



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fifth Session

Wednesday, 6th May, 2026 at 2.30 p.m.

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday 6th May, 2026

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

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

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

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

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

(The Quorum Bell was rung)

The Speaker (Hon. Kingi): Order, hon. Senators. We now have a quorum. Therefore, we will proceed with this afternoon's business.

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM THE PARLIAMENT OF UGANDA

The Speaker (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of a visiting delegation from the Parliament of Uganda. The delegation comprises members from the office of the Leader of the Opposition. The delegation comprises 10 members, who are in the Senate to undertake training at the Centre for Parliamentary Studies and Training (CPST).

Hon. Senators, I will request each member of the delegation to stand when called out, so that you may be acknowledged in the Senate tradition.

- Leader of the Opposition and the Delegation.

2. Hon. Nambeshe JohnBaptist, MP

- Chief Opposition Whip.

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|---------------------------------|---|--------------------------|
| 3. Hon. Auma Kenny, MP | - | Member |
| 4. Hon. Adeke Anne, MP | - | Member |
| 5. Hon. Okot Peter, MP | - | Member |
| 6. Hon. Akello Lucy, MP | - | Member |
| 7. Hon. Nicholas Kamara, MP | - | Member |
| 8. Hon. Ssekitoleeko Robert, MP | - | Member |
| 9. Dr. Ssozi Leonard | - | Principal Policy Analyst |
| 10. Mr. Ali Mivule | - | Public Affairs Officer |

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

I have a further Communication.

VISITING OFFICERS FROM COUNTY ASSEMBLIES,
INSTITUTIONS AND STATE DEPARTMENTS

The Speaker (Hon. Kingi): I would like to acknowledge the presence in the Speaker's Gallery this afternoon of a visiting delegation. The delegation comprises officers from various county assemblies, institutions, and state departments. There are 17 officers in the delegation. They are in the Senate to undertake training on legislative media relations and reporting at the CPST.

Hon. Senators, the programme has brought together officers from the following institutions-

1. The County Assembly of Samburu.
2. The County Assembly of Nyeri.
3. Bomas of Kenya Limited.
4. The Kenya Institute of Curriculum Development.
5. The Postal Corporation of Kenya.
6. The State Department for Industry.
7. The State Department for Mining.
8. The State Department for Public Works.
9. The State Department for Medical Services.
10. The State Department for Justice, Human Rights and Constitutional Affairs.
11. The State Department for Broadcasting and Telecommunications.
12. The State Department for Public Investment and Assets Management.

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

I will now call upon the Senator for Kakamega County to extend a warm welcome to the delegation from Uganda. I will also call upon Sen. Faki to extend a warm welcome to the officers from the various state departments.

You may proceed, Hon. Khalwale.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. It is indeed an honour for me to welcome these colleagues from across the border. When I look at them, they are fairly young. This is evidenced by my own brother, who is here.

We should soon get rid of the boundaries between Kenya, Uganda, Tanzania, Rwanda and Burundi. We do not need them. We have 40 Members of Parliament from my community here in Kenya. We have 13 in Uganda, including my brother here. The same applies to the Maasai when you cross into Tanzania, and so on. Our Parliaments should actively engage, so that we rid East Africans of the burden of paying salaries for five presidents whose work we do not understand.

(Laughter)

Mr. Speaker, Sir, this is very important. We could work with only one president. You saw yesterday when two of our presidents were meeting in Dar-es-Salaam. They were on the same agenda, but speaking in different tongues. That shows why we should have a unified presidency.

Finally, I wish you well as the Opposition. The future is bright. I know that in the next election, you will form the government.

(Applause)

The moment you form the government, on this side, Sen. Kinyua here and myself, we shall have formed government too. So, we will work very well with you.

With those many remarks, I welcome them.

(Applause)

(Sen. Cherarkey addressed Sen. Khalwale off record)

The Speaker (Hon. Kingi): Order, Hon. Senators. Sen. Faki, you may take the Floor. Senator for Nandi, you are out of Order.

Sen. Faki: Bw. Spika, asante kwa kunipa fursa hii kujiunga na wewe kuwakaribisha wageni kutoka mashirika mbalimbali. Wamekuja katika Seneti ili kusoma na kujionea wenyewe utendakazi wa Seneti.

Ni fursa adimu kwa wafanyikazi kuja hapa katika Seneti. Kwa hivyo, tunachukua fursa hii kuwakaribisha na vile vile kuwatakiya kila la kheri katika mafunzo yenu.

Alasiri ya leo, mtapata fursa ya kuona baadhi ya viongozi wenu wakiwa katika kazi zao hapa. Tayari mmemsikia Sen. Khalwale akisema kwamba wana Wabunge arobaini na saba; arobaini hapa Kenya na kumi na watatu kule Uganda. Anasema pia marais wapunguzwe. Ikiwa tutapunguza marais, vile vile pia tutapunguza wabunge 53 ambao amewataja.

Asante Mheshimiwa Spika.

The Speaker (Hon. Kingi): Hon. Senators, before I allow the Clerk to call the next Order, I have got a further communication to make.

PARLIAMENT-MEDIA BREAKFAST DIALOGUE
ON METHANE EMISSIONS IN KENYA

I have a communication to make regarding the Regional Seminar on African Parliaments for Climate Action: Reducing Methane, promoting development.

As you are aware, Parliament plays a central role in strengthening Kenya's response to climate change through legislation, representation, budget-making and oversight. In this regard, I wish to notify you that the Parliament of Kenya, in partnership with the Inter-Parliamentary Union (IPU), will co-host the Regional Parliamentary Seminar on Climate Change and Methane Emissions Reduction from 15th to 16th May, 2026, at Emara Ole Sereni Hotel in Nairobi. The Summit brings together Members of Parliament from across Africa to deliberate on the role of African parliaments in advancing climate action, with a focus on methane emissions reduction and the promotion of sustainable development.

(Sen. (Dr.) Khalwale consulted loudly)

Sen. (Dr.) Khalwale, be attentive when the Chair is communicating.

As part of the build-up to the Regional Seminar, Parliament has scheduled a Parliament–Media Breakfast Dialogue on Methane Emissions in Kenya, to be held tomorrow, Thursday, 7th May, 2026, from 7.00 a.m. to 9:30 a.m., at Parliament Buildings, Nairobi. The Breakfast Dialogue will serve as a precursor engagement under the broader theme of enhancing public understanding and parliamentary action on methane reduction in Kenya and across the region. It is intended to deepen public understanding of methane emissions, support accurate media reporting and strengthen collaboration between Parliament, the media, technical experts and key stakeholders ahead of the Regional Seminar.

The engagement will bring together Members of Parliament, media practitioners, technical experts, representatives of the Executive, research institutions, development partners and private sector actors.

Hon. Senators, the programme for the Breakfast Dialogue and the Regional Seminar will include technical presentations on the global perspective on methane, Kenya's methane profile and inventory systems, research and innovation in methane reduction and private sector perspectives on sustainable methane management. The engagements will also feature moderated panel discussions, media engagements and parliamentary reflections on policy, legislative and oversight gaps requiring action.

At the conclusion of the Regional Seminar, a field visit for delegates has been organised on 17th May, 2026, to the Sleeping Warrior Special Economic Zone in Gilgil. The Special Economic Zone presents a model Green Energy Zone and will provide parliamentarians with an opportunity to appreciate how a zonal approach can increase renewable energy access and why it is important to create an enabling environment for energy investments.

I, therefore, urge all honourable Senators to note the Parliament–Media Breakfast Dialogue scheduled for tomorrow and the Regional Parliamentary Seminar on Climate

Change and Methane Emissions Reduction, and to purpose to participate in these important engagements, which form part of Parliament's continuing climate action agenda and its commitment to promoting sustainable development.

I thank you.

Clerk, next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

The Speaker (Hon. Kingi): Can we have Statements pursuant to Standing Order No.53.

(Sen. Faki spoke off record)

Sen. Faki, with the level of technology we have, you need not shout to catch the Speaker's eye, but you may make your intervention.

Sen. Faki: Asante sana, Mheshimiwa Spika. Ninaomba kauli kutoka kwako kuhusu uendeshaji wa ratiba katika Bunge hili. Jana alasiri tulipokuwa na mjadala kuhusu Mswada wa kubadilisha sheria ya mihadarati, Mhe. Naibu Spika, ambaye ni mdhamini wa Mswada huo, alikuwa ndani ya Bunge na alipendekeza Mswada huo. Mjadala ulipoanza, Mhe. Naibu Spika aliketi kwenye kiti cha Spika.

Hatuna shida na hiyo lakini swala la msingi ni kwamba alikuwa anasimamia mjadala wa Mswada wake. Mimi na wewe tunajua ya kwamba katika sheria ya *natural justice*, hakuna mtu ambaye anaweza kuwa jaji ama hakimumu katika kesi yake. Hiyo sio kesi yake kwa sababu uamuzi utatolewa baadaye lakini katika fikra na maswala ya usimamizi ya mambo ya Bunge kama haya, itakuwa ni kinyume na maadili ya kisheria mtu awe ni msimamizi ama mpendekezaji wa mswada wake na kisha akae kwenye kiti kusimamia mswada huo.

Jambo lingine lililojitokeza ni kwamba Naibu Spika alipata fursa kujibu mambo ambayo sisi kama Maseneta tuliyazungumza wakati alikuwa katika kiti cha Spika. Hiyo inanyima mtu ambaye amependekeza mambo ambayo angependa yeye ajibu kutokana na majibu ambayo yametoka kwenye Spika. Hoja hujibiwa mwisho wa mjadala. Yule ambaye atajibu hupata fursa ya kusikiza hoja zote ambazo zimependekezwa. Mimi nilijibiwa na Naibu Spika nilipomaliza kuchangia mjadala na sikupata fursa ya kumjibu kwa sababu hakuniruhusu kujibu hoja ambazo alikuwa ameeleza baada ya yeye kupendekeza mswada ule.

Je, ni sawa kisheria spika ambaye yuko kwenye kiti kuwa mtu ambaye amedhamini mswada ambao unajadiliwa? Ikiwa hivyo, tutaweza kuhakikisha aje eti hatakuwa na upendeleo fulani ama ajipendeele yeye mwenyewe kwa sababu mswada ni wake? Asante, Mheshimiwa Spika.

The Speaker (Hon. Kingi): Asante Sen. Faki. Hilo ni swala nyeti na nitapeana mwelekeo wangu kesho kulihusu.

We are on request for Statements pursuant to Standing Order No.53(1).

DELAYED PAYMENT OF LOCAL SUPPLIERS BY
MACHAKOS COUNTY GOVERNMENT

Can we hear from the Senator for Machakos County, Sen. Kavindu Muthama?
That Statement is dropped.

(Statement dropped)

WELFARE OF THE HAITI MISSION RETURNING PERSONNEL

Can we hear from Sen. Kibwana?
That Statement is dropped.

(Statement dropped)

Can we hear from the Senator for Kajiado County, the Hon. Sen. Seki?

OPTIMISATION OF THE ONGATA RONGAI
AND NGONG SGR STATIONS

Sen. Seki: Thank you, Hon. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Transport and Housing on the matter of Inter-County concern regarding the optimisation of the investment in the Ongata Rongai, Kitengela and Ngong SGR station.

Hon. Speaker, Sir, the Ongata Rongai, Kitengela and Ngong SGR station were established to provide alternative and affordable means of transport, in order to decongest Langata and Ngong roads corridor. This investment was to be supported by upgraded access roads, personal motor vehicle parking and ride facilities and enhanced security. However, the supporting infrastructure remains inadequate and absent. Therefore, it is little evidence of the overall objectives of the project being realised.

In the statement, the committee should address the following-

(1) The actual versus the initial projections of the average passenger's traffic and driving of the Ongata Rongai-Ngong SGR station.

(2) The socio-economic impact attributed to the construction of the railway station, including weather, and attain the outcomes response with unexpected levels.

(3) The steps being undertaken by the government to improve the supporting infrastructure and enhance accessibility to the railway station, including details of any planned development or rehabilitation of access roads and related amenities and provision of first and last mile transport options.

(4) The other strategies being implemented to improve passenger's traffic and ensure the project delivers optimal economic returns to justify the level of public investment.

Thank you.

The Speaker (Hon. Kingi): Sen. George Mbugua. That Statement is dropped. Sen. George Mbugua had two Statements. Both Statements are dropped.

PRIORITIZATION OF PWDS UNDER THE
SHIF SPONSORSHIP PROGRAMME

PLANNED REINTEGRATION OF CHILDREN FROM
INSTITUTIONAL CARE TO FAMILY-Based Care

(Statements dropped)

Statement pursuant to Standing Order No.56 (1), the Chairperson Standing Committee on Agriculture, Livestock and Fisheries. That Statement is deferred.

ACTIVITIES OF THE COMMITTEE ON
AGRICULTURE, LIVESTOCK AND FISHERIES

(Statement deferred)

The Chairperson Standing Committee on Devolution and Intergovernmental Relations.

ACTIVITIES OF THE COMMITTEE ON DEVOLUTION
AND INTERGOVERNMENTAL RELATIONS

Sen. Abass: Hon. Speaker, I wish to submit the report of the Standing Committee on Devolution and Intergovernmental Relations for the period January to April 2026.

I rise pursuant to Standing Order No. 56 (1)(b) to make a Statement on the activities of the Standing Committee on Devolution and Intergovernmental Relations for the period said. During this reporting period, the Committee carried out various activities pertaining to its mandate.

The Committee has transacted the following legislative issues and business-

(a) The Committee considered the following three Bills, which it shall soon be tabling their respective reports before this House-

(i) The County Government Laws (Amendment) Bill (Senate Bills No. 14 of 2025).

(ii) The County Government (Amendment) Bill (Senate Bills No. 39 of 2024).

(iii) The County Oversight and Accountability Bill (Senate Bills No. 3 of 2024).

The Committee has further processed four Statements that were sought from the Committee. Of the four Statements, the Committee has considered and concluded one, leaving the three Statements pending before the Committee, as a result of delays coming from the ministries, the CSs who are supposed to come, and the other participants.

The Committee has also concluded its enquiry into national Government parastatals that are currently undertaking devolved functions. This practise undermines the spirit of devolution. These functions are consistently assigned to county governments, and they are continued execution by national Government entities, resulting in resource failing to reach the counties mandated to perform them. To date, the Committee has held five such sittings with five parastatals. Upon concluding engagement with the remaining Senate corporations, the Committee will report on the same.

On 21st January, 2025, there was a Cabinet resolution that was reached by the Cabinet for merging and dissolving for the two parastatals. Up to now, the same function has still been performed by the same parastatals, and they have not been merged or taken to the counties. According to the Abdikadir report; the taskforce of Abdikadir parastatal reforms, the 18 that were identified should be moved to the counties. To date, no action has been taken.

The Intergovernmental Relations Technical Committee (IGRTC) has said the best way is to recommend the functions be moved to the counties but still, the same organisations that have been recommended are still getting their budget and still remain at the national level.

I believe it is high time this House should engage with our counterparts at the National Assembly to stop giving funds to these parastatals. That has already been recommended and resolved by the Cabinet. The budget for this year, the 2026/2027 budget, should be taken to the counties.

To safeguard the independence and proper functions of the county, the Committee recently undertook an inquiry on the alleged and unlawful closure of the Trans Nzoia County Public Service Board. The board has some days remaining before the time ends. However, the Governor of Trans Nzoia County took the unnecessary action to close the office, and the members of the board remain outside of the office. However, the Committee went there and resolved the issue, but none of the members were there. Therefore, the matter has been resolved and agreed upon. However, the term has already ended. So, hopefully, they have left since their term has ended.

Also, in fulfilment of the constitutional mandate to safeguard devolution and promote effective cooperation agreement between the national Government and the Nairobi City County Government on the delivery of key services in Nairobi County. While the constitutional and Inter-governmental Relations Act envisages consulting and cooperation between the two levels of government, such cooperations must be exercised strictly within the confines of the law.

Accordingly, the committee has engaged the national Government, the Prime Cabinet Secretary, the Governor of Nairobi County, and the principal justice to this agreement to examine its particulars, the legal framework underpinning implications of service delivery in Nairobi County. The committee is now finalising the report on this matter, which will be tabled before the House in due course.

The committee is currently considering the application for the conferment of city status on Thika Municipality in accordance with the Urban Areas and Cities Act. In this regard, the committee has undertaken several activities, including engagement with the key stakeholders, namely the Governor, the municipality board and the *Ad Hoc*

Committee that was established to review the application. The committee has also conducted public participation through an open hearing to collect views from the stakeholders and members of the public.

To further ascertain the compliance of the criteria for conferment of city status, the committee undertook an inspection of facilities for conferment of city status within the municipalities. The committee is now finalising its report on the matter, which will be tabled before the House in due course.

Mr. Speaker, Sir, the committee has also concluded the 2026/2027 Budget Policy Statement, and issued a number of recommendations on the key budgetary and fiscal matters affecting the devolution sector. In accordance with the Standing Orders, the committee's report was duly forwarded to the Standing Committee on Finance and Budget.

The committee has also held a meeting with the Chairperson of the Municipality Board in Kisumu County, during which the Board raised a number of governance issues affecting the effective functioning of the municipalities. As envisaged under the Urban Areas and Cities Act, the committee observed that these challenges are not unique to municipalities in Kisumu, but also affect many counties, the city and many municipalities across the board.

The committee intends to commence a comprehensive inquiry that will engage key stakeholders, including municipalities, city boards, county governments, the Controller of Budget (CoB) and the Auditor General, to establish whether these entities have been governed and operating in accordance with the law. Because there are a lot of challenges, most of the municipalities and the cities' management committees and our many major boards are not getting the requisite support from the county governments. They are not being given any budget. They are not independent from the counties, and therefore, we need to address that matter on a serious note.

Honourable Speaker, we plan in the future to continue an inquiry into the national Government parastatals that are still performing devolved functions and undertake visits to various counties to inspect development projects and stalled projects also being implemented by the county governments. This is because there are so many stalled projects that have not been completed since the inception of devolution.

A county like Taita Taveta has almost a hundred plus stalled projects. In Turkana, I think we have solved the problem. There was a problem between the executive and the contractor. The committee actually made efforts, and now Turkana is actually over the facilities that were stalled and are now completed. We are also commencing an inquiry into the operations and governance of municipalities and cities.

Finally, Honourable Speaker, I wish to appreciate the office of the Speaker, the Senate, the Members of the Committee and the office of the Clerk for their steadfast support that they have accorded this committee.

Thank you, Honourable Speaker.

The Speaker (Hon. Kingi): The Chairperson of the Standing Committee on Education, proceed. That statement is deferred.

Sen. Betty Montet: I am here.

The Speaker (Hon. Kingi): Sen. Montet, the Floor is yours.

ACTIVITIES OF THE COMMITTEE ON EDUCATION

Sen. Betty Montet: Thank you, Mr. Speaker. ee on Education for the period between February to April, 2026.

I rise pursuant to Standing Order No.(56) (1)(b) to make a statement relating to the activities of the Standing Committee on Education covering the period February 2026 to April, 2026 meetings.

Mr. Speaker, Sir, during the period under review, the Committee held 30 sittings, during which various legislative business was considered, including one Bill and 21 statements. On Bills, in the reporting period, the committee considered The Basic Education (Amendment) Bill (National Assembly Bills No.59 of 2023) that provides for inclusion of a sub-county education board. The committee held public participation hearing on the Bill and received 18 submissions from various stakeholders. The committee is currently considering the amendments and will be tabling the report on the Bill in the next reporting period.

On statements, during the period under review, a total of 21 statements were sought from the committee. The committee considered and concluded three statements. The committee has a number of pending statements from the Ministry of Education and is scheduled to engage the Ministry on the matter of delays submitting responses to statements. The list of the pending statements before the committee are listed in Annex 1.

Mr. Speaker, Sir, on inquiry, the Committee considered the inquiry into the implementation status of the Early Childhood Development Education (ECDE) and vocational education and training policies and met with six governors of Samburu, Busia, Nairobi City, Meru, Embu and Vihiga counties to deliberate on the status of implementation in these counties, county visits.

The committee also undertook four county oversight and networking engagement, that is, in Busia, Uasin Gishu, Trans Nzoia and Elgeyo counties to familiarise itself on the status of Early Childhood Development Education (ECDE) and Vocational Training Centres (VTCs) in those counties.

On consultative retreats, the committee held a consultative retreat with the Ministry of Education during which it deliberated on key sectorial issues, including persistent funding shortfalls despite significant allocations, progress, and challenges in infrastructure development and the rollout of competence-based curriculum, ongoing reforms to rationalize state corporations and harmonize education laws, deficits in university financing affecting students' progression and challenges in the TVET subsector.

On follow-up on resolutions, the committee followed up on the Senate resolution arising from the two petitions regarding discrimination in payment of hardship allowance to teachers in Taita Taveta and Kilifi counties. The committee held a meeting with the Ministry of Public Service and Special Programmes to deliberate on the status of the matter of policy interventions.

During the reporting period, the committee considered a circular dated 19th January, 2026 from the State Department of Basic Education directing the merger of the

Diploma in Early Childhood Teacher Education with the Diploma in Primary Teacher Education (DPTE) into the Diploma in Teacher Education, Pre-primary and Primary (DTE and PP&P). In this regard, the committee engaged the Council of Governors, Committee on Education and stakeholders, including the Early Childhood Professionals Association of Kenya and the Kenya Early Childhood Private Training Institutions Association.

Mr. Speaker, Sir, in the next reporting period, the committee proposes to undertake the following activities –

Meeting with the Ministry of National Treasury and Economic Planning on timely and adequate release of funds to TVET sector; engage with the Salaries and Remuneration Commission (SRC) on the Ministry of Public Works and Special Programmes on continuous review and assurance of advisory on payment of house allowances payable to teachers and public servants following the change in status of towns and municipalities to cities.

The Committee also proposes to consider and table reports on the inquiry into implementation status of the Early Childhood Development Education (ECDE) and vocational education and training policies in Kitui, Makueni, Kilifi, Kwale and Mombasa counties.

Mr. Speaker, Sir, in conclusion, I wish to sincerely thank your office and the office of the Clerk of the Senate for the continuous support accorded to the committee in executing its mandate.

I thank you.

CONTINUED OCCUPATION OF OLDONYIRO COUNTY
ASSEMBLY HALL BY ISIOLO COUNTY ASSEMBLY

Sen. Dullo: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order 53(1) to seek a statement from the Standing Committee on Devolution and Intergovernmental Relations on a matter of countywide concern regarding the continued occupation of Oldonyiro County Assembly Hall by Isiolo County Assembly beyond the expiry of the gazetted five-month period on 11th December, 2025 and the legal consequences on the business transacted at the venue outside the gazetted period.

Mr. Speaker, Sir, Kenya Gazette Notice No.11384 of 11th August 2025 authorized the temporary relocation of the Isiolo County Assembly sitting to Oldonyiro County Assembly Hall for a fixed period of five months commencing 19th August, 2025 and expiring on 11th December, 2025, to facilitate renovation of Isiolo County Assembly Chamber.

The notice was explicit that upon the conclusion of that period, the county assembly would resume its sittings at the County Assembly Chambers. The period has since lapsed. Notwithstanding the expiry of the gazetted period, the County Assembly of Isiolo has continued to conduct assembly business at the Oldonyiro County Assembly Hall from 11th December, 2025 to date without any renewed gazette notice, fresh resolution or other lawful authority for such continued occupation.

Further, Oldonyiro County Assembly Hall is situated at a significant distance from the majority of Isiolo County residents and members of public. This distance continues to limit citizens' ability to access County Assembly services, particularly participating in Assembly's proceedings and engaging in public participation processes.

In the statement, the committee should address the following-

(1) The current status of renovation of the County Assembly Chambers that were cited as the justification for the temporary relocation of Oldonyiro County Assembly Hall and obtain documentary evidence, including contracts, progress reports and inspection reports, confirming that the said renovations have either been complete or are still ongoing.

(2) The legal basis upon which the County Assembly has continued to conduct business at Oldonyiro County Assembly Hall after 11th December, 2025, notwithstanding the expiry of the gazetted period.

(3) The legal standing of all resolutions, approvals and any other County Assembly decisions made at Oldonyiro County Assembly after 11th December, 2025.

(4) The measures in place to address the challenge of public access to County Assembly services and proceedings.

(5) Whether any accountability measures will be taken against the persons responsible for directing and facilitating the continued conduct of the County Assembly's business at Oldonyiro County Assembly Hall after 11th December, 2025.

Mr. Speaker, Sir, if you may allow me, I brought a statement on the Floor of the House almost a month ago concerning about 27 Members of the County Assembly (MCAs) staff who were laid off. To date, they are not on the payroll. I have not received any response on the matter. This is a very urgent and serious issue.

I thank you.

(Interruption of Statements)

The Speaker (Hon. Kingi): Hon. Senators, before I allow comments on the statements that have been sought, allow me to make this communication.

(Sen. Madzayo consulted with Sen. Sifuna)

Sen. Madzayo, kindly take your seat.

(Sen. Madzayo resumed his seat)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM MILIMANI
JUNIOR SCHOOL, NAKURU COUNTY

Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon of a visiting delegation of 10 teachers and 171 students from Milimani

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Junior School in Nakuru County. The delegation is visiting the Senate for a one-day academic exposition.

On behalf of the Senate and on my own behalf, I extend a warm welcome to the delegation and wish them a fruitful visit. I call upon the Senator for Nakuru County, Hon. Tabitha, to extend a warm welcome.

Sen. Tabitha Keroche: Thank you, Mr. Speaker, Sir. I wish to take this opportunity to warmly welcome Milimani Junior Secondary School, who are seated in the Public Gallery. I congratulate them for making this important visit. I also extend my congratulations to the teachers and parents who facilitated their travel to the Senate.

This is the place where we conduct legislation, representation and ensure that resources are pushed to our counties. I wish the students all the very best. I pray that this visit will be enriching and prepare them to become the next Senators for Nakuru County.

I am very proud to see one of our schools from Nakuru County represented here today in the Public Gallery. I look forward to meeting you outside.

Thank you.

The Speaker (Hon. Kingi): Now, Hon. Senators, I will allow comments for not more than 15 minutes. Therefore, if you get an opportunity to speak, kindly do so for not more than three minutes.

Hon. Senator for Nandi County, Sen. Cherarkey, please proceed.

(Resumption of Statements)

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I rise to comment on the Statement by the Committee on Devolution and Intergovernmental Relations, pursuant to Standing Order No. 56 (3).

While I appreciate the update provided on stalled projects, I wish to appeal to the committee regarding the issue of pending bills. At the beginning of this year, the total pending bills stood at Kshs163 billion. The case of Kioko in Machakos illustrates that there are a thousand ways of dying. One of them is having a pending bill with the county government.

Mr. Speaker, Sir, having served as a Governor, knows this reality very well. The Nairobi City County alone has a pending bill of between Kshs100 to 121 billion. Mombasa County has Kshs4.98 billion. Murang'a County has Kshs2.7 billion, where the Governor is moving from one party to another like a headless chicken. Garissa County is the worst with over Kshs6.07 billion, while Machakos stands at Kshs 2.8 billion.

I would appreciate if the Chair, Sen. Abass, under your guidance, could inform this House what measures are being taken to ensure that our businessmen and women in Kilifi, Nandi, Makueni, Nairobi and across the country are paid. The Kshs163 billion must be addressed urgently. The issue of stalled projects must be handled with utmost care.

Finally, on the matter of the Committee on Education, I heard the Chair note that some statements have taken too long without response. I am not certain whether the delay lies with the Ministry or with the committee.

Mr. Speaker, Sir, I wish the Chair would be listening to me. I hope that these matters will be addressed by the various committees.

On a lighter note, I am happy that yesterday Arsenal thrashed Atlético Madrid, keeping alive the dream of Budapest. We now hope PSG will be beaten by Bayern Munich today, so that Arsenal can finally win the cup in the final.

Mr. Speaker, Sir, I support.

The Speaker (Hon. Kingi): Senator for Nandi County, you are totally irrelevant.

Sen. Maanzo, proceed.

Sen. Maanzo: Thank you, Mr. Speaker, Sir. I wish to comment on the Statement by the Senator for Kajiado County. The Standard Gauge Railway (SGR) is now scheduled to expand to Kisumu. However, the plan, equipment and infrastructure already in place were intended to ease transport for Kenyans from Ngong, Kiserian and even Konza City. The whole idea was to reduce the number of vehicles coming into the city by encouraging Kenyans to use the SGR or the normal train system.

Unfortunately, the Kenya Railways Corporation is not fully utilising its potential to transport passengers from areas such as Kitengela and Syokimau. If properly managed, many Kenyans could be encouraged to use the train system, as is common in many parts of the world. This Statement is therefore very important. We must hold the Cabinet Secretary for Roads and Transportation and the CEO of the Kenya Railways Corporation accountable to ensure full utilisation of this infrastructure. It is not only an opportunity to ease transport, but also to generate revenue for the country.

Idle infrastructure is a waste to the nation. This country must develop a culture of completing existing projects before embarking on new ones. There is nothing wrong with expanding to Kisumu. We all look forward to it, but the timing and utilisation must be right. Are Kenyans acquiring the culture of using trains? That is the critical question.

Finally, the security of the train system is paramount. In the past, there was a dedicated police section guarding the railway. Nowadays, this seems to have slowed down or is not adequately facilitated. In Makueni, for example, the SGR runs for 300 kilometres. We encourage citizens to be on the lookout. Should they see anything fishy, they should call the leadership or anyone they get.

I would have liked the special police unit dealing with the SGR to make sure they are around. There used to be a road network there. They should make sure that travelers on the whole section to Mombasa are accompanied by a vehicle, but that is not happening.

Mr. Speaker, Sir, I support this Statement because it is important. We look forward to grilling the Cabinet Secretary in this Chamber.

I thank you.

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

Sen. Chute: Mr. Speaker, Sir, allow me to say a few things about Sen. Seki's Statement regarding the SGR. The SGR should open some areas and encourage business. If there are no roads to link stations in Ongata Rongai, Ngong and Kitengela towns which are highly populated, how do you invest money, yet those facilities are not working? That is a disaster. I would like the Committee chaired by our respected and distinguished Senator to do a thorough investigation.

Secondly, Mr. Speaker, Sir, today, railway godowns in Kenya are all gone. Godowns that used to be there were brought down and somebody has taken most of the Kenya Railways (KR) land. I will give you an example. I had a leased property along Kitui Road for almost 15 years. Three years had been left before our lease ended, but all of a sudden, one night, goons came and brought down the whole godown with our goods in there. We had a court order but we were told that, that was just a mere paper and nothing else. If court orders are just mere papers like toilet papers, what is going to happen to this country?

Mr. Speaker, Sir, I support the Statement by Sen. Seki because this is crucial. If possible, the committee should visit all the three places, that is, Ongata Rongai, Ngong and Kitengela.

Similarly, there are investments being done currently by the Kenya Railways. They are doing apartments in Mombasa, Nairobi and many other places. I would like the committee to investigate what they are for. Are they for sale or rentals? What are they actually for so that we know the investment that KR is doing in this country?

Finally, Mr. Speaker, Sir, there is a lot of railway land and our President always talks about affordable housing. Why would you give leases of godowns to individuals who are connected to the Government, while multi-storey buildings can be done on that land?

Mr. Speaker, Sir, I would like the Committee to investigate even court orders---

The Speaker (Hon. Kingi): Next is Sen. Oketch.

Sen. Oketch Gicheru: Mr. Speaker, Sir, I thank you for this opportunity.

I want to quickly comment on the quarterly report that was issued under this Statement Hour by the Senator for Wajir, Sen. Abass, regarding the work that has been done by the Committee on Devolution and Intergovernmental Relations.

If you look at some concluding remarks that were put here in terms of the committee's future plans, they indicated here that they will undertake to visit counties to inspect development projects being implemented by county governments. This is an important one especially going by what we experienced in the morning regarding the issue of the County Aggregation and Industrial Parks (CAIPs). I urge the committee to look at the issue of CAIPs because when the Cabinet Secretary appeared here in the morning, he indicated that for most of the 17 counties that they prioritised, they have issued the entire amount but counties are not matching it.

If you look at budgetary allocations for counties, those monies are allocated. It means there are people in the counties doing serious tender variations and my county, Migori, is notorious for that. I urge the committee to look at Migori County in terms of the CAIP being developed in Nyatike. The Government has released all the money that we fought for here to the county, but the portion by the county government never gets to the right hands, or even if it is released, variations are humongous and they do not achieve the purpose. Alongside that, I urge the committee to also look at value for those projects.

The second issue that I want to quickly share here is that the committee will commence an inquiry into the operations and governance of municipalities and cities. The committee will benefit from the work we have done for the past three years in the

County Public Investments and Special Funds Committee because we looked at all our urban areas, cities and municipalities. We have done so many reports that I hope the committee will depend on especially on issues of operation autonomy, fiduciary autonomy and more importantly the way those boards operate.

Indeed, Mr. Speaker, Sir, there has been laxity by county governments, especially governors to allow autonomy of municipalities to take route. Perhaps, the committee should focus on how they can give life to the report that the County Public Investments and Special Funds Committee did in mainstreaming the entire Urban Areas and Cities Act into the functioning of municipalities.

I thank you, Mr. Speaker, Sir, and support the report because it is a good one.

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

Sen. Ogola: Mr. Speaker, Sir, I thank you for granting me the opportunity. I would like to start by supporting the Statement by the Senator for Kajiado on the issue of the SGR.

When you travel in this country, you see the strain on our roads. You see heavy trucks moving on roads and that is partly why our roads cannot be maintained to the standards. Sometimes even the many trucks on our roads create a lot of traffic jams. A number of our roads were not initially prepared to the capacity to take care of heavy loads that we see. It is on that premise that I support upgrading of railway lines. As those upgrades are made, they must be optimized because public funds will have been used in building railway lines.

Along with that, I also want to support the Statement by the Committee on Devolution and Intergovernmental Relations and speak about something that has been outstanding in the counties. In most of our discussions in committees, counties do not meet the obligations in terms of matching funds even with partners and the national Government.

On the issue of health, the Committee on Devolution and Intergovernmental Relations should take note. Look at funding for immunisation and see if there are corresponding funds that are given by donors. Health being a devolved function, counties must also chip in and give some monies from their budgets to support immunisation. Even when they give those monies and spell them out in their budgets, they hardly provide those funds.

When you look at the Financing Locally-Led Climate Action (FLLoCA) commitments by counties, that is also wanting. When you look at all funds that counties are supposed to provide to match other partners, counties do not meet their obligations. The committee must look into that.

Secondly, regarding the Urban Areas and Cities Act, we have municipalities all over---

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

Sen. Sifuna: Mr. Speaker, Sir, allow me to thank the Senate Standing Committee on Devolution and Intergovernmental Relations that is led by Sen. Abass.

(Loud consultations)

Mr. Speaker, Sir, at this rate, I think you need to move my seat.

The point that I was making is that I am grateful to the Committee that is led by Sen. Abass and the Members there, specifically Sen. Chute and Catherine Mumma; that they took up the issue of the intergovernmental agreement between the Nairobi City County and the national Government. However, there is a bit of irony because I had very strong objections to that particular union, and for good reason.

You remember during the engagements with the governor at your committee, we had raised issues, including that of public participation or the lack thereof, and the fact that there was already a start date for that particular agreement, without public participation and even without the approval of the Nairobi City County Assembly.

The problem I have is that you are telling the House that the report will be tabled, and that agreement is already being implemented. So, I am a bit worried because I do not know what sort of leverage, we, as a House, have, in terms of determining outcomes of certain inquiries. As you can see, in the report by the committee, they are also saying that the committee has future plans to inquire into the national Government parastatals that are performing devolved functions.

That was our biggest gripe because for some of us, reading that agreement, we felt that it was an open or back-ended transfer of functions. Therefore, we objected on the basis of that.

So, I will be looking forward to that report, hoping that the report incorporates the concerns that were raised by Members of the Committee, because I was present in that particular meeting, including how we can proceed with such an agreement, without the input of the people of Nairobi. However, I was happy, at least with the conduct before the committee, although some of the Members of that Committee misinterpreted their role to be defenders of governors when they appear before that committee.

I am glad that Senator Abass stood firm and said that this House is on the side of the people, and our work is to oversight governors and not to massage them when they appear before our committees.

I thank you, Mr. Speaker, Sir.

The Senate Minority Leader (Sen. Madzayo): Asante sana Mheshimiwa Spika.

Ningependa kujiunga na kauli hii iliyoletwa hapa na Seneta wa Kaunti ya Kajiado, ndugu yangu, Seki. Miaka mingi imepita, zaidi ya nusu karne, tangu uhuru upatikane. Tumeona maendeleo ya gari la moshi mpaka sasa tumefika hii ya Standard Gauge Railway (SGR), ikiwa kwa upande mmoja, ilhali katika historia, gari la moshi ilianza Mombasa, ikaenda mpaka Kisumu, na huko kwingine pia kukafaidika. Walakini, hatuwezi kuelewa ni kwa nini barabara hiyo imetengenezwa kwa sababu ya gari la moshi.

Swala kama hili lingezingatiwa kuhusu sisi pia, tunaokaa sehemu za chini, kule ilikoanzia; kwamba, kunatakikana kuwe na gari la moshi ambalo linatoka pale *station* Mombasa na kuelekea karibu na Kilifi, au ifike Vipingo, ili watu wa huko pia wafaidike na waone hali ya uchumi na maendeleo yanayopatikana katika Kenya.

Ni jambo la aibu sana nikisema ya kwamba ukisafiri kutoka Mombasa kuenda Mtwapa na hatimaye uende Kikambala na Vipingo, utamaliza masaa karibu manne. Inakuwa *traffic jam* kubwa kwa watu wanaotoka kazini. Walakini, ikiwa jambo kama hili linaweza kuwa *focused* on ama kuangaliwa kwa kina, badala ya kuwa na msukumano wa

magari mengi au matatu nyingi zinazoenda mpaka kikambala na Kilifi, ingekuwa hazifiki town, ila zinabaki Kikambala ili ziwachukue watu na kuwapekeka Kilifi.

Kwa hivyo, kwa maoni yangu, *statement* kama hii ni nzuri lakini kutogawanya kwa watu ingekuwa bora zaidi ikiwa sehemu kama hiyo imeangaliwa vizuri ili ku-improve *passenger network*.

Asante Bw. Spika.

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

Sen. Dullo: Thank you, Mr. Speaker, Sir. When I was on the Floor of the House, I requested if you can assist in giving the direction on the issue of staff laid off at the County Assembly, because they are really suffering. This is an urgent matter because for almost seven months they are out in the cold.

I thank you.

The Speaker (Hon. Kingi): Clerk, take note of that. That Statement was requested a while ago. Can you make a follow-up with the relevant committee, so that we get a response to that matter, and at any rate, not later than Wednesday next week?

Sen. Mutinda, please proceed.

Sen. Tabitha Mutinda: Thank you, Mr. Speaker, Sir. I rise to support the Statement by the Senator of Kajiado County, Sen. Seki. He is one of the senators who are very passionate when it comes to matters Kajiado County.

Today, I have seen how he has engaged with the Cabinet Secretary for Energy and Petroleum on compensation matters. Similarly, now, on the Floor of this House, on the issue as to why the Ministry of Roads and Transportation has not taken time to ensure that there is accessibility of traders and other Kenyans within that county to be able to access the Standard Gauge Railway (SGR) facilities and amenities such as the shops that have been put in place that should be generating revenue, not only to the company itself, but also benefiting the people of Kajiado County.

Mr. Speaker, Sir, as much as some of these projects are governmental projects, there has been a wrong mentality in this country, where when something is for the Government, then it is not really utilised to its maximum level in terms of generation of revenue and at the same time giving services maximally to its people within its environs. I would want to urge, as I support the statement of Sen. Seki, that the Cabinet Secretary for Road and Transportation should quicken and fast-track by sending his team to the ground to ensure that accessibility is given. This cuts across many other public and governmental infrastructures that have been put in place.

We have seen infrastructures that are up, payments have been done already, handovers have been done, but nothing is working because one institution or the other has not been able to provide what needs to be provided. For this case, accessibility is very key.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Hon. Senators, allow me to rearrange today's Order Paper, pursuant to Standing Order 45(2), so that we move to Order No.17, and thereafter, resume the normal flow as contained in today's Order Paper.

Clerk, kindly, proceed to call that Order.

BILL*Second Reading*THE EQUALISATION FUND APPROPRIATION BILL
(NATIONAL ASSEMBLY BILLS NO.21 OF 2025)

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

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

Mr. Speaker, Sir, I beg to move that The Equalisation Fund Appropriation Bill (National Assembly Bills No. 21 of 2025) be now read a Second Time.

Mr. Speaker, Sir, this is rather embarrassing because today is the 6th of May, 2026. We are basically one month and 24 days to the end of the financial year, and this is when we are considering the Equalisation Fund for the Financial Year 2025/2026. It is very shameful, I must agree, because, honestly, it was not out of idleness that the people of Kenya included Article 204 into our Constitution. It is because they were fully aware that there are two Kenyans. We live in the same country and Republic and sing the same national anthem, but our realities are extremely different.

There are parts of this country where when residents wake up in the morning, they can choose which tarmac road to take. There are other parts of the country that in this day and age, an entire constituency has never seen tarmac. If you talk of piped water, that is a dream. It is until students from the schools visit the bigger towns within the proximity of those localities, that they see water flowing out of a tap and it is a spectacle for them.

There are parts of this country where the distance between a health centre and another is in hundreds of kilometres. The people of Kenya fully pricked of their conscience, made provisions for Article 204, where we provide 1.5 per cent of the nationally raised revenue and share it with parts of this country that are less fortunate, so that we are able to do our programmes.

I will be speaking a bit later about how well that has been done and how we have been able to execute that particular part of it. I was just laying the basis for appreciation, as a House, on the importance of the Equalisation Fund. It is almost like life support to certain parts of the country, yet as we are moving the division of the revenue for the Financial Year 2026/2027, we are equally moving the Equalisation Fund for the past financial year. That cannot be right.

I must confess that it is not out of the making of this House. We received this Bill just a few weeks ago and we have processed it. I want to believe, should we conclude on debate today, depending on how many Members want to speak to it, as early as tomorrow, we should be able to progress to Second and Third Reading. This is because we do not even have - at least none that I am aware of - any deep detailed amendment to this proposed Bill. It is not right. We cannot continue to live like this.

I must appreciate the ingenious of the drafters of our Constitution. This is because of the provisions they provided. Remember, after the passage of this Constitution in 2010 and the beginning of the bicameral Parliament in 2012, it took us close to five to

six years before we operationalised this particular provision. There were cases in court. That institution has never picked. In fact, I just need to check. Maybe we will engage the CEO at one time. This is because there is something I will also be proposing to the House a bit later, further down my notes on actually what has been the success of this particular Fund in the farflung and forgotten corners of this country, as the people of Kenya expected; its success and whatnot.

The question that I was raising on this particular part of my submission is, I doubt if we have been able to implement more than five cycles of the Equalisation Fund. It is unfortunate. It is not right nor godly and we need to do better. That is why I want to urge the House that we quickly move this Bill. I hope that we can get to provision of these resources because it is provided by the Constitution. There is nothing to think about and no debate to have. It is known that Article 204 provides that once we have the audited accounts of the previous financial year, 1.5 per cent immediately goes into this Fund, by operation of the Constitution. No need for any appropriation or any Bill.

This Fund is so specific, unlike even the division of revenue between the two levels of Government. This one has only two conditions. Condition one, it needs to be 1.5 per cent. Condition two, it needs to be 1.5 per cent of the last audited accounts. All those are known at the end of every financial year. So, I do not understand this long winding road that we sometimes take with the National Treasury. It is a continuation of the marginalisation by the centralists. It is those who never believed in the spirit of devolution and those who particularly do not identify with the needs of communities such as these, that have this problem.

I was in North Horr two weeks ago - I am not sure whether we were with Sen. Eddy. I think it was Sen. Ledama or somebody else. You drive for almost one hour and you do not see a drop of water. These funds were for communities such as those. We understood they have unique needs which must be addressed. The only other way you can address them is provision of a sink fund such as this, yet, unfortunately, we continue to speak a lot of English here in Nairobi while people continue to suffer. We must do better.

Therefore, this Bill is something that we need to expedite. Appreciating that the national Government shall use the Equalisation Fund to provide these services as listed; water, roads, health facilities and electricity to marginalised areas. This is to the extent necessary to bring quality of those services in those areas to the level generally enjoyed by the rest of the nation, so far as possible.

Imagine, this is very basic and elementary. You are just trying to elevate other Kenyans to live the general applicable standards with the rest of the country. We have a big debate about it here in the country. We ought to do better. The challenge is that at present, there is no law that provides the issuance of funds out of the Equalisation Fund for the provision of basic services for Financial Year 2025/2026. Each law that we do, unfortunately, is for subsequent years.

In fact, I really want to question the wisdom of the yearly passage of this Bill. Why can we not do it like the National Government Constituencies Development Fund (NG-CDF)? I have gradually come to accept that we lost the public. Those of us that

argue for devolution so passionately, the people of Kenya are not with us in regards to the conversation on NG-CDF. There is a reason to it.

Part of the reason each time there is a conversation on the NG-CDF, you will find that members of the public will agree and say, at least, they identify with it and want to see more of such funds. This is because its utilisation is stratified; it is known. There is very little that Members of the National Assembly have to do, much as they take pride as patrons. It is known that you can only spend up to 2.5 per cent on this particular budget item. You can spend up to this particular item on bursary or infrastructure development.

Therefore, when you devolve funds into such a small unit as a constituency and you stratify its usage, so that it is known how you can use and you develop the amount, such that you do not have to pass a yearly Bill such as this, such that if it delays, you can get to May without giving the national law and Equalisation Fund, then that law will be popular. If you walk to every village in this country, citizens can identify and point to you and say, this particular school or hall was built by the NG-CDF.

We must find ways of developing the Equalisation Fund along those lines, so that this process or this particular desire to pass a law on a yearly basis becomes a thing of the past. Though the amounts vary and differ, we can pass a formula for the same. In fact, there exists a formula on how these funds are distributed, guided and developed, in partnership with the Commission on Revenue Allocation (CRA). This is such that immediately we are done with these particular funds, it will be known.

I like the fact that the Equalisation Fund Board has actually broken down this into ward level. It is not even about counties anymore. They did a study on the most marginalised wards in the country and provided the needs that exist therein. There is a process through which members of the public are engaged. They are informed that this is the applicable rates or amounts that are available for them and they can go ahead and implement a particular project. I would wish that one day, we also engage with the Equalisation Fund Board. This is so that they can do a report to us, as Parliament, particularly us in the Senate, to appreciate the projects that they have been successful in overseeing and ensuring they are properly implemented.

The biggest threat that devolution continues to face today, if you go to any county, from here in Nairobi all the way to Tana River, Kericho or whichever part of the country, is the fact that people consistently complain that it takes inordinately long before a county government can complete one simple project. If you begin this particular project, set out and do the ground breaking, you do it on budget and on time. I do not know how we are ever going to resolve that particular issue. The day we shall crack that particular matter, devolution will begin to sink deeper into the hearts of our people and people will appreciate.

People yearn and cry for more resources. However, the bigger challenge that we have, even us, as Senators, is that many times, citizens ask us to show how the whatever number of billions of shillings that we devolve fits in a particular county. So long as there is no complete project or an array of a building that is at 60 per cent completion, a bridge that is 20 per cent complete or another hospital that is at 70 per cent complete, it will never make sense to people.

Mr. Speaker, Sir, in fact, the ultimate measure of a good manager of resources, a good governor or a good county government, should be projects that start and complete on time and on a budget. That a governor should be able to point out, at the very least, five to 10 projects that are complex in implementation, either a hospital or an Early Childhood Development Education (ECDE) infrastructure; projects that people can identify and say that they began on this particular date and by such and such a date, they were completed. Forget about roads, that is not a project, it is just grading.

If you go around your county, it is littered with projects that were begun in the first cycle of county governments in 2013. In fact, the same way we have done a study on pending bills, we need to also do an evaluation of stalled projects. It will shock the country where county money was put, but up to date, have never been completed. It has taken longer than usual and therefore, citizens continue to lose resources. That is unfortunate.

This is what I am arguing against in this particular Bill, hoping that the Equalisation Fund Board will one day be able to demonstrate to this House that out of the funds that they have set aside, this is what they have implemented in all counties. That will be our place of pride.

Mr. Speaker, Sir, that is the long and short of this particular Bill for the provision of basic services for all in 2025 and 2026. Once this Bill is passed, it will ensure that funds allocated are issued and utilised for provision of services to marginalised areas as contemplated under Article 204. Luckily for us, at least, once these funds get into the Equalisation Fund, there is no way out apart from utilisation in the already identified projects where it continues to pile.

Like I have said, the same way we have a National Government Constituencies Development Fund (NG-CDF) Board, who I see occasionally releasing reports of the projects that have been successfully implemented in a particular financial year, I challenge the Chief Executive Officer (CEO) of the Equalisation Fund, together with that particular Board, to furnish the public with this particular report, so that the people of Kenya appreciate the important role that this particular Institution plays.

Otherwise, I do not want to speak for so long on a very simple topic that I hope we can complete in the shortest time possible.

With those many remarks, I beg to move and request the Member of the Committee on Finance and Budget, the Senator for Migori County, Sen. Eddy Oketch, to second.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Eddy, you may proceed.

Sen. Oketch Gicheru: Mr. Speaker, Sir, it is indeed an honour to second this Bill as moved by the Majority Leader, Sen. Aaron Cheruiyot. In the same spirit, I urge the House to pass this Bill as has been tabled in this House, without amendments, for the reason that this is a Bill that needs to be fast tracked.

Even as we do that, I add my voice to the concerns that the Majority Leader has raised about this particular Bill, more largely, on the conversations around the Equalisation Fund. What is happening to this Fund is a wanting conversation that I hope this House will elevate a little bit better to the psyche of the nation and the

Executive. What is happening is not right. To start with, we all know that the Equalisation Fund has a sunset clause, meaning that by 2030, this Fund should no longer exist within the context of our Constitution. However, if you look at the way the Fund has been treated in the last seven years or so of devolution, it has not achieved its purpose.

I agree with the Majority Leader that we do not even need to be considering an appropriations Bill on this particular Fund because it is a constitutional imperative that was necessitated by the marginalisation that has happened in this country since 1965. Perhaps for those who do not know or might forget, the Fund came in context of Sessional Paper No.10 of 1965, where a number of people in the Executive during that time in our country, felt that some areas, which then ended up constituting some particular counties, were not fit enough to contribute economically into the well-being of the country.

The people in the Executive at that time thought that places such as Turkana, Mandera, Isiolo, Narok, Tana River, Kilifi and Kwale had no any permutation whatsoever, in contributing to our economic merit. This was so that any kind of money that was collected in the government coffers at that time, was concentrated in areas that in the best understanding and lack of knowledge of the people at that time in the Executive, thought would contribute to the economic merit of the country.

Mr. Speaker, Sir, because of that, since 1965 up until 2013 when this Constitution took effect, those areas have never known any semblance of government. Last year, my brother, Sen. Sifuna, I think Sen. Wambua, Sen. Dullo and myself made a trip to Mandera County. We left there with our hearts bleeding because you could see that since 1965, an area such as Mandera County has never had any semblance of government. In fact, it is the first Governor, Governor Roba, who tried to put a few institutions that could even make it possible to have a semblance of government, including simple things such as seeing tarmac roads. People had never seen tarmac roads in these areas.

If you go to Wajir and Garissa counties, it is the same. Apart from just general development, even the basic needs that drive a community's development psyche were not existing. That is why the Constitution captured these four critical areas. There is no place in this country that should be without roads, water and basic health facilities such as a simple health dispensary. These are missing in some places.

I know I was not with Sen. Aaron Cheruiyot when they visited North Horr, however, he will tell you that we visited Lafey in Mandera and Marsabit counties. We found that in counties such as Nyanza, Nairobi or Nyeri that were favoured at that time, the chance of their women losing a baby during pregnancy is one in 10. However, when you go to Marsabit County, it is a reality that out of 10 women giving birth, only two survive because there are no basic health facilities such as dispensaries and maternity facilities for these women to get medical services. Therefore, it was critical for this Fund to exist.

Then, there is electricity. You will find that a child in Isiolo, Kwale, or a place as far as Tana River consumes 50 times less electricity than a child in Nairobi. It is not fair. That is why this Fund had to be. There is a sad story about this Fund that the Senate must pay keen attention to. The Fund has not been honoured as it was supposed to be. The

reason we are passing this Appropriations Bill is that in the last two instances, the Fund has had two appropriation Acts.

The first Act was Act No.3 of 2018, which provided an allocation of about Kshs12.4 billion. That allocation was meant to serve the Financial Year 2014/2015, 2015/2016 and 2016 and 2018. Then we had the next Appropriation Act, which was Act No.7 of 2023. It further allocated about Kshs10.3 billion. That amount was meant to serve financial years 2021/2022 and 2022/2023 under what we call the Second Marginalisation Policy. My concern is that the National Treasury has never released this money and the excuse is what we are working on right now; that there is no legal framework for it.

Please, take note that to the understanding of the nation, the marginalisation policies are developed by the Commission on Revenue Allocation (CRA) under Article 217 to come up with the best possible framework to address marginalisation and discrimination in roads, water, health and electricity.

The first marginalisation policy was only inclusive of 14 counties and I have mentioned some of them, but the second marginalisation policy was more elaborate and scientific. It sought to look at the issue of marginalisation across the entire country to the extent of including 34 counties in total, an improvement from 14 counties. It further identified 366 wards and 1,424 sub-locations. That means the issue of marginalisation is so endemic in the entire country that there are places where these four services are totally in crisis.

I say so because marginalisation in Migori County that was included under the second policy includes places such as Muhuru Bay, Komosoko/Nyamosense in Kuria, Masangora in Kuria East, Nyamilu and a place in North Kanyamkago called Nyamasaria. These have endemic road, healthcare facility, water and electricity problems. If these monies have been allocated since the first and second appropriations, yet they were not honoured, even the one we are doing here will have a problem.

Just for a matter of fact, the endowment for this Fund is about Kshs79.58 billion. So far, we have only seen an appropriation of about Kshs62 billion. Out of this, a majority of it has not been given. So far, we have only seen about Kshs13.4 billion, which is about 22 per cent of the entitlement given to this fund.

As we pass this Equilisation Fund Appropriation Bill, I plead with this House that, if possible, may this House take note and ensure we can bring a stronger conversation on honouring what has been appropriated. Our job of appropriating is one thing, but it is upon the Government to ensure it honours this appropriation.

This Bill intends to appropriate a total of about Kshs16.8 billion. The arrears I have mentioned are so huge that the biggest problem we will face is absorption in our counties. If these monies keep piling up and the debt keeps piling up, we face a problem. Even when the money is released, it is often too close to the end of the financial year that sometimes it becomes difficult to absorb it. We have seen this time and again when funds to counties are delayed. Although this Fund is implemented under a different structure in the National Treasury, together with the former provincial administration, it is important that we push hard that these appropriations be honoured.

I do not want to say much more than I have said. I know some of my colleagues here would want to contribute on this issue. However, after we pass this Equilisation Fund Appropriation Bill today or this week, we must retreat and find a strategy to ensure it is honoured. All the other arrears of about Kshs62 billion to this Fund that the National Treasury has not honoured must honour them, so we can give this Fund its true meaning. Otherwise, we will enter a sunset period when we will have passed the timeline of this Fund, yet it was never honoured. It will be very difficult to equalise services to those underserved communities that have faced marginalisation since Independence.

With that, I wish to second. I hope the House will pass this Bill as is, to ensure this Fund takes root.

(Question proposed)

The Speaker (Hon. Kingi): The Floor is now open for debate. However, before we proceed let us hear the Senate Majority Leader.

(Interruption of debate on the Bill)

PROCEDURAL MOTION

ELECTION OF SEN. FAKI TO PRESIDE OVER SENATE SITTING

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, due to sudden emergencies in the House, I rise to move the Motion-

THAT, pursuant to Article 107(1)(c) of the Constitution of Kenya, 2010 and Standing Order No.18 of the Senate, the Senate elects Sen. Mohamed Faki to preside over the Sitting of the Senate for the remainder of the day.

I beg to move and request Sen. Madzayo to second.

Sen. Madzayo: Thank you, Mr. Speaker, Sir. I second.

The Speaker (Hon. Kingi): Hon. Senators, this is a procedural Motion. We need not debate it. With your concurrence, you will allow me to put the question.

(Question put and agreed to)

(Applause)

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

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

(Resumption of debate on Bill)

The Temporary Speaker (Sen. Faki): The question has been proposed. From my list, the first Senator in the list is Sen. Sifuna, the Senator for Nairobi City County.

(Loud consultations)

It is here. Order, the distinguished Senator for Nandi County.

Sen. Sifuna: Throw him out.

Hon. Temporary Speaker, Sir, I thank you for the opportunity to contribute to this Bill. From the onset, I want to say that I support the Bill.

I have always believed and said on this Floor that if you look very closely, you will note that the Senate Majority Leader is generally a very good man. If you look with a microscope, you will find things that we agree on.

I agree with the Senate Majority Leader when he says that it is a shame and an embarrassment that we are debating this Bill, two months to the close of the financial year. I agree with him in his sentiments that the debate on this particular Bill is unnecessary because this is a constitutional imperative. There should be a self-executing mechanism to appropriate this money to the counties or areas that have been marginalised for a long time.

I wish he tendered an apology after saying the things that I agree with. This is because there is no one else to blame for the delay other than the current Government, for which he is a Member. The person in charge of the country right now is from the Senate Majority Leader's party. The courts ruled that the Azimio Coalition is the majority in the National Assembly, but the Speaker refused to implement that hence the Senate Majority Leader's party is the majority there. He should take this up with those institutions when they have their next meeting to discuss matters.

In fact, every time we debate this Bill, I always remind people that the Constitution that we have right now has a historical context. There is a historical context to the provisions of this Constitution. These days, my favorite part of the Constitution is the preamble of the Constitution because it gives background to why we gave ourselves this Constitution. There was a life we used to live that we decided we were going to stop living. There are things that used to happen under previous regimes that we wanted to put an end to. There are things that never used to happen that we wanted to happen.

Mr. Temporary Speaker, Sir, allow me to point out two things in that preamble. First, we recognise the pride of the Kenyan people in our ethnic, cultural and religious diversity. We say that we are determined to live in peace and unity as one indivisible sovereign nation. I start there because of the traditional marginalisation of certain areas. When you go to those areas, you will note that those people do not consider themselves part of Kenya. That is why it is important for the preamble to recognise our diversity in that manner and to categorically state that we are one indivisible sovereign nation.

My current favorite is the values with which Kenyans wanted to be governed. I have argued in other fora that, in fact, the manifesto of the government we wanted is already here in the Constitution. You do not need to do anything else because there is a guide. Kenyans wanted a government based on six essential values. The first one is human rights, equality, freedom, democracy, social justice and the rule of law.

There are two that I want to point out that are relevant to the Bill that we are discussing today. It is equality and social justice. A society has to take care of all of us or all of its members. Article 204 of the Constitution must be seen in that context, that there are places that because of our previous politics, it became necessary for us to say, this is not right. We gave ourselves Article 204 because of those values of equality.

Article 204 is such a base requirement. The language itself will tell you that Kenyans were setting an extremely low bar. The purpose of that Fund is to bring the quality of services in marginalised areas to a level generally enjoyed by the rest of the nation. When they said the rest of the nation, they had an area of Kenya in mind.

What is the rest of the nation and who are these that were so far behind that they were not considered the rest of the nation? That is the question we must ask ourselves. It is for that reason that some of us had problems with the introduction of other areas also claiming to be marginalized. We knew the marginalized areas when we talked of them.

The Equalisation Fund was meant to lift the standard of the four basic services; water, roads, health and electricity to the level generally enjoyed by other people. Some of us swore to protect this Constitution and have stood by that. We believe that there are areas in this country that have been traditionally left behind.

There are people who have just recently discovered that northern Kenya exists. After the political fall out in the current administration, especially after losing a big chunk of the support from Mount Kenya, people have been forced to discover northern Kenya. They have also been forced to discover that Western Kenya and Luo Nyanza have not been getting certain services. If it were not for that fallout, we would not have heard about the road to Modogashe.

The people in power today were part of the original sin, the marginalisation that happened under previous regimes and everybody's history is known. Some of the people in power right now, were KANU hawks. They are the ones who put the foundation for the marginalisation that has happened. If it were not for that fall out, we would not have heard of some of these things. Those of us who believed in this Constitution from the start, knew that the people of Northern Kenya, Western and Nyanza had been marginalised majorly and largely because of the politics of our country.

I will give you an incident because I am a Member of the Committee on Energy. One of the biggest fights we had was the Adani fight. The Ministry of Energy and Petroleum told us that Adani Group had sent them a Public-Private Partnership (PPP) proposal for shoring up our electricity infrastructure. There is no problem with that, but the question we asked ourselves is, where do you begin if you are going to get a PPP to upgrade our electricity infrastructure? There are around 13 counties that are not on the national grid.

I was in Mandera with Sen. Oketch Gicheru a few months ago. We were hosted by Sen. Ali Roba. Mandera had no electricity when we were there. They ran on generators. The Senator for Marsabit County will tell you that his county has the biggest and largest wind farms in the continent, but they just see those cables running over their homes. They have no electricity. In places like Menengai, they will tell you that.

Mr. Temporary Speaker, Sir, would you believe that Adani proposed that the first phase of the upgrade of our electricity infrastructure was to shore up supply in Nairobi? I

am the Senator of Nairobi City County and I know for a fact that there are places in Nairobi that have gone without electricity. A friend of mine from Embakasi Central told me today that they have gone for weeks without electricity. So, do I want the people of Nairobi to get electricity? Yes, I want them to get electricity, but do I also want those 13 counties which have never seen electricity from the time this country was formed to at least be put on the grid? Yes, I do. That is what equality demands. That is the value of equality and social justice that we talk about. We want all Kenyans, in accordance with our preamble, to feel that we live in one indivisible nation. So, it breaks our hearts when we see some of these things happening.

If you read the Bill, you will see that there is an allocation of Kshs16.8 billion only which is supposed to bring the levels of services to what you enjoy in Mombasa and what we enjoy here in Nairobi. I have done the math. I want us to start with roads, as an example. We are told that on average, we spend between Kshs80 and Kshs150 million to do one kilometre of a standard bitumen road that has two lanes. One kilometre of a standard bitumen road that has two lanes, Kshs150 million. If my math is not very bad, if you did the math, Kshs16.8 billion gets you around a maximum of 110 kilometres of road. If we decided to put the entire Equalisation Fund into one road, it will only be 110 kilometres, Sen. Khalwale. Are we really being honest about the implementation of this Fund?

One of the things I have advocated for, and I am sure that in the next administration, if for instance, we are lucky enough and *Linda Mwananchi* forms government, one of the things we want to do, the way there is a schedule about how much money every county receives under devolution, the equitable share. We want to see in those 47 counties how much each county receives from the national revenue because that is the one thing we are never told.

It is possible that there is accumulation of government expenditure in certain areas because of certain things, and especially because of political expediency. So, one of the things I want to promise here is that once we form government as *Linda Mwananchi*, we will be publishing. Mandera must know how much of the national Government resources have been utilised there.

When we went to Mandera, we complained about the state of the airport there. One of the busiest airports in Kenya has no tarmac. You go to certain counties, I do not want to mention them, but I did mention them in Mandera, there are two airports within five kilometres of each other. It is just unconscionable. To prove our point, just recently, there was an accident at Mandera Airport. We are waiting for people to die so that we can build an airport in Mandera. This is a serious issue and I want us to be honest about it.

In fact, one of the things I get asked every day is---

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

Sen. Sifuna: On what?

The Temporary Speaker (Sen. Faki): Sen. Sifuna, do you want to be informed?

Sen. Sifuna: I do not know if he can tell you what he wants to inform me, because I do not usually like when I am in the middle of teaching, to be taught myself, but let us hear what he has to say. However, briefly.

The Temporary Speaker (Sen. Faki): Yes, Sen. Eddy

Sen. Oketch Gicheru: Sen. Sifuna has alluded to something very important, which I also had talked about, but I need to inform you on something here. He has alluded on the amount of money on this Equalisation Fund Appropriation Bill, which is Kshs16 billion. What I want to inform him is that because this fund has got a sunset clause, if you go by the math that it is done of 1.5 per cent of the amount of money that we should get from the national Government to this Fund, this Fund has got an entitlement of Kshs79.8 billion.

What I wanted to inform you about is that since the last two appropriations were done up to date, that will include the 2025/2026, which we are doing today, Kshs62 billion is the outstanding arrears that the national Government has not honoured. So that between the time that this fund was founded up to now, there has only been an honouring of Kshs13 billion.

I think that information is important to him to understand that even though we are trying to get the Kshs16 billion to be passed now, Kshs13 billion is the only amount that has been given in an entitlement of Kshs79 billion with arrears of Kshs62 billion. So, if the Kshs62 billion could be released with the fight of people like Sen. Sifuna, myself, yourself, Speaker, and all Senators here, it could be a very significant amount to equalise Kenya. That money is big; the Kshs62 billion that is already in arrears. I thank you.

The Temporary Speaker (Sen. Faki): Sen. Sifuna, I believe you have been informed sufficiently. Sen. Oketch is saying that although we pass the Equalisation Fund Act every year, the disbursements from the National Treasury are not up to date. There are arrears of Kshs63 billion.

Sen. Sifuna: I understand, because of the controversy that has been surrounding the Fund. In fact, I remember in 2010, I was one of those people who said this is one of those clauses that should not have a sunset clause, and I will give you the reason. It is not a solid argument to give 20 years to repair damage that has been done over 60 years. The people of northern Kenya and all these other marginalised areas have suffered over 60 years. Twenty years from 2010 is supposed to expire in 2030. We need, I think, half of this House and half of the other one to pass an extension of this particular clause. It is unnecessary.

It is just that I am not very good in math. Maybe Sen. Eddy can help me. I even suspect that these amounts that are being disbursed are not equivalent to 1.5 per cent of all the revenue that we have collected. We have a problem even with the monies for devolution. Due to the National Assembly being slow in approving or passing the Auditor-General's reports on our revenue, we are always years back on the best amount that we used to calculate how much money goes to the counties and to funds such as this.

So, for a period of 60 years, you do not have roads, and then you are being given instalments of Kshs12 billion and Kshs16 billion. It will take proper lifetimes. There are people who will die in some of these areas without ever seeing electricity or roads. For me, it is unfair because they continue to be Kenyans who continue paying taxes.

Therefore, I support this Bill. I want to assure Kenyans that there are good-hearted people out there who had this Constitution in mind. One of the biggest tragedies is people finding themselves in power and being given a Constitution to implement that they did not believe in, they did not support, and that they actively opposed. There is no

way there is any political will to ensure that you implement some of these things if you, from the onset, did not believe in it.

So, forget all these stories you hear about people suddenly discovering Mandera exists, that we need a road from Mandera through Isiolo. There are people who have always known that there is marginalisation. They have been part of that system of marginalisation. So, there is no magic. That is why I continue to insist that we want in 2027 to have a values conversation. Once you appreciate that a government needs to act fairly because it is a constitutional imperative of value that a government must consider equality when they are doing certain things, then you do not need to convince me with your votes to bring roads to Mandera. You do not need to convince me to put Marsabit on the grid because I am tied and bound by the values in the Constitution that there has to be social justice.

So, when you see some of these people pushing and saying, ‘Sifuna, how many kilometres of road will you build? I have built one stadium. How many are you going to build? I have built 30 markets. How many are you going to build?’ I am telling Kenyans we want a conversation to return this country on the rail of values. Once those values are in place, everything else falls in place.

I thank you.

The Temporary Speaker (Sen. Faki): Sen. Khalwale, please proceed

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, it was interesting listening to the Leader of the Majority lament and complain that it is a few months before the close of the year that this Bill has come belatedly. Who does he think is supposed to bring it? Is it the Senator of Mombasa? Is it the Deputy Minority Whip? The person to bring this Government business to this House is the Leader of the Majority. His name is Aaron something Cheruiyot, Senator of Kericho County.

This business of passing the buck so that---

The Temporary Speaker (Sen. Faki): You should know the full name of Sen. Cheruiyot, having served with him in the Second Senate of this Republic. We should know his full name.

Sen. (Dr.) Khalwale: Correct, but Sen. Edwin Sifuna is here. He will tell you that amongst the Abaluhya, you are only compelled to know all the names of people of your circumcision age or above, but the rest are children. You are allowed to know them by only one name.

(Sen. Cherarkey spoke off record)

Sen. (Dr.) Khalwale: Has the short man swallowed a bee once again?

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

The Temporary Speaker (Sen. Faki): What is out of order, Sen. Cherarkey?

Sen. Cherarkey: Mr. Temporary Speaker, Sir, I rise under Standing Order No.105 on accuracy of facts. People who are older than Khalwale are known by the rest of their children. I thought from above 18 years old either, the Senate Majority Leader is an elder. You have to stop Sen. Khalwale because all of us are Senators.

Finally, you have to rein in Sen. Khalwale. He has a condescending attitude towards colleagues who are junior to him. If he is man enough - there was a Cabinet Secretary here by the name Lee Kinyanjui, who has been an MP, assistant minister, a governor and now Cabinet Secretary, while he has been mark-timing in Parliament.

In fact, in 2017, let me say, because it is on record, because he is insulting us---

The Temporary Speaker (Sen. Faki): No, Sen. Cherarkey, please withdraw that.

Sen. Cherarkey: He should also withdraw the insults. He is saying, 'short man,' 'junior,' 'children.' There are no children here. If he wants his children, he should go home. It is a fact that he lost the gubernatorial bid in Kakamega in 2017. In 2027, he will be trashed again because of his condescending attitude towards ---

The Temporary Speaker (Sen. Faki): No, 2027, we do not know. Proceed, Sen. Khalwale.

Sen. (Dr.) Khalwale: Thank you, Mr. Temporary Speaker, Sir. I, therefore, want to urge the leadership of the House to be competent and efficient, so that things are done timeously.

It was interesting that at the Committee on Finance and Budget, when we invited stakeholders to give us their views about this Fund, they did not come because they are tired of coming and repeating the same things to the committee and this House, and nothing is done. Even the only one who came, the children of the *Mau* post-60 colonial era, repeated the same complaint, namely the policy on marginalisation by CRA. The first policy on marginalisation was very clear. It was in tandem with the letter and spirit of this Constitution, which wanted to write the Sessional Paper of 1965, that gave birth to this marginalisation.

So, they gave us 14 counties, mainly from the northern districts that comprise the north eastern region and sections of the upper Rift. We moved away from it and introduced a political policy of marginalisation that had nothing to do with the letter and spirit of the Constitution. Thanks to this, a policy that was going to guide the Equalisation Fund, so that roads, electricity, water and access to health care was enjoyed by the marginalised areas, ended up being abused. The inequality in this country is so massive that if you go to the item of roads that the Equalisation Fund was supposed to write, the marginalisation is amazing.

To this extent, that Nairobi, rural Tamil Road is at 100 per cent, Murang'a is at 70.6 per cent, and Kiambu at 60 per cent. When you go to Kakamega, that drops to 14.9 per cent. You go to Bungoma, that drops to 13.8 per cent. Mombasa is 11 per cent; Kwale is less than 6 per cent. Mandera is zero per cent.

So, this conversation of equality must be the conversation in this House in a wider political discourse because inequality breeds a sense of lack of nationalism and the high poverty levels that we see in various parts of this country. When you argue that this money should not be taken to these counties, it is because you are suffering from the syndrome of the people of Nairobi. The people of Nairobi who have never gone, for example, to Balambala Constituency, they think the people in Balambala Constituency first are the Somalis in Eastleigh or the Somalis in South C. This is far from it. Those people live in squalor. They need this Parliament for us to come the way they are supposed to go.

Mr. Temporary Speaker, Sir, speaking like a doctor, you cannot speak of healthcare until you are guided by the care that the medical personnel are supposed to give, by their competence, their capacity to enjoy communication that can allow patients to reach them and their compassion. You can have all those things, but if there is no communication between you and the patient who wants your services, you are as good as not there.

So, tell me, the north eastern areas, the disparity is such that to move to the nearest health centre, it is distances of up to 50 kilometres. How will a woman in labour be able to reach that health centre so as to give birth? How will a child, an adult with pneumonia, walk those 50 kilometres to go and access antibiotics that will treat them? The result? High mortality in those areas. It is important that when we are guiding the delivery of health services, we should not be dwelling on abstract issues at the expense of provision of primary healthcare. Abstract issues like SHA do not override primary healthcare.

Mr. Temporary Speaker, Sir, you might not know it, but there is another measure called infant mortality. The children who die in the first 28 days after birth. For every 1,000 children born, the national average is that 3.7 per cent or so of those children must die. However, when you just move into the marginalised areas, those figures shoot to figures of between 60 and 90 children dying per 1,000 life parts. This cannot be cured by SHA. This can only be cured by a government that is alive to the fact that the backbone of healthcare is primary healthcare.

It is indeed a long day in the lives of the unequal people. Where you and I come from, where the Chairman of the Committee on Finance and Budget, Governor Roba, every time after the committee, he normally tells me how many harambees he has conducted to try and change something. Granted, he is a billionaire, but can I assure you, my brother, Sen. Roba, you will not manage. You will not manage. Those millions should be used in injecting into governance. The problem is governance.

Mr. Temporary Speaker, Sir, the Senator for Mandera is a very good man. I concur that the Senator for Mandera is a very good man.

The Temporary Speaker (Sen. Faki): I concur that the Senator for Mandera County is a very good man.

Sen. (Dr.) Khalwale: He is a good man and gentleman.

The Temporary Speaker (Sen. Faki): Proceed.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I wish to conclude by speaking to the statistics, pure science, on the marginalisation experienced in Western and the former Nyanza Province. Since the Senator for Migori County is an economist, he will understand me when I say that the Government must go to the people of Migori and Nyanza with a different agenda, not merely asking them to chant “two-term, two-term.” What do these people truly need? They need improved healthcare.

In Migori County, 47 infants die out of every 1,000 deliveries, compared to Nyeri where only 0.1 infants die. This is the conversation we want to hear from the Ministry of Health. We do not hear it. Instead, we witness hecklers being sent to the Senate to interrupt when we are contributing to national issues. Just because a Senator comes from

a neighbouring county like Nandi does not mean he should interrupt debate. He should come here to learn from those of us who debate using facts, not drama.

Mr. Temporary Speaker, Sir, we have come a long way. Many Kenyans still reflect on the era of Daniel arap Moi, may his soul rest in eternal peace. Some would argue that much of the suffering today stems from his uninterrupted 24 years of misrule. It is my belief and hope that we will carry the marginalised areas along with the rest of Kenyans. That is why I make this emotional speech. Some of the profiling directed at people from marginalised areas, such as Somalis, is a natural instinct of human beings called “fight back.” They resist because they feel excluded. However, if you treat them equally, they will embrace unity. Are you surprised that very few Somali girls are married to Luhyas? It is not because they cannot fall in love with them; it is fight back. They say, these people do not treat us like them, so we do not want to get married to them.

For example, in Kakamega, Somalis live harmoniously with others. They even speak Luhya. They even integrate their children’s play with local traditions, showing they feel part of the system. This value of caring for one another is what will deliver Kenya from the Third World to middle-income status, and eventually to the First World. It will do so faster than empty sloganeering about “going to Singapore.”

Mr. Temporary Speaker, Sir, with those many remarks, I strongly support.

The Temporary Speaker (Sen. Faki): Thank you, Sen. (Dr.) Khalwale. Before we go to the next Senator, I want to call Sen. Ali Roba to lay before the Table of the Senate the Report of the Standing Committee on Finance and Budget on the Equalisation Fund Appropriation Bill.

Sen. (Dr.) Khalwale, if you want to marry a Somali, you will talk to Sen. Ali Roba later or during the meeting.

Sen. Eddy, Proceed.

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, I thank you for this opportunity.

(Sen. Cherarkey spoke off record)

Mr. Temporary Speaker, may you protect me from Sen. Cherarkey?

(Interruption of debate on Bill)

The Temporary Speaker (Sen. Faki): Proceed, Sen. Eddy.

PAPER LAID

REPORT ON THE EQUALISATION FUND APPROPRIATION BILL, 2025
(NATIONAL ASSEMBLY BILLS NO.21 OF 2025)

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, Wednesday, 6th May 2026-

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Report of the Standing Committee on Finance and Budget on the Equalisation Fund Appropriation Bill, 2025 (National Assembly Bills No.21 of 2025).

I thank you.

(Sen. Oketch Gicheru laid the document on the Table)

The Temporary Speaker (Sen. Faki): Thank you, Sen. Eddy. Sen. Dullo, proceed.

(Sen. Cherarkey spoke off record)

Sen. Dullo: That will be discussed by Sen. Ali Roba, not me.

(Resumption of debate on Bill)

Thank you, Mr. Speaker, Sir. I rise with a heavy heart to support this Bill.

(Sen. Cherarkey spoke off record)

The Temporary Speaker (Sen. Faki): Let us hear Sen. Dullo in silence.

Sen. Dullo: Those who established the Equalisation Fund under the current Constitution did so with good intentions, seeking to uplift counties that were clearly marginalised. However, in the last Parliament, the implementation of the Equalisation Fund was moved to the counties. That was a wrong move. We already allocate substantial monies to counties, yet they are not serving the intended purposes. The Equalisation Fund was meant to bring marginalised counties to the level of more developed ones. Unfortunately, it has further marginalised them, serving the opposite purpose of what was intended.

Many of those who sit in Nairobi and allocate these budgets do not even know where Takaba or Basa is in Isiolo County, yet, they decide on disbursement schedules. If you look closely, those who already have more are the ones given more. My question is: What criteria is being used to allocate this Equalisation Fund?

We have heard speakers talk about water, roads, healthcare and electricity yet, many parts of northern Kenya, which were the intended beneficiaries, remain neglected. The expansion from 14 counties to the current number was politically instigated. I do not see a clear, fair criteria being applied in disbursement of Equalisation Fund.

Moreover, we have seen in the past that the manner in which projects under the Equalisation Fund are awarded is unprocedural. Some are decided in the streets of Nairobi without proper public participation. The projects are not aligned with the priorities of the people who are supposed to benefit. That is why I am saying we made a big mistake by giving implementation of this particular project to the county governments. You will see this in some of the project use of the Equalisation Fund.

There are two projects in my county. There is a project for a bridge at Karandare between Isiolo and Oldonyiro. That project was funded in 2021 through the Equalisation

Fund. However, up to date, it is not even 40 per cent done. People who use that road and the bridge are still suffering. When the project was assigned to the county government, is it the national Government or county government that is supposed to monitor such projects? There are also two projects on health because there are two dispensaries. One is at a place called Mwangaza in Isiolo County, where we visited with Sen. Cherarkey. After we had made a lot of noise, that dispensary was completed.

If you look at the dispensary at a place called Akadeli, you will be shocked if I share the photos from that dispensary. It was the first project that was initiated through the Equalisation Fund. That dispensary was going to serve the people from that area where emergencies occur in the middle of the night. Mothers who deliver in the middle of the night are forced to be taken to the county referral hospital, which is a distance of about 200 kilometres, which equally has almost nothing. That is really sad.

I remember I mentioned about that particular project several times to the Cabinet Secretary for Health. I have even written letters as far as that project is concerned. Members of the public have made a lot of noise because that dispensary is now a place where criminals hide, yet funds were meant to give service delivery to those who are marginalised. That is why I am saying that instead of that money helping the marginalised to improve their lives, it is even marginalising us.

We have no roads in our counties especially in farflung areas. A place like Merti is almost 200 kilometres from Isiolo, but the road is not tarmacked. Maintenance is done after two or three years. The theatre has a problem. What happens in case of emergencies? I wish that money was used in areas that are critical because we are not giving priority to what we need due to lack of public participation. Mothers are driven in Land Cruisers in form of ambulances for about 200 kilometres to the county referral hospital where there is medical negligence. I have several cases of delivery medical negligence in Isiolo County, simply because people do not care and funds that are allocated do not serve the right purpose.

The reason I support this particular Bill heavy-heartedly is because it is not serving the intended purpose. If we give priority to projects that we need in the counties, today, we would be having electricity, health centres and better hospitals in the name of county referral hospitals that are well equipped.

In my own county, electricity is something that some people have never seen, yet this is the 21st Century. However, when you visit some areas, there is electricity even in houses made of mud. Is that really equalisation? There was a laptops project that was introduced in this country. How are those students going to learn when they do not have electricity? There is a lot of sunlight in northern Kenya counties. If it is harnessed, we can have electricity or something else to complement lack of electricity.

There are no priorities for the Equalisation Fund as far as disbursement and public participation are concerned. That is why this particular Fund is not helping those who are affected. I have talked about ghost projects that have come up as a result of the Equalisation Fund. Kenyans do not know how the Equalisation Fund operates. Even we, Members of Parliament (MPs), run from one office to the other just to know how much is allocated, who is managing it and how the money is disbursed. There is no clear structure as far as the Equalisation Fund is concerned.

I do not want to take a lot of time. What I want to say here is that we would like to know about procedures used in disbursing that money. I know Sen. Roba is not listening to me, yet he is the Chairperson of the Committee on Finance and Budget. However, I hope he is picking what I am saying.

Mr. Temporary Speaker, Sir, you are a Member of the Committee on Finance and Budget. I am challenging the manner in which that money is disbursed.

An hon. Senator: On a point of order, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Faki): Proceed, Sen. Dullo.

Sen. Dullo: He can have his point of order.

The Temporary Speaker (Sen. Faki): Proceed, Sen. Dullo.

Sen. Dullo: Thank you, Mr. Temporary Speaker, Sir. This is what I was saying. Those in the Committee on Finance and Budget should explain to us how that money is disbursed. Perhaps, Sen. Sigei will speak for Bomet County because I can see it has been allocated Kshs31 million. If you look at Isiolo, it is Kshs270 million, Kajiado is Kshs674, while others have Kshs1 billion. Which criteria is used? Is it the level of marginalisation? We would like to know the criteria used as far as disbursing these particular funds is concerned.

I am going to request for a statement. We would like to know which projects have been taken up the Equalisation Fund since its inception. All projects under the Equalisation Fund should be audited. We should know the ones that are complete and those that are ghost projects. I know there are so many ghost projects in the counties where the equalisation funds have been disbursed.

Mr. Temporary Speaker, Sir, to conclude, I would like to talk about the sunset clause. If we do not know what the Equalisation Fund has done for the period it has been in operation, I do not see the purpose of having the sunset clause. It should not be there because we are still marginalised. The Equalisation Fund has done zero as far as I am concerned.

In some counties, for instance, if I may speak for Isiolo County, with regard to some of the projects under the Equalisation Fund, the governors will say they have been doing using money allocated to them. We cannot differentiate what the Equalisation Fund has done *vis-a-vis* what the county has done as far as those projects are concerned. We need to have proper audits of the Equalisation Fund to know whether it has served the right purpose or not.

As a House, and as Parliament, we need to do something about the Equalisation Fund because there is no equality. The disbursement and the way projects are done, it is not helping Kenyans. We must sit down and ask ourselves; how do we improve on what is currently happening?

I support and thank you.

The Temporary Speaker (Sen. Faki): Thank you, Sen. Dullo. There is a marginalisation policy which is prepared by the Commission for Revenue Allocation (CRA) and approved by the Senate. So, we do approve the marginalisation policy. The last policy which was approved departed from the 14 original counties now to 33, and even villages have been mentioned.

Sen. Roba, the Chairperson of the Senate Standing Committee on Finance and Budget, please proceed.

Sen. Ali Roba: Thank you, Mr. Temporary Speaker, Sir. I rise to support the Equalisation Fund Appropriation Bill (National Assembly Bills No.21 of 2025).

Mr. Temporary Speaker, Sir, it is very important that for purposes of making sure my other colleagues in the Senate also are refreshed with the efforts that this Senate has done. Two years ago, a Bill sponsored by myself called The Equalisation Fund Administration Bill, was passed by the Senate, whose key objectives were only two issues. One, to adjust the sunset clause by another 10 years, and secondly, to anchor the Equalisation Fund Board in law, so that it ceases to become a department of the National Treasury and is able to do its role independently.

Mr. Temporary Speaker, Sir, it is very sad that while pastoralist parliamentary group Members in the National Assembly and Senate are more than 110, that Bill has remained unprocessed because of vested interests. That is a very sad position. It creates a quagmire where Kshs62 billion, excluding the Equalisation Fund Appropriation Bill (National Assembly Bills No. 21 of 2025) that we are processing right now, remaining unreleased with the sunset clause fast approaching. There is no remedy for that purpose because of impoverished, selfish interests without looking at the broader benefit to the marginalised communities.

It pains me, as the Chairperson of the Senate Standing Committee on Finance and Budget, when I sit there, time and again, to call the Cabinet Secretary (CS) for National Treasury and Economic Planning. When we talk about the Equalisation Fund, you realise that it is easiest to rob and deny. Even now, the Supplementary Budget that has been passed by the National Assembly has removed Kshs2 billion from the Equalisation Fund, just because it is convenient. That is what should happen.

Mr. Temporary Speaker, Sir, marginalisation is not equal to poverty, or rather, poverty is not equal to marginalisation. Marginalisation is poverty arising from deliberate resource denial by successive governments using Sessional Paper No.10 of 1965.

What has been happening over the years, in the pastoralist areas, is deliberate by the Government. It is very sad that every successful Government has remained committed in word, but non-committed in action in terms of realisation of the Equalisation Fund. The Appropriation Bills that we have passed, in the past, have not seen money credited to the Equalisation Fund account.

Mr. Temporary Speaker, Sir, if the county governments are not willing to operationalise the Equalisation Fund effectively as required--- I was a governor for 10 years. So, when I sit in different meetings, I see Government administrative structures, including the apex structure of the Government, frowning when they hear about the Equalisation Fund as if they are getting that money out of their pockets. This is a constitutional allocation to the marginalised areas.

In the wisdom of the drafters of the Constitution, who really looked into the deliberate state of resource denial by successive governments, they created inequality in terms of development areas such as lack of roads, electricity, water, and health facilities. They decided that 0.5 per cent of the audited and approved budget each year should be allocated to the Equalisation Fund account.

Mr. Temporary Speaker, Sir, I stand here today as the Chairperson of the Senate Committee on Finance and Budget, and having really presided over several Appropriation Bills, to say it is okay for the Government of Kenya to decide completely that it is not willing to operationalise the Equalisation Fund. Therefore, let us decide to amend the Constitution and remove that 0.5 per cent if the people receiving are unworthy of that consideration.

I guarantee you today, that if the 0.5 per cent was going to go to the mountain or any other region, Rift Valley, Nyanza, it would have been operationalized, with an air of emergency around it. We discuss and lament every day. Unfortunately, I would have blamed the Government with every word that I can. However, looking at the calibre of leaders that we have from the pastoralist communities, they are impoverished in thought. I am very sorry to say this, because the Equalisation Fund Administration Bill that is meant to adjust the sunset clause to give an opportunity for these arrears to be implemented over time in a way that the Government is able, has been kept in the National Assembly for nearly three years. The pastoralist parliamentary group Members from the National Assembly, who are majority beneficiaries, are not doing anything.

They are not doing anything literally. They are not concerned that Kshs62 billion meant for their people is unappropriated, or has not been credited to the account and an instrument that should facilitate it, the sunset clause, has neared. The sunset clause has neared and we are approaching it. It is just a few years before we reach the sunset clause, and yet, that Bill has been negated and forgotten.

What moral authority do we even have to talk about Equalisation Fund as leaders from the region? The Senate can do its bit. If the Members of the National Assembly, who come from the pastoralist communities do not up their game, from the context of looking at things from impoverished, selfish and a self-centred view to a broad view of these resources getting to the counties, then I do not know what I can say. We are carrying out an exercise in futility. We support because this is the constitutional requirement. We support with air of hopelessness that it is not going to be implemented and a drop of implementation has taken place, just to keep that thing going.

Mr. Temporary Speaker, Sir, I hope and pray that the people in authority, the Ministry in charge of the National Treasury and Economic Planning and, the Government of the day, will see sense in the context of the fact that these people deserve these funds. They are Kenyans too. They have been denied resources for years. They experience marginalisation and a state of resource denial. People say there is Equalisation Fund and yet, it is not implemented. The poverty arising from a state of resource denial for over 60 years is not a switch on and off. It was supposed to be a process to realise that equalisation.

While we immensely appreciate little gestures by the current Government, like the construction of Isiolo-Mandera Road, which will really impact on the lives and livelihoods of this population, inside our counties, constituencies and wards, there are no roads, yet this is money that we would have used. There is also no electricity and water.

Mr. Temporary Speaker, Sir, I can speak until tomorrow because of the pain I feel, but I just want to say that I support.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Faki): Thank you, Sen. Roba. Sen. Cherarkey, please, proceed.

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, Sir. I was very keen to listen to my brother, the distinguished former governor, Sen. Roba. This is because he is the Chairperson of the Committee on Finance and Budget. I feel the pain of having been marginalised for many years.

I rise to support the Equalisation Fund Appropriation Bill, 2025, that covers the Financial Year 2025/2026. I agree that 60 years of marginalisation of these areas cannot be rectified within 20 years. However, I am happy that, as a Parliament and as Senate, we passed the marginalisation policy to extend to 10 years. This is because we can.

They say the founding fathers had a noble intention, but I do not think they did. This is because looking at Sessional Paper No.10 of 1965 that was titled *Africa Socialism and its Application to Planning in Kenya*, one of the key aspects of that paper was to bring agriculture in high potential areas. We know where these are. So, we need to blame the founding fathers because they did not act in a noble way when coming up with Sessional Paper No.10. I agree with Sen. Roba that it goes against the backdrop of ensuring access to the basics.

The intention of Article 204 was to use the Equalisation Fund for issues like roads, hospitals, electricity, health and water. I am speaking this knowing that somewhere in Garissa, people are drinking dirty water, yet there is Equalisation Fund in place. So, it is very tragic that only two months before the end of the financial year, we are discussing the disbursement of Kshs16.8 billion of the Equalisation Fund that is supposed to go to our counties. It is also because of political posturing and chest thumping by the National Assembly of generating the same Bill.

Mr. Temporary Speaker, Sir, you will remember that you were a Member of the Committee on Finance and Budget, yet we generated a similar Bill. So, I do not know what political posturing the National Assembly wanted to achieve. This is because they generated the same Bill word by word, copy and paste.

The ultimate person who should benefit from our legislative process is the ordinary Wanjiku, Mohammed, Mueni and Kiprop. We must ensure that the political posturing of the two Houses concerning this issue comes to a stop. The sad thing is that there is Kshs62 billion of the Equalisation Fund that is yet to be released to counties. These are conversations that the Council of Governors (CoGs) should be engaging us.

If we had a functional National Assembly, the Cabinet Secretary for National Treasury and Economic Planning would have been censured a long time ago on the following grounds; first, the reading of Article 152 (6) of the Constitution, 2010, which says that a Cabinet Secretary can be censured on a vote of no confidence, if they violate the Constitution.

I want to advise the National Assembly. When you read Article 219, it says money appropriated by Parliament, meaning the National Assembly and the Senate, shall be disbursed or given to counties without undue delay. The Kshs62 billion is yet to be disbursed. How sure are we that this Kshs16.8 billion will be disbursed? This makes it Kshs78.8 billion. I want to correct our brothers who are saying that Kshs16.8 billion will

not be enough. Today, if we disburse Kshs78.8 billion to our counties, many things will change.

If the National Assembly was functional in carrying out its constitutional mandate and wanted to invoke Article 152(6), it would have censured the Cabinet Secretary for National Treasury and Economic Planning for violating Article 219, for not disbursing Kshs78.8 billion that is meant for counties. That is a clear violation of the law, and the Constitution, which is the supreme law. The preamble says, “we the people.” It says representation can be exercised directly or indirectly. The indirect representatives of the people are MPs. I know the National Assembly is on recess. They must call the Cabinet Secretary for the National Treasury and Economic Planning to order, request or direct that he disburses the money as per the law.

I wanted to comment on a few things. Do you remember the issue of Universal Health Coverage (UHC) staff because we are talking about health? On UHC, the Cabinet Secretary for Health, Hon. Aden Duale, came here. He confirmed that they had agreed with the CoGs to transfer UHC staff to counties, after they had been paid their severance and other allowances for county governments to absorb them. However, up to now, our sons and daughters, who are more than 6,000 plus, who stood and fought COVID-19, are yet to be confirmed into permanent and pensionable terms.

Article 41 on labour rights has been defiled and violated. I expect the Chairperson of the Committee on Health to have seized the matter and ensured we call governors to order on the issue of UHC. They must confirm our sons and daughters. So far, they depend on stipends.

I was in Kaptumo Sub-County Hospital in Kaptumo Centre. I met a number of our young men and women who depend on the stipend. They are depending on *sadaka* and magnanimity of the governor. We must address this issue of UHC as a House once and for all.

I visited Meteitei, Kapsabet, Chepterwai and Nandi Hills, Sub-County Level 4 Hospitals. There is a Standard Operating Procedure (SOP) of how Level 4 Hospitals should be operated. Therefore, I want to appeal to the Committee on Health that the CoGs and counties must be called to order. Let them absorb our UHC workers. In fact, they are lucky because the UHC staff have been working in our hospitals for almost four or five years. So, they will not need any training. These are people who have worked in our facilities.

Dispensaries like Setek and Soba Songhor in Tinderet Sub-County are in a very pathetic state. We will get Kshs189,860,206 in the Equalisation Fund. I hope that these dispensaries, which are in pathetic state, will access these funds.

Yesterday, I saw the Governor of Nandi going for a procedure in Kapsabet County Referral Hospital. We were doubting what he was doing there because it appeared like he had gone to cut his nails at the hospital. How can you be operated on when you are smiling? We were shocked at the kind of operation it was. The Committee on Health had visited the hospital. Therefore, he was trying to posture.

When we went to Kapsabet County Referral Hospital, we found that the place was dirty and pathetic. There are inadequate medical services and no operational morgue. In fact, the Kshs100 million that was allocated to mortuary services in Kapsabet was

squandered under the governor's watch. I was shocked that he went to cut nails at the hospital. He wanted us to believe that it was a serious procedure. I believe that a serious procedure should be like the heart procedure. How can you say you are being operated on by doctors, and yet, you are smiling at the cameras? That is what I wanted to mention.

On the issue of roads, somebody gave us statistics of roads in Nandi. We are also doing badly in terms of tarmac. For example, Nandi has 10 point---

The Temporary Speaker (Sen. Faki): Sen. Cherarkey, is Nandi one of the marginalised counties?

Sen. Cherarkey: Yes, Mr. Temporary Speaker, Sir. I thought in the schedule of the Equalisation Fund, Nandi is getting almost Kshs300 million in the four years; in the following wards, Songhor/Soba, Chemilil/Chemase and Kapchorwa in Nandi Hills.

We have four wards in two sub counties, that is, Nandi and Tinderet sub counties that are beneficiaries of the Equalisation Fund. I am really emphasising this because I know the situation in Kapchorwa Ward. The roads are very poor with no dispensaries and schools. If you go to places such as Kapchanga, Tereno, Jubilee and Ng'atipkong, people are living on the road side because they were evicted from the forest.

Mr. Temporary Speaker, Sir, I would like to emphasise that even on this issue of health, we must look at the Universal Health Care (UHC) staff. I appeal to these unions that defend workers, such as the Central Organisation of Trade Unions (COTU) and the Kenya Medical Practitioners and Dentist Union (KMPDU), led by my brother, Dr. Davji Bhimji Atallah, and of course, the indomitable lion, Papa Francis Atwoli, the grandfather of union politics, to come and defend the UHC staff.

I saw the former impeached Deputy President trying to attack Atwoli because he is working with the Government of the day. My question is simple; workers work for Government, why would you not want Mr. Atwoli to work with the Government of the day? How would he push the issues of labourers? You cannot expect unions to oppose the Government. We need unions to work with the Government to improve on the labour issues of workers. Therefore, it is unfortunate that the impeached Deputy President and Fazul Mohammed are attacking Papa Francis Atwoli.

On a lighter touch, on 1st May, Mr. Francis Atwoli went on record saying that he still needs his job because he has a one-year old baby that he needs to buy pampers and *uji*. It is important that people know that.

In Nandi County, the 10.9 per cent should be used to improve the network in Tinderet, Songhor/Soba, Kapchorwa and Chemilil/Chemase wards. Possibly, we should include Chepterwai Ward in Mosop Sub County and Terik Ward in Aldai Sub County, so that they also benefit. In Nandi County, we only have 183 kilometers of tarmac road, However, we thank the Government because courtesy of the national Government, we are likely to get 200 kilometers of tarmac road.

Mr. Temporary Speaker, Sir, I want to be on record saying that in a place such as Selia and Kaiboi, the tarmac is complete. The one that is from Kaiboi, Kurgung, Chepterwai, Kapkatembu is ongoing and even the one from Timboroa is now past Maraba Township. There is one that comes from Kisumu, Mamboleo, Chemilil all the way to Chrmase then ends up in Aldai and of course, the one from Nandi Hills/Himaki.

Even as we appeal to the national Government to assist in tarmacking, this money that is given for roads, especially for these three wards, must be looked into, so that we push and ensure that we get value.

I am happy that Nandi Hills Sub County, which has Kapchorwa Ward as the beneficiary, is getting Kshs20,159,824; Tinderet is getting Kshs169,700,382, so the two wards of Songhor/Soba and Chemelil/Chemase and Kapchorwa ward will get a total of Kshs189,860,206.

I am aware of the raging roads. I have always believed that the Kenya Rural Roads Authority (KERA) should be abolished. Why is it doing rural roads, and yet, the function is devolved under the Fourth Schedule? There is a bridge called Kormaet in Mosop Sub County that is almost being washed away; it is dangerous. We also have some bridges in Tinderet and other parts of Nandi that are almost being washed away, and yet, KERA is in Barabara Plaza on Mombasa Road. How will they know where Chepnoet or Kormaet bridges or Kwambuzi in Mombasa are? Was it not better to have---

The Temporary Speaker (Sen. Faki): They have regional offices in Mombasa and I believe, all over the Republic too.

Sen. Cherarkey: They have regional offices, yes. However, the point that the Speaker has said should be frozen, he should not be taking part in the debate.

They have regional officers in Mombasa, yes. However, do they know about the furthest point in Mombasa? We have a regional office based in Eldoret. However, do they know where Chemesis, Kapkulumben, Mombwa near Kunyak in Kericho? They will never know. So, we need to ensure that we devolve some of these services---

Finally, I see the light by my colleagues--- Kenyans should understand who approves projects in our counties. The County Commissioner, the County Executive Committee Member (CECM) for Finance, CDF managers, a representative of the County Assembly and of course, a number of representatives from the National Government County Development Fund (NG-CDF) Board are the ones who approve projects.

Mr. Speaker, Sir, let me give an interesting fact. Coincidentally, most of the 10 poorest counties, according to the Kenya National Bureau of Statistics are-

1. Turkana - 82.7 per cent
2. Mandera - 80.4 per cent
3. Samburu - 77 per cent
4. Garissa - 71 per cent
5. Tana River - 66 per cent
6. Marsabit - 66 per cent
7. Wajir - 64 per cent
8. West Pokot - 60 per cent
9. Kitui - 58 per cent
10. Isiolo - 55 per cent

This is the Kenya National Bureau of Statistics (KNBS) data between 2022 and 2024. The reason I read that is that most of these counties are poorly run by governors. Most of these counties have absentee governors that are corrupt. Does it mean poverty and corruption go hand in hand?

If you look at the 10 poorest counties from Mandera, Wajir, Isiolo, Garissa, Samburu, you will see that all their governors have had problems answering questions. Does it mean that these governors continue to marginalise their own people? Most of these are absentee governors. The governors of Wajir and Garissa are never in their offices in their counties. In fact, Garissa has the highest pending bills at Kshs6.7 billion. It is the same in Tana River and Wajir.

Marsabit is one of the funny counties. When they appeared before the County Public Accounts Committee (CPAC), they said some of their projects had been swallowed by water. That was the defense they gave. When Garissa appeared, they told us the documents had been taken by floodwaters. So, the people of these regions, who claim to have been marginalised, are being again marginalised by their governors. It is very unfortunate.

In fact, I have seen that the number of absentee governors has increased. I saw the friend of Sen. Maanzo, Governor James Orengo, nowadays is more in activism than he is in his Siaya office, which is very unfortunate. Areas with the lowest poverty levels include Nairobi, Kiambu, Kirinyaga, Embu and Nyeri.

Mr. Temporary Speaker, Sir, I support the President. I heard the Senator for Kakamega saying we are sloganeering saying “two-term, two-term,” “*mbwexe, mbwexe.*” You are in a broad-based government. We are sloganeering but delivering. When you go to Mombasa County today, you will find affordable housing programmes ongoing. There are markets across the country, including Makueni, where Sen. Maanzo comes from. There is ongoing tarmacking, affordable housing and improved funding models for universities across the country.

Today, the Social Health Authority (SHA) has 30.5 million Kenyans enrolled. The point is that we are not only shouting “two-term,” but shouting “two-term” with a serious scorecard. There is a scorecard behind it. I wish my brother was still here because he is still a member of United Democratic Alliance (UDA). If he does not believe in UDA, he should have resigned yesterday. In fact, when you fly over the country, you will see that Kenya looks like a construction site, courtesy of President William Ruto.

Yesterday, he even removed non-tariff barriers that were blocking business. We have the Tanga refinery. I challenge the Cabinet Secretary for Energy and Petroleum over artificial shortage and hoarding of fuel in this country. In Nairobi, for example, when you go to Shell, Rubis or Total, they will tell you there is no ordinary petrol. They will then ask you, “can you take V power?” That is hoarding. We hope that the Cabinet Secretary for Energy and Petroleum will intervene, so that Kenyans are not exploited through profiteering for the benefit of these cartels.

With those many remarks, I thought that point was important to Kenyans in defendin ---

The Temporary Speaker (Sen. Faki): We are short of time. We will hear from Sen. Wakili Sigei.

(Sen. Cherarkey spoke off record)

Thank you. Next time---

Sen. Wakili Sigei: Thank you, Mr. Temporary Speaker, Sir. I would have wished to have Sen. Cherarkey conclude the statement he was making. Remember, earlier, the Hon. Cabinet Secretary gave us a confirmation that the artificial shortage of fuel will be a thing of the past by tomorrow. We want to believe that it will, indeed, happen. If not, we definitely take a position to make sure that we protect motorists and Kenyans, particularly those who will suffer out of increased fares by *matatu* operators.

Mr. Temporary Speaker, Sir, I rise to support this particular Bill and I do so with a very heavy heart. This is because the intention of Article 204 of the Constitution was to make sure that we support the marginalised counties so that we create an opportunity for them to grow and develop. It was to also make sure that they have access to services on critical areas such as health, roads, electricity and such related areas. That is why we have the additional Equalisation Fund allocated to various counties.

Unfortunately, statistics and history show that we have not been able to achieve the objective of the Constitution. When the new Constitution was enacted, the Equalisation Fund targeted 14 counties. Naturally, we would expect the numbers to come down as we progress and implement the provisions of Article 204 because we are seeking to equalize development across the region.

Unfortunately, the number of counties has since been enhanced from 14 to the current number of counties that benefit out of the present Bill. They are now 34 counties. That means that an additional 20 counties have been made to benefit from the marginalisation fund.

I have listened to my colleagues who have spoken to the Bill. I have noted that there are a lot of issues with regard to resources as allocated and released to counties in terms of their implementation. Access to water, roads, health and electricity, which were identified projects and areas of support, has not been achieved in marginalised areas because of inability to justify Equalization Fund. It is unfortunate that those who get more in terms of equitable share are to also get more in the Equalisation Fund as per the present Bill.

I am aware that you have indicated and informed the previous speakers that the policy that is utilized for allocation of these resources has a basis. That basis is to objectively support historical injustices to ensure that development cuts across. However, that has never happened. The same objective whose aim was to make sure that the 0.5 per cent of the shareable revenue is allocated as Equalisation Fund has never been achieved.

This is justified by the fact that the resources available for distribution across the country can be managed depending on what is available for sharing. Therefore, the relevant institutions, the National Assembly, which shares the resources, and the county level, where the resources are allocated, have to ensure that--- If we extend the period of application of this Equalisation Fund to 10 years and still do nothing different, we will most likely not achieve the desired intention of dealing with historical marginalization.

I have looked at the numbers in terms of what has been allocated and I have noted that the county that has the highest benefit of this marginalization fund is Turkana County.

I listened to Sen. Cherarkey. He gave us the statistics of the poverty index in these counties, Turkana County is one of them, meaning that the Kshs1.8 billion that is

allocated as Equalisation Fund is aimed at enhancing development in areas that have neither water, roads, health or electricity in that particular county. For the couple of years that this Equalisation Fund has been in place, what has it achieved? I dare say it has not achieved much.

That being the case, the lowest, in this particular Bill, Murang'a County, will get only Kshs9 million. Of course, on the basis of the formula of allocation, this is what the allocation has given to Murang'a County. As to whether or not this Kshs9 million is going to serve the purpose, that is intended is another different story. Reason being, most counties, without giving the whole list, have in most cases failed to present proposals for purposes of approval by the Equalisation Fund in order for the resources or the funds to be released.

I recall that in February this year, the Auditor-General's report listed six counties, namely; Bomet, Bungoma, Kitui, Kericho, Lamu and Narok, whose allocation for the Financial Year 2024/2025 was recalled because they did not submit proposals on the specific projects that are supposed to have benefited. The total amount of the resources that were never released is Kshs1.3 billion. That speaks to the inability of our counties, which are expected to implement projects which have been identified and approved as beneficiaries of the Equalisation Fund, in terms of their planning, their proposal approval and ensuring that they attain the mandatory requirement for purposes of the release of this Fund.

In this case, Bomet County, which I represent, lost the Equalisation Fund for the Financial Year 2024/2025, the reason being that they did not submit any project for approval. That Fund was meant to benefit Chepalungu Constituency, the three wards; Chebunyo, Sigor and my own ward, Nyangores. The money was returned, reason being the county did not submit a project for approval.

In the current Bill, Bomet County is allocated Kshs31.2 million. Is it the reason that the previous year allocations were returned that this amount has gone down? That could be the reason. Is it that we also are cutting the Kshs31.2 million because there will be failure on the part of the county government to submit the relevant projects which are aimed at benefiting from this particular amount? Probably the same amount will not be released.

We look forward to a situation where the relevant agencies are able to submit, in good time, the projects for approval; whether roads, water, or in terms of electricity or health facilities, so that the money is not returned.

This present year again, the same constituency, Chepalungu, which is the constituency I come from, is a beneficiary of an additional Equalisation Fund. If we do not submit these projects, we will equally lose the same amount. There will be no reason as to why we fight for additional Equalisation Fund, when the same does not get utilized. Because of lapse of time and also non-approval of the projects, the resources are returned.

Mr. Temporary Speaker, Sir when you look at the health sector in these counties and particularly in Bomet County, you will find that it has an allocation of Kshs2 billion. However, you still struggle to get drugs, or medicine and our doctors do not get paid in good time as well.

Our facilities, especially infrastructural, are poorly managed and the reason boils down to poor governance and corruption, which we are all talking about. To ensure that these funds serve the purpose, projects must be discussed, agreed upon and followed through. Once resources are released, the expected projects should benefit from the Funds and, of course, the last beneficiary should be the voter. That is the person in the society who relies on the Government entirely, for purposes of support.

The total amount under Section 3 of this Bill of the Equalisation Fund is Kshs16.8 billion. The Kshs16.8 billion is not 0.5 per cent of the shareable revenue or even of the last audited accounts of the Government. It tells you there is more to it than is required for us to comply with the constitutional requirement. Appreciating the fact that this is also an Equalisation Fund that has its formula for allocation based on the policy, this amount, if it were to be released in good time, should be released to the specific projects and a constant close follow-up on the implementation done. The consequences of having Kshs16 billion in our counties will be felt. The Kshs31.2 million, for example, can actually complete serious projects in the county of Bomet, whether it is a road, a health facility or electricity distribution for the public. That will be felt. The Kshs1.8 billion, which is an amount allocated as Equalisation Fund, could create impact that generations will forever know and remember.

Unfortunately, because of corruption and the struggle that we have with the management of resources at the county level, instead of devolving services, we devolved corruption. Those who are in charge of those counties, instead of being ready to be answerable for their undoing, they take it as a political witch-hunt and instead of complying with the demands of the law, and resolutions of the relevant committees of this House and other institutions, they fight back. Fighting back means they want to just get the resources, but by their own means and ways, they abuse the resources.

Therefore, I hope that the Kshs16.8 billion will be put into good use, so that we reduce the number of counties that are going to be qualifying for the Equalisation Fund as we progress, rather than increasing the number. This is because, unfortunately, from 14, it is now gone up in 2026. We have 34 counties that are expected to benefit from it. For those who will benefit from these resources, we expect, of course, that accountability becomes the mantra of release of the resources.

So, with a very heavy heart, I support this Bill and hope that this Kshs32 million that has been allocated to the County of Bomet, will not be returned for the reason of the inability on the part of those who are supposed to utilize the resources, failing to submit their projects, failing to submit in good time, failing even to prepare and even get to understand that this money is meant for the public to be utilised in the projects which are identified and approved.

Mr Temporary Speaker, Sir, I support.

The Temporary Speaker (Sen. Faki): Thank you, Sen. Sigei. It is part of our duty, as Senators, to make sure that those projects are submitted in time and the money is allocated, so that we have projects being undertaken in our counties.

I have four Members here on my dashboard wishing to contribute and it is now 17.54. We have about 36 minutes to the conclusion of the sitting. So, I kindly ask, maybe,

we be reasonable in our contribution, so that we get everybody to contribute before we adjourn.

Yes, Sen. Abbas.

Sen. Abass: Thank you, Mr Temporary Speaker, Sir. I would like to contribute to this Bill. First and foremost, it is a very important Bill. I support it.

As has been said by many other colleagues, this Fund was initially meant to bring the marginalised counties at a par with other Kenyans. That 70 per cent of the landmass of this country lies within Marsabit, Moyale, Mandera, Wajir, Garissa and Turkana. This vast region was historically neglected due to poor policies, particularly Sessional Paper No.10 of 1965. The Constitution of Kenya, 2010, under Article 204, sought to cure this marginalisation through the Equalisation Fund, so that development across the country could be brought to parity.

Initially, 14 counties were identified, but today, the number has grown to 33. Despite this expansion, Funds have not been released as intended. By the time division was introduced, about Kshs60 billion was still being held by the National Treasury. To date, we do not know how much remains, though only Kshs40 billion has reportedly been released since the inception of the Equalisation Fund.

Mr. Temporary Speaker, Sir, the way this money is distributed is problematic. Instead of targeted interventions in water, electricity, health and infrastructure, the Funds are broken into small bits that have no impact. If the National Treasury meant well, they should have given about Kshs50 or 20 or 10 billion for one purpose.

For instance, in Wajir County, what is most urgently needed is electricity. The Cabinet Secretary for Energy and Petroleum has confirmed that connecting Wajir to the national grid requires Kshs6.4 billion. If such an allocation were made, it would transform the county. However, instead, the money is disbursed into small allocations, creating conflicts between governors and Members of Parliament (MPs) over control.

Some allocations are shockingly inadequate. An energy project worth only Kshs2 million was given to a county. What can Kshs2 million achieve in terms of power supply? Buy bulbs? Wiring? This is unacceptable.

Currently, we are debating Kshs16.8 billion, yet less than Kshs6 billion is going to the marginalised areas, while the rest is directed to already developed areas with good roads and infrastructure. This is not equalisation. It is continued marginalisation.

These counties still lack roads, electricity, schools and water. In Wajir County, the poverty index is at 64 per cent. In Turkana County, it is over 74 per cent. Every drought brings water trucking; every rainy season makes roads impassable. With only seven years left in the 20-year Equalisation Fund window, there is no visible impact.

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

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

Mr. Temporary Speaker, Sir, even if the period of the Equalisation Fund were to be extended, there is no meaningful impact it would make. It appears to be a deliberate move by the National Treasury, using the money for other purposes. This House must

demand accountability: how much money is currently held for the Equalisation Fund and how much has actually been disbursed for development in the marginalised areas.

Another issue is school infrastructure. Every time money is given by the World Bank--- We know how most schools in this country look like and where students learn from because of corruption. Classrooms are not even plastered and children have no desks. Some pupils sit on the floor. Looking at that, you become surprised. If funds are being released, why is that money not being used?

Secondly, as it has rightly been said by Senators who have spoken before me, the same money is going to be under governors who do not even account for it. They misappropriate funds and use them for their own pleasure. If the same money is going to be managed by the same people, it is not going to make sense.

What I am saying is that the National Treasury should release funds for explicit projects in every county so that there is an impact. Instead of taking it to constituencies or putting the money under governors, the Fund should have its own committee led by an able chairman who used to be a Principal Secretary or ambassador. Therefore, funds must be accounted for.

We need to go back to the drawing board so that the money can have an impact within the few years remaining before we request for an extension. As I speak, I have nothing to say regarding whether there has been any improvement because of that Fund. There is no improvement other than marginalisation of the highest order because Kshs1 billion should make an impact in different areas.

Mr. Temporary Speaker, Sir, you will be surprised. If you talk about 0.5 per cent of the total Gross Domestic Product (GDP) of the money that has been collected. We should be talking about Kshs200 or Kshs300 billion. However, we are told that what they have released up to date is Kshs40 billion. Therefore, they must be investigated and interrogated to know where money from the Equalisation Fund has gone. The National Treasury should come out clearly and tell us how much money is available.

We need to plan again because money is being released without involving Members of the Senate and the National Assembly. It is only Members of the Committee on Equalisation Fund that assign money. They still give to locations and sub-location, which is okay. However, there should be an impact so that people see the difference because that money should change lives of those who are marginalised.

With those few remarks, Mr. Temporary Speaker, Sir, I beg to support with amendments.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you Sen. Abass. Proceed, Sen. Maanzo.

Sen. Maanzo: Thank you, Mr. Temporary Speaker, Sir, for giving me an opportunity to contribute to this crucial piece of legislation which we have had in Parliament for many years.

It is stated here that this is a Bill for an Act of Parliament to authorise the issue of a sum of money out of the Equalisation Fund and its application towards the service of the year ending 30th June, 2026; to appropriate that sum for certain public basic services; and for connected purposes.

Clause 6 tends to ring-fence that because in less than two months' time, that money should have gone. It states as follow-

“Despite the provisions of this Act, the approval granted under Section 4 shall continue in force until all the projects identified in each constituency specified in Column B of the Schedule are completed and this Act shall be sufficient authority for the Controller of Budget to authorise withdrawal of funds from the Fund for the amounts specified in column C of the Schedule for each county specified in column A of the Schedule, where the projects are implemented for a period beyond one financial year.”

Mr. Temporary Speaker, Sir, although we are trying to implement this Fund, to me, it is an activity in vain. Although Clause 6 of the Bill is trying to say that the Controller of Budget should hold their peace and not follow the normal procedures of the law, most of the projects supposed to be covered under the Equalisation Fund are very important projects and most of them have to be procured.

Mr. Temporary Speaker, Sir, within less than a month to the closure of the financial year, this is just a public relations (PR) exercise in futility. We should have passed this law as a matter of priority many months ago. We are going to do PR, send this to the National Treasury, then other laws will come in, and finally, they will say the financial year is closed. Therefore, let us begin another financial year, of which you will have to bring another Equalisation Fund here.

I support equalisation funding, but I do not support the formula used. That is why we have gone round in circles for many years. Just as the Senator for Wajir County has said, if you send this money to the counties, it gets misappropriated. You send it to a Member of Parliament, it gets misappropriated. So, what is the use of having these monies allocated, yet there is no proper mechanism of making sure it is implemented and that the projects are specific, for instance, water, health and roads? Indeed, the biggest problem which has brought lack of equality in this country is roads.

I support the fact that in northern Kenya, we need tarmac roads. The other day, I went with Sen. Chute to his county. Was it not for President Kibaki, who did a road all the way to Moyale--- The distance from Moyale to Mandera is 400 kilometres of earth road. There are also rivers. By the time a brand-new Land Cruiser moves 400 kilometres in such a bad road, where stones are just cutting the tyres---

In fact, Sen. Chute told me you need to carry four new tyres, because once your tyre is poked, you have no remedy in those bushes, yet you expect these Members to represent people in such counties and make sure that we have equality. In fact, such counties have been abandoned for so many years, yet there is such good land for airports and rearing cattle. There are big rivers and they can do big dams and big cities there. With halal meat, you are able to export meat direct to the Middle East with a lot of ease, and we generate enough income for the country. However, that has not happened. Those areas have continued to be marginalised.

I am not happy with the fact that Machakos, Kitui, and Kajiado counties have not been included. We suffer same climatic condition. The justification given by the Commission on Revenue Allocation (CRA) was that Makueni County has 300 kilometres of the new railway line.

Mr. Temporary Speaker, Sir, it does not help us. That is an infrastructure of the national Government. If you value it against the people of Makueni County, you will find that it has not helped them. Rather, the Standard Gauge Railway (SGR) removed the normal business on the roads along Makueni County, where shopping centres and truckers used to get facilities to do business with the people of Makueni County.

The coming of SGR was a blessing to the country. It did not specifically help the businesses in Makueni County. Instead, it disadvantaged them, yet somebody uses that as a justification not to classify Makueni County as an area which is not equalised, surrounded by counties which benefit from the Equalisation Fund. Therefore, in my opinion, the formula we used previously should be reviewed. In fact, my policy now is, there is no single county in Kenya which does not have a marginalised area.

In Nairobi City County, you have slums. In Kisumu County, you still have areas where there are no roads and people still live in slums. Every county has a serious issue of road network. In this business, we should have gone with certain priorities. There are places where priority is water. So, we would have said, for such an area, the Equalisation Fund, would go towards water. Then, you do water pans and boreholes.

There is no water including in Nairobi, and the Nairobi City Water and Sewerage Company (NCWSC) is unable to explain why they cannot have flowing taps of water. They have to ration the supply, meaning it is still marginalised.

Then next time we say, we are now going to do roads and that year, we just do roads. Then another year, we look for the most underdeveloped primary schools, then we work on them. All leaders should agree that we need Early Childhood Development Education (ECDE) schools.

You saw the schools in Tharaka. I know hon. Kithure Kindiki became the Deputy President just the other day, but he has been the Senator of Tharaka-Nithi for 10 years. There are also other MPs there, for example, Hon. Murugara. The area is marginalised.

The Cabinet Secretary for Education is supposed to come up with these schools. Why has he not built them? Even when I was an MP, I would apply to the Ministry of Education. They are supposed to build certain schools. They normally work on the Bill of Quantities (BQs) and the budget. However, the financial year just ends and nothing is done. They keep quiet about it. The Ministry of Education continues to run and the money cannot be accounted for.

We have a serious problem when it comes to the Equalisation Fund and equality in itself. Then there is the issue of corruption and dishonesty. I do not see this Bill being implemented at all. I see the Constitution and the Finance Act taking precedence over this small law. We do not even know when it is going to be signed. Probably, it will be signed in June. So, I doubt whether this is going to be implemented at all, from what I have seen as the practice. Therefore, we need to be proactive.

The other Bill of this nature, of 2026/2027, must be implemented and brought to this House earlier for consideration. It was delayed at the National Assembly. We have now come to debate here when there is no time to do procurement. This is because the procurement law has to come into place. We are not going to do direct procurement because a law has arrived late. Section 6 does not sufficiently cure. It leaves it open for other laws to play in. So, we really need to make this work. I have seen the roads in

Nandi on some YouTube channel. Somebody was complaining that cars cannot move. I have seen the roads in Bomet. So, we have an issue almost everywhere and we have to make sure that we carry out fund equalisation.

This is a very serious law. That is why every Member should have an opportunity to comment about their county and what is happening. It should not be rushed simply because June 30th is coming.

I still have an issue because Makueni has been left out. Therefore, unless persuaded otherwise, I am not going to vote 'yes' for a law which discriminates against Makueni. It calls us out not to have a share of the Equalisation Fund. We have no water; therefore, we cannot use Konza City, Thwake Dam and the railway to justify being left out.

The construction of Thwake Dam stalled three years ago as soon as President Ruto came to power. The construction of Konza City is very slow. So, you cannot really say that we are not suffering. If we had water, and probably if Thwake Dam was working, then we would be irrigating and growing food. That way, we would allow the equalisation money to go to Mandera or Wajir counties. I will only support this Bill with amendments. I hope that during the Committee Stage, we will bring in the amendments to include Makueni as one of the deserving counties.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Maanzo, for keeping time and being considerate to your other colleagues.

Proceed, Sen. Wakoli.

Sen. Wafula: Thank you, Mr. Temporary Speaker, Sir, for this opportunity for me to weigh in on this hot topic of the day, the Equalisation Fund Appropriation Bill, 2025.

I hope that Kenyans have been following our discussions, debate and engagement with the CoGs with regard to the oversight that the Senate keeps on pushing to ensure value for money. This is because Kenyans are being milked daily to ensure that we run and foot bills for this country.

Mr. Temporary Speaker, Sir, I have looked at the allocated resources to former Western Province and; Trans Nzoia County is getting Kshs12.16 million. Bungoma, my great county of champions and people with high acumen, is getting Kshs95.592 million, while Busia County is getting Kshs19.529 million. These are resources that are meant to change the lives of the great people of Bungoma.

I have been perturbed, shocked and utmost perplexed, to realise that last year, we spent a lot of time discussing these amounts of monies. Bungoma managed to secure Kshs61.835 million. As I speak here today, it is really degrading for the great people of Bungoma to be informed that the County Government of Bungoma could not write proposals or present projects proposals to be funded by these resources.

Bungoma County has over two million people. It has scholars and the levels of poverty in this area that was supposed to get this money is known. There is no stranger in the Executive of Bungoma who does not understand that Mt. Elgon and the lower parts of Bungoma needs a lot of resources. We have bad roads; we do not have water and no electricity connectivity to the homesteads in Mt. Elgon and surrounding constituencies.

It is quite unfortunate that my Governor was seen in Kilifi County complaining that oversight is a bitter pill to swallow. Yes, we have agreed that they should come. Here, we have a report that shows that he and his people could not bring proposals worth Kshs61.835 million. Where does he want the people of Mt. Elgon to go to? Where does the Governor expect the people of Chepyuk, Kaptama, Kapkateny, Kapsokwony and Elgon Ward to get services, if he cannot write simple projects that can make the lives of our people better?

We have lost Kshs61 million and, again, they used to say that we have no role in allocation of funds for counties; we pressed the button. The resources were not coming; we have again pressed, allowing the resources to come. We have agreed that Bungoma County is supposed to get Kshs95.592 million. Does the County Government of Bungoma have the audacity and readiness to table a process of public participation taken for people to decide what they want and be part and parcel of the process?

Mr. Temporary Speaker, Sir, sometime back, I came to the Floor of the House asking that they give me minutes of public participation, the projects they chose and the outcome of the process. Up to date, that question is still pending and the county government has not furnished me with the reports of how they utilise the Equalisation Fund. Now, I am giving them Kshs95 million with a few months to go.

My people of Bungoma, I will not watch, I will not give up and I will not turn a blind eye and a deaf ear on you. The County Government of Bungoma, led by Ken Makelo Lusaka, must wake up from slumber. Bungoma is not on autopilot where the flame is in the air, the pilot is asleep or has taken some dose of Brufen and does not know where the county is going to.

The other day, he sacked County Executive Committee Members (CECMs), then went through the back door and reinstated them through the courts. The same people cannot write proposals for water, electricity, roads and education. An amount of Kshs65 million went there. I will be bringing Kshs95 million. Can the people of Bungoma have confidence in the government of Governor Ken Makelo Lusaka on little resources from the coffers of this Republic?

I want to see proper clean water in Mt. Elgon. I want to see roads and tenders must be given openly. We want to see power connectivity to the homesteads of those people.

As we speak, the state of Early Childhood Development Education (ECDE) classes in Mt. Elgon is wanting. Those people of Mt. Elgon are not children of a lesser god. I wonder if the governor is under some spell or some overwhelming spiritual cover that does not allow him to realize that the people of Bungoma need liberation through proper use of government resources.

As a Senate, we have to crack the whip. We cannot allow these counties to fail to produce projects. Monies have gone back. Again, we are appropriating funds, yet we have not summoned them to come and tell Kenyans whether they lack the intellectual capacity to prepare proposals and defend their counties.

I want to reach out to the county assemblies of these counties. If a governor cannot write simple proposals, you need to summon them. You need to summon the CECMs in charge of finance and education to tell us whether they have a problem in the

executive, where resources are there and they show the behaviour of a hyena. They are waiting for resources to come late, so that they devour or want the county to die so as to eat the carcasses? We will not allow that.

In conclusion, I am taking this battle back to the people. I was in this House when we passed those amounts. I am back in this House and we are giving them Kshs95.592 million. I will tell the people that we have passed these monies. It is up to you and me to watch and push the Executive to get us proposals and bring them ourselves.

Otherwise, the way the County Government of Bungoma is behaving, it is as if it only on painkillers and that we have no hope for a better tomorrow. However, as the Governor thinks, for this case, we are up and alive. We are watching his every step of the way to ensure he leaves Bungoma a better place than he found it. Whether he likes it or not, we will have to deliver.

For the rest of the counties, we want projects, not only on paper, but on the ground. It has come to our realization that they bring good reports and pictures to the House, but when you go to the ground, there is nothing. So, they have learned to eat using the biro pen, when the people on the ground are not accessing these documents they bring to the Senate.

I encourage Kenyans and my great people of Bungoma that I will expose the rot in Bungoma. Whatever faulty report they bring, I will expose them. Our people say that if you hide a patient under the table or the bed, the next thing you will hear are cries of sorrow and mourning because of the demise of the people we hide under the bed.

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

I will call upon Sen. Wakwabubi.

Sen. Consolata Wakwabubi: Thank you, Mr. Temporary Speaker, Sir, for according me this opportunity to contribute to the Equalisation Fund Appropriation Bill, in this House. Most speakers have presented key issues pertaining to the Fund. I also want to give my input as a rider to what Sen. Wakoli has put across, mainly on Bungoma County.

The Equalisation Fund was meant to bridge developmental gaps in marginalized areas, so as to improve on essential services in those areas. A case in point here in Bungoma County is Mt. Elgon, which happens to be one of the nine sub-counties in Bungoma.

Looking at the outcomes so far, I can categorically and boldly state that this Fund has not fully attained its objective. The objective of the Equalisation Fund was to bring essential services such as water, electricity connectivity to the national grid, road infrastructure and the health facilities to the marginalised counties. Those are the key social amenities that we are looking at.

This Bill could have been well intended, but the deliverables have not been realized as far as our plans are concerned. This could be due to significant implementation challenges or delayed projects execution. Some of the Senators have stated that there is low rate of uptake, which could be due to delayed preparation and submission of Bill of Quantities (BQs) and some multi-layered conditions. They are basically the bureaucratic processes that it has to undergo.

I want to look at Mt. Elgon, specifically the areas of concern, where the projects were intended. In Kaptama Ward, there was an anticipation that land would be purchased to establish a Kenya Medical Training Centre (KMTC). However, looking at the records, it has not been confirmed in the public procurement records of Bungoma County that this land has been purchased. So, the status of purchase of that land is still wanting and we want to push and find out where that money is.

Areas in Mt. Elgon like Kaimugul, Kubra, Sambocho, Sacho, Kapkurongo, Chongeywo and Koshok need attention in regard to these social amenities. So far, nothing is forthcoming. I do not know if the projects are misaligned or those areas lack those projects because of the shortcomings that lead to the Auditor-General's disapproval of the budget. We probably need to relook into the strict approval processes and pre-defined conditions.

The Equalisation Fund, to me, is increasingly contingent because it has not been promptly rolled out. Therefore, there is delayed impact to the targeted beneficiaries.

Article 204(6) of the Constitution of Kenya states that the Equalization Fund is to lapse twenty years after the effective date, subject to clause (7) and we should now look at amendment in regard to the sunset clause. Its amendment aims to extend the lifespan of the fund to address these persistent developmental gaps.

I, therefore, support the Bill but with the amendments. One, we can mainstream performance mechanism-based framework in it so that we look at specifics. We can have an increasing push to make the funding contingent on targeted, specific, audited and marginalised wards and constituencies and also peg them on the PFM Act and regulations.

I concur with the rest of the speakers that the intention was good, but the execution and implementation is nowhere.

Thank you, Mr. Temporary Speaker, Sir, for according me the with that opportunity. I support but with amendments.

The Temporary Speaker (Sen. Wakili Sigei): Senators, let us all rise. Thank you, Sen. Consolata Wakwabubi. I would have indicated to you that you had more time, in the coming session, if you desired, but you concluded your submissions.

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Now, Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until tomorrow, Thursday, 7th May, 2026, at 2.30 p.m.

The Senate rose at 6.30 p.m.