



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fifth Session

Thursday, 23rd July, 2026 at 2.30 p.m.

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 23rd July, 2026

*The House met in the Senate Chamber,
Parliament Buildings, at 2.32 p.m.*

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

PRAYER

DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING

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

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

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

(The Quorum Bell was rung)

Hon. Senators, kindly let us settle down.

Clerk, you may proceed to call the first Order.

Sen. Eddy and the Senate Minority Leader, kindly take your seats.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM STIRLING
ACADEMY IN NAROK COUNTY

Hon. Senators, I would like to acknowledge the presence of a visiting delegation of 10 teachers and 143 students from Stirling Academy in Narok County, who are seated in the public gallery. The delegation is visiting the Senate for an academic exposition. On behalf of the Senate, I extend a warm welcome to the delegation and wish them a fruitful visit.

I would like to ask the Deputy Minority Leader, in under one minute, to extend a word of welcome.

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Sen. Wambua: Mr. Speaker, Sir, on behalf of my colleagues from both sides of the House, I take this opportunity to welcome the delegation of teachers and students from Narok County to the Senate of the Republic of Kenya.

It is my hope and prayer that as they sit through the proceedings of the Senate this afternoon, they will find their visit fruitful and beneficial, and when they go back home, they will apply some of the things they learnt from the proceedings of the Senate.

Mr. Speaker, Sir, with those remarks, I welcome them.

The Speaker (Hon. Kingi): Next Order.

PAPERS LAID

Commissioner of the Parliamentary Service Commission (PSC), Sen. Korir, you may proceed.

THE PARLIAMENTARY SERVICE COMMISSION ANNUAL REPORT FOR FY2024/2025

Sen. Korir: Thank you, Mr. Speaker, Sir. I beg to lay the following Paper on the Table of the Senate today, Thursday 23rd July, 2026-

The Parliamentary Service Commission Annual Report for the Financial Year 2024/2025.

(Sen. Korir laid the document on the Table)

The Speaker (Hon. Kingi): The Chairperson, Justice, Legal Affairs and Human Rights Committee.

REPORT ON THE REFERENDUM BILL (SENATE BILLS NO.3 OF 2026)

Sen. Wakili Sigei: Thank you Mr. Speaker Sir. I beg to lay the following Paper on the Table of the Senate today, 23rd July, 2026-

Report of the Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of The Referendum Bill (Senate Bills No.3 of 2026).

(Sen. Wakili Sigei laid the document on the Table)

The Speaker (Hon. Kingi): Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

Request for statements pursuant to Standing Order No.53(1). The Senator for Marsabit County, the Hon. Mohamed Chute, proceed.

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

The Speaker (Hon. Kingi): Yes, Senator for Nandi County.

Sen. Cherarkey: Mr. Speaker, Sir, I was directed yesterday to substantiate the comments I made on the floor of the House pursuant to Standing Order No.105. I need clarity because I know I will be barred from contributing to further matters on the floor of the House until I discharge that obligation.

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

OPERATIONS OF BUPA GLOBAL INSURANCE IN KENYA

Sen. Chute: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Health on a matter of national concern regarding the operations of Bupa Global Insurance in Kenya. Its recent licensing and establishment of its regional headquarters has to be in this enquiry.

The entry of Bupa Global into the Kenyan insurance market marks a significant development in the country's healthcare financing sector as the first international private medical insurer licensed to operate directly in Kenya. Its presence raises important consideration regarding healthcare access, consumer protection, regulatory oversight and its potential impact on the local insurance industry.

In view of these issues, there is a crucial need to be apprised of the scope of its operations in Kenya and the safeguards in place to protect Kenyan policy holders and ensure fair and effective regulation of the sector.

In the statement, the committee should address the following-

(1) Details on the licensing status, scope of operations and regulatory framework governing Bupa Global Insurance in Kenya, including the extent of oversight by the Insurance Regulatory Authority (IRA) and its compliance with the applicable Kenyan insurance laws. It should also deal with consumer protection standards and international best practices.

(2) The number of policy holders and beneficiaries currently covered by Bupa in Kenya, the outline and range insurance products offered, categories of medical services covered, the network of accredited healthcare providers and facilities acceptable to its members across the country.

(3) Safeguards in place to protect policy holders, including claims processing and settlement timelines, dispute resolution and grievances redress mechanism, measures to ensure transparency in billing and coverage and protection against unfair or discriminatory practices.

(4) Bupa's broader contribution to Kenya's healthcare system and economy, including investment in the health insurance sector, partnership with local healthcare

providers, capacity building initiatives, employment creation, technology transfer and its alignment with the national health priorities, including the attainment of Universal Health Coverage (UHC).

Mr. Speaker, Sir, allow me to go to my second statement.

STATE OF AMBULANCE SERVICES IN MARSABIT COUNTY

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Health on a matter of countywide concern regarding the state of ambulance services in Marsabit County.

Marsabit County's vast geographical area and dispersed population necessitate an efficient and reliable emergency medical transport system. However, the county is experiencing a severe shortage of functional ambulances, with several ambulances grounded. This has adversely affected emergency referrals, maternal healthcare, accident response and the transportation of critically ill patients. Residents are consequently compelled to rely on unsuitable private means of transport, resulting in delays in accessing critical medical care.

In the statement, the committee should address the following-

(1) The status of ambulance services in Marsabit County, indicating the number, location and operational status of all ambulances, as well as reasons for grounding non-operational ambulances.

(2) The measures to repair and return the grounded ambulances to service, including the applicable timelines and the status of ambulance promised to Illeret in North Horr Constituency.

(3) The measures to ensure equitable access to ambulance services across all sub-counties, including the straightening of emergency referral systems and coordination with the Ministry of Health and other relevant agencies.

(4) The budgetary allocation and long-term plans for the procurement, maintenance, staffing, fuelling and equipping of ambulances in Marsabit County.

Mr. Speaker, Sir, I would like to withdraw the third statement because I read a similar statement the day before yesterday.

I thank you.

BOUNDARY DISPUTE AT ARBJAHAN ALONG MARSABIT-WAJIR

(Statement dropped)

The Speaker (Hon. Kingi): The Senator for Tharaka-Nithi County, the Hon. Mwenda Gataya.

VALUATION AND COMPENSATION TO FAMILIES AFFECTED
BY NITHI BRIDGE REALIGNMENT PROJECT

Sen. Gataya Mo Fire: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Land, Environment and National Resources on a matter of countywide concern regarding the status of valuation and compensation to families affected by the Nithi Bridge realignment project in Tharaka-Nithi County. The proposed realignment project involves compulsory land acquisition pursuant to Article 40 of the Constitution and Section 6 of the Land Adjudication Act, CAP 295, which will displace households, farms and institutions thereby impacting shelter, livelihoods and community services.

In the statement, the Committee should address the following-

(1) The total number of parcels of land and households impacted by the Nithi Bridge, the arrangement and project, the status of identification and verification of landowners.

(2) Budgetary allocation for compensation and resettlement and mechanism to guarantee timely disbursement before displacement.

(3) Whether valuation and compensation have commenced and the projected timelines for completion to facilitate orderly relocation and minimise disruption to affected families.

(4) The measures taken to assist families lacking concession or land ownership documents, ensuring they are not excluded from fair and timely compensation.

The Speaker (Hon. Kingi): Sen. for Murang'a County, the hon. Joe Nyutu.

DISPARITIES IN ALLOCATION OF PREPAID
ELECTRICITY TOKENS BY KENYA POWER

Sen. Joe Nyutu: Mr. Speaker, Sir, I rise pursuant to Standing Orders No.53(1) to seek a statement from the Standing Committee on Energy on a matter of nation-wide concern regarding the disparities in the allocation of prepaid electricity tokens by the Kenya Power. Prepaid electricity consumers across the country have raised concerns about the lack of transparency in purchasing electricity tokens.

Consumers purchasing tokens of the same value often receive different number of units even when residing in the same neighbourhood, apartment block or household. Similarly, the same customer may receive varying units for token purchases of the same value at different times without a clear explanation. These inconsistencies have caused confusion and eroded public confidence in the prepaid billing system.

In this statement, the committee should address the following-

(1) The methodology used by Kenya Power to calculate the number of electricity units allocated to prepaid customers.

(2) The reasons customers purchasing tokens of the same value receive different number of units, including whether the differences arise from tariff classifications, historical consumption patterns, lifeline tariffs, taxes, fuel energy cost adjustments, foreign exchange fluctuation adjustments or other factors.

(3) Why a customer may receive a different number of units when purchasing tokens of the same value at different times even when there has been no apparent change in consumption behaviour.

(4) The initiatives undertaken by Kenya Power to enhance transparency by providing consumers with a detailed breakdown of every token purchase, including taxes, levies, adjustments and the actual cost of electricity purchased.

(5) Whether the Ministry and Kenya Power intend to review the prepaid token billing framework to make it simpler, more transparent and equitable, and outline the consumer awareness initiatives being undertaken to educate them on how prepaid electricity tokens are calculated.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Mohammed Chute, you wanted to read your other statement?

Sen. Chute: Yes, Mr. Speaker, Sir.

BOUNDARY DISPUTE AT ARBJAHAN
ALONG MARSABIT-WAJIR

Sen. Chute: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Orders No.53(1) to seek a statement from the Standing Committee on Land, Environment and Natural Resources on a matter of inter-county concern regarding the boundaries between Arbajahan along Marsabit-Wajir counties.

For generations, the communities of Marsabit-Wajir counties have coexisted peacefully, sharing grazing resources and fostering cordial relations. Recently, however, encroachment into areas traditionally recognised as part of Marsabit County, interference with the long-standing boundaries, beacons and establishment of settlements and public infrastructure within the disputed territory have raised serious concerns.

In the statement, the committee should address the following-

(1) The circumstances surrounding the dispute at Arbajahan, including causes and factors that have led to encroachment into areas traditionally recognised as part of Marsabit county, interference with established boundaries, beacons and the establishment of settlement or public infrastructure within the disputed area.

(2) The status of investigations and boundary verification undertaken by the Ministry of Lands, Public Works, Housing and Urban Development together with the findings of any other administrative reviews.

(3) Whether long-term Government interventions have been initiated to clarify boundaries and to address the matter of settlement and public infrastructure established within the disputed areas.

The Speaker (Hon. Kingi): Statement pursuant to Standing Orders No.57(1), the Senate Majority Leader.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 28TH JULY, 2026

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.57(1) to present the business for the week commencing Tuesday, 28th July, 2026.

Allow me to begin by expressing gratitude to hon. colleagues for the tremendous work that we did on Tuesday of this week by passing five Bills that had been stuck in the processes of our legislative work for nearly a month. I commend the industry of our colleagues who sat from 2.30 p.m. up to very late that afternoon, up to the rise of the House, to conclude that business. I urge us to continue in the same spirit as we near the end of our parliamentary term. This will ensure that we leave behind a record of a legislative House that takes its mandate seriously and considers business that is brought before it, on behalf of the people of Kenya, with the seriousness it deserves.

On 28th July, 2026, we will begin by considering 55 Bills that are pending conclusion, with 37 that are at the Second Reading, 17 that are at the Committee of the Whole and one that is at the First Reading stage. There are 13 Motions that are pending conclusion. There are 23 Petitions that are before various Standing Committees, out of which 18 are due for reporting.

I can see various chairpersons of the committees. I request that they make sure that the reports on Petitions that are due for reporting are brought before the House, so that they are transitioned to the petitioners with the findings of the House. At the next meeting of the Senate, we will begin by considering each of those items that I have listed and try to push as much as possible, bearing in mind that it is nearly that time of the year where getting Members to sit here for long hours is not a regular occurrence.

Mr. Speaker, Sir, we also have business on Wednesday, 29th July, where the Cabinet Secretary for Education, the Cabinet Secretary for Youth Affairs, Creative Economy and Sports, the Cabinet Secretary for Information, Communications and the Digital Economy will be appearing before the plenary of the House to respond to questions that have been raised by various members of this House on different matters. The tentative business for the afternoon sitting on that Wednesday will include any of the businesses that I had listed earlier that will not have been concluded.

There are various Bills, including the County Governments Laws (Amendment) Bill that was moved yesterday. There is the Agriculture and Food Authority (Amendment) Bill, the Kenya Health Products and Technologies Regulatory Authority Bill, the Mining (Amendment) Bill and various other Bills that are in the final stages. It is important to remind colleagues, especially those sponsoring various Bills, to be present in the House when we are considering that business.

Mr. Speaker, Sir, on Tuesday, when we were considering business for long hours, out of all the Bills that we considered, only one sponsor was in the House. That cannot continue to obtain because when we propose business, you must be available to see it through to the end of its legislative life. There were two of them though I am not sure who the second person was, but to the best of my account, it was one.

There are these other Bills that are at the Committee of The Whole. The Health (Amendment) Bill, the Sports (Amendment) Bill, the Agricultural Produce (Minimum Guaranteed Returns) Bill and the National Construction Authority Bill. I have not seen Sen. Eddy, he was here earlier. I know he is a sponsor of that Bill.

There are other Bills including, the Environmental Management and Coordination (Amendment) Bill, County Governments Laws (Amendment) Bill and the Community Health Promoters Bill. On these ones, we have already progressed the amendments. It is just the voting that we need to conclude on. I hope that next week on Tuesday, we shall work as we did this week.

The projected business for Thursday, 30th July, 2026 will include any business that we will not have concluded on Wednesday, 29th July and any other business that will be scheduled by the Senate Business Committee (SBC).

Mr. Speaker, Sir I hereby lay this statement.

(Sen. Cheruiyot laid the document on the Table)

The Speaker (Hon. Kingi): Sen. Faki had two statements. One, pursuant to Standing Orders No.53(1), and the other one pursuant to Standing Orders No.52(1).

MAADHIMISHO YA SIKU YA MIKOKO DUNIANI

Sen. Faki: Asante, Bw. Spika, kwa kunipa fursa hii. Nimesimama kuambatana na Kanuni ya 52(1) ya Kanuni za Kudumu za Bunge la Seneti kusoma Taarifa kuhusu maadhimisho ya siku ya mikoko duaniani yatakayofanyika mnamo 26 Julai, 2026. Siku hii ilitangazwa rasmi mwaka 2015 na shirika la Umoja wa Mataifa la Elimu, Sayansi na Utamaduni (UNESCO), na inalenga kuhamasisha umuhimu wa mikoko katika kuhifadhi mazingira ya Pwani. Kauli mbiu ya mwaka huu ni “Mikoko Yenye Afya kwa Uchumi Iendelevu ya Uchumi Samawati na Humilivu Dhidi ya Madadiliko ya Hewa Tabianchi”. Yaani *“Healthy Mangroves for Sustainable Blue Economy and Climate resilience.”*

Maadhimisho rasmi yatafanyika Mokowe, Kaunti ya Lamu, siku ya Jumapili, 26 Julai. Mnamo siku ya Jumamosi, 11 Julai mwaka huu, nilibahatika kujiunga na kikundi cha wanamazingira kuadhimisha siku hii mjini Mombasa. Mikoko ina faida nyingi kwa jamii yetu ya Pwani. Mbali na matumizi katika ujenzi, mikoko pia hutoa hifadhi kwa viumbe vya baharini, *bio-anuwai*, kumeza gesi za sumu, na kupunguza makali ya mabadiliko ya tabianchi.

Katika kuunga mkono juhudi hizi, niliungana na kikundi cha *Big Ship* maeneo ya Gana Hola, katika wadi ya Mikindani, Mombasa, mnamo tarehe 11 Julai, 2026 kwa zoezi la upanzi wa mikoko, ambapo kulikua na *Mangrove Fun Run*. Mamia ya wakaazi walijitokeza katika zoezi hilo ambalo lilikua la kufana sana.

Bw. Spika, hivi majuzi, nchi yetu ya Kenya ilibahatika kuandaa kongomano la Bahari, *Oceans Conference*, lililofanyika kwa mara ya kwanza katifa Afrika. Lilifanyika jijini Mombasa, na likaangazia umuhimu wa kulinda rasilimali hizi adhimu.

Hata hivyo, kuna mambo yanahatarisha uwepo wa mikoko katika Pwani yetu kama ifatavyo. Kwanza, makao yanayoendelea kusambaa katika Pwani zetu. Kumekua

na mkurupuko wa ujenzi wa makao duni katika ufuo wa Bahari, na ukataji wa mikoko unaofanyika ili kupatikana sehemu za kujenga makao haya. Pili, upanuzi wa Halmashauri ya Bandari ya Mombasa na kujengwa kwa sehemu mpya ya kuegesha mizigo pia kumesababisha ukataji mkubwa wa mikoko bila kuwepo kwa mipango madhubuti ya Halmashauri hiyo kuipanda upya.

*(Seneta Gataya Mo Fire na Seneta Cherarkey
walishauriana kwa sauti)*

Bw. Spika, naomba unilinde kutoka kwa Seneta wa Tharaka-Nithi na Seneta wa Nandi. Imekua kana kwamba tuko katika baraza.

The Speaker (Hon. Kingi): Hon. Senators, may the Senator for Mombasa be heard in silence?

Sen. Faki: Jambo la tatu, uchafuzi wa mazingira kupitia umwagaji wa maji taka kutoka kwa majumba yaliyojengwa karibu na fuo za bahari pia kunasababisha mikoko kukauka na kufa. Kwa mfano, mafuta yaliyomwagika katika bandari ya Mombasa pale Kibarani miaka ya nyuma yalisababisha mikoko kukauka na kufa. Vile vile, baadhi ya vyombo vya bahari vinavyovuja mafuta pia huathiri mikoko. Pia, kituo cha kusafisha maji katika eneo la Kipevu kinamwaga maji machafu baharini bila kuyasafisha.

Bw. Spika, haya ni baadhi tu ya mambo yanayoathiri mikoko katika Pwani yetu. Matatizo ya hali ya hewa yametufikia na katika sehemu nyingi za Pwani, hakuna misitu ya kuthibiti hali hii isipokua mikoko. Mimi, kama Mwenyekiti wa Kamati ya Kudumu ya Ardhi, Mazingira na Mali Asili, nahimiza Serikali kulinda mikoko yetu katika upanzi wa mikoko, kama vile inavyoelekeza upanzi wa misitu katika sehemu nyinginezo nchini.

Kwa sisi, wakazi wa Pwani, mikoko ndio kinga kubwa kwa gesi za sumu zilizoko katika hewa na mazingira yetu. Kwa hivyo, inabidi tujilinde kutokana na athari hizi za tabiainchi. Nawatakia wanamazingira wote maadhimisho mema ya siku hii ya mikoko.

Asante, Bw. Spika. Niko na Taarifa ya pili.

KUFUNGWA KWA BANDARI NDOGO (OLD PORT) MOMBASA

Bw. Spika, nimesimama kwa mujibu wa Kanuni ya 53(1) ya Kanuni za Kudumu za Bunge la Seneti kuomba kauli kutoka kwa Kamati ya Kudumu ya Barabara, Uchukuzi na Nyumba kuhusu kufungwa kwa Bandari Ndogo ya Old Port, mjini Mombasa. Bandari hii kongwe imekuwa kiungo muhimu cha biashara na usafirishaji wa mizigo katika Kaunti ya Mombasa, Tanga, Dar es Salaam, Zanzibar, Pemba na bandari nyinginezo katika Afrika Mashariki.

Hata hivyo kufungwa kwake kwa zaidi ya miaka mitatu sasa kutokana na mgogoro unaohusisha Mamlaka ya Ushuru wa Kenya (KRA) na mfanyibiashara mmoja aliyeagiza mchele nchini kumeathiri vibaya biashara, ajira na uwezo wa kupunguza msongamano katika bandari ya Mombasa. Aidha, inadaiwa kuwa mchele huo umeharibika na bado unahifadhiwa katika maghala ya bandari hiyo, hali ambayo imebua hofu kuhusu hali ya afya ya umma na usalama wa mazingira.

Katika taarifa hiyo, Kamati iangazie yafuatayo-

(1) Sababu za kufungwa kwa bandari ndogo ya *Old Port* na hali ya sasa ya mgogoro uliosababisha kufungwa kwake.

(2) Hatua zinazochukuliwa na Mamlaka ya Ushuru ya Kenya na Mamlaka ya Bandari ya Kenya kutatua mgogoro huo, na ratiba ya kufunguliwa tena kwa Bandari hiyo.

(3) Kiasi na hali ya mchele uliodaiwa kuharibika katika maghala ya bandari hiyo, hatari kwa afya ya umma na mazingira, na hatua zinazochukuliwa kuuondoa na kuuteketeza kwa usalama na kuhakikisha kuwa haungii sokoni na kuuzwa kwa wananchi.

(4) Mikakati iliyowekwa kurejesha biashara, ajira na shughuli za uchukuzi katika bandari hiyo, ikizingatia umuhimu wake katika kupunguza msongomano katika bandari kuu ya Mombasa.

Asante, Bw. Spika.

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

THE LIFE AND LEGACY OF THE LATE
HON. ABUBAKAR ZEIN ABUBAKAR

Sen. Kibwana: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Orders No.52(1) to make a statement on a matter of general topical concern namely, celebrating the life and legacy of the late Hon. Abubakar Zein Abubakar, who passed away in Nairobi on 9th July, 2026. The late Hon. Zein was an Orange Democratic Movement (ODM) Party strategist, and a very close confidant of the late Prime Minister, the Rt. Hon. Raila Odinga.

The death of Hon. Abubakar Zein Abubakar, popularly known as *Mheshimiwa* Zein, brought an end to a remarkable life devoted to the service of Kenya, the East Africa region and humanity. He was an accomplished legislator, constitutional reformer, civic educator, cultural advocate, political strategist and a committed Pan-Africanist. The late Hon. Zein's passion for history, culture and the arts was nurtured from an early age, and became especially evident during his time at Allidina Visram High School and Kenyatta University.

He was a gifted orator, storyteller and thespian. He strongly believed that culture was an integral driver of human development. He was instrumental in establishing the Kenyatta University Cultural Festival in the early 1990s, an initiative whose legacy endures through cultural festivals held in universities across the country.

After graduating, Hon. Zein joined the Nairobi Theatre Academy at the then French Cultural Centre, where he participated in training a new generation of Kenyan thespians by integrating African performance traditions with artistic practises from other parts of the world.

Many of his students went on to become influential artists in Kenya and the wider region. He later served in the governing council of the Kenya Cultural Centre, and consistently advocated for the recognition of culture in national and regional laws and policies.

Mr. Speaker, Sir, Hon. Zein was also deeply involved in Kenya's struggle for multi-party democracy and constitutional reform. He was an early member of the Safina Party, and played an important role in managing the technical aspects of political organisations.

In 2000, he was elected as one of the commissioners of the People's Commission of Kenya under the Ufungamano Initiative, a people-centred constitutional review process led by civil society and religious organisations. Following the merger of the Ufungamano Initiative with the official constitutional review process, Hon. Zein served as a Commissioner of the Constitution of Kenya Review Commission (CKRC). His involvement in constitution-making shaped his subsequent work in civil society, civic education, governance and democratic reform. As a leader of the National Civic Education Programme, Hon. Zein helped transform the programme into an influential vehicle for civic education in Kenya. Following the 2007-2008 post-election violence, he guided its transition towards a comprehensive civil society response, and contributed significantly to the establishment of Uraia Trust in 2010.

Through his work, he helped make the Constitution accessible and comprehensible to ordinary citizens, including through the publication and distribution of pocket-sized copies in English and Kiswahili. At the time of his death, he remained committed to efforts aimed at securing the official gazettelement of the Kiswahili translation of the Constitution.

Mr. Speaker, Sir, in 2012, Hon. Zein was nominated by the Orange Democratic Party (ODM) Movement and elected by parliament to represent Kenya in the Third Assembly of the East African Legislative Assembly (EALA), where he served until 2017. During his tenure, he served as Chairperson of the Committee on Regional Affairs and Conflict Resolution and headed the East African Community (EAC) Election Observation Resolution and headed the East African Community Election Observation Mission to Burundi during the country's difficult 2015 presidential elections. His dedication to regional integration and democratic governance continued long after his tenure at EALA. He supported initiatives aimed at strengthening election observation, parliamentary practise, peace building, and people-centred democratic institutions across East Africa.

Upon returning to Kenya, Hon. Zein served as Executive Director of Muslims for Human Rights (MUHURI), where he advocated for human rights-based approaches to counter terrorism, and cautioned against the criminalisation of entire communities on account of their religious or cultural identity.

Hon. Zein also served as a trusted political advisor and strategist. He participated in presidential campaigns, led by the late former Prime Minister, the retired Hon. Raila Odinga, and represented the ODM in the National Dialogue Committee. At the time of his death, he was serving as head of the presidential secretariat of the Wiper Democratic Movement under the leadership of former Vice-President, Hon. Kalonzo Musyoka.

Mr. Speaker, Sir, beyond his professional achievements, Hon. Zein will be remembered as a kind, generous and principled man. He was a consummate performer, an intellectual and passionate Pan-Africanist whose worldview was firmly anchored in the rich historic and cultural heritage of the Swahili Coast.

Those who knew and worked with him remember a man who personified *utu*, integrity and humility. He blended a sharp intellect and a wonderful sense of humour with a deep appreciation for art, culture and the dignity of every human being. He remained faithful to his beliefs and committed to living the life of a good Muslim.

On my own behalf, and on behalf of the people I represent, I convey my heartfelt condolences to the family, relatives, friends and colleagues of the late Hon. Abubakar Zein Abubakar, as well as the cultural, civil society, parliamentary and political communities that were enriched by his life and service.

May Almighty Allah forgive his shortcomings, accept his good deeds and grant him the highest place in *Jannatul Firdaus*.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Hon. Senators, I will allow comments for not more than 15 minutes for the statements that have been requested.

Now, if you get an opportunity to speak, kindly do so for not more than three minutes.

Senator for Nandi.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I just wanted to contribute to the statement by the distinguished Senator of Tharaka-Nithi, Senator Gataya, on the issue of the Tharaka-Nithi Bridge. I know the issue of the Nithi Bridge has been a problem in that region. I want to thank His Excellency the President because in 2022 he committed to fixing the Nithi Bridge, which has continued to kill many Kenyans.

I am happy that when the tender was advertised, it was awarded to China Wu Yi Co., Ltd., for Kshs7.5 billion and it is scheduled to be completed by 2029. So, I want to appeal to the people of Meru to give the President two terms, so that he can finish fixing that bridge.

Mr. Speaker, Sir, the second aspect I wanted to raise is under Article 40 of the Constitution of the Republic of Kenya on the National Land Commission (NLC). We need to ensure that there is compensation for people, because the design of the bridge will affect households. By the time a contractor was given that tender--- The NLC has that budget. We want to know the number of families and acres that will be affected and as per Article 40 of the Constitution, the payment must be prompt and in full to every Kenyan affected by that project.

In addition, we want to see every public project across the country, including the Rironi-Mau Summit Road and any other project that is being done by the government, that compensation is done in full. I want to appeal to the NLC to move with speed, since this is an independent commission, to ensure that they put this in place. I hope by 2029, when President William Ruto will be concluding his second term, the Nithi Bridge will be in place and the people of Meru, Embu and Tharaka-Nithi will be able to access that route.

Mr. Speaker, Sir, I thank you.

The Speaker (Hon. Kingi): Senator Maanzo.

Sen. Maanzo: Thank you, Mr. Speaker, Sir. I would like to comment on Sen. Chute's request for statement on the issue of ambulances. When the Committee on Health went around the country and visited different counties, the Committee found itself in

Makueni County. The ambulances there were one of the biggest issues the Committee attended to. I was also invited to accompany the committee. We realised that some of the ambulances which had been bought by the previous government had a problem with resistance to hardy roads, servicing and survival. Therefore, they were badly broken down. We realised that Landcruisers were more resilient.

Ambulances are important especially in vast counties like Makueni, Kitui, Machakos and even northern Kenya counties such as Marsabit. The reason is that when someone falls sick and urgently needs first aid, an ambulance can help them reach the nearest hospital.

There is a proposal I would like to make in the case of Makueni where we have 30 wards. We should have an ambulance for each ward and sub-county hospitals, and those ambulances should offer free services. We have realised that depending on a county, an ambulance comes with an expense.

It is even worse where there is no ambulance, but somebody falls sick suddenly and, therefore, they have to be ferried in a public vehicle or car. They may lack oxygen, first aid and expertise of someone to nurse them until they get to a place where they can get proper medical attention. Therefore, an ambulance is important because it can help save lives. In the case of Makueni, I propose that they budget for, at least, 30 ambulances of durable quality, so that they do not break down every other time.

Mr. Speaker, Sir, you will also realise that when government vehicles break down and are kept at police stations, unfortunately that is where they are vandalised and efforts to follow up with the people responsible becomes fruitless. Therefore, all the property, whether belonging to the county or national Government, should be kept in good---

The Speaker (Hon. Kingi): Next is Sen. Tabitha Mutinda.

Sen. Tabitha Mutinda: Mr. Speaker, Sir, I rise to make comments on the statement by Sen. Chute in regards to the issue of ambulances in all the counties. I agree with the Senator. We have done oversight as the Committee on Health by going to most of the counties because we have covered close to 60 per cent of the counties. We have done inspection, including on ambulances.

It is a shame that a vehicle that is supposed to offer emergency services to citizens is in poor condition. I urge governors to stop taking issues of hospitals lightly. At the same time, I urge colleague Senators, especially the 47 elected ones, that when we table reports of the Committee on Health in this House with recommendations, you should continue following up as we execute our oversight mandate.

Lastly and quickly, let me touch on the other statement by Sen. Chute regarding the Insurance Regulatory Authority (IRA). I have looked keenly and wanted to understand the issue of Bupa Global Insurance Company. The information I am receiving from Sen. Chute is that there is discrimination especially for non-Indians and that is wrong.

The statement will be looked into by the Committee on Health where I serve as a Member. I will be keen to understand why the IRA has not taken action to understand why only one community is being offered insurance services and not others because IRA should serve all Kenyans.

That takes me back to the same IRA that has not given a response on why they stopped Trident Insurance Company Limited where all motor vehicles that had taken covers by the company had to be stopped with no public participation. Kenyans had paid premiums, but those insurance covers had to be cut off. Traffic police officers took advantage of that because those who had taken covers there, their insurances became invalid.

I urge the Chief Executive Officer (CEO) of IRA, Mr. Godfrey Kiptum, to wake up. Could you wake up and address the issues of insurance in this country, not only for the health sector, but across? Regulations need to be adhered to as far as the framework and policies are concerned. We have done our part by passing the law. Could you ensure that implementation is adhered to?

Mr. Speaker, Sir, with those many or few remarks, I support.

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

Sen. Olekina: Mr. Speaker, Sir, I would like to make brief comments on three statements by Sen. Chute. The first statement by Sen. Chute has to do with the issue of insurance. I have listened to the contribution by my sister on discrimination by international companies that offer insurance. For once I do not agree with that statement. It is good to be factual because the other medical cover that I have is by Bupa Global Insurance Company. It is always good to be honest because when you apply, you are facilitated. Therefore, that may not be factual. If someone was denied, they may want to follow it up, so that we remain factual. That is the first issue.

Secondly is the issue of ambulances and that is embarrassing. I want to be honest with you. The Kenya Red Cross Society (KRCS) has been offering ambulance services to 47 counties. The problem is that our counties do not pay KRCS when bills are due. That is why if you go to my County of Narok, there are no ambulances because KRCS is not being paid.

Finally, is the statement on boundaries. It is important that as leaders we remain diligent as people who unite the country. I want us to understand why people encroach on other's boundaries. More than that, sometimes we make utterances which are not good. I listened to a good friend that I respect - the Cabinet Secretary, Hon. Duale - making a comparison of two communities, creating one community as more superior than the other. I want us to avoid such because such comments may drag this country back into the trenches where we were in 2007. When you say that one community is superior than the other, you are telling our children that there are different classes that we have in different communities.

Mr. Speaker, Sir, I urge leaders that this is the time for us to unite and not to divide this country. If we do that, we will help younger generations coming up to take Kenya as Kenya. Let us do away with this issue of tribalism.

I thank you.

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

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, there is a statement that was raised by the Senator for Marsabit. I happen to know some of these things because of my other life. The issue of ambulances in Marsabit is critical.

In medicine, we have something called maternal mortality. Those are women who die because of childbirth. In Marsabit, the record is that for 100,000 women who give birth, between 850 and 1,200 lose their lives. The reason those women lose their lives is because of failure to access delivery in a medical institution. Given the distances in Marsabit, without an ambulance, this number can easily double. We, therefore, call upon the Governor of Marsabit to ensure that ambulances are given priority just as much as he gives priority to food and water that he gives the people of Marsabit.

The shame in Marsabit is as follows. There are only three government hospitals in Marsabit. There is a Level 4 hospital in Sololo and another one in Kalachi. Unfortunately, they are Level 4 by name because there are no doctors in those hospitals. Cabinet Secretary, Hon. Duale, you must respect the advisory opinion given to you by medical experts. You cannot classify an institution as Level 4 when it does not have doctors. The only staff you find in hospitals in Sololo and Karare are clinical officers.

A Level 4 hospital is supposed to provide both medical and surgical services. Clinical officers are not trained to do surgery. We are causing a serious loss of lives in Marsabit for this reason.

Finally, coupled with the failure of the Social Health Authority (SHA), the situation in Marsabit is dire. At the beginning, when we said SHA was a failure, we were labelled as government rebels. Now they know we were trying to save the government of His Excellency William Ruto.

The SHA has failed. The university funding model has failed. We hope that the way the President accepted yesterday ---

The Speaker (Hon. Kingi): Senator for Nandi, what is out of order?

Sen. (Dr.) Khalwale: Let me debate.

Sen. Cherarkey: Mr. Speaker, Sir, I rise under Standing Orders Nos.101 and 105.

Is it factual for my neighbour, Sen. Khalwale, to say SHA has failed yet it has registered over 30 million Kenyans? Is it factual to say education has failed, yet students are sitting for exams? Can he provide substantiation as per Standing Order No.105?

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I do not need to provide substantiation for the failure of the Senator to know the measures of success of a medical scheme. The measure of success is not the number of people registered, but the quality of services and access to those services. I hear that you are a lawyer. What kind of lawyer does not understand these obvious things?

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Senator Boni, you are out of order. I will give you the first caution of the day.

Proceed, Sen. Wambua.

I thought you wanted to give information to a Senator who had concluded his debate.

Sen. Wambua: My time is not running, right? It begins when I begin speaking. I also want to comment on the statement by Sen. Chute. I will limit myself to the boundary dispute between Marsabit and Wajir.

Mr. Speaker, Sir, as a House, we have a responsibility to mediate. We must ensure these disputes in all counties are resolved under Article 188 of the Constitution.

As we try to mediate and set up an independent commission, we must remain calm. We must speak peace among Kenyans.

As leaders, we are heading into dangerous ground. Elections are about a year away. The utterances by leaders on coexistence between communities are alarming. I have heard the Senator for Nairobi City mentioning utterances made by the Cabinet Secretary for Health, regarding the relationship between communities in this country, trying to elevate one community above others. Some have gone to the extent of calling one community "hyenas".

Mr. Speaker, Sir, we were in this country in 2007. There was debate on social media and mainstream media, where people called each other names like "frogs" and all manner of names. We all know what happened after that election. So, we must put Duale on the spot and tell him that Kikuyus are not "hyenas".

The Speaker (Hon. Kingi): Order, Sen. Wambua.

Sen. Wambua: They have never been "hyenas". They are citizens of this country. They have a right to coexist with all other communities.

The Speaker (Hon. Kingi): Sen. Wambua, you are out of order. Take your seat. You are a ranking member. You know when the Chair is speaking, you must retire to your seat. You do not need to invoke emotions in these statements. You cannot discuss a Cabinet Secretary without a substantive Motion.

If what you are saying is factual and you wish to discuss it, file a substantive Motion. Your colleagues will then have an opportunity to speak to it. For now, desist from that line of debate.

Sen. Wambua: Mr. Speaker, I am well guided. It is an emotive issue. It is difficult not to be emotional about a matter like this. I was in this country when those things happened. I will proceed as directed. Let me conclude by saying that all of us have a duty of care. We must preach peace and coexistence in this country. If we destroy this country, there will be no other Kenya for us to live in. We will all suffer.

With those remarks, I hope the statement by Sen. Chute will be followed through. Parliament should set up an independent commission to look into boundary disputes. This should cover not just Marsabit and Wajir, but all other counties.

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

Sen. Chimera: Bw. Spika, asante sana kwa kunipa fursa hii ili niweze kuchangia Kauli iliyowasilishwa na Seneta Faki kutoka Kaunti ya Mombasa. Kauli hiyo inahusu kufungwa kwa bandari ndogo ya *Old Port* Mombasa.

Ni wazi kwamba uchumi wa Kaunti ya Mombasa na Pwani kwa ujumla, ikiwemo Kaunti yangu ya Kwale, unategemea sana shughuli za bandari. Ndiyo maana Serikali imewekeza pakubwa kuhakikisha bandari za Shimoni, Lamu na Mombasa zinaboreshwa ili kufanya kazi.

Inasikitisha kuona kwamba mamlaka kuu ya ushuru, Kenya Revenue Authority (KRA) ndani ya nchi hii, kwa sababu ya migogoro na mfanyi biashara mmoja, imefunga bandari ya *Old Port*. Hii imeathiri sana uchumi na ajira ya vijana wetu pwani.

Naomba Kamati itakayopewa jukumu hili ifanye kazi kwa haraka. Tunataka suluhu ya kudumu ili bandari ya *Old Port* ifunguliwe, biashara zetu zipate kuendelea, vijana wetu wapate ajira, na uchumi wetu uimarike.

Vile vile, naishukuru Serikali kwa kuwekeza katika bandari ya Shimoni, Kaunti yangu ya Kwale, Eneo Bunge la Lunga Lunga. Sisi watu wa Lunga Lunga, Kwale, tunashukuru. Serikali imejizatiti kuhakikisha kuwa mradi wa bandari ya Shimoni, ambayo itakuwa bandari ya samaki, unatekelezwa haraka.

Niko hapa nikiwakilisha vijana wote wa nchi hii, hususan vijana wa Kaunti ya Kwale. Ombi langu kwa Serikali ni kwamba wakati wa ajira katika bandari ya Shimoni, tupewe kipaumbele ili vijana wa Kaunti ya Kwale na Eneo Bunge la Lunga Lunga wapate ajira. Hivyo uchumi wetu utaweza---

The Speaker (Hon. Kingi): Clerk, my list has disappeared. Can you reboot the system?

Proceed, Sen. Abdul Haji, as we reboot the system.

Sen. Abdul Haji: Thank you, Mr. Speaker, Sir. I stand to support the statement by Sen. Chute on the boundary issues between Marsabit and Wajir. I support it because in many counties, we seem to have a similar problem. Boundary issues have been going on for very long. I also want to urge the national government to take charge and, at least, demarcate the boundaries clearly. This is because the people of the north are pastoralists and we tend to move a lot. There are boundaries which are considered traditional and historical which probably are not recognised by the national government. It is good to put this matter to rest.

May I also touch on what Sen. Wambua has raised on the Floor of the House? It is true that we want a peaceful and united country. Therefore, it is wrong for any leader to stand on any podium and discriminate any community in this country. Sen. Wambua and Sen. Olekina have brought this matter to my attention, and they have shared with me the clip where the CS made those utterances. Ordinarily, I should be defending the CS.

The Speaker (Hon. Kingi): Sen. Abdul Haji, with the material that is now in your possession, you know exactly what to do, but it is certainly not what you are doing right now.

Sen. Abdul Haji: Thank you, Mr. Speaker, Sir. I know you have guided the House. I was just informing the House that Sen. Wambua brought the matter---

The Speaker (Hon. Kingi): You have done so. Now, proceed to other statements.

Sen. Abdul Haji: It is on the same statement about disputes between communities that was raised by Sen. Chute. The statement stated that we avoid such disputes between communities. If leaders make utterances which are emotive, they will definitely bring disharmony in the country. Ordinarily, I should be standing to support the CS for Health, Hon. Aden Duale. However, I have listened to the clip, and if he made those utterances, it was wrong.

The Speaker (Hon. Kingi): Sen. Haji. Ngoja niongee kwa Kiswahili, pengine tutaelewana. Nimemweleza Seneta wa Kitui, wakati alipokuwa anachangia Kauli hii, kwamba katika Kanuni zetu za Kudumu, ukitaka kuzungumzia tabia ama mwenendo wa Waziri au mfanyikazi yeyote wa Serikali wa tajriba ya Waziri, ni muhimu ulete Hoja ambayo itapea fursa wenzako pia kuchangia. Kwa hivyo, najua ni jambo ambalo limekukera kama Seneta kutoka kule, na umeweka hisia zako wazi. Lakini, nakuomba uwachie hapo. Ikiwa utafuata kisheria, itabidi ulete Hoja ili swali liwekwe wazi kama

mdahalo ambao utachangiwa katika pande zote. Kwa sasa, tafadhali koma kuzungumzia swala hilo.

(Applause)

Sen. Abdul Haji: Asante sana Bw. Spika. Nimekufahamu vile vile ulivyosema kwa Kingereza. Nitawachia hapo. Natarajia pengine Sen. Wambua atawachia hapo, na hataleta Hoja. Lakini, akileta, tutachangia.

Sen. Munyi Mundigi: Asante Bw. Spika kwa kunipa nafasi niweze kuchangia Kauli ya Sen. Chute kuhusu hospitali ya Wajir. Mwaka huu, tumeongeza kaunti pesa, lakini mambo ya afya yamekuwa na shida. Kwa hivyo, kila wadi inafaa kuwa na *ambulance* ya kupeleka wagonjwa hospitalini. Tumekuwa tukipea kaunti pesa, lakini magavana hawajashughulikia maswala ya afya.

Pia, madaktari na wasaidizi wao hawapati mshahara wa kutosha. Kwa hivyo, mimi kama Seneta wa Embu, naunga mkono Kauli hii ili kaunti zote, kama vile Kaunti ya Embu, zipate *ambulance* za kutosha. Naomba pia kuwe na Kamati ya kuchunguza kwa nini pesa za maswala ya afya zinachelewa. Ichunguze kama ni National Treasury au magavana wanapewa pesa na kutumia kwa njia isiyofaa.

Sen. Mumma: Thank you, Mr. Speaker, Sir. I would like to comment on two statements. The first one is the statement by Sen. Hamida. I would like to add my voice to celebrating the late Hon. Zein Abubakar. He is one of those Kenyans who, if we truly had fair processes, would be one of our heroes celebrated long before he died. *Ndugu* Zein was a comrade in the human rights world and in the civil society. He was a member of the Constitution of Kenya Review Commission (CKRC) that came up with the first draft of the Constitution. He is a founder member of the Uraia civil society that actually sets up the civic body that has been working around civic education on matters of the Constitution to our people. Hon. Zein worked with others to translate the Kenyan Constitution to Kiswahili.

As I speak to this, maybe with you coming from Kilifi, as a Senate, we might want to initiate the process of getting a full translation of the Kenyan Constitution to Kiswahili. It is a project that we might want to take up. So, I celebrate my good friend Zein. It is a painful death for many of us who did not expect him to die. I hope that his family will receive kindness from Kenyans following what the father has done for us.

The second one is the statement by Sen. Chute on the issue of discriminatory practises by Bupa Global in terms of providing health insurance. I condemn any discriminatory practises based on race or class. However, I would want to ask that even as the Committee on Health looks at this, it should extend this investigation to the SHA. This is because SHA is operating in a discriminatory manner. Where needy persons are unable to access services, they are told to pick and choose which diseases can be paid for and there is a limitation on what is paid for yet we are calling it universal healthcare.

I want to urge that the committee to look into the whole issue and ensure that universal health care is truly---

Sen. Abass: Thank you, Mr. Speaker, Sir. I want to thank you so much for guiding the House. You have directed Members to abide by the rules and regulations of this House and not to discuss leaders who are out of this House.

I also want to discuss issues of Arbajahan, the border of Wajir and Marsabit. Boundary issues are all over the country. It is only the Independent Electoral and Boundaries Commission (IEBC) that can help sort out the problems. The border of Wajir and Marsabit, the Arbajahan area, has been a long-standing issue. However, the two communities have lived and coexisted for many years without much ado and much problems. As we approach election year, many Members will want to have popular voices to raise votes.

I, therefore, request Members to avoid emotive issues that will bring problems in this country. We live and coexist very peacefully in this country. Many clans and people coexist well. There are no problems. As pastoralists, we cross international borders to graze. I, therefore, request my colleagues to stop inciting members of the public against one another as we approach elections.

Thank you, Mr. Speaker, Sir.

Sen. Osotsi: Thank you, Mr. Speaker, Sir. Sen. Kibwana has made a statement on the late Zein. Zein was a great individual in this country. He contributed to a lot of good things in this country such as the new Constitution that we have, the rule of law, justice and electoral justice.

I had an opportunity to work with him during the 2017 election, at the presidential petition. I saw a person who loved this country. He wanted us to be a country that promotes democracy and believes in the rule of law. He worked very closely with Hon. Raila Odinga and Hon. Kalonzo Musyoka.

As we mourn Zein, we need to emulate the good virtues that he promoted. I sit in this House, and I am saddened that my own party, the ODM, does not promote the virtues that Zein promoted. They have reached a point where they are practicing dictatorship when dealing with their Members, which goes against the tenets that Raila promoted and the people who worked for him, like Zein, promoted.

Mr. Speaker, Sir, I am speaking to you, and I want to be very clear in this House. If you want to remove a Member from a Committee, bring a Motion and remove me from the Committee. Do not incite and intimidate Members to sign a Petition to remove Sen. Osotsi.

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

What is your point of order, Sen. Madzayo.

The Senate Minority Leader (Sen. Madzayo): Bw. Spika, singependa kumuingilia rafiki yangu---

The Speaker (Hon. Kingi): What is your point of order and what Standing Order are you relying on?

The Senate Minority Leader (Sen. Madzayo): Nataka kumjulisha mwenzangu---

(Sen. Osotsi consulted loudly)

The Speaker (Hon. Kingi): Sen. Osotsi, you do not shout across the aisle. You seek the attention of the Chair and make your position known.

The Senate Minority Leader (Sen. Madzayo): Ningependa kumjulisha ndugu yangu, Sen. Osotsi, ya kwamba chama cha ODM hakina udikteta, na haifurushi watu bila sababu. Swali langu kwake ni hili: Je amefurushwa katika kiti ambacho anasema---

The Speaker (Hon. Kingi): What is your point of order, Sen. Madzayo? I am struggling to get it.

The Senate Minority Leader (Sen. Madzayo): Je, kuna hatua ikichukuliwa ya kumfurusha mtu yeyote---

The Speaker (Hon. Kingi): What is this that you want Sen. Osotsi to substantiate?

The Senate Minority Leader (Sen. Madzayo): Nataka aeleze kama yeye ni mmoja wa wale watu ambao wamefurushwa. Mimi ni kiongozi, na sijui kama ameondolewa. Naomba aeleze na atoe stakabadhi ya kuonyesha ya kwamba ametolewa. Nataka aseme kama hiyo ni sawa, ama sio sawa.

Sen. Osotsi: Mr. Speaker, Sir, there is a list circulating, and it is being circulated by the Senate Minority Whip, Sen. Olekina. He is trying---

The Speaker (Hon. Kingi): Order, Sen. Osotsi. Order. You cannot base your argument on a document that has not been tabled before the House.

(Sen. Cherarkey consulted loudly)

Order, Senator for Nandi County.

Sen. Osotsi, abandon that line of argument and conclude your comments. If you have done, let me call the next colleague.

Sen. Osotsi: Mr. Speaker, Sir, if you have not received that, it is coming to you. What I am saying is that the Standing Orders should be applied. If you want to remove a Member from a Committee, a Motion should be brought here.

The Speaker (Hon. Kingi): Sen. Osotsi, you have been here longer than most of your colleagues. If, indeed, that document will make its way to the House, wait for that moment, then you can put your arguments.

Sen. Kavindu Muthama: Thank you, Mr. Speaker, Sir, for the opportunity to contribute to the statements that have been brought before this House.

Sen. Chute has brought a statement about the insurances. It is a shame that insurance companies can be biased yet everyone pays for the insurance. I am aware of patients who have been unwell and are unable to get insurance cover in this country because they have a long-term illness. One needs an insurance cover when they are sick for it to help them meet their bills when admitted in hospital or when they go to buy medication. It is wrong for any insurance to keep away anyone who needs their help.

My second comment is on the Social Health Authority (SHA). When we say that SHA is not working, I have a patient---

(Several Senators consulted loudly)

Mr. Speaker, Sir, could I have your attention, please? Could you protect me from Members who are having a discussion in the House?

The Speaker (Hon. Kingi): Hon. Senators, may the Senator for Machakos County be heard in total silence.

Sen. Kavindu Muthama: Thank you, Mr. Speaker, Sir. I am talking about SHA. We say that SHA is not working because that is the truth. Part of SHA is working and the other bit is not working. I have a patient by the name of John Makenzi. He was admitted at St. Mulumba Hospital and the hospital bill---

(Sen. Osotsi consulted loudly)

Sen. Osotsi, can you let the---

Mr. Speaker, Sir, kindly---

The Speaker (Hon. Kingi): Order. Yes, Senator for Nandi County.

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

The Speaker (Hon. Kingi): Yes, Senator for Nandi County.

Sen. Kavindu Muthama: Mr. Speaker, Sir, can you listen to me? I have a patient---

(Sen. Osotsi stood at his place)

The Speaker (Hon. Kingi): Kindly take your seat, Sen. Osotsi.

Sen. Kavindu Muthama, take your seat.

What is the point of order?

Sen. Cherarkey: Mr. Speaker, Sir, I rise the under Standing Orders No. 101 and 105 on statement of fact. You need to be fair to the Government. Sen. Kavindu Muthama has made a sweeping statement that SHA is not working, yet it there is no substance that shows that it is not working. We cannot allow this House to spread gossip and be used to make political expedient statements. They must provide evidence to show that SHA is not working. We, the consumers of SHA, know that it is working. She should bring evidence. You need to protect me from her heckling. This is a House of order and rules.

The Speaker (Hon. Kingi): Sen. Muthama, conclude.

Sen. Kavindu Muthama: Thank you, Mr. Speaker, Sir. I am saying that because I have a patient by the name John Makenzi, who was up to date in his SHA payment. He was admitted at St. Mulumba Hospital and upon discharge, his bill was Kshs300,000, yet SHA only paid Kshs500 of the total bill. He called me today to fundraise for him to go and clear his bill. So, when we say that SHA is not working, it is not working.

The Speaker (Hon. Kingi): Sen. Kavindu, you have brought a case in substantiation to that point of order. I am giving you up to next week to provide and table what you have just stated so that we can indeed confirm that whatever you said is factual.

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

The Senate Minority Leader (Sen. Madzayo): Asante Bw. Spika. Kwanza, namshukuru ndugu yangu kwa kuleta Kauli hii. Kitu cha kufafanua zaidi ni kuwa Bandari sio nyingi hapa Kenya. Kuna ile ya Kilindini, na hii nyingine ndogo, ambayo ilianza

zamani. Bandari hii imesaidia sana watu wa Pwani kwa kuleta chakula kama vile mchele, karafuu na mkuyat. Vile vile, bandari hii imeleta kazi. Hivi leo, hakuna sababu yoyote ambayo imepeanwa kwa kufunga bandari hii.

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

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

Cha pili, bandari hii yetu ndogo ya zamani ambayo tunaita *Old Port* ilikuwa imewapa vijana wetu kazi na kuleta raslimali kwa wazee ili wafanye biashara, wajikimu kimaisha. Naunga mkono ndugu yangu Faki kwa kauli hii ambayo ameileta. Ni jambo la kusikitisha kuona bandari ndogo iliyokuwa ikitufaa kwa miaka mingi imefungwa na sasa, hakuna baishara ya aina yoyote inayoendela pale. Kuna mipangilio ya watu kunyakua maeneo haya ili wafanye mambo yao.

Asante Bw. Naibu Spika.

The Deputy Speaker (Sen. Kathuri): Sen. Joyce Korir, proceed.

Sen. Korir: Thank you, Mr. Deputy Speaker, Sir for giving me this opportunity to also contribute on a number of statements that have been raised by my honourable colleagues.

On the issue of ambulances in Marsabit County that has been raised by my able Chairperson, Sen. Chute; I bring to the attention of Members that the Public Finance Management (PFM) allows up to two per cent emergency funds to be set aside. It is so disturbing to see a number of counties failing to set aside this despite the fact that ambulances are the first services that are supposed to assist our people in emergencies bearing in mind---

(Loud consultations)

There is a lot of commotion in the House.

(Senators spoke off record)

It is commotion, not consultations; consultations are okay.

Mr. Deputy Speaker, Sir---

Sen. Cherarkey: Point of order.

The Deputy Speaker (Sen. Kathuri): Sen. Korir, there is no commotion, just proceed.

Sen. Korir: Thank you, ambulances are supposed to assist the residents of this country during emergencies. The challenge is that a number of counties are not adhering to this. I attest that when I was a Member of the County Assembly (MCA), the first Governor of Bomet Country tried as much as possible to ensure that ambulances were put to use and complied with the directives of Kenya Red Cross in ensuring that lives were saved.

I encourage the rest of the counties to embrace this and ensure that our people are able to access this service.

Finally, on the issue of tokens that was raised by my able desk mate; the Kenya Power and Lighting Company (KPLC) has been giving different units to different customers. I know there are a number of parameters used in billing but since it is something that affects our people, I urge the relevant Committee to check on this so that, at least, we have a uniform billing in an area to avoid these disparities.

I beg to support, thank you.

The Deputy Speaker (Sen. Kathuri): Thank you, Commissioner Joyce Korir. At some point, you need to encourage ladies who want to achieve something politically. I was holding my fingers hoping to learn where you started from.

Were you a councillor?

Sen. Korir: Of course.

The Deputy Speaker (Sen. Kathuri): You went from a councillor to an MCA, then a Woman Representative in the National Assembly and now, a Senator and a Vice-Chairperson of PSC. Hon. Senators, I think you should applaud this gracious lady for that achievement.

Thank you very much and all the best because I know you still have a journey to make.

Before Sen. Mwinyihaji Faki, let me first acknowledge these visitors in the Senate.

(Interruption of Statements)

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM ST. PETER'S MBWALALI SCHOOL

Hon. Senators, we have a visiting delegation of teachers and students from St. Peter's Mbwalali School in Embu County.

I would like to acknowledge the presence of a visiting delegation of five teachers and 80 students from St. Peter's Mbwalali in Embu County, who are seated in the Public Gallery. The delegation is visiting the Senate for an academic excursion.

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

VISITING DELEGATION FROM KWOTHITHU SECONDARY SCHOOL

There is also another delegation from Makueni County. This is Kwothithu Secondary School in Makueni County.

I like to acknowledge the presence of a visiting delegation of two teachers and 50 students from Kwothithu Secondary School in Makueni County, who are seated in the public gallery. The delegation is visiting the Senate for an academic excursion.

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

Thank you.

Sen. Mundigi, welcome the delegation *kwa muda usio zidi dakika mbili, kwa sababu wewe ni mtu wa maneno mengi*.

Sen. Munyi Mundigi: Asante, Bw. Spika, kwa kunipa nafasi ya kuwakaribisha wanafunzi kutoka shule ya Kanyuambora Secondary School. Wamekuja kujifunza vile tunajadiliana kuhusu mambo ya *devolution*, na vile kaunti zitafanya kazi. Kwa mfano, kwa sasa tumepatia kaunti zote 47 shilingi 487 bilioni kwa sababu tunataka magavana wote wafanye kazi.

Tunaweza kosa kuelewana tukiwa huko nje, lakini tukija hapa, hatupigani. Mtakapo rudi nyumani, muwaeleze wenzenu vile ambavyo tunafanya kazi. Pia, mjifunze mambo ya *Senate*, kwa sababu siku moja mtakuwa maseneta, magavana au rais wa Kenya.

Nawaomba mjiepushe na mambo ya madawa ya kulevya na kuchoma shule. Katika mambo ya kuchoma shule, ni vyema kuwe na majadiliano. Hiyo itakuwa vizuri kwa sababu nyinyi ni viongozi wa kesho.

Asante sana, Bw. Naibu Spika. Mimi ni Seneta wa Embu Kaunti, Mheshimiwa Alexander Munyi Mundigi. Nimewakaribisha.

The Deputy Speaker (Sen. Kathuri): Asante sana. Kwa niaba ya Seneta wa Makueni, ningemuomba Sen. Kavindu Muthama, ambaye ni jirani wa karibu sana, aweze kuwakaribisha kwa muda usiozidi dakika mbili. Shule hii ni Kwothithu Secondary School.

Sen. Kavindu Muthama: Thank you, Mr. Deputy Speaker, Sir. I take this opportunity to welcome the students from Kwothithu Secondary School from Makueni County. Feel at the Senate. I hope you have seen how the debates go. We want to encourage you to be strong and study very hard. Education is the key to every door that you would want to open in your life. Be blessed and go back home safely.

My name is Sen. Agnes Kavindu Muthama, the Senator for Machakos County. We are neighbours. Karibuni.

The Deputy Speaker (Sen. Kathuri): Thank you very much, Sen. Kavindu Muthama.

Sen. Faki, you may proceed.

(Resumption of Statements)

Sen. Faki: Asante, Bw. Spika, kwa kunipa fursa hii kuomboleza kifo cha marehemu Abubakar Zein. Tulisoma shule moja na Abubakar Zein kule Mombasa, shule ya Allidina Visram School, nmamo mwaka 1984 mpaka 1985. Alikuwa mwanafunzi shupavu na mwenye ndoto kubwa. Baadaye, alikuwa mwanasanaa wa tajiriba kubwa alipojiunga na Chuo Kikuu cha Kenyatta akisomea masomo ya Fasihi. Baadaye,

marehemu Zein alifanya kazi katika nyanja za siasa na hususan katika mambo ya kupigania uhuru wa pili wa nchi yetu ya Kenya.

Japokuwa alifanya mambo mengi, la msingi ni kuwa aliweza kusaidia nchi hii kupata Katiba Mpya ambayo tunatumia hivi sasa na ambayo imesababisha kuwepo kwa Seneti pamoja na ugatuzi katika nchi yetu.

Mchango wake kwa maswala hayo uliendelea mpaka alipohudumu katika Bunge la *East Africa*, ambako alichaguliwa na Chama cha ODM katika mwaka wa 2013 mpaka 2017.

Kifo chake kimewacha pengo kubwa kwa nchi yetu, na vile vile kwetu sisi watu wa Mombasa. Alikuwa ni mmoja wa viongozi ambao walichangia pakubwa katika mwelekeo wa nchi yetu ya Kenya.

Tunaiombea roho yake iwekwe mahali pema peponi, na Mwenyezi Mungu aipe familia yake nguvu wakati huu wa majonzi.

Asante.

The Deputy Speaker (Sen. Kathuri): Asante sana, Seneta wa Kaunti ya Mombasa.

The Senate Majority Leader, Sen. Cheruiyot, you have the Floor.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Deputy Speaker, Sir. I will be very quick. Number one, let me start from where Sen. Faki left, in passing a message of condolence on the passing of the Hon. Zein. I knew Hon. Zein when I worked with him in the NADCO committee; he was a very fine gentleman. This is a loss to the Republic of Kenya. My condolences to his family, his friends, and all the people who work with him.

Secondly, I just want to comment on this statement by Sen. Chute. Maybe it is time that the Standing Committee on Health considers a broader conversation on the quality of what are called ambulances in county governments. Some vehicles will easily pass for Nissan PSVs, or what used to be known as Kombis back in the day. Just by applying red paint on the sides and putting a red cross on the side, it is referred to as an ambulance.

This conversation on ambulances in our county governments is not just in Marsabit alone. It is a countywide problem that perhaps the Standing Committee on Health can provide policy direction on what can be done about it.

I heard Sen. Joyce Korir refer to the earlier contract, which, though it ran into headwinds with us here in the Senate because of how it had been executed in the costing by the first Council of Governors (CoG), if you remember the deal between the CoG and the Red Cross. For me, that was the proper direction, because it provided counties with proper state-of-the-art ambulances and not what you are witnessing today. So maybe that is something we need to do.

Lastly, I am sometimes concerned when I listen to Members of this House speak about SHA in a very ignorant manner. I listened to a Member say that SHA is not working because it did not pay a bill to a particular amount.

For your information, SHA is a medical insurance. A medical insurance has gazetted rates already, just like all our other insurances, where it is known. For example, if you use ours as an example, the maximum amount that can be paid for optical services

is Kshs75,000. For dental, it is Kshs100,000. That is the same model that SHA uses. So, when somebody comes here and says, there was a bill of this amount, it needed to have been this, surely, as a Member of Parliament, somebody who understands how insurance works, how are such people supposed to be assisted?

The best we can do, if we feel that that amount does not cover, is to review the rates here, but also, you must appreciate that the policy of insurance is that it cannot pay 100 per cent for the services. Otherwise, it will be consumed up in the first one month by the few people who are using it. Insurance is a contribution by everybody to cater for those services.

I thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Now, the last Senator to comment on the statements is Sen. Okiya Omtatah. Kindly use two minutes so that we can transition.

Sen. Okiya Omtatah: Mr. Deputy Speaker, Sir, thank you for the opportunity to comment. I will comment on the late Abubakar Zein. A man I met in the theatre in 1987, 1988, 1989, 1990 and 1991. We did stuff at the National Theatre.

The Senate Majority Leader (Sen. Cheruiyot): 1980!

Sen. Okiya Omtatah: I said that in 1987, I published my first play in 1991, when some of you were still wearing diapers. Some of you were not even born, and now you do not know what was going on in this country, so you should allow me to speak with authority and listen.

(Laughter)

The Deputy Speaker (Sen. Kathuri): Sen. Okiya Omtatah, why are you addressing Members, yet you know that I am listening to you?

Sen. Okiya Omtatah: Mr. Deputy Speaker, Sir, the Members are trying to heckle me.

The Deputy Speaker (Sen. Kathuri): I really want to hear your story.

Sen. Okiya Omtatah: Mr. Deputy Speaker, Sir, without boasting, I am an accomplished playwright.

(Applause)

My books are set books. Lwanda Magere, right now, is a set book for “A” Level in Tanzania and others. I have six books on the Black Drama Series in the USA. So, I am a man of letters and I am published. Not self-published but published by the East African Educational Publishers, who published Ngũgĩ wa Thiong'o. So, when I speak here, I speak as a man of letters.

Mr. Deputy Speaker, Sir, I met Abubakar Zain in the theatre. He was a gentleman. We did a lot of things together. He went on to join civil society organisations. I chose to be a civil society individual, but we still met because I was doing business and civil society. He was a full-time civil society. So, I praise him, and I pray that the almighty God rest his soul in eternal peace and look after his family.

To finalise, I am very happy that the Senate Majority Leader has spoken the truth today. He has told us that SHA is an insurance scheme. SHA is not a Universal Health Care (UHC) product. So, they should stop masquerading as people giving us universal health care. It is an insurance scheme for those who can pay. It is not a universal health care funded by taxpayers. What we want in this country is UHC, where people are treated like they are in Britain. You present yourself to a hospital, you are catered for and the taxpayer picks up the bill.

Thank you, Mr. Deputy Speaker, Sir.

(Applause)

(Several Senators held loud consultations)

The Deputy Speaker (Sen. Kathuri): Order, Senators. You have made your point, Sen. Omtatah.

Hon. Senators, I have a Communication to make on substantiation of facts that a Senator alleges to be true pursuant to Standing Order No.105 by Sen. Samson Cherarkey, MP, who is in the House.

COMMUNICATION FROM THE CHAIR

SUBSTANTIATION OF FACTS UNDER STANDING ORDER NO.105

Hon. Senators, as you recall, during the afternoon sitting of the Senate on Wednesday, 22nd July, 2026, while commenting on the Second Reading of the County Governments Laws (Amendment) Bill (Senate Bills No.52 of 2024), the Senator for Nandi County, Sen. Samson Cherarkey, MP, stated as follows-

“I would like to listen to Sen. Beatrice Ogola, who was a County Executive Committee Member (CECM) previously, and Sen. Karungo Thang’wa, although he was impeached.”

It was at this point that the Senator of Kiambu County, Sen. Karungo Thang’wa, MP, rose on a point of order pursuant to Standing Order No.105, challenging Sen. Cherarkey, MP, to substantiate his allegation.

The Temporary Speaker, Sen. Catherine Mumma, MP, thereupon directed Sen. Cherarkey to substantiate his statement as required under Standing Order No.105(1).

Hon. Senators, as you are aware, Standing Order No.105 states that-

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

(2) If a Senator has sufficient reason to convince the Speaker that the Senator is unable to substantiate the allegations instantly, the Speaker shall require that such Senator substantiates the allegations not later than the next sitting day, failure to which the Senator shall be deemed to be disorderly within the meaning of Standing Order 121

(Disorderly conduct) unless the Senator withdraws the allegations and gives a suitable apology, if the Speaker so requires.”

Sen. Cherarkey, MP, was not able to substantiate his statement instantly, and requested for more time to do so at the next sitting in accordance with Standing Order No.105 (2). Having consented to the request, The Temporary Speaker, Sen. Catherine Mumma, MP, directed that the Senator substantiate the statement at the next sitting day.

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

Thank you.

Sen. Cherarkey, proceed.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I proceed to substantiate as directed under Standing Order No.105 by tabling-

(1) Two witnesses, Sen. Chimera and Sen. Wakili Sigei.

The Deputy Speaker (Sen. Kathuri): We do not need witnesses. You need to just table the evidence. In my communication, I did not request you to provide any witnesses in the Senate. You need to substantiate by providing evidence on the allegations that Sen. Karungo Thang’wa was impeached.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I beg to table the following documents now that I have my two witnesses-

(1) A Report of the Select Committee on the Proposed Removal from Office of Hon. Karungo Thang’wa, the County Executive Committee Member (CECM) for Youth Affairs, Sports, ICT and Communication laid before Kiambu County Assembly on 8th November, 2019 by the Chairperson.

(2) The website that bears the Hansard proceedings of the removal of the CECM then, Sen. Karungo Thang’wa, on 29th October, 2019.

(3) An extract of Section 40 of the County Government's Act (Cap 265) on the process of the removal of a CECM.

(4) A court decision, Petition No.208 of 2019, that was decided by the court between Paul Karungo Thang’wa versus the Speaker of Kiambu County Assembly, the Clerk of Kiambu County Assembly, and Kiambu County Assembly to show that this matter was litigated in court, and they found that the County Assembly of Kiambu followed the due process of removing Karungo Thang’wa by way of impeachment.

(5) A court decision, Republic versus Independent Electoral and Boundaries Commission (IEBC) Dispute Resolution Committee and another Thang’wa (Ex parte); United Democratic Alliance (UDA) (Interested Party) (Judicial Review, Application No.2 of 2022), Kenya High Court 1003, and the Kenya Law Report, 7th July 2022. I beg to table the judgement to show that Sen. Karungo Thang’wa was impeached

(6) The extract of the Constitution of Kenya; Article 75 and Chapter 6 on Leadership and Integrity.

(7) The Leadership and Integrity Act, an extract of provision on the violation of the Leadership Code and process of removal of a state Officer from Office.

(8) Section 40 of the County Government Act on the removal of a CECM.

Mr. Deputy Speaker, Sir, I beg to table these documents as part of my substantiation on the removal by impeachment of the Senator for Kiambu County.

(Sen. Cherarkey laid the documents on the Table)

The Deputy Speaker (Sen. Kathuri): Very well. We will review your evidence and then come back to you.

Sen. Osotsi: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Since the Senator was just requested to provide evidence, which I have received as tabled, the documents will be reviewed---

Sen. Osotsi: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Order, Sen. Osotsi. I am giving direction as the chairperson. There is a reason you are not in the Chair. So, please respect the Chair and the guidance I am providing to the House. You cannot rise on a point of order while I am giving direction. You may use other established procedures to catch my eye. When I am giving direction to the House, Members should wait for the Chair to conclude before coming back with clarifications. Interrupting the Chair while I am giving guidance is not done in good faith or with due respect.

I will review the evidence tabled by Sen. Cherarkey to determine whether he has substantiated his statements, as he has tabled numerous documents which cannot be analysed at this moment.

Sen. Osotsi: On a point of clarification, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Sen. Osotsi, what is your point of clarification? It should not touch on what I have already guided the House on.

Sen. Osotsi: Yes, Deputy Mr. Speaker, Sir. I seek a clarification on Standing Order No.122, on gross disorderly conduct. We have noted that on subsequent occasion, the Hon. Member for Nandi County has persistently made serious allegations without adequate substantiation, and you have on several occasions---

The Deputy Speaker (Sen. Kathuri): Sen. Osotsi, No, I cannot allow that because I have already given guidance on that matter. I am not aware of the ones you are quoting. I am just addressing this issue which was raised yesterday.

That is the issue at hand.

(Several hon. Members held loud consultations)

So, these other matters that you are also now---

Order, Sen. Cherarkey! Sen. Cherarkey, Order. Order, Sen. Korir. I have given guidance on this matter, and it should now stop. It should rest. Wait for the Communication from the Chair on this issue on the substantiation requested yesterday.

Next Order, Clerk.

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

So, Hon. Senators, we are done with the comments on Statements. If you look at the order of Business today, from order No. 8 to order No. 15, we have these divisions and the Committee of the Whole. We will also defer Order No. 16 and move to Order No. 17.

Clerk, call out Order No.17.

BILL

Second Reading

THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL
(NATIONAL ASSEMBLY BILLS NO. 61 OF 2022)

(Sen. Mumma on 11.6.2026)

(Resumption of debate interrupted on 17.6. 2026)

(Bill deferred)

BILL

Second Reading

THE KENYA ROADS (AMENDMENT) (NO.3) BILL
(NATIONAL ASSEMBLY BILLS NO.34 OF 2025)

(Resumption of debate interrupted on 21.7 2026)

(Bill deferred)

MOTION

ADOPTION OF REPORTS OF THE COMMITTEE ON DELEGATED
LEGISLATION ON TRAFFIC RULES AND NTSA REGULATIONS

(Sen. (Dr.) Mungatana, MGH on 11.6.2026)

(Resumption of debate interrupted on 11.6.2026)

THAT, the Senate adopts the Reports of the Select Committee on Delegated Legislation on its consideration of the – i) The Traffic (School Transport) Rules, 2026 (Legal Notice No. 11 of 2026; ii) The Traffic (Motor Vehicle Inspection) Rules, 2026 (Legal Notice No. 13 of 2026); and iii) The National Transport and Safety Authority (Operation of

Commercial Vehicles) Regulations, 2026 (Legal Notice No. 14 of 2026); laid on the Table of the Senate on Wednesday, 10th June, 2026; and that pursuant to Section 18 of the Statutory Instruments Act, the Senate resolves to annul the Traffic (School Transport) Rules, 2026 (Legal Notice No. 11 of 2026; the Traffic (Motor Vehicle Inspection) Rules, 2026 (Legal Notice No. 13 of 2026); and the National Transport and Safety Authority (Operation of Commercial Vehicles) Regulations, 2026 (Legal Notice No. 14 of 2026).

(Motion deferred)

COMMITTEE OF THE WHOLE

THE PUBLIC FUNDRAISING APPEALS BILL
(SENATE BILLS NO.36 OF 2024)

(Resumption of debate interrupted on 2.6.2026)

(Bill deferred)

COMMITTEE OF THE WHOLE

THE STATUTORY INSTRUMENTS (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO.3 OF 2024)

(Bill deferred)

COMMITTEE OF THE WHOLE

THE SEEDS AND PLANT VARIETIES (AMENDMENT)
BILL (SENATE BILLS NO.4 OF 2025)

(Bill deferred)

COMMITTEE OF THE WHOLE

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

(Bill deferred)

COMMITTEE OF THE WHOLE

THE CULTURE BILL (NATIONAL ASSEMBLY)

BILLS NO. 12 OF 2024)

(Bill deferred)

BILL

Second Reading

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

(Sen. Kathuri on 22.7.2026)

(Resumption of debate interrupted on 22.7.2026-Afternoon Sitting)

(Bill deferred)

BILL

Second Reading

THE REFERENDUM BILL (SENATE BILLS NO.3 OF 2026)

Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights,
Sen. Hillary Sigei Kiprono. I forgot the last one.

Sen. Wakili Sigei: Mr. Deputy Speaker, Sir, it is Kiprotich, not Kiprono.

The Deputy Speaker (Sen. Kathuri): Kiprotich.

Sen. Wakili Sigei: Yes. That is the surname I got from---

The Deputy Speaker (Sen. Kathuri): Can you give me the order? Is it Sen.
Wakili Hillary Kiprotich Sigei?

Sen. Wakili Sigei: Yes.

The Deputy Speaker (Sen. Kathuri): Good. Proceed.

Sen. Wakili Sigei: Thank you, Mr. Deputy Speaker, Sir.

I beg to move that the Referendum Bill (Senate Bills No.3 of 2026), be now read
a Second Time.

The Bill that we are moving for Second Reading is very important. I want to
begin by asking the Hon. Members of this House that the Standing Committee on Justice
and Legal Affairs and the Human Rights Committee (JLAHRC) had earlier today tabled
a Report on this Bill.

I ask honourable Members of the House to get an opportunity to read that Report
because it goes beyond the Bill on other matters which are very critical in the conduct of
a referendum, both at the county and the national level and on constitutional amendments
as well as other types of referendums.

For starters, what is critical is the need. Why do we need this Bill? I would like to start by highlighting the fact that on matters of referendum, there has been litigation in this country, starting from the High Court, the Court of Appeal and the Supreme Court.

Out of all those matters that have been dealt with in court, one of them, which is the major one on the Building Bridges Initiative (BBI), actually went all the way to the Supreme Court. This is where a lot of conversation went through the referendum and why we need this particular law in place. It formed the basis of, among others, the report that came from the formation of the broad-based government.

You will remember there was a dialogue that went into it and that dialogue was also informed by a number of issues including the reports that came from the decision of the highest court. This Bill can be answered in three ways. The courts have determined and pronounced themselves that there is no statutory provision or framework that would guide the process of conducting a referendum in this country, which is self-contained.

In fact, the words that were used by the courts are that “the law in place is so incomplete and fragmented that it does not help an environment that requires participation and a comprehensive understanding of what the law on referendum is all about.”

It is out of that that the courts pronounced themselves and, indeed, indicated that the lack of comprehensive and coherent law that would guide the country in the process of conducting a referendum is sufficient enough to require an enactment of the law. That is one of the reasons why the committee did, in its findings, admit the recommendations that came not only from the courts, but also from a number of stakeholders who were involved in that process.

The courts, indeed, said that a law must be enacted that would be constitutionally compliant so that whatever process we would conduct would comply. Therefore, it indeed directed that this law be put in place, as well as subsequent amendments that will lead to amendments to the Independent Electoral and Boundaries Commission (IEBC) in terms of the mandate that they are supposed to have. This is as well as the regulations that guide IEBC in terms of conducting the referendum, because it is the only government agency or body that is constitutionally mandated to conduct the process of the referendum.

It also pronounced the fact that there is a need for clarity and the removal of ambiguity in terms of how, for example, we conduct verification of signatures, public participation, and how we formulate a referendum question.

Mr. Deputy Speaker, Sir, you recall that this is one of the questions that previously formed a very heated debate during the BBI, where signatures were collected. The members of the public who went all the way to the lowest level of representation, and their signatures, ultimately became a subject of a decision that the courts made.

Therefore, it has been established that indeed there is a gap, and that gap is what we are going to seek to fill in the course of this proposal in the particular Bill.

The guide from the Supreme Court that Parliament is to enact a law, informed, among other things, the conversation that went on from the matters that were in court, as well as the rest of the conversations that we have had. This includes the formation of the broad-based government. Also, you do remember the committee that sat between the

ODM and the United Democratic Alliance (UDA), the ruling party. It took us to where we are right now.

Therefore, the Bill has six parts and maybe briefly so that we also get directions on it, the first part of this Bill is providing on the preliminary matters that are involved in a referendum process, including interpretations and the objectives.

One of the most critical provisions in the preliminary aspect is definition of certain terms, the commission, which is IEBC, a constituency, agents who are involved, the register of voters, which was informed by the pronouncement by the court as to how we can conduct verification of signatures, as well as the process or definition of what referendum is and the committees that are involved in the process of referendum.

It also defines what a referendum question is and how we frame a referendum question. That is what is provided for in the first part of the Bill, which comprises clauses 1 to 4.

Clause 4 deals with the amendments that will most likely be required to be made to the Elections Act to align it with this Bill.

Part II is the process of referendum. Actually, it is a pre-referendum process. That is the part that is providing for it.

Part III is the conduct of a referendum itself. This one tells us how we frame the question. It gives a notice, the period within which an institution or a committee or Parliament or whoever is seeking to conduct a referendum, for example, if it is a constitutional referendum that is initiated by a popular initiative. The provisions under Part III guides them on how to do that.

It also provides for referendum committees as well as agents who will be involved in the process of campaigning for a particular question that will be subjected to a referendum. That is where it gets into the provisions on how the same process is to be done under Articles 255, 256 and 257 of the Constitution.

We also have other referenda. These include those that do not require a constitutional amendment, for instance, on questions that are relevant to a particular county and do not affect the provisions of the Constitution. That is provided for in Part III.

Part IV is about how we should deal with petitions that come as a result of a referendum process where, for instance, someone is not satisfied with the way a referendum process was conducted. The avenue is what is provided for under Part IV. That is how such matters should be dealt with by the courts. It also talks about petition timelines and the kind of remedies that are available in court, including instances where if a petitioner files a matter in court and before it is determined, that particular petitioner may opt to withdraw. If they are naturally unable to have it proceed as a result of death or otherwise, what does the law provide? The same part also provides for the mandate and jurisdiction of the courts. That includes powers that courts can give.

Lastly, Part V deals with retention of documents which may have been utilised in the course of a referendum. That means the number of years such documents are to be retained. The same part also highlights on application of election offences and penalties that will be available. That is largely what the five parts of the Bill provide for.

Mr. Deputy Speaker, Sir, the Committee on Justice, Legal Affairs and Human Rights did what it is supposed to do. As a committee we considered the draft Bill as it were. We also engaged the public. Among institutions that the committee engaged are the Independent Electoral and Boundaries Commission (IEBC), the Office of the Registrar of Political Parties (ORPP) and a number of other individuals including scholars such as Prof. Lumumba. We also engaged Civil Society Parliamentary Engagement Network in Kenya (CSPEN). This is an institution that deals with civil societies among others who may have a lot of interest on a referendum question in the country.

In the course of our engagement with them, they gave us a wholesome appreciation of what the Bill provides for in their own views. They also made comments on areas they felt that needed to be amended.

We have proposed a number of amendments to the Bill that will come up during the Committee of the Whole. I look forward to having Members engage to understand what the Bill provides for and proposals that have been initiated by the committee in order to make sure that we get a law that speaks to the concerns that have been raised over time.

You will recall that this Bill was previously before the House but it was withdrawn midway because of pronouncements that had come from the court as well as concerns which came when members of the public were involved and made proposals on certain areas they felt that the Constitution was ripe to be amended. The Government and other non-governmental entities brought forward their concerns.

When you look at the framework that this Bill sets, it has provided for an organised process on how a referendum should be initiated. That organisation is provided for in this particular draft law. It also guides on how we conduct campaigns towards a referendum. It also provides for campaign timelines and agencies that should be involved in the process. Finally, it also gives a guide on how we should implement proposals that come. If they are ripe for a constitutional referendum, it gives the process and a guide.

If, for instance, it is a local issue at the county level because there is a possibility of conducting a referendum at the county level which does not necessarily affect other counties, one county could raise an issue on, for instance, investment areas that a county assembly or county government would want to subject the county to. This law provides for a certain percentage. If 25 per cent of voters of a particular county or region raise a concern and desire a referendum to be conducted, this law provides for the processes of raising that concern, the referendum question, conducting the referendum and ultimately giving the opportunity to the county government and relevant people interested in conducting that particular referendum. That may not affect other counties and therefore does not affect the Constitution.

In terms of application of this law, it is time we had a conversation around these particular issues. On matters of national referenda, Articles 255, 256 and 257 provide for it. This law will guide the country on how to do it. In terms of other referenda, the same law provides for that.

Maybe to be a bit specific so that we have some direction on it, for instance, when it comes to a referendum question, we will look at provisions in Clauses 5 and 9 where a

referendum is required to be conducted. If it is necessary to hold a referendum, you should identify whether it falls under a popular initiative or parliamentary initiative.

I do not want to highlight the several provisions because this Bill goes up to Clause 42. The 42 Clauses of the Bill are critical for Members to support.

Mr. Deputy Speaker, Sir, as I move, I appreciate the fact that we have, as a committee, established beyond just the concerns that were raised by the court but we also got the support beyond the House. Members of the public were our major stakeholders that gave us a number of concerns in terms of questions we had raised that the initial Bill had provided. I believe that out of that additional information that we got, the Bill is enriched beyond matters that had been raised by those who were interested.

There is a group called *Linda Mwananchi* Diaspora Initiative where their concerns were litigated in court because they are part of the team that went to court. I believe that in the fullness of time, those concerns will be addressed by the Bill. Should there be a referendum question that they will raise, there will be a law that will guide the process and how it should be conducted.

Mr. Deputy Speaker, Sir, I request Members of this House to get an opportunity to look at the report as it is, read the draft Bill and during their contributions, support this particular. With that, I request Sen. Okoiti to second.

The Deputy Speaker (Sen. Kathuri): Sorry, before you second the Bill, I would like to make this Communication.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM KANYUAMBORA SECONDARY SCHOOL IN EMBU COUNTY

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I would like to acknowledge the presence of a visiting delegation of six teachers and 95 students from Kanyuambora Secondary School in Embu County who are seated in the Public Gallery. The delegation is visiting the Senate for an 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 thank you.

(Applause)

A few minutes ago, I saw the Senator for Embu. Are the students still here?

Sen. Wakili Sigei: Mr. Deputy Speaker, Sir, the students are still in the Public Gallery.

The Deputy Speaker (Sen. Kathuri): Sen. Maanzo, please welcome the students from Kanyuambora Secondary School.

Sen. Maanzo: Yes, thank you, Mr. Deputy Speaker, Sir. I welcome the students to the Senate on behalf of the Senator for Embu, Sen. Mundigi. I encourage them to work hard. I am from meeting two other schools from my county. Please, learn something

while you are here. In your national exams, you will have many questions on Parliament and government.

Get to know the Mace in front of me, the Sejeant-At-Arms, the Speaker, the role of the Senate and the National Assembly. I welcome you.

The Deputy Speaker (Sen. Kathuri): I understand Sen. Mundigi has many delegations this afternoon. He is attending to other students in the backyard.

Sen. Okioti Omtatah, proceed to second the Bill.

(Resumption of debate on Bill)

Sen. Okiya Omtatah: Thank you, Mr. Deputy Speaker, Sir. I rise to second the Referendum Bill (Senate Bills No.3 of 2026).

This has been a very engaging process. First, I would like to thank the Members of the Justice, Legal Affairs and Human Rights Committee (JLAHRC) of the Senate.

I thank the Chair, Sen. Hillary Sigei, CBS, MP, who has moved the Bill, the Deputy Chairperson, Sen. Veronica Maina, CBS, MP; Sen. Raphael Chimera Mwinzangu, MP; Sen. Karen Nyamu, MP; Sen. (Prof.) Tom Ojienda, SC, MP; Sen. Crystal Kegehi Asige, MP; Sen. Daniel Kitonga Maanzo, EBS, MP. I am also a member of that Committee.

Mr. Deputy Speaker, Sir, this is not the first attempt to give us a referendum law. My Chair has ably taken us through that process; there is no need for me to repeat it. I would be pounding water in a mortar.

Kenya requires a comprehensive referendum law to fill a gap and operationalise the constitutional provisions on referenda. We need clear, transparent and enforceable procedures. Article 255 lists items that must be subjected to a referendum to amend the Constitution. These include the supremacy of the Constitution, the territory of Kenya, the Bill of Rights, the term of the President, the functions of Parliament, the independence of the Judiciary and devolution. These can only be amended if approved in a referendum, yet, we do not have a referendum law.

The popular initiative also requires a referendum at the end. Within that process, we come to the question of signatures and verification of signatures. If we use pen and paper, and we are to verify one million signatures, I do not know how the Independent Electoral and Boundaries Commission (IEBC) will manage. At the Directorate of Criminal Investigation (DCI), verifying one signature takes time. So, we must think digitally. We must think about computers and Artificial Intelligence (AI). These changes may have far-reaching implications. We may need to do away with manual registers and come up with registers that support digital processes.

Mr. Deputy Speaker, Sir, during the consideration of this Bill, there was a desire for the Committee to visit Switzerland. Referenda are common there on many issues. Some people think public participation is a silent way of asking for a referendum on national issues. We requested to visit Switzerland to see how it works, but budgetary constraints did not allow us. With the lemons we got, we made lemonade. That shows the importance we attach to this Bill.

The Constitution requires referenda, but it does not provide detailed rules on how they are handled. It only gives broad principles. Therefore, we need detailed practical

rules for the initiation, signature collection, verification of popular initiatives, framing of referendum questions, campaigning, voter education, polling procedures, thresholds beyond the constitutional minimum, result declaration, challenges, disputes among others. We need a clear law on the many other issues in operational matters that exist. The law should distil these things and lay them out as they should be.

The legal framework to do this is not there. That is why this Bill is important. Without this law, procedures risk inconsistency, legal challenges and claims of unfairness or manipulation. Without this law, the IEBC lacks clear statutory guidance for referendum functions. Without this law, public confidence, civic education and orderly dispute resolution are harder to ensure. Without this law, future constitutional changes and county-level referenda face uncertainty and litigation risks.

Mr. Deputy Speaker, Sir, I need not belabour this. During the Building Bridges Initiative (BBI) process, you saw the issues that came up in court. Some disputes could have been avoided if such legislation existed. Since there was no law and the country was flying without guidance, we ended up litigating from the High Court to the Supreme Court on issues that could have been avoided with a clear law like this.

In short, this law is needed for legal certainty, practical implementability, democratic legitimacy and to protect the constitutional right to participate in referenda from remaining largely theoretical or contested in court. Until such legislation is enacted and operational, any referendum process remains vulnerable to procedural disputes, an issue that we need not engage in.

As I second this Bill, I urge the House to support the report of the committee so that we can pass this law and put Kenya on a sure footing of what a referendum is. When we go to consult the people, we know the thresholds that have to be met at the initiation, prosecution and conclusion of the issue. What are the thresholds? We will be building ourselves and standing on firm ground if we make this law. Without this law, where anything can pass, we are likely to end up overburdening our courts, fighting over things that we should not fight over and that is a thing that we must try to avoid.

The scope of this Bill is important. As captured in our report, it applies to three categories of referenda. First, it covers national referenda required under the Constitution, including the ones that I have referred to that is, Articles 255, 256, and 257. Second, it provides for county-level referenda on matters that fall within the jurisdiction of a county. Third, it extends to other referenda on issues that do not involve constitutional amendments.

Many issues come up. There is public dissatisfaction sometimes or issues that require us to consult the public and maybe, not necessarily on matters which involve amending the Constitution, but there are weighty public matters. For example, right now, we are consumed by the question of public debt. For every Kshs100 collected by the Kenya Revenue Authority (KRA) over Kshs80---

(Sen. Cherarkey spoke off record)

Sen. Cherarkey, I think the correct English is not 'over' but 'more than'. This is because 'over' means you are clearing a height. 'More than' means you are counting the

quantity. So, more than 80 per cent of every Kshs100 raised by the KRA pays debt. Those kinds of matters could find their way into referenda. We can frame a question on what we should do with this debt. Right now, the only way you can do it in a whimpering manner is to go to court. There is no way of engaging the people to demand resolution of such things. There are very many issues that are eating this country that require to be looked into.

The other issue that consumes my head, forcing me to go to court and which I wish we had a referendum, is on the nature of the National Treasury. The National Treasury should be subsumed into the national Executive, be autonomous or independent. These are issues that could be taken to a referendum, so that people decide on these matters.

This is a law which is long overdue and requires the full support of this House. For example, clauses five to nine of the Bill set out the steps to be followed before a referendum is conducted. This is an area where we have a lot of confusion. People have come up and said we have collected signatures, done this and that, but they are doing that out of their own interpretation or imagination. Now, the law is going to give guidance of what needs to be done. For example, where a constitutional amendment requires a national referendum, once Parliament passes a Constitution (Amendment) Bill, the President shall formally notify the IEBC within 30 days and the Commission is required to conduct a referendum within 90 days. So, that also goes to cover all other manner of referenda and how they should be done.

On the conduct of a referendum, Part III of the Bill sets out how a referendum is to be conducted. The IEBC is required to frame the referendum question or options within 21 days of receiving a notification. The question shall be written in plain, simple and natural language in both English and Kiswahili and avoid wording that suggests judgement or opinion and allow voters to express their choice by marking 'yes' or 'no'. Look at that clarity. We want people to own and understand the referendum and make choices based on their free will.

The Senator for Nandi knows very well that choices have consequences. So, before you suffer the consequences, you need to make that choice from an informed position. You need to make informed choices. That is basically what the referendum wants.

On the question of other referenda, the Bill provides for county referenda, and referenda resulting from a resolution of Parliament. At the county level, a referendum may be held on local matters. For example, I have moved a Motion in this House demanding that reports of the Integrated Financial Management Information System (IFMIS) transactions be made available to Senators at the end of every month to enhance transparency. This is so that when doing the oversight role of our county governments in real time we are able to know what the government is paying for, voiding and not doing. If that Motion passes, which I hope it will, there should be an opportunity maybe for those who are dissatisfied to challenge that kind of thing through a referendum - maybe reject it. So, it is really a Bill that needs the joint effort of this House to pass. It is a law that is required by the Constitution and our own experience in life.

If you look at the recent judgment on the Building Bridges Initiative (BBI) you will find that they all highlighted the need for this law. The courts were crying that we needed proper guidance. So, in another way, making this law will also be upholding what the courts expected of us. That is to legislate so that the courts are not put in a difficult situation to do the work this Parliament is supposed to do yet they know very well that they do not have the capacity to make law. So, they begin groping around and trying to patch up things to hold the country together. The courts should not be reduced to that. The courts should interpret laws that we have done and not be ahead of us. For example, in the Court of Appeal, it was noted that a referendum could theoretically proceed under the existing patchwork of laws. However, the court highlighted the deficiencies in the current framework. It noted that Articles 255 to 257 of the Constitution require clear statutory guidance on procedure and oversight. The court noted that the absence of a comprehensive referendum law was a gap that Parliament ought to address and to give full effect to the Constitution. So, the courts are basically saying Parliament has slept on the job.

The courts were basically saying that Parliament has slept on the job. One of the things that can make Parliament be dissolved and all of us sent home is failure to pass the laws that are required to be passed. All laws to implement the Constitution were supposed to be passed within five years. Here we are, 16 years later and we do not have a referendum law.

Mr. Deputy Speaker, Sir, I pray that this Bill be given the support it deserves. With those few remarks, I second the Bill.

Thank you, Mr. Deputy Speaker, Sir, for the opportunity.

The Deputy Speaker (Sen. Kathuri): Okay, very well.

(Question proposed)

We now open the Floor for Members who wish to contribute. We will start with Sen. Kavindu Muthama. I can see that you have really waited for this opportunity.

Sen. Kavindu Muthama: Yes, Mr. Deputy Speaker, Sir. Thank you very much for this opportunity. I have a reason for being happy about this Bill. When it shall be passed, it will be a blessing to me and many other Kenyans.

I say this because I was a member of the Building Bridges Initiative (BBI) Committee and we visited all the 47 counties listening to the citizens of Kenya say what they want and how they want this country to move. At the end of it, the BBI report was turned down because it was said to be unconstitutional. Having this Bill as a law will make things easy for people who want change in this country in many things.

We had recommended the change of many things in this country. We had made suggestions on the official opposition and the leader of the government. We had made suggestions on so many things. The passage of this Bill will help this country to move forward. Thank you very much, Mr. Deputy Speaker, Sir.

I wanted to close the House due to lack of quorum, but I will not do it because I have seen Senators walk in.

(Sen. Okiya Omtatah walked into the Chamber but did not bow)

The Deputy Speaker (Sen. Kathuri): Sen. Okiya Omtatah, the Chairperson of the Committee on Justice, Legal Affairs and Human Rights is your neighbour, but you know there is a divide between you and him. I know you are stickler of procedures, so go back to the Bar, bow then sit down.

(Sen. Okiya Omtatah went to the Bar and bowed)

The Deputy Speaker (Sen. Kathuri): You do not need greetings. Yes, that is the procedure.

Next is Sen. Maanzo.

(A Member spoke off record)

No, there is no rule that I should do what you are requesting me to do. I am the Chair of this session.

Proceed, Sen. Maanzo.

Sen. Maanzo: Thank you, Mr. Deputy Speaker, Sir. I am a Member of the Committee on Justice, Legal Affairs and Human Rights and I am grateful that you have given me an opportunity.

The Deputy Speaker (Sen. Kathuri): Member of the Committee inform the House for Sen. Cherarkey to also understand what the Bill is all about.

Sen. Maanzo: Mr. Deputy Speaker, Sir, while I was at the back---

The Deputy Speaker (Sen. Kathuri): Sen. Wambua, what is it?

Sen. Wambua: I am sorry that I am disrupting my colleague and my friend, Sen. Maanzo. In the same breath, I am wondering if the Members of the Committee should allow other Members to---

The Deputy Speaker (Sen. Kathuri): It is my prerogative, forget about what I said.

Sen. Wambua: Mr. Deputy Speaker, Sir, I am not challenging your position.

The Deputy Speaker (Sen. Kathuri): You have just come in. You are actually not on the queue.

Sen. Wambua: Mr. Deputy Speaker, Sir, as a leader, I do not speak for myself, I speak for everyone.

The Deputy Speaker (Sen. Kathuri): I cannot see your request to speak.

Sen. Wambua: I do not know why because I have requested.

The Deputy Speaker (Sen. Kathuri): You have not.

Sen. Wambua: That is okay, Mr. Deputy Speaker, Sir. I was just making a proposal, and it is not just about this Bill. We do have cases where Members who sit in committees---

The Deputy Speaker (Sen. Kathuri): Last week I gave priority to all the leaders.

Sen. Wambua: Mr. Deputy Speaker, Sir, I wish you could listen to my request. It is a very different line of thinking. We have Members who sit in the committees and

process business that comes to the Floor, and we have other Members who do not sit in those committees.

The Deputy Speaker (Sen. Kathuri): It is the prerogative of the Chair to give Members---

Sen. Wambua: Okay, Mr. Deputy Speaker, Sir, we are guided.

Sen. Maanzo: Mr. Deputy Speaker, Sir, I will be brief, so that other Members can also participate.

The referendum law in this country, just like the public participation law, is long overdue. The court does point out every time we go there that the House should have made a referendum law and public participation law. If we do not do that, the standards will be set elsewhere.

This country had a referendum before the new Constitution came into being. Every Kenyan is aware of what happened during the yes and no or the orange and banana referendum. They also know how we try to follow or emulate other countries. Sen. Okiya Omtatah talked of one of the best examples, Switzerland. I challenge the Chairperson of the Committee on Justice, Legal Affairs and Human Rights that even if this law is passed, we, as a Committee need to visit and see what happens there. This is because they conduct referendums quite often. The Brexit referendum was conducted and Britain decided to leave the European Union. They gave the people the power.

According to this referendum law, referendum can be done at county level to address county issues. We left out one thing while coming up with this referendum law and that is a legislation on whether a referendum can be conducted together with a general election as the seventh ballot box.

There are questions that come on referendum. There are usually several questions when conducting a referendum. They usually vote yes or no and it is like a general election. It borrows a lot from the general election.

I suggested to Sen. Okiya Omtatah and my Chairperson, Sen. Wakili Sigei that during the Committee of the Whole stage, we should introduce a section that a referendum can be conducted at the same time with a general election. That will save the country money and the inconvenience of conducting an election in the middle of the term. Many people will also be mobilised to participate. This is because at that time, we get to elect the leaders at the county and national levels.

During a referendum, questions are referred to the people, and the ultimate result is that when people decide on a particular thing, it automatically amends the Constitution. So, referendum law is very important.

I beg to support and we look forward to suggestions from Members for us to refine it at the Committee of the Whole stage so as to make it a better law for the country.

I thank you, Mr. Deputy Speaker, Sir.

Sen. Cherarkey: Thank you, Mr. Deputy Speaker, Sir. As the Chairperson *emeritus* of the Committee on Justice, Legal Affairs and Human Rights, I want to inform the House that we discussed this issue during the last session. I say this because I want the current Members to understand where Sen. Wambua and I are coming from.

It is unfair for the country that we have never had a functional referendum law for the last 16 years. As a Parliament, we must be flagged and called out for not doing what

is expected of us as per Article 96 of the Constitution on the role of legislation. You will remember the *Punguza Mzigo* initiative and the *Okoa* Initiative that was being pushed by the former Prime Minister and one that was being pushed by Ekuru Aukot. They tried to push those initiatives through the referendum. At that time, we were told that the signatures that were presented to the IEBC were signatures of cows or funny characters and that was the reason it was rejected.

I thank the Committee on JLAC led by the top lawyer for the justice they have done to this Bill. Kenyans should understand that as we go ahead, we might need these laws to enrich what we gave to ourselves and our future generations. There are two processes of amending this Constitution from the reading of Article 255.

There has been a lot of evolution in the Constitution since Independence up to the 2010 Constitution. The reason why stringent measures were put in amending the Constitution was because of the history this country. Parliament would sit in one afternoon and amend the entire Constitution altering the governance structure. That is why there are two processes of amending the Constitution; through popular and parliamentary initiatives.

The Bill has dwelt on giving effect to Article 255 on amending through popular initiative. However, on amendment by parliamentary initiative, this is a simple process of introducing it before the House just like any other Bill. Both Houses, which are bicameral as per Article 93, should agree on how this amendment should proceed. The reading of that article is very restrictive because it does not allow us to alter certain structures of the Constitution as opposed to what we have seen. That is why if you read Articles 255 and 256 as proved by Clause 2, the amendment relates to those matters.

Kenyans should understand that this Bill of popular initiative will cover issues such as supremacy of the Constitution, the territory of Kenya, the sovereignty of the people, the national values and principles of good governance, Bill of Rights and the term of office of the president, which I was very keen to amend. However, we proposed a Bill. The independence of the Judiciary and commissions which Chapter 15 applies, functions of parliament, and the objects and structure of devolved government are provisions of this chapter.

Mr. Deputy Speaker, Sir, that has been reduced to the popular initiative. I am happy that the Bill just enriched what Article 255 talks about. Clauses 5, 6, 7 and 8 propose that if you want to bring a referendum question, you must draft the question, have at least one million signatures, and then present it for verification. The Independent Electoral and Boundaries Commission (IEBC) has been given 90 days to do the verification exercise and report back to people proposing to bring a referendum question.

I have seen a number of jurisdictions do their referendum. If within 90 days the IEBC finds that the Bill meets the threshold, they are to submit a draft Bill to all the 47 county assemblies. The county assemblies are expected to consider the draft Bill within a particular timeline so that it is certified. I do not understand the wisdom of the Committee in recommending that if you do not receive a response within three months, your Bill is deemed not approved. I hope the Chairperson of JLAC is noting. I thought it should be deemed approved because if it has not been considered, then it should be approved.

What the Bill is saying is that, if you take your draft Bill to county assemblies and majority of them which should be more than 30 county assemblies do not consider it, that Bill is deemed not approved. My proposal is that we change the wording to it is deemed approved.

After MCA's consider the Bill, then it is introduced in Parliament. It should be brought before the House, which shall publicise it for discussion before it is taken to the people to decide. If it is approved by the people, then it is taken for the referendum as it was submitted.

It is important that as we go to the next election as Kenyans, we be very keen and ensure we elect quality MCAs because they have a unique role, especially, in referendum. That is why some of us are very passionate at having MCAs who do their job. However, we must also give them capacity and ability to do their job by ensuring that they have functional county assemblies. We should also give them financial autonomy with better remuneration. That Bill has been assented to by the President; they now have financial autonomy. They now have capacity to do their things as MCAs which include payment of mileage allowances and proper remuneration.

Apart from doing oversight, representation and engaging in the budget-making process, they also participate in the referendum process. I appeal for the referendum question to be drafted and brought on the parliamentary initiative. If both Houses agree, then it should be communicated to President for assent.

The other day, we were being told that Kenya has the highest cost per voter compared to other countries. It is Kshs2,000 per voter which is very expensive. I believe it is that expensive because there is a deficit of trust among Kenyans. Kenyans do not trust the integrity of the election process. Recently, in California, if I am not wrong, they wanted to vote early through email. The trust in our election process should make us also vote a day earlier through email just like in the United States of America (USA).

When I was the Chairperson of JLAC, we went to Brazil and we were taken through the process of how an election can be done. I propose that as we go to elections in 2027, we include a seventh ballot paper on the referendum question so that we have a single election and save on cost. I confirm to the country that apart from the constitutional referendum issue, we also have other referenda. If for example, Vihiga, Nandi and Kitui counties want to discuss their natural resources such as sand, they are allowed to do a referendum on that matter under this law.

I know this example might not be very good. However, there was a time when some people at the coast used to say *Pwani sio Kenya*. They wanted to secede just like it happened in Russia, where they did a referendum and were able to secede.

As a country, for example, we are struggling with the issue of health under the Fourth Schedule. We were discussing about ambulances and the deplorable health sector in Nandi and Kitui counties. If the Universal Health Care (UHC) workers and Kenyans believe that there could be a problem in the health sector, we can put a referendum to Kenyans and ask them if we should return the health sector to be run by the national government. Looking at the Fourth Schedule, the health sector is devolved. However, every day in this House, if we are not discussing about lack of drugs, we are discussing poor service delivery. If we are not discussing about poor service delivery, we are

discussing issues of human resource such as the UHC workers where more than 7,000 of them have been on contract for the last six years.

Mr. Deputy Speaker, Sir, the issue of the referendum which has been provided for by Clause No. 17 the county laws or petitions, can be done by an MCA in Nandi, Kitui or Meru. A distinguished member of *Njuri Ncheke* can sit, agree and say, today we want to hold a referendum on recognising the *Njuri Ncheke* Council of Elders as part of the governance structure of Meru County Government. In Clause 17, as ably drafted, you have that opportunity. Even if it is about resources like oil in Turkana, the people of Turkana can petition and hold a referendum on their own natural resources. These are some of the issues that are provided for. Therefore, the rest of the Bill provides the process for petitioning and how it should be done when you disagree on the issue of whether this referendum should be held.

As a country, we could propose a referendum on rotational presidency. Since Meru or Tharaka-Nithi have never produced a president, maybe from 2032 onwards, we could have a rotational presidency like what is happening in Nigeria. The question of a referendum is possible. Since Tharaka-Nithi, Meru, Kitui, Makueni, or Mount Kenya East, northern Kenya, or even Turkana, have never produced a president, we propose to have rotational presidency so that in 2032, when Hon. (Prof.) Kithure Kindiki will be running for the presidency, as a country, we allow him because he comes from the larger Mount Kenya region. That is a good question.

We can, as a country, come up with a referendum to say that we do not want to deal with the politics of tribalism and chest-thumping. We can sit, as a country and agree to carry out a referendum against regional or political parties that undermine the Constitution. We can have a referendum. The referendum is just like public participation that is organised as envisaged by Article 10 of the Constitution on national values and good governance.

Therefore, the Independent Electoral and Boundaries Commission (IEBC) has been challenged and that is my question. The reading of the Constitution on independent commissions--- In this country, we operate on the microwave principle. So, between years one and four, we do not give adequate resources to the IEBC. However, in the fifth year because it is an election year, we give treat them like a microwave and expect everything to run as it should.

The commissioners that we have today, and I want to congratulate them for doing a good job in the recent by-elections, have been in office for some time. However, we are now proposing that we stagger our elections. That can be a referendum question. So, how do we ensure that the IEBC commissioners in office can be alternated when we are hiring?

I think the biggest problem in this country – and the Bishop, the distinguished incoming Governor of Kitui will agree – is the deficit of trust. We do not trust ourselves. Even when the current President, William Ruto, is in office, there is a region in this country that thinks that they must be in the presidency so that the country can run. It is part of the lack of trust in our institutions. That is the whole point. We must know that when we see the Cabinet Secretary for Health, Hon. Aden Duale, in office, some people fight him due to of lack of trust.

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

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

I am happy that the Senator for Garissa is now in the seat.

Mr. Temporary Speaker, Sir, I want to agree that the reason President William Ruto is being fought today is simply because he comes from a certain region and there are people in this country, Bishop Sen. Wambua, who believe they must be the presidents of this country for this country to run. I am even worried about his party leader; some people believe that he should not run for the presidency because he comes from a region that does not have numbers. We must demystify this issue of tyranny of numbers.

Mr. Temporary Speaker, we should demystify the issue of tyranny of numbers. In fact, when Hon. Aden Duale, from your region, was appointed to serve in the Ministry of Defence, the Ministry of Environment, Climate Change and Forestry and the Ministry of Health, there were people who believed that people from your region could not make good leaders. I did not want to mention your brother. However, with your indulgence, allow me to do so.

Some people believe that individuals from certain regions should not hold public offices. That is why when Hon. Aden Duale spoke yesterday, his statement was blown out of context. He believes in one united Kenya and served as a Majority Leader. Hon. Aden Duale could write a book about loyalty, as he has been very loyal to the President. I also know that you have been very loyal and we are proud of you.

As I conclude on The Referendum Bill (Senate Bills No.3 of 2026), I note the Senator for Kitui County has a raft of engagements tomorrow. He should consult some of us. We have made Presidents; together with Sen. Abdul Haji. We made President Uhuru and President Ruto. So, my brother, if you need consultancy services on how to become a governor, consult Sen. Haji and I will ensure you become the Governor of Kitui County. This includes Sen. Kathuri.

Mr. Temporary Speaker, Sir, with those remarks, I congratulate the Committee.

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

The Temporary Speaker (Sen. Abdul Haji): Yes, Deputy Speaker, what is your point of order?

Sen. Kathuri: Mr. Temporary Speaker, Sir, when I left the revered seat of the Chair, I heard the Member say he was very happy that I was seated there. I want to ask my colleague; is he trying to undermine the revered *Njuri Ncheke* elder who occupied the seat for one and a half hours and managed the House to the best of his ability this afternoon?

Are you aware that even as we sit here today, we had factions involving two *Njuri Ncheke* chairpersons and today, through my leadership and that of the Governor of Meru, we brought them together to reconcile their differences and become one team; Meru *Njuri Ncheke* Council of Elders. As I sat there, I was agonising and reflecting on what they were discussing because we want them to come together.

Is the Member in order to express unhappiness that the *Njuri Ncheke* Patron was seated as the Chair of this session this afternoon?

The Temporary Speaker (Sen. Abdul Haji): Sen. Cherarkey, could you please clarify and correct your statement regarding the elder, the Deputy Speaker?

Sen. Cherarkey: Mr. Temporary Speaker, Sir, the HANSARD will bear me out because I hold the distinguished Senator for Meru, Deputy Speaker of the Senate, and a revered *Njuri Ncheke* elder in high regard.

The reason I expressed happiness at seeing you seated there was because I wanted to mention something regarding marginalised communities. I wanted to illustrate that most of the traditionally marginalised communities are now occupied in the national government under President William Ruto.

In the interest of time, allow me to yield, though I am willing to buy him a drink after the sitting, so that we can harmonise our positions.

I yield back.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator. Sen. Wambua, proceed.

Sen. Wambua: Thank you, Mr. Temporary Speaker, Sir. My only request to the Senator for Nandi County is that he sits back and patiently follows my submission, just as I did when he was submitting. He must also give an undertaking that there will be no frivolous points of order when the Senator for Kitui is on the floor.

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

Sen. Wambua: Mr. Temporary Speaker, Sir, that is exactly what I was talking about. Frivolous points of order are not allowed under our Standing Orders. I do not see what is out of order here.

The Temporary Speaker (Sen. Abdul Haji): Sen. Cherarkey, what is out of order?

Sen. Cherarkey: Mr. Temporary Speaker, Sir, we have learners and visitors in the gallery, and this is an open engagement. Is the Senator in order to allege that Members raise frivolous points of order, yet Standing Order No.98 has provided for that as part of the rules and procedure for running the House?

Mr. Temporary Speaker, Sir, is it in order for Sen. Wambua to usurp your powers? As the Chair, you are the only one who can determine whether a point of order is valid or not. Could he withdraw and apologise to Kenyans and Members so that Members do not run away from exercising their role?

The Temporary Speaker (Sen. Abdul Haji): Yes, Sen. Wambua.

Sen. Wambua: Mr. Temporary Speaker, Sir, even if I wanted to apologise, I do not know what I would apologise for. Frivolous points of order are not allowed by our Standing Orders. I am just saying that nobody should rise on a frivolous point of order. What am I supposed to apologise for? I am ready to withdraw and apologise, but for what? I am just stating the Standing Orders.

Mr. Temporary Speaker, Sir, I can see the Senator for Nandi has eaten humble pie. Therefore, let him just listen.

Sen. Cherarkey: On a point of order!

The Temporary Speaker (Sen. Abdul Haji): Stop the Senator's time. What is it, Sen. Cherarkey?

Sen. Cherarkey: Mr. Temporary Speaker, Sir, I would have loved to listen to Sen. Wambua. I do not have a problem listening to him because I am a patient man.

Standing Order No.98 is part of rules and procedures of the House. By Sen. Wambua stating that there are frivolous points of order in this House, he is even inviting a worse wrath under Standing Order No.101 on Contents of Speeches. He has informed the public that there are frivolous points of order in this House.

Mr. Temporary Speaker, Sir, could the distinguished Senator for Kitui eat humble pie and apologise, so that Kenyans do not think that we raise frivolous points of order? That is my only concern. He would have stated that there are points of order as a matter of right under Standing Order No.98.

Mr. Temporary Speaker, Sir, I want to challenge him because he is a Member of the Senate Business Committee (SBC) just like you. Could he propose that we delete Standing Order No.98? After that, we can agree with his assertion. He should not even apologise but rather set the record straight.

The Temporary Speaker (Sen. Abdul Haji): Fair enough. Sen. Wambua, you need to set the record straight. I agree with Sen. Cherarkey on the issue of frivolous points of order. That is a determination to be made by the Chair.

Sen. Wambua: Mr. Temporary Speaker, Sir, I never at any point imagined that I would make that determination. I just stood on the Floor and restated that points of order--

There is something called common usage or context traditions. I hope my time is frozen because it is important that we also learn a few things from each other. The House runs by way of Standing Orders, the Constitution, laws, traditions and usages.

We do not live in a vacuum. We live in a society, and the world follows what we do on the Floor of the Senate. If there was any medal to be given to any Senator on the matter of raising points of order, that medal would indisputably go to the Senator for Nandi. When I say this, it is not because I am condescending or anything.

To put the record straight, Senator for Nandi, if you want us to go that way, then we will do that. A Senator must be responsible for facts that they allege on the Floor. The Senator for Nandi has stated as a matter of fact that the Senator for Kitui - he keeps saying the next governor of Kitui County - sits on the SBC. He said that as a matter of fact. I do not and neither does the Chair. Therefore, do not mislead the House by raising Standing Orders that do not apply.

Mr. Temporary Speaker, Sir, with your permission, I would like to comment on this Bill.

The Temporary Speaker (Sen. Abdul Haji): Proceed.

Sen. Wambua: The Temporary Speaker, Sir, first of all, I would like to congratulate the Senate Committee on Justice, Legal Affairs and Human Rights (JLAHR) led by the Senator for Bomet County. I have come to admire his style of leadership. He has provided leadership to the team of Senators in this Committee. They have come up with this piece of legislation, which is long overdue.

It is unimaginable that almost 15 years after the passage of the Constitution of Kenya 2010, this country does not have a referendum law yet, there have been several attempts to carry out a referendum on different issues in this country.

Mr. Temporary Speaker, Sir, I am a happy leader today. Perhaps those attempts did not sail through. If they had, we would have found ourselves in an awkward situation. We would have been carrying out a referendum without a referendum law. Now we have an opportunity as Parliament. This is one of the pieces of legislation that this Parliament will be remembered for. That is, if we pass the Referendum Bill (Senate Bill No.3 of 2026).

I want to disagree with something Senator for Nandi County said. I was praying that he would sit and listen to this submission. He said we should make the referendum question the seventh ballot during our elections.

We can have a debate around that issue. Why do I say that? In between elections, there are serious issues Kenyans may want to address through a referendum. You cannot say that we must wait until election time to hold a referendum. Even at that ballot, the issues that accumulate within five years could be many and different. We may need five, six or seven other ballot papers included in the election for determination.

Therefore, I want to push the agenda that referendums should be a live issue for Kenyans. Referendums can be held at any given time. This is as long as the procedures are followed and adhered to in accordance with the Bill.

The Committee has provided clarity on how referendums should be held in this country. I thank them again for properly assigning roles and responsibilities to different institutions of government. This includes county assemblies in carrying out of referendums. Why am I happy about the inclusion of county assemblies, especially under the popular initiative? We must agree that county assemblies have continued to discharge very critical responsibilities. They take up obligations for the success of devolution. One thing that has been lacking in county assemblies is the facilitation to undertake critical national functions through devolution. These are matters cutting across the country.

Mr. Temporary Speaker, Sir, we have an opportunity here. If we pass this law, we should properly empower and build the capacity of all 47 county assemblies. That way, they will be ready at any given time to take up any popular initiative for an amendment of the Constitution or any issue raised through a referendum. At any one given time, they are ready to take up any popular initiative for an amendment of the Constitution or any issue raised through a referendum. The other thing that I have liked about this Bill is that it talks about the establishment of referendum committees. The Senator for Bomet and his colleagues have had the wisdom and the presence of mind to take note of the fact that for every referendum, there will be people opposed or in support.

I like the equality of arm extended to the referendum committees by the Senate Committee on Justice, Legal Affairs and Human Rights. They take full recognition that there will be a significant percentage of the population that may take either side of the divide. The establishment of referendum committees and the requirement in this law that each one of them will have to first be registered. There is a process of registering committees opposed to and in support of a referendum.

The next thing that they have gone ahead to say is that each of these committees shall bear the full cost of the operations. This is important because initially, we are both witness to situations where the government spends money in support of a view. If there is a referendum, chances are that those people who have taken a side which is not being supported by government shall not be properly facilitated to push their view. So, it is important that each referendum committee will be required to bear the cost of their operations. This is the one time that I want to agree with Sen. Cherarkey.

Sen. Wakili Sigei, I urge your Committee to reconsider the provision that you have made in the Bill which says-

“if either House fails to pass the Bill, the matter shall be submitted to the people in a referendum”

If a House neither passes nor rejects the Bill within 18 months, it is treated as not passed by Parliament”

I have a problem with that provision. To me, this is encouraging laziness on the part of Parliament. It is encouraging a situation where legislators do not want to confront difficult situations. That, just by the passage of time, they want to make a decision by doing nothing.

I think a leader is known during times of severe challenge. A leader is known when a decision that is not popular has to be made. I would rather the committee, words that phrase differently, that if a House neither passes nor rejects the Bill within 18 months, it will be treated as having been passed by Parliament. Such leaders can apply themselves to confront the issues that their people face.

We should always be ready to borrow from best practices. In 2016, the United Kingdom (UK) conducted the Brexit referendum, a referendum that threatened to tear the UK apart, but the people took the bull by its horns and decided to confront a very difficult issue. Leaders running away from difficult issues and subjects should not be encouraged through the law. I hope the Committee will consider that proposal and ensure that both Houses of Parliament apply themselves to any referendum question that comes before them.

Lastly, I want to talk about the issue of the Independent Electoral and Boundaries Commission (IEBC) and the role that this Bill allocates to them, including the drafting of the referendum question. I had the opportunity, today, to sit with some of my colleagues who are lawyers and some of them are senior counsels, and we were discussing the issue of IEBC and what the IEBC is required to do by law, what it has been able to do so far, and what it is unable to do.

An electoral commission is an important organ in the democratic process of any nation. The electoral bodies across the world are key cogs in the running of democratic institutions, including democratic governments. The issue of the IEBC being treated as though it is just another organ out there to carry out national functions is something that we need to debunk as a Senate. We can probably do that through this Bill.

We need to ensure that the IEBC is properly funded and constituted at any one given time for them to be able to undertake a referendum question that may arise at any one given time in any cycle. That can be in between a cycle, at the beginning of a cycle or at the end of an election cycle. The IEBC must always be ready. We have to stop the

last-minute funding of the IEBC. We have to stop saying things like we have a year to go so we need to look for money for the IEBC if we have to carry out a referendum. The IEBC budget must be taken very good care of to ensure that they are always ready to carry out a referendum, at any one given time, without having to wait for funding to come at the end of an election cycle.

I want to thank the Committee once again and to remind our colleagues, that apart from this law, which is very important, there is another second piece of legislation, that as a House, we promised this country. We are going towards the end of our time, and we have not enacted that law. It is the law on impeachment.

I remember very well, and I will say it here on the Floor, because it was said on the Floor. I remember there was a commitment from the Senator of Kakamega County that he was going to draft a Bill on impeachment, so that the House is properly guided and anchored on the law, on how to carry out impeachments at all levels of government. That is also another critical law that the Senate, as defenders of devolution, should think of passing and enacting before the end of our life in this Senate.

I also undertook to push a legislation on the separation of the Office of the Ministry of Finance and Economic Planning and the National Treasury. That law is drafted. I hope that by the time we are going on recess, we shall do a first reading of that Bill so that Members can decide on whether they want the National Treasury and the Ministry of Finance and Economic Planning at the national level be the same office or, if they want a clear distinction between the Ministry of Finance and Economic Planning and the National Treasury.

With those few remarks, I support.

The Temporary Speaker (Sen. Abdul Haji): Sen. Nyamu, proceed.

Sen. Nyamu: Thank you, Temporary Speaker, Sir. I happen to be part of the JLAHR Committee and under the leadership and guidance of our able Chairperson, Sen. Wakili Hilary Sigei, we have been working on this Bill most mornings. I am excited to have it on the Floor of the House, so that we can finally have a framework for referendums in this country. On the onset, I support this Bill, which is very timely, as it is necessary.

We know that we had a Constitution in 2010. However, as much as it provides for referendum in this country, it did not set out how referendums should be carried out; the legal framework was missing. This Bill comes to clear that deficiency and fill that gap. Democracy is not just about elections; it is also about how a process where Kenyans are making such a decision is fair, predictable and beyond reproach.

A referendum is one of the highest sovereign form of expressions where a nation can decide. So, it was not fair that referendums were subject to fragmented pieces of legislation; the discretion of the administration of the day or making of the rules as we go. As legislators, we are called upon to strengthen the institutions of this country to make certain laws that give predictability and that is exactly what this Bill does.

This Bill should not be mistaken with amending the Constitution; the two are separate, they have nothing to do with each other. What we are simply doing today is setting the rules for a referendum. As a Committee, I can say we did an impressive job. I

would want all Members in the House to support this Bill on how citizens exercise their sovereign power, as it is a game-changer in the country.

The other day, I heard the Senator for Meru County say that for a long time, Mount Kenya West has been taking advantage of them. That every time, they have been supporting their candidate. However, this time when they have a Deputy President from their region, who is just a heartbeat away from the presidency so to speak, Mount Kenya West has not reciprocated that support. We can test this referendum law by asking Kenyans to decide kama Mount Kenya *inaweza pasuka*, because everywhere you go in Mount Kenya East, they are saying that.

With those few remarks, I support.

The Temporary Speaker (Sen. Abdul Haji): There being no other Senators wanting to contribute, I call upon the Mover to reply.

Sen. Wakili Sigei: Thank you, Temporary Speaker, Sir. I would like to thank Sen. Okiya Omtatah, who seconded this Bill. I also thank Sen. Agnes Kavindu, Sen. Danson Maanzo, who is a member of the committee, Sen. Cherarkey, Sen. Wambua, and lastly Sen. Karen Nyamu, who is also a Member of the JLAHR Committee. Their contribution in support of the Bill has and will actually address a number of the concerns, which we indicated earlier on that we have proposed in the Committee of the Whole stage of this Bill.

To be specific, just in a very quick rejoinder to some of them, is on the application of the Elections Act with necessary adjustments or modifications in terms of what would be relevant to apply to a referendum process. Questions like voter eligibility, voter registration, the maintenance of the voter register, polling officials, as well as the conduct of the campaign process are already provided for by the Elections Act. This law, with necessary modifications, will seek to apply the provisions of the Elections Act when it comes to the process of a referendum.

Similarly, the timelines within which a county assembly is expected to either approve or reject and if they were to approve or to send a certificate of approval to both Houses of Parliament, have been capped at a period of three months. This speaks to the concern that Sen. Wambua raised in terms of the inaction on the part of the Houses, where they failed to approve, but I will just comment on that as I close.

Mr. Temporary Sir, the provision as to the timeline within which a county assembly is required to vote on it is the majority that we also have when it comes to voting on delegations on matters affecting the counties.

Thirdly, a comment on the petitions which are normally filed or would most likely be filed arising from a referendum election and process is provided for in the Bill, that it will be handled by a three-judge bench. You recall in the Building Bridges Initiative (BBI) case, the petitioners first had to put in an application to ask for a three-judge bench. Subsequently, that was granted. In the Bill, we have proposed that a petition arising out of a referendum question or pre-referendum process can only be dealt with by a three-judge bench.

Lastly, in the course of Sen. Wambua's contributions, he proposed that we reconsider the provision of the clause that seeks to provide that if both Houses of Parliament are unable to act on a referendum question within a period of 18 months, it be

treated as having failed. Sen. Wambua proposes that we rephrase it to treat it as that which has been done, which speaks to what we struggled with and agonised over as a committee in terms of how to draft that particular clause.

An omission on the part of the Houses of Parliament to act is an actionable omission. I mean, it is something that the law treats as a constitutional violation, and since we have the Judiciary, which has remedies on how to deal with this case, the committee indeed agonised over how to put the clause, so that members of both Houses can act, either to pass or to reject, within the timeline that you provided for, that is, 18 months.

I invite Sen. Wambua to give a proposal on how we can redraft this. We will consider it as a committee. We will put in that particular amendment on the wording of that clause in the Committee of the Whole, so that we capture the spirit and also incorporate what the equity maxim says, "...that which ought to have been done and has not been done can either be treated as having been done".

Of course, we did not want to deem the action of voting either to support or to reject such a Bill within a period of 18 months as a committee to be appropriate, especially since this is a law that will be dealing with constitutional amendment matters as well as non-constitutional amendment matters.

So, as I appreciate these members who have contributed, I urge the members to support this Bill as we close on it, because it is long overdue. The country needs a referendum law. The courts have guided and given pronouncements on the need to have a referendum law. Therefore, it is high time that Members vote for this Bill and enact it into law. Should Kenyans desire to amend the Constitution as discussed in the run-up to the Building Bridges Initiative (BBI) case, where there was a conversation around the Constitution being ripe for an amendment? That can only happen if a referendum law is in place.

Mr. Temporary Speaker, Sir I reply. Thank you for giving the Standing Committee on Justice, Legal Affairs and Human Rights the opportunity to have the Bill debated today.

The Temporary Speaker (Sen. Abul Haji): Senator, you need to request to defer the putting of the question.

Sen. Wakili Sigei: Mr. Temporary Speaker, Sir, thank you, for the guidance. Pursuant to the provisions of Standing Order No.66 (3), I ask that we defer putting of the question to the next sitting of the House.

The Temporary Speaker (Sen. Abdul Haji): Very well.

(Putting of question on Bill deferred)

Hon. Senators, I defer Order No.18, 19, 20 and 21.

BILL*Second Reading*

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

(Bill deferred)

BILL*Second Reading*

THE ARTIFICIAL INTELLIGENCE BILL
(SENATE BILLS NO. 4 OF 2026)

(Bill deferred)

MOTION

DELINKING JUNIOR SECONDARY SCHOOLS
FROM PRIMARY SCHOOLS

THAT, AWARE that, the Ministry of Education in Kenya, introduced Junior Secondary Schools (JSS) as part of the Competency-Based Curriculum (CBC) implementation marking a major milestone for the country's education system, and a key opportunity to improve the quality of education available to students;

APPRECIATING THAT, the Junior Secondary Schools program play a vital role in shaping the academic trajectory of learners by providing students with a strong foundation in core subjects, helping them develop essential skills and offering them opportunities to participate in extracurricular activities promoting greater social inclusion;

CONCERNED THAT, the integration of Junior Secondary Schools within primary school setups has posed major challenges for Junior Secondary teachers, including inadequate training on the new competency-based curriculum, limited opportunities for career advancement, conflict in leadership, decision-making and resource allocation leading to strained relationships with head teachers;

FURTHER CONCERNED THAT Junior Secondary Schools (JSS) face critical shortages in essential infrastructure such as laboratories, libraries, ICT hubs, and science equipment necessary for the implementation of the JSS curriculum, coupled with inadequate access to

approved learning materials and teaching resources, resulting in inconsistencies in curriculum delivery hindering effective teaching, learning, and overall student development;

NOW THEREFORE, the Senate resolves that the Ministry of Education, the Teachers Service Commission and the Kenya Institute of Curriculum Development should: -

i) Provide for an independent administrative and operational framework for Junior Secondary Schools to enhance governance, streamline management, and create a more focused learning environment for the learners;

ii) Allocate adequate funds for the construction and equipping of Junior Secondary Schools with essential facilities such as science labs, libraries and ICT rooms, and provide adequate learning materials relevant with the curriculum;

iii) Offer professional development programs for Junior Secondary School teachers to help them specialize in specific subjects to effectively implement the JSS curriculum;

iv) Develop a clear career progression framework for Junior Secondary School teachers, including opportunities for promotions and additional responsibility allowances;

v) Formulate clear policies and guidelines outlining the structure, curriculum, and management of Junior Secondary Schools; and

vi) Ensure an optimal teacher-student ratio to facilitate personalized student attention and effective learning.

(Motion deferred)

MOTION

RIISING STUDENT UNREST ACROSS THE COUNTRY

THAT, AWARE THAT Articles 43(1)(f) and 53 of the Constitution of Kenya guarantee every child the right to education, protection, safety and welfare;

COGNIZANT THAT the Basic Education Act, 2013, the Children Act, 2022, the Occupational Safety and Health Act and the Safety Standards Manual for Schools in Kenya require learning institutions to provide safe and secure environments for learners;

CONCERNED THAT Kenya continues to witness recurrent cases of student unrest, school strikes and arson attacks in schools, leading to loss of lives, destruction of property, disruption of learning and psychological trauma among learners and their families;

ACKNOWLEDGING the findings of the National Crime Research Centre (NCRC), the Auditor General's performance audit report on Fire

Safety Preparedness in Secondary Schools (2020), and the Claire Omolo Task Force Report (2016);

NOW THEREFORE, the Senate resolves that: -

1. The Ministry of Education —

(i) tables in the Senate a status report on the implementation of the various inquiries on school fires including; *the Auditor General's performance audit report on Fire Safety Preparedness in Secondary Schools (2020)*, the National Crime Research Centre (NCRC) (2016), the Claire Omolo Task Force Report (2016), and the Bombolulu Commission of Inquiry Report (1998);

(ii) Strengthens school infrastructure safety and emergency preparedness by conducting mandatory annual fire safety audits in all boarding schools, allocating resources for improvement of dormitories including installation of emergency exits, firefighting equipment and fire detection systems, and developing clear national evacuation and disaster response protocols;

(iii) develops with modalities of phasing out boarding schools and introducing a hybrid set-up where all schools have both day and boarding arrangements;

(iv) in collaboration with the County governments, maintain sustained intergovernmental investment in modern fire-fighting infrastructure, emergency response equipment, evacuation systems, communication systems, and capacity building for qualified fire safety, disaster management, and emergency response to ensure timely and effective response to fire accidents and emergencies within learning institutions and surrounding communities; and

2. The Teachers Service Commission (TSC) enhances student discipline, wellbeing and stakeholder engagement; and that

3. Pursuant to Standing Order 228 (4) (a), the Senate Standing Committee on Education to inquire into the issue of school unrest and arson in schools in the country and table a Report within 90 days from the date of adoption of this Motion.

(Motion deferred)

ADJOURNMENT

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, there being no other business on the Order Paper, the Senate stands adjourned until Tuesday, 28th July, 2026 at 2.30 p.m.

The Senate rose at 6.11 p.m.