



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fifth Session

Tuesday, 28th July, 2026 at 2.30 p.m.

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 28th July, 2026

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

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

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

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

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

(The Quorum Bell was rung)

Hon. Senators, we do have quorum now.

Clerk, you may proceed to call the first Order.

COMMUNICATION FROM THE CHAIR

VISITING TEACHERS AND STUDENTS FROM STAREHE BOY'S CENTRE

Hon. Senators, I would like to acknowledge the presence of a visiting delegation of three teachers and 65 students from Starehe Boys' Centre and School in Nairobi City County, who are seated in the Public Gallery this afternoon. 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 request the Senator for Nairobi City County, in under a minute, to welcome the delegation.

Sen. Sifuna: Mr. Speaker, Sir, thank you for allowing me the opportunity to welcome the students from Starehe Boys' Centre. This is an institution that needs no

introduction in this country because it has established itself as a centre of excellence. I was just reminded to make the students aware that our Clerk, Mr. Jeremiah Nyegenye, who is seated at the Clerk's Table, is a product of Starehe Boys' Centre.

That is a demonstration that Starehe is, indeed, an institution that has produced serious individuals in this country. On behalf of my colleagues here in the Senate, I welcome you and wish you a fruitful visit, as the Speaker has said.

As your Senator, I will be available once you exit the gallery at the back there to answer any questions about the work that we do here and any other questions you may have. I am hoping and praying to God that you are proud of your Senator. We will establish that when we meet outside.

Thank you very much. God bless Starehe.

The Speaker (Hon. Kingi): Next Order.

NOTICE OF MOTION

The Speaker (Hon. Kingi): Is Sen. Catherine Mumma not here? That notice will be deferred.

STRENGTHENING DISABILITY-INCLUSIVE EDUCATION FOR ALL LEARNERS WITH DISABILITY

(Notice deferred)

Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

The Speaker (Hon. Kingi): Request for Statements pursuant to Standing Order No.53(1). The Senator for Nandi County, Sen. Cherarkey.

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

The Speaker (Hon. Kingi): Senator for Nandi, I have just noticed there is a statement pursuant to Standing Order No.52(1). Allow that Statement to be made, then you can take the Floor. Proceed, Sen. Kavindu.

MURDER OF MS. ELIZABETH NGINA MULWA

Sen. Kavindu Muthama: Mr. Speaker, Sir, thank you for giving me this opportunity.

I rise, pursuant to Standing Order No.52(1), to seek a Statement on a matter of national concern, namely the brutal murder of Miss Elizabeth Ngina Mulwa, a 21-year-old

second-year student of Thika Technical Training Institute, the alarming rise in cases of femicide and other forms of gender-based violence across the country.

Mr. Speaker, Sir, Kenya has recently witnessed a disturbing increase in the number of women and girls who have lost their lives as a result of brutal acts of violence. Many of these cases have involved torture, sexual assault, mutilation and other inhumane acts that have shocked the nation and raised serious concerns about the safety and security of women and girls.

The recent murder of Miss Elizabeth Ngina Mulwa, whose mutilated body was discovered in a rented house in Kimbo Estate, Thika West Sub-County, is a tragic reminder of the growing threat of femicide in our country. While investigations into her death are ongoing, this incident has intensified public concern over the increasing brutality of such crimes and the urgent need for decisive government intervention.

Mr. Speaker, Sir, Article 26 of the Constitution guarantees every person the right to life, while Article 28 guarantees the right to human dignity. Further, Article 29 guarantees every person the right to freedom and security, including protection from all forms of violence. It is therefore deeply troubling that women and girls continue to lose their lives in such horrific circumstances, despite the guarantees in our Constitution.

These recurring incidents underscore the urgent need for stronger law enforcement, effective investigations, timely prosecutions and enhanced measures to protect those at risk.

Femicide is not merely a criminal justice issue. It is a national crisis that demands urgent, coordinated and sustained action. Government agencies must strengthen investigations and forensic capacity, ensure swift prosecution of perpetrators, and intensify public awareness and prevention programmes aimed at combating gender-based violence.

Mr. Speaker, Sir, I strongly condemn these heinous acts of violence against women and girls. Such barbaric crimes have no place in a society founded on the rule of law, respect of human dignity and the protection of the fundamental rights. I call upon the Inspector General (IG) of Police, the Directorate of Criminal Investigations (DCI) and all relevant government agencies to expedite investigations into the reported cases of femicide, including the murder of Ms. Elizabeth Ngina Mulwa to ensure that those responsible are brought to justice without delay and implement effective measures to prevent further loss of lives.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Senator for Nandi.

State of Kenyatta International Convention Centre.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Orders No.53(1) to seek a statement from the Standing Committee on Trade, Industrialization and Tourism on a matter of national concern regarding the state of Kenyatta International Convention Center (KICC). Tenants and users of the convention center have raised concerns regarding the maintenance, sanitation, security, financial performance and overall management of the centre.

In the statement, the committee should address the following-

(1) The current state of maintenance at the KICC, particularly sanitation, lighting, fumigation and pest control and the measures being taken to restore the centre to acceptable international standards.

(2) The circumstances surrounding the recent change of security service providers, including the procurement process followed and measures in place to prevent access by hawkers and other unauthorized persons.

(3) The annual revenue performance of KICC of meetings, incentives, conferences and exhibitions tourism centre from the Financial Year 2021/2022 to date, indicating the revenue targets and actual revenue realized in each year and explaining any significant variance.

(4) The status of implementation of the recommendations of the Auditor General relating to governance, financial management and asset management of KICC.

(5) The refurbishment and modernization programmes planned for the KICC, indicating the respective budgetary allocation and implementation timelines.

The Speaker (Hon. Kingi): Senator for Nairobi City County.

WATER SHORTAGE IN TAITA TAVETA COUNTY

Sen. Sifuna: I 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 county-wide concern regarding the acute water shortage in Taita Taveta County. Despite hosting Mzima Springs which produces nearly 300 million litres of fresh water daily, residents of Taita-Taveta continue to face severe scarcity. This paradox highlights the urgent need for investment in bulk water supply infrastructure, sustainable utilization of natural springs and supportive systems to guarantee reliable access to clean water.

In the statement, the Committee should address the following-

(1) Plans to improve water supply and distribution networks in Taita Taveta County, including specific projects, timelines and anticipated impact on access to clean water.

(2) Strategies for sustainable utilization of Mzima Springs and other sources to meet county needs and where feasible, support neighbouring regions.

(3) Funding provisions for water infrastructure and electrification of pumping systems to ensure effective distribution.

The Speaker (Hon. Kingi): Senator for Kisumu County, the hon. Prof. Tom Ojienda.

IDENTIFICATION AND DEVELOPMENT OF ATHLETIC TALENT

Sen. (Prof.) Tom Odhiambo Ojienda, SC: I have two statements. I will read the first statement.

I rise pursuant to Standing Orders No.53(1) to seek a statement from the Standing Committee on Labour and Social Welfare on a matter of country-wide concern regarding the framework for identification, development and support of athletic talent in Kenya.

Athletics remains one of Kenya's greatest sources of international recognition and national pride. However, concerns have continued to emerge regarding athletes on the limited support available during the early stages of their careers with many receiving significant attention and assistance only after attaining international success. Given that athletics is one of Kenya's most successful exports and a major contributor to the country's global identity, there is a need for clarity on the systems in place to identify, nurture and support athletic talent before athletes reach elite level competition.

In the statement, the committee should address the following-

(1) The framework for the identification, recruitment and development of athletic talent highlighting the specific roles of the State Department for Sports, Athletics Kenya (AK), training institutions and county governments in identifying, nurturing and developing emerging athletes.

(2) The support programmes available at the grassroots and national levels including access to training facilities, qualified coaching, medical care, nutrition, equipment, financial assistance as well as measures to ensure continuity of support through an athlete's career.

(3) The criteria used in allocating Government support and access to training programmes including high equitable regional representation, gender balance, disability and equal access to opportunities ensured for all eligible.

(4) The development of a sustainable national athletics talent pipeline to ensure that athletes representing Kenya at the international level are identified, nurtured and supported through a structured and coordinated system rather than relying primarily on individual efforts and private initiatives.

Let me now read my second statement.

PROTECTION AND DOCUMENTATION FOR CHILDREN BORN TO KENYAN DOMESTIC WORKERS ABROAD

I rise pursuant to Standing Orders No.53(1) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations on a matter of international concern regarding the protection, registration and access to citizenship documentation for children born to Kenyan domestic workers abroad.

Thousands of Kenyans, particularly women employed as domestic workers continue to seek employment opportunities in foreign countries. While labour migration contributes significantly to the livelihoods of many Kenyan families, concerns have emerged regarding the vulnerability of some migrant workers and their children, particularly in situations where children are born abroad and face challenges relating to birth registration, access to Kenyan citizenship documentation, maternal support and protection from exploitation.

In the statement, the committee should address the following-

(1) The number of children born abroad to Kenyan migrant workers who have been registered through Kenyan diplomatic missions from 2021 to date categorised by country of birth.

(2) The measures taken by the State Department for Immigration and Citizen Services and the Kenyan diplomatic missions to facilitate birth registration, issuance of citizenship and identity documents for children born abroad.

(3) The support mechanisms available to Kenyan domestic workers who become pregnant or give birth while working abroad, including consular assistance, maternal health care and protection from exploitation and abuse.

(4) The steps being taken to address risks faced by migrant workers and their children, including reporting, investigations and response mechanism for trafficking, exploitation, abandonment and denial of basic rights.

(5) The existing bilateral labour migration agreements, consular policies and institutional arrangements aimed at protecting Kenyan migrant workers abroad and their children, including any proposed reforms to strengthen protection and accountability.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Hon. Senators, before I allow comments, kindly allow me to make this Communication.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM KAVA
MAMA EDUCATION CENTRE, KITUI

I would like to acknowledge the presence of a visiting delegation of six teachers and 45 students from Kava Mama Education Centre in Kitui 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 will request the Senator for Kitui County to extend a warm welcome to the delegation.

Sen. Wambua: I thank you, Mr. Speaker, Sir, for this opportunity to join you and my colleagues in welcoming the delegation of teachers and students from Kava Mama Academy. It is pronounced Kava Mama and loosely translated to mother is better.

We are happy that the students are here. They come from Mwingi North constituency of Ngomeni Ward. It is a hardship area and I thank them for braving the hardships and the challenges of life to go through the system. It is one of the schools that is doing pretty well in that region.

The Senate may want to take note that that school is closely associated with the nominated Sen. Beth Syengo. It is a good way of giving back to society and giving an opportunity to young people to also access education and aspire to be better people in life.

Mr. Speaker, Sir, with those remarks, I join you and my colleagues to say to the delegation from Kava Mama, *karibuni sana*.

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

Senator Maanzo?

Sen. Maanzo: Thank you, Mr. Speaker, Sir, for giving me an opportunity to comment on the statement requested by the Sen. Kavindu Muthama, the Senator for Machakos County. Brutal killings...

The Speaker (Hon. Kingi): That statement was made under Standing Orders No.52(1).

Sen. Maanzo: I appreciate that, Mr. Speaker, Sir. I would like to give the opportunity to someone else to make a comment.

The Speaker (Hon. Kingi): Sen. Essie Okenyuri.

Sen. Okenyuri: Thank you, Mr. Speaker, Sir. I would like to support the statement by Sen. (Prof.) Tom Ojienda on the framework to identify talents. While in support of the same in the athletics side, I feel that should cut across all sports. We have many young people who have put themselves in teams, playing football. These are very good avenues for sporting strong footballers who can even join our national team and put us on the world map or the country's map. Most of these teams that come up on their own are not given special attention and that ends up demoralizing the young people who are venturing into this area.

I feel this statement is a wake-up call that we put focus not only on excelling at bookwork but on developing talents. You develop talent by appreciating and taking note of what is existing. We have children who are already showing different abilities in the various schools they are in. Those are areas which the ministries, both for Education and Youth Affairs, Creative Economy and Sports, can take advantage of to come up with a serious framework that can factor all these other aspects that Professor has mentioned. This is so that we are not only focusing on athletics but sports in general.

The Speaker (Hon. Kingi): Sen. Beth Syengo.

Sen. Beth Syengo: Thank you, Mr. Speaker, Sir. I had intended to contribute to the statement by Sen. Kavindu. However, I stand to support the statement by Prof. Ojienda on the registration and citizenship documentation for children born by Kenyan domestic workers abroad.

Women working abroad suffer a lot. When they give birth to children, some of them are not given citizenship in the countries where they are born. For others when they are born, they are forcefully brought back to the country and they are brought up by relatives or grandparents. This means they lack that attachment with their parents simply because their parents are working abroad.

Mr. Speaker, Sir, it is important to regularize and make sure that children born abroad by women working there are given documentation and they become citizens there, depending on the policies of that country. If not and because Kenya allows dual citizenship, let it be considered so that these children get the right documentation so that they grow together with their parents, get that parental attachment and also have a sense of belonging.

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

Sen. Chute: Thank you, Mr. Speaker, Sir. Allow me to contribute to Sen. Cherarkey's statement. This a very important statement that he has brought here. The KICC is an icon and a magnificent structure, a masterpiece in this city and the country at large. It was constructed in 1973 with a sitting capacity of 6,000 and it holds about 4,000 guests.

The statement by Sen. Cherarkey is inquiring amongst many things, the tenders, profitability and the loss of KICC. The important thing I will add to what Sen. Cherarkey has asked is to inquire on the issue of pending bills. The committee needs to know about its pending bills and they need to ask how much of those pending bills are with the Government and other government institutions.

In 2024, they made a profit of Kshs234 million before taxes. However, on top of the profit they made, they have arrears payable to the Kenya Revenue Authority (KRA) of Kshs1.5 billion. This matter is before the court. If possible, I wanted the government to intervene. We need to ask ourselves; we are building Bomas of Kenya today which has a capacity sitting of about 11,000 people. If there is an institution with a 6,000 capacity and it has not made any profit for the last 15 or 20 years, what is the purpose of having a facility with an 11,000 capacity while the one with a 6,000 capacity is not making any profits?

Mr. Speaker, Sir, in 2015, there was a conference held at KICC and it is evident that they lost Kshs1.4 billion on that conference. I therefore thank Sen. Cherarkey for bringing up this issue. I urge the Committee to do a thorough investigation and ask themselves why our institutions are not making profit. I will give you an example of Kenya Airways.

Sen. Ogola: Mr. Speaker, Sir, I rise to support two Statements. The first one is by the Senator of Nandi on the concerns of KICC. Just as Sen. Chute has said, KICC is an iconic feature in this Republic. We must maintain its standards even though the Government is doing an outstanding work at the Bomas of Kenya. As a country, we must support the Government and the President in his vision and in the construction of Bomas of Kenya which will accommodate all our functions. We know that Kenya is a regional vantage point in this continent. Therefore, we have a lot of functions that come here and that is why we must support it.

So, KICC---

(Several Senators walked into the Chamber)

The Speaker (Hon. Kingi): Sen. Methu, you look smart. Just take your seat.

(Sen. Methu took his seat)

Sen. Ogola: Sen. Methu is smart alongside other Senators. I remember when we came to the Senate the first time, I saw Sen. (Dr.) Murango in yellow and today, he is in green. We will keep on going to other colours.

I also want to support the Statement by Sen. Sifuna on the issue of water shortage in Taita-Taveta. The focus should be on the whole Republic. We should be reminded that

four years ago, the Ministry of Water, Sanitation and Irrigation gave a very expansive programme that they had for the water sector. We want to know, other than Taita-Taveta, what the Ministry has done so far with the pans and dams that were proposed. This is because we must have water in this country and Kenyans deserve water as a basic right.

I support.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I want to thank the Senator for Kisumu for bringing a Statement on developing talent for athletics. In North Rift especially Nandi where I come, from it is also where the legendary athletes come from. I also know that in other areas, there are many athletes.

I send my congratulations to the new champions of Glasgow 2026 Commonwealth Games. Spain celebrated their World Cup win and as Kenya, we celebrate three gentlemen who won today in the morning at Glasgow 3,000 metres steeplechase. Number one was Edmond Serem, number two, Simon Kiprop Koech and number three, Leonard Kipkemboi Bett. They did a one, two and three podium sweep in the morning. Therefore, it shows that as a country, we are resilient and focused.

I also want to acknowledge Sebastian Sawe, the world record holder and the only human being who ran under two hours, that is 1 hour 59 minutes and 30 seconds on 26th April, 2026 in London Marathon, one of the five premier marathons. His record has been ratified to be one of the best records that we have in the history. So, in the Statement raised by the Senator for Kisumu, I want to add that as a country, we need to put more money for the development of sports especially athletics.

There is no reason why an athlete who win an award is taxed in London and Kenya. Why are we subjecting our sportsmen and women to double taxation which is retrogressive in terms of development? So, I want to appeal to the Kenya Revenue Authority (KRA) to give tax exemptions to athletes.

Why are we tax exempting individuals who are engaging in tax evasion and tax cheating, yet we cannot exempt those who have run through sweat and blood to win medals for this country and bring honour? So, I call upon KRA exempt athletes.

Number two, we should recognize and give them awards.

(Loud consultations)

The Speaker (Hon. Kingi): Order, hon. Senators. May the Senator for Nandi be heard in silence?

Sen. Cherarkey: Mr. Speaker, Sir, they should be given awards. Why would we recognize and award somebody for queuing during an election yet, we cannot recognize sportsmen and women? We must change. We are awarding politicians who have integrity issues yet, we cannot award athletes? We must speak to the conscience of this country that sportsmen and women should and must be given an opportunity even to address this House so that we can honour them.

With those many remarks, I yield the microphone.

Sen. Kavindu Muthama: Asante, Bw. Spika. Ningependa kuchangia Kauli ya Sen. Cherarkey kuhusu KICC. KICC ni jumba ambalo ni sura ya Kenya kwa miaka nyingi. Kwa hivyo, linastahili kuchungwa ili liendelee kutumika kuleta maendeleo katika

Disclaimer: The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.

taifa ya Kenya. Linafaa kuwekwa kwa *standards* zinazostahili ili lileta manufaa zaidi kwa taifa letu la Kenya.

Pili, ninataka kuchangia Kauli ya Sen. Sifuna kuhusu Mzima Springs ilioko Taita-Taveta ambayo ina maji mengi yanayosaidia sehemu nyingi sana. Lakini, watu wa Taita-Taveta hawasaidiki na yale maji. Kwa hivyo, inafaa maji hayo yasambazwe Taita-Taveta kwanza ili kila eneo na boma iwe na maji halafu yaweze kufikia sehemu zingine.

Taita-Taveta ni kama Murang'a ambapo kunatoka maji mengi yanayotumiwa Nairobi lakini watu wa Murang'a hawasaidiki. Pia, stima ambayo inatoka Masinga Dam inasaidia watu wa Nairobi ilhali boma nyingi za Masinga hazina stima kwa sababu hawawezi kujidumu na kuweka stima.

Ninaomba Serikali isambaze maji na stima kwa kila boma.

Sen. Tabitha Mutinda: Thank you, Mr. Speaker, Sir. I rise to make two comments on the Statement by senior counsel Sen. (Prof.) Tom Ojienda. First is on the issue of identification of talent. I have looked at the Statement and it is narrowed to the athletes. To put it correctly, our young athletes rise and become national stars, like what we saw recently with the under 17 Starlets who played in Morocco. There was maximum support by the Government. However, we have many other talented young Kenyans who can be nurtured to grow to become stars in this country.

From where I sit, I am passionate about talent. As you can see through my pages, I embrace and support young people with talents because that is the way to go. I therefore support Sen. (Prof.) Tom Ojienda on the issue of identifying and nurturing young talent.

I urge the Ministry of Youth Affairs, Creative Economy and Sports and especially the youth department to open up, not only for the athletes but even young dancers, singers, spoken words and all that aspect---

*(Sen. Tabitha Keroche and Sen. (Prof.)
Tom Ojienda consulted loudly)*

The Speaker (Hon. Kingi): Sen. Tabitha Keroche and Sen. (Prof.) Tom Ojienda, you may consult but keep the tone low.

You may proceed, Senator.

Sen. Tabitha Mutinda: Thank you, Mr. Speaker, Sir. Sen. (Prof.) Tom Ojienda I am trying to comment on your two Statements. If you could give me an ear, it will make sense why you submitted them.

I will proceed very quickly, Mr. Speaker, Sir. I will comment on the issue of registration of the domestic workers abroad. I moved a Bill in this House and I appreciate my colleagues because they passed that Bill; the Labour Migration Management Bill (Senate Bills No.42 of 2024). That Bill is currently at the National Assembly. I request the Senate Majority Leader to speak to his counterpart on the other side to push for the conclusion of that Bill. That Bill will sort all the issues that Sen. (Prof.) Ojienda has proposed in this statement.

The solution is the Labour Migration Management Bill. So many mothers have come to me crying, including Mama Bilal whose son was left in Saudi Arabia. That is

sad. The Senate Majority Leader, Sen. Cheruiyot, should talk to his counterpart, Hon. Ichungwah, on the other side, for this Bill to get assented.

With those few remarks, I support.

Sen. Sifuna: Mr. Speaker, Sir, I am one of the tenants at the Kenyatta International Convention Centre (KICC) and I want to thank the Senator for Nandi County for coming to our rescue by bringing the concerns around KICC to the Floor of the House.

There is a problem somewhere. The management has let that building go. There is hardly a week where you go there and the lift has not stopped working. If you come to the floor where my office is, all the light bulbs are broken, for some reason, and they have not been replaced for quite some time. We hope that the management will remember that this is a premier destination in terms of tourism and conferencing. I doubt if there is a building in this country that is more famous than the KICC.

I have raised this with the management and I am sure they know. I have seen them replace the water fountains at least once a week. I thought the project for the water fountains was supposed to be done once. I do not want them to behave like State House, where they change the roof every so often. I want us to find a lasting solution because it is a big attraction. If you go there right now, all the schoolchildren are there and they enjoy those water fountains. We want to find what the problem really is because this is an institution and a venue that we are very proud of as a people of Nairobi and the people of the country.

The most annoying thing for me is the picture of somebody smiling on that Very Important Person (VIP) lift. We only have one VIP lift and we all have to wait for almost five minutes for the lift to go up and down. As we do so, we have to stare at that face laughing at us. We hope they will move with speed to make sure that the problems that have been identified by Sen. Cherarkey including the lifts, the lighting in the building, the water and so on and so forth, are resolved quickly for us to continue to enjoy this facility. I thank you, Hon. Speaker, Sir.

Sen. Korir: Thank you very much, Hon. Speaker, Sir, for giving me this chance to comment on the number of Statements that have been raised by the Hon. colleagues.

I will start with the Statement raised by Hon. Cherarkey on the issue of the situation at the KICC. Mr. James Mwaura has been appointed and he is supposed to check on the issues that have been raised in this Statement. The KICC is one of the buildings that give the face of this country and the issues raised are really wanting. I concur with a number of issues raised and they need to tell us the challenges that they are facing.

We need to know if they have financial issues. Could it be the reason as to why they are not fumigating the place and not doing the right thing to make sure that the building gives us the right services. Remember, this building hosts a number of Members of Parliament. So, cleanliness is a must because we must give the Hon. Members a conducive environment to transact the business of the electorates.

Allow me to also touch on the Statement that has been raised by Hon. Sifuna on water shortage in Tana River. Water shortage is also affecting the other counties. It is one of the devolved functions and I believe that the Senator from Taita Taveta County should

also look into it. In as much as the national Government is supposed to address this issue, the county also needs to tell us its budget allocation for water. The county government should move with speed to make sure that they provide water to the residents.

Sen. (Prof.) Ojienda has raised the issue of talent. I support this. We can make our youths busy by supporting and helping them develop their talents. This country is known for athletics, music and a number of other talents. If we embrace and give more consideration to our youths, I know they will participate. At the end of the day our youth are the strength of the nation.

I beg to support. Thank you.

Sen. Osotsi: Thank you Mr. Speaker, Sir, for giving me the chance to also make a comment on the statements, particularly the one by the Senator for Nairobi City County on the issue of shortage of water in Taita Taveta.

We visited Taita Taveta a few days ago and this issue came up prominently. There is lack of water in the entire Taita Taveta. I know that a lot needs to be done in terms of the water service provider, in this case is Taita Taveta Water and Sewerage Company (TAVEVO).

The other thing that needs to be looked into is the relationship between TAVEVO and Coast Water Works Development Agency.

This House must ask itself why we still have to maintain the so-called regional water bodies. In that region, we have Coast Water Works Development Agency. We need to ask ourselves what their role is given that water is a devolved function. Some of the functions being done by Coast Water Works Development Agency (CWWDA) should ideally be done by the water service providers. The existence of regional water bodies is in itself illegal and unconstitutional.

That relationship has raised a lot of concerns even with the Auditor General. Concern has been raised regarding the services they provide to the Water Service Provider (WSPs) in the form of bulk water supply. I hope that the committee will look into that matter deeply and look at all the laws and regulations around that. This House also needs to review the Water Act, which, in my view, is unconstitutional because it seems to be taking back the water function to the national Government through the so-called regional water bodies.

The role of those regional water bodies is to prepare proposals for donor funding, carry out mega projects and then hand over. In fact, they do not hand over properly as per the Water Act. They just leave it there. If you go to most counties, you will find that the water projects are not fully utilised because of the limitation in the handing over process as per Section 62 of the Water Act.

Sen. Wambua: I thank you, Mr Speaker, Sir. I want to comment on two statements. One is from Sen. Cherarkey and the other one is from Sen. Sifuna.

On the statement concerning KICC, it should be noted, by all Kenyans, that the KICC is one of the greatest symbols of our nation as it appears on our currency. This is not a building that should be neglected.

Mr. Speaker, Sir, what Sen. Cherarkey did not know is that actually, the designer of that building, one David Mutiso, the first registered African Kenyan architect in 1967, intended it to house the Parliament of the Republic of Kenya. For him to have thought

about that, then this is an iconic building. Truth be told, this building needs to be taken better care of as it is one of the most photographed buildings in Kenya and one of the tallest in Eastern and Central Africa.

On the matter of the statement by Sen. Sifuna on Mzima Springs, today, we had an opportunity to interrogate the Governor of Murang'a County. We need to have a deeper conversation about bulk water in counties because the custodians of Mzima Springs are suffering a lot more than the people who are taking water from that spring.

In the same conversation of Murang'a County, the people of Murang'a are not benefiting from the Northern Collector Tunnel resource that pours water into Kaini for onwards transmission to Nairobi. It is important that even as we challenge county governments to expand their own source revenue (OSR), we also make sure that they benefit financially from resources in their own jurisdiction.

With those remarks I support.

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

Sen. M. Kajwang': Mr. Speaker, Sir, I also wish to comment on the request for a Statement by Sen. Cherarkey.

One week ago, there was a conversation that many people missed. Professor Anyang' Nyong'o and a team of thinkers were talking about a new national vision for Kenya. As you all know, Vision 2030 is at its sunset and the verdict is out there on whether we have been able to achieve even half of the targets that we had set in it.

Part of the target was to have Isiolo as a resort city. We were thinking that it being in the centre of Kenya, we would build something similar to what the Egyptians did with Sham El Sheikh or what the Bajan people are doing with the White City in Baku. We thought we would be able to do something like what Ethiopia is doing with the convention centre that they have built that has earned them the right to host the 32nd Conference of the Parties (COP32) in 2027.

There are many examples even in the United Arab Emirates (UAE). For Dubai to become the great city that it is, the work started with a World Trade Centre. The KICC is part of Kenya's comparative advantage that we have as a country. However, Nairobi is getting congested. Even if we are going to build the Bomas of Kenya and other convention centres, the conversation that we should have, whether we are one term or two term, is what is a new vision for Kenya. Out of the successes or failures of Vision 2030, we must ask ourselves what is it that we can aspire to ensure that Kenya is not overtaken by Ethiopia, Kigali and other neighbours, because of a planning system that is messed up.

Finally, as a country, we should not settle for too little. Nairobi is a great city in the right location. However, the standards in this city cannot take us to the next level that we want of being in the League of Nations. I hope that that new vision for Kenya will be accepted whether you are wearing green, orange or yellow. That, we can agree on the direction that Kenya should take in the year 2050.

Thank you.

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

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika. Kwanza, naanza na Kauli ya Prof. Ojienda wa Kaunti ya Kisumu halafu, nimalizie na Kauli ya Sen. Edwin Sifuna.

Ni jambo la kusikitisha kuona wale watu ambao wanafanya kazi katika nchi za nje wakipatana na masumbwi makubwa sana. Hususaan hawa dada au ndugu zetu ambao wanapata watoto wakiwa nje ya nchi. Kumekuwa na shida sana ya huyu mtoto kujitambulisha kwa nchi zingine kwamba yeye ni mtu wapi. Ikiwa amezaliwa pande za Saudi Arabia na yeye ni Mwafrika, hawezi kujitambulisha kama mtu wa Saudi Arabia kwa sababu hakuna sheria kama hizo katika ofisi zetu za ubalozi.

Naunga mkono kauli hii nikisema ya kwamba, kuna umuhimu wa ofisi zetu za ubalozi kuwapa watoto wanaozaliwa nje ya nchi vyeti vya kuzaliwa; hata wale ambao wanafanya kazi katika *mission* zetu kule nje ya nchi. Mama aweze kuchagua pale yule mtoto atajiandikisha kama mwananchi.

Pili, nagusia kauli iliyoulizwa na Sen. Edwin Sifuna kuhusu ukame wa maji katika Kaunti ya Taita Taveta. Ule mto wa Mzima Springs umekuwa ukiwasaidia watu wa Pwani kwa miaka mingi lakini hivi karibuni, maji yake hayatoshi. Vile vile, kule upande wa Kilifi Kaunti, kuna mahali panaitwa Marereni ambako kuna jicho la maji ambalo watu wanastahili kupata maji. Lakini, hayo maji ni kidogo, hayatoshi.

Kunatakiwa kuwe na njia mwafaka ya kuhakikisha kwamba makaazi ya Pwani kuanzi Mzima Spring hadi Marereni maji yawe yanaweza kusaidia wananchi kikamilifu kumaliza ukame. Kunatakiwa kuwa na njia mwafaka ambayo Serikali itafuata.

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

Sen. Mwaruma: Asante, Bw. Spika, kwa kunipa nafasi ili nichangie kauli iliyoulizwa na Seneta wa Kaunti la Jiji la Nairobi, Sen. Sifuna, kuhusu uhaba wa maji Taita Taveta. La kushangaza ni kwamba, gatuji la Taita Taveta halina uhaba wa maji kwa sababu kuna vianzo vingi vikiwemo Mzima Springs, Njoro Spring, Lake Jipe na Lake Chala. Shida iliyoko ni kwamba, maji hayajasambazwi kwa wale ambao wanaihitaji.

Tungeomba suala la usambazaji wa maji litiwe mkazo kabisa. Wiki iliyopita, tulikuwa na Waziri wa Maji na Unyunyuzaji, Mheshimiwa Mhandisi Mugaa Katika Kamati ya Ardhi, Mazingira na Mali Asili inayoongozwa na Sen. Faki. Alitupa matumaini kidogo; alisema kwamba Serikali ikimaliza kujenga Mwache Dam, itasambaza maji Mombasa na Kwale na kupatia fursa ile cubic meter 40,000 inayotoka Mzima Spring kutumika Taita Tavetea. Kwa sasa, Bawa la Mzima 1 linatumika kule Kwale, Kaloleni, Kilifi na Mombasa. Maji yale ni haba kwa sababu Bomba la Mzima 1 limezeeka na kupasuka. Kwa hivyo, maji mengi hupotea.

Suala lingine ambalo huleta uhaba wa maji Taita Taveta ni kwamba Bomba la Mzima 1 linapopasuka, Coast Water Services Board huchukua muda sana kulirekebisha. Kwa hivyo, ni lazima Coast Water Services Board itilie maanani kurekebisha Bomba la maji la Mzima 1 linapopasuka.

Pia, kuna deni kubwa sana ambalo the Coast Water Services Board wanadai TAVEVO na kwa sababu ya kule kupotea kwa maji, maji mengi yanapotea ambayo kwa Kimombo tunaita *non-revenue water*. Maji hupotea kwa sababu ya wizi wa maji na

kupasuka kwa bomba. Kwa hivyo, ni lazima TAVEVO Water and Sewerage Company Limited waangalile hili bomba linapopasuka lirekebishwe kwa muda unaofaa.

The Speaker (Hon. Kingi): Sen. Thang'wa, you may proceed.

Sen. Thang'wa: Thank you very much, Mr. Speaker, Sir. As I comment on the statement, I have just witnessed the swearing-in of the newest Member of Parliament. We were at the National Assembly and compared to how things are run there, I can say that you are very sober; very, very.

(Applause)

Mr. Speaker, Sir, I wish to support the statements by Sen. (Prof.) Tom Ojienda, about the registration and access to citizenship documentation for children.

Last year, I visited Saudi Arabia and in the streets of Saudi Arabia, I found some Kenyan women with their children in the streets, homeless, without anywhere to go. They cannot leave the country because they lack documents for their children and they cannot leave their children behind. So, they choose to remain in the streets because nobody can employ them and, again, the embassy there was not helping them.

I wish the Kenyan embassies all over the world, could have a dedicated desk for migrant workers, especially women who get children out of wedlock because some of them get raped there, others get children and their fathers disappear. Therefore, they have nowhere to go.

I followed one particular case of one woman called Mama Dalia. I am happy to announce that we were able to bring her back home with her children, but for the process of getting that certificate, we had to wait for an officer from Kenya to go to Saudi Arabia, take the DNA, then come back to Kenya and give the results.

I think embassies should take action on this matter, as they have agreements with governments and hospitals in those countries. This would enable DNA to be conducted in those countries without wasting people's time and ultimately, save these mothers. I think this is something that requires a lot of time and investment to help our mothers and the children who are mostly in the streets or they are probably being trafficked elsewhere, because Kenya cannot assist them.

Mr. Speaker, Sir, I support the statement.

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

Sen. Oketch Gicheru: Mr. Speaker, Sir, I want to thank you for this opportunity to add my voice to the Statement by the Senator of Nairobi, Sen. Edwine Sifuna, on the perennial water shortage in Taita Taveta.

We have had the privilege as the committee in charge of public investments, the County Public Investments and Special Funds Committee (CPIC), through the leadership of Sen. Osotsi, to traverse the country.

I want to say that, perhaps, categorically, the CPIC should further interrogate the documents that we recently looked at in terms of the water problems in Taita Taveta. More broadly, these water problems are happening because of the TAVEVO Water and Sewerage Company Limited, as the Senator of Taita Taveta has rightly put it.

The non-revenue water at TAVEVO is concerning. It is one of the biggest that we have had in the country and there are claims of dilapidated pipes and collapsed infrastructure. However, I do not believe so because I think the issue is the loss of commercial losses, which happens because of poor billing and sometimes just lack of collection of debtors who owe TAVEVO a lot of water bills.

One of the other reasons that I have seen in TAVEVO is the issue of the high cost of running TAVEVO water, where you find things like electricity bills running huge and sometimes, the billing on Coast Water is heaped on people like TAVEVO.

This is something that I hope the CPIC can look into, and, in particular, can also be a problem that needs to be looked at holistically across our counties. I know very well that a place like WSP in Migori County is experiencing the same. We have had a big issue of water shortages in Migori, despite the fact that we have a number of investors in the development world who have invested a lot in the water infrastructure in Migori County.

Migori County experiences the same problem to the extent that we are seeing shortages in Migori Town, where we have huge populations in places like Oruba, Nyangubo and Onyalo. In these places, people are going without water, even though there is sufficient infrastructure. Sometimes there is the issue of non-revenue water in Migori County.

So, I want to urge that, even as we look at the issue of targeted water, we may want the Senate to look at this globally and deal with it also in counties like Migori County, to make sure that it will not become a county without water.

I support, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Thank you. Hon. Senator, the 15 minutes allocated to the comment section have long been expended, therefore, we will leave it at that.

Now, pursuant to Standing Order No.45(2), I will rearrange today's Order Paper. We will move to Order No.22.

Clerk, you may proceed to call that order.

MOTION

PROVISION OF IFMIS REPORTS FOR COUNTY GOVERNMENTS TO THE SENATE

THAT, AWARE that, Article 96 of the Constitution provides that the Senate represents the counties, and serves to protect their interests, determines the allocation of national revenue among counties, as provided in Article 217, and exercises oversight over national revenue allocated to the County Governments;

FURTHER AWARE THAT, in the case of Senate v Council of Governors and 6 others (Petition 24 and 27 of 2019 (consolidated) 2022) KESC 57(KLR), the Supreme Court affirmed that the Senate's oversight authority extends to both nationally allocated and locally generated revenue;

CONCERNED THAT, that Senators are constrained by lack of access to real time to data from the IFMIS system for the respective counties they represent, thus affecting effective oversight of County Governments;

FURTHER CONCERNED THAT, in some instances data and information presented to the Senate by the Auditor-General and the Controller of Budget are received and considered late as a result of the backlog, resulting into too much information not getting properly reviewed by Senators;

NOTING THAT, as a result of unchecked financial information and systems, County Governments have continued to accumulate pending bills resulting from unplanned expenditures, unaccounted for and inflated costs of projects;

NOW THEREFORE, the Senate resolves, that the Cabinet Secretary in charge of the National Treasury shall on a monthly basis, forward to the Clerk of the Senate all IFMIS transactions and reports for each County Government for onward transmission to the respective Senator for information on accountability and transparency, to strengthen their constitutional oversight and promote good governance in the management of public finances.

(Sen. Okiya Omtatah on 15.07.2026)

(Resumption of debate interrupted on 16.07.2026)

Clerk, do we have the requisite quorum?

(The Clerk nodded in affirmation)

Okay. Hon. Senators, I will proceed to put the question.

(Question on the Motion as amended put and negatived)

(Applause)

Now, Senate Majority Leader, before you take to the Floor, it means we are going back to the original Motion and any contribution will be based on the original Motion before the amendments that have just been defeated.

Yes, Senate Majority Leader, you may proceed.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I must thank Sen. Andrew Okiya Okoiti Omtatah. I need to get his name correctly. You know, we have several presidential candidates in the Senate and we must learn to pronounce their names correctly, their chances notwithstanding. I must insist.

This is such a good and noble proposal by our colleague. Many times, we propose things in this House that are very difficult to implement. This is because they are not within our powers to execute or demand of the agencies that are responsible to move in the manner in which the House has directed. However, fortunately for the one that Sen. Okiya Omtatah is speaking to, this is a matter that is within our purview as a Senate. This

House interacts with the financial reports from the Office of the Auditor-General (OAG), the Controller of Budget (COB) and the National Treasury. The final accounts of what has been settled by the county governments can easily be availed to the House.

In the year 2016, there is a practice which was introduced to the Senate. That is releasing statements to individual Senators on their Exchequer releases by the National Treasury. I do not know if Sen. Boni Khalwale still recalls that. As Members of the Committee on Finance and Budget, we would go to the pigeon hole, which I am not sure if members still use.

In these days of technology, people have lost the beauty and the art of receiving letters and opening them. Everyone believes in reducing it to a *WhatsApp* message. In those days, you would go to the pigeon hole in the Senate Lounge that is just adjacent to this House and pick a statement from the National Treasury or the Controller of Budget (CoB) on how funds have been disbursed to you. That culture has long since been lost.

This Motion is an improvement from that particular culture. It is not just asking for Exchequer releases, but the Integrated Financial Management Information System (IFMIS) disbursements and reports with details of who has been paid, how much and what service it was for. As a Senator, one would have the opportunity to review the details and the specific funds disbursed to the county and their intended purposes. A Senator would be able to see the exact amounts paid toward salaries and contractors, thereby gaining a clear idea of what those contractors had actually accomplished.

Earlier today, Members will recall that we had an interesting report that will be presented to the House in the next few days by the Parliamentary Budget Office (PBO). The report was on an assessment of performance of county governments on a few fiscal parameters. They have done a tremendous job. Members of the Senate Business Committee (SBC) were today taken through that particular report.

Next week, as per the guidance of the SBC, the entire House will be furnished with the report on the performance of county governments for the last two financial years that have been concluded; 2023/2024 and 2024/2025. We have just concluded the Financial Year 2025/2026. They will furnish us with the same. We will be able to see how governors have handled pending bills, whether it is declining or increasing. We will also see the amount of funds that have been spent under development, gone to personal emoluments and all the parameters used to measure performance of county governments.

To me, that is an improvement from the archaic reports we get from the newspapers, which publish the best performing governor with no reference to any parameter. Next week, the Senate of the Republic of Kenya will be doing something that has not been done before, which is to measure and release this report.

Mr. Speaker, Sir, I am afraid that I am making a communication that I know you will later be giving. However, there is a way it aligns to this report and why my mind went to it. The Senate will issue a report on the performance of county governments that is scientific and led by actual reports from other agencies, not us, as a House. The report would reflect the findings of the Auditor-General, the Controller of Budget and the National Treasury regarding the funds received by the various county governments. Therefore, nobody will accuse the Senate of favouring a certain county government.

Why am I speaking to that? I was just tying it to the improvement that Sen. Andrew Omtatah wants us to have in the reporting structure of IFMIS reports that are sent to this House. When a Member received a report on Exchequer releases, it was merely a block figure indicating that Kshs200 million or Kshs300 million had been disbursed to their specific county, without providing any specific detail regarding what those funds had actually accomplished on the ground. As an area Senator that is diligent, you will be keen enough to know that if you see a particular contractor being paid---

In the current session of the House, we have resourced our Members by ensuring that they have a representative and a staff establishment on account of the County Oversight Fund. This allows Senators to keep track of county projects across the country. For example, if you see a contractor has been paid and you know this contractor was building a certain hospital, as the area Senator, either directly or through your officers, you are able to tell whether that contractor is on-site or they just set up a camp on-site and they are pilfering public funds. This is why this Motion is exciting to me.

Upon its passage, it will be within the powers of the House of Parliament to direct the National Treasury to furnish Parliament with the IFMIS reports for specific counties. I did not have the opportunity to listen to our colleague, Sen. Consolata Wakwabubi, explain why she wanted this report sent to committees of the House instead. I feel the original idea proposed by Sen. Okiya Omtatah of making sure that these reports are sent to individual Senators is much more accurate.

This is because, when you receive a report for the county you represent in this House, you have the presence of mind to understand the ongoing projects. You can assess whether your governor is doing the right thing of paying for legitimate ongoing projects or doing what, in common county government parlance, is referred to as "paying for air". This is where contractors set up companies solely for pilfering funds. You will never see them executing a project anywhere in the county, yet IFMIS reports show their payments are regular, in huge figures and duplicated across different company names belonging to the same clique of individuals.

This Motion strengthens oversight. Sen. Omtatah, when you do a good thing, you deserve to be commended. I urge every colleague in the House to take their time to add their voice this Motion. Let us resolve it so that before the new financial year begins---

Recalling my time as a freshman in this House, I once asked the Clerk of the House what happens to resolutions of the House. Fortunately, he still serves ably, and by coincidence, comes from the same county as the sponsor of this Motion. The Clerk informed me that we bind them and send them to the respective implementing agencies as official decisions of the House along with the specific action items required.

I believe that this remains the true position of how we transact our business. Upon the passage of this Motion, the Cabinet Secretary for the National Treasury and Economic Planning, under whose docket this falls, will simply be directed to implement it as guided. If he has trouble implementing this resolution of the House, there is no problem. We will summon and explain to him why we need to receive those reports on a regular basis.

This is the oversight Kenyans dreamed of when they passed the Constitution of Kenya, 2010. They wanted a Senate that is properly updated, so that we are not merely

morticians waiting for reports from the Auditor-General 12 months after the crime has already occurred. The original sin happens at the time of payment. That is a time that you can raise concern, including with your county assembly, and writing to them and saying, why do I see resources continuing to go to a particular project, yet you know, Member of County Assembly for a particular ward, that this project long stalled. Money should not be going to that particular project.

It will also be important, so that even when you receive these IFMIS reports, you can ask your governor, why out of Kshs500 million that you have received in a particular month, as a chief executive officer for your county, how do you feel that out of an exchequer release of Kshs500 million, you have used Kshs450 million to pay for personal emoluments, for example? It could be this or the other, because one of the biggest challenges in that report that I referred to earlier, there is a county - you will see the report next week, I do not want to pre-empt debate - that is spending upwards of 60 per cent of the resources that have been devolved to them to just pay for a current expenditure. Surely, how in the name of devolution is that being allowed to pass, yet you know, under statutory considerations, 35 per cent is the maximum allowed under that particular vote?

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

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

However, Mr. Deputy Speaker, Sir, we have allowed these things. In fact, if you go through the audit reports, I do not know if you do this, Members, in almost more than 60 to 70 per cent of our 47 counties, more than half of the resources that you are devolving to counties - that Kshs425 billion - are just for paying salaries. That means you cannot even refer to yourself as a governor. If you are a governor and you are spending more than 50 per cent of the shareable revenue to pay salaries, then you should change the notice on your entrance to your office. Do not refer to yourself as a governor. Say you are entering the office of the paymaster or payroll master, because that is all you are doing. You are just paying salaries. There is nothing you are governing in that particular county.

Therefore, I am particularly excited about this consideration. I can see there is somebody seeking to inform me.

The Deputy Speaker (Sen. Kathuri): Do you wish to be informed by Senator Catherine?

The Senate Majority Leader (Sen. Cheruiyot): Yes, I do not mind.

Sen. Mumma: Thank you, honourable Speaker and thank you, honourable Majority Leader for accepting information. The information should have come a little earlier. You wanted to know why Sen. Wakwabubi was talking about the committee.

I am the one who actually raised the point that Senate mandate under Article 96 of the Constitution contemplates collective responsibility. Therefore, it is okay for elected members to get reports, but how about the nominated members? We also play an oversight role. We will actually be able to inform you. I believe, Sen. Cheruiyot, looking

at the report for Kericho, I will have the eye that will tell you what was done or done badly around gender, what was done or done badly around disability inclusion, what was done or done badly around youth inclusion.

Therefore, that is why I felt the report should be sent to the Senate. Of course, they will reach the 47, as well as the others.

Thank you.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I hear Sen. Catherine Mumma, and that is very useful information, I must say, Senator Catherine. But nothing really stops our colleagues, the Nominated Senators, from accessing this particular report. It is only that we have sent it to all the other members of the various delegations because I agree that as a nominated member of this House, you have a duty to equally oversight as much as those of us that come to this House by way of universal suffrage. Therefore, I do not think in the way that we have proposed, we disenfranchise you of that particular responsibility. The only problem is that the reverse actually makes it difficult for us, because we already have experience with the County Public Investments and Special Funds Committee, the County Public Accounts Committee, where the only interaction we get to have with audit reports from our counties is when we get that opportunity to appear before them when our county governments are invited.

Therefore, I felt that the original idea that Sen. Omtatah had, where this is sent to you as an area Senator, is a better idea, and that will be available to all of us, as colleagues. Therefore, I appreciate this is good improvement. I must register, Sen. Omtatah, that this is a noble initiative and I hope that the Cabinet Secretary for the National Treasury and Economic Planning and those that are in charge of the IFMIS departments are ready with the reports, because I can see from the mood of the House, that members are excited to see this.

Separately, and while risking to be irrelevant, I know that it is important to be relevant. I must celebrate something noble that happened this weekend. Did you notice that this weekend there were so many political activities, but there is absolutely none - at least none that caught my attention - that was infiltrated or interfered with by goons across the entire Republic? That is the Kenya that we want. I hope the owners of goons from whatever part of the country they come from, can continue with that particular trend. I do not know whether it is because of the threat from the Inspector General or whatever. Allow people to come and say whatever they want to say. The owners of the power, who are the voters, will have the eventual say in all these matters.

With those many remarks, Mr. Speaker, Sir, I beg to support.

Thank you.

Sen. Osotsi: Thank you, Mr. Deputy Speaker, Sir. Let me start by congratulating the Senator for Busia, Sen. Okiya Omtatah, for coming up with this very important Motion that we direct and resolve that the Cabinet Secretary, in charge of the National Treasury and Economic Planning, shall be providing the clerk on a monthly basis, of all transactions and reports for each county government and those reports will now be transmitted to the respective Senators. This is a very important Motion in our oversight role as Senators. I am very confident that it will improve our standing as Senators in

terms of our work. We will be able to do our work in time and, basically, it will also improve the audit process.

Let me just discuss a few highlights. In the audit environment for counties, there are five common problems. The first one is the issue of pending bills. Pending bills is a problem in almost all our counties because the process of prioritising payments in the counties is determined according to the interests that county officials have, governor or the chief officers or others there. So, you find that some payments are delayed and some payments are even voided in the IFMIS. Therefore, the challenge of voiding payment is common, and that is what in most cases would lead to a lot of challenges, including generation of pending bills. So, this particular Motion, if implemented properly, will give us a chance to know which payments have not been prioritised and for what reason they have not been prioritised. Eventually, we will, after some time, be able to deal with this challenge of pending bills that is common in all our counties.

The other major problem that we experience in our counties is diversion of funds, where the counties make requests to the Controller of Budget for some payments. Once the Controller of Budget has approved the requests, those requests are substituted with other payments, which were not approved by the Controller of Budget. This also leads to pending bills. Therefore, diversion of funds, which is a crime, will be flagged out by Senators because we will know which payments have been diverted and which ones have not.

There is also late disbursement of funds, which in most cases, has been blamed on CoB, but sometimes it is also largely to do with the National Treasury. We will be able to know what is happening in IFMIS and where the blame should lie.

There is a challenge of non-remittance of statutory deductions, where counties make payments without paying taxes, SACCO dues and pension and this has been a problem in most counties. We will be able to flag out all this.

This Motion is important and I support it. Most importantly, it will help us to stop being morticians. We wait for the Auditor General to do his report and then come a year later. Now, the system has improved because of Article 229, but before that, we could even look at reports that were done two, three years ago.

We will be able to do these things almost in real time. In one month's period, we will be able to discover if there is any major fraud or anomaly in the offing and be able to pick it up. So instead of waiting for the Auditor General to do her reports to us one or two years later, we will pick up in time and act on it as soon as possible.

As I said earlier, there are huge gaps in the audit process and the Auditor General's reports. The law does not allow the Auditor General to give us the draft management letters that they usually give at the point of exit meeting. Draft management letters usually have many issues, which do not end up in the main audit report that is published.

This process will allow us to be able to flag out some of those issues which do not eventually end up in the audit report that is published by the Auditor General. That will help the Senate to enhance its oversight role and governance issues on matters to do with funds in our counties.

Even as we do that; as we seek to get the reports on a monthly basis, I would like to advise that we see how this process runs. The most ideal thing is for the Senators to be given read-only rights to IFMIS, so that we do not have to wait for one month to get a report. Sometimes those reports may be manipulated; some important information may be omitted.

The most ideal thing would be, we are given read-only access to IFMIS and we are able to check for ourselves what is happening as far as payment in our counties is concerned. That real-time access to IFMIS will help a great deal.

Even without IFMIS access and these reports that we are talking about, we will still be incapacitated. I think the most ideal thing, and this is something that we have been crying for, we need IFMIS to be made an end-to-end financial management solution right from the counties where we have CoB officials, then coming to CoB, the approval process they undertake, and then coming to the payment at National Treasury through IFMIS, eventually to the Central Bank.

The challenge of IFMIS is that it is not yet an end-to-end solution. Even if we were to compare the approvals that have been made by the CoB against what has been paid, we will still have a problem. This is because we are not able to see in real-time what the CoB has approved to be paid.

I think even as we support this Motion, the most ideal thing would be, one, to be given real read-only access to IFMIS. Number two, to push so that we have an end-to-end IFMIS solution. That would help because I still see there will be a lot of back and forth in this process, because of the manual aspect of these reports which will be generated by the Auditor General.

I have talked about Parliament being like a mortician. I think if we look at other jurisdictions such as in the UK, we must appreciate that the Auditor General has the constitutional right to do the audit process. But internally in Parliament, we need to have an internal audit unit, so that some of these things are flagged out in real-time, before the Auditor General comes up with a report a year later. We will be able to deal with the frauds that happen in our counties in record time.

That is something that the Parliamentary Service Commission (PSC) has to think about, not just the Senate, but also the National Government. Parliament has to have an internal audit function that can give us reports on our counties or our public sector, so that we are able to do our oversight in real-time.

This recommendation will help us deal with the gaps that we have in our oversight process and audit process. Our county offices will function better than we are doing now, because even getting information from counties is a problem.

The Senator of Busia had a problem with the County Government of Busia because he could not get documents that he wanted. I am sure the rest of us here have problems getting information from our own counties. This is going to help.

Now that we are talking about audits, I think the framers of our law gave the responsibility on oversight committees to the Minority side. In the old system, we used to call it the opposition side. I think we need to re-look at this, because if you have decided to join the government, ideally, you should not lead or participate in oversight committees. What are you overlooking? We need to rethink this thing.

If you make a decision, even if you are on the Minority side or a Majority side, and you make a decision to be on the government side, then ideally, it is not moral for you to chair or be the vice-chair of an oversight committee like CPISFC or CPAC. I am just giving advice, because of what is happening in this House and even in the National Assembly. You cannot be, for example, the chairman of PAC in National Assembly overlooking the same government that you are supporting on a day-to-day basis. Then that is no oversight.

Even as we do this, I know Sen. Omtatah is working on something that will help this country if we go that direction. If we go the direction that people on the Government side should be the ones leading oversight committees, then we will not be doing oversight because you know what it means if you oversight someone you support. As we do all these good improvements, that is one area that must be looked into carefully, so that we give confidence to Kenyans and the public that indeed the Houses of Parliament serve the people of Kenya in terms of oversight.

This Motion will help us a great deal. As alluded by the Senate Majority Leader, Motions are passed by this House but sometimes implementation becomes a problem. That is why I still support the idea of us having a committee on implementation, so that some of these good things that we pass in this House can be followed up in real time by a specific committee to ensure they are implemented.

I fear that 60 days after we pass this Motion, perhaps the National Treasury may not---

The Deputy Speaker (Sen. Kathuri): You should be observant and keen. You have 30 seconds to conclude.

Sen. Osotsi: Thank you, Mr. Deputy Speaker, Sir. I call upon the Committee on Finance and Budget that once this Motion is passed, please, ensure that it is implemented within 60 days. Otherwise, we will not be doing justice to the Member who has come up with this and many of us supporting this Motion.

Mr. Deputy Speaker, Sir, I support.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Cherarkey Samson.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I rise to support this Motion by the distinguished Senator from Busia, Sen. Okiya Omtatah Andrew, who was a presidential candidate. I do not know if he will still be a presidential candidate.

Somebody has alluded that we have a number of presidential candidates in this House. We have him and the Senator for Nairobi and people who want to become governors and Cabinet Secretaries. Therefore, this House is full of leadership. There are former Members of this House who have gone to higher offices, including the current Deputy President.

Mr. Deputy Speaker, Sir, Prof. Kithure Kindiki used to sit where you are sitting in the previous Parliament. It appears your future is bright if you follow in those footsteps.

I want to congratulate my brother, Sen. Okiya Omtatah, who is always level-headed. I remember Sen. Omtatah was attacked for demanding for information and that was unfortunate. The attacks were by goons allegedly sponsored by the Governor of Busia.

It is unfortunate because he was never given a chance to address people during the installation and consecration of the new bishop of the Anglican Church of Kenya (ACK) Katakwa Diocese because he was just acknowledged. I hope next time he will be allowed to say something as a presidential candidate.

This stems from the issue of access to information under Article 34 on freedom of the media and Article 35 on access to information. Access to information is a basic right but you will find that most Kenyans especially in most of our counties cannot access even a budget, a County Integrated Development Plan (CIDP), an Annual Development Plan (ADP) or a Medium-Term Strategy Paper (MTSP) that is processed by either a county executive or county assembly.

Mr. Deputy Speaker, Sir, in 2016, we passed the Access to Information Bill, which became an Act. You were serving in the “lower House” or the National Assembly then and you processed that Bill. However, it appears that access to information held by state agencies is still a mirage and that is unfortunate. We do not need a Motion to do our job as envisaged under Article 96 of the Constitution.

By the way, let me confess, whenever I need information from Nandi County Executive, I have to use a lot of magic, including sorcery-like tactics to access some information. It is because the governor there would not want anybody to know what he is doing since he connives, perambulates and gallants when it comes to access of information.

(An hon. Senator spoke off record)

Mr. Deputy Speaker, Sir, I said ‘sorcery-like.’

The Deputy Speaker (Sen. Kathuri): Just a minute. There is a point of order by Sen. Kavindu Muthama.

Sen. Kavindu Muthama: Mr. Deputy Speaker, Sir, I would like to hear from Sen. Cherarkey what kind of sorcery he used in this era. Is he a witch or wizard so as to use sorcery? Could he tell this House if he is a wizard who uses sorcery?

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, could you make that necessary clarification?

Sen. Cherarkey: Mr. Deputy Speaker, Sir, is it a point of order or clarification? I said ‘sorcery-like tactics.’ As descendants of Koitalel Samoei, there is a way I cannot express it because it just comes out. You can only express in my local language, just like the *Njuri Ncheke*.

Mr. Deputy Speaker, Sir, the reason I am arguing is that most---

Sen. Okiya Omtatah: On a point of information.

The Deputy Speaker (Sen. Kathuri): Would you wish to be informed by Sen. Omtatah?

Sen. Cherarkey: Yes.

Sen. Okiya Omtatah: We want to go into some history. Sen. Kavindu used the words “witch” and “wizard”. There is a time when both words were bad. Today, a wizard is good while a witch remains bad. We also have a master and a mistress. Today, a master is good but a mistress remains bad.

I just wanted to clarify that the words “witch” and “wizard” are no longer at the same level. A wizard, which is the male side, is now positive. The master side which is also male is also positive, but the female side remains negative.

I just wanted to inform our brother.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, that is enough information. The direction he wants to take will bring what we call quagmire that might confuse people more.

I would like to say that access to information in our counties is still a mirage. How many colleagues here can access budgets, MTSPs or CIDPs for our counties? It is difficult even in Meru.

Mr. Deputy Speaker, Sir, I want to strongly condemn the words of the impeached former Deputy President because he referred to you as being corrupt but we have never known you as such. He said that you participated in the removal of Hon. Linturi, yet you were not a Member of the National Assembly but the Senate. He also said that you participated in the removal of Hon. Kawira and him, which is your constitutional right.

The era of tribal negative rhetoric must come to an end in this country. He went ahead to say they will kill the snake and the eggs. That is rhetoric where I have challenged the National Cohesion and Integration Commission (NCIC) to pick up immediately and investigate and ensure that people like the impeached former Deputy President face full force of the law because they are not above the law. No one is above the law and people like the Deputy Speaker must be respected.

I heard him attacking people of the Asian origin. One of them is Hon. Rahim Dawood who has been elected several times by the people of Meru. He said that they should elect a Meru. What is incitement and hate speech if not that? The NCIC should look for information. This country must respect the rule of law. People like my brother, the Vihiga Senator, should disassociate and distance themselves from those who promote ethnic rhetoric in this country, so that we can move forward as a country.

Mr. Deputy Speaker, Sir, let me get to the substance and the flesh of the matter at hand. I want to thank Sen. Okiya Omtatah for the issue of the Information Management and Integration System (IFMIS).

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

The Deputy Speaker (Sen. Kathuri): Just a minute, Sen. Cherarkey.

What is your point of order?

Sen. Osotsi: Mr. Deputy Speaker, Sir, I rise on Standing Order No.105 on a Statement of Fact. He has said that I associate with the kind of people he has talked about. I want to be very clear that I, Godfrey Osotsi, proudly associate with the Linda Mwananchi Movement. Linda Mwananchi is a movement that will change this country for the better under the leadership of His Excellency Edwin Watenya Sifuna and not the people that he is referring to. I also want to state that I cannot associate with the United Democratic Alliance (UDA) in any manner or the other United Democratic Party (UDP) that belongs to the people who wear orange here.

The Deputy Speaker (Sen. Kathuri): Actually, what he said is that you should not associate yourself with such characters, but you want to do a bit of politics.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, you know when Sen. Osotsi spoke, he wanted to get the limelight. However, I want to reply: As UDA, we will never allow Sen. Osotsi to join UDA. Even if he comes like an angel, I can confirm to the House that as a ranking member of UDA.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, now this debate has been lost. I wanted to interrupt at the point where Sen. Osotsi said, "I can never associate with UDA." Unless I do not recall well, in my time in this Parliament, we have associated with Sen. Osotsi very well. On many occasions, I have taken him to meet very senior people in UDA. We have done functions with him in Vihiga with representation from the UDA Party. We even made donations there.

Mr. Deputy Speaker, Sir, I did not say "now." He said, "I can never." That means in the past, in the present, and in the future. Nobody knows the future. The present is what we know. At least, I wanted to remind him that he had done it in the past.

I do not know what he intends to do with---

The Deputy Speaker (Sen. Kathuri): Hon. Senators, you know we are done with the 'happy hour', that is, the Statements' time.

We are now in serious business, debating a very important Motion. However, we are now degenerating into another 'happy hour', which was closed by the Chair then.

Senator, proceed and conclude. Your time is up.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I still have time.

My argument on the Integrated Financial Management Information System (IFMIS) is informed by the 2016 Auditor General's Report. This is an intentional fraud sponsored by IFMIS, as a system, which allows what we call voiding of payments by counties. This is where governors are stealing money. IFMIS has what we call unexplained cancellations, control overrides and ledger discrepancies. This was captured in the report of the Auditor General.

There is also the issue of network architecture that has not been addressed. Then there is a lack of end-user access, which the Vihiga Senator has alluded to. Looking at this Report, our colleagues should be aware that the reason, and you must appreciate, is that it is in the Report of the Auditor General that IFMIS as a system has not assisted counties in transparency and accountability. That is why when approvals and requisitions are made to the Control of Budget, they do not have a view to the end-user. That is when voiding of payments happens. Therefore, we must ensure that in this system, and Sen. Omtatah, should be aware, there is also lack of an integrated Service Level Agreement, as was noted. There is an inadequate backup policy and security issues, including duplicate users, password expiry and lack of proper approval processes.

Mr. Deputy Speaker, Sir, you must note that this is one of the amount that was paid to the Oracle Egypt. A total of USD705,600 was paid to Oracle Egypt in 2011/2012 and USD 250,000 in 2011/2012. The counties that continue to void payments and Senators should be aware that this is where governors are stealing; there were 14,000 approved payments in 2024/2025 amounting to Kshs24 billion, cleared by the Control of Budget with no valid documentation or justification.

These counties are 13. For example, Nyandarua County cancelled and voided Kshs1.2 billion; followed by Samburu at Kshs1.6 billion; Kisumu, Kshs2.6 billion;

Kajiado, Kshs2.2 billion; Busia, Kshs2.15 billion, where the Governor was renovating a lounge like ours there with more than Kshs200 million. I think our lounge was cheaper. Bomet, Kshs1.27 billion; Mombasa, Kshs921 million and Embu, Kshs313 million. All these colleagues had voided payments that cannot be accounted for and amount to Kshs24 billion. This includes Machakos. I cannot get Machakos because my time is fast spent, but I will share it with my colleague.

About Kshs24 billion was voided. So, it means Kshs24 billion was approved by the COB, but cannot be accounted for. This means it has been stolen. Therefore, I agree that every Senator must be able to access their reports every end month. I am happy that our students are here. This is a generation where digital literacy is at its highest. There was an argument that as digital literacy and computers are used, the cognitive level comes down. However, I am happy they are here because they have come to learn.

Mr. Deputy Speaker, Sir, allow me, with your indulgence, to acknowledge that at least two of my schools from Nandi County; Taito Senior School in Nandi Sub-County and Chemase Day and Boarding Junior School, are part of the many learners sitting in your Gallery and they are able to follow this conversation. This is an era of digital literacy and an era of opportunity that we are focused on. I therefore wish Taito Senior School and Chemase Day and Boarding Junior School all the best.

I urge the distinguished Senator that after the resolution of this House, we ensure that we have an Implementation Committee. I rarely agree with the Vihiga Senator, but on this one, we must ensure we have an Implementation Committee. How will we know if Sen. Kavindu has received the IFMIS report? How will we know if Sen. Crystal Asige or Sen. Mwaruma, who is our incoming Chairperson of the County Public Investments and Special Funds Committee (CPIC) of the Senate, will ensure that Taita Taveta gets the IFMIS report? How can we ensure that Sen. Khalwale, the bullfighter who is fighting in Malinya, has an opportunity to access and oversight, although I know he likes overseeing in funeral services?

How can he go to a financial institution somewhere in Likuyani and share information about Kakamega County? I agree. Even in Bungoma, where Sen. Wakoli, who has been suffering in the hands of the Governor, is--- Luckily, he eats well. I sat with Sen. Wakoli over lunch and he eats around five kilogrammes of ugali, so that he can---

The only thing missing in his delicacy is *terere*. He is telling me there should be *terere* and *imondo*, which are missing in the menu. I want to appeal to the Parliamentary Service Commission (PSC): how can one consume five kilogrammes of ugali without proper *terere* and *ingokho*? I appreciate that in the future, we might include *mursik* as part of the delicacy.

So, in an upshot, I want to agree with this Motion. Let us support it. Let each and every Senator access the IFMIS report, so that we can do timely oversight and we do not become morticians. This is because when you go to Meru and tell people about the Financial Year 2024/2025, they might not understand.

Mr. Deputy Speaker, Sir, because my time was spent, can you add me one minute, so that I wrap up my thoughts?

The Deputy Speaker (Sen. Kathuri): No, since you had time for *ingokho* and five kilogrammes of ugali and all those things, I think you are done with your contribution.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, but you have consumed my three seconds.

I support this Motion.

The Deputy Speaker (Sen. Kathuri): Therefore, now let us listen to Sen. Mwaruma.

Sen. Mwaruma: Thank you, Mr. Deputy Speaker, Sir, for this opportunity to have my input on this Motion by the Senator for Busia, Sen. Andrew Okiya Omtatah Okioti, MP, on the provision of IFMIS reports for county governments to the Senate.

The Senate is given the mandate to protect counties and their governments according to Article 96 of the Constitution. Article 217 of the same Constitution gives the Senate the mandate to oversight the funds that are disbursed to the counties. I have to say that primary oversight should be done by the county assemblies. This is because they take part in budget-making. The projects and programmes are also done within the wards in the counties. However, according to the ruling in the case of the *Senate versus Council of Governors (CoGs) and six others, Petition No. 24 and 27 of 2019*, that was consolidated in 2022, the Supreme Court affirmed the position of the Senate to oversight counties for the funds appropriated nationally and locally generated revenue.

The public expects Senators to do their oversight role. However, this mandate cannot be carried out effectively if there is no adequate information and documentation. The thrust of this Motion is the request that IFMIS reports are provided to Senators. This Motion must be supported and I do support it. This is because if there is a project or a programme that is being implemented in the county and payments are made, we do not have access to information whether those projects that have been paid for have been implemented.

There are so many ghost projects that have been paid for in the counties. As Senators, we cannot ascertain whether that payment has been made. In my county, sometimes when a toilet is constructed, the Bill of Quantities (BQs) requires that the hole, toilet and water reservoir be also constructed. However, you discover that the payment for the digging of a hole has been made, yet some of the components in the BQ have not been implemented. For example, full payment for a project of a hole has been done, but there is no toilet that has been constructed. So, when we get this documentation, it will allow individual Senators who are actually doing oversight across the counties using the Senate Oversight Fund, to ascertain that whatever programme or project has been paid for through IFMIS, is actually in existence.

Apart from provision of IFMIS reports, there are other very important documents that are required to be accessible to Senators. For example, budgets. More often than not, Senators are said not to be doing effective oversight because of lack of documentation. For example, when a budget is made, there are so many projects that appear in the initial budgets which go through public participation. However, a supplementary budget is done but does not go through public participation.

The public says that we had our projects in the budget, but they have not been implemented, the money has been stolen, but the Senator is not saying anything. The problem is that the public is not aware that having done the initial budget, there are other

supplementary budgets that are done. The unfortunate part is that these budgets are done without public participation.

So, we also need a view of the budgets and all other supplementary budgets. Now that it is not in this Motion, maybe other Motions should be done to make sure that all the necessary documentation that is required to do proper and effective oversight for the Senators are provided.

The other documents that would really be important is the requisition for monies from the Controller of Budget. This is because even if you are given the IFMIS report from the accounts, again, you do not know which projects and programmes have been requisitioned for payment. So, even if you have that IFMIS document, and you do not know what the county governments had requisitioned, you do not have two documents to compare.

It is important to have information for projects and programmes that have been requisitioned for payment so that together with the IFMIS report, we can ascertain why a project was requisitioned for payment, but, finally, it has not been paid for.

The culprit that Sen. Cherarkey was talking about is called voiding of payments. The county government can request for payment of a particular programme and then end up paying another programme. The payment is voided and that is the main culprit in the escalation of pending bills.

So, I really want to request if it is possible, through other Motions or processes, requisition reports, can also be available.

During audits, according to Article 229, there are also documents that would be important for Senators to access, especially the management letter.

When the initial audit is done by the external auditors from the Office of the Auditor-General, at times, they point to malfeasance in the counties. However, the problem is sometimes they are managed and in the final certificate, the issues that were flagged by the auditor do not appear.

Sometimes, it would be important for Senators to access that initial report, the management letter or the draft reports. This is because Kenya being what it is, I want to believe that sometimes the management letter is managed by the management and the final report does not reflect the actual malfeasance in the counties. Otherwise, this is a very important Motion that would ensure that the oversight role of Senators is enhanced.

If finally we get these IFMIS reports, we would be able to assist our people who have not been paid but that money already was provided for payment. So, this is a very important Motion that all of us should support.

We have noted in this Motion that as a result of unchecked financial information and systems, county governments have continued to accumulate pending bills resulting from unplanned expenditures, unaccounted for and inflated costs of projects.

So, I would really like to end here but note that governments and Senators must be provided with this information.

I support this Motion.

Sen. Wafula: Asante, Bwana Naibu Spika. Ningependa kudondoa Hoja kwa lugha ya Kiswahili kwa sababu Wakenya wakisikiliza lugha ya Kiingereza, hawaelewi

kwamba huu ni mfumo ambao unahakikisha kwamba pesa zinalipwa baada ya kufanya makadirio na serikali za kaunti.

Naunga mkono mapendekezo yaliyoletwa na Seneta kutoka Gatuzi la Busia, Seneta mwenzangu, Mheshimiwa Okiya Omtatah. Katika Kamati ya Utekelezaji na Kuratibu Mipango ya Seneti, tumesema ya kwamba yale ambayo tunaona kwenye magazeti na vitabu ambavyo tunavibugua sio haswa jinsi yanavyoonekana kwenye vitabu. Serikali za kaunti zitawajibika iwapo tutaona jinsi fedha zinatolewa na kulipa wanakandarasi na wafanyikazi wa kaunti. Pia, tutahakikisha ya kwamba kile ambacho tunaona kiko mashinani.

Mheshimiwa Mwaruma ametaja kwamba ni jambo la kusikitisha kwamba miradi ambayo ilianza mwaka wa 2014 katika gatuji zetu bado haijakamilika ilhali hiyo miradi iliratibiwa kwenye bajeti za kaunti. Kaunti haiwezi kuweka kwa bajeti miradi ambayo haiwezi kukamilisha. Tunafahamu ya kwamba kuna mtu ambaye lazima awajibike wanapotumia mfumo wa Integrated Financial Management Information System (IFMIS).

Seneta Okiya Omtatah anaomba ya kwamba tupate hiyo nakala. Hii itatuwezesha pamoja na watu ambao wanafanya kazi katika ofisi zetu kwenye kitengo cha kubukua, kuchunguza na kutia msasa na kuweza kwenda mashinani kudhibitisha pahali ambapo waliweka hiyo mipangilio. Hiyo itawasaidia kudhibitisha kama hiyo miradi ipo ama haipo. Wataweza pia kuangalia kama miradi imetekelezwa vyema ama hapana. Wataweza pia kujua kama miradi ni gushi ilhali pesa zimelipwa.

Mapendekezo yetu yatahakikisha ya kwamba kamati ambazo tunazoongoza zitazuru maeneo hayo kudhibitisha miradi hiyo na kutoa mapendekezo yao. Hiyo itatufanya tusiwe kama wale ambao wanataka kufufua wale walio wafu. Naomba wenzangu Maseneta, tuunge mapendekezo haya mkono ili tuweze kuhakikisha ya kwamba ugatuzi unafanya kazi inavyotakikana.

Mwenzangu ametaja ya kwamba kuna wafanyikazi ambao wanafanya katika ofisi ya Mkaguzi Mkuu wa Hesabu za Serikali. Hao watu huzuru maeneo yetu na kuandika ripoti. Sisi pia tuna wafanyikazi katika ofisi zetu ambao wanapaswa kwenda sambamba na hao wafanyikazi katika gatuji zetu. Tukifanya hivyo, ripoti ambazo wataandika hazitakuwa za kisiri, ama zinabaki Nairobi. Wafanyikazi wetu watatupea nakala hizo na tutaweza kuhakikisha ya kwamba kila mtu anawajibika.

Tumeona magavana wakidai ya kwamba kuna wafanyikazi gushi ambao wanalipwa ilhali hawapo. Lakini, ukiwauliza ni wafanyikazi wangapi ambao ni madereva, makatibu na seremala, hawawezi kukupa hiyo orodha. Iwapo mfumo huu utatonyesha kwamba fedha fulani zilitumika kulipa marupurupu ya wafanyikazi, itakuwa rahisi kufuatilia na kujua ni wafanyikazi gani ambao wamelipwa, wanafanya kazi sekta au idara ipi na iwapo kuna wafanyikazi gushi. Itakuwa rahisi kwetu kufuata na kupata ukweli.

Kule mashinani kuna ulaghai ambao unaendelea katika kaunti zetu. Kuna miradi ambayo inalipwa mara mbili. Kwa mfano, katika kaunti yangu, wanasema kwamba barabara ya kutoka Nairobi kwenda Bungoma, imetengewa Shilingi billion tatu na baada ya muda mchache, wanasema ya kwamba barabara ya kutoka Bungoma kuja Nairobi imetengewa Shilingi bilioni mbili. Wanatumia mfumo ambao Wakenya wengi hawaelewi. Mtu mmoja analipwa mara mbili kwa barabara mmoja.

Iwapo tutapata mfumo wa IFMIS, tutaweza kuthibitisha miradi ambayo inasemekana imetokelezwa katika wadi fulani. Hiyo itatusaidia kujua kama kuna barabara ambayo inatengenezwa kila mwaka hata kama haina kasoro. Huwa unapata ya kwamba wanapita na matingatinga kwa hiyo barabara na kabla wamalize, pesa zimelipwa. Huu mfumo wa IFMIS utasaidia wale ambao wanadai serikali za kaunti fedha kwa kazi waliyofanya ilhali kaunti haiwalipi.

Kwa niaba ya watu wa Bungoma na Wakenya wote, naunga mkono pendekezo hili ili ninapozuru maeneo yenu, nitakuwa na kile nitakachokuwa narejelea. Iwapo nitapata mtu yeyote ameweka mkono ama kidole kwenye kikombe cha halua cha kifedha cha watu wa Bungoma, lazima atakamatwa na awajibike. Iwapo atapatikana na hatia, atawekwa korokoroni ale maharagwe na chai ya mkandaa. Tutanyakua mali aliyochota lakini yeye atabaki kule akisaga meno.

Ninashukuru, bwana Naibu Spika.

Sen. Kavindu Muthama: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to congratulate Sen. Okiya Omtatah for this very important Motion on the IFMIS records being brought to the Senate.

As Senators, we have issues with the counties. We always depend on the Auditor-General's reports and the report of the Controller of Budget (CoB) to pick what has not been done right at the counties. Getting this IFMIS report every month, as proposed in the Motion, will make it easy for us to pick on the issues at the counties and follow up on them. That will help us prevent the damages happening in the counties.

When you visit many counties, starting with Machakos County, you will find many stalled projects. Some of those projects stalled in 2013 and they have not been completed to date. Those projects were constructed using taxpayers' monies and those monies are just lying there. The same is happening with the issue of pending bills.

All counties have pending bills, but Machakos County has pending bills of more than Kshs5.5 billion. These pending bills originate from the first governor of Machakos. That governor left pending bills of more than Kshs3 billion. The current governor has also added some more pending bills. If the IFMIS report is availed to us every month, we will be able to follow up on the projects. We will also know the people handling them. We will know the number of projects whose payments have been processed. This is because the counties have a tendency of awarding people tenders, then they use that money to pay other people. That is why we have a lot of pending bills in the counties.

The IFMIS report will help us perform our oversight role according to Article 96 of the Constitution. The governors usually conduct public participation and the people at the ward level propose to them the projects that they want done in their wards. However, the same governors go back to the same people and those people suggest the same projects. One then wonders why they conduct public participation if they are not going to implement the projects suggested by the people. They do all this while spending money. We are fighting for devolution by releasing a lot of money to the counties and we are not seeing what this money is doing.

Mr. Deputy Speaker, Sir, I support this Motion and request every Senator to also support it, so that as early as every month, we can know what is happening with the money that we take to the counties.

Thank you.

The Deputy Speaker (Sen. Kathuri): Good. Sen. Mutinda, proceed.

Sen. Tabitha Mutinda: Thank you, Mr. Deputy Speaker, Sir. I rise to support this Motion by the Senator of Busia County, Sen. Okiya Omtatah.

First, as a Committee on Finance and Budget, this Motion really helps us. Our mandate is very vast; we have a responsibility on matters finance, especially pending bills. Our committee interacts very often with the Cabinet Secretary for the National Treasury and Economic Planning, the Auditor-General, the Controller of Budget (CoB) and all the other different stakeholders. The Motion moved by Sen. Okiya Omtatah, which I highly support, is really going to help us, as a House, from a bigger perspective.

Normally what happens in the different committees is that when a matter is brought forward and delegated to a specific committee, a report on the committee's findings is tabled. At times, you realise that as much as a committee has tabled a particular report, few Members are keen to know what the report is about. However, with a proposal by the Senator for all the 67 Senators in the Republic of Kenya to be provided with the IFMIS reports, it is going to maximally help in achieving the oversight responsibilities vested on each and every Senator of the Republic of Kenya.

This proposal is not political. I have seen many governors looking at an issue brought up by their respective elected Senator as a political issue. They forget that one of our key roles is oversight and it is the responsibility of that particular Senator to ensure that they perform their oversight role. When these reports will be fully accessible, every Senator will be able to see the reports of other counties and reference. For example, when we went to Vihiga County as the Committee on Finance and Budget to do oversight on the Financing Locally-Led Climate Action (FLLoCA) monies, we found progress. A good job has been done as far as the FLLoCA funds are concerned. However, in the neighbouring County of Kisumu, a county led by professors, shocked us. They looked like people in completely different worlds as far as these funds are concerned.

When these reports will be tabled and accessed fully by all the Senators, we will be able to reference just the same way I am referencing between Vihiga and Kisumu counties. Access to the IFMIS reports will ensure maximum accountability, transparency and effective oversight by all Senators because we will be dealing with factual data. We have seen some Kenyans coming out to criticise funds being allocated to specific projects. Some of those allegations have been untrue and or true because the reports are not clear. Access to this information will also help Senators to speak out to what has been allocated to Project A or Project B. That will help the citizens that we represent to share correct information as far as the funds are concerned.

The Motion talks about monthly reporting through the Clerk of the Senate. Monthly reporting will ensure timely financial information to all the Senators and help us bring out the facts for each and every county. The issue of pending bills cuts across all counties. With this particular information on the table, we will be able to embark fully on what the issue is. Issues such as this: Have the suppliers who were in the system previously been paid? What does the report say? Were there companies listed for payment? If not, what happened? What transpired? There will be specific answers to

specific questions such as how resources have been utilised by different counties. These reports will highlight how these budgets have been put in place. Today, we had the County of Tana River attending to an invite that we had done to them. Tana River is one of the five counties that benefited. We realised that there was Kshs385 million that the county assembly had put aside for construction and all that they needed to set aside were monies for recurrent expenditure.

These are some of the things that without that knowledge, the Senator of Tana River will not be aware that Kshs385 million has been approved by the County Assembly of Tana River for construction. There will definitely be identification of any irregularities and delays within these counties as far as projects are concerned. When a committee or a Senator looks at the reports, they will be in a better position to make recommendations to stakeholders such as the Ethics and Anti-Corruption Commission (EACC) and the Office of Director of Public Prosecutions (ODPP), and action is taken. Sometimes Kenyans ask us about what we did when we realised that this happened. Our mandate allows us to recommend to the other authorities with powers to prosecute matters identified.

In conclusion, let all the 67 offices access the reports tabled, so that collectively, we can ensure that we look at all these budgets and audit reports deeply. When I served in the County Public Investments and Special Funds Committee (CPI&SFC), we were able to grill governors on audit matters. In the other committee that I serve as a Vice-Chairperson, I also have the same opportunity. When that is the case for all the other 66 Senators, then it becomes a plus in oversight.

Mr. Deputy Speaker, Sir, you come from Meru County and when you rise to speak on a matter that affects the great County of Meru, it will not just be your matter. We will all have access and a look at the issues raised by a particular Senator and how they should be addressed for the benefit of Kenyans that we represent. The only difference is that we come from specific counties, but the representation is for the Republic of Kenya.

With those many remarks, I support this Motion.

The Deputy Speaker (Sen. Kathuri): Sen. Boni Khalwale, *Daktari*, proceed.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I thank you. I also rise not only to support this very important Motion, but also to congratulate the Senator of Busia County for this forward thinking.

Before I do so, allow me to thank the people of Trans Nzoia and Bungoma counties for the warm reception they gave us over the weekend when we visited them to talk about matters of oversight and management of state resources during the Linda Mwananchi rallies.

My first point is that some of the Kenyans listening to us do not know what we are talking about. We are talking about IFMIS and they are wondering what this animal called IFMIS that is being talked about in Parliament is.

Mr. Deputy Speaker, Sir, allow me, therefore, to briefly tell them that IFMIS means real-time monitoring of income collection and the expenditure done on a real-time basis, so that the capacity of Parliament to oversee can be enhanced. It means in full - Integrated Financial Management Information System (IFMIS). It is a pity that internationally, IFMIS is supposed to capture both income and expenditure.

Unfortunately, in this country, we are keener on knowing the expenditure without capturing and recording the income. So, this Motion intends to make oversight better than what we are currently doing because when you wait for the report of the Auditor-General, some of those reports come three years later. With IFMIS, we will have real-time monitoring and, therefore, oversight.

What is more is that when you are not waiting for three years before you make a pronouncement as Parliament or you make an intervention as the area Senator, as the county Senator or the area Member of Parliament, then both income and expenditure in the county treasury are not transparent. I therefore laud the Senator because at the end of the day, IFMIS unifies budgeting with treasury operations and finally, with revenue management. Once you have this, it makes it easy for you to be a better oversight chief over the financial transactions that are taking place within the county treasury.

I am glad that I am speaking on this matter after my sister, Sen. Catherine Mumma, has returned to the House. I am happy that you wound up, that your advice was sought by nominated Sen. Catherine Mumma when she was attempting to amend this Motion. Allow me to allay your fears.

I could hear from your intervention that your fears are that if the reports go to the elected Senators, then the nominated Senators will not enjoy full access. There are two avenues that the Constitution allows you. I do not know it because I am not addressing you. I am addressing the country. Let me refer you to Article 35 of the Constitution of Kenya.

Article 35 of the Constitution of Kenya 2010 states as follows-

- (1) Every citizen has the right of access to—
 - (a) information held by the State; and
 - (b) information held by another person and required for the exercise or protection of any right or fundamental freedom.
- (2) Every person has the right to the correction or deletion of untrue or misleading information that affects the person.
- (3) The State shall publish and publicise any important information affecting the nation.

So, Sen. Catherine Mumma, the fact that this information has been channeled to the Senator of Kakamega---

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Boni, why are you referring to Sen. Mumma?

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I had explained; probably your mind was not connected. I am referring to her because she owned the amendment that was made by nominated Sen. Wakwabubi Consolata. I was just responding to the remarks she made at that time because it was during the debate.

So, my sister, Sen. Catherine Mumma, you can see the information that will come to me through this effort by the Motion. Article 35 of the Constitution of Kenya, 2010 still allows you either to come to me directly or to go to the county government or the county treasury and access the same information. It takes nothing away from you.

Sen. Mumma: On a point of information, Mr. Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, are you interested?

Sen. (Dr.) Khalwale: Certainly, Mr. Deputy Speaker, Sir. I would not refuse to be informed by my sister, Sen. Catherine Mumma.

The Deputy Speaker (Sen. Kathuri): Sen. Mumma, you may proceed.

Sen. Mumma: Mr. Deputy Speaker, Sir, thank you for allowing me to inform Sen. (Dr.) Khalwale.

I wish to inform him that my intervention was not about individual Senators looking for information. My intervention was about the oversight role of the Senate. I would like to refer the hon. Senator to Article 96, which talks about the Senate. It gives functions to the Senate and then proceeds in Article 98 to define who the Senate is.

My point is that Sen. Okiya Omtatah has moved an excellent Motion for greater transparency in providing information around the IFMIS. He indicated in the Motion that it is for purposes of oversight. My reminder was that oversight is a collective role of all the Senators. So, if the Motion is indicating that the information only goes to 47 counties, then it actually locks out a portion of the Senate as defined in the Constitution.

I thank you.

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, just a minute, so that I can give some guidance.

Hon. Senators, as you know, we made a resolution in this House on 11th February, 2026. This Motion that we have is time-bound for three hours. The Motion, according to its timing, should end at 1731 hours, but then I cannot see the mover here because he should get his 15 minutes to reply.

I want you to spend two or three minutes to clear. Then I will give an opportunity to the two Senators queuing here to at least take five minutes each, and then we will conclude on this Motion.

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir. I stand guided but I also know that your direction does not take away my right under the rules of debate, to debate for the full time, but for your respect---

The Deputy Speaker (Sen. Kathuri): For 15 minutes. Actually, you are at the seventh minute.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I will compress my submission within a short time.

I appreciate the intervention by Sen. Catherine. I am informed that we will have further discussion about it behind the tent.

Finally, on specific projects in counties, this is God-sent. You go to a county like Kakamega, we have hundreds of million shillings that were released by the county assembly, so that the governor of Kakamega could pay for the road from Lumakanda to Pan-Paper. The money has been released. It has been voided. The contractor has not been paid. He left the site after completing only 2.5 kilometers, up to the gate of the deputy governor. Similarly, the road from Bulimbo-Harambee to Khaunga had hundreds of millions released, yet the contractor was not paid. He abandoned the site after completing only three kilometers, up to the governor's gate. If such a facility existed, I would not leave this matter to Members of County Assembly (MCA) alone. I would not wait three years after the Auditor-General's report. I would intervene early to prevent wastage of

time and denial of services. The contractor was not paid and the public cannot use the intended project. This could be avoided.

The people of Kakamega should know that this Motion will help me push their governor on the road from Mumias Town at Mwiboma, through Matawa, intended to extend to Indangalasia. Over Kshs400 million was released, yet the governor avoids accounting for it. We are afraid that these funds are diverted to so-called “empowerment rallies,” where millions are wasted on meaningless programmes that do not match the budget approved by the County Assembly of Kakamega.

Finally, I thank Sen. Catherine Mumma. You have no idea how proud an elder brother feels when a younger sister’s effort begins to show. This is the way to go. Many have come to Nairobi for parliamentary work, but instead turned into businessmen, joining others to steal from public coffers.

I thank you.

(Applause)

The Deputy Speaker (Sen. Kathuri): Sen. Wakili Sigei, proceed.

Sen. Wakili Sigei: Thank you, Mr. Deputy Speaker, Sir. Sen. Okiya Omtatah is one of the most dedicated Members of the Standing Committee on Justice, Legal Affairs and Human Rights, which I chair. I appreciate him for the good work he is doing in that committee. The Motion he has filed before this House, which we are debating, is timely. As a public interest litigator and a strong supporter of devolution, Sen. Omtatah has done more than most of us by bringing this Motion.

We are expected to strengthen devolution, support county governments and ensure that resources allocated to our counties are used for their intended purpose. Without statistics on how those resources are utilised, many county governments have abused funds meant for public projects, denying the public services as envisaged by the Constitution.

I, therefore, appreciate Sen. Omtatah for this Motion and for extending it to reference litigation and court pronouncements that protect devolution. Such Motions help the House and the public appreciate the purpose of the Integrated Financial Management Information System (IFMIS). When IFMIS was rolled out in 2013 at the start of county governments, the aim was to ensure proper use of systems, so that counties could serve the public effectively.

Unfortunately, delays in accessing information, failure by most counties to utilise IFMIS in financial management and deliberate abuse of resources by county leaders have undermined this goal. We continue to face delays in receiving information from the Office of the Auditor-General (OAG) and the Controller of Budget (COB), making it difficult to conduct real-time oversight and protect devolution.

I recall that the County Public Accounts Committee (CPAC), led by Sen. M. Kajwang’, had to burn the midnight oil reviewing information and reports from county government committees for last year and the previous year, following a court pronouncement. Unknown to many of us, most county governments had not implemented the recommendations of this House, the Auditor General and the Contgrol of Budget.

Real-time information for Senators is critical to their oversight role. If this Motion, which I support and urge Members to support, is implemented, Senators will receive reports monthly in real time. This will allow them to address areas where county resources have not been properly utilised.

Accumulated pending bills do not arise without reason. They result from non-compliance with the law by county governments from the office of the governor down to County Executive Committee Members (CECMs). This Motion is important because it will guide and assist them, knowing that information has already been availed to Senators by the National Treasury.

IFMIS was intended to ensure that budgets, whether national or county, comply with regulations and timelines. Procurement was expected to adhere strictly to approved budgets. One reason we have pending bills is that counties do not stick to approved budgets. They issue Local Purchase Orders (LPOs) even when they lack resources and have no intention to pay. Payments are then skewed toward friends, relatives or those offering kickbacks.

When this Motion is approved and implemented, it will help curb such shortcomings in managing county and national resources. Projects funded every financial year, but left incomplete result from non-compliance with IFMIS requirements. I hope all Members of this House will rally behind this Motion, support it and ensure that recommendations are implemented by the National Treasury.

At the end of every month, we will receive these reports and avoid voided payments, delayed payments for reasons known only to county officials and stalled projects. With monthly IFMIS reports, I will be able to speak directly to the people of Bomet and account for resources budgeted for roads or for completing the governor's official residence that has gone beyond the budget since the project started in 2013. There has always been an annual budgetary allocation. That project never ends. By getting a monthly report from the National Treasury, I will be able to speak to the people, tell them that last year, this was budgeted for, this money has been paid, and the project is still pending. Sen. Okiya Omtatah has done a great thing, and I want to appreciate him. I support this Motion and ask all the Members to support it because it is important in supporting devolution.

To the question about whether or not this particular Motion can be amended to ensure that the report goes to all the Members of the Senate, I agree with Sen. Mumma. In the context of devolution and in the context of Kenya, 47 counties make reference to 47 counties. However, protecting devolution and conducting oversight is a shared role by all the Members. This report, therefore, should not only be submitted to the delegations of the 47 counties, but to all the Members of the Senate whose business is to protect devolution.

Mr. Deputy Speaker, Sir, I support it

The Deputy Speaker (Sen. Kathuri): Thank you, Sen. Wakili Sigei. The Motion was to go up to 1731 hours. So, at my own discretion, I will give Sen. Methu five minutes. You can submit your thoughts on this within those five minutes, and then the mover will reply. With your 15 minutes, you can see how to donate your time or how to spend your 15 minutes to reply.

Sen. Methu, proceed.

Sen. Methu: I thank you very much, Mr. Deputy Speaker, Sir. I will actually try to condense my thoughts within the five minutes. Today, I am very happy, and I am sure you know why. The people of Nyandarua and the people of Ol Kalou have now finally got a new Member of Parliament, the Honourable Sammy Douglas Kamau Waweru, whom I have the honour of congratulating on the Floor of this House, because he is a Member of Parliament who will be serving with me. Also, having also been elected on the party that I serve as the designated Secretary General, I am very happy. I congratulate Sammy Douglas Kamau Waweru on his very momentous win.

Mr. Deputy Speaker, Sir, secondly and finally, I was also at the National Assembly. I think they do things differently there. We have a very warm way of welcoming visitors here but when we went to the National Assembly, we were not accorded the same welcome. In fact, the Speaker who was there said that he is not even aware and he has never seen us. I am very surprised that he is a former Senator and he could not recognise a Senator. We were just chased away, but we are happy to be back here.

There is something that I admire of Sen. Andrew Okiya Omtatah and one more Senator, Danson Mungatana. Well, all of us have been elected to come to the Senate and we work very hard to come to the Senate and to the Houses of Parliament. As you can see, we are now very few in this House. Whereas when it is campaign time, we really put a lot of effort to come to the Senate. However, when we get here, we find very little time to come here. I think Sen. Cherarkey is also in that category of Senators who spend a lot of time in this House. It is very commendable. Sen. Omtatah is always here at 2.30 p.m. and he leaves the Chamber at 6.30 p.m. That is very commendable. That is why he is able to put and apply his mind on such a brilliant Motion.

I have served as a member of the County Public Accounts Committee (CPAC) before I was de-whipped for making certain decisions. I see some members who have survived still, because they are still in the thin line. I was with Sen. Omtatah, by the way. I was serving with him in the CPAC. We were de-whipped together. I do not know what mistake he made. At least, for me, I know I stood with Rigathi Gachagua. I do not know what mistake he made to be de-whipped but I think he also voted with us. I think that is a problem. That is why he was also de-whipped.

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

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

Mr. Temporary Speaker, Sir, one thing that we kept facing; one challenge that we have always constantly faced as we try to implement our mandate with regards to Article 96 of the Constitution of Kenya, is the fact that the reports of the Auditor-General actually come three years after the actual expenditure. That is why you find governors who have already left office with so many pending questions that are appearing on audit reports. I think this is the first or the second year that governors who have served for actually four years are now answering questions while in office. They kept coming to our

committees, and when you ask them, explain this expenditure, they would say, it is not me but my predecessor. You ask them another question and they say, it is not me. It is my predecessor. Now these governors who are serving will leave office but their expenditure will be outstanding. So, the governors who come after them will say that, oh, it is not my expenditure. That is why I think it is very fair that we get a monthly report from the IFMIS.

There is another thing that we faced. I am sure Sen. Cherarkey is a witness, and it will help us cure one very systemic challenge that we keep facing in the implementation of our IFMIS - the voiding of transactions. That is something that we kept facing throughout, that when you are doing your requisition, you are saying that you want to pay so-and-so. Once the money hits the county revenue fund, you pay so-and-so, but there is no way of following up this money, because this audit will come after three years.

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

Sen. Methu: I would be very happy to be informed, Mr. Temporary Speaker, Sir, if time allows.

The Temporary Speaker (Sen. Wakili Sigei): Take note of the fact that, of course, Sen. Cherarkey informing you, will definitely be considered within the time that you have been given.

Sen. Methu: Unfortunately, I cannot allow him to spend my five minutes. I just have five minutes. You also know that I am very wise. So, my wisdom can actually carry us along.

Mr. Temporary Speaker, Sir, the voiding of transactions will actually be seen if we get these monthly reports from the Cabinet Secretary. They should be furnished to the area Senator, so that he or she is able to get a view. We requested for such-and-such an amount of money, because this money does not come in bulk. We requested for such-and-such an amount of money. This is the money that came to the County Revenue Fund (CRF). This is how this money was spent. That is the only way we can say that we are playing our oversight role. There is no other way of saying that we have to wait until we get the report of the Auditor-General because this report is not coming instantly.

Finally, even if you give autonomy to the county assemblies, they still require the County Executive Committee Member for Finance to sign for monies to the county assembly. If we get these monthly reports, we shall get to know how much of this money that was in the requisition went to the county assembly and how much went to the county government. We shall also see how much of this money that has come to the counties is going to the government and how much is going to current expenditure.

The Temporary Speaker (Sen. Wakili Sigei): Unfortunately, Sen. Methu, you had five minutes to spend. Well, give Sen. Methu 30 seconds, and 30 seconds it is.

Sen. Methu: Thank you very much for your magnanimity, Mr. Temporary Speaker, Sir. Every time we get to 30th June of every year and we see that there is some money that has remained with the national Government, most of the time the money that remains in the national Government is not development money. They expend every recurrent expenditure. So, when they are doing the supplementary budget, this money that was meant to go to development is diverted to other places. There is no way to view

how this money is being spent in terms of what is going to development and recurrent, if we do not have monthly reports of IFMIS.

I thank you very much.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Methu. Before I give this time to the mover to reply, I have got a communication to make on a visiting delegation of teachers and students from Chemase Boarding School from Nandi County.

(Interruption of debate on Motion)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM CHEMASE BOARDING SCHOOL IN NANDI COUNTY

Honourable Senators, I would like to acknowledge the presence of a visiting delegation of eight teachers and 95 students from Chemase Boarding School in Nandi 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.

Sen. Cherarkey, the Senator for Nandi County, in under one minute, welcome the delegation from your county.

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, Sir. Although they are almost walking in, I extend a warm welcome to Chemase Junior Secondary School and Senior School. I have just met them outside, and done as per tradition as you have guided us. I extend a warm welcome to the delegation. They come from Chemase, Chemelil Ward, Tinderet Constituency, Nandi County. I have encouraged them to work hard on behalf of you as the Speaker, and on behalf of the House.

I am aware that also seated in the Gallery is Milai School, a neighbouring school from Uasin Gishu County. I also wish them the best. Uasin Gishu is one of our neighboring counties and one of our important north rift regions with the only city county. I also urge them to work hard, be disciplined, God-fearing and if there are issues, they should always engage their parents and teachers.

The Temporary Speaker (Sen. Wakili Sigei): Senator Omtatah, the time available is for you to reply. However, the Speaker is guiding that you could donate part of the time you have to Sen. Ojienda to comment, then you finally reply.

(Sen. Omtatah spoke off record)

You donate five minutes. Senator Ojienda, Sen. Omtatah has graciously donated five minutes of his time for your comments on the Motion. Thereafter, he will reply.

(Resumption of debate on Motion)

Sen. (Prof.) Tom Ojienda Odhiambo, SC.: Thank you, Mr. Temporary Speaker, Sir. In the prolegomena to my contribution to this Motion, I wish to highlight that the IFMIS and the process that is used by counties to defray expenses and payment to contractors is a system that must be transparent, accessible and must allow Senators to oversight and undertake their function under Article 96 of the Constitution.

When payments are made to contractors without an ageing process, it is impossible for Senators to know who has been paid, on what consideration and often, counties favor certain contractors over others. Counties ignore certain contractors whose services were contracted before the governors in office were elected. That is the case in my county, Kisumu. Contractors who rendered services during the tenure of the first governor, Hon. Jack Ranguma, have not been paid.

This system that is proposed in the Motion by Sen. Omtatah and that has been the subject of litigation in court will allow Senators to oversight and know who has been paid. That report, if shared, will enable Senators to deal with weaknesses in the payment systems, so that we know once funds are sought and go into the account of the county for payment, then the approver two cannot divert payments to another contractor when the money was secured to pay another contractor. That will help in oversight. That is why I support this Motion.

The question of data and information will then make it easy for accountability of officers who, at times without even the knowledge of the governor, undertake diversion of funds to pay third parties. At times, that process of diversion is done within the treasury of the county. It is done without the knowledge of the CoB who has finalised the process of approving payment to a particular supplier, and the schedules returned to the county for final payments.

This Motion is timeous and we hope that on a monthly basis, if the records are availed to this House for Senators to see how their counties undertake their functions and payments, it will contribute not just to the foundations of the Constitution in terms of oversight, but also, it will allow transparency in payment processes and accountability follow-ups. It will deter county officers from violating the law and bypassing certain contractors or certain persons who they do not want to pay or who are not willing to dance to what they want.

The Temporary Speaker (Sen. Wakili Sigei): Senator Omtatah, it is your turn to reply. Take note of the time you do have. You have 10 minutes to conclude your reply.

Sen. Okiya Omtatah: I thank you, Mr. Temporary Speaker, Sir, for the opportunity. I also join Sen. Cherarkey in congratulating our youngsters and their teachers who are among us. I am most honored to be among young people because sometimes you go in a group and you find you are people who are about to die in one room, but here, the future looks safe.

I am a very happy person today. When I was elected to this House, I understood it not as being bestowed with exceptional privilege but with immense responsibility. So, this House and each Senator here, this is an office of immense responsibility and not of immense privilege.

Before I proceed, I would like to inform the House that yesterday, the High Court sitting in Vihiga in the *case of Okiya Omtatah Okoit versus His Excellency Dr. Paul*

Nyongesa Otswana, the Governor of Busia County, and ATSI Limited, and one other, rendered a judgment that is very relevant to this information.

If you listened to Sen. Cherarkey talking earlier, he referred to a situation whereby I got attacked by hooligans or goons when I was leaving a court in Busia. I had asked for this information. Now that one year has gone, I asked to be given the record of work that the county government had done to implement the budget of Financial Year 2022/2023, so that I could also carry out my post-mortem functions to see whether the money had gone or been utilised according to the law, and effectively. I was met with resistance. I tried to push and wrote very many letters. Eventually, we ended up in court. When we went to court in Busia, goons were organised. They pelted my vehicles with stones and my people who were with me. We ran away for safety to the police.

The judge, Justice Musyoka, got concerned. He asked the Chief Justice to do two things in that case. He certified the case as raising a very fundamental issue, and asked that the case be moved out of Busia, so that it can be heard without goons interfering. The Chief Justice constituted a bench of three judges and appointed the Vihiga High Court to sit and hear the case. The judgment was rendered yesterday, in that case, Access to Information.

Mr. Temporary Speaker, Sir, allow me to read, paragraph 110 of the judgment. It is slightly long, but I will read it because it is very relevant to what is coming. I will read that as a reply.

The three-judge bench said-

“The orders that commend themselves to the court are as follows-

a) A declaration that the Petitioner and other Senators are entitled to personally access all information and documents held by the county governments at all times, and they must be promptly allowed full access to all information and documents on their county government’s’ transactions, wherever they request for them.

(b) A declaration is hereby granted that given the shared oversight mandate with Senators, Members of County Assemblies (MCAs) are entitled to personally access all information and documents, their county governments’ transactions at all times and they must be promptly allowed full access to all information and documents whenever they request for them.

(c) A declaration that a representative of the people of his or her county to the Senate, under Article 1(2) of the Constitution, a Senator has the corporate mandate to oversight his or her county government on behalf of the people by monitoring and evaluating its policies, operations and activities.

(d) A declaration that in his or her official capacity as a democratically elected county leader representing the sovereign people of his or her county, pursuant to Article 1(2) of the Constitution, an individual Senator does not lose his or her rights as a citizen under Article 35 of the Constitution to access information from the county government.

(e) A declaration that failure by the first respondent to provide information sought under Article 35(1) of the Constitution and also to publicise the information

in accordance with Article 35(3) on the basis of the petitioner's letters requesting for information was-

(i) discriminatory and a violation of the petitioner's right to access information and to fair administrative action;

(ii) a violation of Article 10 of the Constitution, specifically values of the rule of law, participation of the people, human rights, good governance, transparency and accountability;

(iii) a contravention of Articles 1(1) and (2), 2, 3(1), 10, 19, 20, 21, 24, 73, 75, 96, 174, 175(a), 179(4) and (6), 201(a), 227(1), 232(1)(a), (b), (c), (d), (e), (f) and (2)(a) and (b) and 259(1) of the Constitution of Kenya 2010.

(iv) a contravention of:

(a) Sections 3, 4, 5, 6 and 9(1) of the Access to Information Act, 2016.

(b) Sections 3, 4, 5, and 6 of the Fair Administrative Action Act, 2015.

(c) Sections 3, 4(1), 6, 7, 8, 10, 11 and 13(1)(a), (b), (c), (d) and (e) of the Leadership and Integrity Act, 2012.

(d) Sections 7, 8, 9 and 10 of the Public Officer Ethics Act, CAP 185B.

(e) Section 96(1) of the County Governments Act CAP 265.

(f) A declaration that failure by the respondents to provide information sought under Article 35(1)(a) and also to publish in accordance with Article 35(3) is a violation of the obligations imposed on him by Chapter Six of the Constitution, specifically Articles 73(1) and 75(1) of the Constitution and-

(i) a contravention of-

(a) Sections 7, 8, 9 and 10 of the Public Officer Ethics Act, CAP 185B.

(b) Section 96(1) of the County Governments Act, CAP 265.

(c) Section 166(4)(c) of the Public Finance Management Act.

(d) Article 19(1) of the International Convention on Civil and Political Rights (ICCPR).

(ii) A contravention of Article 19 of the United Nations Universal Declaration of Human Rights and-

(a) Article 9 of the African Charter on Human and Peoples' Rights.

(b) The Parliamentary Service (Senate Monitoring and Evaluation) (Procedure for Management of Funds) Regulations 2016.

Mr. Temporary Speaker, Sir, the list is long. I just want to underline that what we are doing in this House today is on all fours with the law. Members have said that I was denied this information and that it violated so many provisions of the Constitution. The order is that the petitioner, who is me, should be given all the information and documents which the petitioner sought from the respondents vide the 15 letters in issue. I wrote 15 letters to the County Government of Busia requesting information on how they had spent their budget.

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

The Temporary Speaker (Sen. Wakili Sigei): Would you like to be informed by Sen. Cherarkey?

Sen. Okiya Omtatah: Yes, I would like to be informed briefly. I would pray that you adjust my time a bit too.

Sen. Cherarkey: I will be brief. Thank you, Sen. Okiya Omtatah. The school leaving is Chemase Junior and Senior School.

I wish to inform you, through the Temporary Speaker, that I wrote to the Governor of Nandi to request some information. He wrote back and told me that the Auditor-General had done so under Article 229 and I did not have a right as the area Senator to access any information. I should wait for the audit report. So, my question forms part of information and clarity---

The Temporary Speaker (Sen. Wakili Sigei): Is it a question or information, Sen. Cherarkey?

Sen. Cherarkey: It is information. I wanted clarity, so that I do not rise again; whether the ruling can be implemented across the 47 counties.

Sen. Okiya Omtatah: Yes, the ruling was made in *rem*. It is a judgment in *rem*. Therefore, it covers all county governments. When I made my pleadings, I did not plead for Busia alone. I pleaded on behalf of the Senators of the Republic of Kenya. Remember, I am a Senator of the Republic of Kenya from Busia. I pleaded for all Senators and the orders cover all Senators and Members of County Assemblies (MCAs) across the country. All MCAs in Kenya and all Senators enjoy these orders. I was told that I should be given the information within 21 days from the date of judgment.

Mr. Temporary Speaker, Sir, just a minute, so that I can finish reading the order. It is a very important matter for the court.

The Temporary Speaker (Sen. Wakili Sigei): One minute to conclude.

Sen. Okiya Omtatah: So, under the order of *mandamus*, the respondent is compelled to give to the Petitioner, within a period not exceeding 21 days from the judgment date, all the information the petitioner sought in his letters. The letters are listed here - the 15 letters. On the issue of costs, the court ordered that each party bear its own costs. This is an important judgment and I request that it be shared in this House and all county assemblies because it restores our right to access information.

The Motion before you requires that access to information be guaranteed, because that is the only way we shall do what we call in Kiswahili, '*mulika mwizi*'. I reply.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Omtatah. You may need to request that we defer the putting of the question.

Sen. Okiya Omtatah: I request that we defer the putting of the question to a later date when we shall be able to move it.

The Temporary Speaker (Sen. Wakili Sigei): Very well. Pursuant to the provisions of Standing Order No.66(3), the putting of the question is deferred to the next sitting of the House.

(Putting of the Question on the Motion deferred)

Clerk, can you call the next Order?

NOTICE OF MOTION**STRENGTHENING DISABILITY-INCLUSIVE EDUCATION
FOR ALL LEARNERS WITH DISABILITY**

Sen. Mumma: Thank you, Mr. Temporary Speaker, Sir. My sincere apologies because I was not here when I was supposed to give a notice. I appreciate your indulgence. I beg to give notice of the following Motion-

THAT, AWARE that Article 53(1)(b) of the Constitution guarantees every child the right to free and compulsory basic education; while Articles 27, 43, 54 and 56 of the Constitution, the Persons with Disabilities Act, The Children Act, and the United Nations Convention on the Rights of Persons with Disabilities require the State to promote equality, dignity and equity to inclusive education for persons with disabilities and other vulnerable groups through appropriate legislative, policy, administrative and budgetary measures;

RECOGNIZING THAT national laws and policies, including the Basic Education Act, the Persons with Disabilities Act, the Children Act and the Competency-Based Curriculum Framework, provide for inclusive and equitable education through reasonable accommodation and appropriate support for learners with disabilities and special educational needs, including neurodevelopmental and learning disabilities, and that the Constitution assigns ECDE and childcare facilities to county governments while the national government oversees education policy, curriculum, standards and teacher management, thereby requiring effective intergovernmental coordination to promote disability-inclusive education;

CONCERNED THAT despite existing legal and policy frameworks, many learners with disabilities continue to face barriers in accessing quality education due to gaps in identification, assessment, specialized personnel, assistive technologies, infrastructure and support services as highlighted by the Auditor-General's Performance Audit on education for learners with special needs (2025) which revealed deficiencies in resources and institutional capacity, leaving many learners, including those with neurodevelopmental conditions and learning disabilities, inadequately supported despite significant public investment in education;

RECOGNIZING THAT disability-inclusive education requires sustainable financing, accountability, reliable data, evidence-based planning, intergovernmental collaboration and meaningful participation of persons with disabilities in education processes;

NOW THEREFORE, THE SENATE RESOLVES THAT-

1. The Ministry of Education, in collaboration with National Treasury and County Governments, shall within six months, develop and submit to Parliament a costed National Disability-Inclusive Education Implementation and Financing Framework outlining learner needs, accessibility gaps, support services, implementation timelines, accountability mechanisms and sustainable financing arrangements;

2. The Ministry of Education reviews and harmonizes existing laws, policies on disability-inclusive education to align with the Constitution, the Competency-Based Curriculum and international obligations, ensuring adequate support for learners with all forms of disabilities;

3. The Ministry of Education establishes standardized disability data collection and reporting systems and maintain a comprehensive database of learners requiring disability-inclusive educational support to inform planning, budgeting, monitoring and resource allocation; and,

4. The Ministry of Education implements the recommendations of the Auditor-General's Performance Audit on education for learners with special needs (2025) and gives an implementation status to the Senate of the provisions of Section 20 of the Persons with Disabilities Act within 90 days following approval of this Motion.

The Temporary Speaker (Sen. Wakili Sigei): Thank you very much, Sen. Mumma.

Hon. Senators, with that notice, the following Orders are hereby deferred. Order No.8 to 21 and Order No. 23 to 25.

BILL

Second Reading

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

(Bill deferred)

BILL

Second Reading

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

(Bill deferred)

BILL

Second Reading

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

(Bill deferred)

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

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)**

(Committee of the whole deferred)

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

(Committee of the whole deferred)

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

(Committee of the whole deferred)

COMMITTEE OF THE WHOLE

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

(Committee of the whole deferred)

COMMITTEE OF THE WHOLE

THE CULTURE BILL (NATIONAL ASSEMBLY BILLS NO.12 OF 2024)
(Committee of the whole deferred)

BILL

Second Reading

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

(Bill deferred)

BILL

Second Reading

THE WILDLIFE CONSERVATION AND MANAGEMENT
(AMENDMENT) BILL (SENATE BILLS NO.49 OF 2023)

(Bill deferred)

BILL

Second Reading

THE LIVESTOCK PROTECTION AND SUSTAINABILITY BILL
(SENATE BILLS NO.32 OF 2024)

(Bill deferred)

BILL

Second Reading

THE STREET NAMING AND PROPERTY ADDRESSING SYSTEM BILL

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

(SENATE BILLS NO.43 OF 2024)

(Bill deferred)

BILL

Second Reading

THE KENYA HEALTH PRODUCTS AND TECHNOLOGIES REGULATORY
AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO.54 OF 2022)

(Bill deferred)

MOTION

ADOPTION OF REPORT ON SESSIONAL PAPER NO.1 OF 2025
ON THE FOREIGN POLICY OF THE REPUBLIC OF KENYA

THAT, the Senate adopts the report of the Standing Committee on National Security, Defence and Foreign Relations on Sessional Paper No. 1 of 2025 on the foreign policy of the Republic of Kenya, laid on the table of the Senate on Tuesday, 31st March, 2026.

(Motion deferred)

MOTION

NOTING OF REPORT OF SELECT COMMITTEES
DURING THE THIRD SESSION (2024)

THAT, the Senate notes the Report of the Liaison Committee on the activities and operations of Select Committees during the Third Session (2024) pursuant to Standing Order 224 (2), laid on the Table of the Senate on Wednesday, 28th May, 2025.

(Motion deferred)

MOTION

NOTING OF REPORT ON ACTIVITIES AND OPERATIONS
OF SELECT COMMITTEES DURING THE FOURTH SESSION (2025)

THAT, the Senate notes the Report of the Liaison Committee on the activities and operations of Select Committees during the Fourth Session (2025)

pursuant to Standing Order 224 (2), laid on the Table of the Senate on Thursday, 18th June, 2026.

(Motion deferred)

We may now rise.

(Hon. Senators stood up in their places)

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, there being no other business on the Order Paper, the Senate stands adjourned until tomorrow Wednesday 29th July 2026 at 9 30 a.m.

The Senate rose at 6.05 p.m.