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THE SENATE
OFFICIAL REPORT



Fifth Session

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PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 29th July, 2026

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

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

PRAYER

DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING

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

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

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

(The Quorum Bell was rung)

Hon. Senators, kindly take your seats.
Clerk, you may call the first Order.

(Sen. Sifuna and Sen. Cherarkey held loud consultations)

The Senator for Nairobi City County and the Senator for Nandi County, kindly take your seats.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM SIGOR BOARDING
SCHOOL IN BOMET COUNTY

Hon. Senators, I would like to acknowledge the presence of a visiting delegation of 10 teachers and 230 students from Sigor Boarding School in Bomet County, who are in the Public Gallery. The delegation is visiting---

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(Several Senators consulted loudly)

Clerk, can you confirm this information before I conclude it?

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

Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

Request for Statements Pursuant to Standing Order No.53(1). Senator for Nandi County, the Hon. Cherarkey, you may proceed.

DELAY OF PAYMENTS TO AGRIPRENEURS UNDER NATIONAL AGRICULTURAL VALUE CHAIN DEVELOPMENT PROJECT

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries on a matter of countywide concern regarding delayed payment of stipends and facilitation allowances to agripreneurs engaged under the National Agricultural Value Chain Development Project (NAVCDP) in Nandi County.

These agripreneurs are critical in delivering extension services and value chain interventions to our farmers. However, delays in settling June 2026 stipends, NAVCDP training facilitation allowances, and payments for vaccination activities have disrupted their project implementation, raising concerns about fund management, agripreneurs welfare, and continuity of services.

In the Statement, the committee should address the following-

(1) The status of payment of the June 2026 stipends and facilitation allowances, the number of agripreneurs affected, and when the outstanding payments will be settled.

(2) Where the bottleneck occurred in the process of funds disbursement, who bears responsibility, and whether adequate budgetary provision exists to meet obligations.

(3) The effect of delayed payments on project implementation, extension services and farm support, and measures taken to mitigate disruption.

(4) Steps by the Ministry of Agriculture and Livestock Development, the Project Coordination Unit, and the County Government of Nandi to ensure timely payments in future, strengthen accountability, and address administrative lapses or financial mismanagement.

I thank you.

The Speaker (Hon. Kingi): Senator for Marsabit County, the Hon. Mohamed Chute.

DELAYED COMPLETION AND ABANDONMENT
OF URAN HEALTH CENTRE

Sen. Chute: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health on a matter of countywide concern regarding the delayed completion and abandonment of Uran Health Centre in Sololo Ward, Moyale Sub-County, Marsabit County.

Despite construction having commenced over four years ago with substantial public investment, the project remains incomplete and the site abandoned. This has denied residents' access to essential health care, forcing vulnerable groups including mothers, children and elderly to travel long distances for basic and emergency services. The situation raises serious concerns about project implementation, accountability and the prudent use of public resources.

In this Statement, the committee should address the following-

(1) The current status of Uran Health Centre Project, the percentage of works completed, reasons for the prolonged delay and eventual abandonment, and measures to secure the incomplete facility from deteriorating and vandalism.

(2) The total funds allocated, disbursed and utilised, details of the contractor awarded the project, the current contractual status, and any breaches of obligations.

(3) Steps by the County Government of Marsabit to resume, complete, equip and operationalise the health centre with clear timelines.

(4) Actions taken against contractors or public officers responsible for the delay, and possibly long-term plans to ensure timely completion and sustainable operation of the health facility.

Thank you.

The Speaker (Hon. Kingi): Senator for Kisii County, the Hon. Richard Onyonka.

HARASSMENT OF TRADERS BY ENFORCEMENT
UNITS IN KISII COUNTY

Sen. Onyonka: Thank you, Mr. Speaker, Sir, for giving me this opportunity.

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations on a matter of national importance and concern regarding the rising incidence of organised violence, harassment of traders and misconduct by enforcement units employed by the County Government of Kisii.

Kisii County has recently witnessed a worrying rise in violence and insecurity, a case in point being attacks which have been organised by armed youths on a political convoy in Keumbu, which left one person dead, several others injured, and property destroyed.

Further, intimidation by criminal gangs and alleged excesses by members of the County Government's outfit comprising of green uniformed workers, commonly known as "The Green Army", have started disrupting business activities, undermining public safety, eroding confidence in lawful governance and, as a result, many issues have come

up. These developments threaten livelihoods, constitutional rights guaranteed under Articles 29, 40 and 43 of the Constitution, and the stability of our local economy, necessitating very urgent intervention.

In the Statement, the committee should address the following-

(1) The recent incidents organised by violent goons in Kisii County, including the attack on any political leaders who disagree with the current administration in Kisii.

(2) Explain to this House the steps being taken by the National Police Service (NPS) to investigate, arrest and prosecute individuals involved in criminal activities and intimidation.

(3) What legal and policy framework is governing the recruitment of “The Green Army”, which comprises of young men and women dressed in green. This was a good idea. They were supposed to collect garbage and manage county government needs. However, the Green Army individuals have a mandate we do not know where they got it from. They have been given certain powers we do not understand. They are acting as if they are handling oversight and accountability measures---

The Speaker (Hon. Kingi): Sen. Richard Onyonka, kindly read the statement as approved.

Sen. Onyonka: That is what I am reading.

The Speaker (Hon. Kingi): No, you are not. I am following.

Sen. Onyonka: What am I---

The Speaker (Hon. Kingi): I have a copy of the approved Statement. Just stick to it, Hon. Senator.

Sen. Onyonka: That is what--- Okay, let me read.

In the Statement, the committee should address the following-

Let me read. The Committee should address the following-

(3) The legal and policy framework governing the Green Army Program, including its mandate, powers, oversight and accountability mechanisms and investigate allegations of harassment and unlawful confiscation and destruction of traders' property.

(4) What measures are being implemented by the national and county governments to safeguard investors, market vendors, hawkers, *boda boda* operators and small-scale businesses from intimidation, extortion, and unlawful interference.

(5) The long-term security and governance strategies being undertaken to dismantle these organised criminal gangs, restore public confidence, protect lawful businesses, and ensure that all county enforcement operations are conducted in full compliance with the constitution and the law countrywide.

Thank you, Mr. Speaker, Sir. I hope Sen. Cherarkey is happy.

The Speaker (Hon. Kingi): Senator for Mombasa County, the hon. Faki.

UNAVAILABILITY OF MODERN ENDOSCOPIC AND LAPAROSCOPIC EQUIPMENT IN COUNTY REFERRAL HOSPITALS

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

I rise, pursuant to Standing Orders No.53(1) to seek a Statement from the Standing Committee on Health on a matter of nation-wide concern regarding the

unavailability of modern endoscopic and laparoscopic equipment in county-referral hospitals. Advancements in medical science have enabled many conditions that previously required invasive surgical procedures to be treated through minimally invasive endoscopic and laparoscopic procedures, which are safer, less costly and promote faster recovery.

However, many county-referral hospitals lack this modern equipment thereby, compelling patients to travel long distances to national referral or private hospitals for treatment. Although these procedures are covered under the Social Health Authority (SHA) inadequate availability of endoscopic and laparoscopic equipment in public health facilities continues to undermine equitable access to quality health care and the realization of Universal Health Coverage (UHC).

In the Statement, the committee should address the following-

(1) Measures taken by the Ministry of Health, SHA, and the county governments to ensure equitable distribution of modern equipment across all counties.

(2) The progress of ongoing SHA needs assessment and the extent of involvement of county governments and other relevant stakeholders in determining priority equipment and needs for our county hospitals.

(3) Strategies by county governments to equip county-referral hospitals with minimally invasive procedure equipment, reduce unnecessary referrals, lower treatment costs and improve access to quality health care.

(4) The role of the Ministry of Health, SHA and county governments in guaranteeing transparency, accountability and value for money, and responsiveness to county health priorities in the acquisition and distribution of medical equipment.

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

STALLED DISPENSARY PROJECTS ACROSS THE COUNTIES

Sen. Gataya Mo Fire: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Orders No.53(1) to seek a Statement from the Standing Committee on Health on a matter of nation-wide concern regarding stalled dispensary projects across the counties. Dispensaries were established to bring essential health care closer to rural and underserved communities. However, many projects across 47 counties remain incomplete or non-operational, forcing residents to travel long distances for basic services, increasing costs and undermining the constitutional right to the highest attainable standard of health guaranteed and ethical for the three of the Constitution.

In the Statement, the Committee should address the following-

(1) Funds allocated, disbursed and utilised in the last two financial years towards the completion, equipping and operationalization of stalled projects across the counties.

(2) The total number of stalled, incomplete or non-operational dispensary projects across the counties, indicating their respective locations, stages of completion, reasons for the delays, and the interventions being undertaken to ensure their completion and operationalisation.

(3) The interim health care measures to ensure service provision to residents affected by the stalled abandoned dispensary projects, particularly vulnerable groups, and the steps to mitigate increased costs and distances in accessing health care.

(4) The plans to mobilise additional resources, including support from development partners and other stakeholders as well as to undertake a comprehensive audit to establish causes of delays, public funds expended to date, accountability and timelines for completion and operationalisation of each project.

The Speaker (Hon. Kingi): Senator for Makueni County, the hon. Maanzo.

IMPORTATION OF RAW SUGAR BY MOMBASA
SUGAR REFINERIES LIMITED

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

I rise pursuant to Standing Orders No.53(1) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries on a matter of national concern regarding the importation of 28,000 metric tons of raw sugar by Mombasa Sugar Refineries Limited. In the Statement, the Committee should address the following-

(1) The annual domestic production and consumption of sugar in Kenya, indicating the quantity of locally produced sugar available when Mombasa Sugar Refineries Limited was authorised to import 28,000 metric tons of raw sugar.

(2) The basis for approving the importation, including the documented national sugar deficit at the time, and the findings of any supply and demand assessment conducted by the Kenya Sugar Board before recommending issuance of the importation.

(3) Details of the approximately 6,000 metric tons of raw sugar that have since been refined and sold, including a list of the buyers and the quantity purchased by each;

(4) The level of compliance by Mombasa Sugar Refineries Limited with the conditions of the import permit, including the details of the import authorisation, the conditions attached thereto, and all inspection, monitoring and compliance reports prepared by the Kenya Sugar Board, the Kenya Revenue Authority (KRA) and the relevant regulatory agencies, including details of any breaches identified and enforcement action taken.

(5) The measures to monitor the importation, transportation, storage, refining and distribution of imported raw sugar and prevent its diversion, repackaging or sale as table sugar, including cases of diversion detected and the action taken against those responsible.

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

Sen. Okenyuri Essy.

Sen. Okenyuri: Thank you, Mr. Speaker, Sir. I am supporting the statement by Sen. Cherarkey on the pending payments that are owed, the stipends that are yet to be settled to the agripreneurs. While we are encouraging young people to venture into agriculture – and I commend this commendable programme – on the other hand, why

would we encourage them to venture into this and deny them the little stipend that enables them to put food on the table?

The committee needs to look into this issue so that the Ministry of Agriculture and Livestock Development can clearly say when they are going to facilitate the payment of these stipends to several agripreneurs, who are depending on this. It is not just for Nandi County, but it should be for any other county that still owes agripreneurs their stipends.

The Speaker (Hon. Kingi): Sen. Beatrice Ogola.

Sen. Ogola: Thank you, Mr. Speaker, Sir. I rise to support the Statement by the Senator for Mombasa, Sen. Mohamed Faki, regarding the availability of modern key equipment in county referral hostels. I have had a patient at the Coptic Hospital and a number of hospitals since the beginning of the year, and I appreciate that when hospitals have the right equipment, patients can be saved a lot of pain in the course of their treatment. That means that detection can be done early enough, and the right measures can be put in place at the right time.

That is why I support that most of the hospitals – not only the county referral hospitals but ideally all hospitals and health facilities – must have the right equipment. This is because, we are talking about access to services for our people. The main focus of health should be on prevention and having the right equipment supports prevention because detection will be done early, and the right treatment or the right address will be given to members of the public.

Mr. Speaker, Sir, having had that patient, that is why I appreciate the provision and the services given by SHA. I see a number of people, especially at political forums and our leaders, continuously say that SHA is not working. However, I stand here to say that SHA is working. I have seen cancer patients at the Coptic Hospital and other hospitals get services paid by SHA. That is why we need to face this and say; if something is not working, let us address what is not working. It might probably be some structural issues; but overall, I see patients getting services from SHA. Let us ensure that our counties have the right equipment.

Secondly, on the Statement by Sen. Onyonka on the organised violence, harassment of traders and misconduct, ideally what everybody is today calling ‘goonism.’ We must come back to ourselves and take responsibility. When we talk about these goons, who are they? Are they non-Kenyans? Who are bringing the goons? It is the leaders that are everywhere. When we go to functions, we see each one of you hiring and even in our budgets elsewhere.

The Speaker (Hon. Kingi): What is your point of order, Senator? The good Senator has concluded her comments.

Sen. Omogeni: Mr. Speaker, Sir, did you hear the good Senator say that she knows that each one of us here go to meetings with goons? I challenge her to tell this House when she saw me with goons. I have never gone to any meeting with goons. I am a very good citizen. I have even hosted the Majority Leader in my county, and he knows I am a gentleman. I do not know about him, but I am a gentleman. This issue of goons is a very live subject. To stand in this House and tell the entire nation that, as leaders, we go

to meetings with goons – that should not go on record unless she can substantiate. She should withdraw that Statement.

The Speaker (Hon. Kingi): Sen. Ogola, You have made a very grave allegation, that all these Members---

(A Senator spoke off record)

Order, hon. Senator. The Chair is not included in that statement. Hon. Ogola, can you substantiate that Statement that all Members here walk around with goons?

Sen. Ogola: Mr. Speaker, Sir, I am saying up to where I am, because I go to public functions and I see leaders walking to functions with groups of people. I do not remember mentioning specific names or saying: Senator so and so. I only said I go to public functions, and I see leaders walk in with numbers of people that come, supporting them and throwing words to other opponents. Some of them call them ‘informal security.’ Who are these?

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

Sen. Wafula: Thank you, Mr. Speaker, Sir for giving me this opportunity to add flesh to the Statements that have been raised by honourable---

Mr. Speaker, Sir, allow me to switch so that Members can understand what I am talking about.

The Speaker (Hon. Kingi): You may proceed.

Sen. Wafula: Asante, Bw. Spika, kwa nafasi hii ili niweze kuzungumza kwa lugha ambayo Seneta wenzangu na Wakenya wanaweza kuelewea vyema. Hoja ya kwanza ni kuhusiana na zahanati na hospitali ambazo hazikamilika, na fedha zimetengwa ili hospitali na zahanati hizi zijengwe. Hoja hii imebuliwa na Mheshimiwa Chute, Seneta mchapa kazi. Jambo hili ni sugu, na ni lazima liangaziwe.

Miaka kadhaa ya fedha iliyopita, baadhi ya zahanati ambazo zilitengewa pesa mpaka sasa hazikamilika. Kule Bungoma ninakotoka, hospitali ya Kimalewa katika Wadi ya Mukuyuni ni zahanati iliyojengwa miaka zaidi ya thelathini iliyopita. Hivi juzi, Gavana alitenga fedha kujenga jumba la kina mama kujifungua, na mpaka sasa halijakamilika. Hospitali ya Ndaluni ni hivyo hivyo. Hospitali ya Brigadier kule Tongaren. Hospitali ya Kapkateny kule Mlima Elgon, Hospitali ya Sirisia, kiwango cha nne ambayo ilitengewa milioni mia moja zaidi ya miaka mitano iliyopita, mpaka sasa ni gofu ambalo hatujui fedha zetu zilienda wapi.

Hospitali hii ya kiwango cha nne kule Bumula, vile vile, limezubaa na kuduwaa kwa sababu wale waliopewa pesa hizi kuchapa kazi na kujenga, hawatimizi jukumu walilopewa. Hospitali ya Kimilili ni jumba ambalo ukilitazama unaona siku za kikoloni. Hakuna jambo jipya limetendeka pale. Lakini ni miaka mingi tumepata zaidi ya bilioni hamsini tangu tuanze ugatuzi.

Bw. Spika, inayofuata ni ya Webuye, ambayo iko katika barabara kuu kutoka Mombasa kwenda Malaba mpaka Uganda. Fedha zilitengwa kujenga eneo la kushugulikia majanga ya dharura, na mpaka sasa jengo hilo hakuna chochote kilichofanyika katika eneo hilo.

Hospitali ya Misemwa kule Webuye---

The Speaker (Hon. Kingi): One minute for you conclude your thoughts.

Sen. Wafula: Asante, Bw. Spika, kwa moyo wako wa ukarimu. Hospitali ya Ngoli, Bumula na ya Maeni kule Kimilili. Kile ninachosema ni kwamba, magavana wawache kujenga zahanati na hospitali ambazo hawakamilishi, ambazo hazina madaktari, madawa na maji, ilihali wanatafuta hongo kutoka kwa wanakandarasi wanaojenga hospitali hizi.

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

Sen. Sifuna: Mr. Speaker, Sir, yesterday I was quite privileged to be invited to a show in one of the local media stations. During the Gen Z revolution, my numbers were circulated countrywide. Whenever I get an opportunity to go to these shows, I am inundated by messages from across the country about the things that people want me to highlight or to bring out in those shows.

One of the most shocking ones is related to the Statement that has been brought by Sen. Faki regarding the lack of important equipment in county hospitals. Someone sent me a message yesterday saying that we do not have blood in the country because for the last five months, we have not had blood bags. I do not know if that is something any one of you can picture in this House. We do not have bags for almost five months for people to donate blood. The samples of blood that are collected in the counties have to be transported by road to Nairobi or Mombasa for testing. There are no working refrigeration equipment in our county hospitals, and by the time the results come back two to three days later, that blood can no longer be utilised.

Mr. Speaker, Sir, the most shocking revelation from that particular message was that knowing the need on the ground, especially in emergency circumstances, health workers are taking chances of infusing people with blood that has not been tested in order to save lives. So, even donors are being told that if you are a blood donor and you want to donate blood, you have to come with your own bag. Therefore, when people tell us that our healthcare system is working in this country, and you have stories such as the ones we are being told by Sen. Faki, there is a problem with our healthcare. I hear people saying: 'Oh, if SHA is working, we should just all say it is working.' Our healthcare system is broken, and we have to address these issues.

Some of the people in Government are here. When they count the success of the current health system, they say that the success is in the numbers of people who have registered under SHA. That cannot be the measure, because SHA is not a registration bureau. We are not conducting a census. The measure of whether healthcare is working is in addressing such issues. Can you imagine the risks being taken in infusing blood that has not been tested? Therefore, there is a problem, and we must resolve it without hiding behind political slogans, saying SHA is working.

Lastly, you are aware that I had quite a weekend. We threw quite a bash in Kitale and Bungoma counties, and we thank the people of Trans Nzoia and Bungoma for coming out to say no to this culture of *goonism*. This is because all of us have a constitutional right to meet with the people, talk to them and sell our ideas. When you see things like what happened in Keumbu, it is people who are no longer able to compete on ideas. They have chosen violence in order to win their votes.

Thank you, honourable Speaker.

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

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I want to make a few comments. I am surprised that the Senator for Nairobi was sweating yesterday evening, yet he has the energy to castigate the Government today. He could not answer those questions. We will make sure that he sweats more.

Mr. Speaker, Sir, let me comment on this issue of importation of raw sugar into the country under the Kenya Sugar Board between January and May. I have consulted the Kenya Sugar Board; we produced 348,143 tonnes. The Mombasa Sugar Refineries Limited has been allowed to import 165,000 tonnes of sugar in the country. While the production has increased, this is a threat to our sugar farmers because where I come from, Nandi County, especially the entire Mosop and Tinderet sub-counties, we produce a lot of sugar.

If we allow this glaring importation of sugar without regulation, we are threatening the steady production of sugar in the country. Even if this raw sugar has to be sold to Coca-Cola, among other companies, we must be careful because if the production is approaching 350,000 tonnes, we need to be fair to our farmers, including Ramisi – where you come from – Kwale, and parts of Kilifi. We are trying to revive the sugar sector there. We must be careful. I hope after this statement by the Senator for Makueni, the importation of sugar should stop immediately so that we protect the local farmers. We should be like Donald Trump. He says: ‘Make America great again.’ We should make Kenya great again by protecting our local farmers. Even with the crop failure, in May, we must be careful.

Secondly, on the issue of the health sector, I thank the Senator for Marsabit in this Rana Health Centre. It is just a stone throw away from the Governor of Marsabit, but it is yet to be complete four years down the line. It is a story you have heard in Bungoma. In Nandi, it is no longer a concern. In fact, in Nandi, they close dispensaries between Friday and Sunday. I do not know whether the disease can migrate within those three days. So, there is a crisis in the health sector, and I appeal to the health committee to relook at this issue so that our people do not continue to suffer. Tying up with what Sen. Faki has just said, even access of some of these services that we are talking about, including cancer and many other issues, is a challenge.

Finally, we need to reconsider whether we did the right thing by devolving health. As a House, we need to rethink going into the future.

I support.

Sen. Osotsi: Thank you, Mr. Speaker, Sir. Let me start by commenting on the Statement by Sen. Onyonka on the issue of the youth; the enforcement units and the youth used to harass, threaten us of course for political manipulation. It is very sad that our leaders, including our own President, keep on talking about how they will eradicate the issue of goonism in this country. This issue is taking place under their watch. It was so sad that in Keumbu, when we were passing there going to another rally after the Kisii rally, the police were seen on camera throwing stones alongside the goons. Nothing has been done to those policemen. The goons who were involved and were on camera have not been arrested to date. It is sad.

Therefore, we ask the Government and the President to act. Those people who have been involved in goonism, should be arrested before you give us an assurance that you will deal with goonism. As you know, I am a victim of goonism. After the attack that happened to me in Kisumu, those people who were involved in that attack are still in Kisumu. They are walking around. One Murkomen comes to the committee, and tells the committee that those people have gone to the neighbouring country. Those people are still in Kisumu. So, I must say very clearly that if we have a Cabinet Secretary who does not understand his job and is incompetent, it is Murkomen. President Ruto should sack Murkomen or transfer him to lesser duties. This is because we cannot have a President who is complaining like the rest of us about goonism when he has a minister who is not working.

It is also sad that the Cabinet Secretary and the Principal Secretary for internal security, Murkomen and one Raymond Omolo, walk around with goons. He has a group of goons around him.

The Speaker (Hon. Kingi): Yes, what is your point of order, Senator Eddy?

Sen. Oketch Gicheru: Mr. Speaker, Sir, I do not know what is exciting the Majority Leader. You realised when Sen. Beatrice got up and said that Members of this House are walking with goons, how it elicited a serious debate. Is it in order under Standing Orders No.101 and 105? Standing Order No.101 says you cannot discuss an individual in whichever nature without bringing a substantive Motion here. The issue of goonism in this country is serious. You cannot be explicit on the persona of an individual, and say they are walking with goons, the way Senator Osotsi is saying, without bringing a substantive Motion here.

Is it in order for Sen. Osotsi to discuss individuals without bringing them into this House? I would love to have those individuals brought here so that we can discuss them substantially with a Motion so that we establish these goons that they walk with. Otherwise, it will just be a comment without a proper investigation on where these goons are, and who is using them. So is Senator Osotsi in order to mention names and establish that fact without giving us those facts and putting a Motion on those individuals here? I encourage you perhaps to put a Motion so we can discuss those individuals here with a substantive Motion.

The Speaker (Hon. Kingi): Now, Sen. Osotsi, the point of order raised by Senator of Migori is, indeed, valid. You have made an assertion, that the PS in charge of Interior and National Administration, one Raymond Omollo, walks around with goons.

Sen. Sifuna: But we have seen it.

The Speaker (Hon. Kingi): Now, Senator for Nairobi City County, you do not just yell back to the Chair. If you have any issue, you know what to do, and I will give you the Floor.

Serjeant-at-Arms, I am addressing an honourable Senator. Could you give me--- Senator Osotsi, that Statement calls for two things: one, you cannot discuss a state officer without bringing a substantive Motion. You are in breach of that particular standing order.

Secondly, assuming you can discuss a state officer without bringing a substantive Motion, you have made an assertion that the PS walks around with goons, which then

you may be called upon – and you have indeed been called upon by your colleague – to substantiate that allegation.

You are out of order for breaching the Standing Order that requires you to bring a substantive motion and, therefore, I will ask you to withdraw that, and if you feel you are persuaded by your statement, you may then bring a substantive motion. But for now, just withdraw and apologise.

Sen. Osotsi: Mr. Speaker, Sir, I do not want to waste my time because we know how this thing ends up. That matter is before the National Security and Foreign Relations Committee. The Cabinet Secretary and the Principal Secretary have been summoned to come. It is unfortunate that they have taken too long. For now, I withdraw, but I will provide the evidence when they come.

The point I wanted to raise is that the people who can help us deal with this problem of goons are in charge of the Ministry of Interior and National Administration. If you have a scenario where they are unable to deal with the problem, and they are complaining just like the rest of us, then whom do we go to?

I do not think I am out of order to say that there is a problem in the security docket in this country, and we know who is in charge of the security docket. We want him to do his job competently. And if he is not able, President William Ruto, you can save this country a lot of agony by having that Cabinet Secretary and Principal Secretary dismissed from that Ministry. We have many other capable Kenyans who can do the job.

As a Senator elected by the people, it is so sad that I can be harmed and nothing happens to the people who have done that. What about the ordinary person? This is very sad. Today it may be Osotsi, tomorrow the same people may experience the same problem I went through. As we sit here and talk about the issue of use of goons to intimidate and to do all manner of things for political manipulation, this is a serious issue that must be dealt with. It is not just in Kisii County. Every other governor is having groups of youth who intimidate people who try to question what is happening in the county. The goons are sent to them to intimidate them. I have seen it in many other counties

Something has to be done about this. I request the committee that will deal with this matter to widen it, to include all other counties, including the county where Sen. Cherarkey comes from. I know what is happening there.

The Speaker (Hon. Kingi): Senator for Nairobi City County, what is your clarification?

Sen. Sifuna: Mr. Speaker, Sir, we are coming to the tail end of this House, but I continue to be confused at the application of the rules here. I do not hold brief for the Cabinet Secretary for the Interior and National Administration, Hon. Murkomen. However, in Sen. Osotsi's submission, you allowed the incompetence of the Cabinet Secretary to be debated. When we got to the Principal Secretary for Interior and National Administration, Sen. Osotsi made reference to--- Sen. Osotsi is a victim. He knows the people who attacked him. It is possible that he has seen those same people in the company of this Principal Secretary. We need clarity on the application of this rule on a substantive Motion. When is a matter under substantive inquiry, and where is it fair

comment? Where is the line that we draw between debate and something that requires a substantive motion where you are discussing some conduct?

The Speaker (Hon. Kingi): Honourable Sifuna, if you are discussing matters that border on criminality, then you need a substantive motion. The statement that has been discussed here is that the Principal Secretary in charge of Interior and National Administration has allegedly been walking with goons. That borders on criminality, and it requires serious investigations by way of a substantive motion. That is exactly what I meant when I said there are certain matters that certainly you cannot just--- Evidence needs to be adduced and a recommendation or a resolution of this House from the debate that will ensue will be adopted.

Sen. Wamatinga: Mr. Speaker, Sir, I support the Statement by the Senator for Tharaka-Nithi. Senators and the leaders of this country have been given the duty and have the moral obligation to ensure that we do not mislead our youth and our young people towards being used as a political tool.

It is, indeed, very sad that we are spending a lot of time debating what a goon is, who goons are, and who sponsors them. We are living at an age when we should be discussing about the future of the coming generation, the achievement of Artificial Intelligence (AI), and what place our youth should take.

This House is mandated to do oversight. Some of the functions that we are given include overseeing health, which is a devolved function. It is indeed very sad that we have seen many projects initiated, but they stall because there is lack of political goodwill.

We, as a House, must put our foot down and discuss the possibility of realigning the health sector maybe back to the mainstream and national Government, or even giving a kind of a framework within which, the county governments should develop their infrastructure, especially in the health system. We know, and I listened to my colleagues contribute to these statements. It is very sad that the very fundamental right, which is basic health, has not been met because we failed as a country, county governments and as political leaders to give a way forward.

It is very sad that we are coming to the end of our term in a year's time. We have not realized what we have been discussing since we came to this House, which is making devolution work. We have not realised what we have been arguing and debating in this House, making accountability, transparency, and most importantly, making service delivery to the *mwananchi* accessible.

I would want to challenge ourselves. As we come to the tail end of our term, it is high time that we sat down as leaders, put our heads together, and agree that we must not use our youth again as goons. We must show them the way forward, and to lead them to a country that they will be able to live in without minding where they come from. This is because they will have the services and facilities available at the grassroots level. This can only happen if the goodwill from the leadership of this House and every other leader is concerted towards delivering service.

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

The Speaker (Hon. Kingi): Before I call the next Senator to speak, allow me to make this Communication-

Senator for Nandi, kindly take your seat.

(Sen. Cherarkey sat at his place)

(Interruption of Statements)

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM KEBABE GIRLS SECONDARY SCHOOL IN NYAMIRA COUNTY

Hon. Senators, I would like to acknowledge the presence of a visiting delegation of four teachers and 50 students from Kebabe Girls Secondary School in Nyamira 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.

VISITING DELEGATION FROM KABARAK UNIVERSITY IN NAKURU COUNTY

Hon. Senators, I would also like to acknowledge the presence of a visiting delegation of two lecturers and 35 media students from Kabarak University in Nakuru 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.

(Applause)

I request the Senator for Nyamira County to extend a word of welcome to both delegations. You may proceed, hon. Senator, in under one minute.

Sen. Omogeni: Mr. Speaker, Sir, on my own behalf and on behalf of other Senators, I wish to extend a warm welcome to the delegation from Kebabe Girls Secondary School in Nyamira County, led by a History and Government teacher, Mr. Peter Orina, and the students. Kebabe Girls Secondary School is in North Mugirango Constituency. It is a national girl's school, and we are proud of the good work that our teachers are doing.

To the girls, you are our future leaders. Believe in yourselves and dream big. I believe that your visit will allow you to carry home some valuable lessons. When you go back home, greet your parents and tell them that their Senator is still working hard for the County of Nyamira.

Mr. Speaker, Sir, I also wish to extend a warm welcome to the lecturers and students from the distinguished Kabarak University who are visiting the Senate. I hope that the two professors will get an opportunity to understand how this Senate is working hard to ensure there is good governance in this great country called Kenya.

When you go back, we wish you safe travel. May you continue doing the good work you are doing at Kabarak University.

Mr. Speaker, Sir, with your permission, I will seek leave to go and greet the girls and teachers in the customary way. I ask the distinguished Senator for Nairobi, who is hosting the delegation, to accompany me when I go to greet the students and teachers from Nyamira.

I thank you.

(Resumption of Statements)

The Speaker (Hon. Kingi): You may proceed to make your comments as you proceed.

Sen. Omogeni: Mr. Speaker, Sir, I wanted to make a comment on the issue of goonism. I will speak on what happened in my neighbouring County of Kisii, where visitors, led by the *Linda Mwananchi* group, were attacked by people who are clearly identifiable in the video. We saw those videos circulating in social media. However, up to date, no arrest has been made.

When I went to bury that young man who was killed at Keumbu, my vehicle was also pelted with stones by goons while I was leaving that function. Having gone there in the company of Dr. Fred Matiang'i; having paid full fees for children of the deceased, including those in university; having condoled with the widow; having given her our condolences in cash, and having addressed the meeting peacefully, somebody was stationed somewhere. As we were leaving the venue, my vehicle---

The Senate Majority Leader (Sen. Cheruiyot): On a point of order.

The Speaker (Hon. Kingi): Senate Majority Leader, what is your point of order?

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, my apologies to Sen. Omogeni, because I have interrupted his flow of thought. He is discussing an important matter. As leaders, one of the ways in which we must show commitment to the country that we care for the things that we speak on is to be accurate and up to date with information surrounding such matters.

(An hon. Senator spoke off record)

Mr. Speaker, Sir, there is an old Luhya man making noise in the House.

(Laughter)

The Speaker (Hon. Kingi): Senate Majority Leader, there is no old Luhya man in the Senate. We have hon. Senators seated in this Chamber. Could you conclude your remarks?

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, it is because he was not behaving like a Senator. Anyway, so as not to lose my trail of thought, I said we need to be up to date with information on matters that we consider serious. Sen.

Omogeni, like you said, the issue of goonism is a live matter in the country. We need to be updated, as leaders, so that we ask ourselves what we need to do.

Mr. Speaker, Sir, I heard Sen. Omogeni say that nothing has been done regarding the incident at Keumbu. Unless the media outlets misled us, I saw more than eight suspects being presented at Kisii Law Courts on the Monday following that incident. Just like him, I did not follow to know the decision that was taken on the matter; whether they were remanded or released on bail.

Mr. Speaker, Sir, is he in order to mislead the House that nothing has been done at least up to this point?

The Speaker (Hon. Kingi): Sen. Omogeni, is it your assertion?

Sen. Omogeni: Mr. Speaker, Sir, it is good to be informed. I challenge my neighbour, the Senator for Kericho, to favour me with evidence of the people who were charged in court, their names and the case number, so that---

The Speaker (Hon. Kingi): Sen. Omogeni, that is more of a point of information than a point of order.

Sen. Omogeni: I would like to be informed so that when I make my contribution next, I will do so while well informed. Favour me with the charge sheet, because it will have names of the people who have been charged in court and whether it makes reference to the incident at Keumbu. What is sad is that if you look at those clips, especially the one of Keumbu, you will see uniformed police officers guarding or protecting people who attacked the convoy that passed through Keumbu.

Sen. Cherarkey is here, and I know he knows our Constitution like the back of his hand. Article 240 was crafted deliberately. It states that the Chairman of the National Security Council (NSC) of Kenya is none other than the President of the Republic of Kenya. As I speak, he is the Chairman of the NSC, and he exercises supervisory authority over all security organs.

We know that the Inspector-General of Police exercises command over all the police units. Therefore, we need to know who has authorised police officers to protect goons in this republic, unless we want this country to degenerate, because that is how Somalia began, with gangs enjoying protection by the state, and Somalia failed. You cannot refer to it as a country with the rule of law, because it has degenerated into anarchy. Unless we do something, this country will degenerate into lawlessness.

Mr. Speaker, Sir, I challenge you to move a step further and direct that we summon the Cabinet Secretary and the Principal Secretary for Interior and National Administration to appear before us so that we get a proper explanation as to why we have goons moving around and attacking people. Today it may be me, but tomorrow it could be you---

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

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, did you hear Sen. Omogeni's concluding remarks? It sounded like a threat to Sen. Cherarkey. Sen. Cherarkey always refers to himself as a dry Kalenjin man. I know he will deal with that challenge if and when it comes.

Mr. Speaker, Sir, I would like to make two quick comments. The first one is on the Statement by Sen. Maanzo. The Kenya Sugar Board (KSB) has a lot of explanation to

do. The matter that Sen. Maanzo has raised is not a light one. I am a representative of sugarcane farmers, and I know how much this House, together with the Government, have put in to revive the sugar sector that was dead. We cannot allow profiteers within the government ranks who think they can turn us back to the days when we imported 70 to 80 per cent of our sugar in this country, thereby impoverishing our farmers. I expect Sen. Wakoli, because he equally represents sugarcane farmers from Bungoma, to treat this matter with the urgency it deserves. We must know the conditions that this company met for it to be granted that quota. What protection measures were put in place?

Finally, and most importantly, if it is true as alleged that this company is importing raw sugar to process industrial sugar, and we are being told by the KSB that the reason they are being allowed is that there is no availability of raw sugar in the country, why can they not push our industries to manufacture it? We know our sugar farmers have produced enough cane for that to happen. Therefore, it is my hope that Sen. Wakoli and the team in the Committee on Agriculture, Livestock and Fisheries, will treat this matter with the urgency it deserves.

The issue of health is a very important subject. Just like I was telling Sen. Omogeni a few minutes ago, on important matters, as a House, we must go beyond empty rhetoric. I have said times without number that the Social Health Authority (SHA) is a medical insurance. SHA on its own cannot give us the intended desire to have a fully working health infrastructure in the country. We must go beyond the empty rhetoric of whether SHA is working or not.

Our reforms in the health sector must go beyond the rhetoric we say in these Houses as legislators. We must ask ourselves: why is it that whenever a group brings a petition before Parliament – like there was one this afternoon – nine out of ten times it is health workers? That tells you that there is something wrong with how we designed the health architecture under this new Constitution. It is time for us, as a House, to propose a review and lead the country in the right direction. I hope that in the few days remaining, as the Senate, we---

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

Sen. Maanzo: Thank you, Mr. Speaker, Sir. I would like to comment on Sen. Onyonka's request for statement. The issue of organised gangs is sweeping across the country. Quite a number of counties have these gangs. In Kisii we have the "Green Army," which was initially intended for good things in the county, but is once in a while used for the wrong purpose. When it comes to organised gangs, in the case of Keumbu in Kisii, where somebody was killed, I expect the police to move with speed and act decisively. Ordinarily, when there is murder, the Directorate of Criminal Investigations (DCI) works effectively.

In this case, we have overwhelming evidence, including recordings. The people who made the recordings are willing to have them certified and used in a court of law. Therefore, the perpetrators should be arrested. In this particular case, because they planned it, they should be charged with murder. Even if it is a Member of Parliament (MP), this serves as an example. The moment an MP is charged with murder or manslaughter for paying and organising people to kill somebody, then things will get serious in this country. That person will lose their seat.

As much as we have supporters around us and we boost security, it must be clear that no one should be injured, no vehicle should be damaged, and no murder should be committed. When you stone a motorcade, like the one of the Senator who just said his motorcade was stoned while coming out of a funeral, that makes it worse. It means the organiser knows very well there is a possibility of killing somebody and damaging property. Therefore, I ask the police and the committee that will investigate this to ensure that the perpetrators of the Kisii incident are charged with murder so that in the future, MPs will stop organising these gangs.

It will also be a deterrent during this election period to those who want to continue organising gangs to throw stones or to injure opponents. We can see them forming up in many parts of the country. We have seen a political opponent organise gangs to shout down public meetings, to hurl obscenities and to mobilise Kenyans in that direction. That will---

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

Sen. Nyamu: Mr. Speaker, Sir, I want to support the statement brought by Sen. Onyonka on goonism. This is one of those subjects that we must all agree on, regardless of our political persuasions, because we are all exposed and nobody is safe. All of us from both divides have been accused of using goons. I am on record on my social media platforms saying that this culture we are encouraging, if you think you can control goons today, tomorrow the highest bidder will control them, and you will be at risk yourself. We are democratic. We should compete as politicians based on ideas and persuasion, and not physical violence against opponents. That is one of the reasons women are scared to come out and take part in active politics; because of the intimidation of violence. I am a confessed coward. Where I see violence, I run. I take off, because I cannot match up. If you want to use violence against me, you win.

This is not just in Kisii. In Nairobi we had an incident where a bodyguard of a Principal Secretary (PS) shot a young man. It was very unfortunate that we lost that young man. That was a death that could have been avoided. In both cases, we need to speak to our supporters, because some of these people we are calling goons are just our supporters whom we talk to on call and give instructions that predispose others to violence.

I also want to make a short comment on the statement by Sen. Mwenda Gataya on the state of incomplete dispensaries in the country. Dispensaries are the first line of contact with the healthcare system after the Community Health Promoters (CHPs). Sadly, we continue to have delayed dispensary projects without explanation. We do not know if the issue is funding, policy bottlenecks or what exactly is happening. We would want the Committee on Health to identify what is causing this problem across the country. In Nairobi---

The Speaker (Hon. Kingi): Hon. Senator, you have a minute to conclude your thoughts.

Sen. Karen Nyamu: Thank you, Mr. Speaker, Sir. We have Lucky Summer Dispensary, one in Karen, and another in Mabatini that have stalled for years on end. We need to know what the issue is so that wananchi do not have to travel long distances or

crowd higher-level hospitals. When I was growing up, dispensaries used to work very well, and we should return to those times.

Thank you.

The Speaker (Hon. Kingi): Hon. Senators, we have exhausted the 15 minutes that I had allocated to this session. We will, therefore, move to the next Order.

Before that, hon. Senators, pursuant to Standing Order No.45(2), I rearrange today's Order Paper. We move to Order No.17 and, thereafter, we will resume the normal business as contained in today's Order Paper.

Clerk, proceed to call that Order.

BILL

Second Reading

THE MINING (AMENDMENT) BILL, SENATE BILLS NO. 22 OF 2025

The Speaker (Hon. Kingi): Sen. Karen Nyamu, proceed.

Sen. Nyamu: Thank you, Mr. Speaker, Sir. I beg to move the Mining (Amendment) Bill, 2025. This Bill is premised on a very simple concept that this country is endowed with minerals. We have gold in Western Kenya, Kilifi and across the country.

The Speaker (Hon. Kingi): Sen. Karen Nyamu, you need to move, and then you can make comments.

Sen. Nyamu: Thank you. I am guided.

I beg to move that the Mining (Amendment) Bill (Senate Bills No.22 of 2025) be now read a Second Time.

The Speaker (Hon. Kingi): You may now proceed to make your comments.

Sen. Nyamu: Mr. Speaker, Sir, I begun by saying that the Bill is premised on a very simple concept, that we have a lot of minerals in this country. We are endowed with coal in Kambaland and Kilifi. We have gold in Western Kenya, and we also have oil, *et cetera*. Coincidentally, most of these places that have these rich minerals are poverty-stricken. It is a very sad scenario because billions of dollars are sunk in those areas. The investors come, make their money, pay their taxes, employ foreigners in their operations, and leave our people in those communities the same way they found them.

This Bill is also premised on equity. It is only fair that we have a law and amend the Mining Bill to provide for a framework where the proceeds of mining are shared with communities that host these operations. This is so that they can also be part of what their community has to offer.

We also need a provision that provides that a number of employees who work in those operations should come from the local community. This is so that we do not have a scenario where 99 per cent of foreigners come with their workers while we have our skilled locals. This will ensure that we have skills transfer that can benefit the country in the long run. I urge this House to ensure that the people it represents are not unfairly taken advantage of by people who come and have operations in their areas, and leave

without benefiting them in any way. Some of the ways that they can benefit the locals is by having infrastructure projects, for example, schools or any other, depending on the needs of a particular area.

With those few points, I would like to request Sen. Cherarkey of Nandi County to second.

Sen. Cherarkey: Mr. Speaker, Sir, I rise to second the Mining (Amendment) Bill, 2025, sponsored by the distinguished Nairobi delegation, Sen. Karen Nyamu, the incoming Woman Representative of Nairobi City County. Some of us are great supporters of women and the girl child empowerment, especially in leadership.

Sen. (Dr.) Khalwale and Sen. Mwaruma should be in the House. The Coast Region, Western Kenya and Nandi have a lot of minerals. However, I do not know what the curse is with the natural resources we have as a country. When you read the book by Martin Meredith, *'The State of Africa'*, one of the things that Africa is endowed with is natural resources which have become the source of a curse. In the book, he highlights that Africa is one of the unique continents with humongous resources. In this country, we have natural resources like the beautiful pristine beaches in coastal regions which are natural, unlike the ones in Copacabana in Brazil. I do not know whether Sen. Eddy has had the privilege to travel to Brazil.

Mr. Speaker, Sir, I know you only travel to Santorini. The point I am trying to make is that Africa and more so Kenya is endowed with resources. Therefore, I congratulate Sen. Karen Nyamu for being thoughtful.

If Sen. Mwaruma and Sen. Faki can remember, in the last session, when Sen. Maanzo and Sen. Onyonka were in the Lower House and you were the Governor of Kilifi, I really fought very hard on the issue of Karebe Gold Mine in Chemase/Chemelil Ward in Tinderet. An investor had taken advantage of my people. Mzee Chesiriet Kikporir had leased his land for 10 years, but he was not getting an up-to-date value of the gold that was in his land. This is because Karebe Gold Mine found it wise to flourish and vanquish the owners of the land. In fact, for Mzee Chesiriet, the gold in Chemase/Chemelil has been a curse rather than a blessing to the family. Even the Kaborogin areas in Aldai sub-county have similar problems. Everywhere you see a resource called gold, there is always conflict.

There is the issue of Shanta Gold in Malinya, Kakamega County, where we have problems. It is the same issue in Kilimapesa Gold Mine, which is attached to Angata Baragoi. The reason there is a lot of violence and land clashes in Angata Baragoi is tied to the rare earth minerals. You go to your region, Coastal Kenya, there is the same problem of absentee landlords and the fight about land ownership which is attached to rare earth minerals that are there.

The sad reality is the bourgeoisie and a few individuals only benefit from these resources at the expense of the local communities. In fact, where these minerals are found, there is the highest level of poverty and disenfranchisement. You have seen what is happening in West Pokot. When gold was found, there has been a lot of instability in that region, and there is a sponsored mandatory attack, especially because of these rare earth minerals.

So, I am happy that that the Senator has proposed this amendment. We had said in the Local Content Bill that 70 per cent of the revenue – which is also captured in this amendment in Clause 190(a) – should go to the national government. Twenty per cent should go to the county government, and 10 per cent should go to the local community to uplift the local affirmative decisions like health centres, roads, schools and hospitals. That was what was envisaged.

I am happy that the Senator has brought flesh into the Mining Rules of 2015. The reading of Mining Rules of 2015 is that local development community would be gazetted so that they can take care of the 10 per cent that will be generated from the local content or revenue that is coming from mineral royalties. It has now been given a chance by this amendment. When you look at transitional clauses of the Constitution, the provincial administration was supposed to be phased out, but we are sneaking them behind the door.

One of the conditions in the local development agreement committees is that those who are supposed to produce the 10 per cent allocated from the revenue would be the ones to determine how the money will be used by the local community, especially the 10 per cent from the mining royalties.

I want us to look at the mining rules of 2015 and the Mining Act. I am happy that this amendment has captured the sharing of mineral royalties among communities. What we are saying is that one must gazette the local community in order for the local community to get value before a mining license or a mining permit is given to any person who wants to mine in Kilimapesa, Ikolomani, Chemase, Taita Taveta or Migori.

The National Treasury, led by one of the illustrious sons of Homa Bay County, Cabinet Secretary John Mbadi, has not released to the counties, including Kilifi, Kshs2.9 billion. This has been the case from 2016 up to now. That money is supposed to be paid as mineral royalties to our counties.

We usually pass Bills that pave way for disbursement of funds such as the Division of Revenue Bill, County Allocation of Revenue Bill, and the County Governments Additional Allocations Bill. That money is yet to be released, and we must call Hon. John Mbadi to order. This is because Kshs2.9 billion has not been released to counties from 2016 to date, yet that money is supposed to assist the counties.

In this financial year, we have projected that the royalties that will go to Nandi County is Kshs17.9 million. Nandi County has not received Kshs55.1 million up to today, which is part of the historical Kshs2.9 billion meant for counties. I will play the devil's advocate. We cannot be blaming counties for performing more, yet they are not receiving enough resources.

If they give the people of Chemelil Chemase Kshs60 million or Kshs70 million, those people will construct a dispensary, a road, classrooms, drill water and distribute electricity. We must be fair and we must fight. As a House, we must be protectors of devolution as per Article 96 of the Constitution.

Nelson Mandela was released in 1990 by the apartheid regime after spending three decades in Robben Island. During his release, he repeated a powerful statement that he had made in 1964. He said that he was ready to fight both white and black domination. I challenge Members in the name of Nelson Mandela, who is the father of

rebellion in Africa, to fight for these funds to be released to the counties. We have to fight against the non-release of the funds.

I am trying to give flesh to the amendment by Sen. Nyamu. Article 219 of the Constitution states that money appropriated for counties must be transferred without undue delay and without deduction. I am happy because I am making these comments knowing that minerals are key to the development of your region. We need to lay down some conditions. I remember the former minister who comes from that region, Hon. Najib Balala and the late Juma, fought for very long over the licensing of the mineral sites and gemstones in your region. So, we must attach the renewal and condition of mining license and permit to agree with the communities.

Clause 190(c) states that there will be a chairperson, three men, three women, and a secretary. The remuneration will be determined by the Salaries and Remuneration Commission (SRC). I will say this because I want my colleagues to get the gist, as I second this Bill. In clause 190(c), it is being proposed that this committee will be gazetted. I know that Sen. Ogola, Sen. Kavindu Muthama, Sen. Betty Montet, Sen. Nyamu and Sen. Korir are happy because this board will have three men and three women. So, it will be 50-50. I know that this Bill will sail through, because it will receive a lot of support.

Most secretaries are usually women. If that is applied here, then the board will have four women against three men. This might be the first time women will have the majority in a board. I am aware the High Court ruled that the cabinet is not properly constituted, because there is a gender problem. I know that we can achieve the issue of gender progress and parity. If we can do this at the small board level, then we can achieve it at the highest office in the land.

I want to challenge women of this country, with tremendous respect, that they must come out and run for those offices even as we push them for equality and equity in boardrooms. Sen. Kavindu Muthama has defied the odds. She has been elected severally. Her Governor of Machakos County is a lady, and so is the Speaker. I am told that it is called Machakos girls.

Commissioner Sen. Korir is running for the position of Member of Parliament for Bomet Central Constituency. Sen. Nyamu and Sen. Tabitha Mutinda are vying for the position of Nairobi Woman Representative. Sen. Betty Montet and Sen. Ogola are going to the executive. I am told that Sen. Chimera is the sponsor, but he is vying to be the Senator of Kwale County. I do not know how true that is. I heard that information in the streets. He is our son-in-law. I hope he has told you that he married from my place, and if he does not take care, we might return the dowry.

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

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

We are trying to ensure that there is equity and representation in this board. I hope this board will be gazetted within 14 days of their election. The board that will oversee the mineral rights for royalties in our communities must be gazetted. If they do so, it will

be a legal body. Their allowances will be determined by the SRC. This will be a serious board. Anybody who wants to be a member of the board must be elected by the community.

My last remark will be on Clause 190(d). The board members will consult Article 10 of the Constitution which is on national values and principles of good governance. One of the tenets of principles of good governance is public participation. The role of the community project implementation committee that will be formed under clause 190 is under Article 10 of the Constitution which speaks to national values and principles of good governance. The members of the committee must conduct public consultation. Public participation is now a key ingredient.

I heard somebody argue that public participation should be shortened because it is delaying implementation of projects. I have a different view. Article 10 of the Constitution provides for public participation. We must ensure that public participation is part of the ingredient and values of the Kenyan system of governance. We cannot just say that we have governance, we must conduct public participation. I am happy that the Senate Minority Leader, Sen. Madzayo, whose region is also affected by mining issues, is in the House.

We must identify the projects. The moment we stop listening to the people, is the moment we will start failing as a society. In Latin, they say: ‘*Vox populi, vox Dei*’ which means that the voice of the people is the voice of God. I know Sen. Kavindu Muthama is happy because I have mentioned God. In consultation, we must ask the people of Kilifi and Kwale counties what should be done with the royalties they will get. I do not now know whether Nairobi City County has minerals, but I am told they have gold diggers so that they can be included in that category.

Sen. Onyonka, we must also ask whether bananas qualify as a natural resource.

(Sen. Onyonka spoke off record)

By the way, there is soapstone in the region.

Mr. Temporary Speaker, Sir, the work of this community project implementation committee is therefore to consult members, monitor the implementation of projects, convene community forums and monitor utilisation of funds. I will ask the sponsors of this Motion, the distinguished delegation from Nairobi City County, to bring an amendment where we can include the Office of the Auditor-General (OAG).

Article 229 states that the OAG must do an audit of all public funds. Therefore, when these projects are undertaken, the OAG must have a role. We do not need to bring the reports to the House; they can even go to the county assemblies so that we can see whether the money has been used well by community project implementation committees.

I can see my light has gone off. Colleagues, what I am trying to say in an upshot is that we must give the best. We must ensure that our people get value for their royalties with this law on community development and implementation. Let the gold in Nandi and soapstone in Kisii counties mean something for our people. Let the rare art minerals in Taita, Kilifi and Kwale counties mean something for our people so that the natural

resources become a blessing, not a curse, just like the writer of *State of Africa*, Martin Merrill, wrote. We must sacrifice these resources so that they can bring development in our country.

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

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

Colleagues, we must ensure that we push for the immediate release of Kshs2.9 billion that is supposed to go to counties so that they have enough money to do their job. We should not just oversight counties without giving them enough resources.

There was a Member of County Assembly (MCA) from Kisii County called Lembande Siocha, who was attacked by goons. I do not know whether he has recovered. No one has been arrested, and they must be arrested because he is a representative of where soapstone is found. We must also eradicate this issue of goons. As a country, we no longer need these goons.

However, somebody told me that goons are also voters, I do not know how we are going to handle that. If today the people of Ikolomani, Kisii, Nandi, Kwale, Kilifi and Mombasa will have access to development, we will not have goons in this country. If they can get value for their resources, there will never be goons in this country. The only problem we have today is poverty. Kenyans cannot get three square meals. Even most of the children who are seated up there, our distinguished guests, do not have school fees and books.

Mr. Deputy Speaker, Sir, I know you were a Member of the lower House, the National Assembly, and you were one of the best in management of the Constituencies Development Fund (CDF). Infrastructure in our schools continues to be a problem. The only solution is to release these royalties and use them to develop school infrastructure so that our distinguished pupils and students up there can get the best infrastructure to learn.

With those many remarks, allow me to second the Mining (Amendment) Bill (Senate Bills No.22 of 2025), and yield back the microphone.

The Deputy Speaker (Sen. Kathuri): Of course, the microphone was not given to you permanently, so you have no authority to own it.

(Question proposed)

I open the Floor for Members to make their contributions. I will start with Sen. Onyonka.

Sen. Onyonka: Thank you, Mr. Deputy Speaker, Sir. First, I give my brother and friend, Sen. Cherarkey, his accolades. My brother, today you have outperformed yourself. Kenya will be proud of you with this performance.

The issue of our resources, especially minerals, has been a matter that we have talked about historically. It is so amazing when you listen to the details of what is happening to our minerals in this country; you get shocked. At some point, I travelled to the United States of America (USA) and sat with a Kenyan gentleman who works at the

State Department. He told me that the rare minerals that we have can actually pay all our debts. He said that the USA government has actually done analytics, checked on the data, looked at all the rocks and every science required to show what Kenya has. They have actually concluded that what we have in Mrima at the Coast would give Kenya about US\$60 billion. Sen. Cherarkey, you can be converting that for me into shillings so that Kenyans can understand.

The problem we have is simple; I will try and help my brother Sen. Cherarkey from where he stopped. Hon. Members, you will agree with me that recently, I have been quite close with Hon. Matiang'i. Sen. Cherarkey, in this case, I am not talking about his presidential bid, I am talking about his last act as a member of the Uhuru Cabinet. They did a mapping on all the minerals in Kenya and their value. That is available in the office of the President and the Ministry of Mining, Blue Economy and Maritime Affairs. They did that before they left.

Secondly, every county has been mapped for the kind of minerals they have and their values. Once we know this information is available, what do some people in this House and some other big people in big places do? They go and register private companies in the Cayman Islands in Panama. They then go and look for Chinese and European companies, which they use to hide the true ownership of their companies. That is how our minerals are actually being siphoned off in value.

Number two, thorium mining was taking place in Kwale, one of the most highly valued minerals. In fact, they never even used to process anything, they just used to carry the material itself in ships after they picked everything of what was thorium. They collected something close to about US\$15 billion, and the story ended there. In fact, if you talk to some of our people connected in government and who have been around for some time, they will tell you that the reason why businessman Jacob Zuma died was because the minerals that he was going to be given the rights to, and the Australian company that he was going to do business with, was going to get something close to Kshs125 billion. The fight which took place was about the minerals in Kwale.

Mr. Deputy Speaker, Sir, when you look at the issue that Hon. Cherarkey has raised, the Constitution says we must have public hearings. Sen. (Dr.) Boni Khalwale and Sen. Mumma have constantly been going to Ikolomani to try and find out why there is a problem with the gold that is being mined there. That gold has never benefited the people of Ikolomani, but you will find contractors, their dealers, Chinese companies and European companies there.

Go to Migori, and you will see how much mining we have there. You will be shocked if you see what is there. Some companies are mining. Number one, the contracts that we sign are hidden. Nobody knows the values of the minerals that are there. The number of brokers you see selling those mines is incredible, and yet if you go to the mines in Migori, you see how many people are dying because the conditions under which this mining is taking place are unpalatable. Even the environmental degradation that is taking place in some places where this mining is taking place is shocking, but we will never talk about it. The committees that we have here which are supposed to investigate and find out what to do, and the National Environmental Management Authority (NEMA), who are supposed to give us an evaluation of climate mismanagement and the

degradation taking place, nobody wants to talk about people taking kickbacks. They will never challenge anybody who is making money out of these mining places.

Mr. Deputy Speaker, Sir, I know this House never talked about it, but it is true. I know oil is being mined in Turkana. A company has already been granted the right to mine that oil. These companies, as we speak, are siphoning off and taking that oil to Mombasa. Nobody knows where it is going. Why do we behave like this? Why is it that we cannot just come up and say that we know the oil exists?

As we talk about this, we should agree that the value of this oil is this. The people of Turkana are entitled to 30 per cent that we are talking about, and yet, as we have said before over and over and over, we, the elites, have managed. I know Sen. Cherarkey knows it, but he cannot talk about it. Some of our friends, through you, are the ones who have gone and bought land adjacent to where the oil is being sourced from, and they are the ones who have changed the value of that oil and keep saying the oil cannot pay for itself. Nonsense. No, oil can pay for itself.

Mr. Deputy Speaker, Sir, the point I wanted to make---

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

The Deputy Speaker (Sen. Kathuri): Yes, Sen. Cherarkey, what is your point of order?

Just a minute. Just have your seat, Sen. Onyonka.

Sen. Cherarkey: Mr. Deputy Speaker, my apologies. I know I am interrupting the train of thought of my brother, but first, can he restrict himself to the rules of debate of using parliamentary language?

Secondly, under Standing Order No.101 on content of speech, and Standing Order No.105, he wants to insinuate that I know people who have bought land where oil is, and I am not speaking. Is it a statement or a fact? There are many visitors and Kenyans are watching live, and you know my standing in the country. I am a future presidential candidate. He is threatening my future standing. Can he withdraw and apologise?

Sen. Onyonka: Mr. Deputy Speaker, on the first point, I wanted to say 'nonsense' means it does not make sense; and the second one that I wanted to make is that Sen. Cherarkey, I did not say that you know this personally. What I was implying is that you have heard it severally. You have talked to some friends who say, I do not know who it is, but it is being done. So, I was not casting any aspersions on you, because you are my brother, and I respect you so much.

Mr. Deputy Speaker, Sir, the point I was making is that we have refused to accept the truth about our mineral distribution, our data that exists on what we own in this country and what we are doing with it. I will give you a small example. We keep ignoring certain things. I remember it was about three years ago. The president spoke when he was in Kisii. He said right now, we do not want to carry our raw minerals, put them into ships, and take them wherever we can. We need to start discussing and expanding our capabilities in value addition. So, what have we done?

Look at the Kisii soapstone. The county government issues a certificate and clearances to a Chinese company, which is responsible for cutting and picking up approximately 50,000 metric tons of soapstone per week. The company takes the soapstone away from Kisii. The soapstone is the only other stone in the world that is like

that, except for one that is in Brazil and another one in Canada. On the African continent, if you look at that stone, if there was value addition and it was industrialised, we should not be having this mace, which is full of gold, which somebody can steal. You can actually design and bring in soapstone, which looks exactly and as beautiful as this mace, which is here.

Another point I wanted to raise is that we never visit these areas. We have had several conservancies that exist in our republic which are privately owned, with long-term agreements on leases that have been signed where foreigners are owning these pieces of land of about 20,000 acres. Who does not remember that there was something called Ole Pejeta? The truth is that is where the minerals are. What is actually happening in those farms has nothing to do with tourism and conservancies to keep animals growing so that tourists can increase. Those are the areas that have been mapped that have tonnes and tonnes of materials, whether it is gold, diamonds, rare minerals or palladium.

Just as my colleague, Sen. Cherarkey has said, why is it that every time you have war in West Pokot or Turkana areas, you find people that tell you, do not go to Todoyang'. They say there are big boys there who are mining gold, they are picking. In fact, in Kenya, one of the issues that I cannot verify, one of the pieces of information that we have is that Kenya has uranium. Where are we selling our uranium to? I started adding two and two together. When you find somebody saying, and it is a very good idea, even though the people of Siaya said they do not want to have a uranium enrichment plant, which then would produce electricity for us, there is a reason.

We actually have the necessary materials to produce our own power, be self-sufficient, which can be sold cheaply to Kenyans and companies that can employ our youth and make sure that the country grows and prospers, but what do we do? Immediately we find that there is a mineral in Ukambani that can be sold, whether it is tanzanite or it is--- In fact, one of the biggest experts, and you will allow me to mention here without seeking his permission, is Hon. Muthama. He understands where every precious mineral in Kenya exists. But do we ever talk to individuals like that? No, because this is being done under the table. Yeah, I am talking about *Mzee*. My point is that we need to be a little bit more serious.

The committee is responsible and must be able to visit our areas. Let the ministry and the Office of the President tell us what mapping has been done, which minerals we have in which area, and what their values are. Let us get Kenyan experts there who will come and tell us that 'the minerals you have can be processed like this' if you have private companies coming to process those minerals. Can we agree on how we manage the financials and the resources that are supposed to go to our villages, because our villages are actually suffering because we are mismanaging their activities and resources?

The last item I would like to add is, if you look at our licensing, everything we do when licensing people who are coming to extract minerals in Kenya is all placed in opacity. You will never know which companies are taking the minerals; you will never know who the owners are; you will not find out whether they have ever paid taxes or not, and yet this is normal. This is very normal for our country. So, what we are saying is, can we just mature?

Some of the noise you get about how we have no jobs for youth, are things that can be fixed. These are opportunities that are low-lying. This is what I expect the UDA Government to have done as of now. By now, I wish the President would have appointed Sen. Cherarkey to be the guy managing the minerals. I would believe you in your pronouncements if you were the Cabinet Secretary, but then I know that Sen. (Prof.) Tom Ojienda would want you to be the Cabinet Secretary for Interior and National Administration. Sen. Kavindu Muthama could also serve, as she is an expert with 45 years of experience.

Finally, let this House and the relevant committee examine the amendments required in this Bill and discuss them. If further amendments are needed, let us try to clean up. We are untidy, deliberately disorganised and dishonest with our people. If you search for Kenyan minerals, you will see the list. They are many, including in Meru County.

Look at what is happening to our country. We import ceramic materials from Italy and Spain for construction in East Africa, while ceramic stones are available in Meru and Kakamega. Why are we not producing ceramic floor tiles and kitchen finishes? Instead, we remain net importers of everything, including toothpicks and razor blades. Meanwhile, we are unable to employ our young people. Where will they go if we, as a House, entrusted with responsibility, do not clean up and give our people opportunities? I hope my colleagues will refine this Bill and give Kenyans a good document by Christmas.

Mr. Deputy Speaker, Sir, with those remarks, I thank you.

The Deputy Speaker (Sen. Kathuri): Very well. With my knowledge of natural resource management, I am aware we have a mineral survey document at the Ministry. Any Senator wishing to know can access it there. Sen. Onyonka and Sen. Chararkey, you may visit the Ministry of Mining, Blue Economy and Maritime Affairs if you wish to pursue prospecting.

Let us now have the owner of gold in the western region, Senator (Dr.) Boni Khalwale.

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir. I beg Sen. Karen Nyamu to withdraw this Bill in its entirety. The Bill seeks to amend the Mining Act, 2016, to provide a legislative framework for the utilisation of mineral royalties for the benefit of communities where exploitation occurs.

In 1960, the only head of an African Government who understood neocolonialism was Hon. Patrice Lumumba of the Democratic Republic of Congo (DRC). On Independence Day when asked to speak, he told the King of Belgium, "Sir, we are no longer your monkeys." Fast forward to Tanzania, John Pombe Magufuli also stood up to neocolonialism. What happened to both presidents? They paid with their lives. Therefore, to massage the egos of neocolonialists who still colonise us economically by accepting royalties, is to dance on the graves of Patrice Lumumba and John Pombe Magufuli.

All African parliaments, including the Pan-African Parliament (PAP), the East African Legislative Assembly (EALA) and the Senate of Kenya must push heads of States so that when elected, they do not engage in deals with exploiters in the name of royalties. They promise boreholes, nursery schools and dispensaries. That is nonsense.

We do not want African countries to receive royalties from colonists. We want business with them. We want them to come with their sophisticated technology and meet midway with our resources. They get 50 per cent from their technological input, and we get 50 per cent for “*udongo wetu*”.

Mr. Deputy Speaker, Sir, I therefore want to draw attention to the theft that goes on in Kenya when royalties are shared. It is a lie, dear colleagues. The Bill we passed last month shows Nairobi received royalties of Kshs12.4 million. What mining takes place in Nairobi? Which mineral?

They go ahead to tell us that Kericho County was given Kshs1.2 million, yet geospatial data shows that Kericho County has no minerals. It is still under exploration. Nandi County received Kshs121 million. I have been to Nandi County. There is only one gold mining site, Karebe Gold Mine, but they received Kshs121 million. However, Kakamega County, the heart of gold mining, was given Kshs58.

(Several Senators consulted loudly)

Mr. Deputy Speaker, Sir, it is here, Kshs58--- The National Treasury mandarins want the Senator for Kakamega County to be a coward, and say all is well. The money from Gold in Kakamega County is distributed arbitrarily because no son of our region sits at the National Treasury. Nandi County, with a small amount of gold, gets more.

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

Sen. (Dr.) Khalwale: Do not inform me. You have had your time, Senator for Nandi County. I respect you, so respect me, please.

Mr. Deputy Speaker, Sir, because of the tribalism that is driving the Republic of Kenya---

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, were you rising on a point of clarification?

(Sen. Kavindu Muthama consulted loudly)

No, he has a right to do so, Sen. Muthama.

Proceed, Sen. Cherarkey.

Sen. (Dr.) Khalwale: What point is that, Mr. Deputy Speaker?

The Deputy Speaker (Sen. Kathuri): He has a point of order. Let him proceed.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I rise under Standing Order No.105. I have tremendous respect for my neighbour, and acknowledge that they should receive more than Kshs58. However, is he aware that the gold mine in Nandi County generates US\$1.4 billion, and pays Kshs250 million to the Kenya Revenue Authority (KRA) every financial year? To suggest that Nandi County receives more for other reasons is unfair to the people of Chemelil Chemase, where the gold is mined. I wish the debate would remain factual. I sympathise and agree that Kakamega should receive more than Nandi, but Nandi has substantive gold. That is why we have a right to receive that amount. We are even receiving less.

Sen. (Dr.) Khalwale: Mr. Speaker, I believe that qualifies as a point of information.

The Deputy Speaker (Sen. Kathuri): Sen. Boni Khalwale, the Chair does not participate in debates. However, perhaps you should check your data on whether Kakamega received Kshs58.

Sen. (Dr.) Khalwale: Here it is. It is the County Governments Additional Allocation Schedule showing county by county, including Meru. That was a point of information, and I thank you for informing me about what it is that you produce. But, please, Senator for Nandi, you can only inform me on matters of dairy farming, but not on gold mining. We were born and bred in the gold mines of Rosterman, Sigalagala, Malinya, Bushiangala, Visolo and Machilisi. We are the ones who are today sitting, according to geo spatial data, on gold worth Kshs658 billion, yet they give us Kshs58.

The Cabinet Secretary, Hassan Ali Joho and his Principal Secretary intimidate the people of Ikolomani with some dog-eared police officers. That ‘unless you succumb, we will teargas or shoot you.’ Yes, so far, they have killed six of our sons, but we are telling them: ‘do not teach our children to become militants.’ We have told them that if they must pay with their lives, as they are paying in defence of that resource of Kshs658 billion, then history will judge us fairly. Today, the country saw the President announcing and giving compensation to people who had been shot by the police when demonstrating. All the children who were shot by the police when they were demonstrating against this injustice, not a single one of them was given a shilling. This is what has made the government of William Ruto very unpopular in Western province. This is why now, everywhere in Western province, they are saying, it is not a joke.

These are issues, real issues of life and death. I want to persuade this House that let this Bill be stepped down. We talk to the National Assembly; we cut the shackles of neocolonialism, and ask ourselves, how do we want to do the business of exploiting mineral resources? We have to, for the reason that if you discovered a mineral resource in the US the way they have, or in the UK the way they have the oil they have, and you attempted to go there as an African and tell them that you wanted to pay them royalty, you will be lucky to come out alive. Why do we allow them to come this way, and they walk away with our wealth?

Many of you, especially Pro. Tom Ojenda here, have been to the House of Lords. You have seen the throne is a 20 feet tall seat made out of nothing but pure gold. That gold came from Ghana, South Africa and Rosterman in Ikolomani. We, the politicians, are refusing to say no because we are afraid you will die the way Magufuli and Patrice Lumumba was killed. Masinde Muriro told us that if you are going into politics, you must be prepared to either die, go to jail or die a pauper. If you are not prepared for any of the above, then you have no business being in politics. Politics is not a child's play.

Colleagues, let us defend our mineral resources. All of you have been to Kwale. In this list, Kwale was paid Kshs804 million royalties. The people at the Treasury because of the shame of what they are doing to Kwale. They paid them Kshs800 million so as to gag the Governor, Senator, Members of Parliament and MCAs so that they are not challenged on this quantum. The levels of poverty in Kwale are amongst the highest in Africa, yet they sit on rich mineral resources. It is because of this that we are stepping

out and saying, let us change the country. Let us change the government, so that we can have a government that is responsive to this exploitation.

The Deputy Speaker (Sen. Kathuri): Sen. Boni Khalwale, do you wish to be informed by Sen. Chimera?

Sen. (Dr.) Khalwale: Yes. The young Chimera is from Kwale. I know he has something about Kwale that I do not have.

Sen. Chimera: Thank you, Mr. Deputy Speaker, Sir. I just want to inform my good friend and my father, Sen. (Dr.) Khalwale. First, I come from---

An hon. Senator: Your father?

Sen. Chimera: Yes. He was the doctor in charge when I was being born at Msambweni Hospital many years down the line, so I consider him as my father.

Mr. Deputy Speaker, Sir, one, I come from Kwale County, and two, that we did not receive Kshs854 million. We actually received Kshs1.2 billion as our true share of the royalties, monies from the national government. It was not monies meant to gag any leadership from Kwale County. So, I do not think the good Senator is right to say the funds were meant to gag leaders. The idea was that we were receiving our respective share of the royalties.

Thank you. I hope he is duly informed.

Sen. (Dr.) Khalwale: Thank you, Senator, for informing me. I go by the law. You know because you are new, you do not know these things. The Bill that distributed this schedule became law as soon as we passed it and the President assented to it. So, according to this law, you received Kshs804,286,608. Concerning the Kshs1.2 million, you should go back to Kwale and tell them, whereas this money arrived in the office of the governor, where did you take the balance of Kshs400 million since you received it from the Treasury? No wonder some of you, young politicians, are living very flashy lives.

(Laughter)

Mr. Deputy Speaker, Sir, I was the doctor in charge at Msambweni Hospital when Sen. Chimera was being born. When he then says that I could as well be his father, I confirm that I am not his father, because I did not sow any royal seeds when I was in Msambweni. My hands are too full for me to try any gymnastics in Msambweni because--

I will continue begging you, let us fix our mineral resources. Thanks to Catherine Mumma. Out of the 60 MCAs, 12 Members of Parliament, one woman MP and a governor, all elected; it is only Catherine and I who are asking, where is our gold? So, when I say, Chimera, you are gagged, I did not mean it is you. I mean collective leadership, because if they are not gagged, why are they not doing what Sen. Mumma is doing? As they say, he who pays the piper calls the tune. So, the tune that is not being sung in Kakamega by leaders, is because the investors have paid the piper.

We, in Kakamega, do not want any investor to build any primary school, health center, or anything. We want to build them ourselves. When I will be the governor of Kakamega, God willing, we intend to build the gold mining city of Kakamega out of this

fortune. We are not, Sen. Catherine Mumma, going to allow them to go away with the money, so that they come and dig some silly boreholes in Kakamega for us.

Sen. Mumma, if anything happens to me – this is not a joke - please stand tall and go back to Ikolomani, and refuse to have this fortune taken away. It is not out of choice that we were born in Kakamega; that is where we call home.

Look at this line. Where are the Luo Members of this House? On this schedule, Homa Bay has received zero, and you tell people, “broad-based government. We are in government” because a Cabinet Secretary has been appointed from your tribe. We want the National Treasury to pay the people of Homa Bay so that they do not go and queue for handouts from the home of the Cabinet Secretary in the morning. Where is the money if the broad-based government is working? Homa Bay, where are you? Where is the money? We are not going to succumb to this.

Finally, but not least, on June 25th, 2024, Gen Zs stormed this House. Everybody in the National Assembly ran away. The Executive increased their security and locked themselves in safety. It is only you, distinguished Senators, who came out with courage, came to this House, put the mace in place, and brought back the country to normalcy. Do not forget. Nobody should ever take that away from you. Without that debate that we had here that day, the country was gone. There were seven things, nine things that you told the President to do in this House. He did all of them but two. So, we saved the country. Let us save the country so that the young generation can spare us for our incompetence, and wait for their time to come into leadership to right the wrong that we are doing today.

(Applause)

I celebrate Members of Parliament from Kisii and Nyamira Counties, Mount Kenya and Luo Nyanza. They descended in two days in multiple stopovers in my counties of Trans Nzoia and Bungoma in a sign of patriotism. This country needs patriots, I am telling you. Those patriots are walking around in the name of *Linda Mwananchi*.

I hear somebody is planning not to register *Linda Mwananchi* as a party. Do not waste time. We are old dogs. Even if you do not register *Linda Mwananchi* as a party, we already have an alternative.

Thank you, Mr. Deputy Speaker, Sir. I beg to oppose, not because it is wrong, but so as to request the Senator to step it down. We want to fix this mess.

Sen. Faki: Thank you, Mr. Deputy Speaker, Sir. I want to confirm that Sen. Khalwale worked in the Coast region, and he was at some point at Port Reitz Mental Hospital.

An. Hon. Senator: As a doctor or patient?

Sen. Faki: I said doctor. I do not know if he was a patient, but I know he was a doctor.

First of all, I wanted to correct the Senator of Nandi when he says that for the first time, royalties will be divided in the ratio of 70 per cent to the national Government, 20 to county governments, and 10 per cent to the community. Section 183 of the Mining Act, as it is currently, in subsection 5, says that the royalties payable under subsection 1 shall be distributed as follows-

- (a) 70 per cent to the national Government,
- (b) 20 per cent to the county government; and
- (c) 10 per cent to the community, where the mining operations are taking place.

The object of this Bill is not to distribute the royalties, but to hasten the payment of the royalties because, at the moment, the payment of royalties is clouded in mystery, and at some point, they have to come to the House.

The Deputy Speaker (Sen. Kathuri): Sen. Khalwale, listen to the Chair of Committee, because there is something maybe you did not get right on this Bill.

Sen. Faki: The object of the Bill is to fasten or hasten the payment of the royalties.

The Deputy Speaker (Sen. Kathuri): Also, explain the royalties because I am aware we have the royalties. Explain how they are shared.

Sen. Faki: The royalties that are collected by the Government, 10 per cent goes to the community, 20 per cent goes to the county government, and 70 per cent goes to the national Government. However, payment of the 20 per cent and 10 per cent that goes to the community and the county government has been a problem throughout this Government, and maybe the previous governments.

For instance, on titanium mining, Tiomin Company came and did their mining. They concluded last year, and are now in the process of rehabilitating the lands where the mining took place. But the mining royalties are being paid this Financial Year. Kwale just received, according to Senator Chimera, Kshs1.2 billion from those royalties that were collected over the years, about 10 years or so when the mining took place. So, this delay in payment of the royalties to the county governments and the communities is the problem that is being attempted to be cured by this amendment.

The Deputy Speaker (Sen. Kathuri): Order, Sen. Onyonka. This is not a village in Kisii. Just pass by, go to the bar and then come back.

Sen. Faki: The proposed amendment under Section 190A, the Cabinet Secretary shall transfer to the relevant county revenue fund the royalties allocated to the county governments and communities under Section 183, subsection 5B and C within 21 days of the receipt of the royalties. That is unlike now, where they have to go to the National Treasury, wait for the Parliament to pass the Conditional Allocations Bill, and that is when now they follow the disbursement schedule that is normally passed to be able to receive the funds. Even then, they may not; they are not sure whether the funds will be paid or not. So, this is a welcome amendment, and we look forward to having it actuated.

Mr. Deputy Speaker, Sir, another problem with mining is that a landowner where mining takes place does not receive anything. Last month I was in Malinya in Ikolomani. Sen. (Dr.) Khalwale, Sen. Mumma and Members of my committee were present. The problem is that apart from an agreement that is made between an owner of land and the mining company, the owner of land does not get anything. The community surrounding the mining area only gets about 10 per cent.

Most mining companies are unscrupulous because they get a license to do prospection, which takes five years. Whatever they get during prospection is not accounted for. Sometimes they even do actual mining in the name of still prospecting. For example, they tell people they have seen a vein of gold in the area, and so they are

checking whether the project is viable or not. In the process, whatever is mined is not accounted for.

Mr. Deputy Speaker, Sir, the problem is with regards to compensation due to owners of land. In some instances, once the land is excavated and mining takes place, the owner of land may not go back to that parcel of land. I was told while in Ikolomani the other day that there are some graves of big people that cannot be moved, and that if you move them, then it will be a curse to the community. Even if they do some things to appease the spirits of those persons, still it will be a curse to the community.

The issue is that you own land but not the minerals beneath the surface. That is where the problem is. In fact, in Ikolomani where we went, the problem is that there was no proper consultation between the mining company that is prospecting to do mining, and the community. Therefore, the community had to petition the Senate to consider their issues.

Another issue proposed in this amendment Bill is establishment of community project committees. For instance, when we went to Taita, the community wanted money to be paid and then shared amongst them. That is also happening in places like Jaribuni, where there are a lot of quarry activities. Maybe money that is supposed to be paid to the community is not planned for what they would want to do as a community.

In some instances, they have come up with proposals. For instance, they may want to put up health centres to protect people from dust pollution and treat those who are affected. In some instances, they may want to create bursary funds so that students from those communities are educated. Therefore, the committees being proposed under Clause 190C is a welcome initiative that should be supported.

The community should also have a say on how they use those funds. For instance, when money comes in, most people become a bit unreasonable, and some may want the money to be shared out. Sharing money that goes to the community was not in any way provided for in the current Act as it is. Therefore, this is also a welcome development that we need to support.

Mr. Deputy Speaker, Sir, this is a good amendment Bill. We have taken up the issue of payment of royalties with the Cabinet Secretary. They were also in the process of amending the regulations in order to pay directly to the communities so that money that is supposed to go to the community does not go through the county government, because a county government also subjects it to another bureaucracy.

In some places where mining takes place, people are a bit wealthy as a result of activities of artisanal miners who can challenge some of the decisions made by county bureaucrats. Therefore, there might be some issues of delays and bureaucracy in payment of royalties. This is also a welcome development.

Mr. Deputy Speaker, Sir, I pray that Senators support this Bill so that we pass it. I thank you.

The Deputy Speaker (Sen. Kathuri): Thank you, Mr. Chairman. Next is Sen. Catherine Mumma.

Sen. Mumma: Thank you, Mr. Deputy Speaker, Sir, for the opportunity to contribute to this Bill. This Bill concerns itself with use of royalties from mining

activities within communities. It is structured in a way to try and put in place a mechanism that can help to determine what projects communities should engage in.

Having gone through and still going through the issue of goldmining and the manner in which people of Isulu in Ikolomani are being bullied into accepting whoever is taken to them without proper understanding of what is going on, I am persuaded that this House needs to engage itself on the need to completely overhaul the Mining Law to ensure that mining activities benefit the people of Kenya instead of benefiting largely foreign investors with a few individuals. There is a mess in the way relevant Articles of the Constitution are being implemented. We need to go back to this issue and find out because since Independence, we have had individuals and families of people in high places in Government being the key beneficiaries of mining activities within the country.

The whole process on how much revenue we make from mining activities is blurred in opaqueness because it is unclear. It is high time we made laws that can make it clear to know how much Kenya makes from exploitation of mining resources that the country has, whether in Kwale, Kakamega, Siaya, Migori, Homa Bay, Kitui or Machakos. We should know the amounts of revenues being received, and how communities where mineral resources are benefit from that.

Therefore, Mr. Deputy Speaker, Sir, I fall in the category of trying to persuade Sen. Karen Nyamu that the Bill is about sharing resources that are shrouded in opaqueness. I suggest that the Senate be the House that will step down this law and establish a team to reorganise the mining processes in this country to ensure that they benefit the people. I thank the Chairperson, Sen. Mohamed Faki and his Committee, for coming to Isulu, Bushiangala to try and listen to the people of Bushiangala.

While we were there, the people of Bushiangala were repeatedly told that the land belongs to them, but the mines or the gold belongs to Government. There is no such provision in the Constitution of Kenya. The Constitution of Kenya, in Article 69(1), provides that the State shall ensure sustainable exploitation, utilisation, management and conservation of the environment and natural resources, and ensure the equitable sharing of the accruing benefits.

It then goes further to say that the State shall utilise the environment and natural resources for the benefit of the people of Kenya, and not somebody called the Government. For that interpretation, somebody called Government is the owner of gold, gemstones and oil in Turkana. Some believe that because they are at the top of Government, they are the ones who own these mineral resources. So, they are the ones who will decide which foreigner will come and get into a partnership with them to exploit those.

Even as they do so, it is unclear how much money they are putting into the National Treasury. Therefore, it is unclear for us to audit and say that this county has contributed revenue equivalent to so much in terms of resources made out of gold, gemstones and so on. So, the problem of this country is not how we are sharing the little that they are giving. If you look at the schedule for the Financial Year (FY) 2026/2027 that Sen. Khalwale is making reference to, the 20 per cent share of mineral royalties that Kakamega is receiving is Kshs58. It means the Government made Kshs290 out of gold from Kakamega. That is exactly what it means. Sen. Karen, the reason I am saying we

possibly need to relook at this is, the Committee you are setting up here would be worrying about how Kakamega can get to sit to decide how to use Kshs58.

This particular Senate needs to say no to the stealing of mineral resources in the country, which is done through collusion between the relevant State departments and senior people working together with companies that are incorporated out of this country. Strangely, we borrow so much money, but we do not have an idea of investing some of that money in minerals and the mining of our resources in order to make money for our people.

Mr. Speaker, Sir, coming back to this law, assuming that everything was okay and we are talking about the royalty, this law fails to recognize the need for factoring in proper intergovernmental cooperation between the national Government and the county government. It basically gives powers to the Cabinet Secretary for Mining, Blue Economy and Maritime Affairs and brings in the County Executive Committee (CEC) to be the one to coordinate/advertise on how the members of the Committee can be hired. It then proceeds to give qualifications of who this member is; who can be elected as a member to this Committee.

Very strange qualifications, because there are mainly three qualifications. One of them is that the person must be a member of the community. I find this one very strange; that a person must be proficient in English, Kiswahili or Kenyan Sign Language to be on this committee. Some of the miners from my village, all the experts in mining in my village, are people who may not have gone to school, and may not be able to speak English or Kiswahili.

I am surprised that we are not putting there a vernacular of the space where they are. Mining was a cultural activity in many of our communities. So, we are actually designing this in such a way that it becomes another elitist group that will be determining for communities what they are supposed to do. The Bill does not consider the fact that a community project that may be picked might fall within the functional assignment of either level of Government.

That is why it makes sense that when we make a law in the Senate, that law considers the possibility of how it intersects with devolution. So, if that Committee were to elect to do a water service to the community, that water service must be factored within the county plans around water service delivery within that community. If it were to select something to do with giving agricultural support, we have to factor that agriculture is a devolved function and, therefore, it needs to be fitted within the county government.

The point I made earlier is that the law we need in this country is one that will ensure transparency in the management of issues relating to mining. For instance, we found out in Kakamega that the company that is applying for a licence for mining is also getting a licence for prospecting over the same surface area. You have a licence for prospecting, you are applying for a licence for mining.

The licence for mining is purportedly for this particular location, and the licence for prospecting is for a larger location. Basically, trying to monopolise, to put one company to be able to do everything in that area. I asked the Principal Secretary for Mining, Blue Economy and Maritime Affairs, the peers, whether the Ministry has the

relevant capacity to be able to know whether a prospecting licence is being used for mining. We must be able to monitor and know when people say they are prospecting but are actually mining. Some are escorted using State resources to deliver what they have excavated. We need to verify if it is prospecting or mining.

If it is mining, we must have capacity. We must be able to state how much gold was extracted from Kakamega, and state its value. It cannot be that you are sitting in Nairobi, depending on the prospecting person to tell you, “this is what we got, and we got it in so many kilos, therefore, this is how much we are going to pay for it.”

Mr. Speaker, Sir, what I am saying is that our mining law has facilitated a lot of opaque activity around mining. That is why you end up with Kakamega being given Kshs58 in the name of royalties. I would want to know how much quantity that gold was. So, the point I am making is that as Parliament, we owe it to the people of Kenya. The law actually contemplates it. Article 71 says that-

“A transaction is subject to ratification by Parliament if it-

(a) involves the grant of a right or concession by or on behalf of any person, including national Government to another person for an exploitation of any national resource in Kenya”

Parliament is supposed to be overseeing and helping in granting permissions over this issue. Are we doing that? Has the law we have passed helped us to protect the national resources for the benefit of Kenyans and not the benefit of Government, whoever that is? This is because in the Constitution, the State is not the executive Government. The State is all institutions. It includes Parliament, Executive, Judiciary and all other independent bodies.

So much as I would want to give accolades to my sister for helping to see where we can structure how royalties would be channelled, I would want to urge this House to do better and relook at our Mining Act with a view to overhaul it to deliver what the Constitution envisaged when it said ‘for the benefit of the people of Kenya’.

As I finalise, you will find that our own cultural artisanal miners are being treated as if they are lesser beings or investors in the practise of mining, whether in Kwale or Kakamega. What we are having now are reactive regulations coming to try and deal in a particular way. My request is that we need an independent review of all these issues to ensure that Articles 69, 70, 71 in regard to natural resources are properly implemented.

We might want to borrow from our sister country, Tanzania. When His Excellency Magufuli was there, they overhauled the mining law and regulations to ensure that there was greater benefit for the people of Tanzania, than for those who had come to exploit and use the people and the resources of Tanzania for their own benefits. That is why they ran away from Tanzania and came to Kenya.

As the people who represent communities, it is incumbent upon us to objectively step back and admit that we have not done a good job in developing the necessary regulations around mining. As a result, we have turned our communities into slaves. We are harming our rivers with mining that is unchecked. We are harming our lands, and we are bullying our communities, treating them as though they are slaves in order to benefit foreign countries in the manner in which they did when they went to South Africa and when they came here. So, I am asking we step back and, in a very objective way, and

decide how best we can roll out the constitutional expectations around our mineral resources.

Even as we do so, we must contemplate the trillions of dollars that we are borrowing. Why can we not invest some of them in our own exploitation of our resources in order to fast track our route to Singapore or wherever else we want to go to?

Why do we hand over this? We are told we will be able to extract in my village alone Kshs261 billion worth of gold without speaking of other slots, but you want to hand it over to other people. Is the Kshs13 trillion not enough to factor a little bit of it in organising communities to do that exploitation as Kenya?

I think we need to relook at these laws and regulations with the lens of Articles 10 and 70 of the Constitution. Mineral resources are supposed to be exploited for the benefit of the people of Kenya, not for the benefit of an individual called Government or big boys. They are usually big boys, not big girls who work together with proxy small boys from abroad. We need to get our act in order. Before we do so, hon. Karen Nyamu, I would request that the problem is bigger----

The Deputy Speaker (Sen. Kathuri): Very well. Sen. Chimera.

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

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

Sen. Chimera: Thank you, Madam Temporary Speaker. I certainly refuse to join the chorus and choir that seeks to admonish my very good sister and friend, Sen. Karen Nyamu, for the work that she has done in proposing this very timely amendments.

We have listened to you ,and I am sure Sen. Karen Nyamu has equally listened to you as you ably prosecuted your views and submissions, as well as those from Sen. (Dr.) Khalwale on this amendment Bill. I want to assure you that this Government, led by hon. William Samoei Ruto, is extremely keen in making sure that minerals benefit our people.

I congratulate Sen. Karen Nyamu. I could not be prouder of her like I am this evening for her efforts in drafting and putting together thoughts into this amendment Bill. This is because this is the conversation that the people of Kwale are having today. From the people in Pungu Checkpoint in Waa/Ng'ombeni, all the way to Kiungani Vanga, in Lunga-Lunga sub-County, Silaloni in Samburu Kinango Constituency, to Mazeras in Kinango Constituency, the conversation that we have had, as the people of Kwale, is how best we benefit from minerals.

It is common knowledge that we are perhaps the biggest mining site in this country. We recently had a Base Titanium that undertook its mining activities in Msambweni Constituency for over 10 years. However, there is nothing to show for it. The investor came to Kwale County, mined and took away raw materials in the form of titanium. There was no conversation whatsoever on the need to process and add value to these raw materials before export happens.

The arrangement that the then Government entered into with Base Titanium was skewed to favour the investor. It is disheartening to learn that certain villagers from a village in Msambweni called Vumbu, were not compensated when they were asked to

pave way for their land to be used for purposes of prospecting for these minerals and subsequent actual mining of titanium in Kwale County. Those people are still complaining and lamenting to date that they need to be compensated, but there is no one to speak for them.

I partly agree with you on the need to overhaul the Mining Act as it is today. However, we need to start from somewhere. We have a beautiful piece of legislation in the name of the Mining Act. It basically addresses the entire spectrum of what will be a mining activity. It starts from licensing, resettlement, compensation of the project affected persons, and compliance and enforcement, which should be in part nine of that Mining Act. It also looks at establishment of offences, which is under Part 15 of the Mining Act. As a country, we have done so well to make sure that there is order and sanity in our mining activities.

I will speak to the Bill, as proposed by Sen. Nyamu, especially on the timely release of royalties to counties. It is common knowledge that an investor will come to the country, seek for a prospective license, get it, acquire a mining license, go on the ground, and start mining. He will then take the minerals out of the mining sites to wherever it is, which can be Singapore or somewhere else, although we are also on course to going to Singapore. We shall be with you in Singapore. After that, the long wait for royalties begins. As I speak today, my county just recently received its rightful share of the royalties after waiting for so long. The monies are now in Kwale County, and it has brought forward another conversation. The question now is, how best do we share these royalties' funds? The Governor and her team in Kwale had proposed certain projects to be funded by these funds.

Ideally, we factor in these monies as we make our budget proposals. The Governor is sometimes at pains to explain why they are unable to carry out certain projects, yet they budgeted for the same and the funds are unavailable. I am proud of Sen. Nyamu, because she has cured that mischief. This is because we do have money from a mining activity, but those funds sit somewhere in Nairobi with the Ministry and the Cabinet Secretary.

This happens because there is no legal framework that specifically speaks to the timelines within which those funds should be given to the county government. That includes the 20 per cent that is duly meant and allocated for the county government, and the 10 per cent that is meant for the community. So, I am happy that there will be a law for the first time that will mandate those in charge of releasing these funds to do so within 21 days upon receipt of the royalties. That is what Clause 190(a) of this amendment speaks to.

The other conversation is on project identification and implementation of the same. Right now, the people of Msambweni are saying that the mining activity happened in Msambweni, so they are entitled to the largest share of the projects in Msambweni. However, I want to remind my people in Kwale County that these minerals are minerals for all of us. This resource is for the people of Kwale. Those of us who come from Lunga-Lunga Sub-county must equally have a share of these proceeds. Those of us who come from Matuga Sub-county, Msambweni and Kinango equally have a share of these royalties.

I believe what Sen. Nyamu is proposing, of setting up the relevant community project identification committees, would cure the issue of sharing the royalties *vis-a-vis* the projects and how we roll out the projects in our counties. The need to involve the county government in rolling out the projects and the funds is very crucial. That is why the good Senator saw it fit to involve the county government effectively by way of making sure the County Executive Committee (CEC) Members in charge of finance and the CEC in charge of mining would be involved actively and not passively, by law, so that the input of the county government is felt and that projects are implemented across the board.

We have the Mrima debate in Kwale County right now. I heard those who spoke before me speaking on the need to making sure that the mining laws are for the people and the community. I want to tell the people of Kwale County today that this is their moment. The conversation on how they involve themselves in the mining of Mrima Hills should happen now, and that everyone must be part of that conversation for us to truly benefit from the resources.

I know there are questions touching on the relocation of people and compensation. It appears as if there is misinformation out there, but it is time, as a leadership from Kwale County, we get it right this time around. I am happy the President has been very supportive in his rallying call that this time around, we will not have our rare earth minerals being carted away to foreign countries without having the discussion on value addition happening locally. If we have value addition done locally, the industries will provide the many job opportunities that our young men and women are seeking for across the board.

I also agree with you on the need to borrow heavily from the mining laws from our sister country, Tanzania. I have had the chance to go around the mining areas in Tanzania. I have been to Geita, Tarime and Mwanza, where mining happens as if it is a normal thing. There is no secrecy in mining gold in Tanzania. It is not shrouded in mystery. There is no fear at all. Young people are involved in the business and trade of gold and minerals in Tanzania.

When you come to Kenya, trading in minerals is like trading in bhang. It is like an illegality. This happens because our laws have not enabled that space and opportunity for every Kenyan of goodwill to be allowed to trade, participate and involve himself in mining activities without a shred of doubt. I am happy my good professor, Sen. (Prof.) Tom Ojienda, used the proper word, “wash-wash”. Right now, if you talk of mining activities in Kenya, you will be thought of something else.

I ask you and Sen. (Dr.) Khalwale to lead this House in proposing these amendments or the overhaul of the law. Ultimately, we will end up having the proper mining regime in terms of a legal framework. If we do that, every Kenyan who is interested in pursuing a mining activity can do so knowing very well that he has the full force and backing of the law.

Madam Temporary Speaker, with those very many remarks, I support the amendments as proposed by Sen. Karen Nyamu. I know there is room for further amendments, which we will wish to speak to at that point in time.

Sen. Karen Nyamu, congratulations for these very timely amendments. I hope many of us will speak towards supporting the same Bill.

The Temporary Speaker (Sen. Mumma): Sen. Muthama, proceed.

Sen. Kavindu Muthama: Thank you, Madam Temporary Speaker, for giving me this opportunity to add my voice to this Amendment Bill from Sen. Karen Nyamu.

First of all, it is very timely. The Chairperson of the Standing Committee on Lands, Environment and Natural Resources has just told us that the county governments are supposed to receive 20 per cent, while the locals receive 10 per cent in royalties. What is written in this paper is only the 20 per cent that is supposed to go to the county governments; but the 10 per cent that is supposed to go to the *mwanaanchi* is not here. Therefore, royalties are only paid to the county governments and not the locals.

We should stand up and fight for the people, because they have suffered for so long. When you go to places such as Voi, there are so many foreigners there. They go into the interior to buy the gemstones and whatever kind of minerals that they can get. Whom do they pay taxes to? We just let our minerals be taken out of this country without any taxes being paid, yet as Kenya, we are overloaded with international debts. This is despite the fact that minerals in this country are enough for every Kenyan.

When I say this, I know what I am talking about. I have seen somebody dealing with stones, and I know what it means. When you go down to those people, you will find them rotting in poverty, yet that land and mineral belongs to them. They gain nothing.

Madam Temporary Speaker, as Sen. Karen Nyamu pursues to fasten the payment of royalties to the counties, I also support what you and Sen. Boni Khalwale said, that we must overhaul the law on mining in this country. We have coal, iron, gold, gemstones and all manner of minerals in this country, yet, we are rotting in poverty. We are borrowing day in and day out with no money to pay for the loans that the Government is taking; overloading the normal *mwanaanchi* with taxes so as to pay the loans. We have all it takes to live peacefully and happily with jobs and money for development in this country.

Madam Temporary Speaker, you have spoken of Tanzania; I have been to Tanzania. I even went to their mines department, wanting to know how their law works. In Tanzania, no foreigner can register a mining company without a local *mwanaanchi* being given 25 per cent of the shares. The local contributes nothing, but you must give them 25 per cent. That is why it is difficult to work in Tanzania. As Sen. Chimera said, everybody can mine there easily with no fear. Try to do that here in Kenya, you will not even know how the minerals get out of your pocket because we are not doing it the right way.

We need to put in place the right laws. Inviting people from outside to come and do mining so that they can give back to the community is not enough. Actually, we should invite them to come and open factories to refine and sell gold from here. Otherwise, if they carry minerals, such as the gemstones as raw materials, they carry them at a throw away price, and then go and make jewellery, which we then buy at a very high cost. We are losing it as a country. We must see what we can do.

In Machakos County, we have minerals that are not even mentioned. We have sand, mica, ginseng and building block materials. Our sand has built the whole of Nairobi, and our stones have built the whole of Kenya, and we are gaining nothing out of

this. Sen. Karen, as you look at the minerals, kindly also look at sand and the building stones in Machakos County. The owners of the quarries in Mavoko in Machakos County, where we get the stones, called me telling me that people have rented their mines so that they can mine the stones, and they are not even paying them. I ask the County Government of Machakos to move with speed and intervene for those people to be paid their royalties and rents.

Another thing is that when these foreigners come and mine, they leave those mines open. Our people then fall into those mines and die, and nobody compensates them. Something should be done through this Bill and the Bill that you, Madam Temporary Speaker and Sen. Khalwale, are coming up with. That once anybody mines anywhere, they should cover the mines, otherwise, they leave our people at risk.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Mumma): Sen. (Prof) Ojienda, proceed.

Sen. (Prof.) Tom Odhiambo Ojienda, SC: Thank you, Madam Temporary Speaker. I congratulate Sen. Nyamu for bringing an amendment to the Mining Act, CAP 306, Laws of Kenya, and for the first time, demonstrating that she is indeed a lawyer of standing who understands that we need to action the Mining Act. However, I will point to substantive amendments at this stage.

Number one, the framers of the Constitution intended the royalties to be shared in the ratio of 70:20:10 from Government to county, and then to the community. It is the unfairness in that ratio that has informed the submissions of Sen. (Dr.) Khalwale this afternoon. Madam Temporary Speaker, I think it has also informed your submissions that it is an unfair ratio that needs to be addressed, first, under the Mining Act. That share probably should be 50:30:20 or 50:25:25 so that there is fairness to the community, number one, and two, to the county governments where the minerals reside anyway.

Madam Temporary Speaker, so that would be an amendment that should be originated by another Senator, if Sen. Nyamu has not done so. That is an important point, but we need equity and fairness in the distribution of royalties to communities where those minerals are, and we must also consider that now we have counties – we have 48 governments – and those counties where we have minerals must benefit from mining. If it is gold in Kakamega, let the County Government of Kakamega benefit. If it is gold somewhere in Migori, let the County Government of Migori benefit so that we do not have unfair royalties when we know minerals reside in a particular county.

Madam Temporary Speaker, this amendment is good. However, it ignores the fact that the appointing authority in the county is the county governor, and therefore, the CECMs for Mining and Finance have no business appointing individuals and creating further bureaucracy in the management of funds that come to the county.

If there is need to appoint a committee, and if those funds are not channelled--- In my view, number one, those funds should be channelled to the County Revenue Fund (CRF) for use by the county in the normal manner, that is, 20 per cent. The 10 per cent for the community, once it comes to the county for the benefit of the community as the amendment intends, the appointing authority under the proposed Clause 190C of the Mining Act should be the governor, and the structure should not be as a collaborator set out. It should be two or three members of the actual community where the mineral resides

so that if it is gold in Ikolomani, for instance, appoint people from Ikolomani from that region. A framework that will make it easy to manage the funds and not create another bureaucracy that then takes all the funds before the public benefits. That is the intention of a benefit. It should flow directly to the people.

Secondly, in my view, the other qualifications of English and Swahili are really unfortunate. I think that as long as there is the member of the committee of some form of governance, some ability to show that they can govern, maybe some knowledge in finance, public finance, law, administration and things like that, then I think that would be the normal course of appointing individuals to boards. Let the board be lean, five members at most, then let them focus on a particular plan to implement a project in that community. The project should also be community specific. For me, that is the amendment that is deserved under Clause 190C.

Then, when we go down, the governor appoints a lean framework, then the project is implemented directly so that when funds come, like the one in Kwale, Kshs1.2 billion, if that was 20 per cent, 10 per cent would be Kshs600 million. That would be money that would then be managed for that particular community.

If it is the community in Mrima, where there is gold that is unmined and where people are openly poor – I am told they walk without shoes – let the community in Mrima take advantage of that 10 per cent, manage their resources and move on.

If it is Kakamega, and I am shocked that they earned Kshs58 as royalties. I think that there must be a problem. The formula for calculating royalties earned from minerals should be open for examination, and should be openly shared. Since this fund goes to the county, it should be available for debate by the Members of the County Assembly (MCAs) and questioned by the county government. The county government should know the amount of minerals mined in its jurisdiction, and what is available for the national Government, the county government and the 10 per cent for the community.

The elephant in the room remains the need to amend the Mining Act, 2016, Cap 306, to ensure that unfair percentages reflect current realities. We now have 47 county governments whose intention is to serve the people. This must reflect devolution. We are devolved. We cannot hold everything at the centre, give nothing to the regions and still expect them to develop.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Mumma): I do not see any other Member wishing to contribute, so I now call upon the Mover to reply.

Sen. Nyamu: Thank you, Madam Temporary Speaker. While I appreciate the sentiments of my colleagues, Sen. Boni Khalwale, Sen. Catherine Mumma and Sen. Kavindu Muthama, on the Government having a greater stake on behalf of its people in mining operations, this amendment is not about who should mine. It addresses the issue of managing royalties going to our people.

The Government taking over mining operations does not remove the need for royalties to reach the ground. It does not eliminate the fact that we need a transparent framework to manage them in a way that represents the people and their interest.

The most relevant contributions today came from Sen. Chimera and Sen. Tom Ojienda of Kisumu County, who addressed the amendment directly, including the

composition of the committee and the sharing of royalties. If this House wishes to debate broader Government participation in mining and whether it has the finances and capacity to run mining operations, that requires a different amendment and a broader policy framework. It is not before this House today.

At the end of the day, we need a transparent system to manage royalties accruing to communities. This cannot be ignored by focusing only on foreigners. For your information, foreigners do not simply mine our minerals and leave with them. The licences issued by the Government have conditions. It is not their minerals. The minerals belong to us. Licences points that out and specify how we secure the larger share, including through taxes. Therefore, we should not deny communities their rightful royalties by delaying this amendment or missing the point altogether.

Sen. Kinyua: On a point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. Mumma): Sen. Kinyua, what is your point of order?

Sen. Kinyua: Madam Temporary Speaker, it is not a point of order, but a point of clarification. The Senator says that the foreigners do not take all of our minerals. They do. We have this law to guide them properly so that they do not take all our minerals. That is why we have 5 per cent going to the community. That is the reason we have this law. So, I want her clarification. What does she mean when she says that foreigners do not come to this country or any other country and take all the minerals?

The Temporary Speaker (Sen. Mumma): Sen. Karen, you may clarify what you meant.

Sen. Nyamu: I think he has answered himself, because he has said that there are provisions on how the miners or the foreigners should appropriate the funds which they get from what they extract. If he is aware that they give 5 per cent to the community and whatever per cent, how does that translate to them taking all the minerals?

I would like Members to have a look at a mining licence. It is not a licence to run a matatu, where the owner ferries people and gets the entire profit. There are intricate details of what the country and the county government gets, the taxes and all that. If we want to amend that and let the foreigners get 10 per cent, it is up to us, but today, that is not what we are legislating. We are trying to ensure that royalties are not abused on the ground. That officials at the county level, the county government level, and at the community level are also not taking advantage of our people and using funds in a manner that we cannot trace. That is a framework set out in this amendment, and we can debate that. However, if we want to talk about the country taking charge of our mining operations, that is a whole other debate that we can do at a later time.

Madam Temporary Speaker, I beg to move and request that the putting of the question be deferred to a later date, pursuant to Standing Order No.66(3).

The Temporary Speaker (Sen. Mumma): The putting of the question is so deferred.

(Putting of the Question on the Bill deferred)

Next Order.

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

Hon. Senators, I wish to reorganize the Order Paper and defer Orders No.8 to 14.

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

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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).

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

(Resumption of debate interrupted on 11.6.2026)

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

(Committee of the whole deferred)

Next Order.

BILL*Seconding Reading*

THE COUNTY GOVERNMENTS (AMENDMENT)
BILL (SENATE BILLS NO.39 OF 2024)

(Bill deferred)

Order No.15 is also deferred as the Mover is not present.

BILL*Second Reading*

THE AGRICULTURE AND FOOD AUTHORITY
(AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2023)

(Bill deferred)

MOTION

ADOPTION OF REPORT ON ALLEGED IRREGULARITIES IN
PETROLEUM PRODUCTS SUPPLY CHAIN

THAT, the Senate adopts the Report of the Standing Committee on Energy regarding alleged irregularities in the petroleum products supply chain, laid on the Table of the Senate on Tuesday, 14th July, 2026.

(Motion deferred)

MOTION

HANDING OVER OF COOKING GAS HANDLING
FACILITY TO A PRIVATE FIRM IN MOMBASA COUNTY

THAT, the Senate adopts the Report of the Standing Committee on Energy on its inquiry regarding the handing over of a cooking gas handling facility, in Mombasa County, to a private firm, laid on the Table of the Senate on Tuesday, 14th July, 2026.

(Motion deferred)

MOTION**ADOPTION OF REPORT ON CONFERMENT OF
CITY STATUS TO THIKA MUNICIPALITY IN KIAMBU COUNTY**

THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations on the conferment of City status to Thika Municipality, laid on the Table of the Senate on Wednesday, 15th July, 2026 and, that pursuant to section 8 (6) of the Urban Areas and Cities Act, **approves** the conferment of City status to Thika Municipality.

(Motion deferred)

MOTION**ADOPTION OF REPORT ON COOPERATION AGREEMENT BETWEEN THE NATIONAL
GOVERNMENT AND NAIROBI CITY COUNTY GOVERNMENT**

THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations on the Cooperation Agreement between the National Government and the Nairobi City County Government laid on the Table of the Senate on Wednesday, 15th July, 2026.

(Motion deferred)

ADJOURNMENT

The Temporary Speaker (Sen. Mumma): Hon. Senators, there being no other business on the Order Paper, the Senate stands adjourned until tomorrow, Thursday, 30th July, 2026, at 2.30 p.m.

The Senate rose at 6.06 p.m.