgently interrogate the effectiveness of our child protection systems, community vigilance structure and law enforcement response.

Tragically, Shantel's case is not an isolated incident. In the recent past, several other children have lost their lives under horrific circumstances, including-

- (i) The murder of Eliza Wamaitha, a three-year-old whose body was found in a borehole in Maragwa, Murang'a County;
- (ii) The murder of Tamara Blessing Kabura, a seven-year-old girl who was abducted, raped and killed in Nyeri Town, whose body was found buried inside the residence and a suspect was subsequently arrested; and
- (iii) The murder of Tabitha Wanjiru Macharia, an eight-year-old girl from Mbombo Village, Ol Joro Orok Constituency, Nyandarua County, who was reported missing after leaving school and later found dead, showing signs of assault.
- (iv) In Mlolongo, Machakos County, a mother allegedly poisoned her three young children, a four-year-old boy and a one-year-old twin girl, resulting in their deaths;
- (v) In Kikuyu, Kiambu, a mother is suspected to have killed two siblings, a seven-year-old boy and a five-year-old boy under suspicious circumstances;
- (vi) In Kirinyaga County, a mother allegedly threw her three-and four-year-old children into a well following a domestic disagreement.
- (vii) In Nyamira County, a suspected murder-suicide claimed the lives of a mother and her two children, an eight-year-old girl and a five-year-old girl.

Every child in Kenya has an inherent and inalienable right to life, dignity, care and protection. The Constitution of Kenya, under Article 53, places a solemn duty upon the state, parents, guardians and society to protect children from abuse, neglect, harmful cultural practices, and all forms of violence. These guarantees must be upheld in practice and not merely exist in law. While Kenya has enacted progressive legislation, including the Children's Act 2022, the persistence of violence against children exposes gaps in

implementation, a weak reporting mechanism, inadequate coordination among duty-bearers, and a delayed response to children at risk.

Kenya's obligations under the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child require the state to take effective legislative, administrative and social measures to protect children, with the best interests of the child as a primary consideration in all actions.

In light of these incidents and with particular concern regarding rising violence against adolescent girls and risks affecting children via online platforms, we call upon the actors to urgently take decisive policy, legislative and administrative actions, as follows-

(1) strengthen and adequately resource community-based child protection systems, including *Nyumba kumi* structures, local administration, faith-based institutions, and Community Health Promoters (CHPs) to support early identification, reporting, and timely intervention for children at risk, and enable identification of potential child predators;

(2) establish and enforce mandatory national rapid response protocols for missing children requiring immediate action by the NPS, real-time inter-agency coordination and clearly defined timelines for investigation;

(3) operationalise and integrate national child protection data, and case management linking relevant ministries, county governments, the NPS and Judiciary to enhance information sharing, case tracking and accountability;

(4) enforce strict accountability for duty-bearers, including administrative, disciplinary, and criminal consequences for negligence or failure to act by officers and institutions mandated to protect children;

(5) reinforce and increase budgetary allocations for child protection services at both national and county levels, including safe shelters, psycho-social support, child-friendly police units and forensic capacity;

(6) strengthen law enforcement and judicial response through child-sensitive investigations, fast-tracking of cases involving violence against children, and survivor-centered approaches that deliver timely justice while minimizing detraumatisation; and,

(7) institutionalise continuous public awareness and parenting education programmes, strengthening parliamentary oversight on the implementation of the Children's Act 2022, and develop a time-bound, costed national action plan to aid violence against children with clear targets and accountability mechanisms across all levels of government.

Mr. Deputy Speaker, Sir, I further urge relevant agencies to conduct a thorough, impartial, expeditious investigation into these incidences to ensure that justice is pursued and served without fear or favor. The protection of children is a shared national responsibility. Let the tragic loss of Shantel Waruguru, Eliza Wamaitha, Tamara Kabura, Tabitha Wanjiru Macharia and all other children whose lives have been brutally cut short serve as a solemn call to action, compelling us to strengthen our laws, institutions and community vigilance to ensure that no child in Kenya is left unprotected. May the soul of these children rest in eternal peace.

Thank you.

The Deputy Speaker (Sen. Kathuri): Very well. Next is Sen. Hezena Lemaletian, MP. Statement pursuant to Standing Order No. 52 (1).

FP-ICGLR ELECTORAL OBSERVATION
MISSION TO UGANDA

The Deputy Speaker (Sen. Kathuri): That Statement is dropped.

(Statement dropped)

Next is Statement pursuant to Standing Order No. 53 (1). Sen. Seki Lenku Ole Kanar.

KAJIADO COUNTY STATUTORY DEDUCTIONS
PAYMENT SCHEDULE

Sen. Seki: Thank you, Hon. Deputy Speaker. I rise pursuant to Standing Order No.53 (1) to seek a Statement from the Standing Committee on Labour and Social Welfare on a matter of county-wide concern regarding the schedule of payment of statutory deductions owned by the County Government of Kajiado.

The County Government of Kajiado has allegedly deducted statutory pension's contributions and other lawful obligations, including remittances of the County Pensions Fund (CPF), LapTrust, LapFund, cooperative societies and bank loan payment from employees' salaries, without promptly and consistently remitting them to the relevant institutions.

This failure exposes employees to serious financial risks, including loss of pension benefits, loan penalties and interest, strained credit relationship and psychological distress. It also constitutes violations of labour laws, public finance management principles, accountability standards and the constitutional obligations on public entities to ensure prudent use of public resources. In the statement, the committee should address the following-

(1) A detailed breakdown on areas related to all statutory and non-statutory deductions made by the County Government of Kajiado from employees' salaries over the last two years: Financial Year 2024/2025 and 2025/2026, including contribution to CPF, the Local Authority Pension Trust (LAPFUND), Savings and Credit Cooperative Society (SACCO), commercial bank and other financial institutions in respect of loan payment and Pay As You Earn (PAYE).

(2) A schedule from the respective institution, including the total amount deducted monthly, the total amount remitted, supported by evidence of bank transfer, the standing arrears per institutions and deductions votes and durations for which such arrears have remained unpaid during the last two years.

(3) Reasons for any delays or non-remittance from the County Executive on the deducted funds over the said period, including whether the funds were diverted or appropriated for other purposes.

(4) Any penalties, interests or sanctions that may have accrued as a result of delayed remittances and the current financial exposure to the County Government of Kajiado arising therefrom.

(5) Measures the County Government of Kajiado has put in place to clear all outstanding arrears, ensure timely and automatic remittances of statutory deductions

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going forward and safeguard county employees from adverse consequences arising from the delayed remittances.

Thank you.

A Hon. Member: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Who or what is out of order, is it Sen. Seki's Statement? Let me clear the Statements first. I will attend to your issue, if any.

Senator for Tharaka-Nithi County, Sen. Mwendwa.

INTERVENTIONS ON THE THARAKA-NITHI COUNTY WATER CRISIS

Sen. Gataya Mo Fire: Thank you, Hon. Deputy Speaker. I rise pursuant to Standing Order No. 53 (1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources on a matter of county-wide concern regarding the intervention measures being undertaken to address the ongoing water crisis in some parts of Tharaka-Nithi County.

Residents in areas covered south by River Ura, Rurikunu and River Thangatha continue to face acute water shortage following the drying up of these rivers. Reports of diversion of remaining water sources to private farms have further exacerbated the crisis, affecting households, schools, health care facilities and livelihoods.

In the statement, the committee should address the following-

(1) the immediate measures in place to provide emergency water supply to communities affected by the drying up of River Ura, River Rurikunu and River Thangatha, including whether alternative sources of the temporary water supply systems have been identified, including the corresponding implementation plan and the timelines;

(2) measures being taken to ensure fair and equitable distribution of available water resources in the affected areas, including enforcement actions to investigate and curb diversion of water to private farms and the timelines for these resolutions; and,

(3) mechanisms in place for community reporting and accountability in water service delivery in the county and the measures being undertaken to promote sustainable water harvesting and storage to address future water scarcity.

Thank you.

The Deputy Speaker (Sen. Kathuri): Next is Sen. Shakila Abdalla.

CONFLICT BETWEEN FARMERS AND HERDERS AT WITU-NYONGORO RANCH

Sen. Shakila Abdalla: Thank you, Mr. Deputy Speaker, Sir. 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 countrywide concern regarding the ongoing conflict between herders and farmers, which has resulted to livestock deaths at Witu-Nyongoro Ranch in Lamu County.

On Tuesday, 27th January, 2026, at least, 50 cows were reported dead and other 20 collapsed shortly after grazing at the Labatari area near Maleli within the ranch.

Preliminary indications by police and veterinary officers suggest possible poisoning and exposure to toxic substances.

In the statement, the committee should address the following-

- (1) The status of investigations into the report on the livestock deaths, including the agencies handling the investigations and the expected timelines for conclusions and action.
- (2) The mechanisms and timelines for compensation and other relief to affected livestock owners arising from the incident.

Thank you.

The Deputy Speaker (Sen. Kathuri): Next is the Senator for Kisumu County, Sen. (Prof.) Tom Ojienda.

DEATH OF CAGED FISH IN LAKE VICTORIA

Sen. (Prof.) Tom Odhiambo Ojienda, SC: Thank you, Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order No. 51 (3) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries on a matter of countywide concern regarding mass death of fish, particularly Dunga Beach in Lake Victoria cages, affecting fishermen's livelihood and the potential threat to food security in the region.

In the statement, the committee should address the following-

- (1) The nature and magnitude of the incident, including the affected areas, estimated losses and findings on the causes.
- (2) The intervention undertaken by the national Government and the Kisumu County Government to mitigate losses and offer support to affected fishermen.
- (3) The measures in place to monitor fish health, regulate cage farming and prevent recurrence of similar incidents.
- (4) The long-term plans to safeguard Lake Victoria's aquatic ecosystem and protect fishing livelihoods in Kisumu County.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker (Sen. Kathuri): Sen. James Murango.

ALLOCATION AND DISBURSEMENT OF THE COMMODITIES FUND FOR COFFEE COOPERATIVE DEBTS

Sen. (Dr.) Murango: Thank you, Mr. Deputy 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 countrywide concern regarding the allocation and disbursement of the Commodities Fund for the clearance of the coffee cooperative's debts.

Reports indicate that a substantial amount of money from the Commodities Fund has been disbursed to coffee cooperatives in counties such as Embu, Murang'a, Nyeri, Machakos, Bungoma, Kisii, among others, with some cooperatives receiving allocations running into hundreds of millions of shillings. However, Kirinyaga County is one of Kenya's leading coffee producing counties that was excluded from the allocation despite the existence of significant cooperative debts and the centrality of coffee farming to the

county's economy and livelihoods. This glaring exclusion raises serious concerns regarding the criteria applied, fairness of the process and whether eligible cooperatives are subjected to an objective and uniform assessment.

In the statement, the committee should address the following-

(1) The eligibility and selection criteria used to identify beneficiaries, coffee cooperatives and counties and the process through which the assessment, approval, and disbursement decisions were made.

(2) The current status of the Commodities Fund Program for coffee debts clearance, including the total amount allocated, disbursed to date and the list of beneficiary cooperatives and counties with corresponding amounts.

(3) The reason Kirinyaga County was excluded from the allocations, including whether the coffee cooperative's accounts were assessed and if so, the outcome and justification for non-allocation.

(4) Whether all indebted coffee cooperatives nationwide were subjected to the same objective assessment and verification process and if not, the measures the Ministry is taking to ensure fairness, equity, and transparency in the programme.

(5) The measures being taken to remedy the apparent imbalance, including whether the Ministry intends to review the allocations and provide for the inclusion of eligible coffee cooperatives in Kirinyaga County in subsequent disbursements with clear timelines.

Mr. Deputy Speaker (Sen. Kathuri): Sen. Ltumbesi, *daktari*?

RISING MATERNAL DEATHS IN SAMBURU COUNTY

Sen. (Dr.) Lelegwe Ltumbesi: Thank you, Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health on a matter of countywide concern regarding the rising maternal deaths in Samburu County.

Alarming rise in the maternal deaths in Samburu County points not to isolated clinical events but to systematic gaps in health services delivery including shortage of skilled personnel, weak emergency response and referral systems, inadequate infrastructure and gaps in policy implementation and supervision.

Given that the residents of the remote and pastoralists areas rely almost entirely on the county health facilities, these incidences raise serious concerns regarding compliance with national maternal care standards and the realisation of the right to the highest attainable standard of health under Article 43(1)(a) of the Constitution of Kenya.

In the statement, the committee should address the following-

(1) The exact number of maternal deaths recorded in Samburu County for the last three years, identify the facilities where they occurred, state the medical causes of death and confirm whether each case was reviewed under the Maternal and Peri-natal Death Surveillance and Response Framework and its recommendations implemented.

(2) Process to approve staffing establishment and the actual number of obstetricians, doctors, clinical officers, midwives, anaesthetists and laboratory staff available in each maternity facility and establish whether 24-hour skilled birth attendance is provided in all sub-county hospitals.

(3) Whether Suguta Level 4 Hospital and other sub-county hospitals have functional operating theatres, blood transfusion capability, essential emergency obstetric drugs and monitoring equipment.

(4) The number of ambulances assigned to each sub-county, their operational status, average emergency response time and whether emergency referrals from maternity units meet national referral timelines and standards.

(5) The specific actions taken following maternal death reviews, including disciplinary measures, if any, budget allocation to maternal health services and a clear time-bound plan to prevent recurrence of similar deaths.

Mr. Deputy Speaker (Sen. Kathuri): Thank you. Hon. Senators, I will interrupt that Statement session for us to clear with this pending matter.

(Sen. Cherarkey spoke off record)

Sen. Cherarkey, I am aware that you have three Statements to make but before you do that, I would like you to clear this matter before me.

(Applause)

(Interruption of debate on Statements)

My Communication is on substantiation of facts that a Senator alleges to be true pursuant to Standing Order No. 105 concerning Sen. Samson Cherarkey, MP.

Sen. Faki, can you have that seat next to you?

COMMUNICATION FROM THE CHAIR

SUBSTANTIATION OF FACTS BY SEN. CHERARKEY, MP

Hon. Senators, as you may recall, at the sitting of the Senate held on Tuesday, 17th February, 2026, the Temporary Speaker, Sen. Wakili Sigei, MP, directed Sen. Samson Cherarkey, MP to substantiate utterances made while seconding the Motion on the approval of Sen. Kiprono Chemutei Chebilei, MP to serve in select committees of the Senate. That direction was a result of a point of order by the Senator for Kitui County, Sen. Enock Wambua, MP, pursuant to Standing Order No. 105.

As hon. Senators are aware, Standing Order No. 105 states that:-

(1) A Senator shall be responsible for the accuracy of any facts that the Senator alleges to be true and may be required to substantiate any such facts instantly.

(2) If a Senator has sufficient reason to convince the Speaker that the Senator is unable to substantiate the allegations instantly, the Speaker shall require that such Senator substantiate the allegations not later than the next sitting day, failure to which the Senator shall be deemed to be disorderly within the meaning of Standing Order No. 121 (disorderly conduct) unless the Senator withdraws the allegations and gives a suitable apology, if the Speaker so requires.

(Sen. Mwaruma walked into the Chamber)

Sen. Mwaruma, you can have the seat next to you.

Hon. Senators, in the point of order, Sen. Cherarkey, MP, was required to substantiate the statement- “we are facing issues of extrajudicial killings.” There is a young man called Ayomo who was unfortunately killed in Kitengela over the weekend.

I urge our colleagues who organise political rallies, because I can see a number of them in this House, not to sponsor violence in their own meetings. They need to notify the police in good time. They should issue notifications and stop sponsoring violence in their own meetings.”

Hon. Senators, upon being challenged by Sen. Enock Wambua, Sen. Cherarkey was not able to substantiate his statement as required pursuant to Standing Order No.105(1). He subsequently requested the Temporary Speaker, Sen. Wakili Hillary Sigei, to provide evidence at the next sitting in accordance with Standing Order No.105(2). Having acceded to the request, the Temporary Speaker, Sen. Wakili Hillary Sigei, directed that the Senator substantiates the statement at the next sitting day.

Accordingly, and pursuant to Standing Order No.105(2), I now invite Sen. Samson Cherarkey, MP, to forthwith substantiate the claim in the statement he made; failure to which the Senator shall be deemed to be disorderly within the meaning of Standing Order No.121. In the absence of such substantiation, the Senator will be required to withdraw the statement and apologize to the Senate.

I thank you.

Sen. Cherarkey, proceed and substantiate.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, first, I have some documentation here that I wanted to table. Secondly, I need your guidance on tabling classified information before the House.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Do you have classified information and documents that you want to table before this Senate?

(Loud consultation)

Order, Hon. Senators. Order.

I do not need any assistance from anybody. I am equal to the task to handle the matter before me.

So, first, you have information and documents that you want to table. Secondly, you want to be guided by the Chair on how to table classified information. What is classified information? Is it in your brain, or do you have it on record? Is it on video or documents? Or do you want to appear before a certain panel so that you can give the classified information?

Sen. Cherarkey: Mr. Deputy Speaker, Sir, since I tried reading the Standing Orders and they do not explicitly provide how classified information is handled, that is why I wanted your guidance. However, I have some information here, which I can table. Then, if there are rules and guidance on how classified information should be tabled, then I am well guided by the House.

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The Deputy Speaker (Sen. Kathuri): In what form is your classified information?

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I have it with me, but I did not bring it because under the Standing Orders---

(Laughter)

The Standing Orders do not give guidance on how classified information is tabled before the House.

The Deputy Speaker (Sen. Kathuri): So, what are you tabling?

Sen. Cherarkey: Further information, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): What are you substantiating? What are you tabling?

Sen. Cherarkey: I do not know why Sen. (Dr.) Khalwale is mad.

The Deputy Speaker (Sen. Kathuri): Sorry?

Sen. Cherarkey: He is saying I am wasting the time of the House.

The Deputy Speaker (Sen. Kathuri): Can you read out what you are tabling?

Sen. Cherarkey: These are dispatches from the NPS, in the official communication, which I can table. However, I thought the procedure is to table, then they verify and then they get back to me. That is the procedure of the House, unless the Standing Orders have changed.

The Deputy Speaker (Sen. Kathuri): What you need to do is to substantiate.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I thought part of---

The Deputy Speaker (Sen. Kathuri): You substantiate orally first and then you can table any evidence that you have.

Sen. Cherarkey: No. Mr. Deputy Speaker, Sir, the evidence that is here, is based on several occasions when the NPS has alleged that the public sometimes has used violence in some of these meetings. These are dispatches that were done on 8th February, 2026. There are a number of them where the police have also been attacked. This includes 29th October, 2025, among others.

(Loud consultations)

The Deputy Speaker (Sen. Kathuri): You are supposed to substantiate. Do you know what your statement was and what you should substantiate? You are not substantiating the police information or whatever they communicated. You are substantiating allegations about a meeting in Kitengela. That is what you should substantiate.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, that is why I am saying that it is classified information.

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, you know, you are a lawyer. Where is the professor? The professor just left. He schooled you very well. You are supposed to substantiate your allegations. We do not need any police statements on this Floor. What the Standing Order requires you to do is to substantiate the allegations that you made.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, the evidence I rely on is what the police who have power over policing and security matters have. That is why I am requesting--- I wish Members would be patient because it will even inform a future engagement in the House. I am asking a very critical question that is classified information allowed to be tabled?

If it is not, Mr. Deputy Speaker---

(Loud consultations)

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, you know what you are supposed to do; the rules of the House. You know you are supposed to substantiate the allegations that you made yesterday. Could I read to you once again?

Sen. Cherarkey: No, Mr. Deputy Speaker, Sir, I understand, but I needed the indulgence on the classified information part. If you can guide me---

The Deputy Speaker (Sen. Kathuri): No, you are going the opposite direction. Could you substantiate?

Sen. Cherarkey: Mr. Deputy Speaker, Sir, that is why I have information here that I wanted to table---

The Deputy Speaker (Sen. Kathuri): Resume your seat and let me read to you again what you said.

Sen. Sifuna: On a point of intervention, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): No, no, just a minute, Sen. Sifuna.

Sen. Cherarkey, what you are supposed to substantiate is your statement that I want to read to you and please do not waste any time of this House. This is a serious House. You either substantiate or withdraw. Withdrawing is not a weakness. Apologising is not a weakness. That is a very positive strength but if you want to take us into circles, then you will face the consequences of Standing Order No.121.

This is what you said.

(Sen. (Dr.) Lelegwe Ltumbesi, spoke off the record)

Sen. (Dr.) Lelegwe Ltumbesi, in just a minute.

“We are facing issues of extrajudicial killings. There is a young man called Ayomo, who was unfortunately killed in Kitengela over the weekend. I urge our colleagues who organise political rallies, because I can see a number of them in this House, not to sponsor violence in their own meetings. They need to notify the police in good time. They should issue notifications and stop sponsoring violence in their own meetings.”

That is what you are supposed to substantiate, not to deliver police statements in this House. We do not need statements from the police, from the Inspector General (IG), even from Interpol, we do not need their statements. Just substantiate your allegations. Or if you do not, of course, I read to you know what you should do.

Sen. Cherarkey, you may proceed.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, so that the House can proceed in the comfort, I beg to withdraw and apologise but I know in the fullness of time I will be proven right.

The Deputy Speaker (Sen. Kathuri): You cannot give any rider when you are apologising. There are no riders, of course.

Now that Sen. Cherarkey has withdrawn and apologised, that means he is on the Floor. So, we do not need to hit him more than that, Sen. Sifuna. When a man apologises, just let us leave it at that point.

(Sen. Sifuna spoke off the record.)

Sorry?

(Sen. Sifuna spoke off the record)

Okay, proceed but that matter is already dealt with please, Hon. Members.

Sen. Sifuna: Mr. Deputy Speaker, Sir, you know that the clarification that---

(Sen. Wambua consulted loudly)

Please, just one minute, Senator for Kitui County.

Mr. Deputy Speaker, Sir, I think we all were elected to this House and we sought to take the proceedings of this House extremely serious. Some of us are considering whether we should sit in a House with somebody who makes a mockery of the rules of the House, gets away with it and we have to sit here and attend to business brought by that same Member because he has chosen a path that ensures he does not face any consequences.

Yesterday, the entire country was in shock that a Speaker of a House, and I am not going to name him because I will be told to bring a substantive Motion, kicked somebody out of Parliament for something they said on television forgetting the precincts of Parliament.

In my understanding, the Parliamentary Powers and Privileges Act exists to---

The Deputy Speaker (Sen. Kathuri): Sen. Sifuna, you know we cannot discuss the Speaker---

Sen. Sifuna: That is the clarification I am coming to.

The Deputy Speaker (Sen. Kathuri): Even if you do not want to mention his name, we know it is the Speaker of the National Assembly that you are referring to because that ruling is in the public domain.

Sen. Sifuna: I want to tie something up with the conduct that we have seen. Just give me---

The Deputy Speaker (Sen. Kathuri): What clarification do you want?

Sen. Sifuna: I am seeking clarification because I will be in Kakamega for a public rally this Saturday. Nobody should die in that rally. It is quite unfortunate because I was in Kitengela when we lost the 28-year old Vincent Ayomo.

Really? Are we a House of respect when a Member blatantly violates the rules then gets away in the manner in which he has because the Standing Orders say so? There are no Standing Orders that say I cannot speak in funerals or birthday parties. You cannot punish me because you do not have jurisdiction over me when I am in a funeral. How is it possible that, that can happen in that House? The spectacle we have seen here can happen in the Senate.

Mr. Deputy Speaker, Sir, with all due respect, I think it is an insult to Members, especially those of us who witnessed the violence in Kitengela, that somebody can do this then you allow him off with a slap on the wrist.

We have every right not to sit here and listen to Sen. Cherarkey. For him to abuse this hallowed House, it is very unfortunate.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, you know these Standing Orders are not a creation of the Chair; they are a creation of the Senate or the whole House.

(Sen. Wambua spoke off record)

Sen. Wambua, please. I am giving guidance to this House but you are making noise for me. Why should you do that?

(Sen. Wambua spoke off record)

Sen. Wambua, you know I am not---

An hon. Senator: Just give him a chance.

The Deputy Speaker (Sen. Kathuri): I am talking to Sen. Watenya. Is it because he spoke before you?

(Sen. Wambua spoke off record)

Why are you engaging me, Sen. Wambua? You cannot manage me in this Chair please. If it is because the seat of the Deputy Minority Leader is close to the Speaker, that can be moved to any other corner because you are misusing the proximity to the Speaker to make noise to the Chair. You cannot do that to me.

(Loud consultations)

Please, it is not possible. You see I am trying to listen to the Senator for Nairobi, Sen. Sifuna, the Deputy Minority Whip. Before I finish with him, you are heckling on this other side. Why should you do that?

(Sen. Wambua spoke off record)

Sen. Sifuna, the Senator for this gracious city, what I was saying is that we have Standing Order No.105(2). If a Member refuses to substantiate, they should withdraw and

apologise. What else should I do to a Member because we are using these Standing Orders? Can we change them to allow other punishments to Members?

(An hon. Senator spoke off record)

I was not soft to him.

I think we should make progress, hon. Senators, because we had already dispensed with that matter.

Sen. Cherarkey, you can now read your Statements.

(Resumption of debate on Statements)

MATATU-BODA BODA DISPUTE IN NAIROBI CITY

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Chairperson, Committee on Roads, Transportation and Housing on a matter of countywide concern regarding the recent disputes between *matatu* and *boda boda* operators in Nairobi City County which have escalated into violence, confrontations, destruction of property and transport strikes that have paralysed movement across the city.

On 2nd February, 2026, *matatu* operators staged a protest in Nairobi following violent clashes where *matatus* were allegedly torched and drivers attacked by *boda boda* riders. The strike left thousands of commuters stranded along major routes such as Thika Superhighway, Jogoo Road, Outer Ring Road and Tom Mboya Street, while *boda* riders and rail services hiked fares, worsening the plight of ordinary Kenyans. These disputes have raised serious concerns about lawlessness, lack of regulation and Government's failure to protect operators, commuters and *boda* riders.

In the statement, the committee should address the following-

(1) The current status of investigation into the violent incidents against *matatu* operators by *boda boda* operators, including the agencies leading the inquiry and measures being taken to ensure accountability.

(2) The immediate actions implemented to protect *matatu* operators, commuters and *boda boda* riders from further attacks and disruptions and details of any formal communication issued by the Ministry of Roads and Transport in collaboration with the Ministry of Interior and National Administration to inform the public on the steps taken to resolve the dispute between *matatu* and *boda boda* operators.

(3) Existing mechanisms regulating *boda boda* operations, the effectiveness of these measures in preventing lawlessness and violent confrontations and current transport policies being enforced to ensure accountability and fairness, including identification of any regulatory loopholes requiring reforms;

(4) The extent to which the conflict reflects deeper governance and regulatory gaps within the public transport sector, as well as economic and social impact of the disputes on commuters, including fare hikes and transport disruptions; and,

(5) Details on the safeguards being established to prevent future strikes and promote peaceful coexistence between *matatu* and *boda boda* operators, steps to restore

public confidence through dialogue and oversight mechanisms and recommendations to strengthen regulation, accountability and inter-agency coordination in the transport sector.

Mr. Deputy Speaker, Sir, allow me to read my second statement.

USE OF POLICE IN PROPERTY SEIZURE AND DEBT RECOVERY

Mr. Deputy Speaker, Sir, 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 national concern regarding involvement of police officers in seizure and repossession of property from defaulting debtors and their guarantors. In the statement, the committee should address the following-

(1) The current status of investigation into the occurrences of 16th and 17th January, 2026, where police officers from Mosoriot Police Station in Chesumei Sub-County, Nandi County, raided homes of some residents of Mosoriot Village and seized their dairy cows on account of defaulted debt obligations.

(2) Whether the involvement of police officers in the matter was lawful, and if not, obtain information on disciplinary actions taken against the concerned officers.

(3) the number of similar incidents that have been reported by members of the public to the NPS and Independent Policing Oversight Authority (IPOA), as well as the findings of investigations into each case.

(4) Measures in place to prevent misuse of authority by police officers particularly in relation to civilian debt recovery matters, including details on the enforcement mechanisms supporting such measures.

Mr. Deputy Speaker, Sir, allow me to read my final Statement.

REGULATION OF INTERNATIONAL SCHOOLS IN KENYA

Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Education on a matter of nationwide concern regarding regulation of international schools in Kenya, with particular attention to the operations of Ecole Française de Runda also known as Chavda Educational Holdings Limited.

While Kenya welcomes international investment in education, institutions must not operate outside the law. The Ecole Française Runda has been accused of serious violations that undermine the country's education system and regulatory framework, including operating from a residential property at Kikwa Farm without proper authorisation, thereby exposing children to unsafe learning environments.

The School is alleged to have engaged in immigration malpractice by hiring foreign nationals on tourist visa instead of valid Class D work permits, sidelining qualified Kenyan teachers and has reportedly committed financial irregularities by deducting statutory contributions such as National Social Security Fund (NSSF), Housing Levy Fund and Social Health Fund (SHA) from staff salaries without remitting them to the relevant authorities.

Academically, Ecole Française Runda is accused of expanding into secondary education without Ministry of Education approval, falsifying student assessments and fostering a toxic environment that has prompted the withdrawal of over 30 students. Its lack of accreditation by Agence pour l'enseignement français à l'étranger (AEFE) questions its legibility as a French international school.

Mr. Deputy Speaker, in the statement, the committee should address the following-

(1) Whether Ecole Française Runda is legally authorised to operate and enforce actions being undertaken in response to each alleged violation.

(2) Measures in place to regulate international schools and prevent their operations in residential properties without proper zoning, licencing and safety approvals.

(3) Whether teachers employed at Ecole Française Runda possess valid work permits and registration with the Teacher Service Commission (TSC).

(4) Steps being taken to audit the School's financial practices, including remittance of statutory deductions to Kenya Revenue Authority (KRA), NSSF, and SHA.

(5) Measures being taken to address allegation of political or diplomatic protection that may shield non-compliant institutions from accountability and the reforms necessary to strengthen oversight of international schools, ensure compliance with the Kenyan law, protect students, parents and teachers from this exploitation.

I thank you Mr. Deputy Speaker and I yield.

The Deputy Speaker (Sen. Kathuri): Thank you.

Sen. Hezena Lemaletian, you can now read your Statement under Standing Order No. 52(1)

FP-ICGLR ELECTORAL OBSERVATION MISSION TO UGANDA

Sen. Lemaletian: Thank you, Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order No. 52(1) to make a Statement on a matter of international and general topical concern, namely; the Forum of Parliaments of Member States of the International Conference of the Great Lakes Region, (FP-ICGLR) electoral observation mission in the Republic of Uganda during the 2026 General Election held on the 15th January, 2026.

The electoral observation mission was deployed following an invitation by the Government of the Republic of Uganda, through the Electoral Commission of Uganda, in line with regional, continental and international commitments on democratic governance. The mission comprised parliamentarians and experts drawn from FP-ICGLR member states, including the Republic of Kenya.

The mission's mandate was to observe and assess the electoral process against the provisions of the FP-ICGLR pact on security, stability and development, the Protocol on Democracy and Good Governance, the African Charter on Democracy, elections and governance, Uganda's Constitution, and the country's electoral laws.

Mr. Deputy Speaker, Sir, prior to polling day, the mission undertook a pre-election analysis which examined the political, legal and socio-economic context of the elections. Engagements were held with key stakeholders, including the electoral commission, political parties, civil society organisations (CSO), faith-based organisations, the media and other international observer missions. These engagements

provided valuable insights into the state of preparedness, opportunities and challenges surrounding the electoral process.

The mission observed that the Electoral Commission of Uganda (ECU) implemented its electoral roadmap largely as scheduled, including voter registration and verification exercises, civic and voter education programmes and the stakeholder consultations. The use of biometric voter verification technology implemented by facial identification features was noted as a positive step towards enhancing electoral integrity.

The campaign environment was generally calm compared to previous electoral cycles, though concerns were raised by stakeholders regarding unequal campaign conditions among political players, the absence of comprehensive campaign finance regulation, misuse of state resources and the role of security agencies in political parties. The prevalence of misinformation, disinformation, and hate speech, particularly on digital platforms, was also highlighted.

Mr. Deputy Speaker, Sir, on the polling day, observers were deployed to various polling stations, particularly within Kampala City. The mission observed the opening, voting, closing and counting processes. While most polling stations experienced delayed opening due to logistical and technical challenges, including malfunctioning biometric kits, voting proceeded in a peaceful, orderly and transparent manner.

Polling officials generally demonstrated adequate knowledge of procedures and the secrecy of the ballot was respected. The presence of security personnel at polling stations contributed to overall order, though in some instances, their proximity to voting areas was perceived as potentially intimidating.

Political party agents were present in most polling stations observing and counting. Telling at polling stations were conducted in accordance with established procedures, with results verified and signed by party agents.

The mission noted the active participation of women, youth and persons with disabilities (PWD) as voters and elections officials. However, it also observed structural challenges limiting their full participation as candidates, particularly the absence of women presidential candidates, underscoring the need for continued reforms to promote inclusivity and gender equality.

Mr. Deputy Speaker, Sir, the mission emphasised that elections are not a single-day event but a process. Accordingly, the credibility of the 2026 General Election in Uganda rests not only on polling day but also on the broader legal, political and institutional environment.

The mission encouraged all stakeholders to utilise established legal mechanisms for dispute resolution and to uphold peace, tolerance and respect for the rule of law.

As a region, our democracies are interlinked and the stability and credibility of elections in one-member state have implications for peace, security and development across the region. I wish to commend the people and the Government of the Republic of Uganda for their cooperation and hospitality and to reaffirm Kenya's commitment to regional democratic norms, peaceful elections and parliamentary diplomacies.

I thank you.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, for 20 minutes, I will open the Floor for comments on the Statements starting with Sen. Crystal Asige. Give her the microphone.

Sen. Crystal Asige: Thank you, very much, Mr. Deputy Speaker, for giving me the opportunity to just contribute on the Statements that have been sought today.

I will contribute on the first Statement about *boda bodas* and *matatus* and the conflict that arose after protests. How I do wish that Sen. Cherarkey would have been as sensible as he was in putting this as a Statement, rather than just an arbitrary comment in yesterday's sitting, like he did for the Kitengela rally.

Sen. Cherarkey, it is much more responsible to do it this way. I hope that you continue to follow the rules of the House instead of casting aspersions on your fellow colleagues.

Mr. Deputy Speaker, Sir, however, now that he has brought something in the proper format of a Statement, I would like to support it. There is no reason for any public service vehicles, including *matatus* or *boda bodas* to cause any kind of violence. Protests or disagreements in the public domain is something that I believe my committee where I sit, which is the Committee on Roads, Transport and Housing, where the statement has been committed to, will investigate and get to the bottom of. I hope that Sen. Cherarkey will be with us in all of those committee meetings, so that he can hear and engage with the stakeholders that we will call to speak on this matter.

As I close, I just beseech every Senator in this House not to make staggering allegations against one another and instead bring it as a substantive statement or a Motion to this House, so that you are not accused by us or any members of the public as to being biased in any direction.

I thank you.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, because of the constraint of time, maybe you can take two minutes. I can see that many Senators want to make comments. Sen. Asige, you did so well within two minutes.

Sen. Abass: Thank you, Hon. Speaker. I also want to contribute to Hon. Asige's Statement. The issue of *boda* and *matatus* have really become a problem. The *boda boda* is a very active industry. It contributes to the economy. However, the riders' behaviour has become wanting and intimidates everybody on the road. The way the *boda boda* riders behave is actually so scaring that most of the drivers, especially in Nairobi, cannot drive comfortably and conveniently. This is because the riders come from every corner on the road and they do not even obey traffic rules. They do not stick to lanes or rules. Once you get involved in an accident with them, then you lose your vehicle. They burn vehicles. That is bad behaviour.

It is high time that the traffic police and the Ministry of Roads and Transport should come with orders and regulations to regulate the *boda boda* sector. There should be a heavy penalty for the actions of these *boda boda* riders. Otherwise, as it is, their behaviour is now unbecoming. They are behaving like goons. They come in large numbers, converge in one place, intimidate, harass drivers and even hit vehicles. That kind of behaviour cannot be entertained. Honestly, we need to have some order in this place.

Two, I want also to contribute on the regulations of the schools, especially, international schools. Generally, what is happening today in Kenya, especially in Nairobi, is that there are too many schools that are coming up. Sometimes schools are established in high-rise buildings where even the learners are at risk. We need to have better regulations for schools. Classrooms are in funny places and there is no place for students to play.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Oginga Oburu. Did you want to make a comment on the Statement?

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

If not, then we go to Sen. Ogola.

Sen. Ogola: Thank you, Mr. Deputy Speaker, Sir. It is so symbolic and it is not out of the ordinary that I should speak after you call the name of the party leader. Thank you for the chance.

I would like to support the Statement by the Senator for Samburu on maternal deaths in Samburu County. It is unfortunate that women have to die in this century in the process of giving birth.

The question we ask ourselves is: Why delivery remains a punishment in this country? The Senator spelled out inadequate personnel as a major cause and lack of infrastructure. I support by saying that every woman has a right to access, in a timely manner, maternal services, which must be availed. The services must be of good quality so that the services that mothers get are efficient and effective.

Secondly, I want to support the Statement by Sen. Cherarkey on the issue of international schools in Kenya. As this Committee looks at this Statement, they must go further also to examine the social interactions that are in these schools and the ethical issues that keep on coming *vis-a-vis* the national values that we have in this Constitution. The curriculum of these schools, although they are international schools, must also be supervised and verified by the Kenya Institute of Curriculum Development (KICD) because the children, pupils, and students that---

(Sen. Ogola's microphone was switched off)

Sen. Mungatana, MGH: Mr. Deputy Speaker, Sir, many years ago, there was a belief that you could not control the matatu industry because they had become so disorderly. In those days, we used to have Kenya Bus Services Limited. The matatus then came and everybody believed there is nothing that could be done, but there came a Minister, the old Mzee called Michuki, and matatus got into order.

This incident of violence that was visited upon the matatus by the *boda boda* riders shows that there is a culture of bad behaviour amongst the *boda boda* operators. We need to do something to change that culture. It can be done. We were in Uganda in December and we saw in that place that the *boda bodas* are much more disciplined than the ones in Kenya. We were in Kigali and they are much more disciplined.

Therefore, in order for this culture of violence against matatus or against other motorists not to take root, I am calling upon the Committee to call the Cabinet Secretary

who is in charge of transport to come and recall what the Government has done in the past to create proper order, so that the same or better measures can be made to secure motorists and bring a good culture amongst the *boda boda* operators.

Mr. Deputy Speaker, Sir, I support. Thank you.

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

Sen. Wambua: Mr. Deputy Speaker, Sir, I rise to make a comment on the Statement by the Senator for Tharaka-Nithi. I will be very brief. I say, yes, I agree with him that when people along a riverbed are able to utilise the water resource, they should not compromise the ability of other people living downstream to utilise the same resource.

There is need for management of resource in the rivers of our neighbors in Tharaka-Nithi; that is, Rivers Ura and Thangatha.

Mr. Deputy Speaker, Sir, I would want you to guide me, and do so properly. When the Speaker of a House declares that a Senator is yelling and making noise, and that the Senator should be moved from where they sit to another place, what is that Senator supposed to do? What is the recourse of that Senator?

I did not choose to sit here. Those who chose that I should sit here can make a decision for me to sit outside, if they can do so. Let us not degrade the stature of this House, because that is what we are doing. We are elected leaders to represent our people. We have a right to represent our people by speaking on the Floor of this House.

Sen. Wakili Sigei: Thank you, Mr. Deputy Speaker, Sir. I come in peace. I listened to the tone of Sen. Wambua, and I am looking at the faces of Sen. Nyutu. I believe I was the next in terms of the people who were to be given the permission to speak, and so I come in peace.

I wanted to comment on the Statement by Sen. Cherarkey about the international schools operating within the country. I believe prior to any person, whether it is a local or international institution is permitted to operate, there are certain requirements that the law would expect them to have complied with, both in terms of the infrastructure arrangement or even the curriculum that they offer.

To the extent that we have institutions like the ones Sen. Cherarkey has referred to, operating in a private firm without proper licenses, is in itself a failure on the part of the government institutions that are supposed to oversee such licensing and related permits to those institutions.

The question about the admission to students and the teachers employed by that institution, including even the deductions on their salaries which are not remitted, is a conversation we had yesterday and earlier on today in the morning on the issues affecting the petition of former employees whose claim was a subject of a petition before this House.

(Sen. Wakili Sigei's microphone went off)

The Deputy Speaker (Sen. Kathuri): Sorry, we have only two minutes because we are closing on the Statement's time.

Sen. Maanzo: Thank you, Mr. Deputy Speaker Sir. I would like to make a point of support to Sen. Gataya's Statement, which mainly deals with the part of eastern and even north eastern, which are very dry and currently experiencing drought.

Part of what Sen. Gataya has said is that the Government should be ready in good time, so that we know the weather forecast and prepare for drought. More importantly, where there are proposed dams, do them so that we give our people water.

People have witnessed the deaths in northern Kenya, how animals have died, the desperation with the people, and this is catching up in the eastern part of Kenya. The country and the Cabinet Secretary in charge of this should really move with speed and make sure no Kenyans or animals starve to death. We have enough grass in the country and can harness enough water in the country when it rains. The same areas flood as soon as the rains come. We can conserve this water and put measures which are long-lasting to make sure no communities in the country suffer when drought comes by.

Communities fight about the little water which is in the rivers. This is something that can be sorted out by early preparations. I challenge the Cabinet Secretary (CS) in charge. When this statement is being sought, the CS should come here ready to tell us what has happened because we have money for emergency which is budgeted; we have money for emergency in the counties. We should be prepared enough as a country to make sure nobody starves to death or no animals die. This is because we have other parts of the country with plenty of grass and water. The country---

(Sen. Maanzo's microphone went off)

Sen. Joe Nyutu: Thank you, Mr. Deputy Speaker, Sir, for this opportunity. I want to comment on the Statement made by Sen. Cherarkey of Nandi County regarding international schools.

Any educational institution operating in this country must have the approval of the Ministry of Education. The issues that Sen. Cherarkey has raised are serious. We cannot have any operation in this country where statutory deductions are not remitted to the relevant authorities because this will be violating the rights of those working in such institutions.

Mr. Deputy Speaker, the issue of bypassing Kenyan trained teachers in favour of foreigners is something that should be taken very seriously, especially because we have serious problems of unemployment in this country. Most importantly to talk about is these operations that happen illegally.

In every county, every sub-county, and, in fact, almost in every other educational zone, we have officers from the Ministry of Education. These people are sleeping on the job. That is why we have had some reports of non-existent schools that are drawing capitation from the national Government. As the Committee on Education looks at this matter, they should put to task the officers on the ground because they are sleeping on the job.

We should not have such operations.

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

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

Sen. Osotsi: Thank you, Mr. Temporary Speaker, Sir. Let me quickly support the Statement by Sen. Cherarkey on the involvement of police in repossession arising from defaulting debtors and guarantors.

How I wish this Statement could be expanded so that we look at the general involvement of police in illegal operations. The police have been involved in many operations which are not within the law and are largely criminal in nature. If we have a police force that is readily available to be used for dirty operations, then this country will be headed to the dogs.

We know this is what used to happen in Haiti. Haiti is what it is today because the police force was misused to conduct illegal operations. I think as we said that Sen. Cherarkey could not substantiate.

Over the weekend in Kitengela, I witnessed the police force commanding the goons to destroy the Public Address equipment for our team, while the police were watching and did not do anything. The same police went ahead and threw tear gas to a crowd that was largely calm and peaceful. We know they are planning to do the same in Kakamega. We are a people of peace---

(Sen. Osotsi's microphone was switched off)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Murango James, please, proceed.

Sen. (Dr.) Murango: Asante, Mheshimiwa Spika wa Muda. Ningependa kuchangia Kauli ambayo imeletwa na Sen. Gataya. Ni vizuri kujua kwamba tunapopata rasilmali inafaa itumike kwa watu wote ambao wanahusika. Kwa hivyo, ni vizuri wakati tunatumia mito yetu tuhakikishe ya kwamba walio chini wanafaidika pia.

Lakini unapata kuwa taasisi za kiserikali ambazo zinahusika kuhakikisha kuwa maji yanafika mahali yanafaa, zimelala. Nilishangaa sana juzi kupata kwamba badala ya Taasisi ya *Water Resource Management Authority (WARMA)* kuhakikisha kuwa watu katika kaskazini mwa nchi wana maji, wanaongeza nyongeza ya malipo ya maji.

Mhe. Naibu Spika, mojawapo ni kwamba, leseni ambayo wananchi walikuwa wanalipia Shilingi 7,500, saa hii ni kati ya Shilingi 180,000 hadi Shilingi 500,000, ambayo wananchi hawawezi kumudu.

Jambo la pili ni kwamba, wanatumia kanuni ambazo zinapitishwa na Bunge visivyo. Kwa mfano, saa hii wanatumia kanuni kuhusu huduma za maji No.54, Kanuni kuhusu uvunaji wa maji nambari 58 na Kanuni kuhusu rasilmali za maji. Wanachukua hizo zote, wanakusanya pamoja, na kuzitumia kuongeza ada ya maji kwa wakulima na watu wengine ambao wanatumia maji.

Wakati huu ambapo wananchi wa kaskazini mwa nchi hawana maji ndio wameleta kuweka malipo hata kupatia ngamia na mbuzi maji, eti, sasa wanafaa wawe wanalipa. Miradi inayofanywa na mashirika ambayo sio ya serikali kuwezesha jamii kusishi na kuweza kuendela mbele kama *Financing Locally-Led Climate Change Action (FLLoCA)*, bado wanaweka vipimo na mita ili waweze kupimia watu maji.

Mhe. Spika, ni vibaya na kama Taasisi hizo haziwezi kufanya kazi zinafaa zivunjiliwe mbali...

(Sen. (Dr.) Murango's microphone was switched off)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, the time that had been allocated to comments on the Statements by the Speaker was 20 minutes. I have just been notified that we have run out of that time. I will extend the time for another five minutes to allow three Members to comment. So, let us work within the five minutes that I will add for us to conclude.

I have quite a number of Members in my dashboard.

Sen. Sifuna, the Floor is yours.

Sen. Sifuna: Thank you, Mr. Temporary Speaker, Sir. I can see the spirit of Lent and Ramadhan is catching up with you. You are being very nice. I would like to wish all the Muslim brothers and my Catholic brethren a happy Ramadhan and a successful Lent.

Mr. Temporary Speaker, Sir, I would like to comment on the Statement by Sen. Murango, who as everybody knows, is my standing advisor on matters of cash crops in this country. He has presented a Statement here that has quite shocked me about what is happening in this country.

If you go through the data, Kirinyaga County is one of the counties that ranks highest amongst the coffee producers in the country. If you look at the number of corporate societies that are in that county and the debts that they are holding on their books, one would expect that because this Commodities Fund was set up precisely to provide access to cheap credit, then you would expect that Murang'a County would be on that list. How is it possible, Sen. Murango, that when they are disbursing these funds, a county that has those credentials can miss out?

Mr. Temporary Speaker, Sir, I was going through the data that he shared. A county like Embu, which is not even in the top five, got approximately Kshs171 million in one cooperative and Kshs59 million in another, yet it is not even in the top five. When you compare to a county like Bungoma, they got Kshs6 million in one cooperative, Kshs2 million in another and Kshs1 million in another. We need to be told, the criteria that is used for the distribution of resources. Where is the fairness? Where is the objectivity in the distribution of these resources? This is because, it just does not make any sense. We do not grow any coffee here in Nairobi. So, I want this Committee to provide these answers to me, so that I can understand what is going on in the distribution of resources in this country.

I thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Now that should be the spirit of timekeeping and mindful of your colleagues.

Sen. Veronica Maina, please proceed.

Sen. Veronica Maina: Mr. Temporary Speaker, Sir, I thank you for the opportunity.

I rise to support the Statement brought to the Floor of this House by Sen. Cherarkey, on the regulation of international schools in Kenya. It is very sad to note that a school of this level and cadre can be operating from a residential area, when we have a

robust Ministry of Education and very competent staff who are able to accredit, license and authorize schools to operate in the Republic of Kenya.

Mr. Temporary Speaker, Sir, this can turn out to be a very serious financial scam because when it comes in the name of an international institution that is supposed to be rolling out a curriculum, you know the kind of school fees they will be charging the students. It is shocking that it is operated so unprofessionally and unethically that even the statutory deductions for the workers are not remitted to the relevant authorities. I would urge the Committee to take this matter very seriously and, in a few days, give a report to this House that they have visited the premises in Runda to ensure that this is not happening.

Why would a school of international repute even position itself within Runda, the leafy suburbs of the Republic of Kenya? That is very hideous and wrong. The Cabinet Secretary for Education needs to account on what this institution is doing in Kenya and how safe those children are. Are we then not going to have an issue with those children being exposed to other targets and being targets for different interests beyond education? We hope the Committee will deal with this matter with the urgency that it deserves.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Olekina, please proceed.

Sen. Olekina: Thank you, Mr. Temporary Speaker, Sir. Quite briefly, let me comment on two Statements. One is on the coffee by the distinguished Sen. Murango. Why was the Commodity Fund established? It was established to provide credit to farmers. I am concerned about this issue of loans. This is about time that we need to teach our farmers. I take a completely unorthodox approach to this matter. Teach our farmers to take insurance policies so that we do not overburden the country.

On the issue of discrimination, that is a matter that I want to request the Senate Standing Committee on Agriculture, Livestock and Fisheries to look into those figures provided by our colleague, that other cooperatives have been treated fairly while others have been treated unfairly, so that we can bring a balance.

Secondly, Mr. Temporary Speaker, Sir, on the issue of the international school, my view is completely unorthodox. There is no law in the country that designates areas where schools should be established. I have looked at this school. It is an international school. What concerns me are the allegations that teachers who are teaching in that school do not have immigration papers. That is a concern to me. Secondly, the concern to me, which is an allegation up to this level, is that there are statutory deductions that are not being remitted. The only way for us to find the truth is by the Committee on Education investigating those allegations on whether or not the school is legal.

There is also an allegation that has been raised out here by the distinguished Senator, that because of the way the students are being treated, 30 students left the school. Was it by choice or are we just raising Statements that are not factual? So, my concern is whether this is factual or an allegation.

Has anyone gone to court to say that their statutory deductions have been deducted and they have not been remitted? Let us not crucify every international attempt to uplift education in this country. The French School does not subscribe to the Kenyan system of education. You have a choice to take your child to that school, let him or her go through the French School, see whether it is accredited, but let us not crucify everyone. I

am not holding a brief for that school, but I am just being cautious that we need to be factual in our findings in this Senate.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Senior Counsel, Sen. Okong'o Omogeni.

Sen. Omogeni: Mr. Temporary Speaker, Sir, I want to comment on the Statement on the dispute between matatus and *boda bodas*. While on it, I want to caution Sen. Cherarkey, who is a colleague in the profession, that it is never wise to make unsubstantiated claims against your colleagues. Despite any differences that we may have in this House, I can never rise to crack jokes or make uncaring statements when a Kenyan has lost a life.

In the rally that took place over the weekend in Kitengela, Sen. Cherarkey, a mother lost her son because the Kenyan police did not respect human life. When we come to this House, we should hear Sen. Cherarkey empathising with that family. You cannot come here belittling Kenyans who were enjoying their rights and you are a lawyer.

Sen. Cherarkey: On a point of order, Mr. Temporary Speaker, Sir.

Sen. Omogeni: Mr. Temporary Speaker, Sir, we fought very hard as a country and I am happy that this afternoon we have the son of Jaramogi Oginga Odinga in this House behind me, who fought very hard for us to have a free country. He fought for us to have a country where human rights are respected. Even if you are doing a rally in Kapsabet, I do not want to see the police disrupting or tear-gassing innocent citizens who have gathered to enjoy their rights. We are in a democratic country. People shed blood for us to get this new Constitution. As leaders, we must be here---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, I will give you the microphone to comment, but whenever the Speaker has not given you the attention, he is listening and can see. If he has not caught your eye, he did not get your eye. You can now speak to the Statements. I want you to confine yourself under the rule of relevance. Thank you very much.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, under Standing Order No.1, you should also exercise your discretion by protecting Members. When a matter has been ruled on, it is a *res judicata* matter. It should be stopped from discussion. I thought the Senior Counsel would be better placed to know when a matter is rested. Let me comment from a point of relevance since I am wiser than him.

Water crisis is a big problem in this country. One of the agenda of President William Ruto is to ensure accessibility of water. We have the Bosto Dam and Itare Water Project in Bomet County. The water crisis in this city is very unfortunate. Quality and safe water should be accessible to every Kenyan. Nairobi has rationing of water. Water should be free. Water should be affordable to each and every Kenyan.

Yesterday, I saw Uasin Gishu County Government issue diarrhea alert in Eldoret City. Eldoret Water and Sewerage Company (ELDOWAS) serves Elgeyo Marakwet, Nandi and Uasin Gishu counties. When the County Government of Uasin Gishu, through the Governor, decided to hike the water prices, the people of Uasin Gishu decided to purchase water from vendors. That water is not safe and that is why cases of diarrhea are increasing in Eldoret. The Governor of Uasin Gishu County and its county government

were very insensitive when they hiked water prices. It is very unfortunate. Some of these challenges in the water sector need to be addressed once and for all.

Mr. Temporary Speaker, Sir, I support the Statement.

The Temporary Speaker (Sen. Wakili Sigei): Thank you. I wish the kind of discipline we have experienced in the last 10 minutes in the House will continue. We will transact a lot of serious business.

Sen. Madzayo, the Floor is yours. I will similarly guide on content of your contribution before you speak.

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika wa Muda. Ningependa kuchangia kuhusu Nyongoro Ranch iliyopo Lamu. Jumanne wiki iliyopita, ng'ombe hamsini waliuliwa. Hati miliki ya shamba hilo ilitolewa miaka 20 iliyopita na wenyewe wanajulikana, lakini wanapotaka kuenda kwa shamba lao, wanazuiliwa ama kunatokea vita inayosababisha mifugo kama mbuzi, kondoo na ng'ombe kuangamia kama ilivyotokea.

Itakuwa vyema kuona wanaomiliki shamba hilo wamerudishiwa shamba lao na waliopo hapo kufurushwa kupitia sheria. Ni huzuni kuona kila mara wanapopeleka wanyama wao huko wanaekewa sumu na kufa. Jambo kama hili si jema kwa taifa letu wakati huu. Serikali ingeengilia kati ili wenyewe shamba hilo warudishiwe shamba lao.

Asante.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Miraj, before I allow you to speak since you have just made the request, Sen. (Dr.) Oburu has been on the waiting list. If you wish to comment, the Floor is yours, Senator.

Sen. (Dr.) Oburu: Thank you, Mr. Temporary Speaker, Sir. First, I did not like what happened last weekend in Kitengela, where people were tear-gassed during a peaceful rally. I hope the police will investigate thoroughly and the culprits be punished accordingly. We are implementing a 10-point agenda.

That notwithstanding, I want to comment on the Statement by Sen. (Prof.) Tom Ojienda regarding fish dying in Lake Victoria. This is caused by greedy people, who use poison to catch fish instead of nets. This affects the fish cages, which should be producing fish more efficiently than fishing in the lake. I hope this matter will be addressed by increasing security surveillance in the lake, so that these fishermen do not continue using poison. The poisoned fish sold in the market passes the poison to the people who consume it.

Thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. (Dr.) Oburu. Finally, Sen. Miraj.

Sen. Miraj: Asante, Bw. Spika wa Muda, kwa kunipa fursa hii ili nichangie Kauli iliyoletwa na Sen. Lelegwe kutoka Samburu kuhusu vifo vya mapema kwa watoto, yaani *maternal health*. Kwa hakika, tatizo hili limekuwa donda sugu katika taifa letu na pia mataifa mengine. Takwimu za Umoja wa Mataifa zinaonyesha kwamba vifo vya watoto wanaozaliwa wakiwa marehemu vimeongezeka kwa asilimia mia tatu ulimwenguni. Sababu zilizopeanwa na Seneta wa Kaunti ya Samburu ni utepetevu wa afya ya mama mja mzito, haswa ya kisaikolojia.

Magavana wa taifa letu la Kenya na viongozi wote, tuko na jukumu na sio la kisheria peke yake, bali la utu na ubinadamu. Kuona tunaweza kuungana na kuwa na sauti moja ili mama ambaye amebeba mtoto wake miezi tisa anamzaa mtoto huyo salama.

Bw. Spika wa Muda, ningependa kuongeza changizo langu katika hoja ya maombi ya Seneta Shakila kutoka kule Lamu kuhusiana na yale maafa ya ng'ombe 20 waliouwawa kwa sababu ya vita baina ya wafugaji na wakulima. Ningependa ombi langu limfikie Waziri wa Usalama wa Ndani, hala hala.

Maana, visa hivi vitaongezeka wakati siasa imepamba moto na badala ya ng'ombe hamsini kufa, tutaona maisha ya watu yakinotea. Ningependa kuona Waziri amefika katika maeneo hayo na kuleta suluhu. Hata machifu na *Deputy County Commissioners (DCCs)* wako na uwezo.

Mr. Temporary Speaker (Sen. Wakili Sigei): Sen. Miraj, your time is up.

Hon. Senators, the time which we have graciously extended for purposes of comments on statements has now ended, and we will progress from the Order Paper.

Clerk, you may now call the next Order.

BILL

Second Reading

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

(Sen. Cheruiyot on 11.2.2026 – Afternoon Sitting)

(Resumption of debate interrupted on 11.2.2026 – Afternoon Sitting)

Mr. Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, for Order No.8, we are expecting the Majority Leader to reply. He is not present in the Chamber and this business is hereby deferred to the next session.

(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 No.167(3) of the Senate, approves the mediated version of the Bill.

Mr. Temporary Speaker (Sen. Wakili Sigei): Similarly, we will defer Order No.9.

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(Motion deferred)

BILL

COMMITTEE OF THE WHOLE

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

Mr. Temporary Speaker (Sen. Wakili Sigei): We will also defer Order No.10 in the Order Paper for today.

(Committee of the Whole deferred)

For purposes of progressing with the business of the House, I will rearrange the Order Paper and I direct that Order No.20 be called out.

BILL

Second Reading

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

Mr. Temporary Speaker (Sen. Wakili Sigei): Give Sen. Tobiko the microphone. You are on. You may now proceed.

Sen. Tobiko: Mr. Temporary Speaker, Sir, I beg to move that The Electronic Equipment Disposal Recycling and Reuse Bill, 2025 be now read a Second Time.

I take this opportunity to speak about the Electronic Management Bill. Kenya generates an average of 3,000 tonnes of e-waste annually mixed with ordinary waste. According to the World Health Organization (WHO), e-waste is considered hazardous, threat to the environment and to human health, if not treated, disposed and recycled appropriately. The release of thousands of chemicals which are harmful neuro-toxicants, e.g. lead, dioxins and mercury are all injurious to human life.

This Bill, if passed, will give a legal instrument to provide for safe, regulated handling and disposal of e-waste. The Bill will provide for a framework for an environmentally sustainable disposal, recycling and reuse of e-waste. It will also establish a national e-waste recycling plant and it will also establish e-waste sorting sites and consolidation sites for connected purposes. This Bill seeks to provide for a sustainable environment, compliant mechanisms for disposal, recycling and reuse of electronic equipment.

Mr. Temporary Speaker, Sir, if you go to households and imagine how many laptops and mobile handsets that we keep in our houses that need to be disposed and how many medical equipment in our hospitals need disposal and proper management, you will

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realize that this Bill is long overdue. It is required as we get into the e-management of life, not just in waste, but because we have gone e-technology in the management of everything. This is therefore why the e-waste management Bill is timely and needs to be adopted in our country so that we move with the rest of the world in managing and recycling our e-waste.

This Bill seeks to improve the health of all Kenyans by proper collection and disposal of e-waste. It will also address creation of employment in the green economy in e-waste management. It will also address zero waste principle in e-waste as a resource to be harnessed for wealth creation and reduction of pollution. The national Government will have its role to develop policy on e-waste management in consultation with county governments and the Council of Governors (COG).

The national Government will classify e-waste. It will also ensure adherence to international obligations in regards to e-waste management. The national Government will develop standards and guidelines on health measures. It will conduct periodic reviews and monitor the whole of e-waste value chain.

Mr. Temporary Speaker, Sir, this Bill seeks proper management of a potentially multi-billion economy in relation to e-waste. The national Government will do the licensing of the national e-waste recycling plants and conduct e-waste education and public awareness. The county governments will establish e-waste sorting sites, including a buffer zone.

The Bill seeks to establish ward consolidation sites and the county governments will do licensing at the county level.

The counties will establish and enact the county-specific legislation, setting out the framework for e-waste management in their specific counties.

The concerns of the county governments, as provided in Article 110 of the Constitution, regarding the disposal and recycling of solid waste, because e-waste is a form of solid waste.

It also addresses Part II of Schedule IV, that county governments to provide for county health services, including refuse removal, management of dump sites, and solid waste disposal.

This Bill will address the whole value chain of e-waste management. At the moment, we have gaps in such legislation that I experienced, and it is time that we bring to life a proper management of the e-waste industry because it is a huge industry, not yet managed, not yet without a legal framework for operation.

The Cabinet Secretary will have a role to play. They will determine and impose levy rates, charges, dues, or fees for any services performed under this Act. They will advise on the management control and administer assets and for such purposes as, best to promote the purposes of this Act.

The relevant CECM in the county will advise the governor on the management of the e-wastes and on the various policies that are required at the county level.

There will be collection, transportation and recycling of e-wastes and laws governing persons who will generate e-waste in Kenya, designated at ward consolidation sites, and there will be laws to govern the licensing of such persons or companies.

There will also be penalties that will be imposed on non-adherence to this law. This law is timely. I urge Members of this House to support this Bill because it will

revolutionize our management of e-waste recycling of the same and even the benefits that will accrue from the e-waste industry.

Mr. Temporary Speaker, Sir, I move. I request Sen. Mungatana to second.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Tobiko.

Sen. Mungatana, you may proceed.

Sen. Mungatana, MGH: Thank you, Mr. Temporary Speaker, Sir. I rise to second The Electronic Equipment Disposal Recycling and Reuse Bill (Senate Bills No.5 of 2025). I take this opportunity, first and foremost to congratulate Sen. Peris Tobiko for coming up with this idea and for making it possible for this Bill to land at the Senate.

I really admire the way this Bill has been set. It has taken care of virtually everything that we require for us to manage electronic waste properly. When we use our phones, fridges, television sets, or when we listen to our radios and they become old and we need to dispose of them, where do we take them? Many people will just dump them at the dump site. Phones are taken outside. If it is broken and cannot be fixed, it is left with people who repair phones. This is repeated in every county in Kenya.

There are dangerous elements that are used for the manufacture of this equipment. Lead is one of them. Lead is a dangerous heavy metal that can damage the nervous system. Mercury is known to affect the kidneys. There are many heavy metals that are utilised in the manufacture of these gadgets and that is why they are considered hazardous wastes. When it rains, these heavy metals from this equipment that are being carelessly thrown at the dumpsite sink into the soil. They affect our rivers, lakes and our water system. They will seep into the groundwater.

This Bill is relevant to Tana River County as much as it is relevant to Kajiado County, where hon. Sen. Peris Tobiko comes from and for the rest of this country.

Recently, I was part of the delegation that went to China on the invitation of the Communist Party of China. This is the UDA; we were part of that delegation and we learned a lot. One of the places we went, we saw these huge robots that are capable of performing a lot of activities. So, now we have moved away from these small gadgets, from television to huge robots. Now that this technology is going to come to Kenya, where are we going to dump the electronic waste once it has passed its usable time?

That is why I think this Bill is coming at the right time. When you look at our culture, in many places, there is no distinction between biodegradable waste and the normal and, and these hazardous wastes.

In fact, the nearest place you can think of distinguishing the waste is only when you have waste from hospitals. That is when they try to make good arrangements for disposal, but even that is not followed in many places in our counties.

E-waste affects the climate and is part of the problems we are dealing with in climate change. We need electronic gadgets but we must find a way of ensuring that when we dispose them of, we do it in a way that it will not harm our people in Kenya or Tana River County.

Mr. Temporary Speaker, Sir, the law we are proposing before this House today will require a governor and County Executive Committee Member (CECM) in charge of environment to have a gazetted place where e-waste will be properly disposed. It will create laws, regulations and rules that will tell those who collect garbage to separate e-

waste from the normal biodegradable waste. Governors across the counties will be forced to have regulations and systems of garbage collection that will separate e-waste from the normal biodegradable waste that does not harm the environment like I have demonstrated for e-waste.

This law is critical because of the world we are going into. We are going to live in Artificial Intelligence (AI) world. Very soon, you will have to identify yourself saying that you are a real person and not a robot or a bot. It is already happening. When you do your work on the internet, it keeps on asking whether you are a bot or a real human.

Our grandchildren are going to live in a world where there will be people who look real. I saw it. There are people who look real and even talk to you. In fact, they keep you company. They are already being used to keep old people company in homes. They are being used to give them services when they are sick. When gadgets get old and are not usable because a new technology has come, what do we do? That is why we require this law and regulations.

This is a good law that we are proposing before the Senate. I urge Members who will stand to speak to this law to support it and add what they think needs to be added.

What Sen. Peris Tobiko has done is revolutionary because it is keeping with the times. We need laws like this so that we can tackle the new realities we are living with in the new world that is with us now, where you go to a restaurant or a hotel room and ask for a service and you are served by a robot. What happens to those robots when they get old, malfunction or are past usability?

This law is very timely. Some of the proposed clauses speak to requirements for licensing and standards. We do not want people to buy electronics that will last for one or two months then you have to throw it away and buy another one. We have to have a regulatory system that will allow for long-lasting equipment so that we do not have too much degradation of the environment.

We want to have a system where those who produce equipment are given extended producer responsibility, so that as they produce those items, they are also given the responsibility to teach consumers how to keep and manage once it becomes waste.

We also need import controls. Let us not allow what has been discarded in the European, Chinese or American markets. Let us not have items come into this country cheaply. Let us avoid situation where we shall be dumping cheap electronics into our country.

This law sets the pace and the beginning. It starts asking us those hard questions; how shall we recycle and reuse? Instead of buying a new gadget, why not fix the one that you have? Instead of falling for marketing gimmicks of, for example, the latest iPhone or android while your phone is still working, why buy a new one? We need to create the culture also. This law seems to be speaking to issues that will help us.

Part III talks about collection, transportation and recycling of e-waste. In most countries where awareness is high, you will find a dustbin with a place for biodegradable and non-biodegradable waste like plastics and such kind of stuff.

The national Government will have to set regulations under this law that will separate and help in collection of e-waste so that it can be placed in a proper place. Governors will have to designate and gazette places where e-waste will be put so that it is properly disposed.

Recently, we were looking at the law and the whole question of production sharing contracts in Turkana. In the oil and gas industry, they say no water, no oil. We came to discover from the experts that for you to extract oil down there, you have to pump a lot of water because apparently the oil is embedded in a particular type of rock. Therefore, you have to pump water at high speed. Since water is denser than oil, oil will come up. Eventually some water will come up from the ground.

They told us that the water that God put under there is not good for up here. Therefore, it should be disposed of. It is called produced water. You need to treat before you release it to the environment. They told us that there are elements such as lead and mercury that mix because oil is underground. There are chemicals that are used for making these gadgets but some of them are not supposed to be on the ground. They are supposed to be hidden down there.

We had a chance to visit some space exploration centre in Beijing. When they show you the soil from the Moon, they tell you to be very careful not to touch because they do not know what kind of elements are there.

They could be bad to the human body, so do not touch, just look at it from a far and leave it there in an enclosed place. What am I saying? I am saying that there are foreign elements that are not supposed to live within 37 degrees Celsius, which is the temperature of where we live. They are not supposed to live on top of the ground. However, we require them to create these gadgets that are used here in Nairobi and in a place such as Tana River where people think that they will just use and when done, throw them away where the land is so big that they will never be affected.

Mr. Temporary Speaker, Sir if some of this equipment is not properly disposed of, they become carcinogenic. I urge colleagues who will speak to this Bill to support it and add to it where they feel something lacking. Let us introduce amendments that enrich this Bill and ensure it sees the light of the day very quickly; take it to the other House and have it signed into law before the end of this Fifth Session. This will ensure that this Senate lives with the history that we were amongst the first people to bring protection of e-waste in Kenya.

With all those many remarks, I urge my colleagues who will speak to this Bill to support it.

I beg to second.

Mr. Temporary Speaker, Sir, thank you.

(Question proposed)

The Temporary Speaker (Sen. Wakili Sigei): I now call upon Senators who would like to contribute to this Bill. Sen. Maanzo, you are on top of the list from my dashboard; you may have the Floor.

Sen. Maanzo: Thank you, Mr. Temporary Speaker, Sir. I really want to thank the Hon. Peris Tobiko, my neighbour in Makueni County, for a very thoughtful piece of legislation.

Environment conservation has become a very important issue in the country and the world. These laws are applicable to other countries as well. If you go to Europe, there

is a way they dispose the fridges, televisions and phones. They have even trained people on how to do it.

How do we do it here in Kenya because if you have a television set, you have a small remote? We no longer use the torch batteries as much because of the introduction of the solar energy in the world now. Even the small batteries in the remote control have a lot of mercury yet, when people are changing the batteries, they just throw them in the dustbin. You can imagine how many of these batteries end up in our waste in the eastern part of Nairobi where people have to go and sort them out.

When these batteries are exposed to the sun, they burst out or rot as they emit lead and mercury, very poisonous substances that cause cancer. This goes a long way into protecting young children and many Kenyans from getting cancer. When these things are disposed anyhow, they disintegrate and when it rains, they go into rivers, oceans and the lakes affecting the same fish that we later consume. Before long, we are in hospitals either here in Kenya or abroad, which is very expensive for the country.

This Bill is going to be very important. We also have no policy of disposing the lead batteries that we use in the cars. With the new development of solar energy, we are also using these batteries in homes in many parts of the countryside. In fact, when I go to change my battery in one of these service stations, the workers ask me to give them the old battery so that they can send it home to be used by their mother for solar. I gladly give them. However, how is the old lady in the village going to dispose off that battery when it can no longer be used for solar purposes? It has lead, acids and many other chemicals. At some point, all these materials have to be dealt with professionally.

We also have the problem of asbestos. In America, they are suing the government and in fact, a fund has been set aside for anybody who is poisoned by asbestos, especially, if you get cancer as a result and you can prove it, then you are compensated even though, cancer is deadly and if it is not discovered early enough, then that person's life is cut short. If asbestos itself has already posed a challenge in the world, what about all these new things which we still have a lot of?

I thought it would even be better at the Committee Stage if we amend these to include several waste mechanisms so that we take care of everything else which is being disposed, because there are so many. The counties shocked me because presently, we are mixing our waste that is; the biodegradable and the non-biodegradable in one bin.

If you go to many countries, you will find that by law, there are two types of bins. The biodegradables which eventually get processed back into fertiliser or something safe and the non-biodegradables. The non-biodegradables such as glass, small batteries, used electronic gadgets and all the others should end up in one place for easier sorting and reorganizing, so that it does not end up poisoning people.

Mr. Temporary Speaker, Sir, I was very happy when I heard my good friend, the Senator for Tana River County, Dr. Mungatana talk about mining and its poisons and even the materials brought back from the moon. Every time these people travelled to the moon, they had protective gear to help carry materials to be studied back to earth.

I was very lucky recently when I went to the United States of America's Senate, Capitol Hill. I met one of the former Senators who went to the moon and is now working with the research centre on space. He is an amazing man who is still alive after many years and together with his wife, they are really ageing well. They are the people

who can tell the young generation stories because they have seen the world evolve from the 1960s to today. They can talk about the sort of computers and equipment they used then to go to the moon compared to what is being used today, including, how the planes have evolved.

The disposal of these electronic gadgets are in so many places, from cars, car radios to the equipment used in planes. The schedule is so long. We should work with Sen. Peris Tobiko and experts, so that we make a proper schedule on how these things can be put together, and how they can be disposed safely. This in itself is a big industry. You can create a lot of jobs for many young people who should be trained in this particular area, so that they also do not get exposed to danger. This is because whoever is handling this material is likely exposed to danger. It cannot be handled by amateurs. There must be some training school of some sort and some equipment which makes sure that people are not exposed as they deal with this waste.

Mr. Temporary Speaker, Sir, I know many Members want to contribute. This is a very interesting piece of legislation I have seen it published in the Gazette Notice. This means the bus has moved. It means that this cannot go back. This shows how useful the Senate is and how experienced legislators like Sen. Peris Tobiko, who has been around for some years, are making changes in the country and in the world. I am sure when we pass this legislation, quite a number of African countries will come to learn from us.

It will eventually need serious budgetary consideration because of the setting up stage, to make sure that destruction of this sort of waste is safe. Not only this waste, even waste associated and related to this. You can see there are new computers here. There were iPads which have been removed. I do not know how they have been recycled or whether they have been donated to some primary school somewhere. There are computers being donated all over in schools. However, how does that school eventually dispose of this equipment? How will the children interact with the waste and how much are we poisoning our country? We must now prepare for the future because this is being generated at a very high rate. Everything has gone electronic. You are either on a smartphone or on computers. These are the new books, but how do we dispose the waste material which is hazardous.

I support this law and look forward to the committee stage where we can make amendments and do some research from around the world, come up with the best practises and get them done, so that our country can lead by example on how we dispose this very hazardous materials.

Thank you, Mr. Temporary Speaker, Sir. I support.

Sen. Cherarkey: Mr. Temporary Speaker, thank you for giving me this opportunity to support the Bill as proposed by the distinguished nominated Senator, Sen. Peris Tobiko. I do not want to underscore what has been said about Sen. Tobiko. The distinguished Senator for Makueni has agreed that Sen. Tobiko has served as a legislator for some time, and therefore, this comes with experience.

The Electronic Equipment Disposal Recycling and Reuse Bill is long overdue. We should have legislated this Bill in 2012 because with the advent of the computer, many others are being brought here and there are very critical. I congratulate her for this

well-thought-out Bill. To many people, it looks like a simple Bill, but it will resolve a lot of challenges.

It is unfortunate that we are using paper. This Bill should be moved in a paperless form, but unfortunately with the new gadgets that have been installed, which are dysfunctional most of the time, we could not access it at the--- is it called Trident? We cannot access this Bill electronically. I wish we could be moving it in a paperless form because we are discussing something about electronic disposal.

Mr. Temporary Speaker, Sir, I know your office will intervene and ensure that it is factored. The issue of e-waste is a big problem. As we talk about climate change, the biggest threat to the environment now is e-waste because many people do not think about what happens to gadgets we used to have here before they were removed. What happens to the phones that you own and dispose? I thank some of the phone companies that replace and upgrade phones. No one talks about where your television sets, fridges and telephones we use go to.

We are used to traditional solid waste, but we must be aware that the issue of e-waste is here with us and, therefore, we must have a process of disposal. I thank the President for being a strategic promoter of a clean environment and environmental safety. I am happy this Bill has done it from the ward level. This is one of the Bills that will reflect the role of devolution because even the points that have been created to establish e-waste are at ward level and then they are taken to the national process. Being the protectors of devolution, I am happy it is one of us, a colleague Senator, who has drafted this Bill.

This one is very important because it has given a very critical and central role because under the Urban and Cities Act, as you are aware, in the Fourth Schedule of the Constitution, the role of garbage and waste management in urban centres and cities is predominantly under county governors.

I thank the President. Whenever I drive to Eastlands and other parts of Nairobi, anywhere across the country, even in our small cities and centres--- I thank the President for signing the cooperation agreement and coming in to rescue Nairobi City County from Governor Sakaja's maladministration because everything was choking because of waste. I challenge anybody who lives in Nairobi. They will agree with me that the biggest menace in this city is garbage collection and more so, the e-waste which is also becoming solid waste.

By the way, governors have failed to establish mechanisms on how to manage waste. In my County of Nandi, they are trying to throw away waste. They wanted to dump waste at some place called Kirop Ket and the people resisted. In my small town called Mosoriot, there is no proper dumping place. Most of this e-waste is solid waste. In Wajir Town, there was no dumping site until the World Bank tried to intervene. There were challenges for people who live in at the Coast, for instance, where e-waste is now being discharged to the sea and to our rivers.

You have seen the river regeneration programme that the President launched today after the signing of the cooperation agreement with the Nairobi City County Government. They are trying to manage, because what is clogging these rivers--- I normally drive through Kibra, one of the largest slums in the world or in Africa. When you approach the bridge and look down there, you cannot imagine the quality of water

that is there because of lead exposure, which is leading to the many rising cancer cases. This could be a sign of this issue of e-waste and the components.

Number two is that the issue of e-waste must be linked to how we extract some of the elements that we use, for instance, cobalt. The reason there is a lot of war in East Congo is because of the fight for resources. One of the resources, Sen. Madzayo, is extraction of cobalt that is used to make some of these phones. As we extract some of these extractives to manufacture, we must be aware of where they are being disposed. Do they have lead or mercury that exposes us to health issues?

Sen. Tobiko, when it comes to the issue of amending, we should also factor in proper plant recycling. This is because we do not want our people to be exposed. On rates and charges, dues and fees, we need the biggest success in most of the international---

Mr. Temporary Speaker, Sir, some of us have travelled extensively and are aware of what is happening in most of these cities. You are aware that the disposal of e-waste and solid waste has been managed in other countries. I think our cities will continue stinking to high heavens, so long as we do not have a proper and clear procedure of managing e-waste.

Where does the e-waste, which comes computers, mobile phones, large household appliances such as fridges, television sets and medical equipment go? I remember the Senator had brought something about e-cigarettes and the vapes, what young people in this city and major cities call *aluta*. In the streets *aluta* means that you disappear on Friday and appear on Monday like Jesus Christ. That is what most of the youth do. They smoke what we call vape.

I am aware that Bomet has a new club. Bomet is our headquarters of Kalenjin music. I am told in every village, at least there is an artist who is singing some song in Bomet County. Some of the toys we buy for our children are also part of e-waste.

I know I will receive very serious backlash from the manufacturers, because their argument is that the producer responsibility organisations have already paid tax, but we need to ensure that they pay eco levy, so that they assist us with that money to use for e-waste recycling or destruction of e-waste.

I remember in the Finance Bill, 2024, although it was an unpopular Bill that led to the Gen Z uprising, the National Assembly, under the presidential memorandum, decided to withdraw the Bill. One of the important key components that many Kenyans did know about was eco-levy. When Samsung, Apple or others bring phones or electrical appliances to Kenya, we must tax them to get eco-levy, so that we can use it for recycling and disposal of e-waste.

If the argument of multinational tech companies is that they are paid through producer responsibility organisations, they should establish their local manufacturing plants in Kenya. Why is it that Samsung has not established their own plant for assembling the Toyota and computers? Cars also have computer appliances that need to be disposed.

I appeal to the Sponsor of the Bill or let me use the owner of the Bill, that we must have some amendments. I fear using the word Sponsor because in the streets it means a man. I know it will bring crisis on the issue of finance. The National Assembly will argue that this is a Money Bill. However, if we can collaborate with the National Assembly and include the eco-tax levy, it will be easy to manage e-waste.

I am shocked by our colleagues in the National Assembly. I am not discussing them, but sometimes they reject our Bills saying it is a Money Bill, but after two or three days, they republish the same Bill. Is that not plagiarism? I have seen many Bills, even my Bill, that was about Anti-Stock Theft that we passed in this House. After some time, I saw the Majority Leader in the National Assembly publishing it after the National Assembly argued that this was a Money Bill.

Does it mean that the Senate has the most brilliant and Solomonic wise men and women that we generate brilliant ideas for the National Assembly to be just doing gold digging? Are they gold diggers in this instance?

I do not know whether my Majority Whip and Sen. Wambua will agree with that explanation. Are we too brilliant, such that they have to come and “raid” our ideas and reject only using one reason in the Constitution that it is a Money Bill? I know, Sen. Tobiko, what the argument will be if we include eco-tax. I do not know what you will do, but you will allow me at the committee stage to at least amend, so that we can get the taxation.

Mr. Temporary Speaker, I will just make two points on the issue of licensing of waste collectors. Sen. Tobiko should relook at the possibility of ensuring that the National Environmental and Management Authority (NEMA) becomes part and parcel of the licensing bodies, including the county governments, so that licences are given because e-waste is very sensitive. It is important that licensing is done within the law. Therefore, NEMA and county governments should be part and parcel of the licensing of the waste collectors.

Through you, Madam Temporary Speaker, I do not know Sen. Tobiko what you will use because we use old lorries for normal waste. These old lorries that carry our garbage across our towns never get stuck. They always belch smoke. I do not know whether the law allows such lorries because most are unroadworthy. I have never seen a traffic police officer stopping a waste collection lorry, unless Sen. Wambua has seen this happen. We normally see them in traffic, they belch smoke, throw trash around and no one stops them. We need to agree on the licensing of waste recyclers. I think it is a challenge to county governments to partner.

Mr. Temporary Speaker, the biggest threat to our urban cities and towns is the issue of how to dispose waste. You go to Kitengela, where Sen. Tobiko comes from, Kajiado, Kapsabet, Eldoret, Wajir, Baringo in Kabarnet, even in Kitui Town - I am an in-law there, so I always must mention Kitui and I hope the next governor will be my good friend, Sen. Wambua. Today he has been hard on the Speaker, but I want to apologise. As a good Christian, as we begin the Lent and Ramadhan season, my brother, cool down, it shall be well.

[The Temporary Speaker (Sen. Wakili Sigei) left the Chair]

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

I have noted the change of Chair to Madam Speaker on the seat.

On this issue of e-waste recyclers, we must agree on the catalogue of engagement and duration of license. I have seen that the period is one year, but my proposal is that we

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make it 24 months with a review that is allowed within that aspect. On the responsibility of e-waste recyclers and collectors, we must intertwine.

Madam Temporary Speaker, you are aware that there are cartels in this city who control Dandora dumpsite. Are we aware garbage collection is one of the serious businesses in this country, especially in this city? We need to be careful on how we handle e-waste collectors and recyclers, because there are many cartels who control garbage. Somebody told me in Swahili: "*hakuna pesa chafu. Pes ni pesa.*"

We need also to agree on our road signages. In mentioning road signages, I congratulate Eng. Luka Kimeli on being appointed the Director General of the Kenya National Highway Authority (KeNHA), Eng. Jackson Magondi on being appointed the Director General of the Kenya Rural Roads Authority (KeRRA) and also Madam Otsyula, who has been appointed as the Director General of the Kenya Roads Board (KRB). I also congratulate the new National Transport Safety Authority (NTSA) CEO Mr. Kodiwa for being appointed the Director General.

Roads, road signage and expansion of roads forms part of e-waste. We are aware NTSA just launched a policy on electric vehicles. We need to also think of when we will dispose e-electric vehicles. This Bill has really captured, and I think as the NTSA comes in, it will be the focus. Those appointments reflect the face of Kenya. I have seen our colleagues here and outside there trying to cast aspersions that it was not on merit. It was on merit. I have seen one of the chairpersons of one of the agencies is your close friend, Eng. Mwaura, who did the appointments today, on behalf of the board.

Madam Temporary Speaker, in conclusion, I celebrate one of the brilliant Maasai girls and women of our generation, that can only fit in the shoes of the Maasai kingpin, Ole Ntimama William. What a man can do, a woman can do better. That is clear. We need to encourage women in leadership. I am happy my sister is going for the top job in Kajiado County. God willing, she will be the Governor of Kajiado County.

Madam Temporary Speaker, I do not want you to go for the small seats like that of Women Representative or Senator. Just go for the seat of the Governor of Murang'a County, and we will support you. I saw the current governor sign, not to be accountable. He is a fugitive of accountability. We need people who are accountable. I want to cheer you on to be the governor of Murang'a County. Do not fear, we will support you.

We will have Sen. Tobiko become the Governor of Kajiado County. Since we are going for two terms, I will ask my good friend, the Statehouse Comptroller, Katoo Ole Metito, to remain as Statehouse Comptroller, so that Peris Tobiko becomes the governor. We will create an exception for Kitui County and give it to Governor Wambua, just because he is a good man. He is a good man, but in the wrong company.

Madam Temporary Speaker, we must support this Bill to ensure that we dispose electronic waste (e-waste). I hope the governors will be accountable. God willing, when you will be the governor of Murang'a County, please ensure this law is--- I know Murang'a County is semi-urban. In Mount Kenya Region, most of your centres are nearer, but I think the challenge you struggle with is how to dispose e-waste. So, I request the governors to implement that.

Madam Temporary Speaker, in conclusion, these are the issues that we wanted the governors to discuss in Kilifi, not to discuss how not to be accountable. *Washindwe!*

I support.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Cherarkey for those contributions. You have been kind to women, that they should be included within the governance circles. That is why I let you get away with a few.

Sen. Wambua Enoch, please proceed.

Sen. Wambua: I thank you, Madam Temporary Speaker. I also sat here patiently listening to Sen. Cherarkey going on and on, and realized that you were comfortable in your skin because he was saying nice things about you. I hope that when I start saying good things about other people, the same latitude shall be extended to me.

The Temporary Speaker (Sen. Veronica Maina): Sen. Wambua, the Lent period started today. So, it is a day of being kind and thinking about others, so we will think about you too.

Sen. Wambua: Thank you, Madam Temporary Speaker. Kindness is my second name, so I will be kind to everyone, including the Senator, Queen of the North.

Madam Temporary Speaker, allow me to begin by congratulating our colleague, Sen. Peris Tobiko. There is one thing that happens, and people do not talk about it a lot, but today, because you have asked me to be nice and kind, let me be nice and kind to Sen. Tobiko, because she deserves it. She was introduced to politics by none other than His Excellency Dr. Stephen Kalonzo Musyoka, when together they formed the then Wiper Party. She has been very consistent on the values that we espouse as a party, being a true social democrat.

Madam Temporary Speaker, I would say that this Bill that Sen. Tobiko is proposing has come at the right time. Yesterday, we got the full script of the deal between the national Government and the Nairobi City County, where one of the areas of cooperation is on solid waste management. A whooping Kshs4 billion has been assigned by the national Government to assist in the management of solid waste in the City of Nairobi. The only thing that I will add to that is that, I hope, being a true believer in the success of devolution, perhaps the same support could be extended to other counties that are also really struggling, especially with this matter and question of solid waste management.

Madam Temporary Speaker, what I like about this Bill is that it sets a framework for the regulation of both the collection and recycling of electronic waste. One of the biggest challenges that we have been facing as a country is that there has been no distinction between the disposal and management of waste from our living rooms, offices, even from our kitchens-including *ugali* and *githeri*, and the management of electronic equipment that has become obsolete and needs to be disposed. So, the thinking behind this Bill is noble. I therefore would like to ask and encourage my colleagues to support this Bill and hope that once we pass it, Members of the Lower House will have the presence of mind and consider this it, so that it is assented into law by the President.

There are a few things, however, that I would want to suggest to Sen. Tobiko about this Bill. I wish I could get the attention of the Mover of the Bill. She is being distracted by the Senator of Bomet County, who a few minutes ago was seated where you are seated. I would like Sen. Tobiko to hear this. Sen. Wakili Sigei you can pick up with her after I am done with her about a few issues regarding the Bill.

First, my reading of this Bill creates the impression that recycling of e-waste should be licensed by the Cabinet Secretary. The people who wish to carry out that

business of recycling e-waste should be licensed by the Cabinet Secretary responsible for Environment, Climate Change and Forestry in the national Government. I would like to plead with the Mover of the Bill to consider decentralising that role, so that if there is a recycler in Kitui County interested in doing that business, then the licensing of that recycler be handled by the County Government of Kitui, so that the national Government will just set the standards and policy guidelines, so that we do not have different counties with different standards and policies. This way, we will make it a shared function between the national Government and the county governments.

Secondly, and I do not know what the Mover of this Bill can do about this, perhaps nothing. From where I sit, the National Environment Management Authority (NEMA) is as guilty as those who destroy our environment. They sit back and watch over major destruction of the environment while running after young people doing small businesses, such as packaging chips in polythene bags. These young people face difficulties, yet NEMA officials ignore the destruction of entire rivers. I suspect they are part of the cartels involved in businesses from those rivers, such as sand harvesting. NEMA has a role to play here. I can only wish Kenya well with NEMA. However, as currently constituted and with the mindset they have, I have very little faith that NEMA will carry out its responsibilities.

Madam Temporary Speaker, the Senator for Makueni County has raised an important point. We often donate computers to schools. When the Government you serve in first came to power, there was a promise of tablets for all primary school children. Some say they were issued, others say they were not. Whichever the case, most of those tablets are not in use now. The question is: how have they been disposed of?

This Bill is important not only for disposing of electronic equipment such as computers, but also obsolete medical equipment. The Managed Equipment Service (MES) provided x-ray machines and other lab equipment to health facilities across the country. These facilities lack capacity to dispose of such equipment properly. We asked in this House, after the lifespan of medical equipment such as x-ray and CT scan machines, how will local dispensaries in remote areas dispose them without harming the environment or creating health hazards?

This Bill comes at a time when the lifespan of that equipment is almost expiring. We hope that by the time they become obsolete, the Bill will have been signed into law, providing proper guidelines for disposal of the obsolete equipment.

In conclusion, there has been a trend in this Parliament that we must apply ourselves to. I know I also have a role to play as a leader in this House. This is such a brilliant Bill. We will debate and process it and I believe that my colleagues will see the good sense to pass this Bill in good time. However, how many Bills have been processed from this House and are now lying and gathering dust in the shelves of the National Assembly? That is a conversation we need to have.

We need to have a conversation with our colleagues in the Lower House. We are not in competition for anything. Our responsibilities and roles must be complimentary. We should be helping each other to help our country. Anyone going to sit on a Bill like this, what would they be saying?

As we have to respond to what Sen. Cherarkey alludes to, they will just look for a line; that this Bill has created an authority and it is a Money Bill. However, if there was

goodwill in both Houses, this is what would happen. They would look at this Bill and tell us; colleagues, we believe that this section or clause makes this Bill a Money Bill. Remove it from your Bill, pass it and bring it to the National Assembly and we shall insert that clause as an amendment to the Bill. We will pass it, it will come to you, you will concur and you will have a law. That is how bicameral parliaments operate.

Madam Temporary Speaker, you do not sit back there saying; you finish your work and we will show you who we are. This is an important Bill and I hope that the National Assembly will see the sense in it and will pass it. Then we shall be helping, not just ourselves, but our children and our children's children. Otherwise, it might get to a time that now, we have polluted our environment to an extent that everyone is exposed to danger simply because there is competition on where this Bill should originate from.

With those remarks, I support, Madam Temporary Speaker.

Mr. Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Wambua.

Proceed, Sen. Thang'wa Paul Karungo.

Sen. Thang'wa: Thank you, Madam Temporary Speaker. I rise to support The Electronic Equipment Disposal Recycling and Reuse Bill (Senate Bills No.5 of 2025) that has been tabled on the Floor of the House today by Sen. Tobiko from Kajiado County.

As I support this Bill, we first need to do some definitions or explain what is e-waste. What are these electronic and electrical waste we are talking about because someone seated somewhere in a corner of Kiambu County might be wondering what that is. Everyone in this House has a mobile phone or two. They have a tablet, digital watch and other gadgets that we use. These are some of the things we are talking about.

Once you are done with your phone, what do you do with it? If it is broken beyond repair, what do you do with it? What about your tablet and watch? These are consumables. What about in our homes and all the household appliances. We have fridges, microwaves, TVs and other gadgets like game consoles and Play Stations (PS). Once you are done with them, what do you do with them because some of them are not repairable? If you go to the office, we have printers and photocopiers. That is what we call e-waste. Even hospitals have these equipment. How do they dispose of these gadgets or these materials? This is what this law is coming to cure.

Madam Temporary Speaker, in curing, we require this material to be disposed of safely because, as we have been told today, they contain some dangerous chemicals like mercury and toxic smoke if they burn the plastics in this equipment.

We even have cadmium, which has some metallic hazardous materials that are used to make these gadgets. So, this Bill is calling for proper disposal of these items, so that we can protect our environment and the health of Kenyans.

We are also calling for them to be recycled properly. When you have a 24-inch TV and you buy another one because you can afford a 65 or 100-inch, how do you dispose of the 24-inch one? You can recycle by giving it out to somebody else who can use it, instead of just throwing it into the garbage pit. If you have an old phone, you can probably recycle it by giving it or passing it on to somebody willing to use it.

Those times are gone, when people used to buy cheap mobile phones because they did not know who used the phone before them. It was criminal and you know how it was. Kenyans are sensitized. They understand that you can get a phone, put in a sim card and the DCI will know where you are, and maybe they have been looking for that phone

because a criminal used it somewhere. So, Kenyans are not buying old phones and that is why you will find most of them in the dust bins or you will find them in the garbage collection sites.

Madam Temporary Speaker, we should also encourage the recycling of these materials to be reused where possible. That is what it used to be. Recycling involves using some of those gadgets in repair shops. So, this law is trying to change the way we treat this kind of garbage.

I know this law is going to protect this. It is a global problem because developed countries are dumping these gadgets in developing countries through donations. They are calling them a resale or reuse, but when they come to this county, you only use them for a year. Since they do not want to dump these things in their countries, they are dumping them in our countries and as you can see, we have so many donations of used equipment, including hospital equipment, that are coming.

Of course, I am not saying that they are not helping the country, but we need to set rules and guidelines, so that even if you are giving me something, you do not just give me something because you do not need it or just because you cannot use it or recycle it. You are just giving it out so that you can use us as garbage or a dustbin.

Madam Temporary Speaker, as I look at the Bill, there are a few sections that I will request the Mover to amend or look at because they are a bit sensitive. The sensitive part of the Bill, and Sen. Wambua has highlighted, is whether it is encroaching on devolution. We understand that waste management is largely a county function. So, when we give the national Government the power to license, they are taking away some of the functions of the county.

We would not want the national Government to encroach on the devolved function. So, we would request that the counties do the licensing when it comes to waste management, waste disposal, reuse and recycling.

The other question that will arise is who pays for the recycling? When I look at the law, some recycling is passed to the producer, importer or manufacturer. If we leave it solely to these people, of course, they are going to pass the cost to the consumer and mobile phones, computers and everything will be expensive. I think we should divide this kind of cost to both the consumer and the producer.

There are countries that have managed to deal with plastic waste. In Kenya, we are a bit different. Instead of coming up with some nice laws that enhance some of these things, we ban some items, just the way we banned paper bags. I hear that we are about to ban plastic bottles.

Some countries deal with this kind of garbage by making sure that every plastic bottle is attached to some value. It means that if you use a plastic bottle and throw it away and somebody collects and takes it to a supplier or distributor, they get some money. It is not just reusing, but it has some monetary value. I can give an example by saying this. If you produce or package water, that plastic bottle should have value of about Kshs20. Therefore, whoever has that plastic bottle can take it to any shop, manufacturer or recycler and they are given Kshs20.

If you do that, you will never see a plastic bottle anywhere. If there is a person who does not care about a plastic bottle and throws it away, it will be collected by

somebody who needs that amount of money. That way, we will create some jobs to feed poor families or those who require such an amount.

When it comes to the issue of e-waste, we should also do the same. We should attach some value to the waste, so that if I see a computer mouse, collect and take it somewhere, I will get, let us say, Kshs5. If I collect a computer keyboard or a mobile phone, I also get something. Instead of saying that the cost should go to the manufacturer, we should attach some value. When they collect those items, they should get tax rebates by stating the amount of wastage they collected so that they continue doing that.

Finally, Madam Temporary Speaker, the other question we are asking is; will this affect secondhand electronics by making them expensive or affect the traders? We have *TikTok* which for some reason the National Assembly wants to ban, but I do not understand why they think that way because of *TikTok*, which is a platform that is free for Kenyans to market their ideas, we have had so many people sell items.

If I have a phone that I cannot use, I can do a *TikTok* video and sell it. If I need such a phone, I can do a *TikTok* video and somebody will sell it to me and I will buy it at a fairer price because some people do not sell things because they are damaged or spoilt. They sell them because probably they have gotten a different or better gadget.

There are those who buy secondhand things to sell to people. Will they be expensive if this rule comes to place? Those are some of the issues I would want the Mover to think about. We will bring some amendments to make sure that this law, which is very important to this country, is passed without so many questions.

Madam Temporary Speaker, the proposal that I will make to her is that counties should control and license waste collection and recycling. All levies should go to the counties apart from the import duties and all that. When it comes to waste collection, distribution and recycling, any licensing be done by the counties. We should also ask for gradual compliance to safeguard small traders.

I can buy a broken Television (TV) set because I know that I will get a capacitor and some lights in there to repair another TV. So that I am able to buy these things, I do not probably need a licence. I can just go to my village and ask whether anybody has a broken TV that they are selling, I buy and put it in my shop because I will use some of its parts to repair other gadgets.

Madam Temporary Speaker, we must protect the consumer. This Bill should not be used to make the consumer pay for when these gadgets becomes very expensive to handle. However, it is the best law for this country.

I support this Electronic Equipment Disposal Recycling and Reuse Bill with those amendments.

Thank you.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Thangwa'.
Sen. Olekina Oledama, proceed.

Sen. Olekina: Madam Temporary Speaker, I rise to make some brief comments on this proposed legislation. Before I proceed, let me appreciate the distinguished Senator for having taken the time to think about waste management in this country.

This Parliament has an existing legislation; the Sustainable Waste Management Act of 2022 which I bet, is quite broad. This piece of legislation that is now referred to as the Electronic Equipment Disposable Recycling and Reuse Bill is a narrow Bill. When I

was reading through this Bill, I asked myself whether it would have been better if Sen. Tobiko had amended the broad Sustainable Waste Management Act to incorporate her ideas, so that this Bill can actually see the light at the end of the tunnel. It would have been a shorter route to take than introduce this Bill. Look at what has been the challenge of implementing the existing piece of legislation.

I have written quite a lot of notes which I will try to refer to. I will look at the current existing legislation, the challenges therein and what I foresee as challenges with implementing this new proposed legislation, if hypothetically, it sees the light at the end of the tunnel and it becomes law.

Number one, currently, waste transporters have gone to court saying that it is impossible to segregate particularly, organic waste by colour coding. They are also saying that there are no designated organic dump sites for the waste. This has been a big tackle and the National Environmental Management Authority (NEMA) has not been able to deal with this matter. The matter is in court. If you try to be realistic and candid, the reason this matter is a thorn in the flesh is because it is a business.

Madam Temporary Speaker, if today, I am a waste transporter and I come to the manicured neighbourhood that you live in, I will take all the trash and dump it in Dandora. There are 1,000 people there who are sorting out that garbage. So, the moment now you allow the segregation of this waste, particularly the organic and you do not have a site, you are actually making other people stay hungry. That is why people do not want these waste management laws implemented.

I will now focus on the new Bill that is being proposed. I have seen the distinguished Senator and this is what I think is a very strong point in this proposal, where she saying that the national government will set aside 30 acres of land, which will be managed by the National E-Waste Recycling Plant. Thirty acres! Who will fund these 30 acres? She has looked at the existing piece of legislation and she has built on the extended producer responsibility or what is referred to as EPR, whereby I am a producer of this bottle; the current legislation requires me to be able to ensure that I follow through the disposal of this bottle. Now, currently, who is paying for that? There is a penalty of about Kshs20,000.

The National Environment Management Authority (NEMA) requires you to give them an audit every so often on how you will manage that. The distinguished Senator has now said, no, you, the producer, will have to fund these waste recycling plants. You will have to fund them. I dare say that is a burden to the producer, because you have not told that producer who is producing that e-waste or that phone, this phone particularly, that now this is how you are going to recover your capital expenditure, the amount of money you are going to use to build that plant. You have not given them a tax incentive. I would like to request the Senator to consider introducing a clause that says, for this producer who is going to set up that e-plant, you are going to get a huge tax rebate for that purpose. That way, we can be fair.

Number two also, you have told the *mama mboga* that now it is your responsibility to deliver this e-waste, that phone of yours, to a ward recycling centre. This Bill, unlike the 2022 Act which is in place, has narrowed, based on my understanding, on the following issues: Collecting, sorting and processing. However, you have told this *mama mboga* that when you are now disposing that phone, you need to take it to a

particular place and if you do not, we will charge you over Kshs20,000. My proposal would be, since you are now already penalising the producer and taxing the producer to setting aside, you know, managing these five acres at the ward level, 30 acres in the national, in the capital centres; the best way to deal with this issue, so that you do not penalise this *mama mboga* or low-income earners, who are not able to go and find that location, introduce mobile collections, where they go around in that neighbourhood and then they collect.

My problem that I see sometimes with the piece of legislation is that we forget that we are a developing nation. We produce legislation as if we are a developed nation, where people are disciplined. They know that there are consequences to you violating these laws.

In terms of equity, as well as oversight, we may need to also reduce these licencing fees. This is because these licencing fees, which you have now restricted to one year, sometimes, honestly, every year you have to renew a licence for waste. It might exclude the low-income earners, people who want to get into that business.

So, so long as you give them a licence for five years, and every so often you can carry out an audit to see whether they are complying or if you feel like there are people who can be able to pay more, scale it up, so that you have everyone taken into consideration.

Madam Temporary Speaker, because of time, and I would like my colleagues to contribute to this matter as well, we have had a discussion on that, I reiterate on the following: When it comes to the extended producer responsibility, and I have seen that you have borrowed heavily on the existing piece of the 2022 legislation, I would suggest that you propose a tax break for the producers, so that you have a balance between the producers and the consumers. Do not overburden the consumers. I agree with Sen. Thang'wa that the moment you introduce responsibility of producers in managing e-waste management centres, that amount of money will be passed to the consumers. To ensure that you have introduced a way for them to recover their--- Introduce tax waiver or give them tax incentives.

To finalise, in terms of what was being contributed by my colleagues in terms of responsibilities, right now we are talking about empowering our county governments. When you give all the powers to the CS we are slowly clawing back on devolution. Right now, even NEMA is devolved. Let us encourage our counties to manage their waste and come up with polices on how their waste is managed. There are counties where you will not find a lot of e-waste, but if we have one blanket legislation that covers the entire 47 counties, I bet it will be a bit unfair to some counties.

Is this a good legislation? Absolutely! Do we need to ensure that it can become law? Yes. The task is on you, Sen. Tobiko to look at the existing piece of legislation, to be cognisant of the fact that there is someone waiting out there to go to court and say you are over-legislating. Look at the existing piece of legislation and the challenges. I have given you one challenge that there is an active case where NEMA has not even managed to solve in terms of where one disposes organic waste. Look at the business interest. How are you going to manage those things? Pay attention to the issue of the extended producer responsibility.

If I am a producer of an iPhone or Samsung or any other phone, I want an incentive to be able to continue selling in this market. Otherwise, very soon you will have phones that you cannot tie to a producer. We want to make sure that whatever piece of legislation we pass in this House can be effective. We sit here and pass with legislations. We do a lot of research, but if they do not become future-centric and support our economy, they will be of no use.

I know the aim of you coming up with this Bill is to promote health, reduce pollution and most importantly, promote a circular economy. I do not know why you chose to come up with the Bill alone instead of amending the existing Act. Now that you have, we will support it, but think about those challenges which are there that no one will talk about.

Otherwise, with those many remarks, seeing that I only have 10 minutes left, I support.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Ledama.

Sen. Wakili Hillary Kiprotich Sigei of Bomet County, please proceed.

Sen. Wakili Sigei: Madam Temporary Speaker, that is my full name, and I appreciate the fact that you have called out all the names, including the very critical place I represent, the County of Bomet.

Madam Temporary Speaker, when we closed in the Fourth Session last December, this House and our respective desks had different gadgets. We had tablets which were different from the ones which we are currently using. I dare ask the question, where are they? How are they disposed of, and whether they are still a subject of utilisation elsewhere? That is part of the question the Bill that has been sponsored by Sen. Tobiko is seeking to answer. How do we dispose of our electronic waste (e-waste) and electronic equipment in terms of reuse or recycle? Therefore, Sen. Tobiko, this is a timely Bill, and I want to appreciate the effort that you have put into making sure that this Bill gets to the floor of the House.

Madam Temporary Speaker, I am a proud Member of this House because earlier on, Sen. Cherarkey indicated that he was unable to access the documentation that we are utilising in the House to transact the business of the House in the equipment that we have. I would like to confirm that the reports that we are debating and the Bills that we are dealing with, including the Bill that I am speaking to right now, the Order Paper, and every other document that we are using to transact the business of the House is on this gadget. The question then would be, by introducing this new gadget, we have minimised and reduced the use of and cost of papers. By extension, the waste that comes along with it has been minimized. Therefore, the Bill that Sen. Tobiko has brought before this House is a timely one. It seeks to answer so many questions.

Madam Temporary Speaker, I have gone through a bit of the record, and I have some quite glaring statistics on the e-waste currently in Kenya. Record has it that in 2025, we had 53,559 metric tons of e-waste. These 53,000 metric tons of e-waste is largely contributed by, among others, small household items like fridges, toasters, which give us 19,000 metric tons. Laptops, tablets, phones, among other such gadgets contribute around 527,000 metric tons of e-waste. Besides those specifics which we have mentioned, the conversation around disposal of e-electronic equipment is something that is global for now.

It is global because there are proliferations of counterfeit products, for instance, laptops and phones. There is a lot of such counterfeit products in the market, as well as lot of informal sector players in the electronic recycling environment. This means that we need a law that speaks to the current situation that we have, both in the country and also in the region, as well as globally.

The Bill sponsored by Sen. Tobiko speaks to the hierarchy of disposal facilities from the ward level, the county level and the national level. It has developed a system cognisant of the fact that every household in this country, even at the village level, has electronic equipment. It may be a television set, radio or other household items. For us to manage effectively, we must start from the lowest level. The creation of hierarchy in this Bill is a welcome move. I appreciate Sen. Tobiko for that.

Madam Temporary Speaker, turning to specific provisions of the Bill, Clause 3 sets out the objectives. It seeks to create a sustainable environment compliant with mechanisms for disposal, recycling and reuse of electronic equipment. This objective can only be met if there is representation at the county level. Collection begins at the ward, continues at the county and disposal or reuse occurs at a collection centre at the county or national level. These provisions have been included.

The creation of the role of the Cabinet Secretary in collaboration with the relevant County Executive Committee Member (CECM) in the county in Clauses 7, 8 and 9, establishes a conveyor-belt system. Collection occurs at the ward level, continues at the county level and recycling is centralised at the national Government. Clause 7 provides for the CECM in the relevant county.

Clause 9 outlines the licensing process. This is where I wish to make a proposal to the Sponsor of the Bill, Sen. Tobiko. Clause 9 requires the CECM to sit alone on an application for licensing an e-waste collector in the county. I propose that instead of the CECM sitting alone to decide whether to grant a licence to an applicant, which in most cases is unjust and unfair, a provision be created requiring a committee. This would ensure objectivity whenever an application is submitted by a member of the public seeking to establish a collection centre.

This proposal would similarly affect the mandate of the Cabinet Secretary under Clause 10, which currently requires them to sit alone on applications by e-waste recyclers seeking permits or licences. I propose amending the Clause to establish a committee under the supervision of the CECM at the county level and the Cabinet Secretary at the national level. This will ensure that applications for collectors and recyclers are assessed objectively.

An important provision in the Bill is the global requirement to restrict importation by ensuring that those licensed are bound by extended producer responsibility. This obligates a producer or importer to manage the entire cycle, from production, sale, disposal or reuse. That way, the cycle is managed without breaks in obligation among sector players.

The creation of licences and the establishment of an e-waste plant at the national level is a very important provision and I support it. However, I propose that instead of limiting to a national e-waste plant, we also establish regional plants. For example, Nairobi City County alone generates extensive waste and it would be impractical to rely

solely on a national plant. Counties able to establish their own plants should be allowed to do so. Let us have a law that provides for a county based e-waste management plant.

Madam Temporary Speaker, in Bomet County that I represent, we have the affordable housing project, which is built next to a waste management site that the county government has completely failed to manage. As a result, even though the houses are ready for occupation, they cannot be commissioned or handed over. This failure in waste management by the county, whether degradable or e-waste, is a different story. The waste is affecting---

Madam Temporary Speaker, I see you are rising, so I will stop at that.

ADJOURNMENT

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. Upon resumption of the debate on this Bill, Sen. Wakili Sigei will have a balance of 10 minutes to conclude his contribution.

The Senate, therefore, stands adjourned until tomorrow, Thursday, 19th February, 2026 at 2.30 p.m.

The Senate rose at 6.30 p.m.