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Senate outlaws corpse detention over bills

Senators have passed a law criminalising the detention of corpses by health facilities as a means of recovering medical debts.

A proposed law seeking to outlaw the detention of patients and bodies over unpaid medical bills has ignited a deeply emotional debate in the House, exposing systemic failures in Kenya's healthcare system.

The Bill is also raising fundamental questions about dignity, poverty, and the right to health.

The Health (Amendment) Bill, sponsored by Senator Okong'o Omogeni, seeks to amend the Health Act by introducing a new section criminalising the detention of patients or corpses by health facilities as a means of recovering medical debts.

The amendment proposes to amend the Health Act by inserting a new Section 7A to address a number of issues affecting those who are not able to pay medical bills incurred in public hospitals and, in some cases, private hospitals.

The clause proposes that anybody who is in charge of a health facility who contravenes the provision that outlaws detention commits an offence.

To get the support of the Government, Senator Omogeni has introduced a further amendment that obligates the Cabinet Secretary responsible for Health to make regulations on the enforcement of the proposed amendment.

At the heart of the Bill is a bold proposal requiring that no Kenyan should be deprived of liberty or dignity simply because they cannot afford hospital bills.

Moving the Bill, Senator Omogeni painted a grim picture of what he described as a widespread but largely normalised practice across the country, where hospitals detain patients, including mothers and newborns, until bills are cleared.

The lawmaker anchored his proposal



Senator Okong'o Omogeni, the sponsor of the Bill.

on constitutional guarantees, particularly Article 43, which states that every Kenyan is entitled to the highest attainable standard of health, including the right to access health services.

He is arguing that inability to pay should never strip a citizen of dignity.

"The fact that a Kenyan does not have the financial means to meet certain financial obligations, especially when that Kenyan is in need of healthcare services, does not mean that they lose their dignity," he explained, adding that there is no law that allows anybody to detain another person as a means of debt recovery.

"Hospitals can sue for a civil debt.

If the person refusing to pay is in a well-paying job, you could garnish their salary. You have all those options."

Senator Enoch Wambua, who seconded the Bill, said Kenyan courts have repeatedly declared the practice unconstitutional, citing landmark rulings where detention of patients was found to violate rights to dignity, liberty, and freedom of movement.

The judiciary, he noted, has already set the tone for reform.

Senator Wambua argued that the Bill goes a step further by not only outlawing the practice but also providing alternative mechanisms for hospitals to recover

debts through civil processes.

"Most of the facilities that detain patients or corpses argue that they have no mechanism of getting their bills paid at a later date," said the Senator, adding that one of the things that the country must do is strike a healthy balance between the right to access the highest attainable standards of health for the patient and also the right for hospitals and health facilities to run clean, profitable businesses.

"The rise of legitimate private facilities, in itself, is a statement on the inability of public health institutions to adequately take care of the health needs



Senator Ledama ole Kina



Senator Samson Cherarkey speaks during a meeting of the County Public Accounts Committee. Other Committee members look on. From right, Senator Edwin Sifuna, Senator Enock Wambua and Senator Okongo Omogeni.

of our citizens.”

Senators framed the issue as a moral and socio-economic crisis.

They noted that despite heavy contributions towards Universal Health Coverage (UHC), including monthly deductions by salaried Kenyans, vulnerable citizens continue to suffer indignities in hospitals.

Senator Samson Cherarkey strongly backed the Bill, which he described as revolutionary, but urged expansion of its scope to include patients who have recovered but remain detained due to unpaid bills.

The issue has become a social crisis, with communities frequently organising fundraisers to secure the release of detained patients or bodies. “Most harambees are due to dead bodies that are detained or unpaid medical bills,” he said.

Senator Danson Mungatana backed the Bill and said multiple High Court decisions have consistently ruled against the detention of bodies, noting that a corpse cannot be used as collateral for

debt.

“The enactment of the law is long overdue, as death has been commercialised to shameful levels. The practice not only violates the law but also offends cultural norms,” he said.

“We needed this law like yesterday. I would like to urge every Senator who will speak to this Bill to enforce the fact that you cannot punish poverty. Let people lay their loved ones in dignity.”

He warned hospitals engaging in the practice to note that the courts have pronounced themselves and that it is repugnant. “If you insist, once this law is codified and signed by the President, then all we will do is arrest you people and put you with the worst criminals.”

“I urge the officers in charge of prisons that when they see a doctor, an owner of a hospital, or an official who has been brought in because he was detaining the body of a departed person, they should be put in the worst cells.”

Senator Stewart Madzayo supported the Bill, saying that if enacted, it will of-

fer reprieve to many families unable to pay bills when they visit hospitals. “If you can’t get the body of your deceased kin, you will be forced to turn to the Government and see what it can do for you,” he said, adding that the enactment of the Bill is overdue.

Senator Godfrey Osotsi said it is unfair to detain someone in death. “You cannot punish a dead body because that dead body is poor. It is really unreasonable. I think this Bill will help deal with that problem,” he said, even as he challenged the House to establish the cause of the problem that has led to the situation.

“We must also look at the cost of our medical services, especially in our private hospitals. It is annoying that you go to some hospitals and, after being there for two days, your bill is like a booklet with a long list of charges.”

Senator Ledama ole Kina said that unless an Emergency Medical Treatment Fund is established under the Social Health Authority to reimburse all facil-

ities that adhere to the implementation, the Bill will not succeed.

He proposed that county governments should be compelled to set aside 10 per cent of their health budgets to cover emergency treatment, alongside a broader conversation with the national Government and the Ministry of Health to establish an Emergency Medical Fund that will reimburse all facilities, including faith-based and rural health institutions, up to at least 50 per cent of their expenditures.

Senator Aaron Cheruiyot described the Bill as a noble initiative but urged the sponsor to address the funding gap.

“The amendment on its own, without explaining how to foot the bill eventually, does not solve the problem. The question that must be answered is where the payment will come from. That is an obvious challenge which we must reflect upon. It will not be wholly resolved until we reach a point where we have said that perhaps after meeting certain stringent requirements.”

Audit snub: Senators declare truant governors guilty



Senator John Methu



Senator Jackson Mandago



Senator Aaron Cheruiyot.

The Senate has returned a guilty verdict against county governors who have failed to appear before the two watchdog committees to account for the billions of shillings they received in the 2024/25 financial year.

By failing to appear before the County Public Accounts Committee (CPAC) and the County Public Investments and

Special Funds Committee (CPISFC), Senators observed, the governors had, in effect, accepted the findings and recommendations of the Auditor-General contained in the 2025/26 financial audit reports tabled in the House.

“If you have failed to come to respond, then it means you are guilty; you have accepted the verdict,” observed Majority

Leader Aaron Cheruiyot in a statement on the oversight mechanisms of the Senate under Article 96 of the Constitution.

The statement was in response to the failure by governors to honour invitations and summons issued by CPAC to appear before it and respond to matters relating to financial management, accountability, and the use of public resources allocated

to their respective county governments.

“Those who have appeared before the two committees and presented their responses will get a fair hearing. If you choose to waive the right to appear, then it means you agree with the findings of the Auditor-General,” he added.

He revealed that the Senate will have no choice but to direct the Ethics and

Anti-Corruption Commission (EACC) to recover any funds that may have been stolen, and the Directorate of Criminal Investigations (DCI) to arrest those who have misappropriated public resources.

The Supreme Court has held that Article 96(1), (2), and (3) of the Constitution, when read together with Articles 110 to 112, leave no doubt that the Senate is established to perform fundamental governance roles concerning counties through legislative, budgetary, and oversight actions.

“The court stated that the Senate has been granted considerable latitude in ensuring that county governments operate optimally and within accountability standards if the objectives of devolution are to be realised,” said Senator Cheruiyot, adding that the Court emphasised that there is no way the Senate can perform such an important role without having the power to summon a governor and require him or her to provide answers and explanations regarding the management of county finances and related affairs.

“It stated that without such power, the Senate would not be able to protect the interests of the counties, nor would it be able to exercise effective oversight over national revenue allocated to counties. The Court further stated that the office ultimately answerable to the Senate is that of the governor.”

The Majority Leader said the refusal contravenes the Constitution and the

statutory duty to account for funds allocated to county governments, and undermines the Senate’s constitutional oversight mandate.

“It weakens accountability in the management of public resources, contrary to the national values and principles of governance under Article 10 of the Constitution, and the principles of public finance under Article 201(a), which require openness and accountability.”

Senator Eddy Oketch welcomed the statement and accused governors of developing a habit that suggests corruption is acceptable. “Let us deal with them in this House because committees operate as a subset of the entire House. Bring them into this House. Bring those reports here so that we can discuss them as a House for each governor who does not appear.”

Senator Oburu Oginga condemned the governors and reminded them that Parliament has mechanisms to compel them to appear.

He said there are laws that will force them to honour invitations. “We must ensure that those governors who fail to appear before Senate committees, particularly the County Public Accounts Committee (CPAC), go through the full force of the law to ensure that they appear. If it is the police, then they should be compelled to bring them, because that is the law. There is no way the police can exonerate themselves. They cannot sit back,

watch, and wait for Parliament to keep demanding.”

Senator Mohamed Abbas cautioned governors that it is not senators who require them to appear, but the Constitution. “They do not come for us; it is the Constitution that requires them to appear. If they want to look for excuses, then this is the right time for the Senate to have teeth to bite so that we can take action against them—not only under police escort, but also financially. Fiscal management is a very important issue in this country.”

Senator Danson Mungatana proposed that penalties for non-appearance should be enhanced against rogue governors, arguing that instead of a Sh500,000 fine, the House should amend the Powers and Privileges Act to increase it to Sh5 million.

“We cannot have governors who think the money belongs to them. We have never asked how they use their salaries. We are asking how they are spending county funds that belong to the people.”

Senator Boni Khalwale said the statement by the Majority Leader should be accompanied by the invocation of Article 225 of the Constitution on financial control, which allows the Senate to stop 50 per cent of the funds due to defiant governors.

Senator Ledama ole Kina urged the leadership of CPAC to use the legal mechanisms already in place to hold

governors accountable, noting that accountability is personal, not collective.

Senator Jackson Mandago advised governors that they cannot run away from accountability, whether now or in the future, urging them to resolve audit queries while still in office, when they still have access to documents and records relating to activities or services rendered using public funds.

He challenged institutions responsible for accountability to arrest any governor who refuses to appear and respond to audit queries. “The Ethics and Anti-Corruption Commission (EACC) must step in and take that matter to court,” he said, reminding governors that appearing before the committees gives them an opportunity to explain how funds were used.

“You are being given a bridge between being taken to court over those audit queries and appearing before the two accountability committees of the Senate, and the entire Senate, to respond and explain.”

Senator John Methu said the Senate must use every available tool to ensure that governors appear before the Senate. “If governors were really as clean as they purport to be, they would have provided the documents at the first point of audit. This is because once you provide those documents at the point of audit, you get unqualified audit opinions, and it is not a feat that has not been achieved.”

CS Chirchir defends legality of NTSA instant fines

The Ministry of Roads and Transport is working with the Judiciary and the Kenya Law Reform Commission (KLRC) to separate minor traffic fines from offences which must go to court.

Cabinet Secretary Davis Chirchir said the Ministry has engaged the KLRC, the National Transport and Safety Authority (NTSA) and all the stakeholders to ensure that the instant fine system is a facilitation of minor infractions on the roads that should not go and congest the courts.

“It is about convenience,” he told the House during Questions Time on Wednesday.

He was responding to a question from Senator Danson Mungatana, who had wanted an explanation on the recent decision by NTSA to introduce an instant fine system for motorists who violate traffic laws.

Senator Mungatana blamed the CS for having allowed NTSA to abrogate the law.

“How did you allow a body under your Ministry to wake up and abrogate



CS Chirchir speaks on the floor of the House.

powers that they do not have? When this matter goes to court and the case is lost, it is the people of Kenya who are going to pay that money. I would like the Cabinet Secretary to clarify why regulations are introduced without public participation and without being brought to Parliament,” he said, demanding that the CS explain who granted NTSA the authority to make laws.

The NTSA instant fines system is a live digital traffic management system that uses automated speed cameras and monitors to detect traffic violations, sending immediate SMS notifications to vehicle owners.

Motorists must pay these fines within 7 days to avoid penalties and potential restrictions on NTSA services.

The system covers 37 traffic offences, focusing heavily on speeding and reckless driving.

Key violations captured by the safety authority’s systems include speeding, lane violations, driving on pavements and not wearing seatbelts, among others, with fines ranging from Sh500 to Sh10,000 depending on the severity of the offence committed.

The Court has stopped the implementation of the rules.

“I want the Cabinet Secretary to tell Kenyans whether it is the NTSA that makes laws in this country. If it is not, and this Senate and the National Assembly are the bodies that make laws, then NTSA can only make regulations. Did those regulations pass through the Sen-

ate Committee on Delegated Legislation?” he asked.

The CS told the House that minor offences under the Traffic Act, 2016, addressed all the regulations pertaining to minor offences.

“There are minor offences which could be treated as administrative. When you know that you are being watched, you drive carefully without endangering other road users. If you are found to have committed any kind of infraction and you are willing to pay, you do not have to go to court and, in the process, lose time, occupy the court’s time and so on and so forth, and yet the fine is Sh500.”

He added: “It is a solution that we need to do more communication on, so that Kenyans appreciate that this is in the interest of saving your time and also the court’s time, and ensure that we enhance road safety and curtail loss of lives on our roads.”

He confirmed that the rules came to Parliament under the minor offences regulations when the Traffic Act was amended in 2016 and that due process was followed.

Committee faults Treasury over Sh62B Equalisation Fund arrears



Senator Ali Roba chairs a sitting of the Committee on Finance and Budget. Others are Senator Tabitha Mutinda, the vice chair, and Senator Boni Khalwale.

The Finance Committee has blamed the National Treasury for failing to disburse billions of shillings allocated to the Equalisation Fund, warning that the delay is an affront to the Constitution.

The Committee raised its concerns after it was informed that the Fund is owed a staggering Sh62.67 billion in accumulated arrears as of December 31, 2025.

The revelation was made when the Committee reviewed the Second Quarter Report on the implementation of the Equalisation Fund for the 2025/26 financial year.

The deficit has effectively paralysed the delivery of basic services, including water, health, electricity, and roads, in the country's most marginalised regions, leaving thousands of Kenyans stuck in a cycle of underdevelopment.

The Committee, chaired by Senator Ali Roba, expressed disappointment that, despite a clear constitutional mandate under Article 204, the National Treasury has consistently sidelined the Equalisation Fund in favour of other statutory obligations.

While funds such as the Housing and Fuel levies have seen consistent growth and disbursement, the Equalisation Fund appears to lack similar goodwill.

The Second Quarter Report suggests that the Treasury has abandoned this plan, citing tight fiscal space constraints—an excuse the Committee flatly rejected.

Senator Roba did not mince his words when addressing the Treasury's failure to honour a prior commitment to pay Sh9.98 billion annually through 2028.

"If the Government has no plans of implementing the Fund, the Committee will conclude there is no goodwill," he said, adding that the matter may be escalated to higher levels capable of demanding accountability.

"We will no longer accept fiscal constraints as a valid reason for denying marginalised communities their right to development," insisted Senator Roba.

Senator Tabitha Mutinda challenged the Senate to hold the Cabinet Secretary for the National Treasury, John Mbadi, responsible.

She regretted that the Ministry appears to prioritise other needs over this constitutional entitlement, noting that it treats the Equalisation Fund as a discretionary allocation rather than a mandatory one.

"This has led to its frequent exclusion from timely disbursement cycles," she explained, adding that the Ministry must

demonstrate a commitment to supporting marginalised areas by releasing the funds to their logical conclusion.

"The Equalisation Fund is a constitutional right. The National Treasury's delay in disbursing these funds is not merely a budget execution issue but a grave violation of the nation's supreme law."

The impact of the Treasury's irregular funding is evident in the inconsistent disbursements to beneficiary regions, with the report indicating that only 12 counties received funds in the second quarter of the 2025/26 financial year.

Baringo County received Sh89.2 million, Garissa was allocated Sh74.5 million, and Isiolo received Sh42 million. Others include Kwale (Sh61.3 million), Marsabit (Sh95.8 million), and Turkana (Sh112.4 million).

These figures represent only a fraction of the resources required to complete the 924 projects currently stalled across the country.

Senator Boni Khalwale criticised the current marginalisation policy for fragmenting resources into insignificant amounts, arguing that it spreads funds too thinly across too many areas, thereby diluting the development impact of the Equalisation Fund.

"It has turned what should be trans-

formative development into negligible micro-allocations," he said.

He questioned the amount of money disbursed to marginalised counties, terming it negligible and asking what such allocations can realistically achieve for Kenyans in dire need of basic services.

"When you allocate Machakos County just Sh9 million, what can that money do to change the lives of Kenyans who are in dire need of water across the county?" he posed.

The Equalisation Fund was established with a 20-year lifespan. With only four years remaining before that constitutional timeline lapses, the Committee noted that the objectives of the Fund are far from being met.

The ongoing delays in disbursement mean that even if the money were released immediately, the time required for implementation could exceed the Fund's legal lifespan.

The Committee is mulling the potential need to extend the lifespan of the Fund by a further 10 years, though Senators emphasised that an extension would be meaningless without actual cash flow from the Treasury.

Senate steps in to resolve Trans Nzoia leadership standoff



Members of the Committee on Devolution, led by Senator Margaret Kamar (second left), pose for a group picture with Trans Nzoia County Commissioner Gideon Oyagi (in red tie) and other senior administration and security officials in the county.



The sitting of the Committee on Devolution during its mediation in Kitale, Trans Nzoia County, when it mediated on the leadership crisis in the county.



Some of the Stakeholders who appeared before the Committee on Devolution in Kitale, Trans Nzoia County.

A Senate Committee has intervened in the deepening administrative crisis in Trans Nzoia County involving Governor George Nantembeya and the outgoing County Public Service Board, following a standoff that has lasted for weeks.

The intervention comes in the wake of a controversial February 16 directive by the Governor to shut the Board's offices and transfer its staff.

The move, which drew criticism from governance experts, was framed by the Governor as a surgical strike against corruption, while the Board termed it a blatant affront to its constitutional independence.

Appearing before the Committee on Devolution and Intergovernmental Relations in Kitale on Monday, March 16, Mr Peter Wamoto, the former Chairperson of the Board, presented a scathing indictment of the Governor's actions.

He argued that the closure was strategically timed, occurring just twelve days before the Board's six-year tenure was set to expire.

This, he said, was meant to frustrate the completion of a statutory exit report and an orderly handover.

"This action interfered with the independence of the Board," Mr Wamoto told the Committee, further alleging a broader pattern of administrative impu-

nity.

He cited the Executive's refusal to implement the appointment of Ms Phoebe Namukuru Buchunju, who was recruited as the Municipal Manager, and the disputed status of the County Secretary.

Governor Nantembeya informed the Committee that his hand was forced by what he described as rogue behaviour within the Board that threatened to derail the operations of the county.

The Governor detailed a series of alleged professional injustices, including the unilateral cancellation of recruitment for County Chief Officers in late January.

"The Board's actions were severely disorienting the operations of the County Government," Governor Nantembeya stated.

He specifically pointed to the irregular hiring of eight nurses who had not been shortlisted—an act of alleged nepotism that triggered a court injunction, halting the onboarding of 134 other essential health workers and leaving the county's medical facilities understaffed.

The Committee heard that, while the offices were officially reopened on March 12 under a newly sworn-in Board, the scars of the standoff remain.

The Senators expressed deep concern over the growing trend of devolved units rushing to court to settle disputes that

could otherwise be resolved through internal dialogue.

Senator Margaret Kamar, who chaired the sitting, lamented that petty legalities and ego-driven politics are increasingly overshadowing service delivery. She advised the Governor and the former Board to resolve their issues amicably instead of resorting to court.

"Procedural issues in court cases can lead to a waste of time and resources. As counties, we should work to resolve issues internally rather than rely on litigation. These are small problems but have been magnified by politics and ego, which need to be controlled," Senator Kamar emphasised.

Senator Hezena Lemaletian noted that the friction in Trans Nzoia is a symptom of a wider malaise affecting many counties. She challenged county assemblies to rise above partisan interests and act as a stabilising force between county executives and independent public service boards.

"The County Assembly of Trans Nzoia should take up its role with patriotism and love for the nation to help tone down the politics. Let's not let politics and too much ego sway service delivery for our people," said Senator Lemaletian.

The Committee observed that the tit-for-tat administrative style not only

wastes public funds through litigation but also halts critical functions such as the recruitment of healthcare personnel. Senator Richard Onyonka noted that the relationship between the Executive and the Board must remain collaborative rather than adversarial.

"Amicable dialogue should always take precedence over public conflict or political blackmail," noted Senator Onyonka, even as he called for a culture of consultation.

In a bid to restore institutional decorum, the Committee urged Governor Nantembeya to facilitate a formal, professional transition. By inviting the former Board members to an official handover ceremony, the Committee hopes to bridge the animosity and ensure that the potter's wheel of county governance returns to smooth rotation.

At the end, there was a palpable sense of urgency for the county to unlock the stalled recruitment processes. The Committee's primary recommendation focused on the immediate need for a structured transition to the new Board to ensure that the 134 health workers caught in the crossfire of the standoff can finally be deployed to serve the residents of Trans Nzoia.

Committee links deadly floods to systemic governance failures



Senator Mohamed Faki, the chairman of the Committee on Land, Environment and Natural Resources.

A committee of the Senate has linked the recent flash floods, which claimed a total of 42 lives across the country, to the systemic environmental governance failures that continue to amplify such disasters.

Apart from the deaths, the floods, which hit the country on March 6, displaced up to 50,000 residents across multiple counties, resulted in the destruction of property, livestock, agricultural land, and critical public infrastructure.

The Committee on Land, Environment and Natural Resources now says the events were a predictable consequence of decades of accumulated failures in environmental governance, land use regulation, and poor urban planning—matters that the Senate can scrutinise and give proposals on.

“The Committee is of the firm view that Kenya has reached an affliction point,” said Senator Mohamed Faki, the chair of the Committee, when he briefed the House on the effects of the recent flash floods in various parts of the coun-

try.

The country experienced catastrophic flooding in 2023, 2024, 2025, and again in 2026, and the state has spent an estimated Sh35 billion on flood control, water storage, and mitigation interventions over the past four years.

He, however, expressed concern that even with such huge investment, the death toll, displacement figures, and economic damage have escalated in successive rainy seasons.

“This pattern of recurrent disaster, reactive expenditure, and the absence of structural reform is no longer acceptable,” he observed, adding that the committee intends to provide oversight analysis and legislative directive necessary to break the cycle.

Article 42 guarantees every citizen the right to a clean and healthy environment. Article 69 imposes a duty on the state to ensure sustainable exploitation, utilisation, management, and conservation of the environment and natural resources, and to take measures to address

the adverse effects of climate change.

Article 70 provides for enforcement of environmental rights, read with Article 62, which vests natural resources—including rivers, lakes, water resources, and public land—in the people of Kenya and places them under the stewardship of the national and county governments.

“These provisions establish an unambiguous constitutional duty to protect the environment and land use conditions that, when violated, produce the disasters that this country has repeatedly suffered,” noted Senator Faki.

The legislative architecture reinforces this framework. The Environmental Management and Co-ordination Act (EMCA) establishes the National Environment Management Authority (NEMA) and vests it with authority over EIA, enforcement of environmental standards, and oversight of riparian zone protection.

The Water Act vests the Water Resources Authority (WRA) with the mandate to manage, protect, and regulate the

use of water resources, including riparian land and catchment areas.

The Physical and Land Use Planning Act establishes the regulatory framework governing the preparation and implementation of land use plans at both national and county levels, including restrictions on development within flood-prone zones. The Forestry Conservation and Management Act governs the protection of Kenya’s gazetted forests and water catchment areas, including the five principal water towers. Despite this comprehensive legal architecture, environmental degradation has accelerated.

In the statement, Senator Faki identified the structural drivers of Kenya’s escalating flood disaster: degradation of catchment areas and water towers, systemic encroachment on riparian land, failure of urban planning and development control, chronic underinvestment in and neglect of drainage infrastructure, inadequate solid waste management and its impact on drainage, over-abstraction of groundwater and ground subsidence, and inadequate early warning and disaster preparedness mechanisms.

He said drainage infrastructure in Nairobi was largely designed and built to serve a city with a fraction of its current population and density. “The committee finds that despite the expenditure of Sh35 billion on flood control and mitigation over the last four years, the allocation specifically for drainage infrastructure maintenance, rehabilitation, and expansion has been grossly inadequate,” he said, adding that there is a direct and causative link between the failure of solid waste management and the blockage of drainage systems.

“The Environment and Land Court and the National Environment Management Authority (NEMA) have both noted the pervasive practice of disposing of solid waste in drainage channels and riparian zones,” he added.

Nairobi’s chronic water supply shortages have driven the proliferation of boreholes across the city, leading to the over-abstraction of groundwater at rates that have dramatically lowered underground water table levels.

“The resulting aquifer compression, compounded by the weight of structures built above, has produced measurable ground-level subsidence in multiple parts of the city. This creates artificial topographic depressions where storm water accumulates and cannot drain, significantly amplifying the impact of flooding in those areas.”

Committee calls for public input on 2026 Revenue Bill



Members of the Finance and Budget Committee: Senator Tabitha Mutinda, the vice chair, and Senator Boni Khalwale.

The Committee on Finance and Budget has invited members of the public to submit views on the Division of Revenue Bill, 2026, which was introduced in the House last week.

Through an advertisement posted in the daily newspapers, the Committee has given the public until March 26 to submit any representations they may have on the Bill by way of written memoranda.

The Bill, which went through the First Reading on Wednesday, March 18, provides for the equitable division of revenue raised nationally between the national and county governments for the 2026/27 financial year.

Article 118 of the Constitution and Senate Standing Orders mandate the House to conduct public participation on any Bill before it is enacted.

“The Committee now invites interested members of the public to submit any representations they may have on the Bill by way of written memoranda,” says the Committee in the advertisement signed by Mr Jeremiah Nyegenye, the Clerk of the Senate.

The total shareable revenue for the 2026/27 financial year is estimated at

Sh2.9 trillion. The Bill allocates the National Government Sh2.4 trillion, while the county governments’ equitable share is Sh420 billion.

The Equalisation Fund share is pegged at Sh9.6 billion. Article 204(1) of the Constitution provides that 0.5 per cent of the revenue collected by the national government each year be paid into the Fund.

The sharing of revenue for the 2026/27 financial year is based on the most recent audited revenues for the 2022/23 financial year.

The Bill contains an allocation of Sh5.6 billion, which constitutes partial payment of arrears to the Equalisation Fund, bringing the total allocation to the Fund to Sh15.2 billion for the 2026/27 financial year.

The Commission on Revenue Allocation (CRA) had proposed that counties be allocated Sh454 billion as shareable revenue, while the National Treasury proposed Sh420 billion.

The report of the Committee on Finance and Budget on the 2026 Budget Policy Statement (BPS) agreed with the CRA and recommended that the county equitable share for the 2026/27 financial

year be pegged at Sh454.7 billion.

The CRA also proposed an allocation of Sh2.512 trillion to the national government and Sh9.6 billion to the respective institutions.

Article 218(2) of the Constitution and Section 191(5) of the Public Finance Management (PFM) Act require the National Treasury to give reasons for any deviation between its proposal for revenue sharing and the CRA proposal.

Similarly, while the National Treasury projects shareable revenue for the 2026/27 financial year at Sh2.901 trillion, the CRA projects Sh2.982 trillion — a difference of Sh80.9 billion.

In its consideration of the BPS, the Committee noted that shareable revenue is projected to increase by Sh147.2 billion in the 2026/27 financial year, representing a 5.3 per cent increase from the approved revenue of Sh2.7 trillion for the 2025/26 financial year.

The Committee noted that despite this projected increase, the allocation to the county equitable share rises by only Sh5 billion — which is 3.4 per cent of the increase in shareable revenue — and represents a paltry 1.2 per cent growth from the previous allocation of Sh415 billion

in the 2025/26 financial year.

The 2026 Budget Policy Statement (BPS) identifies growing debt servicing costs and revenue underperformance as the primary reasons for allocating Sh420 billion to counties.

The National Treasury attributes its comparatively modest revenue projection to major economic shocks likely to negatively affect forecasted revenue for the 2026/27 financial year, whereas the CRA projection is based on steady yearly revenue growth.

The CRA recommendations are partly informed by a high estimated share of revenue and the inclusion of attendant resources for the remuneration of Universal Health Care (UHC) workers hired during the COVID-19 crisis.

Their remuneration is normally factored into the County Governments Additional Allocations Bill. However, the Commission on Revenue Allocation recommends that these resources be moved to form part of the county equitable share.

This recommendation is higher than what the National Treasury has proposed, which is that the resources be retained under the County Governments Additional Allocations Bill.

Senators want banditry menace in Meru County addressed

A Senator has proposed that Meru County should be gazetted as a disturbed area and the Anti-Stock Theft Police Unit and other special forces allowed to move in and deal with criminal lawlessness.

Describing cattle rustling and banditry as unfortunate, Senator Samson Cherarkey claimed that since the beginning of 2026, close to 2,000 live-stock have been lost in that region, especially in Igembe, parts of Igembe Central and Tigania West. Almost over 21 deaths have occurred since the beginning of the year, and property has been destroyed.

“The bandits are so emboldened that they no longer fear the police,” he said.

He was responding to a request for a Statement by Senator Kathuri, who wants the Committee on National Security, Defence and Foreign Relations to probe the renewed and escalating banditry attacks in the northern grazing zone of Meru County.

The Senator, who is also the Deputy Speaker, called on the committee to address the causes of the attacks across Tigania East, Tigania West,



Senator Kathuri Murungi

Igembe North, Igembe Central and Buuri, which have led to deaths, injuries, cases of rape and significant livestock loss since the beginning of 2026.

He further sought clarification on the status of government interventions, including deployment of security personnel, equipment and infrastructure, as well as progress in livestock recovery efforts and systems to trace stolen animals.

“The Committee should outline



Senator Hezena Lemaletian

measures to restore normalcy in the region, and long-term strategies to address insecurity,” he said, adding that there is need for immediate government support to affected residents, including burial assistance, medical support, and provision of food and basic necessities.

Senator Hezena Lemaletian said the north of the country has great potential and room for development and regretted that the region is witnessing a “flooding” of banditry.

While supporting the Statement, she called for compensation for live-stock that are stolen during the attacks.

“It looks like whenever our cows or livestock are stolen, or our lives are lost, nobody thinks about compensation, probably because we are people of a lesser God,” she argued, even as she challenged the Ministry of Livestock to take the matter seriously.

“It is ironic that this particular region is where we have the British Army Training Unit-Kenya (BA-TU-K), the Kenya Defence Forces (KDF) unit, and the American forces,” she explained.

She went on: “The irony is that the same place where all these forces are confined still has very little security as far as the communities around the region are concerned. I do not know if this is a very well planned agenda to ensure that the area is very hostile for human survival or existence, to be able to take away this land. That needs to be investigated thoroughly.”

This Week in History - On March 26, 2019

Senators question implementation of 100 percent school transition policy



Senator Agnes Zani:

Between 2013-2022, the Government initiated the 100 percent transition policy to ensure all pupils leaving primary school enrolled in secondary school. The policy aimed for universal secondary access to promote equity but faced challenges including severe infrastructure shortages and high pupil-teacher ratios. On March 26, 2019, Senator Agnes Zani sought a Statement from the Committee on Education on the status of implementation of the 100 per cent policy to secondary schools and to Technical and Vocational Education Training (TVET). In the statement, she wanted the Committee to submit to the House a status report on the transition policy, indicating the number of learners per school per county, whether there are learners who have not transitioned and explain the circumstances for the failure and the cost implications of implementing the 100 per cent transition policy, and explain how the same has been dealt with at the county level; and, (4) Explain whether the 100 per cent transition policy to secondary schools is sustainable



Senator Johnes Mwaruma said:

“I would like to support the Statement and look forward to getting the response from the Chairman of the Standing Committee on Education. The truth of the matter is that the 100 per cent transition has failed. This is because the statistics on the ground show that there are so many students who have not reported to secondary school since they were opened. In my county, for example, there are more than 500 students who have not reported because there are not enough places. Secondly, the thrust of the 100 per cent transition was that the students would transit from class eight to form one without paying a single coin. However, when they are asked to pay some fees, then definitely some of them, who cannot afford even school uniform, will not transit as envisaged by the Government.”



Senator Ephraim Maina said:

“Before this kind of programme is put in place, there must be a wide consultation. I would like to raise a few issues regarding parents in some areas who came together many years back, raised money through harambees and built excellent schools. These schools were converted into national schools by the Government. It is the parents who gave their own land and built the schools in their areas. There are schools like Ng’andu Girls and Tumutumu Girls in Nyeri. Instead of the school helping the local students, students are being admitted from all over the country. I ask the Chairman of the Committee to engage with the Ministry and establish the reasons why the Government decided to upgrade some of our local secondary schools that were built by parents to national schools instead of building new ones. These schools were supposed to benefit the local children.”



Senator Ochilo Ayacko said:

“It is a known fact that we do not have enough teachers either in primary or secondary schools. We also do not have enough tutors in Technical and Vocational Education and Training (TVET) institutions. A policy is being whispered around that there will be a 100 per cent transition. If you come to my county, you will find that there are no trainers and no facilities. It would be important when giving a response to this very weighty issue to assure stakeholders like us, Senators, and other people who mean well for our children that besides the intention to catch up with recruitment of tutors, trainers and other facilities, there are, indeed, resources that have been set aside to ensure that this policy works. This policy if not properly implemented with the requisite resources, is likely to marginalize other areas that are currently marginalised.”

Audit reforms split Senators amid independence fears



Senator Danson Mungatana



Senator Wakili Sigei



Senator Moses Kajwang, chair County Public Accounts Committee, and Senator Johnes Mwaruma, the vice chair, in a past event.

Senators have expressed reservations about a Bill seeking to amend the Public Audit Act, warning that it contains proposals that could undermine the constitutional independence of the Office of the Auditor-General if enacted.

Whereas the lawmakers welcomed the proposed creation of the Public Audit Fund, they questioned the proposed creation of the Public Audit Advisory Board, saying it will be a threat to the independence of the Auditor-General.

“I see this Bill as taking away the powers of the Auditor-General to the Advisory Board. That is very dangerous. The independence of the Auditor-General must be preserved in perpetuity. The amendments are designed to cherry-pick what can and what cannot be audited,” explained Ledama ole Kina during debate on the Bill.

The Senator also expressed misgivings about the proposal to reduce the period within which public entities are required to submit financial reports to the Office of the Auditor-General.

The Bill suggests that State corporations, county governments, and State departments in the national government should submit their financial statements to the Office of the Auditor-General within two months after the end of the financial year.

“Tightening timelines in terms of accounts for the Auditor-General is something we should be very worried about. The framers of the Constitution and the drafters of the Audit Act saw it fit to provide for three months. Sometimes, during those three months, the Auditor-General does not conclude the work because there are delays in financial statements being prepared by State corporations or county governments. Now, limiting it further to two months worries me. I will not be shy to say that it worries me quite a lot.”

The lawmaker expressed his reserva-

tions during the debate on the Public Audit (Amendment) Bill, 2024.

The amendments address the reasons that led to the High Court declaring some sections of the Act unconstitutional in 2016.

The proposed Public Audit Advisory Board will comprise the Auditor-General, who will be the Chairperson; the Attorney-General or a representative; a nominee of the Institute of Certified Public Accountants of Kenya (ICPAK); the Chairperson of the Budget and Appropriations Committee of the National Assembly; and two representatives from Parliament—one from the National Assembly and one from the Senate—from committees in charge of public finance and audit.

Whereas the Auditor-General has been given powers to co-opt other members when necessary, the Deputy Auditor-General has been designated as the Secretary of the Advisory Board.

The Board shall provide advisory on budget plans and estimates, human resource management and development, and any other matter that may be referred to it by the Auditor-General.

The Bill establishes the Public Audit Fund, which shall be used to meet the expenditure of the audit mandate as provided in the Constitution.

The amendment gives the Auditor-General the power to recruit such staff as may be necessary for the proper discharge of the functions of the office, upon such terms and conditions as may be determined in consultation with the Salaries and Remuneration Commission.

The Bill creates the office of the Deputy Auditor-General, who shall be competitively recruited by the Auditor-General.

The holder of the office shall deputise the Auditor-General in the execution of the Auditor-General’s functions, save for the express powers provided under the Constitution.

“We must capacitate the Office of the Auditor-General to ensure that it has the requisite number of personnel to conclude the work within the necessary time so that reports are submitted to Parliament,” said Majority Leader Aaron Cheruiyot while moving the Bill.

“There is a need to establish the Public Service Human Resource Audit Directorate in the Office of the Auditor-General, which will be responsible for conducting and preparing audits on human resources in the public service,” he added.

Senator Danson Mungatana, who seconded the Motion, welcomed the creation of the Audit Fund, arguing that the absence of the Fund has undermined the work of the Auditor-General.

“We do not have a Public Audit Fund right now. This makes the work of the Auditor-General very difficult because many of us go to that office and demand that a forensic audit be conducted on a certain public entity. We want a proper audit to be carried out on certain issues in a public entity. For most of us in this Senate, we want special audits carried out on the counties we represent because, many times, we have reasons to believe that there is mismanagement of funds.”

Senator Edwin Sifuna said the proposed amendments do not fully comply with the 2018 High Court ruling that declared certain provisions of the law unconstitutional.

He questioned proposals to establish the office of a Deputy Auditor-General through legislation, noting that holders of constitutional offices and their deputies are normally created directly by the Constitution.

He further criticised the proposed creation of an Audit Advisory Board, arguing that the High Court had already warned that such a body could interfere with the institutional and individual independence of the Auditor-General.

He, however, welcomed several provisions in the Bill, particularly those allowing the Auditor-General to independently initiate forensic or investigative audits.

Senator Enoch Wambua echoed concerns about the proposed Audit Advisory Board, warning that the Board could weaken the independence of the Office of the Auditor-General.

“Allowing external actors to advise the office on issues such as budgeting and human resource management risks undermining its effectiveness,” he said, even as he questioned the inclusion of the Attorney-General on the proposed board.

“It presents a conflict of interest since the Attorney-General’s office is itself subject to audit.”

Senator Wambua warned that limiting the operational independence of the Auditor-General would weaken Parliament’s oversight role because most of its work relies on audit reports from the office.

Senator Wakili Sigei emphasised the need to protect the independence of the Auditor-General, noting that the office forms a key pillar in ensuring accountability in public finance management.

“Any amendments to the Public Audit Act must strengthen, rather than diminish, the authority of the office, which plays a central role in supporting Parliament’s oversight mandate,” he said.

The Bill also introduces provisions requiring public entities to submit reports to Parliament within six months explaining how they have implemented recommendations arising from audit reports.

It is also seeking to empower the Auditor-General to collaborate directly with investigative and enforcement agencies such as the National Police Service, the Ethics and Anti-Corruption Commission, and the Office of the Director of Public Prosecutions where fraud or corruption is detected.

Serjeant-At-Arms gear up for their 2026 Conference



An officer from the Directorate of Serjeant-at-Arms tightly holds on the Mace ready to lead the Speaker's procession for the start of business of the House.



Serjeants-at-Arms leads the way as the Speaker Amason Kingi makes his way to the House.

Preparations for the Third National Conference of Serjeant-at-Arms are currently in high gear as Parliament readies itself for a landmark gathering at the PrideInn Signature Mall in Machakos County.

The theme of the gathering will be: "Future-Proofing Legislative Support Functions in Times of Change."

The organising team is meticulously coordinating a three-day programme designed to bridge the gap between medieval traditions and the complex security demands of a 21st-century legislature.

The national conferences serve as a vital forum for Serjeant-at-Arms from the Senate, the National Assembly, and County Assemblies to build capacity, share best practices, and promote improved service delivery within legislatures.

The role of the Serjeant-at-Arms has evolved significantly from its origins as a medieval monarchical attendant into a critical modern function responsible for maintaining order, managing security systems, and ensuring the smooth day-

to-day operations of contemporary legislatures.

The gathering will bring together a diverse group of stakeholders from across the legislative and security sectors, providing a strategic platform for collaboration with security agencies on matters of protocol, VIP handling, and health and safety.

The journey toward this third edition began with the First National Serjeant-at-Arms Conference held in 2015, which focused on "The Evolving Roles and Functions of Serjeant-at-Arms in a 21st Century Legislature."

This was followed by a workshop in 2016 centred on enhancing effectiveness during legislative transitions.

Building on that momentum, the Second National Conference was held in 2018 to strengthen officers' capacity and improve performance within their mandates.

These previous gatherings were instrumental in developing Standard Operating Procedures (SOPs) and enhancing responses to terrorism threats.

The 2026 Conference, which will formally commence on March 27, will begin with opening remarks from the Clerk of the Senate, Jeremiah Nyegenye, who also serves as Secretary to the Parliamentary Service Commission (PSC), and the Clerk of the National Assembly, Samuel Njoroge.

The centrepiece of the opening session will be the keynote address delivered by the Cabinet Secretary for Interior and National Administration, Kipchumba Murkomen.

The programme will delve into "The Constitutional and Legal Mandate of the Serjeant-at-Arms," to be presented by former Senate Speaker Ekwee Ethuro.

It will also explore institutional frameworks between Parliament and County Assemblies, presented by the Deputy Clerk of the Senate, Eunice Gichangi, as well as the critical intersection of "Security, Technology, and Institutional Resilience in the Era of AI," led by cybersecurity expert Dr Bright G. Mawudor.

The final full day of the conference will focus on the professionalisation of

the office.

Professor Nyokabi Kamau of the Centre for Parliamentary Studies and Training (CPST) will lead a discussion on training and certification, while the Deputy Director of the Senate Serjeant-at-Arms, Joel Nkubitu, will present the proposed National Serjeant-at-Arms Operational Framework.

A major milestone of the programme will be a session dedicated to the Society of Serjeant-at-Arms Kenya (SOSK), focusing on establishing formal governance structures and a membership framework for the profession.

The conference will also address the psychological resilience of officers and the strategic importance of legislatures within the national security framework, featuring representatives from the National Defence University (NDU-K).

By participating in the deliberations, attendees will be better equipped to protect the integrity of democratic institutions.

Debts choke counties as Senate demands repayment oversight



Senator David Wakoli



Senator Johnes Mwaruma



Senator Mohamed Abba

Senators have proposed active involvement in the repayment plans for pending bills. As of December 2025, pending bills across the 47 counties stood at Sh177 billion, heavily impacting local suppliers and contractors. The debt includes Sh171.92 billion owed by county executives and Sh5.55 billion by assemblies.

In July 2025, the Senate passed a Motion compelling the entities to obey the law and treat settlement of pending bills as a first charge. Counties were required to develop repayment plans and deposit them with the Office of the Controller of Budget (CoB) as a prerequisite for approval of cash releases.

“When the CoB has that repayment plan, without the Senate’s Committee on Finance and Budget having a copy, how will we ensure the schedule is followed?” asked Senator Johnes Mwaruma. He argued that the Committee must have access to the payment plans to enforce compliance.

The lawmaker linked the growing burden of pending bills to the over-projection of own-source revenue by county administrations. Counties inflate projections because vote heads are allocated as percentages. For instance, under the County Allocation of Revenue Act (CARA), if 13 per cent is allocated to assemblies and revenue is over-projected by KSh500 million, assemblies receive more than expected.

A second factor is the voiding of payments. Identifying officials who divert funds meant for contractors remains difficult. “When you ask auditors why payments were voided and whether the money was eventually paid, they say they cannot trace it without expert analysis. We must ask who will help us curb pending bills arising from such practices,” said Senator Mohamed Abbas.

He noted that Wajir County had pending bills of Sh5.5 billion in 2018, a figure that has since risen. “There is no justification for such growth. This House sup-

ports counties through equitable share and additional funding, yet the bills keep increasing,” he said. He added that contractors are being pushed out of business, pensioners are not receiving dues, and statutory contributions remain unremitted—accruing interest that has ballooned to Sh155 billion.

The House was debating a request for a Statement by Senator David Wakoli on the status of pending bills in Bungoma County as of June 30, 2025.

The Senator wants a detailed breakdown of amounts owed to each contractor, the financial years in which the debts arose, and the specific projects, goods, or services involved submitted to the House.

“The Committee on Finance and Budget must confirm whether a verification and audit exercise has been conducted and disclose the findings,” he said. He also seeks timelines for settlement, reasons for accumulation, and whether investigations have been initiated to estab-

lish culpability among county officials, including actions taken to hold them accountable.

Senator Godfrey Osotsi described pending bills as a “moving target.” He cited cases where governors promise to clear debts, only for figures to rise shortly after. “In some counties, even the total pending bills are unclear. The figures presented to our committees keep oscillating,” he said, faulting the CoB for not doing enough to support Senate oversight.

Senator Wakili Sigei said the challenge of pending bills is not confined to Bungoma County, but it has swelled into a national problem.

“I doubt there is a county that does not have pending bills,” he said, observing the quickest way to die in Kenya as a contractor or a businessman is to trade with our county governments.

“You will invest your money, but you will never get paid.”

Wilson Airport on spot over safety, encroachment



Senator Mohamed Chute

Senators have expressed concern over the pace of repair works being undertaken at Wilson Airport in Nairobi, warning that it raises safety concerns for regular users of the facility.

The legislators said it is not uncommon for a passenger to board a plane directly without screening, as the security checks are lacklustre.

“The security situation at the Airport is worrying. Insisting on bag checks is not unfair; it is for our own safety,” Senator Aaron Cheruiyot pointed out, adding that the Cabinet Secretary in charge should appear and respond to the concerns.

“There are many wrong things at Wilson Airport. I hope when the Committee on Roads, Transportation and Housing should provide a roadmap. When the Cabinet Secretary appears next Wednesday, we must take him to task on the operations at the Airport and demand clear plans.”

“Wilson is not just an airport; it is also a training school. Many trainee pilots learn their trade there, yet high-rise buildings are being put up

in front of them. That is a disaster waiting.”

The Senator expressed his views on the matter in response to concerns raised by Senator Godfrey Osotsi on the deteriorating infrastructure at the country’s busiest Airport located in Nairobi County.

Senator Osotsi wants a probe into the current state of the infrastructure and safety systems at the facility, including the runway, drainage, rescue and firefighting facilities, air control systems, and power backup installation.

He wants the Committee on Roads, Transportation and Housing to explain the steps being taken by the Ministry of Roads and Transport, the Kenya Airports Authority, and the Kenya Civil Aviation Authority to address the deterioration of infrastructure at the airport and ensure continued compliance with international safety standards.

“The Committee should also explain the findings of the investigation into recent aviation incidents around the Airport and the measures being



Senator Godfrey Osotsi

taken to ensure that such incidents do not recur,” he told the House in his request.

He also wants the House furnished with timelines for demolishing buildings and other developments rising above the prescribed height restrictions along the flight path around Wilson Airport, as well as plans by the Government to upgrade, expand, or modernise the Airport to enhance its operational capacity and safety.

Senator Mohamed Chute supported the statement, noting that the repair works on runway 07 have caused many problems at the Airport.

“The Committee should invite the management of that institution to explain what is happening,” he argued, adding that the Committee should also visit the institution to assess the situation.

He further proposed that the Government should relocate the Airport so that the space can be used for affordable Housing Programme.

“There are buildings that have come up there. We cannot stop development. When we start doing afford-

able housing, we need land. The land we need to construct on is land that we have, which is Wilson Airport.”

Describing the Airport as a strategic facility and one of the oldest for local travel, Senator Mohamed Abbas regretted that it has been encroached upon from all sides and is a disaster in waiting.

“The runways are old and need repair. What worries me most is the number of buildings encroaching on Wilson Airport. This must be controlled.”

Senator Mohamed Faki said the situation at Moi International Airport in Mombasa is similar.

“The baggage belt has not worked for the last three years at Moi International Airport’s Terminal 2. Complaints have been made to the management, but no action has been taken. Travellers using Jambojet, Skyward Express, and other local airlines struggle to get their luggage once flights arrive in Mombasa. This is not a unique situation. We have seen it before, and it shows that the Kenya Airports Authority (KAA) is sleeping on the job.”



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1. Learners from Corner Brook Junior School, Kiambu County, follow plenary proceedings of the Senate during their tour of Parliament.
2. The leadership of the County Assembly of Samburu County, who were on a benchmarking tour of the Senate, follow House proceedings in the Chamber.
3. Officials of the Kenya Planters Cooperative Union, who were at the Senate at the invitation of Senator Beth Syengo in the Public Gallery.
4. Teachers and learners from Kenvic School, Kajiado County, at the Senate.
5. Hon Julius Sang, the Uasin Gishu County Assembly Majority Leader (2nd right), Hon Reuben Tobosei (left) follow proceedings in the Senate Chamber. They were accompanied by Makeni County Assembly's Esther Mwangeli during their tour of Parliament. On the right is an official from the Senate Liaison Office.



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