

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

Wednesday, 10<sup>th</sup> July, 2024

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

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

#### PRAYER

#### DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

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

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

Clerk, you may proceed to call the First Order.  
Sen. Hamida Kibwana.

#### PETITION

#### DEATH OF MS. ANNITA JEPKORIR AT MTRH DUE TO ALLEGED MEDICAL NEGLIGENCE

**Sen. Tabitha Mutinda:** Thank you, Mr. Speaker, Sir. This is a Petition by Sen. Hamida, and I will read it on her behalf.

Petition on behalf of Mercy Jepchirchir. Petition to the Senate concerning the medical negligence and staff incompetency that led to the death of Ms. Annita Jepkorir at the Moi Teaching and Referral Hospital (MTRH).

Mr. Speaker, Sir, Mercy Jepchirchir, who is a citizen of the Republic of Kenya and a resident at Eldoret Town, Uasin Gishu County, draws the attention of the Senate on the following matters-

On the 9<sup>th</sup> January, 2021, Annita Jepkorir ingested a black seed which choked her and was rushed to Mediheal Hospital, which then referred her to MTRH to have a bronchoscopy done to remove the seed that was stuck in her airway;

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That, at the MTRH she was taken to theatre where they did a bronchoscopy, which showed that there was no evidence of a foreign body in her airway according to the report by Dr. Oloo.

That, on 10<sup>th</sup> January, 2021, Annita was discharged from the hospital, but even before she was cleared, she developed a respiratory distress necessitating her to be re-admitted.

That, on 13<sup>th</sup> January, 2021, the Hospital performed a gastrografin test to see if something was stuck in her oesophagus, but no abnormalities were found.

On 19<sup>th</sup> January, 2021, Annita underwent a CT chest bronchorrhea and the report indicated that there was a ring, like a foreign body in the right bronchi. The parent showed the medical team who were handling the case a sample of the seed which she had choked on so that they could be aware on what to look out for.

On 22<sup>nd</sup> January, 2021, Annita was taken to theatre of which the parent consented to, for a bronchoscopy procedure to remove the foreign body from her right bronchi.

The bronchoscopy procedure was not successful, and the medical team proceeded to perform a thoracotomy procedure, which the parents had not consented to.

That, after receiving Annita at the theatre recovery room, Dr. Ernest Nshom explained to us that it was not a seed that was stuck in her airway, but it was actually a tooth.

That, the parents realized that Annita had lost two of her upper incisors teeth while in theatre and upon further questioning, Dr. Nishom confided to us that he removed the two teeth as they were wobbly during the bronchoscopy procedure and so in total, they had managed to remove three teeth, including the one from the lung.

That, the parents could only find two teeth and upon inquiring on the third tooth, which was supposedly taken from the lung, Dr. Alfred Wanyonyi told them to stop asking questions and instead be grateful that their daughter was still alive.

That, if they kept asking for foreign bodies that were removed then the nurses might hear them, and they could do something bad to their child. The doctor kept threatening them further until they resigned from asking questions.

On 28<sup>th</sup> Jan, 2021, Annita was discharged from hospital and the parents kept going back for checkups on her condition as her condition did not improve that much as she kept having bouts of fever and chest congestion. Between February and April, there were numerous hospital visits including one admission.

That, no follow-up CT scan was done to show whether the procedures done were successful in removing the foreign object from the patient despite being readmitted to the hospital with the same symptoms of respiratory distress.

That, on 10<sup>th</sup> May, 2021, while playing outside, Annita had a long coughing episode which she fainted and was rushed to hospital where she was pronounced dead on arrival.

That, the parents were made to wait with the body of the deceased for over 12 hours which was very traumatizing, before she was finally moved to the Moi Teaching and Referral Mortuary.

That, on 13<sup>th</sup> May, 2021, an autopsy of Annita was done by Dr. David Chumba. He found a seed in the right bronchi of the deceased as it was shown in the first CT chest

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report, which had indicated the presence of a foreign body in the right bronchi and the right lung had badly been damaged.

That, after the post-mortem findings, we launched a complaint with the hospital management on account of negligence given that the hospital staff lied about removing the foreign body from Annita, which was not the case. This case of negligence subsequently caused her death, which could have been avoided if due diligence was followed.

That, the parents have made the best efforts to have these matters addressed by the relevant authorities, all of which have failed to give a satisfactory response.

That, none of these issues raised in this Petition is pending in any court of law, constitutional or any other legal body.

Therefore, your humble petitioner prays that the Senate-

(1) Investigates the happenings of the hospital that led to the loss of a life and the doctors involved, with a view of ensuring that justice prevails for the deceased and the family.

(2) Recommends the collaboration of Kenya Medical Practitioners and Dentists Council (KMPDC) and Moi Teaching and Referral Hospital (MTRH) authorities in order to access the apparent hesitation in addressing the unfortunate demise of Annita.

This Petition is on behalf of Mercy Jepchirchir and signed by Sen. Kibwana.

I, therefore, table the Petition.

*(Sen. Tabitha Mutinda laid the document on the Table)*

**The Speaker** (Hon. Kingi): Hon. Senators, pursuant to Standing Order No.238(1), I commit the Petition to the Standing Committee on Health for consideration. According to Standing Order No.238(2), the Committee is required, in not more than 60 calendar days from the time of reading this prayer, which is today, to table its report in the Senate for its consideration. The Senate shall thereafter consider and adopt the report of the Committee.

Next Order, Clerk.

## QUESTIONS AND STATEMENTS

### STATEMENTS

**The Speaker** (Hon. Kingi): Sen. Faki, proceed with your Statement pursuant to Standing Order No.52(1).

KUADHIMISHWA KWA SIKU YA  
KISWAHILI DUNIANI

**Sen. Faki:** Asante Bw. Spika. Nimesimama chini ya Kifungu cha Kanuni za Kudumu No. 52 (1) kusoma Taarifa kuhusu kuadhimishwa kwa siku ya Kiswahili duniani inayofanyika tarehe saba, mwezi wa saba, kila mwaka. Siku hii iliteuliwa na

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shirika la Elimu na Sayansi na Utamaduni wa umoja wa mataifa UNESCO ili kuadhimisha lugha ya Kiswahili kila mwaka kuanzia mwaka wa 2022.

Chimbuko la Kiswahili ni Afrika Mashariki. Kwa sasa, lugha hii inazungumzwa kwa mataifa kumi na nne ikiwemo Kenya, Uganda, Tanzania, Rwanda, Burundi, Jamhuri ya Demokrasia ya Congo, Sudan Kusini, Msumbiji, Malawi, Zambia, Comorros, Oman na Yemen katika Mashariki ya Kati. Vilevile, lugha ya Kiswahili imeanza kufunzwa katika shule za Afrika Kusini na baadhi ya vyuo vikuu nchini Japan na China.

Kauli mbiu ya maadhimisho ya mwaka huu ilikuwa ni, “Elimu na Wingi Lugha katika ufanikishaji wa Amani Ulimwenguni.” Washikadau wakisema ipo haja ya kuikuza lugha ya Kiswahili na kuitumia kueneza amani katika baadhi ya nchi zinazounda jumuiya ya Afrika Mashariki. Kuna maeneo mengi katika jumuiya ya Afrika Mashariki ambayo yana ukosefu wa amani ikiwemo Jamhuri ya Demokrasia ya Congo, Sudan Kusini na Somalia. Iwapo wananchi wataungana chini ya mwavuli wa wa lugha moja ya Kiswahili, amani ya kudumu na maendeleo yatapatikana katika nchi hizo.

Tukurudi hapa nyumbani, hususan katika Seneti, tulipiga hatua kadhaa katika kupanua matumizi ya Kiswahili hapa Bungeni hadi kufikia hatua za kutafsiri Kanuni za Kudumu za Bunge hili kwa lugha ya Kiswahili. Tulitarajia ya kwamba hatua zengine zitafuata pamoja na kutafsiri Miswada ya sheria kwa lugha ya Kiswahili ili wakenya waweze kusoma sheria hizo na kuzielewe mara zinapojadiliwa Bungeni. Hata hivyo jambo hilo halijafanyika. Labda ni ndoto iliyo mbali kutimia.

Inalazimu Bunge ifanye mikakati ya kukikuza Kiswahili kwa sababu ni lugha ya kiafrika na ndiyo lugha pekee inayotu unganisha kama wakenya. Hatujafaulu kuitumia kikamilifu upana wa lugha ya Kiswahili. Seneti kama baba na mlinzi wa ugatuzi, tuna jukumu kubwa la kutekeleza kwani lugha ni muhimu katika vyombo vya mawasiliano na katika huduma zilizogatuliwa. Kufaulu kwa matumizi ya lugha ya Kiswahili kutafanikisha ugatuzi kwa vile itakuwa ni rahisi kufuatilia mambo ya maendeleo.

Mbali na hayo, niliwasilisha Hoja moja iliyochapishwa kwa Kiswahili katika Seneti mnamo tarehe ishirini na tatu, mwezi wa n ne, mwaka huu. Hoja hiyo iliungwa mkono na Maseneta kumi ambao wote waliongea kwa lugha ya Kiswahili. Hatimaye, Hoja hiyo ilipitishwa kwa wingi wa kura ishirini na saba. Jambo la kutia moyo ni kwamba, kila Seneta aliyesimama alikuwa tayari kuchangia Hoja hiyo kwa lugha ya Kiswahili.

Mhe. Spika, maadhimisho ya siku ya Kiswahili duniani yalifanyika Mombasa, Kenya mwaka huu. Kilele cha maadhimisho hayo ilikuwa jumapili, tarehe saba, mwezi huu wa saba ambapo waziri wa Jinsia na Utamaduni, Mhe. Aisha Jumwa, alitoa hotuba rasmi. Jambo la kutia moyo ni kwamba wageni wote waliohutubu walitumia lugha ya Kiswahili. Kulikuwa na Jaji kutoka Mahakama Kuu ya Afrika Mashariki pamoja na Spika wa Bunge la Afrika Mashariki na wengineo. Wote walizungumza kwa lugha ya Kiswahili.

Baadhi ya maazimio ya Kongamano hilo ni kuzinduliwa rasmi kwa Taasisi ya Lugha ya Kiswahili ambayo itakuwa na jukumu la kufanya utafiti zaidi wa masuala ya lugha ya Kiswahili na kuboresha lugha hii. Kuna mambo mengi ibuka ambayo yanapaswa kufanyiwa utafiti. Kwa mfano, neno “Gen Z,” tunafaa kuwaita vipi kwa lugha ya Kiswahili. Kuna maneno mengine yaliyoibuka kama *Artificial Intelligence*.

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Kwa Kiswahili inajulikana kama akili namba ama akili unde. Masuala hayo hatuwezi kuyajua kama hatujapata taasisi kama hii itakayofanya utafiti. Lugha ya Kiswahili ni mojawapo ya lugha zinazokuwa kwa kasi mno. Hivyo basi, kuwepo kwa taasisi hiyo kutasaidia pakubwa kudhibiti lugha hii.

Nikimalizia, ningependa kutambua mchango wa ndugu yetu mtangazaji Nuhu Zuberi Bakari ambaye juzi alitoa shairi kuhusu *Gen Z*. Shairi hilo lilisambaa kwa kasi mitandaoni na kuwatia vijana moyo. Vile vile, ningependa kutambua mchango wa vijana wetu malenga katika Kaunti ya Mombasa, wakiwemo Mwagarashi, Mwakaga, Malenga 001, na wengine wengi ambao hutunga mashairi katika hafla mbali mbali. Hiyo inachangia pakubwa kukuza lugha ya Kiswahili.

Bw. Spika, asante kwa kunipa fursa hii. *Viva Kiswahili.*

*(An hon. Senator spoke off record)*

**The Speaker** (Hon. Kingi): We will take interventions at the end of all the Statements. Next are Statements pursuant to Standing Order No.53(1). If the Senator for Vihiga is not here, that Statement is dropped.

STATUS OF PENDING BILLS OWED TO  
KEMSA BY COUNTIES

*(Statement dropped)*

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

DELAYED STIPEND TO INTERNS BY  
MARSABIT COUNTY GOVERNMENT

**Sen. Abass:** Mr. Speaker, Sir, I would like to read the Statement on behalf of the Senator for Marsabit County, Sen. Chute.

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding delayed disbursement of stipend to interns by the County Government of Marsabit. In the Statement, the committee should-

(1) Furnish the Senate with the particulars of all interns contracted by Marsabit County Government between September, 2023 to September, 2024.

(2) State the total number of interns partially paid and those unpaid, specifying the amounts they were paid and the months they were not paid.

(3) Explain reasons for the prolonged delay in the disbursement of the stipends to the interns across all the county departments and disclose the total amount owed.

(4) Provide timelines for settling the arrears, outlining the measures being taken by the county government to address these delays to ensure timely payment in the future.

**The Speaker** (Hon. Kingi): Next is the Statement by Sen. Wafula. If he is not here, that Statement is dropped.

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## RAW FERTILIZER DONATION FROM RUSSIA

*(Statement dropped)*

**The Speaker** (Hon. Kingi): Hon. Senators, I will allow comments on Statements that have been requested. Sen. Cheruiyot, you may proceed.

**The Senate Majority Leader** (Sen. Cheruiyot): Bw. Spika, ningependa kuungana na Seneta wa Kaunti ya Mombasa ambaye leo ameamua kutuhamasisha kuhusu lugha ya Kiswahili na matumizi yake nchini Kenya.

Mara nyingi, sisi kama taifa na hasa viongozi huzungumza lugha hii kwa urahisi. Hata hivyo, unapopewa fursa kama hii kutumia lugha hii kwa usahihi ili watu wakusikilize, watu wengi wanapiga kona.

Siku ya Kiswahili iliadhimishwa ili kuhakikisha kuwa matumizi yake yanajulikana katika taifa letu. Hiyo ni siku ya maana sana. Jambo linaloleta changamoto ni kuwa hadi sasa, kando na viongozi wachache kutoka kaunti ambazo zinatumia lugha hii katika shughuli zao za kila siku, hatuoni Serikali ikiwa mstari wa mbele kuipa siku hiyo kipaumbele ili kuhakikisha kwamba taifa lote linajua maana yake ili kupata umaarufu duniani.

Ikiwa unafuatilia mambo yanayoendelea duniani, utafahamu kuwa mataifa mengi yameruhusu wananchi wao kujifunza Kiswahili. Kwa mfano, Japani, Uchina, na Marekani. Utapata wanafunzi wa lugha ya Kiswahili huko. Wanafanya vile wakijua kuwa siku moja wakiwa katika kazi zao au starehe na likizo wataweza kuzuru maeneo ya Afrika Mashariki ambapo lugha hii inatumika kwa wingi. Kwa hivyo, itawabidi kutumia lugha ya wenyeji.

Katiba yetu inatambua kwamba nchi yetu ina lugha mbili rasmi; Kiingereza na Kiswahili. Hata hivyo, mara nyingi maelezo yanayopeanwa kuhusu shughuli mbalimbali za Serikali hutolewa kwa lugha ya Kiingereza.

Juzi kulipokuwa na hali ya suitofahamu nchini iliyosabisha kelele na rabsha zilizotokea kutokana na kupitishwa kwa Mshada wa Fedha katika Bunge la Taifa, nilisikia wananchi wakizungumza katika redio. Hiyo ilikuwa baada ya Rais kueleza yaliyokuwa yamependekzwa katika Mswada huo. Wengi walisema kuwa hatukuwa tumewaeleza.

Kuna jamaa mmoja aliyepiga simu katika redio na ninakubaliana naye. Alisema kuwa Mswada huo ulikuwa umechapishwa katika lugha ya Kiingereza pekee. Kwa hivyo, wazee wangeelewa vipi? Aliendelea kusema kuwa walikuwa wanafuata mambo ambayo wananchi wengine walikuwa wakisema.

Tunaishi katika mfumo wa kidigitali. Mara nyingi watu hufuata yale wananchi wengine wananena bila kujua kama ni ukweli au uongo. Kama Wabunge, lazima tujizatiti ili kuhakikisha kwamba tunapoleta Miswada hapa, ikiwa watu wengi wataathirika kwa njia moja au nyingine, tunafaa kuhakikisha kuwa Miswada hiyo imechapishwa kwa lugha ya Kiingereza na Kiswahili. Endapo tungefanya hivyo, pengine wananchi wengi wangelewa mambo yaliyokuwa yanazungumziwa kwenye Mswada huo.

Nakubaliana na Sen. Faki katika Taarifa aliyoleta. Sisi kama viongozi wa Bunge la Seneti tunafaa kuwa mstari wa mbele kuhakikisha kuwa Kiswahili hakisahauliki. Kuna

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wananchi wengi sana ambao hawaelewi lugha ya Kimombo. Wanaelewa lugha ya mama au Kiswahili pekee. Kama viongozi wao, ni vizuri tujifunze lugha hii hata hapa katika Seneti.

Sijui kwa nini katika kipindi hiki hatujazingatia maneno hayo. Katika siku zangu za kwanza kwenye Seneti, siku ya Alhamisi ilikuwa imetengwa kuwa ya Kiswahili. Maseneta wote walikuwa wanajizatiti kuhakikisha kuwa wanatoa michango yao kwa lugha ya Kiswahili. Wengi walikuwa wanajikaza kweli kweli. Mtu angefanya makosa hapa na pale na hatimaye wakaanza kuzoea. Baada ya muda mchache, ilikuwa jambo la kawaida. Ilipokuwa ikifika Alhamisi, Maseneta wote walikuwa wanachangia kwa lugha hii.

Hatuwezi kuwa na Kiswahili na Kiingereza kama lugha rasmi za taifa ilhali kila siku tunazungumza Kiingereza pekee. Kwa hivyo, napendekeza rafiki yangu Sen. Faki apendekeze marekebisho kwenye Kanuni zetu za Kudumu ili tuwe na siku moja ya kuzungumza Kiswahili.

Pengine hiyo itatusaidia kupunguza hoja za nidhamu kila wakati kwa sababu wakijua kuwa unafaa kuzungumza kwa lugha ya kiswahili, hawatataka kuzungumza ovyo ovyo. Lazima uhakikishe kuwa una maneno ya kutosha kujieleza na mambo kama hayo.

Bw. Spika, hivyo tutakuwa tumehakikisha ya kwamba taifa letu limekuza Lugha hii kwa sababu mataifa mengine ambayo yanatumia Kiswahili, mbali na kujifunza Lugha ya Kifaransa ama Lugha ya Kiingereza, wanazidi kufanya mikakati kuhakikisha kwamba kulingangana na desturi, kanuni na mila zetu, Kiswahili hakijapotezwa.

Kwa hayo mengi, ninashukuru na ninafikiria nimeongea Kiswahili mufti na sanifu. Kwa hivyo ninaomba nipigiwe makofi kabla ya kukaa

(Applause)

**The Speaker** (Hon. Kingi): Sen. Onyonka, you have the Floor.

**Sen. Onyonka:** Asante sana, Bw. Spika. Ningependa kumpa ndugu yangu Sen. Cheruiyot heshima sana kwa sababu amejaribu kuzungumza lugha hii. Hata hivyo, unapomsikia anavyotamka majina ya Kiswahili, utaelewa kuwa kuna mengine ambayo ameyasoma na kuna mengine ambayo alikaa jana usiku akakaa na kuyaangalia kabisa. Hata hivyo, ni heshima kuskia akijieleza vile alivyojieleza.

Ningependa pia kumpa heshima zangu Sen. Faki, mzee ambaye tunamheshimu. Mimi nina bahati sana kwa sababu nilipokua ninakuzwa, mamangu na mzee wangu walikuwa wanazungumza Kiswahili nyumbani. Bahati hiyo ndiyo iliyonifanya nikaelewa mambo mengi sana.

Jambo la pili, wakati ambapo tulianza kusoma na miaka yangu sio mbali sana na yako, enzi zile watoto wengi sana kama vile mimi kutoka maeneo ya Kisii walikuwa wanapelekwa kusoma Kwale. Watoto wa Kwale walikuwa wanasafiri, kama mimi. Nilienda kusoma katika shule ya wavulana ya St. Mary's Yala. Tulikuwa na vijana Wajaluo, Wagiriama na Wataita kwa hivyo ilikuwa ni lazima tujifunze lugha ambayo tutajizungumzia na kujielezea.

Ni viruzi kwa ndugu zetu kuanza kuzungumza na kukubali kuwa lugha ya Kiswahili ni msingi wa desturi yetu. Lugha ya Kiswahili ni lugha ambayo ina mambo

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matatu makubwa. Kwanza, unajieleza vilivyo, pili inaleta uuiyano; ukishaleta uuiyano, unaweza kufanya biashara. Ni lugha ambayo uki zungumza, hata ukisema “pole, sikukusudia kukukanyaga” mtu anaelewa na ajua kiroho hatasikia vile ulivyomuumiza.

Ningependa kumsifu ndugu yangu Sen. Faki na ningependa kuwauliza vile ndugu zangu wamesema, Jumba hili tujaribu kuhakikisha kuwa tunaikuza lugha ya Kiswahili ili majadiliano yetu na mambo yale ambayo tunazungumza katika Jumba hili, wananchi wengi wapate nafasi ya kusikiliza na kuelewa ni nini kinachoongelewa.

Jambo la pili, ningependa kumuuliza Sen. Faki kuwa aanze kufikiria vile tutakavyoweza kuhakikisha kuwa shule zetu--- Mwaka uliyopita, nilikuwa na kijana wangu ambaye alifanya mtihani wa Kidato cha Nne. Kilichonishtua ni kuwa alipita kila kitu ila Kiswahili.

Nilishtuka kwa sababu mimi nilikuwa ninapita Kiswahili na kuanguka Hesabu, au Sayansi. Nilijiuliza ni kwa nini lugha ya Kiswahili haijapewa umuhimu kule shuleni ili wanafunzi wetu wasione kuya hiyo ni lugha ya ulaghai, ukora, na ya wale ambao hawajiwezi. Wajue umuhimu wa lugha hii kwa sababu lugha hii ni historia yetu, desturi yetu, ni nyimbo zetu na ni lugha ambayo tukiikuza na tuifanye iwe lugha ambayo sisi sote tumeikubali, italeta uuiyano kwa inchi yetu na itatuwezesha kufanya kazi vizuri pamoja na viongozi wetu kwa sababu tukiwa kule mashinani, mtu huwa anaanza kuongea kwa Kizungu halafu anaingia katika lugha ya mama.

Tukiweza kufanya hivyo na kurekebisha hayo, tuwe tunaongea kwa lugha ya Kizungu lakini, pia tuipatie umuhimu lugha ya Kiswahili kwa sababu hii pia ni lugha ya mama na ndiyo lugha ambayo waafrika wengi sana wanaongea wakati huu.

Asante kwa kunipa nafasi ili nichangie mjadala huu wa muhimu.

**The Speaker** (Hon. Kingi): Sen. Onyonka, wingi wa “shule” sio “mashule” ni “shule”.

The Senator for Laikipia County, you have the Floor.

**Sen. Kinyua:** Asante sana Bw. Spika kwa kunipa fursa hii. Kwanza ninamshukuru Seneta wa Jimbo la Mombasa, Sen. Faki kwa kuleta Taarifa hii ya kuadhimisha lugha ya Kiswahili duniani.

Changamoto niliyonayo ni kwamba, siku hii haikupewa kipaumbele kwa sababu wengi hawakuijua. Makosa mengine ninayoyaona ni kwamba walienda kuifanyia sherehe hii Pwani.

Pengine ingelipelekwa sehemu ambazo watu hawana uzoefu wa lugha hii kama sehemu za Nyeri, Meru ama hata Kisii ambapo Sen. Onyonka anakotoka kwa sababu pale tutaweza kuwa na uzoefu kwa sababu pale watu wako na shida nyingi za maharaja.

Kisa na maana ya lugha ya Kiswahili kutokuwa imeshika kasi na kutumiwa na watu wengi, kwa maoni yangu, ni hii hali ya sisi kuathiriwa na ukoloni mambo leo. Vile Sen. Onyonka alivyosema, mtu ambaye anaongea lugha ya Kiswahili, anaonekana yeye sio msomi na yeye haelewi maneno. Mtu ambaye anaongea lugha ya Kiingereza ndiye anajua, anafahamu na ni msomi. Kwa hivyo, Kiswahili inachukuliwa kwamba iko chini, ndiposa watu wengi--- Hata tukienda kule pwani, baada ya kupata mvinyo hawaongeei lugha ya Kiswahili, wanaongea Kiingereza ndipo waonekane kuwa ni wasomi. Sio huko pekee, katika sehemu nyingi, lugha ya Kiswahili inaonekana kuwa iko chini. Kwa hivyo, ni vizuri tuitilie mkazo na ninataka kuunga mkono jambo hili kwa sababu lugha ya

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Kiswahili inaongelwa katika inchi za Japan, China na hapa Afrika, na kama alivyosema, nchi zaidi ya kumi na nne. Kwa hivyo, tuendeleo kukiimarisha Kiswahili hususan hapa Bungeni kwa sababu sisi tunaongea na watu wengi katika jamhuri ya Kenya

Katika Bunge lililopita, ninakumbuka kila siku ya Alhamisi, aliyekuwa Spika wa Muda ambaye sasa ndiye anaongea kwa niaba ya Serikali, Mheshimiwa Mwaura, kila wakati alipoketi pale kwenye kile kiti, kila mtu alikuwa anaongea kwa lugha ya Kiswahili. Ingekuwa ni vizuri zaidi.

Ninachukua nafasi hii kupongeza Kaunti ya Laikipia haswa Bunge la gatuzi hilo. Lilikuwa la kwanza kutafsiri Kanuni zake za Bunge kwa Lugha ya Kiswahili na wale wengine wakachukua mkondo huo. Na sasa vile ambavyo Sen. Faki amejitokeza na kusema ya kwamba Kiswahili kitukuzwe, mimi ninamuunga mkono na ninaomba tuwe na siku, vile alisemavyo kiongozi wa walio wengi, tutenge siku ya Kiswahili.

Bw. Spika wewe umebobea katika lugha ya Kiswahili, hatuna shaka. Siku yoyote ambayo tutaitenga, wewe utakuwa chonjo, utakuwa ngangari na sisi tuweze kuendeleza lugha ya Kiswahili. Ni vizuri kwa sababu, hakuna Mkenya ambaye hataweza kuelewa vile tunavyosema. Wakati Sen. Sifuna na Sen. Crystal Asige wanapongea kwa lugha ya Kiingereza pengine nusu ya wakenya hawaelewi kirasmi. Lakini Sen. Faki au Sen. Madzayo wanapongea kwa lugha ya Kiswahili, wakenya wataelewa kwa haraka na hautaambiwa ujieleze kwa sababu watakuwa tayari wameyapata.

Asante kwa kunipa fursa hii, na Kiswahili Kitukuzwe.

**The Speaker** (Hon. Kingi): Sen. Dullo, you have the Floor.

**Sen. Dullo:** Mr. Speaker, Sir, if you can allow me, I have a Statement.

**The Speaker** (Hon. Kingi): Let us take the comments first.

**Sen. Dullo:** Mr. Speaker, Sir, I do not have any comment.

**The Speaker** (Hon. Kingi): Sen. Githuku Kamau, you have the Floor.

**Sen. Githuku:** Asante sana, Bw. Spika. Ninachukua nafasi hii niweze kujumuika na Seneta mwenzangu wa kutoka katika Jimbo la Mombasa, Sen. Faki kwa kuunga mkono swala hili ambalo amelileta siku ya leo, ya kwamba, Kiswahili kitukuzwe katika Jamhuri yetu ya Kenya.

Bw. Spika, nimefurahishwa na *Taarifa* ambayo ametoa siku ya leo. Ni vizuri ibainike ya kwamba, tunapofanya *campaign* katika Jamhuri yetu ya Kenya, sisi hutumia lugha ya Kiswahili ili wananchi waweze kuelewa ni mambo gani ambayo tutaweza kuwafanyia tukichaguliwa. Tunapofika katika Bunge, Miswada inachapishwa kwa lugha ya Kingereza. Jambo hilo huwa linatatiza wananchi wetu tunao waakilisha ikizingatiwa kwamba, kuna asilimia kubwa ambao hawakupata fursa ya kupata elimu. Ni vizuri pia kwa sababu ni Wakenya na wapiga kura, waweze kupata fursa ya kuelewa ni nini kinachoendelea katika Jamhuri yetu ya Kenya.

Naunga mkono nikisema ya kwamba, ni vizuri tunapoendeleza nchi, tuzingatie watu wote; wale ambao wako na uwezo wa kielimu na wale pengine kidogo, hawakufanikiwa kufaulu kielimu.

Kwa hivyo tukiweka hali zetu za utaratibu wa Bunge katika lugha ya Kiswahili, itawafaa na wataweza kufuata vile gatuzi zetu zinavyo endelea katika Jamhuri nzima ya Kenya kwa jumla.

Bw. Spika, kwa hivyo naunga mkono jambo hilo na Kiswahili kitukuzwe.

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Asante.

**The Speaker** (Hon. Kingi): Sen. Kisang' proceed.

**Sen. Kisang'**: Asante, Bw. Spika. Nachangia hii Taarifa iliyoletwa na Seneta wa Gatuzi la Mombasa. Unajua ya kwamba, wengine wetu hatukusoma 8-4-4. Wakati wetu, haikuwa lazima tufanye Kiswahili katika kidato cha nne. Mimi nilisoma Kiswahili katika Darasa la Sita *term* moja na *Form One term* moja. Kwa sasa, najikaza na kusema ni vizuri kama Seneti, tuwe tukiongea Kiswahili kwa sababu sheria yetu inasema Kiswahili na Kingereza ni lugha za Kitaifa.

Nafikiri ni vizuri hata tukiongeza lugha ya mama kwa sababu tukiwa katika darasa la kwanza, la pili na la tatu, tulikuwa na kitabu tulichokuwa tukisoma kilichoitwa T.K.K. Na ilikuwa ni lazima. Wakati huu, watoto wetu hawaelewi lugha ya mama. Nafikiri ni vizuri tuongeze lugha ya mama.

Wakati lugha ya Kiswahili ilikuwa ikisherehekewa Jumapili iliyo pita katika dunia yote, haikupewa kipao umbele kwa sababu tumekichukua Kiswahili kama lugha ambayo sio ya maana. Unajua ya kwamba, *Community* yetu ya Afrika Mashariki wanaelewa na kuongea Kiswahili. Kwa hivyo, ni vizuri tujizoeshe.

Mwisho, nataka kuchangia Taarifa iliyoletwa na Seneta wa Gatuzi la Marsabit. Ukienda kwa gatuzi zetu, madaktari *interns* ndio wanafanya kazi. Kwa hivyo, tunashangaa ni kwa nini gatuzi zetu haziwalipi pesa kwa wakati unaofaa na wakati pesa inapatikana waajiri wale ambao wamekuwa *interns* kwa mda mrefu.

Nafikiri Kiswahili changu kinaishia hapo. Nimejikaza sana.

**The Speaker** (Hon. Kingi): Sen. Omogeni, proceed.

**Sen. Omogeni**: Asante sana, Bw. Spika. Kwanza, nasimama kumuunga mkono Seneta wa Mombasa, Sen. Faki, kwa kuleta hii Taarifa katika Seneti.

Kule niliposoma, tulikuwa tunatilia maanani sana somo la Kiswahili. Ukiwa mwanafunzi shupavu, ilikuwa lazima uwe umenoga katika kuzungumza lugha ya Kiswahili. Kwa hivyo, nawasihhi ndugu na dada ambao wako katika shule, wajivunie kuzungumza lugha ya taifa kwa sababu Kiswahili ni lugha ya taifa.

Seneta wa Embu, Daktari Mundigi, akisimama kuchangia, yeye huongea lugha ya Kiswahili. Nilipomuuliza mbona, alisema ya kwamba, wakaazi wengi wa Jimbo la Embu wanaelewa Kiswahili. Kwa hivyo, akizungumza lugha ya Kiswahili, huwa wanampata moja kwa moja. Kwa hivyo, naomba wanafunzi wetu shuleni wajivunie kuzungumza lugha ya Kitaifa.

Nilishangaa siku moja nilipotembea kule Oman kumuona rafiki yangu Monte ambaye tulisoma naye. Nilipofika kule na kuchukua taksi ili niende kumuona yule rafiki yangu, nilishangaa sana kwamba, wale ambao wanaendesha taksi, wanazungumza Kiswahili sanifu kuliko tunachokizungumza huku Kenya. Kwa hivyo, nawaomba watoto wetu katika vyuo mbali, wajivunie kuzungumza lugha ya Kiswahili.

Hata ukiangalia wale ambao walipigana kutupea Katiba katika mwaka wa 2010, walihakikisha kwamba, ile lugha ambayo inatambulika katika Bunge ni lugha ya kizungu, Kiswahili na ishara ili ukishindwa kuzungumza kizungu au Kiswahili, unaweza kuzungumza kutumia ishara.

Jitihada ambayo tunahitaji kufanya ni kufuatilia yale ambayo wale walitupa Katiba mpya walitaka. Tayari, wametambua lugha ya Kiswahili katika Katiba. Inatakiwa

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sasa sisi kama viongozi tuhakikishe kwamba Miswada ambayo inakuja katika Bunge inachapishwa katika lugha ya kizungu na Kiswahili.

Bw. Spika, kuna wengi ambao wangenda sana kusoma Mswada wa Fedha, 2024 ambao ulikuwa unajadiliwa katika Bunge la Kitaifa. Lakini, kwa sababu umechapishwa kwa Kiingereza, kuna wengi hawapati faida ya kuusoma huo Mswada. Kwa hivyo, tuweke bidii, tuhakikishe kwamba hii Miswada ikichapishwa katika lugha ya kizungu, pia tunaichapisha katika lugha ya Kiswahili ndiposa tuweze kukuza lugha ya Kiswahili.

Waswahili wanasema tumemla ng'ombe mzima, mkia umetushinda. Hii ni kwa sababu, tukiweka hii Miswada katika Kiswahili, tutakuwa tumemla ng'ombe pamoja na mkia wake. Naomba wale wenzetu wanaozungumza lugha ya Kiswahili, wasiongee tu hapa wakisema wanataka kukuza lugha ya Kiswahili kisha wakitoka nje, wanaongea lugha nyingine. Wanasema kwamba tutende yale ambayo tunasema. Hata tukiwa katika Bunge alafu Seneta wa Laikipia, Sen. Kinyua, anipate, awache tuzungumze lugha ya Kiswahili. Hii itasaidia wengi wetu kuimarisha mazungumzo yetu katika lugha ya Kiswahili.

Tusipofanya hivyo, itakuwa kama vile waswahili wanavyosema; kibogoyo anamcheka yule aliye na mapengo. Kwa hivyo, inatakiwa uhakikishe kwamba, ukimkuta Seneta wa Kisumu, Sen. Ojienda, unamzungumzia katika lugha ya Kiswahili.

Bw. Spika, naunga mkono na naomba kama inawezekana, tuteuwe jopo maalum la kuangalia ni vipi Hoja zetu zikija kwenya Bunge, zinachapishwa katika lugha ya Kiingereza na pia Kiswahili.

Vijana wale wako shuleni, watajua kwamba, hata wakitaka kumtafuta mke, sio lazima wamuongeshe katika lugha ya Kiingereza. Mimi mwenyewe, ili nimpate mke wangu, nilimtungia shahiri la Kiswahili. Nikamwambia; “mpenzi wangu nimpandaye Jackline”. Hiyo ndio ilifanya nikapata mke wangu. Kwa hivyo, isikuwe kwamba vijana wakizungumza na wapenzi wao, wanawazungumzia kwa lugha ya Kiingereza. Pia, lugha ya Kiswahili inaweza kumtoa nyoka pangoni.

Kwa hivyo, naunga mkono hii Taarifa iliyo letwa na Mheshimiwa Faki na nahimiza Maseneta wenzangu wajaribu kutilia mkazo kukuza lugha ya Kiswahili. Wanasema kwamba; muacha mila ni mtumwa, kwa hivyo, tulinde mila zetu na lugha ya Kiswahili ili iweze kuwa na mizizi katika nchi yetu.

**The Speaker** (Hon. Kingi): Sen. Tabitha Mutinda, proceed.

**Sen. Tabitha Mutinda:** Asante sana, Bw. Spika, kwa kunipa fursa hii. Nasimama kuunga mkono Seneta wa Mombasa, Sen. Faki, kwa Taarifa aliyoleta kuhusu Siku ya Kiswahili Duniani.

Ningependa kuanza kwa kusema kwamba nilipokuwa mwanafunzi, Kiswahili ni mojawapo ya masomo ambayo nilipata alama za juu sana. Kwa hivyo, najivunia Kiswahili. Ningependa kuwatambua Maseneta ambao wamekuwa wakizungumza Kiswahili hapa. Miongoni mwao, kuna Sen. Faki wa Mombasa, Sen. Kinyua wa Laikipia na Sen. Mwaruma. Vile vile kuna mwenzangu Sen. Mundigi wa Embu ambaye ameimarisha matumizi ya Kiswahili. Mwingine ni Sen. Madzayo ambaye amekuwa mstari wa mbele. Tunawashukuru na wazidi kuendelea. Ni ishara njema ya uongozi.

Jambo lingine ni kwamba ni vizuri ofisi zote za Serikali na zisizo za Serikali zihimiza matumizi ya alama katika Kimombo na vile vile Kiswahili. Katika Kimombo, inajulikana kama *signage*. Hiyo ni ishara kwamba lugha zote mbili zinatambulika katika nchi hii. Pia sheria zetu ziwe katika lugha zote mbili. Hiyo itafanya watu waimarisha lugha zote.

Ni kama tunasisitiza matumizi ya Kimombo. Utapata kuwa vitabu vinavyotumika au sheria zetu ziko katika lugha ya Kimombo pekee. Kwa hivyo, Kiswahili kitaachwa nyuma kama lugha. Kiswahili ni lugha ya heshima sana ukizingatia utaratibu wake.

Siku hizi ni nadra sana kupata watoto wetu wakijieleza kwa Kiswahili. Somo la Kiswahili limerudi nyuma sana. Kwa sababu ni lugha inayounganisha Afrika Mashariki, ni vizuri kuhimiza watoto wetu kuipenda. Wataimarika ikiwa tutawaonyesha mfano sisi kama wazazi na viongozi tunapozungumza Kiswahili.

Nakubaliana na Sen. Omogeni kwamba lugha ya Kiswahili ni nyororo na tamu sana. Unapoitumia kujieleza kimapenzi, inanyoosha maneno kabisa. Napenda nyimbo za Bongo. Lugha ya Kiswahili inafanya ujumbe unaopitishwa kuingia hadi kwenye mishipa.

Kwa hivyo, naunga mkono. Tuzidi kusema kwamba Kiswahili kitukuzwe.

**The Speaker** (Hon. Kingi): Proceed, Sen. Mundigi.

**Sen. Munyi Mundigi:** Bw. Spika, nashukuru Sen. Faki kwa kuzua mjadala kuhusu jinsi Seneti inafaa kuwa inatumia Kiingereza na Kiswahili. Namshukuru kwa sababu mimi ni mmojawapo wa wale wanaozungumza Kiswahili kila wakati.

Huwa najivunia sana ingawa watu wengine nchini Kenya na sehemu zingine hunicheka. Najikakamua kuongea Kiswahili kwa sababu naamini kuwa watu wa Kaunti ya Embu waliponichagua walijua kuwa Maseneta huzungumza Kiswahili au Kiingereza.

Hata ninapotumia Kiswahili, nimesaidia sana watu wa Kaunti ya Embu. Simaanishi kuwa watu wa Embu hawana elimu ya kutosha kwa kuwa wamesoma vizuri sana. Ninapozungumza Kiswahili, huwa nataka kuhakikisha kuwa kila mtu kule mashinani ambaye haelewi Kiingereza ananielewa. Wakati ninapoenda vijijini, kila mtu huniambia kuwa anapendezwa na jinsi ninavyozungumza Kiswahili.

Ningependa Maseneta wenzangu wafahamu hili. Mwaka wa 2007, niliwania kiti cha Mbunge wa Gachoka. Kwa sasa eneo Bunge hilo linajulikana kama Mbere *South*. Wakati huo, Wabunge walikuwa wanazungumza Kiswahili na Kiingereza. La ajabu ni kuwa watu waliokuwa wamesoma sana walikuwa wanaenda kufanya mitihani ya Kingereza na Kiswahili pale Jogoo House. Wengi walikuwa wakitemwa nje kwa sababu hawakujua kuongea Kiswahili.

Bw. Spika, mimi ni miongoni mwa wale wanaounga mkono Sen. Faki, Seneta wa Kilifi na yule wa Lamu. Mara nyingi wamekuwa wakizungumza Kiswahili katika Seneti.

Ningependa watu wa Embu wafahamu kuwa haimaanishi kwamba sijui Kiingereza. Ninapozungumza Kiswahili, huwa naongea kwa utaratibu kwa lugha ambayo mwananchi kule mashinani anaelewa. Embu ina maeneo Bunge manne. Kutoka Makutano hadi Kathageri na Irangi hadi Kiambere, watu wengi wamesoma. Nazungumza Kiswahili kwa sababu mimi ni mtetezi wa watu wa Kaunti ya Embu. Kuna mambo ya wakulima na hata watu wanaofanya kazi zingine. Kwa hivyo, mara nyingi nazungumza Kiswahili na nitazidi hivyo kwa sababu najua wanasisikia hata saa hii.

Katika hii Seneti, tunafaa kuzingatia matumizi ya Kiswahili ili kuhimiza watoto wetu waliosoma Kiingereza wajifunze Kiswahili pia. Huwa tunaskia Sen. Faki anayetoka Mombasa anavyoongea. Yeye ni rafiki yangu wa karibu sana. Tukiendelea hivyo, watoto wetu watajifunza Kiswahili na nchi nyingi zitabadilika. Wazungu, Wajerumani na watu wa kutoka maeneo mengine watataka kujua lugha ya Kiswahili. Kiswahili kitukuzwe!

**The Speaker** (Hon. Kingi): Proceed, Sen. Beth Syengo.

**Sen. Beth Syengo:** Bw. Spika, asante kwa kunipa fursa hii ili niongeze sauti yangu kwa kuunga mkono Taarifa iliyoletwa na Seneta wa Mombasa. Ni muhimu kusherehekea Siku ya Kiswahili Duniani kwa maana ni lugha ya taifa ambayo inaeleweka kwa kila familia, shuleni na mahali popote.

Kiswahili ni lugha muhimu kwa sababu watu walioenda shuleni na wale ambao hawakuenda shuleni wanaweza kukizungumza na kuelewana. Tunapotumia Kiswahili hapa katika mijala yetu ama mambo yanayowahusu Wakenya, kila mtu, akiwemo nyanya yangu kule nyumbani, anaelewa ninachozungumzia kwa kuwa Kiswahili ni lugha inayokaribiana na lugha za kibantu au lugha nyingi za Kiafrika.

Kiswahili ni lugha safi inayoeleweka na kuvutia kwa mnenaji na anayesikiliza. Kwa hivyo, ningeomba kwa kweli tuwe na siku ya kuzungumza Kiswahili. Tunapozungumza Kiswahili kama vile Seneta wa Embu ameeleza, hakika watu waliomchagua ama wanaotupatia nafasi za uongozi, kila mmoja ataweza kufuatilia mazungumzo tunayotoa na kuelewa bila kuuliza wengine wamuelezee.

Kiswahili ni lugha raisi. Hata shuleni, ni vigumu sana kupata mwanafunzi ambaye analemewa kabisa hata kama hajasoma kwa mthani wa Kiswahili. Kwa hivyo, ni lugha ambayo tunapaswa kuiunga mkono na kuitumia sana hasa sisi viongozi ili wale tunaowawakilisha waelewe kila jambo ambalo tunazungumzia.

Lugha ya Kiswahili mtu anaweza izoea na kuongea hata kama hawezi andika Kiswahili sanifu lakini kwa kuongea itakuwa ni rahisi kuliko lugha zingine zinazotumika. Kiswahili kiko na maneno ambayo hayawezi kueleweka kwa lugha nyingine. Kama unataka kupamba na kuweka maneno matamu kwa mwanamke mrembo kama Seneta wa Kaunti ya Nakuru, utatumia Kiswahili ambacho kitaonyesha ukweli wa urembo, mwenendo tabia zake na mambo anayofanya ikiwa rahisi sana kwa lugha ya Kiswahili.

Kwa hivyo, Bw. Spika naunga mkono Hoja hii ya kuwa na siku ya kuzungumza Kiswahili. Asante sana.

**The Speaker** (Hon. Kingi): Senator for Meru County, Sen. Kathuri?

**Sen. Kathuri:** Nakushukuru sana Bw. Spika kwa fursa hii ya kuchangia kauli hii iliyoletwa na Seneta wa Mombasa ndugu yangu Mohamed Faki. Ameleta Hoja hii kulingana na utaratibu wa Kanuni za Kudumu 53(1) za Bunge za Seneti hii. Inasema ya kwamba, Seneta anaweza omba kauli kutoka kwa kamati kuhusu jambo lolote linaloathiri kaunti nzima, kaunti zaidi ya moja, taifa, kanda au mataifa.

Na kwa umaarufu wako Bw. Spika, Kanuni ya Kudumu ya 53(3), imetupa kibali ndio tuchangie Hoja hii iliyotoka kwa Sen. Faki. Kanuni hii inasema, iwapo kauli imeombwa kutoka kwa kamati kwa mujibu wa aya ya kwanza, Spika anaweza kuruhusu maombi kuhusiana na kauli hiyo kwa muda usiozidi dakika 15. Kwa hivyo, nakushukuru kwa sababu pia tunachangia mambo ya lugha yetu ya taifa. Umeonelea utuongeze muda

zaidi ya dakika 15. Nakushuru ili tuweze kuongoea na kufuatilia utaratibu huu wa Kiswahili.

Nikiwa katika Bunge la Taifa, siku ya Alhamisi mchana kutoka saa nane, kwa muda wa miezi mitatu, kila Mbunge alikuwa anaongea kwa lugha ya Kiswahili. Pia nimesikia Seneta wa Kericho ambaye pia ni Kiongozi wa Walio Wengi akisema siku ya Ijumaa wakiwa Seneti walikuwa wanaongea lugha ya Kiswahili. Labda ameshindwa kujua Alhamisi kwa Kiswahili akasema Ijumaa. Nadhani alikuwa anasema Alhamisi mchana pia wao walikuwa wanachangia masuala yote ya Seneti kwa lugha ya Kiswahili.

Hivyo basi, pia sisi tunaweza kubadilisha Kanuni zetu za Kudumu pia tuweke siku moja kwa wiki kama Jumatano asubuhi au saa nane ama Alhamisi saa nane ili tuwe tunaongea Kiswahili ili tukuze lugha yetu ya Taifa.

Pia, wale watu waliotujiri hapa wengi wanaelewa lugha ya Kiswahili. Mambo mengi tunayoyazungumza hapa ni yale yanayolenga wale waliotuchagua - walioko mashinani. Wanaposikia tukiongea Kiswahili, wanaweza kufuatilia vizuri. Kuna viongozi Maseneta wamekuwa hapa wakiongea Kiswahili kama vile Kiongozi wa Walio Wachache, Sen. Mwaruma, Sen. Munyi Mundigi na Sen. Faki mwenyewe.

Sen. Tabitha Mutinda amezungumzia vile yeye hutumia Kiswahili lakini ni kidogo kidogo. Sio mara nyingi yeye huongea Kiswahili hapa. Namtia moyo sasa kutoka leo aongee zaidi kwani sio siku zote yeye hutumia Kiswahili.

Hivyo basi, kutoka leo, nimeamua sasa natumia lugha ya Kiswahili. Yule naona yuko kwa shida kubwa ni Seneta wa Migori kwa sababu sijui kama anakifahamu Kiswahili na wengine hapa pia.

Bw. Spika, nakushuru kwa muda huu uliotupa kuzungumzia suala hili la Kiswahili. Namshukuru pia Sen. Faki. Ni vile hakutualika pale Mombasa tuweze kusheherekea siku ya Kiswahili duniani.

Japo niliona kwa runinga na vyombo vya habari ya kwamba Waziri Aisha Jumwa aliongoza Taifa kwa hicho kikao. Wakati mwingine, naomba tupeleke hayo maadhimisho ya Kiswahili duniani mwaka ujao kwa Seneta wa Embu kwa sababu yeye ndiye ameweka Kiswahili mbele. Ikiwezekana, mwaka unaofuata tupeleke maadhimisho hayo Meru tukizunguka Mlima Kenya, halafu Laikipia ifuate mtawalia.

Nashukuru Bw. Spika kwa muda huo wote. Asante.

**The Speaker** (Hon. Kingi): Sen. Osotsi, your Statement is reinstated. You may now proceed to read it.

#### STATUS OF PENDING BILLS OWED TO KEMSA BY COUNTIES

**Sen. Osotsi:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health, regarding the status of pending bills owed to the Kenya Medical Supplies Agency (KEMSA) by counties, from the Financial Year 2021/2022 to date.

In the Statement, the committee should-

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(1) Provide a detailed breakdown of each county government's outstanding payments due to KEMSA, indicating the total amount owed, and an ageing analysis of those debts.

(2) State the particulars of supplies delivered to each county, the corresponding requests made by the counties for the Financial Year 2022/2023, and state reasons for any shortfall.

(3) Explain the impact of delayed payments by the county governments on KEMSA's stock levels and operational efficiency.

(4) Respond to allegations that KEMSA has been unable to supply vital drugs such as painkillers, antibiotics, antidepressants, anti-cancer medication, and anti-diabetic medication, resulting in unnecessary deaths in the counties.

Thank you.

**The Speaker** (Hon. Kingi): Sen. Dullo.

ABDUCTION OF THREE YOUNG  
PERSONS IN ISIOLO COUNTY

**Sen. Dullo:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Security, Defense, and Foreign Relations regarding the abduction of three young persons, namely Mukhtar Tache Ali, Nura Abdidiba, and Issa Osman Guyo in Isiolo County on Saturday, 6th July, 2024, by unknown individuals in two black Prados and a white Subaru. In the statement, the committee should-

(1) Provide detailed information on who the abductors are, and their possible motives, and investigate the possibility that the abductors might have been police officers.

(2) Explain the measures that have been put in place to locate the abducted individuals, ensure their safe return, and address the medical needs of the abducted individuals, particularly as one of the abducted persons, Issa Osman Guyo, is in poor health and requires regular medication.

(3) Indicate whether there are any efforts by the National Intelligence Service (NIS), Directorate of Criminal Investigation (DCI) and other relevant security forces to gather intelligence and facilitate a swift resolution to this matter, and if there have been any lapses in the investigation, whether the relevant organs and persons have been held culpable.

(4) Detail the steps being taken to prevent similar incidents from occurring in the future, including improvement in surveillance and rapid response mechanisms and investigate whether Mukhtar Tache Ali, Nura Abdi Diba and Isa Osman Guyo have any legal charges brought against them, ensuring that the process is expedited.

(5) Finally, indicate whether the families of the abducted individuals receive regular updates, psychological support and any other assistance they may need during this difficult time.

I thank you.

**The Speaker** (Hon. Kingi): Next order. Proceed, Sen. Tabitha Keroche.

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## MOTION

### THE CURRENT STATE OF THE NATION

RECOGNIZING the State of the nation at this moment; the ongoing protests following the passing of the Finance Bill (National Assembly Bills No. 30 of 2024) on 25th June, 2024 by the National Assembly; the loss of lives, maiming and loss of property that has been occasioned following these protests.

COGNIZANT THAT pursuant to Article 115(1)(b) of the Constitution His Excellency the President of the Republic of Kenya declined to assent to the Bill and referred it back to the National Assembly with recommendations to delete all clauses of the Bill.

ACKNOWLEDGING THAT the conversation on the Finance Bill has triggered the broader important public conversation on the question of the high cost of living juxtaposed against the wasteful expenditure in all public institutions including Parliament.

FURTHER ACKNOWLEDGING the issues raised by the youth and other members of the public to do with corruption, impunity, incompetence within state and public appointments, opulent lifestyles of public officers, unemployment and high cost of living amongst other issues bedeviling the economy.

NOW, THEREFORE, the Senate –

1. Calls upon-

i) the National Assembly to expeditiously consider the presidential memorandum pursuant to Article 115(2) (a);

ii) all government ministries, departments and agencies, and constitutional commissions, including Parliament, to put in place austerity measures in undertaking their respective functions;

iii) the Ethics and Anti-Corruption Commission (EACC) and other government multi sector agencies in the governance, justice, law and order sector to upscale and make concerted efforts to fight corruption;

iv) the National Police Service to cease abductions, unlawful arrests, extra judicial killings and exercise restraint in dealing with peaceful and unarmed demonstrators;

v) release of all persons arrested for planning and participating in peaceful demonstrations relating to the enactment of the Finance Bill;

vi) the Government to waive hospital bills for persons who have been injured and defray funeral expenses for those who lost their lives, during the demonstrations; and,

vii) the Judiciary to prioritize and expedite all court cases relating to the enactment of the Finance Bill and the resultant demonstrations.

2. Considers all the challenges facing the country and makes necessary recommendations to address them.



*(Sen. Cheruiyot on 3.7.2024 – Morning Sitting)*

*(Resumption of debate interrupted on 9.7.2024)*

**Sen. Tabitha Keroche:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to talk about the state of the nation. I want to thank the Senator who brought this Motion because it is very important. As we all know, we cannot wipe away whatever is happening in this country.

I want to express my deep and sincere condolences to all the families that lost their loved ones during these demonstrations. The loss of a life is not just deeply painful, but our Constitution decrees that every life matters and should be protected at all costs.

As a mother who knows the pain of losing a child, I empathize with all the parents who are currently mourning. I plead with my President to order the security organs to stop killing our children. Let us hold to account all those police officers that shot and killed or injured our children who were peacefully demonstrating. The police officers who did such acts are a threat to our Government.

I want to thank the Cabinet Secretary, Hon. (Prof.) Kindiki because I remember during the recent interview that he did in *Citizen TV*, he promised that those police officers who shot and killed those children when they were peacefully demonstrating will be held accountable. I also wish to convey my deep and sincere sympathies to all those who lost their properties due to the unfortunate organized hooliganism and uncalled for vandalism.

As an industrialist who knows the sacrifice and hardship of entrepreneurship in this country, it is very sad to see the police watching over these looters and thieves as they loot and destroy these businesses instead of arresting and charging them over their criminal acts. In some areas, we saw the police officers taking over two hours to respond.

We are facing hard economic times and, therefore, some of these business people may never be able to recover from the losses that they incurred. Therefore, I plead with my Government to ensure that they support these business people so that they can revive their businesses.

I also want to thank and congratulate the Gen Z for the courage to speak up. Their courage emanates from their sincere love of our nation. They have not just been peaceful, but they have operated within their constitutional rights. It is unfortunate that their peaceful demonstrations were hijacked by criminals. Thank you to the Gen Z for calling off the demonstrations after realizing that they had been hijacked by criminals.

I want to thank His Excellency the President for agreeing to engage or to talk to the Gen Z through the X space. I plead with our President to continue engaging with the Gen Z because our children mean well for our nation. I know our President has the capacity to resolve this crisis and we are behind him as he implements a peaceful solution.

To those who are organizing goons, hooliganism and anarchy, it is the most unfortunate development and I wish to condemn it in the strongest terms possible. The Directorate of Criminal Investigations (DCI) must immediately bring them all to book and without any further delay. It is unfortunate that when even our Cabinet Secretary,

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Hon. Duale was being interviewed on *Citizen TV*, he acknowledged and said that those hooligans were organized by both sides of the Government; the ruling party and the people who are not supporting the Government.

The DCI must bring them to book immediately and without any further delay because they are known. We need to stop this, that when our children were fighting for their rights, we, the politicians went on to hire hooligans to go and counter what the peaceful demonstrators were doing. These people should be arrested, and they should be held responsible for what happened. The Gen Z have brought out very clearly what we leaders have failed to do as the representatives of the people who elected us or who put us in those offices. If the devolved funds going to the counties were utilized and spent rightfully, every county by now should have a manufacturing plant where our youth would be applying their skills and talents in nation building.

Our county governments have failed us, and we must rethink on devolution while wiping out all corruption both from the national and county governments, and all the other systems of Government. We must at all times uphold our national values and principles as opposed to what the Gen Z have accused us of vomiting on their shoes.

Mr. Speaker, Sir, I want to talk to the Chairperson of the Committee on Finance and Budget. Any time they are doing proposals on increment of taxes on commodities, they should be careful to not increase or propose taxes on commodities that will provoke Kenyans. This is because the Finance Bill we had was the best Finance Bill that we will ever see, but considering that there were proposals that were brought in and before the Gen Z could know that those proposals had been removed from that Bill, what they knew was already in the social media.

You could see the Gen Z going out there, talking about bread and yet, it had been removed from the Finance Bill. They were talking about pads and that proposal had been removed from that Bill. So, they should be very careful on whatever proposals they give on increment of taxes, to ensure that we do not include things that can provoke Kenyans.

Mr. Speaker, Sir, when his Excellency the President was being interviewed at the round table with the media, he talked about how he was let down by the communication team. In Gikuyu we say that even the older ones can be advised, the only bad thing is to abuse someone. He should ensure that he picks the right people in all sectors, including in communication, the Cabinet Secretaries and people with capacity. This is because, they will continue letting him down and people will continue blaming our Kenya Kwanza Government, while it is the team that has been put there that is failing us. In business, we give people Job Descriptions (JDs) and we monitor through Key Performance Indicators (KPIs), so that if they are not able to perform, they are sacked. In business, we do not employ family, friends or people that we go to church with. That is the warning we were given.

Running Kenya is the biggest business that you can run. You do not need to employ your friends because you do not owe them anything. You do not need to employ relatives or the people that you go to church with. You need to employ people that can support you in your Government. The time for friends was when you were doing your campaigns and right now, it is time for doing business and the work; and giving service to Kenyans.

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Mr. Speaker, Sir, we do not want these friends that will keep letting you down. The Gen Z have mentioned them and I will not mention them on the Floor of the House because I do not want to repeat their names, so that they do not knock their feet as they walk. However, they are known everywhere. Reshuffle that Cabinet and ensure that you put the right people based on their capacity. I know how loyal you are and I congratulate you on that, but sometimes loyalty can be a weakness and it is time to ensure that it is not about loyalty, but how people can perform and move this country to the next level.

I have been to Parliamentary Group (PG) meetings where you see some Cabinet Secretaries are asked questions and they are not able to respond. You always come out to respond on their behalf. It is time we get the right people and then we move forward. This country needs to grow because two years are enough. In the third year, we should be seeing industries flourishing because there is no other way we can grow this country. This is so that the Gen Z can also see that we are working and creating employment and our wealth, as well as growing our economy.

Mr. Speaker, Sir, the minute they see that, no one will be interested to go on the streets because people will be busy doing their work. I know people talk when they see leaders coming together. Right now, we only have one President and that is known. This means that if we have one President, we all have to work with that one President.

Yesterday, we were in a meeting and people have been talking about how Hon. Raila Odinga was in that meeting. He was invited by that one President. We need to have unity, dialogue and accept that we all have to work together, so that tomorrow, we can be showing a good example to the Gen Z when they see us working together as a team. We can give them hope that this country is moving to the next level.

We should not keep on saying that some people should stay on their side and others on the other side and watch others do and when they fail, you clap, forgetting that we only have one country. We do not have two countries. We all saw what happened in that one week. We are being compared with our neighbouring counties that have gone down. We do not want the Kenya we have built and worked hard to bring to where it is, to be compared with other countries that we have seen go down.

Mr. Speaker, Sir, we have been a good example to the East African and African countries and the world that we are a hub for investments. In Africa, we are among the best countries that people choose. We might be number two from South Africa. We should maintain that and work together as a team and forget about politics because 2027 is still far, and when that time comes, people can go back and say what they want to become.

For now, we support one President, who is (Dr.) William Samoei Ruto, so that he performs. The more he performs, the more we succeed. Our businesses and schools will succeed. Agriculture will flourish and we will all be happy. We just need to keep on supporting each other, so that we move forward.

Right now, the Gen Z have called off the demonstrations. So, let us remember they are our young people and our children too. I am happy with the way Senators have come up to be a voice of reason at this time, so as to ensure that we support them in whatever they are doing because they are helping with what we have been struggling to do in our counties.

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Mr. Speaker, Sir, there is oversight and that has been named out there, like we are enemies of the governors or anyone out there who thinks that we oversight them. I would like to advise our MPs that they should be listening to the ground and always advise the Executive, the way things should be. If we all listened to what the public was saying and advised the Executive accordingly, we would be somewhere with that Finance Bill.

This means that we need to move forward and ensure that---

**The Speaker** (Hon. Kingi): One minute, you wind up your thoughts, Sen. Tabitha.

**Sen. Tabitha Keroche:** Thank you, Mr. Speaker, Sir, the issue of the Gen Z has come up and we cannot wish it away. We know that they need leaders and we, the Senators, can be their leaders. They are leaderless, but we can give them the leadership that they require. They are children. We cannot sit back and continue seeing our children have no leaders.

All of us, Senators, are ready to give them the leadership they require. They require leadership the way Senators also have. This is because, what they are doing is what Senators have been doing because that is what they were mandated to do by holding everyone accountable, and ensuring that everyone, including counties, are doing the right work. I know most of the corruption witnessed is mostly by the county governments and all of us have seen that. Therefore, let us work together with the Generation Z. I hope they will agree to work with us, so that we can align and put everybody on toes to ensure that they all deliver.

Kenya, *iende mbele. Asante.*

**The Speaker** (Hon. Kingi): Sen. Kathuri, proceed.

**Sen. Kathuri:** Asante sana Mhe. Spika kwa nafasi hii uliyonipa ili nichangie Hoja iliyoletwa na Kiongozi wa Wengi wakishirikiana na Kiongozi wa Wachache. Kwanza natoa risala za rambirambi kwa wakenya walioathiriwa na vifo 39. Kuna wakenya wengine bado wako hospitali mbalimbali. Nachukua nafasi hii kuwatakia mema na afueni ya haraka.

Suala hili limekuja wakati mzuri sana kwa sababu Seneti ni Bunge linalofikiria. Mambo yanapokuwa magumu kwa mataifa, seneti zote duniani ndizo zinakutana ili kurekebisha yale mambo ambayo hayaendi vizuri. Watoto wetu wameongea na sisi tumesikia. Haya mambo hayajaanza jana. Hii *Finance Bill* tu ni ya kutushtua vile mambo yanavyochemka. Mambo mengi yamekuwa yakiendelea lakini watu hawakuwa wanaongea vizuri.

Yale mambo yote ambayo vijana wa Generation Z wameongea, tumeyasikia kama viongozi. Nawaunga mkono kabisa kwa sababu pia mimi niko na kijana aliye katika Kidato cha Tatu. Amekuwa akinieleza mambo mengi kuhusu ufisadi na utumizi mbaya wa rasilimali za umma akiwa likizo. Nilikuwa naona kama anacheza lakini alipofika Kidato cha Tatu, alinieleza kuhusu wizi katika Serikali ama *corruption*. Nikaona ni kweli amefikiria.

Aliniuliza mbona kuna maafisa wa Serikali wanaofanya ufisadi na bado mnawaruhusu kubaki kwa Serikali. Alikuwa anafikiria mahali ninafanya kazi katika Seneti, niko na uwezo wa kusema haya mambo sio mazuri. Aliniambia niko na huo uwezo kwa sababu niko Bungeni. Tena akasisitiza niko na uwezo kwa sababu niko

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katika uongozi wa Seneti, kwa hiyo niko na nafasi kuu ya kuweza kusaidia Kenya. Nilimwambia alipokuwa kwa likizo ya wiki moja kwamba nimeelewa alichokuwa ananiambia.

Bw. Spika, huu ni wakati ambao tunapaswa kukaa chini kama wakenya na tuzungumze vile mambo itaenda. Kuna idara nyingi za serikali ambazo zimetuangusha sana, sana sana shirika la kupigana na ufisadi, EACC. Huwezi kuniambia kesi zote zilizoripotiwa kwa EACC, hakuna hata moja waliyopata ikiwa na wizi ama maofisaa waliofanya makosa. Kama hilo shirika haliwezi kushika hata mtu mmoja miaka hiyo yote wamekuwa, naona badala ya kutumia pesa nyingi katika idara hiyo, afadhali tuongeze bibilia nyingi katika nchi yetu ya Kenya. Pengine kanisa itaweza kuomba.

Tumeona mara mbili, wenyekiti wawili, mmoja alikuwa Bishop mkubwa wa kanisa la *Anglican Church of Kenya (ACK)*. Wakati alimaliza muhula wake, tumepewa tena Bishop mwingine lakini sijaona mabadiliko. Naona wakenya lazima waangalie vizuri hilo shirika la EACC. Mhe. Seneta wa Nairobi, mbona sisi tusilete mabadiliko katika mashirika yote ya Serikali kwa sababu sisi ndio wakenya wanaangalia. Sisi tukilia wakati wakenya wanalia pamoja na Generation Z, hakuna kitu tutasaidia wakenya.

Ningeomba tushirikiane tukiwa Bunge. Nimefurahi sana kuona pande zote mbili za vyama vya kisiasa zikishishiriana. Huu ndio wakati wa kukaa chini hata kama ni chini ya miti ama kwa shule hapa Nairobi ama university na kuongea tukiwa maseneta wote ndio tuweze kubadilisha nchi yetu. Siku hizi hakuna hata pesa za kuenda Mombasa.

Tumeona mambo mengi yaliyoongolewa na vijana hasa kuhusu utumizi mbaya wa pesa za wakenya. Nawashukuru kwa sababu huo ni ukweli. Haswa tukiangalia ugatuzi, saa hizi tumeongeza pesa zikafika Kshs400 billioni. Hizi pesa zote tunapeleka kwa kaunti zetu lakini ni kaunti chache zinazofuata mikataba ya pesa vizuri. Nimeona kaunti zengine wamesema wameongeza ule ushuru walioweza kukusanya ama *own source revenue*.

Utakuta Nairobi wameweza kupata Shilingi bilioni kumi. Ukienda Kaunti ya Uasin Gishu, kutoka Shilingi milioni 500, wamefika Shilingi bilioni moja. Kwa hivyo, hizi pesa zote walizokusanya pamoja na ile tutakayowaongezea kutoka Seneti, ni nyingi sana za kusaidika kaunti zetu. Lakini utakuta kwamba magavana wengi--- Ukiangali wengine walivyokuwa mwaka wa 2022 wakiingia kwa kiti, na uwafanyie *lifestyle audit* ili uone ni mali ngapi wako nayo, utashangaa. Nimesikia mazungumzo kwa mitandao vile magavana wamepata pesa nyingi na kuweza kununua maelfu ya ng'ombe na mashamba mengi. Sasa unashindwa, huu mshahara wa Kshs900,000 ndio umewawezesha kupata mali hii yote kwa muda wa miaka miwili. Kwa hivyo, ni lazima tuchangamke kama wabunge ili tuweze kusaidia Kenya.

Bw. Spika, kila wakati tunapoenda kwa uchaguzi, huwa tunaambia wakenya mambo mengi. Je, katika hayo mambo yote tunayowaahidi tutafanya, huwa tunafanya ama tunaongea lakini hatufanyi? Watu wanaoangusha wakenya si Rais bali ni wale anaowapa kazi. Rais wetu wa Kenya yuko na jukumu kubwa la kubadilisha timu yake. Rais ni kama mchezaji na *team captain* wa mpira wa kandanda. Ukiona mchezaji fulani hawezi kufunga bao, unamuweka kwa *bench* na kuingiza *striker* mwingine. Ukiona *defender* anazembea, unamueka kando na kuweka mwingine ili wakenya wapate riziki yao. Wakenya walio tayari kufanya kazi nzuri ni wengi.

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Idara ingine ninayotaka kumulika ni idara ya usalama. Wakenya wengi wameumia. Siongelei kuhusu zile *riots*, lakini wakulima wengi wa mifugo wameumia. Tunavyoongea hapa saa hii, kuna bunduki zinalia huko Igembe North kati ya wakaaji wa Samburu wakija kuchukua mifugo ya wameru. Ukijaribu kuongea na mtu yeyote, hakuna mtu anakusikiliza. *Security team* ya pale Meru hawana uwezo na wale wako Nairobi ni kama hawana uwezo pia. Wakenya wameumia sana haswa katika mpaka wa Meru na Isiolo na Samburu. Tumeumia sana na sijui kama tutaanza kujikinga sisi wenyewe kama Serikali imeshindwa kulinda wakulima na mifugo yetu. Nitaomba Seneti inisaidie katika Jambo hilo.

Katika Kaunti ya Laikipia, Mhe. Kinyua kila wakati amewasilisha maombi mengi kuhusu vile ng'ombe wao wanachukuliwa. Sijui kama amepata nafasi ya kufurahia matokeo ya yale aliyotaribu kufanya. Kwa hiyo, nikiwa kama mwakilishi wa Kaunti ya Meru, nitaungana na viongozi wengine wa sehemu hiyo kama Wabunge na viongozi wa Meru County Assembly ndio tuweze kufikiria tutakavyofanya ili tulinde watu wetu na mifugo yetu.

Bw. Spika, mambo mengi tunayo ona sasa yanatokana na *historical injustices*. Watoto wetu wanasema kuwa sisi kama wazazi wao tumefeli katika mambo mengi. Sisi kama viongozi tunawaahidi mambo mengi ambayo hatutekelezi. Kikundi hicho ni cha vijana ambao wamesoma sana na wanaelewa mambo mengi ya kiteknolojia. Mawasiliano yao ni *very instant*. Wakitaka kuongea wakiwa hata milioni moja, wataingia kwenye mitandao na kuwasilisha ujumbe wao.

Mahali tunapoelekea, hata chaguzi zijazo zitakuwa zinafanyika mitandaoni. Kwa hivyo, nasihi wenzangu hapa waishi vizuri na vijana kwa sababu wakiamua kuwa, kwa mfano, hawamtaki Seneta wa Kakamega na waanze kampeni yao kwenye mitandao, siku ya kupiga kura atajipata katika shida. Kwa hivyo, tunyenyeeke na kuwasikiliza kwa kufanya mikutano na wao ili tujue mambo ambayo wangependa yafanyike, ili tuishi nao vizuri. Nasisitiza kuwa tujihadhari sana, tuwasikilize na tufuate yale wanayotaka.

Kabla kutamatisha, Rais aliteua kamati ya kukagua deni la nchi hii. Alifanya vizuri kwa sababu tangu mwaka 2011 hadi 2021, leo ndio nimeona ripoti ya Mkaguzi Mkuu wa Serikali. Ripoti hiyo inasema kuwa miradi mingi ya kiwango cha Kshs1.3 trilioni haijulikani ilikoenda. Nafurahi kwa kuwa kamati hiyo iliyoteuliwa itatueleza. Pesa nyingi tunazolipa leo hazikutumika kwa kazi ambazo zilikusudiwa.

Huwezi kukopa pesa kulipa mishahara au kufanya mambo mengine. Ukikopa, ni vyema pesa hizo zitumike kwa miradi fulani. Kama hakuna miradi iliyofanywa, tunafaa kuambiwa kazi ambayo pesa hizo zilifanya.

Tangu tuwe na "*Handshake*" katika Serikali iliyopita, mambo yalianza kusambaratika. Ni vizuri tuelezwe bayana kazi iliyofanyika. Bw. Spika, ulinishauri kuwa lazima tufinye mahali ambapo kuna usaha. Tunafaa kushirikiana kama Wakenya kujua shida ilitokea wapi na jinsi ya kutatua.

Naomba wanachama wa *the Law Society of Kenya (LSK)* ambao wamesema kuwa hawataki kushirikishwa katika kamati hiyo wajihusishe. Hata kama Katiba ya Kenya inampa mamlaka *Auditor-General* kukagua madeni yetu, ni vizuri tuwe na watu wengine wa kutazama. *LSK*, muungano wa wahandisi pamoja na watu wengine wanafaa wahusike ili tuwe na uhakika kuwa ukaguzi wa deni ulifanywa vizuri. Tunafaa kujua tuna madeni

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gani na jinsi tutakavyolipa. Vile vile, wanafaa kutuambia jinsi pesa zilizokopwa zilivyofanya kazi.

**The Speaker** (Hon. Kingi): Sen. Chimera, you have the Floor.

*(Sen. (Dr.) Khalwale stood up in his place)*

**Sen. Chimera:** Can I proceed?

**The Speaker** (Hon. Kingi): Sen. (Dr.) Khalwale, allow Sen. Chimera and Sen. Wakili Sigei to make their interventions. I will allow you to proceed with your intervention.

**Sen. Chimera:** Bw. Spika, leo Seneti imeamua kuendesha shughuli zake kwa lugha ya Kiswahili. Hivyo basi, kwa heshima kubwa, utaniruhusu pia niendeleze mjadala huu kutumia lugha ya Kiswahili.

Asante kwa fursa hii ili kuchangia kuhusu Taarifa hii. Kwa niaba yangu binafsi, familia yangu, na wananchi watukufu kutoka Kaunti ya Kwale, napeana pole kwa familia ambazo zilipoteza vijana wao wakati wa maandamano. Ni huzuni kubwa kuona vijana katika nchi hii wakipoteza maisha kiholela mikononi mwa maafisa wa polisi.

Ningependa kutoa ilani kwa *the Independent Policing Oversight Authority (IPOA)* ambayo kwa muda mrefu imekuwa ikizembea katika majukumu yake. Hatujawai kusikia kwamba maafisa wa polisi wamepatikana na makosa, kushtakiwa au kuachishwa kazi na hatua kali ya kisheria kuchukuliwa.

Kwa niaba ya *Gen Z*, mara hii hatutakubali IPOA “kutubeba ufala”. Kunradhi Bw. Spika. IPOA inafaa kufanya kazi yake kulingana na sheria. Maafisa wa polisi ambao walitumia nguvu kupita kiasi na kusababisha vijana wetu kupoteza maisha bila hatia yoyote watambuliwe, wachishwe kazi, washtakiwe na hatua ya kisheria ifuate mkondo wake.

Mimi nawakilisha vijana katika nchi hii. Nachukua fursa hii kuwapongeza sana *Gen Z*. Tumekuwa tukiambiwa kuwa sisi vijana ni viongozi wa siku zijazo. Vijana waliamua kwamba hawatasubiri tena kuwa viongozi wa siku zijazo bali watajihusisha wazi katika siasa na mustakabali wa uongozi wa nchi hii yetu. Nawapa kongole kwa hilo.

Tofauti yangu nao ni pale ambapo waliruhusu majangili kuvamia mali, kupora na kuzua ghasia. Hata hivyo, nina imani kuwa tumewasikiliza na kama viongozi, tuko tayari kuketi nao. Kama kiongozi wao, kwa sababu nawakilisha vijana katika Seneti, ninaomba msamaha. Pengine katika upungufu wangu wa kibinadamu, sijaweza kukaa na vijana wenzangu na kusikia kilio chao ili tuweze kukomboa taifa letu na tuwe na nchi ya amani iliyo tayari kusonga mbele.

Huu si wakati wa kulimbikiziana lawama kwa sisi kama viongozi. Nimesikia wenzangu wakizungumza hapa lakini sitaki kutaja majina. Walikuwa wanarushiana maneno ambayo haifai kwa viongozi. Ni jambo la kusikitisha kusikia Maseneta wenzangu hapa wakikashifu vikali Wabunge wenzao katika “Nyumba Ndogo” kuhusu *the National Government-Constituencies Development Fund (NG-CDF)*.

Kama viongozi na nchi kwa jumla, hatupaswi kuendeleza tofauti zetu za kisiasa au kimajukumu. Ni kweli kuna tetesi kuhusu *NG-CDF*. Tumekuwa mahakamani siku

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nyingi tukijaribu kubadilisha na kufinyanga sheria hii ili iwe sambamba na Katiba yetu. Sio sawa kumlimbikizia Mbunge lawama wakati huu kwa sababu ya *NG-CDF*.

Bw. Spika, mimi ninazungumza hapa kwa sababu nimefaidika kutokana na mipango ya *NG-CDF*. Masomo yangu yote, kuanzia shule ya upili hadi chuo kikuu, nikisomea pale Chuo Kikuu cha Nairobi, nilifadhiliwa sana sana na *NG-CDF* ya Lunga Lunga. Haitakuwa vyema kumruhusu kiongozi mwenzangu ndani ya Bunge hili kuikashifu hazina hii. Iwapo mtu ana shida na hazina hii, basi aende mahakamani ama alete Mswada wa kuifutilia mbali hazina hii.

Vile vile, niseme kwa kikamilifu, nimesikia kwamba tume ya *Salaries and Remuneration Commission (SRC)* imependekeza kwamba viongozi au wafanyikazi wa uma wapate nyongeza ya mishahara. Mimi, Sen. Chimera, sina jukumu la kujiongezea mshahara wala kujipunguzia mshahara; kuna tume ambayo inafanya kazi hiyo. Lakini hali ya kiuchumi tuliyo nayo saa hizi hairuhusu kamwe hata kuwe na fikra yoyote ile ya kumuongezea, wacha kiongozi, wacha Mbunge bali hata mfanyi kazi yoyote ule wa uma mshahara.

Mimi ninakataa pendekezo lile kama kiongozi binafsi na ninafikiria kuwa sio vyema kwamba tuongezewe mishahara wakati huu, ilhali tunajua nchi ipo mahali pabaya. Tuko na madeni, tunataka kupata ajira kwa vijana wetu. Tunataka kuhakikisha ya kwamba vijana wetu wamepata nafasi sawia ya kufanya biashara na serikali yetu,

Vijana wetu wa *Gen Z* wamelia na wamekuwa na matakwa yao kwa siku nyingi. Kumekuwa na ukandamizaji katika maisha ya vijana wetu. Vijana wetu hawapati fursa ya kufanya biashara na Serikali yetu.

Bw. Spika, niruhusu nitihoe ya kwamba hakuna vijana wetu ambao wanapata tenda kwa urahisi. Wanahisi kupata tenda ile ni lazima umfahamu Mhe. Sen. Sifuna kwa mfano, au umfahamu Gavana wa Kaunti ya Kiambu ndiposa uweze kupata tenda. Na wanalilia haki yao. Ni lazima kama viongozi tuaamke, tutengeneze mstakabadi ambao unampa kijana mkenya fursa ya kufanya biashara na Serikali na kuandikwa kazi katika Serikali bila kumtegemea mtu ambaye anajua au ukipenda, *godfather*.

Ninamshukuru Mheshimiwa Rais William Ruto kwa ile hekima yake ya kuweza kusikia kilio cha vijana wetu na yeye ni kweli ameteremka; ameshuka kutoka pale alipokuwa na yupo tayari kuzungumza na vijana hawa.

Ninawaomba hawa vijana wa *Gen Z* kuwa sisi viongozi wenu tumesikia kilio chenu na tuko tayari kuketi na vijana hawa. Ijapokuwa wanasema kuwa hawana uongozi, nina imani kuwa kutakuwa na muundo ambao tutaweza kuketi kama nchi tuweze kujadiliana, kuridhiana ili tupate fursa ya kusonga mbele tukiwa kitu kimoja, ndiposa nchi hii iweze kuwa na amani, utulivu na tuweze kujivunia matunda ya katiba yetu na nchi yetu ya Kenya izidi kutambulika ulimwenguni kama nchi ambayo ina amani na inamsikiliza mwananchi wake.

Kwa hayo mengi, asante, Bw. Spika.

**The Speaker** (Hon. Kingi): Sen. Wakili Sigei, you have the Floor.

**Sen. Wakili Sigei:** Thank you, Mr. Speaker, Sir. I would also like in a very brief way to contribute to the Motion that was tabled before this hallowed House by the Senate Majority Leader and the Senate Minority Leader.



From the very onset, I would like to appreciate the bipartisanship that they took as leadership for us, as a House, to reflect and ask ourselves the questions that the House has been asking for the last three Sessions that we have debated on this Motion.

Tuesday, 25<sup>th</sup> June, 2024, will remain in the history of not only this country or the history of Members of the House, but a very crucial day in the history of the world. It is on this day that this House experienced what in history had never happened before. This Parliament was attacked; this Parliament was visited and Members of this House, Members of the Secretariat and the public witnessed what we had never witnessed before.

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

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

It did not just happen, but it happened so that we reflect the way we are doing now. We have done this before; it is still going on, and I believe out of this reflection that we have had as a House, we will come up with solutions. We will come up with recommendations. We will come up with ideas that we, as Kenyan leaders, who are in this space this time and this term, will be able to guide the future generations and the style of leadership that we have had.

The demonstrations that we had sent a message, not only to us, as leaders, but to the rest of the Kenyans, because, indeed, it was not just a matter of coming into this House. The young Kenyans who decided to take up their rightful constitutional mandate, which is provided for as a right under Article 37 of the Constitution of Kenya 2010, to come and tell the world that things were not okay; that the leadership of this country has had challenges in executing its mandate.

It was during that time that, indeed, everyone appreciated that there was something wrong. That is why we have talked, we have reflected, and we have concluded that it was not just about the Finance Bill. It was not just about the issues that the National Assembly had debated, engaged the public, and passed the Finance Bill. It went beyond that. The conversation has gone beyond that particular Bill.

I believe it is that day that will help us, as leaders, those who are in office now, those who will be in office in the future, to reflect and get to know what is it that they are supposed to do when they are in office.

Among the very critical issues that particular day brought out, and which has become a subject of a lot of conversations, both within and outside Parliament, is corruption. It is not that we had issues as Kenyans from paying the taxes. The youth of this country are saying that this money that we pay into the Government coffers needs to be utilized in a manner that is reflective of the financial or economic situation that we are in in this country.

Members here have talked, and I ask myself, especially when we had the first debate on this particular Motion, whether we were talking for the cameras, whether we were talking because we needed to talk, or whether we were talking because we got the opportunity to express that which we had.

I believe and hope that all the leaders who have talked to this Motion in this House spoke to themselves as individuals, asked themselves the hard questions that they were pronouncing, as to whether or not when we sit back in our various offices, we utilize the resources that we have.

It is not enough to accuse or blame other leaders and say so-and-so has not done what they are supposed to do. The Members of the National Assembly have failed and not done their job. Those who are in the Executive have failed, how about us, as the Senate? Those are the hard questions that I believe, at the end of all these debates, we should be able to reflect as leaders and ask ourselves, when I sit back, when I oversight the county government that I represent, do I do it because I have failed to get a share of what goes out there or I am doing it because I want to make sure that service delivered to the people of Bomet is within the number of resources that have been allocated to that particular county? Do I do it because I am fighting a political score? Do I desire to also engage for purposes of political gain?

I believe this Motion and the recommendations that we are going to make will be those that are for posterity. It will be the recommendation that if today you were to be in that office as a governor who has exited from this office as a Senator, you will be able to do it because it is the right thing to do.

It is not enough to blame everyone and ask where we lost and where we missed the track. I believe it did not have to take the young Kenyans to demonstrate, to let us know that there is an issue with leadership. It is time we reflect and deal with issues of governance at all levels of leadership, whether it is at the Senate, the National Assembly or the county governments, where we all know there is rampant corruption. The other Government agencies which we have blamed and issued statements to also have a position to take in their failures in governance.

Mr. Deputy Speaker, Sir, I believe the action by the President to engage the public in the X Space, the public address and the withdrawal of the Finance Bill showed goodwill to the country; that, as Kenyans, we should now be ready to have a candid conversation and agree on a way forward.

Yesterday, when the Independent Electoral and Boundaries Commission (IEBC) Bill, a product of bipartisan and radical engagement, was signed, it also gave direction on the way we desire to run this country. I believe the framework that has been set, which will start off next week, will feed into a lot of the conversations that we have had both in this House and outside to the kind of leadership that we want as a country.

I believe the dialogue that will come will also be implemented not only at the Executive level, but also in this House of Parliament. It will still go to the management of our debt because it is not that it started yesterday or on 25<sup>th</sup> of June; it started before then. It became heavy when it had to take the young ones to tell us that we have failed in our leadership style. I believe that as leaders, it has given us a new lease of life and an opportunity to reflect and decide on the direction which we want to take this country.

Mr. Deputy Speaker, Sir, the young ones talked about employment opportunities. They have gone to school, trained and they have experience. Therefore, they need to do that which they went to school to study for. However, they do not have that opportunity because we have not been able to advance and enhance our agriculture sector, for

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instance. We have not expanded the industrial space where we can create for them opportunities. Is this something that we can do? Of course, yes, if only we manage the resources of this country in an appropriate manner for purposes the public.

The political scores aside, this is a Motion that I believe, if this House makes its recommendations for purposes of implementation, we will make sure that Kenya becomes the country that we want to look at in the future. It is not just enough that such recommendations are made to gather dust like any other statement, resolution and decisions previously made. We all need to take it up.

When we talk about the cost of living, it did not come up on the 25<sup>th</sup> June. It has been a conversation that we have had. This is one of the things that when the leadership of President William Ruto got into office and it set up the National Dialogue Committee (NADCO), it said that it is not a one-day product or an event, but a process that comes out of a long-term engagement. So, in the ongoing engagements, this should be one of those things that we should be fast-tracked, so that we make sure that we help the people of Kenya.

Demonstration is a right. However, we lost a number of Kenyans. Whether they are two or 25, one life is one too many to lose, especially when people are fighting for their rights. We look up to those who can take their lives for the sake of building the nation.

As a House, we have shared our condolences with the families, the young ones and the friends of those that lost their loved ones. I believe, out of all this experience that we have had, Kenya should not be a place where we lose lives when we exercise our democratic space. We should have an opportunity and space to engage and exercise those rights. The leadership in office should appreciate that this is a right that cannot be taken away.

Mr. Deputy Speaker, Sir, the most unfortunate thing is a situation where we have no leadership. For instance, in this particular case, we have not heard the Inspector General of Police speaking even for a second or send messages of condolences, yet he is the one in charge of an independent unit of security of this country. That is a failure on the part of that leadership.

This is an opportunity that the young Kenyans have given us to make sure that we correct those challenges and anomalies. For those who are unable to do it, let them give space for other Kenyans who are competent, ready and willing to deliver this country from where it is to a better position.

As we go into the future, I believe the message that came out of Kenyans and the young ones was very clear. It has made us, as a House, to spare a whole four sessions to debate this Motion of national importance. It has given us the opportunity to correct and right the wrong and have a proper strategy going forward. This is so that, as Kenyans, we do not lose the opportunities, but become a House that will be remembered in generations to come.

I do not ascribe to the blame game that we had the other day. Members of this House were accusing our colleagues in the National Assembly of misuse or abuse when, in itself, we should first of all reflect on ourselves and the entire leadership and how we have utilised the resources of this country.

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As I conclude, I once again appreciate the leadership of this House for making sure that this particular Motion is given prominence because we speak on behalf of our people. This message should go across all other people in leadership, including the county governments and the governors who are in office, where the problem is.

We have resources sent out to the county governments, and yet, every other aspect of it has got challenges. In my County of Bomet, for example, the young generations have said that they are going to the streets tomorrow to demand for delivery of services. It is not because of anything else, but they have issues with the governance in office today.

These are the people who do not need to be reminded of their rights. They have woken up and realised that there is a miss in the leadership. That space can only be filled when people are given the right to exercise and demand for what is theirs in law, without the interference of anyone.

I encourage Kenyans to do the same thing because this is the only way we will keep the leaders in office in check. We will also let them know that if there is a failure, we will not keep quiet. It is our right as Kenyans and it is the right thing to do. If they are not ready to change and do as it is expected, it is time to pack and leave, and give room for Kenyans who are ready to lead.

Mr. Deputy Speaker, Sir, I thank you for giving me the opportunity and look forward to the recommendations that will change the style of leadership in our great country of Kenya.

**The Deputy Speaker** (Sen. Kathuri): Thank you, Sen. Sigei.

At some point, I saw Sen. Julius Murgor interested in making his remarks.

Sen. Murgor, are you still interested?

**Sen. Murgor:** Mr. Deputy Speaker, Sir, I beg to move that the debate on this motion be adjourned pursuant to---

**The Deputy Speaker** (Sen. Kathuri): Do not struggle so much because there is no other Senator who is interested in speaking. It is already concluded.

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

Hon. Senators, when you have an issue that you want to canvass, the only person you should approach is the Chair, so that the Chair is well informed of your intention. If the Chair is not informed, then you make the Chair to look like he is disorganized while chairing the session. Before you make a communication to the Table, you should approach the Chair of the session.

I understand that it is Sen. (Dr.) Khalwale who has done this.

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, as the Whip, I apologize to you. We had done this consultation with the Speaker, Hon. Kingi, but failed to bring it to your attention. The reason the distinguished Senator for West Pokot is taking the mandate is because having spoken to this Motion already, I cannot move a dilatory Motion.

I beg your indulgence.

**The Deputy Speaker** (Sen. Kathuri): Sen. (Dr.) Khalwale, whatever he is doing is right. I have no problem with what he intends to do, but I am questioning the process

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that he is following because I was making some communication and he stood up to do something else, which I was not privy to. Let me get good brief from the Table, then we can proceed.

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

Proceed, Sen. Murgor. What is that you intend to do?

**Sen. Murgor:** I propose that we have a consultation on possible amendment to this Motion. Therefore, I request Sen. Methu to second.

**Sen. Methu:** Thank you, Mr. Deputy Speaker, Sir. We have made various contributions, and it is not just a Motion like any other. This is a Motion that we would have wanted to have resolutions on. That is why we seek that colleagues agree we adjourn, so as to have resolutions on this Motion.

I second.

*(Question that debate on the Motion be now adjourned, put and agreed to)*

**The Deputy Speaker** (Sen. Kathuri): Next Order.

## MOTION

### ADOPTION OF REPORT ON THE SOCIAL HEALTH INSURANCE (GENERAL) REGULATIONS, 2024 AND THE SOCIAL HEALTH INSURANCE (TRIBUNAL PROCEDURE) RULES

**Sen. Gataya Mo Fire:** Mr. Deputy Speaker, Sir, I beg to move the following Motion-

THAT, this House adopts the Report of the Select Committee on Delegated Legislation on its consideration of the Social Health Insurance (General) Regulations, 2024, (Legal Notice No.48 of 2024) and the Social Health Insurance (Tribunal Procedure) Rules, 2024, Legal Notice No.49 of 2024 laid on the Table of the Senate on Wednesday, 20<sup>th</sup> March, 2024; Pursuant to the provisions of Section 15(1) of the Statutory Instruments Act 2013 and Standing Order No.195(4)(b) annul the said regulations.

Mr. Deputy Speaker, Sir, the Senate Select Committee on Delegated Legislation is established under Standing Order No.185(1) of the Senate Standing Orders with the powers to scrutinize statutory instruments submitted to the House and ensure that they are consistent with the Constitution of Kenya and other Acts of Parliament.

The Committee is expected to consider, in respect to statutory instruments, whether it is in accordance with the provisions of the Constitution, the Act pursuant to which it is built or other relevant regulatory laws.

Mr. Deputy Speaker, Sir, I want to give you an overview of the Social Health Insurance (General), Regulations, 2024 (Legal Notice No.48 of 2024) and the Social

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Health Insurance (Tribunal Procedure) Rules 2024, (Legal Notice No.49 of 2024). Allow me to highlight some of the provisions of the Social Health Insurance (General) Regulations, 2024 (Legal Notice No.49 of 2024) and the Social Health Insurance (Tribunal Procedure) Rules 2024, (Legal Notice No.48 of 2024). The regulations may be cited as the Social Health Insurance (General) Regulations, 2024 and the Social Health Insurance (Tribunal Procedure) Rules 2024.

The Cabinet Secretary for Health has laid on the powers conferred by Section 50 of the Social Health Insurance Act No.16 of 2024 and Section 44(6) of the Social Health Insurance Act to make and publish Regulations and Rules respectively.

Mr. Deputy Speaker, Sir, the Social Health Insurance (General) Regulations, 2024 are intended to provide for among others, the implementation of the primary health fund, the social health insurance fund and the emergency chronic and critical illness fund established in the Act. The regulations also provide for the mandatory registration of every person who is a resident in Kenya pursuant to Section 26(1) of the Act and the mode of payment contributions pursuant to Section 27(1) and (2) of the Act.

The Social Health Insurance (Tribunal Procedure) Rules, 2024 on the other hand intends to provide for the dispute resolution tribunal as established under Section 44 of the Social Health Insurance Fund Act, 2023 for the purpose of hearing and determining complaints, disputes and appeals arising from the Act.

The Social Health Insurance (General) Regulations, 2024 and the Social Health Insurance (Tribunal Procedure) Rules, 2024 were submitted to the Senate by the Cabinet Secretary for Health on 8<sup>th</sup> March, 2024 and tabled before the House on 20<sup>th</sup> March, 2024.

Mr. Deputy Speaker, Sir, pursuant to Section 16 of Statutory Instruments Act, the Committee invited the Cabinet Secretary for Health, the Council of Governors (CoG), the Kenya Medical Practitioners, Pharmacists and Dentist Union (KMPDU) alongside the Kenya Medical Association (KMA) on Thursday, 23<sup>rd</sup> May to a stakeholder engagement to discuss the two regulations. Only the CoG and KMA attended the meeting.

The Cabinet Secretary requested the Committee to schedule another meeting as she was away on official duty during the 23<sup>rd</sup> May, 2024 meeting. The Committee agreed to meet with the Cabinet Secretary on another date, but resolved to engage the two stakeholders who attended. The CoG and the KMA raised concerns on the readiness of the Ministry of Health to implement the regulations by the commencement date of 1<sup>st</sup> July, 2024. The two stakeholders pointed out that whereas it was a few weeks before the commencement of the Regulations, the Ministry had not procured a system with a centralized digital platform that will onboard all services and service providers.

The operation of the Digital Act, 2024 ought to have preceded that of the Social Health Insurance Act, 2024 to provide an infrastructure on which the latter will be based. The Authority had not carried out means-testing to determine contributions that will be paid by households whose income is not derived from salaried employment.

As required in Regulation 18(4) of the Social Health Insurance (General) Regulations, 2024 ('the Regulations'), the Authority in consultation with the Cabinet Secretary responsible for cooperatives, micro, small and medium enterprises development and other financing institutions was to provide premium financing to non-

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salaried people to enable them to pay the annual contributions within intervals under which their income becomes available.

Given that premium financing is a loan, the Ministry could not clarify how this is implementable for people who are not salaried. The Authority had not conducted nationwide registration of contributors and beneficiaries.

Regulation 31 of the Social Health Insurance (General) Regulations, which provides that the accreditation of healthcare providers under the Act shall be done by a body responsible for accreditation to be established under the Act, contradicts Section 33 of the Act by providing that the empanelment and accreditation of healthcare providers under the Act shall be done by the Social Health Authority. The body has not been established, rendering the procedure of empanelment and accreditation of healthcare providers unclear.

Other anomalies pointed out during the stakeholder engagement, include the Benefits Package and Tariffs Advisory Panel established under Regulation 41(2) of the Social Health Insurance (General) Regulations ought to have been established in the Social Health Insurance Act and not subsidiary legislation.

There is lack of justification for the membership of the Benefits Package and Tariffs Advisory Panel. The Ministry could not clarify the choice of the local public university to nominate the chairperson; the inclusion of development partners in a legal body to determine benefits under the Funds from Kenyan contributions, which raises the issues of sovereignty and conflict of interest between the development partners' mother states and Kenya; the rationale of including HENNET given that not all NGOs in the health sector are registered with HENNET; as well as the rationale and choice of including a local public university instead of the Authority to constitute the joint secretariat under Regulation 43.

The tariffs to determine the benefits to be enjoyed by contributors and beneficiaries were not ready and, therefore, not provided in the Regulations. There is cross-referencing in the Regulations with provisions that did not exist in the parent Act, that is, the Social Health Insurance Act, for instance, Primary Care Network, which is in the Regulations and not in the parent Act.

The rationale behind the registration of minors, which in the stakeholders' opinion was unnecessary, was that they are already dependants. The Social Health Authority, in the stakeholders' opinion, ought to use data already captured by the National Health Insurance Fund (NHIF). The regulations did not provide for verification of the doctor's registration details. There was a need, therefore, to provide a portal for doctors to verify their details.

Due to the serious nature and urgency of the Regulations, which were to enable the implementation of the Social Health Insurance Act to commence from 1<sup>st</sup> July 2024, the Committee met with the Principal Secretary, State Department for Medical Services on Wednesday, 19<sup>th</sup> June, 2024 and various issues about the Regulations were raised, particularly on the lack of detailed evidence of public participation and the unavailability of a Schedule to the Regulations with the tariffs.

During the meeting, the Principal Secretary responded to some of the issues raised by the Council of Governors and the Kenya Medical Association. Notably, the Cabinet

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Secretary for Health did not engage with the Committee on these Regulations and Rules despite having been invited on three different occasions for a meeting with the Committee. The Cabinet Secretary sent letters explaining her unavailability, dated 22<sup>nd</sup> May, 2024, 18<sup>th</sup> June, 2024 and 21<sup>st</sup> June, 2024.

The Committee sat and drew these findings. Having examined the regulations against the Constitution and other relevant laws, the Committee observed the following -

Article 10 states that the national values and principles of governance bind all State organs, State officers, public officers and all other persons whenever they enact any law or make public policy decisions. Article 10(2) (a) further lists public participation as being one of the national values and principles of governance.

In the explanation memorandum forwarded to the Committee, the Cabinet Secretary stated that the Ministry called for submissions from the public and stakeholders from private entities as well as public officers and members of the public.

Article 43(1) of the Constitution of Kenya 2010 provides for the right of every person to the highest attainable standard of health, which includes the right to healthcare services, including reproductive healthcare to accessible and adequate housing and reasonable standards of sanitation, to be free from hunger and to have adequate food for acceptable quality; to clean and safe water in adequate quantities, to social security; and, to education.

Article 43(2)(3) provides that every person shall not be denied emergency medical treatment and that shall provide a provident social security to persons who are unable to support themselves and their dependents.

The regulations were intended to create a framework for the implementation of the Social Health Insurance Act to advance the realization of social economic rights under Article 43(1) of the Constitution of Kenya.

Another observation was the legislative power was delegated under an Act of Parliament, that is, the Social Health Insurance Act, 2023, which delegates the regulations-making power to the Cabinet in dealing with matters of health in the country.

The above understanding, the Fourth Schedule of the Constitution, indicates that the provision of primary healthcare is a devolved function, while the national Government through the Ministry of Health retains the role of policymaking and implementation under its mandate.

The regulations are limited to the implementation of the Social Health Insurance Act. Based on this reason, there was a need for the regulations and rules to take notice of the importance of the county governments as key pillars for the implementation of such regulations to the public at the county level.

Moreover, the Committee could not ascertain and verify from documentary responses submitted by the Ministry the extent to which the input from the counties through the CoG's submissions during public participation and other stakeholders' engagement was considered and incorporated into the final regulations.

The regulations were also in line with Section (5) (a) of the Statutory Instruments Act 2023, which requires the regulation-making body to consult persons who are likely to be affected by the instruments. The Ministry presented an explanation memorandum, which explained that consultations were carried out. The scope, the outcome of such

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consultations, the changes made to the legislation after the public consultations, and explain the purpose of the legislation and the law.

The regulatory impact statement was provided to accompany the regulatory from the Parliamentary scrutiny as required under Section (6) (7) and (8) of the Statutory Instrument Act. However, the Ministry in its submission failed to explain the financial implications of the application of the rules and regulations of the public, and wide means of achieving the objective of instruments were not considered.

Mr. Speaker, Sir, having gone through all these provisions, the Committee sat down and drew the following recommendations-

After careful consideration of the Social Health Insurance (General) Regulations, 2024 and the Social Health Insurance (Tribunal Procedure) Rules, 2024, pursuant to section 15 (1) of the Statutory Instruments Act and Standing Order 195(4)(b), the Select Committee on Delegated Legislation does not accede to the Social Health Insurance (General) Regulations, 2024 (Legal Notice Number 49 of 2024), and the Social Health Insurance (Tribunal Procedure) Rules, 2024 ( Legal Notice Number 48 of 2024) and recommends that the Senate resolves that the Statutory Instruments be annulled.

With those remarks, I beg to move that this House annul the Social Health Insurance General Regulations and the Social Health Tribunal Procedure Rules 2024.

Allow me to call upon Sen. Maanzo to second this Motion.

**The Deputy Speaker** (Sen. Kathuri): Sen. Maanzo, proceed.

**Sen. Maanzo:** Mr. Deputy Speaker, Sir, I am one of the Members of the Committee on Delegated Legislation. As you know, you and I have been in the National Assembly for 10 years, and currently serving our third term of Parliament. I am blessed to have been a Member of the Committee on Delegated Legislation for 12 years now.

Mr. Deputy Speaker, Sir, with these regulations of the Social Health Insurance Fund (SHIF), which the Committee has sought to nullify, we had difficulties which I have never seen in my lifetime in Parliament. We summoned the Cabinet Secretary, who is supposed to be the owner of the regulations and supposed to sign the regulations three times. Every time we would accommodate her when she was not there. She would send a letter.

Mr. Deputy Speaker, Sir, as you are aware, this House can only accept a reason of a Cabinet Secretary if they have given a notice in advance. Secondly, if they are having a Cabinet meeting or there is a very compelling reason the Cabinet Secretary is not present. Despite the flimsy excuses - not even at any one time was she at a Cabinet meeting - the Cabinet Secretary for Health never showed up to come and own her own regulations.

We were now left with the authority and the Principal Secretary, who despite their explanation, there was one major big problem with these regulations. There were the tariffs, which were supposed to accompany these regulations. These tariffs up to the very last day, they never left the Attorney-General's office as the Ministry claimed and they were expecting the Attorney-General's office to expedite it. I had expected the Cabinet Secretary and Principal Secretary (PS) to go and camp at the Attorney-General's office, knowing that, first of all, they never came for the pre-publication.

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They gave an organized Gazette notice and, in fact, announced that these regulations were to be effective by 1<sup>st</sup> July. Of course, the tariffs were never published and there was a little bit of disorganization in the presentation of these regulations and keenly with the tariffs missing, then the regulations had a gaping hole.

We pleaded with the Ministry to let us have these tariffs. We have never seen them up to today. Without the tariffs, then you have a very big component of the regulations not accompanying and not being part of the regulations, and they cannot come when the regulations have come to effect.

We have always advised Ministries that they should do pre-publication with the Committee. It makes work very easy for them and they are able to do a checklist and make sure that, that checklist is as per the Statutory Instruments Act, the Constitution and any other relevant law.

Unfortunately, this never happened and we painfully proposed to annul these regulations for they never met fully public participation, which is a requirement under Article 10 of the Constitution. The Ministry claimed that it did public consultation. One of the major stakeholders of these regulations is the Council of Governors (CoG). Now that health is devolved under the Constitution, if the counties are not properly consulted and they are not even aware of the publication of the regulations, it becomes very difficult. The CoG have come out very strongly against this, in our Committee whenever the regulations are passed without consulting them as a major stakeholder. Unfortunately, this did not happen in this case.

We had also the impact assessment. They have to provide an impact assessment and in the event you have to give an exception as provided under Section Nine of the Statutory Instruments Act, then there is a threshold of abstaining or failing to provide.

There were so many gaping holes and now that the CS never turned up, the people the CS sent, really tried in vain without giving proper explanations as to why the regulations had so much missing. One of the biggest problems was how they were going to assess the neediness of a family in the Republic of Kenya. We have quite a number of many needy families, which may now qualify to be paid for by the State, but that could not be availed. We waited for the CS to bring it on board and she never did. Therefore, we were left with a very big problem.

Additionally, even at the time we were doing this annulment, the Gen Z had not even come up with their own many complaints that they have come up with. The issue of health insurance has been a big debate in the country and, therefore, there was every need to make a very good law and subsequent regulations, so that it does not generate a negative debate.

The Senate has done very well and I want to convince all Senators to uphold the position of the Committee. Let the Cabinet Secretary go to the drawing board, do public participation, consider memoranda from experts and stakeholders of the county governments and comply with the law of Statutory Instruments Act. Otherwise, if we were to allow these regulations in the way they had been presented and without the tariffs from the Attorney-General's office, which were also supposed to be gazetted, then we are going to bring more sores into the problems of Kenyans.

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Health is a very serious matter. You heard the Senator for Migori talk of his experiences on how he, unfortunately, lost his mother due to lack of very little money, health insurance and such. Many Kenyans are going through this and many of the Gen Z are not insured. Many of the Gen Z and many other Kenyans would want to know how they will be treated when there is a need of this nature, for instance, when you have been shot by police or injured in a road accident and that data has to be availed.

One of the major problems was how they were going to transit from the current NHIF to the new regulations and law. I believe that Government institutions go through an automatic transition. They enjoy perpetual succession, but these answers were missing and this is just one institution.

The management of this has been part of the bigtime corruption in this country. It has enriched a few individuals and made very many people poor. We are still doing *Harambees* for people who are unable to pay school fees, such as the university fees and medical fees. Many people lose their lives because they cannot be attended to when there is an emergency or when they get sick. Therefore, there is need for us, as the Senate, to make sure that we interrogate the regulations thoroughly.

I really want to thank the Chairperson of the Committee, Sen. Gataya Mo Fire, the secretariat and the legal officers of the Committee, for being so thorough and bringing forth a lot of issues and questions, and for being of great assistance to the Committee to analyze the law and point out to the Ministry.

Mr. Deputy Speaker, Sir, before I conclude, I want to say that the Committee of Senate on Delegated Legislation made sure it gave the Ministry of Health enough chances to correct whatever messes they had created in the regulations. Unfortunately, they did not and the Act cannot be implemented without proper regulations.

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

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

Mr. Temporary Speaker, Sir, I beg to second and urge the Senate to reject these torturous regulations, which are unconstitutional and illegal. This will go a long way in helping solve the problems of Kenyans, especially the Gen Z, who suffer very much when they get sick or go to hospitals. I want to ask the Cabinet Secretary together with the Principal Secretaries under her and all her team to be vigilant, so that Kenyans may be served well.

Mr. Temporary Speaker, Sir, I beg to second.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you very much, Senator from Makueni for seconding the Motion.

*(Question proposed)*

Hon. Senators, I now call upon Members who are willing to speak to this Motion. I, therefore, give the opportunity to Sen. Mohammed Faki, the Senator for Mombasa.

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**Sen. Faki:** Asante, Bw. Spika wa Muda, kwa kunipa fursa hii kuchangia Ripoti ya Kamati ya Sheria Endelevi ya Bunge la Seneti katika kuchunguza na kuidhinisha Kanuni za Sheria ya Afya ya Kijamii, zilizoletwa hapa Bungeni na zilizochapishwa katika Gazeti Rasmi la Serikali namba 492004 na 482004.

Ningependa kuipongeza Kamati hii ikiongozwa na Sen. Mwenda Gataya Mo Fire kwa umaahiri wake kuchunguza kanuni kama hizi. Kamati ilifanya kazi sana na ikampa Waziri muda wa kutosha kuja kwa Kamati ili kuidhibitishia kwamba alifuata sheria ambazo zinahusika katika kutengeneza sheria kama hizi. Inafaa ieleweke kwamba kwanza, ile haki ya Waziri kutengeneza kanuni kama hizi ni haki ambayo inatolewa na sheria inayopitishwa na Bunge.

Tulipopitisha sheria hii, tulikuwa na kikao kule Turkana. Wengi wetu tulikuwa na sababu, tulijua kwamba kuna mambo ambayo Waziri atayaleta na hayo mambo yatasambaratisha ile sheria tulikuwa tumepitisha kwa kauli moja. Imeonekana wazi kutoka kwa hii Ripoti ya Kamati kwamba, Waziri alikosea katika kuchapisha na kuleta kanuni hizi na kwa hivyo, kanuni hizi hazifai kupitishwa na Bunge hili ili ziwe sheria zitakazotumika katika nchi yetu.

Bw. Spika wa Muda, ukiangalia Kamati imesema kwamba, kwanza, hakukuwa na uhusishaji wa umma wa kisawasawa. Kulingana na Katiba, kifungu cha 10 na 118, uhusishaji umma au *public participation*, ni jambo la msingi ambalo ni lazima lifuatiliwe. Katika kuchunguza mambo haya, kifungu cha 5(a)(1), (d) na (e) cha sheria ya *Statutory Instruments Act, 2013*, kinasema ni lazima uhusishaji umma ufanyike na kuwe na ushahidi wa kuonyesha wale waliohusishwa, walioalikwa na wale walituma barua.

Kwa hivyo, katika uhusishaji umma, sheria hii haikuweza kufuatiliwa. Katiba ndio mama wa sheria zote katika nchi yetu. Iwapo hawakufuata Katiba, sheria yeyote ambayo inatungwa, itakuwa mbaya. Swala hili la uhusishaji umma tunafaa kuliangazia kwa makini sana kwa sababu juzi, wakati sheria ya Mswada wa Fedha, 2024, ulipopitishwa kule Bunge la Taifa, maoni mengi ya wananchi hayakuzingatiwa. Ndio maana kukawa na migomo na maandamano ambayo hayo mambo yangeondolewa, iwapo ile sheria na maoni ya umma yangefuatwa kutekeleza sheria hiyo.

Bw. Spika wa Muda, la kwanza ni kwamba, sheria ya uhusishaji umma haikufuatwa kutengeneza kanuni hizi. La pili kwa kanuni hizi za afya ya jamii, ni kwamba zinahusisha mambo ambayo yangefaa kuwekwa katika sheria kamili. Maswala ambayo yanayotakikana kukaa katika sheria inayopitishwa na Bunge na maswala ambayo yanafaa kukaa katika zile kanuni ambazo Waziri baadaye anaenda kutengeneza kufuatiana na uwezo aliopewa na sheria iliyopita kwa Bunge.

Bw. Spika wa Muda, hapa tunazungumzia Kamati ya ushauri ama jopo la ushauri kuhusiana na maswala ya vifurushi vya faida au *benefits package* pamoja na ushuru unaopaswa kulipwa na kuwekwa katika sheria hiyo. Hili ni jopo ambalo linafaa liwekwa katika ile sheria tunaita sheria mama, yaani *parent law*, ambayo ni *Social Health Insurance Act*. Hiyo pia tunasema kwamba inafanya kanuni hizi kutokuwa sawasawa.

Jambo la tatu, katika kifungu cha 31 cha kanuni hizi, kinapingana na sheria ya afya ya jamii kuhusiana na uwezo wa kuamua ni kina nani watakuwa wanatoa huduma kufuatana na sheria hii. Wale ambao wanaita *accreditation of health providers*. Sheria kuu inasema vingine na kanuni katika kifungu cha 31, inasema vingine. Tunakubaliana

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iwapo sheria mama, itakinzana na kanuni, basi sheria mama ndiyo huwa inachukua kipau mbele kwa sababu imetungwa na wale waakilishi wa wananchi, moja kwa moja.

Bw. Spika wa Muda, jambo la nne ni kuwa Wizara ama jopo husika lililotayarisha maswala haya ama kanuni hizi halikuweza kupambanua maswala fulani yaliyo muhimu katika maswala haya. Kwa mfano, halikuweza kupambanua mfumo wa mchango wa kila mwaka kwa kila familia. Haikuweza pia kuchanganua majukumu ya Serikali kuu na yale ya serikali za kaunti na vile vile, mambo mpito yanayotakikana kuzumgumziwa katika sheria kama hii.

Tunapozungumzia mambo mpito ni kwamba, tumetoka katika sheria ya NHIF na tukaenda kwa SHIF. Ni mambo gani wale waliokuwa wakitoa changizo zao katika NHIF watapata katika mfumo mpya? Je, kutakuwa na kupungua kwa mapendekezo au *benefits* ambazo zinakuja kila mwezi ikiwa mwanachama wa hii SHIF atakuwa mgonjwa? Hayo ni mambo mazito yalifaa kupambanuliwe katika sheria.

Bw. Spika wa Muda, jambo lingine ni uhifadhi wa *data*. Maelezo yangu ninayotoa kulingana na sheria hii yatatumika vipi? Je, yanaweza kutumiwa kuniandikisha mimi kwa chama kingine bali na chama changu cha *Orange Democratic Movement* (ODM) ama yanaweza kutumika katika mambo sijaohusu, mimi mwenyewe kama mhusika? Hii ni baadhi ya mambo ambayo tumesema yanafanya kanuni hizi zisipite.

Inafaa ieleweke kwamba, katika kuchunguza kanuni hizi, iwapo kutakuwa na jambo moja peke yake ambalo linakinzana na sheria, kwa mfano, ukosefu wa maswala ya uhusishaji umma, ikiwa ni hilo moja, basi linatosha kubatilisha kanuni zote. Kwa sababu, katika sheria hii, hatuna uhuru wa kufanya marekebisho na hatuna uhuru wa kufanya *amendments*.

Kwa hivyo, ni lazima sheria iregeshwe na ichunguzwe tena upya ili iambatane na sheria na zile kanuni zimewekwa kulingana na sheria zilizopitishwa na Bunge hili. Katika Kamati hii ya sheria endelezi, kuna mfumo tunaotumia kwa sasa ambao unampa yule aliyetengeneza kanuni fursa ya kuja mbele ya Kamati kueleza mapendekezo ambayo anataka kuyapeleka. Kamati pia inamshauri vile atakavyofanya ili kuhakikisha kwamba, akileta zile kanuni baada ya kuchapishwa kwa Gazeti Rasmi, haziwezi kukataliwa.

Kuna wizara nyingi zilizokubali mfumo huo, lakini masikitiko ni kuwa Waziri wa Afya hakuihusisha kamati kikamilifu katika masuala haya ili iweze kupambanua mambo yanayotakiwa kurekebisha. Hii ingewezesha kanuni hizi kupitishwa moja kwa moja zifikapo Bungeni. Naunga mkono mapendekezo ya kamati hii kwamba hizi kanuni zibatilishwe kwa sababu kuna mambo mengi yana utata. Kanuni zimesema kwamba manufaa tuliyokuwa tunapata wakati kulikuwa na sheria ya NHIF yamepunguzwa. Haya ni mambo yanayofaa kuangaliwa kwa sababu wananchi wameongeza changizo zao.

Kwa hiyo, kanuni hizi hazitatufaa kusaidia ile azma ya Serikali kuona kwamba wananchi wanapata afya bora kulingana na ruwaza yetu ya mwaka 2030 inavyosema. Naunga mkono kamati hii. Hizi kanuni zitupiliwe mbali.

Mhe. Spika wa Muda, asante kwa kunipa fursa hii.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Faki, are you done?

**Sen. Faki:** Yes, Mr. Temporary Speaker, Sir.

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

Hon. Members, there being no other Senator interested in contributing to this Motion, I call upon the mover to reply.

Sen. Gataya Mo Fire, proceed.

**Sen. Gataya Mo Fire:** Thank you, Mr. Speaker, Sir. It should be noted that the Committee on Delegated Legislation has scrutinised several instruments for that matter. I wish to sincerely thank quite a number of ministries, including the Ministry of Lands, Public Works, Housing and Urban Development led by Hon. Wahome, for getting to know what these regulations really tell.

We have a provision where an entity can bring those regulations at the draft stage, sit down with the Committee to put our input, and then we build that document together. However, in this case, the Committee found it very difficult to work with the Cabinet Secretary in charge because we made several invitations, but the Cabinet Secretary defied all the invitations. Considering the fact that health is a very sensitive matter, we could not take it for granted and pass those regulations without observing some of those sensitive issues, including public participation and many other relevant issues that were raised in the recommendations.

In this respect, I beg that we defer this vote. Pursuant to Standing Order No.66 (3), I request that the putting of the question be deferred to another day.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you. You may take your seat.

Hon. Members, Pursuant to Standing Order No.84(1), the matter is affecting counties, and therefore, as requested by Sen. Gataya Mo Fire, the the putting of the question on the matter is deferred to the next sitting pursuant to Standing Order No.66(3) as requested.

*(Putting of the Question on the Motion deferred)*

Clerk, proceed to the next Order.

## MOTION

### APPROVAL OF SITTINGS OF THE SENATE TO BE HELD IN BUSIA COUNTY

**The Temporary Speaker** (Sen. Wakili Sigei): Senate Majority Leader, proceed to move this Motion.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, I beg to move-

THAT, AWARE that the Senate of Kenya is established under Article 93 of the Constitution and its main role as set out at Article 96 is to represent, serve and protect the interests of counties and their governments;

FURTHER AWARE of the critical role that the Senate plays in the interlinkage between national and county levels of Government, and the need to

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enhance interaction between the Senate and county governments as a means of bringing the Senate closer to the counties and the general public;

ACKNOWLEDGING the success made during the sittings of the Senate outside Nairobi, held in Uasin Gishu, Kitui and Turkana counties in September 2018, 2019 and 2023 respectively.

FURTHER ACKNOWLEDGING the recommendation of the Senate Business Committee that a sitting of the Senate be held away from the traditional premises of Parliament buildings in Nairobi during the term of the 13<sup>th</sup> Parliament and the subsequent resolution of the Senate made on 8<sup>th</sup> March, 2023, to hold plenary and committee sittings in the counties for a one-week period within the month of September in every session of the 4<sup>th</sup> Senate, except during an election year with an objective to-

(1) promote the role and work of the Senate and enhance public awareness regarding business of the Senate and Parliament in general;

(2) highlight existing and new opportunities for engagement in legislative process;

(3) develop and strengthen partnerships at the county level of Government;

(4) provide opportunity to Members and staff of the county assemblies to learn and share best practices with Senators and Parliamentary Officers;

NOW THEREFORE, pursuant to Article 126(1) of the Constitution, the Senate resolves to hold its plenary and committee sittings in Busia County from 23<sup>rd</sup> to 27<sup>th</sup> September, 2024.

Mr. Temporary Speaker, Sir, this is a very important tradition that we have established as a House. We went to Turkana last year. We have been to Uasin Gishu County, which was the inaugural Senate Mashinani Programme. We also went to Kitui County. The feedback that we continue to get from the people of Kenya is that we should engage them more. It is increasingly becoming clear that there is need for a deeper connection between the people that we represent and us, as their leaders.

In the present crisis facing the country, where many citizens are up in arms, and challenging and calling for more accountability from their elected representatives and officials, then Senate Mashinani provides a perfect opportunity for us, as the representatives of the people, specifically as directed by Article 96, to engage with various functions of the county government. Senators will get to appreciate for themselves the work that is going on in the rolling out of devolution programmes. More importantly, other institutions such as the county assemblies that we interact with can as well learn from us. They will get an opportunity to interact with our very professional staff and Senators and learn more on best practices in regards to legislative work.

I am impressed that in the last sessions where we have gone out, there have been very interactive forums and many resolutions have come out. I know for a fact that when we went to Uasin Gishu County, there had been a long-standing issue between the County Government of Uasin Gishu and the Moi Teaching and Referral Hospital. It was the then Standing Committee on Health, after sitting down with the management of the hospital and the County Government of Uasin Gishu, which was then led by our colleague, Sen. Mandago, that we were able to resolve that long-standing dispute.

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The residents of Uasin Gishu County appreciated and said that is what they had always called for because the residents of Uasin Gishu County did not have a county referral hospital. The Moi Teaching and Referral Hospital is a national facility, which they have to share with the rest of the region of almost 25 counties that are in the western part of the country. They all rely on the Moi Teaching and Referral Hospital. It was during that interactive session that was resolved.

When we went to Kitui County, I recall quite fondly our interactions with various members of the public. I always quote the case of our Committee on Justice, Legal Affairs and Human Rights. I do not know if Sen. Faki was part of that Committee. They visited Kitui Prisons and during that interactive session, they were able to unlock a stalemate between members of the public and the Prisons Department,

That is why people are up in arms against how we operated as a country. We had close to 200 prisoners or remandees who were being kept inside police cells, costing the Government more than the fines that they were supposed to pay for them to be released. Some had fines of Kshs3,000 or Kshs5,000. It costs approximately Kshs500 per day to accommodate a remandee in our prisons. If you keep that fellow for more than 10 days, what exactly are you saying? At the end of the day, when a fine is charged, as a Government, you end up incurring more than what they were supposed to have paid. That stalemate was resolved by our Committee on Justice, Legal Affairs and Human Rights during the visit to Kitui Prisons. They gave a resolution of the House and that matter was resolved.

The only failure, which Sen. Faki must bear responsibility as a senior legislator and advocate of the High Court, is that since then, as a Senate, we have not proposed any legislation to make sure that such cases that are now replicated across all our prisons, are done away with. That is part of the challenge that we are experiencing in the country; a demand for better and more accountable Government institutions.

Mr. Temporary Speaker, Sir, when we were in Turkana County, just to quote one final example, I know for a fact that our various committees visited many devolution-led programmes that have been rolled out by the Turkana County Government in the past 10 years. They appreciated and compared what is recorded in the audit reports.

I know for a fact that Members of the County Public Accounts Committee (CPAC) chose not only to sit in the County Assembly, but also visited many of the programmes that were being found for one reason or the other as not being properly established or rolled out. They could see it and take the auditors to task.

I have always said that the structure with which we run our CPAC leaves 90 or sometimes even 100 per cent of the membership without a clear ground picture of the projects that are being discussed. If you are discussing a particular road in the Kericho, perhaps, it is only the Senator of that county that knows the road, tea buying centre or project where auditors have flagged out issues of maladministration. The rest of Committee Members may have no idea of what happened in a particular institution. Therefore, it is easy for auditors or the county government to get away with issues that would have been flagged out or people would have had better understanding had they gone and interacted with people in that particular forum.

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There are many successful stories to tell from the Senate *Mashinani*. I know we have our critics. Immediately we left Turkana, the media people went and interacted with a few people in Turkana Town. They said that when we were there, we were driving in Prados and never even opened the windows for them to meet us.

If you choose to focus on what did not work, you will never lack something for Kenyans to complain about. It is a standard Kenyan culture. I am sure if the journalist who covered that story had been more diligent and interacted with the residents of the sites that our various committees visited while we were there, they would have found alternative feedback.

Be that as it may, that is our country. That is the culture we are used to, where when you portray leaders in bad light or complain and show how things have failed or not working, you are considered as being successful in exposing something. That level of pettiness can never take a country forward.

I wish to challenge our journalists. I have quoted this example many times. Recently, before we went to Bunge Tower, there is a journalist who was accorded an exclusive view of the building. They were taken to the committee rooms, which were newly furnished, complete with witness stands and new audio-visual equipment. They were shown the kind of spaces that Members will now be conducting business from and making it more visible.

I do not know how far that process is. As a result of the audio-visual technology in those committee rooms, it can allow members of the public to follow proceedings as they happen live and direct. I hope the Clerk of the Senate and the administration are watching. That programme should be rolled out in order for citizens to appreciate it.

Committee sittings such as those of the CPAC draw a lot of public attention when they are being considered. That is part and parcel of installations in the new building. However, when the Kenyan journalist was allowed that opportunity, what did they go and focus on? They said these people have built a big kitchen and a gym on whatever floor, just trying to reduce the entire structure. Out of all the things that they saw, that is what captured their attention. At some point, we need to be serious with ourselves and ask how we should critique, become more reasonable, and raise standards of our arguments, so that the standing of our leaders and that of Parliament is not about largesse.

There are people in this country who apart from knowing that there is tea and *mandazi* in Parliament will never appreciate anything else about this institution because people who are supposed to tell that story are either unwilling or unable to raise the level of criticism and argument to the standard that is expected. That is why Senate *Mashinani* provides an opportunity for members of the public to see and interact with Senators.

When we go to the counties, for example, in Busia in September, it will be open for members of the public. They will come and watch our debates. There are people who have never seen Sen. Maanzo. They will interact and question him. If there are things they do not appreciate about him, they will ask him. That is what is expected to come out of the Senate *Mashinani*. I am a firm believer and agree with the wisdom that went into its formation of Senate *Mashinani*.

Looking at what is happening in the country, this is one such opportunity. I hear that people are saying that it is time for action. Others are saying that we do not want to

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provide an opportunity or platform neither do we want people to engage in conversations. We know for a fact that even for that action to happen, people must sit down and agree on how it should be done. We must have a conversation. For example, we can talk and say, do not give me this or the other or we need to reduce the public wage bill.

The Salaries and Remuneration Commission (SRC) must state how practical that is. For that engagement to happen, you must provide a forum. That is what Senate *Mashinani* does. Therefore, we must resist this urge to try and box people by saying enough is enough, and that there is no opportunity for you to say this or that. A country that does not speak or converse or a society where people cannot disagree without being rude or violent with each other is not a forward-looking.

In any society, there will always be people who hold different views on various matters, but we must allow them to speak. We are a constitutional democracy. Your view must not necessarily coincide with mine. There are views that I have that must not necessarily agree with Sen. Oketch Gicheru's. I look forward to a point where I will not tell him that I do not want to hear your view or meet you, but just do what you need to do. I do not think that is the kind of a country we are looking forward to. Senate *Mashinani* is one such programme.

I know the people of Busia are waiting for us because there are things they might want to ask the Senate such as the questions being raised about the quality of our work and the legislative agenda that we do. People are becoming more critical of our work. I even see senior lawyers struggling to understand the exact route that a Bill takes from introduction up to assent. Senate *Mashinani* provides such an opportunity where people meet, interact, learn and know how legislative works open.

I look forward to being in Busia County from 23<sup>rd</sup> to 27<sup>th</sup> September, 2024, and meeting and interacting with the people there as I also get to learn about their views on devolution, its successes and failures in that particular county, and how we can entrench it into many other aspects.

Mr. Temporary Speaker, Sir, with those many remarks, I beg to move and request the Senator for Makueni, Sen. Maanzo, to second.

**Sen. Maanzo:** Mr. Temporary Speaker, Sir, I beg to second this important Motion. Senate *Mashinani* is a forum whereby the Senate interacts with people of different counties.

I have only experienced the one that was in Lodwar. While we were there, the Committee of Agriculture, Livestock and Fisheries visited Lake Turkana. I do not think I would have visited it, unless the Senate offered this opportunity. We went there to address the issue of co-operatives and fishing.

The Senator for that county also guided us well on many things. By the end of the day, different committees had a good picture of what that particular county needs to offer services to its people. I am looking forward to us going to Busia.

Mr. Deputy Speaker, Sir, the Senator for Busia County is not here today; I am aware he has some very serious engagements today. I am sure he would have welcomed us to Busia. Previously, he has welcomed committees there, especially the Standing Committee on Agriculture, Livestock and Fisheries while we were dealing with the legislation on cotton, which is one of the big issues in Busia County right now.

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We also got the issue of fishing in Busia County and the challenges fishermen go through. Some of them find themselves accused of being in the territory of Uganda and we need a way forward in all these matters so that we can resolve the problems of the people.

I believe the young people; the Gen Zs, will come along and will interact with the Senate. They have seen that we have supported a lot of their requests and therefore we look forward to a session there where we shall interact with the people. We want as many people as possible to understand what the Senate does. The Senate stands for devolution, to make sure that their development is taken to the counties; to mashinani. That is why we have Senate Mashinani.

Again, we can interact with the community and resolve as many matters, as many questions and as many Petitions that have originated from that region to the Senate. It is usually an opportunity that is very refreshing to the people of a particular county and the people of Kenya.

We look forward to when Senate Mashinani will be held with all the counties in the country. It may take some years but it is one of the major situations and opportunities for the local people to interact with the Senate and all the local issues to be sorted out from that perspective.

Mr. Temporary Speaker, Sir, I beg to second and thank the Senate Majority Leader for having moved this Motion.

*(Question proposed)*

**The Temporary Speaker** (Sen. Wakili Sigei): Now, Hon. Members, I have Members who have expressed the desire to speak to this Motion and I will give you the opportunity to speak.

I call upon Sen. Oketch Eddie.

**Sen. Oketch Gicheru:** Thank you, Mr. Temporary Speaker, Sir. There is no important time to discuss the possibility of actually going to counties, mashinani, as is this time.

This Motion comes in the backdrop of very many challenges in the country. The purpose of devolution was to devolve power and resources as close as possible to the people of Kenya. We have limitations with just the instrument of budget alone, whereby we have seen conversations around resources in this country when we sometimes admit that counties cannot get as many resources as they want at the grassroots. The demonstration of power as an element of service has not percolated among our people as compared to resources

One thing that this particular Senate brings, that sometimes we are not visible to rural communities, is the fact that the diversity that stitches this nation together does not manifest in the grassroots as it manifests here.

I remember very well when we went to Turkana County as a Senate, the challenges that both the staffers and the Members of this House experienced by just trying to navigate going to Turkana. I remember some of the staffers of Parliament that were really committed, they took vehicles from here to Eldoret, going all the way to

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Kainuk and when conversations about the issue that was challenging in the North Rift; serious banditry and serious insecurity issues, I realised how sometimes most members were removed from this issue, they could not connect with them.

When you come back and you are told about the ordeal that people experience and the hardship that people are facing in those areas, it becomes easier for this House to address issues very close to the people in terms of lawmaking.

I also remember very well during the time that we were in Turkana, that it was not just about sitting and being able to pass laws or conduct the ordinary and routine work of the Senate, we had very rigorous plans that could be able to expose the community of Turkana and the larger county of Turkana to the eyes, minds and even the hearts of the Senators who managed to go there. We were able to see firsthand the challenges that communities in Turkana are facing.

I had the privilege of going to Katilu Irrigation Scheme and I learnt a lot about the challenges that the people of Turkana were facing. Even at a time when the Government had tried to avail things like cheap fertilizer, and cheap seeds for people to grow crops and have a livelihood, but because of poor infrastructure and poor institutions in those areas, they could not receive these commodities in time and plant on time. We saw how difficult it was just for them to get seeds such that some places still went without even planting crops.

When we went to the Katilu Irrigation Scheme, we also saw that because of the ongoing conflict between communities, sometimes it was very hard for young people to go to their shambas and cultivate and make a living out of the irrigation. When we came back here, these are some of the things that informed our thoughts and the urgency in handling issues that affect Turkana County.

I remember very well we also got to visit the oil fields in Turkana, and you could see the challenges that the people of Turkana were facing. Sometimes the needs that are manifesting at the grassroots are so removed from us, yet we are drawn with a very wonderful diversity of individuals that sometimes the story that they are telling us here---

When you meet the Senator for Mandera County, Sen. Ali Roba, he will tell you about women who still go miles to fetch water and the amazing work that people in Mandera are trying to grow trees and build water catchment areas, so that they can have a greener land and less dry land. It becomes just stories because that is the diversity that pulls us together.

When you go to the ground and see the struggle and the human spirit away from the struggle, when you see them trying to implement something, it brings the point home for the policies and laws that we are passing in this House. I know for sure that Busia is one of the counties that was seriously affected by floods in this country. Sometimes, when we see those headlines on television or in newspapers, it just ends there. You read about it and see it in the news and then, the image is gone yet, the people in Busia are facing these challenges every single day of their life.

As the Chairperson of the Disaster Response Committee of my party, Orange Democratic Movement (ODM), we had a chance to go to Busia on two occasions. I thank them very much. One, we went to a place called Malaba Central to look at the impact of floods in Busia and afterwards, we went to Budalangi. These are Kenyans that have lost

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homes and livelihoods. They cannot even go to school because they are sometimes blocked in this menace of floods. The interventions that are supposed to be done through policy and Government actions lack in these spaces because, the only people who can talk very strongly for them are their representatives, but that is not enough.

Mr. Temporary Speaker, Sir, it goes without saying that when you go and visit Busia, you get to see some of the challenges that these communities face. Then, at a personal level, you can connect so that even when you come to pass policies in this House or champion for oversight role in the Cabinet of this country, you speak to issues and problems that have become prohibitive to people's modes of survival in those communities.

When I went to Busia, I saw trucks queuing for a distance of almost 15 kilometers when you leave Bungoma heading to Malaba Border. You then wonder of the time they take to get cleared and the danger posed on the drivers as well as the community around. You then start thinking about adventurous policies that we, as a nation, can think about on simple issues of clearance and forwarding within our borders.

I am excited that this Senate is going to learn about the issues that are in Busia when we go and hold our sittings there. We also extend those sittings to visiting some of the crucial challenges and opportunities that people in Busia are facing.

This becomes the pretext of, perhaps, thinking about the next county that we will go to. I still pray, I am not advocating, that hopefully, during my time here, we will get a chance in the subsequent years, to perhaps do Senate Mashinani in Migori County. It is a county of immense and amazing potential. It is also one of the counties within Nyanza Region that is extremely cosmopolitan. We have the amazing culture of the people of Kuria who are industrious in their own traditional agricultural space.

They work very hard to take care of their animals that inform the prime meat that the people of this country eat yet they have challenges in the slaughter facilities that you cannot even imagine such that they sometimes just transport live animals to Nairobi in trucks. If there was an improvement for them to get some slaughter facilities in Kuria, they can excel.

Mr. Temporary Speaker, Sir, you know very well that right now, there is this advocacy around healthy eating. Instead of just eating what we call French Fries, you can also eat Kuria fries because it is in Kuria, where you find the sweetest potatoes in Migori County. However, even as they try to grow these potatoes, there are many limitations with what they can do because there is no proper investment in the value chain.

Migori County has figured out one of the facilities for improving potato in that area, but the capacity has not been tapped well to help the people of Kuria. Even within that mode of survival, you still find that the people of Kuria and Narok sometimes tend to have economic conflict. This is because of border issues and cattle rustling, almost akin to what we have seen in places such as Turkana and the North Rift.

One day, when you come to Migori County, you will see the beauty of the Somali Community that is doing wonderful business intervention in Migori Town as well as the border areas. We also have the Kikuyu and Nubian communities.

If you go all the way up to Muhuru Bay, we have the Luo Abasubas coming all the way from Suna West and going to Nyatike Constituency where the people of Karungu

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are doing very well in terms of fishing industry. However, within their limitations, you will see immense potential in this county. When you come all the way to a place called Uriri, together with Awendo and Rongo Constituency, you will be wowed by the strength of sugarcane industry in that area. Sometimes, on all tables in this country, you will find Sony Sugar that comes from that region. We also have places like Trans Mara all the way to our border with Homa Bay where you will find wonderful things like the Sukari industry. All these is just to show how much potential that is within our counties and yet, the investment has not been done in a proper way to lift them.

Mr. Temporary Speaker, Sir, this is the House where we talk about adding counties money, intervening and fighting for counties to get more resources to continue devolving the system. Hon. Members will connect with these needs as much as possible because they get to interact with these particular opportunities and challenges in this community.

I think this House should be lauded by the people of Kenya for standing firm for the idea that the elected community must always be closest to the people. Not only by their words and rhetoric's, but also, by experiencing what the people in the villages and communities are facing.

That is why today, I am very proud that the Senate of Kenya stood tall when local communities came in their frustrations of hard economic times epitomized by the Gen Z, who have faced a lot of economic challenges and hardships affecting them and their families; a time when the leadership of this country could not stand strong with them. Even more importantly, when the leadership of Parliament got a little bit cagey and edgy and were irked to the extent that they backed away from the people. The Senate stood tall and gave the country direction. It was able to at least initiate a conversation in the country.

I am seeing that leaders are already having that kind of tempo even though, in some parts of the nation, people are still angered and angry. Young people feel like they still want to punch harder and do some more so that their voices can be heard and there can be an equal reaction from the Government in terms of proper and sober actions that can make their lives better.

Mr. Temporary Speaker, Sir, at least, people are talking and converging. The powers that be are starting to listen to one another. This is not happening by chance, but because this House called the Senate stood firm and brought about very hard conversations that are touching on ourselves and the mightiest powers of this country. For once, people can start listening to the downtrodden in this country. We are extending this through Senate Mashinani where Senators will not only be in their comfort in this wonderful seats in this House talking about issues affecting Kenyans, but will also go to the grassroots.

They will not only talk about those issues and pass laws, but to see in almost anthropological way the way our people live their lives, how these issues are affecting them and how their aspirations can inform this House in every single law that we pass. Therefore, I am very proud of this particular Motion that has been pushed forward.

I am also proud that it has now become a tradition of the Senate. Leave alone the fact that we have limited resources. I am sure if the Senate had adequate resources, it

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goes without saying that we could not only be doing one county in a year. If so, it means that we can only sit in five counties during our time in this House. However, I look at the hearts of these wonderful Senators who are so committed to Kenyans in this House and sit until very late. For example, Sen. Faki of Mombasa, Sen. Osotsi of Vihiga, Sen. Cheruiyot of Kericho, Senator of Elgeyo-Marakwet and all Senators here are so dedicated to the issue of supporting our counties. You can see through that dedication that their desire is if we had enough resources, we would do at least four counties in a year. With that, we can have a holistic conversation within a particular Senate session.

This being the Fourth Session, if we had visited four counties every year, we would have a more representative conversation of what our people are facing. I urge Senators, even as they look forward to go to Busia, to also inform our strategy in dealing with the issues of budget, County Allocation of Revenue Bill and the Division of Revenue Bill when we come here.

Let it not be that when we come back, we forget some of these overarching challenges. Some of them might not be within our powers and borders as a Senate. However, this platform can help us highlight some of the key policymaker. Some of those challenges can find their way either through wisdom or just through mere conversations in the corridors of this esteemed Parliament. They can find their ways in relevant ministerial, departmental and Government agencies that can deal with them. For example, in Nyatike, where I come from, I have experienced over six years of wonderful people of Nyatike who are trying to grow rice.

Some of the best rice grains you can think about in this country are in the lower Kuria Irrigation Scheme. However, when the people of Nyatike gave their land, so that the scheme could get a footing and the status of a serious project that could increase production of rice, and the contribution of our region in the food basket of the country, some of the community members lost their land in a scheme that the Government was supposed to pay them.

They were never paid yet rice grains in terms of paddy still leave Nyatike going as far as the borders of Uganda and Mwea Tebere yet these communities have not been compensated. It is hard when I raise those issues in this House and sometimes Senators do not have visibility on these cases. Therefore, I urge us that when we go, let it be that when we pick some of these issues, we can bring them to the Floor of the Senate---

**The Temporary Speaker** (Sen. Wakili Sigei): Your time is up, Sen. Eddie. Proceed, Sen. Mohammed Faki.

**Sen. Faki:** Bw. Spika wa Muda, kwanza, ningependa kusema haikuwa nidhamu kwa Seneta wa Migori kujaribu kukata laini tukiwa hapa tunasubiri kama Maseneta tuliomtangulia katika Bunge hili. Pili, naunga mkono Hoja ya kupeleka vikao ya Seneti katika Kaunti ya Busia.

Nilikuwa katika vikao vya kwanza vya Uasin Gishu, Eldoret kisha tukaenda Kitui na majuzi, Turkana. Vikao hivi vinapeleka Bunge kwa watu. Ukiangalia sehemu nyingi, serikali ni gavana na labda county commissioner. Tunapozuru maeneo haya na kuweka vikao inaeleza taasira kwamba serikali sio gavana na county commissioner pekee. Serikali ina vitengo vingi ambavyo vinapaswa kupeleka huduma mashinani.

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Kama Sen. Cheruiyot, Kiongozi wa Wengi, alivyotangulia kusema, tulipoenda Kitui wakati tulipokuwa katika Kamati ya Sheria ikiongozwa na Sen. Cherarkey, tulizuru Gereza la Kitui tukapata kuwa wananchi wengi wamewekwa rumande kwa makosa madogo ambayo wengine walihitaji Shilingi elfu tatu pekee ili wapate *bond* waweze kuenda nyumbani na kusubiri kesi zao kusikizwa.

Sisi kama Maseneta tuliokuwa pale tulichanga na kuwatoa watu karibu 100 siku hiyo. Nimesahau jina la jaji aliyekuwa anahudumu katika Kaunti ya Kitui lakini alikuwa amehudumu Mombasa pia. Aliweza kupitisha faili zote za wale watu waliokuwa jela na baadaye karibu wafungwa wengine 100 walioweza kutoka jela baada ya hukumu zao kuondolewa na jaji huyo. Kwa hivyo, vikao hivi vina athari nyingi.

Kwanza kabisa, inawawezesha Maseneta kuzuru maeneo ambayo sio yao, kuona vile ugatuzi unafanya au haufanyi kazi. Tunapozuru eneo fulani, kila mtu anapata fursa kuangalia mradi mmoja au mwingine kwenye kaunti ambayo tumezuru. Kwa mfano, tulipokuwa Turkana, baadhi yetu tulizuru baadhi ya miradi na wengine kuzuru miradi mingine ambayo ilikuwa imesemekana imefanyika lakini ikawa ni miradi gushi. Vikao hivi vinasaidia pakubwa kuwezesha Seneti kuangalia kama kweli pesa ambazo zinatamwa katika kaunti zetu zinafanya kazi.

Bw. Spika wa Muda, pendekezo langu lilikuwa kwamba badala ya kuzuru kaunti moja, Bunge la Seneti ligawanyike kama Kamati 10 za watu sita ambao watazuru kaunti sita tofauti wakati wa hiyo wiki moja ya Seneti mashinani. Ila pendekezo langu lilikataliwa katika Kamati ya Senate Business Committee (SBC).

Tutakapozuru Busia, itakuwa bora kwa wale hawakuhusishwa katika Kamati zao, waweze kuchukua fursa kuangalia ni miradi gani inafanyika ili miradi yote ambayo imeorodheshwa, kwa mfano, Mwaka wa Fedha 2023/2024 iangaliwe ikiwa ilifanyika ua haikufanyika. Mara nyingi pesa zinatolewa kwamba zinafanya miradi fulani lakini ukifika miradi hakuna na pesa zimetumika.

Hii inatupa fursa sisi, Maseneta, kutathmini miradi inayofanyika katika kaunti zetu. Vile, inatupa fursa ya kusoma yale mambo yanayofanyika katika kaunti zingine mbali na zetu. Pia, inawapa wananchi fursa ya kusoma majukumu ya Seneti na kazi inayofanywa na Seneti.

Kwa hayo mengi na machache, nashukuru kwa kunipa fursa hii.

**The Temporary Speaker** (Sen. Wakili Sigei): Proceed, Sen. Osotsi Godfrey Otieno.

**Sen. Osotsi:** Thank you, Mr. Temporary Speaker, for this opportunity to also comment on this Motion proposing that Senate Mashinani for this year be taken to Busia County. The most important innovation of Senate is coming up with this concept of Senate Mashinani, which basically means taking the Senate to the people. This is a very commendable initiative and the Senate has demonstrated its maturity by having this programme where we can interact with the people on the ground and resolve the problem. This particular Senate *Mashinani* is happening from 23<sup>rd</sup> to 27<sup>th</sup>, September, 2024. I would like us to learn from the past Senate *Mashinani* that we have had.

This is the fourth after Uasin Gishu, Kitui and then Turkana and now we have Busia. We need to learn from the mistakes of the past Senate *Mashinani* and areas that we need to improve. When we were in Turkana there were a lot of issues and lessons that

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came up. One of the very important lessons was that Senate *Mashinani* should be real. It should not be that we are still in Nairobi. All we would have done is just move the venue from Nairobi to a particular county. It needs to be real in all ways. This Senate was accused when we moved to Turkana. We moved with our vehicles, beddings, water and everything and we did not have any economic impact on the communities in Turkana. The same should be looked at when we are going to Busia, so that if it is hiring vehicles, let us engage the business people in Busia. If it is a hotel, let us stay in hotels in Busia. If it is water, let us buy water in Busia so that people should feel that indeed the Senate has come to empower the communities. In addition, the content of what we will be debating must be aligned with Busia County. It is pointless for us to go to a county and we start talking national issues. For example, when we were in Turkana, we spent a lot of time processing the Health Bills, some of which have become controversial.

We expect that the team that is preparing for this Senate *Mashinani* must prepare content that is relevant to the people of Busia. If it is the committees, the committees should start preparing content that is relevant to the people of Busia. If it is a plenary, whatever Motions, Bills or discussions that we will be having in Busia, let it be tailored towards Busia County. That way, Senate *Mashinani* will make sense. However, leaving Nairobi and going to a county and then ending up discussing Bills or Motions, which have no immediate value to the people of Busia defeats the purpose of having Senate *Mashinani* in the first place. Therefore, this programme has been well planned. I expect that the Secretariat is working very hard to ensure that we get maximum value and impact from this programme.

I heard some of my colleagues questioning why Busia. I want to say that Busia is the best choice that the Senate Business Committee (SBC) came up with because Busia is a unique county. Busia, apart from being a border county, is a county of diversity; it has various communities. We have the Luhya, the Teso and Luos, and we have other communities, though in small numbers, but they are well, they are also represented in Busia County. Therefore, that diversity is there.

Busia County has produced some of the leading distinguished daughters and sons of this country. Busia County was one of the very first counties to produce a female Member of Parliament (MP), Professor Julia Ojiambo. Many other professors have come up and done wonderful things in this country, the majority of them originated from Busia, particularly a place called Funyula. Therefore, Busia is a unique county. The problems in Busia are problems that require unique solutions. Even as we go to Busia, I expect, as Sen. Eddie said, to deal with the problem of traffic congestion in Busia town towards the border, and congestion of traffic in Malaba. This problem has been on for a long time. The solutions are simple. You just make clearance at the border efficient and you remove all the challenges at the border.

We now have the East Africa Community (EAC). What is the need of the EAC if we are subjecting our business people to delays and long queues? These long queues, apart from affecting businesses, have also led to other problems, including crime, prostitution and such kinds of things. Therefore, I expect that when we go to Busia, one of the major problems we should be dealing with is the issue of congestion of traffic trailers, which are carrying goods from Mombasa through Kenya to Uganda. We must be

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able to deal with that problem. I am sure the people of Busia will be happy with the Senate if we deal with this problem of congestion. This problem of congestion also has other aspects to it, and I am very confident that if the Kenya Revenue Authority (KRA), the Kenya Ports Authority (KPA) and other agencies involved are engaged, then we will be able to find a solution to this problem of congestion.

There is also the issue of flooding in Budalangi. Every year, people are displaced. Every year, people are homeless. We wonder why the Government has not learned anything from this flooding. Why is this problem happening every year and yet we have a Government? This is one of the problems that I expect the Senate Mashinani to address through relevant committees and even the plenary, so that we come up with a lasting solution to the problem of flooding in Budalangi.

There is also the problem of harassment of fishermen on Lake Victoria. We have had this problem for a long time, where the fishermen from our Kenyan side, when they go fishing on the Ugandan side, are harassed and arrested. This problem has been going on.

Therefore, we expect our various committees, for instance, the Committee of Security, Foreign Relations and Defense to deal with this problem, so that our hardworking fishermen do not go through this sustained problem of harassment by the Ugandan security forces. We also have a problem in the sugar industry. The sugar industry is the economic mainstay of the people of Western Kenya. The failure of the sugar industry has hugely affected Busia County because it derived many benefits from Mumias Sugar and Busia Sugar Company. However, now with the collapse of the sugar industry, and with the confusion in the sugar industry, Busia County's economy has been affected. This is one other problem that I look forward to Senate Mashinani addressing.

The Committee that I head as the Chairperson is the Committee of County Public Investments and Special Funds (CPIC) and we have been able to partially address this problem by reorganizing the company, so that the company is fully owned by the County Government of Busia and also recommending some measures that will make the company to be turned into a viable initiative. We will take that opportunity to visit this company and their various water installations and ensure that the people of Busia are provided with clean and safe water in their homes.

Mr. Temporary Speaker, Sir, the issue of immigration is a challenge. How is it being addressed at the border? This is an issue that I expect the appropriate committee to help address, so that we are able to add value to the people of Busia who will engage with their counterparts on the Ugandan side. This programme is useful, but it will be more useful if the content of what we are going to undertake is aligned to the issues on the ground. Similarly, how we are going to interact with the people is also going to add value to the people of Busia.

The role of the Senate must also come out very clearly. I hope that we are going to have an engagement with the public to help them understand what the role of the Senate is.

We have a problem in this country and we have partially addressed this problem when we were discussing the state of the nation. I said it is high time we reset our legislature, so that the legislature focuses on three very important constitutional roles;

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oversight, legislation and representation. We have to make our people understand that legislators are not there to manage funds or to do what the national Government is supposed to do. They are there to oversight, represent and make laws.

That must come out very clearly because many people, when you ask them, some of them do not understand what the Senate does. We must take that opportunity to also educate them and have an engagement with them. Therefore, we need to have an in-chamber engagement and also have an out-of-the-chamber engagement, in order to create awareness among the people and to engage the public so that they feel they are part of it.

We missed out on this when we were in Turkana. The limited way we did it was probably through the committees. Nonetheless, we needed a session of the whole House to meet the public stakeholders in Turkana to engage them on issues of awareness of the role of Senate and issues affecting the people of Turkana.

It is also important for them to understand the legislative procedures, particularly the issue of how do they petition the Senate. I see so many people writing petitions to this House, even from my county, but in most cases, those petitions are not processed fully perhaps because they are not in the right form of a petition or they have not been processed in the right manner.

People have issues, but because of those small challenges, you find that the issues are not able to come before us. We also need time to engage them and tell them how they should do their petitions and bring their issues before the Senate for consideration. I think that is very important.

We should also use that opportunity to strengthen partnerships, not just with the county assembly, but also with the executive arm of the county. We also need to strengthen our partnership with the communities, the civil society and all the various stakeholder groups in Busia County and that will require adequate planning and preparation towards that.

As I said earlier, Busia County is very unique. Busia County is where our distinguished Clerk, who has done a lot of work for this Parliament, comes from. I think it is just fair for us to thank him by visiting his county which is Busia County. Busia County is where the Senator who has been a leading light in defense of the public, Sen. Okiya Omtatah, a man who does not fear saying the truth comes from. This is a man who said before the President that I am taking you to court and, indeed, he went to court over the Finance Bill, 2023.

In this country if we had ten Omtatah's, we would be somewhere. By going to Busia, it will also be a demonstration that we value the contribution of Sen. Omtatah on matters governance in this country.

Mr. Temporary Speaker, Sir, I do not want to go beyond that, but just to say that Busia is a neighboring county. You have to pass through Vihiga County before you go to Busia. We will be using that opportunity to also request the Senate to consider matters of infrastructure. The road from Kisumu through Maseno, Luanda, Yala and all the way to Ugunja to Busia, it is high time that that road be made a dual carriageway because of the high traffic, linkage to Uganda and other key counties within the region. That is the best thing that can come out of this Senate Mashinani. This is not just for Busia but the neighboring counties of Vihiga, Siaya, Kakamega, and even Bungoma.

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Mr. Temporary Speaker, Sir, with those few remarks, I wish to support this Motion that the Senate Mashinani for this year be taken to Busia County.

I thank you.

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

Hon. Members, there being no other Senator who wishes to contribute, I call upon Sen. Oketch Gicheru to reply to the Motion on behalf of the Mover, the Senate Majority Leader.

**Sen. Oketch Gicheru:** Thank you, Mr. Temporary Speaker, Sir. On behalf of the Senate Majority Leader, Sen. Cheruiyot, the Mover of the Motion, I want to thank all the Senators who got the chance to contribute to this particular Motion. I am sure that the people of Busia are very proud of you this evening when they see you endorsing and selecting Busia as the place to go to this year.

Apart from the fact that Sen. Osotsi has insisted that if you are going to Busia you must pass through Vihiga, for some of us who come from the lake, it depends with the means which you go with. Some of us, who like going with the chopper, sometimes might want to pass through shortcuts and may not have to pass through Vihiga. However, that was on a lighter note.

I look forward to this engagement of the Senate Mashinani in Busia and, therefore, I beg to reply.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Sen. Oketch Gicheru.

Hon. Senators, this Motion does not affect counties and pursuant to Standing Order No.84(1), we are required to ascertain the quorum. We do not have a sufficient quorum to put the question and, therefore, we will defer putting of the question to tomorrow when the House will resume its sittings.

*(Putting of the Question on the Motion deferred)*

## ADJOURNMENT

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate and the Senate therefore stands adjourned until tomorrow, Thursday, 11<sup>th</sup> July, 2024 at 2.30 p.m.

The Senate rose at 6.30 p.m.