

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Wednesday, 30<sup>th</sup> October, 2024

### Afternoon Sitting

*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 the Speaker)*

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

*(The Quorum Bell was rung)*

Hon. Senators, we do have quorum now. Therefore, we will proceed with the afternoon business.

Clerk, you may proceed to call the First Order.

### MESSAGE FROM THE NATIONAL ASSEMBLY

DECISION OF THE NATIONAL ASSEMBLY ON SENATE  
AMENDMENTS TO THE FOOD AND FEED SAFETY CONTROL  
COORDINATION BILL (NATIONAL ASSEMBLY BILLS No.21 OF 2023)

Hon. Senators, I wish to report to the Senate that I have, pursuant to Standing Order No.46(3), received the following Message from the Speaker of the National Assembly regarding the decision of the National Assembly on the Senate Amendments to the Food and Feed Safety Control Coordination Bill (National Assembly Bills No.21 of 2023).

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The Message, dated Thursday, 24<sup>th</sup> October, 2024, was received in the office of the Clerk of the Senate on Tuesday, 29<sup>th</sup> October, 2024. Pursuant to Standing Order No.46(4). I now report the Message:

Pursuant to the provisions of Standing Order No.41(1) and 148(b) of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

“WHEREAS” on Wednesday, 23<sup>rd</sup> August, 2024, the National Assembly passed the Food and Feed Safety Control Coordination Bill (National Assembly Bills No.21 of 2023) and thereafter referred the Bill to the Senate for consideration in accordance with Article 110(4) of the Constitution;

AND WHEREAS on Thursday, 11<sup>th</sup> April, 2024 the Senate considered and passed the said Bill with Amendments and referred it back to the National Assembly in accordance with the provisions of Article 112(1) of the Constitution.

Further, whereas on Friday 18<sup>th</sup> October, 2024, the National Assembly rejected an Amendment during the consideration of the Senate Amendments to the Food and Feed Safety Control Coordination Bill (National Assembly Bills No.21 of 2023), thereby committing it to a Mediation Committee in accordance with the provisions of Article 112 (2) (b) of the Constitution.

NOW THEREFORE, in accordance with the provisions of Article 112 of the Constitution and Standing Orders No.41(1) and 148(b) of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate and seek the appointment of seven Senators to a Mediation Committee to consider the Bill in accordance with Article 113 of the Constitution.

Hon. Senators, consequent to this said decision, the Speaker of the National Assembly appointed the following Members of the National Assembly to the Mediation Committee to consider the Bill in accordance with Article 113 of the Constitution-

- (1) Hon. Mutunga John Kanyuithia, MP
- (2) Hon. Kagombe Gabriel Githuka, MP
- (3) Hon. Marubu Monicah Muthoni, MP
- (4) Hon. Chege Sabina Wanjiru, MP
- (5) Hon. Owino Martin Peters, MP
- (6) Hon. Kimilu Joseph Kavinda, MP
- (7) Hon. Osero Patrick Kibagendi, MP

Hon. Senators, pursuant to the provision of Standing Order No.166(2) of the Senate and in consultation with the Senate Majority Leader and the Senate Minority Leader, I will, at an appropriate time, appoint Senators to the Mediation Committee.

I thank you.

Next Order.

**PAPER LAID**

**The Speaker** (Hon. Kingi): The Vice-Chairperson Mediation Committee to lay the paper.

REPORT OF MEDIATION COMMITTEE ON THE NATIONAL  
RATING BILL (NATIONAL ASSEMBLY BILLS NO.55 OF 2022)

**Sen. (Dr.) Lelegwe Ltumbesi:** Mr. Speaker, Sir, on behalf of the Chairperson of the Mediation Committee, I beg to lay the following Paper on the Table of the Senate today, 30<sup>th</sup> October, 2024.

Report of the Mediation Committee on the National Rating Bill (National Assembly Bills No.55 of 2022).

I thank you.

*(Sen. (Dr.) Lelegwe Ltumbesi laid the document on the Table)*

**The Speaker** (Hon. Kingi): Next Order.

The Vice-Chairperson Mediation Committee to give their notice.

**NOTICE OF MOTION**

ADOPTION OF REPORT OF MEDIATION COMMITTEE ON THE NATIONAL  
RATING BILL (NATIONAL ASSEMBLY BILLS NO.55 OF 2022)

**Sen. (Dr.) Lelegwe Ltumbesi:** Mr. Speaker, Sir, on behalf of the Chairperson of the Mediation Committee, I beg to give Notice of the following Motion –

THAT, the Senate adopts the Report of the Mediation Committee on the National Rating Bill (National Assembly Bills No.55 of 2022), laid on the Table of the Senate on Wednesday, 30<sup>th</sup> October, 2024, and further that pursuant to Article 113(2) of the Constitution and Standing Order No.167(3) of the Senate, approves the mediated version of the Bill.

I thank you.

**The Speaker** (Hon. Kingi): Next Order.

Proceed, the Senator for Meru County, Hon. Kathuri Murungi.

## QUESTIONS AND STATEMENTS

### STATEMENTS

#### INTERNSHIP OPPORTUNITIES BY THE PUBLIC SERVICE COMMISSION

**Sen. Kathuri:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Labour and Social Welfare, regarding concerns raised by the Kenyan youth about internship opportunities offered by the Public Service Commission (PSC).

In the Statement, the Committee should-

(1) State steps taken to address the concerns of applicants for the public service internship programme, who have reported frustration with frequent technical issues and slow performance of the online application system and outline measures implemented to ensure the system is user-friendly, efficient, transparent and accurate.

(2) Provide details on the system in place by the PSC for absorbing interns into Government Ministries and State agencies, upon completion of the internships, stating whether there is a traceability mechanism to prioritize interns for future employment opportunities in public service.

(3) Explain the criteria used for the recruitment of interns and state whether past recruitment processes reflect the diversity of Kenyan communities in accordance with Articles 10 and 232 of the Constitution, providing a breakdown of the distribution of internship opportunities by county.

(4) Justify the exclusion of diploma and certificate holders from eligibility for internships in public service.

I thank you.

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

#### EFFORTS TO COMBAT PROLIFERATION OF COUNTERFEIT DIGITAL PRODUCTS

**Sen. Kisang:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Information, Communication and Technology regarding efforts to combat the proliferation of counterfeit phones and digital products in Kenya.

In the Statement, the Committee should-

(1) Find out the specific actions taken by the Communication Authority (CA) of Kenya, including measures initiated in collaboration with other regulatory bodies to prevent the entry and sale of counterfeit phones and digital products, explaining why previous measures have not been effective.

(2) Describe how the Kenya Bureau of Standards (KEBS) ensures accountability in regulating substandard devices and outline the penalties imposed on businesses found selling counterfeit products, providing data on cases that led to legal action in 2023/2024.

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(3) Explain how the counterfeit authority enforces laws to protect measures from counterfeit digital products and detail the metrics used to measure the effectiveness.

(4) Disclose the measures in place to hold Telecom Companies and retailers accountable for ensuring the authenticity of phones and devices sold in Kenya and explain the repercussions for non-compliance.

(5) Provide details on how customer complaints about counterfeit products are handled, including KEBS, response time and state systemic changes implemented based on these complaints.

(6) State ways in which the Communication Authority of Kenya has engaged the public to gather feedback on counterfeit products.

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

#### SECURITY AND SAFETY OF FEMALE TAXI DRIVERS

**Sen. Ogola:** Thank you, Mr. Speaker, Sir, for accepting that I request for a statement on behalf of Sen. Beth Syengo, MP.

This is a request for a statement on the security of female taxi drivers following the murder of Ms. Victoria Mumbua.

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53 (1) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations concerning the security and safety of female taxi drivers in Mombasa County, particularly following the tragic murder of Ms. Veronica Mumbua, a Mombasa-based taxi driver whose body was found dumped in Mai Mahiu on 4<sup>th</sup> October 2024, after she went missing on Friday 27<sup>th</sup>, 2024.

In the Statement, the Committee should:

(1) Report on the progress of investigations into the murder of Ms. Veronica Mumbwa, including any arrests or leads, and outline the assistance provided to her family during this difficult time.

(2) Outline the current security measures in place to protect taxi drivers, particularly female drivers across the country such as coordination between the National Police Service (NPS) and taxi service providers, including online taxi operators to enhance safety and prevent such tragic incidents in the future.

(3) Recommend additional steps to improve the security and safety of taxi drivers, including the possibility of installing panic buttons in all taxis and online taxi Apps, enhanced vetting of clients and increased surveillance in high-risk areas, with particular emphasis on protecting women working in the industry.

#### The PLIGHT OF MEDICAL INTERNS

**The Speaker** (Hon. Kingi): The Hon. Senator for Kajiado County, Sen. Seki. That Statement is dropped.

*(Statement dropped)*

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STATE OF NJORO KISIMA LAND, LR.No. 9216  
IN NJORO SUB-COUNTY

Proceed, Sen. Tabitha Keroche. That Statement is dropped.

*(Statement dropped)*

Proceed, Sen. Mumma.

COMPLIANCE OF REGULATIONS GOVERNING FKF  
TO THE CONSTITUTION OF KENYA

**Sen. Mumma:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Labour and Social Welfare regarding the current regulations governing the Football Kenya Federation (FKF) and their alignment with the Constitution of Kenya.

Mr. Speaker, Sir, it is public knowledge that sports is a devolved function and generally acknowledged that football is no longer a men's only game. The FKF is also mandated to advance the development of football across the country. It is noteworthy that FKF is due to hold its elections in December, 2024, thereby necessitating an urgent response to this request.

In the Statement, the Committee should-

(1) Assess whether the Football Kenya Federation (FKF) Constitution, especially the regulations governing elections and office-holding, comply with Article 81(b) of the Constitution, which requires that no more than two-thirds of the members of elective public bodies shall be of the same gender and examine the application of this principle in both appointive and elective positions within FKF.

(2) Inquire into the extent to which FKF leverages devolved units in promoting football at the county levels identify any barriers to their inclusion and determine what legal or administrative measures could be adopted to ensure full county-level participation in future management and development of the sport from early stages.

(3) Examine the composition of the FKF Assembly, the National Executive Committee and the Electoral Committee to verify whether they align with the requirements of Article 81(b) of the Constitution and whether FKF promotes gender equity in sports leadership and decision-making.

(4) Investigate existing FKF policies and guidelines on investment in women's football, with a view to confirming whether the rules ensure equitable financial, structural and administrative support for women's football in line with gender equality principles.

(5) Review the broader legal and policy framework for football governance in Kenya to assess the extent to which county-level football bodies and players, including women, are benefiting from devolved sports structures and FKF regulations.

Thank you.

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

## IMPORTATION OF RICE BY KNTC

**Sen. Chute:** Thank you very much, Mr. Speaker, Sir. I have three statements. Let me start with Statement number one.

I rise pursuant to Standing Order No.53 (1) to seek a statement from the Standing Committee on Trade, Industrialization and Tourism regarding the importation of rice by the Kenya National Trading Corporation (KNTC).

In the Statement, the Committee should-

(1) State the quantity and price per kilogramme of all consignment of rice imported through the KNTC from 2020 to date.

(2) Clarify whether KNTC floated competitive tenders for the supply of rice during the aforementioned period, and if so, disclose the companies that applied for the tenders and their respective bid amounts.

(3) Disclose the names of companies that were awarded the contracts for the supply of rice, indicating the respective quantities delivered by the companies so far *vis-a-vis* what they were contracted to deliver.

(4) Provide a breakdown of all payments made by KNTC to suppliers of rice, so far, specifying the respective amounts received by the companies as well as their outstanding balances.

(5) Specify timelines for settlement of all outstanding balances.

## DISTRIBUTION OF DONATED FERTILIZER BY THE NCPB

Again, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee of Agriculture, Livestock, and Fisheries, regarding the distribution of donated fertilizer by the National Cereals and Produce Board (NCPB).

In the Statement, the Committee should:

(1) State the quantity of all consignment of fertilizers donated to Kenya from 2020 to date, disclosing the donors as well as the origin of the consignment.

(2) Provide details on how each consignment of donated fertilizers were distributed to farmers across the country and where it was sold to farmers, specify the price.

## IMPORTATION OF FERTILIZER BY THE NCPB

Mr. Speaker, Sir, my third Statement is again on the importation of fertilizer by the NCPB. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee of Agriculture, Livestock and Fisheries regarding the importation of fertilizer by the NCPB.

In the Statement, the Committee should-

(1) State the quantity and price per kilogramme of all consignment of fertilizer imported through the NCPB from the year 2020 to date.

(2) Clarify whether NCPB floated competitive tenders for the supply of fertilizer during the aforementioned period and disclose the companies that applied for the tenders and their respective bid amounts.

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(3) Disclose the names of companies that were awarded the contracts for the supply of fertilizer to NCPB indicating the quantities delivered, so far, compared to contracted amounts.

(4) Provide a breakdown of all payments made by NCPB to the suppliers of fertilizer and specify the amount received by each company and their standing balances.

(5) Indicate timelines for the settlement of outstanding balances, if there are any.

**The Speaker** (Hon. Kingi): Hon. Senators, I will allow comments on those statements for 15 minutes.

Proceed, Sen. Cherarkey.

**Sen. Cherarkey:** Thank you, Mr. Speaker, Sir. I want to thank colleagues who have written the statements. Let me start with the Statement by Sen. Kathuri.

**The Speaker** (Hon. Kingi): Senator for Nandi, you have three minutes.

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

**The Speaker** (Hon. Kingi): I am sorry; you have two minutes.

**Sen. Cherarkey:** Mr. Speaker, Sir, as the presiding officer, you are reverting your own ruling.

**The Speaker** (Hon. Kingi): Because it is mine.

**Sen. Cherarkey:** Yes, that is interesting. I have just two comments. I want to support the Statement by Sen. Kathuri Murungi on the issue of the Public Service Commission (PSC).

Mr. Speaker, Sir, I do not see the need for giving internships to the youth and then you fail to absorb them, yet you have used Government resources. I want to appeal to the Government and the PSC, that most of the young people who are given internships in public service should be reabsorbed, noting that a 5.7 per cent unemployment rate in the Republic is still a challenge.

Mr. Speaker, Sir, our fertility rate is doing very well. An average woman in this country has almost three to four children. Therefore, the fertility rate of this country is very critical.

Finally, on the issue of fertilizers, I want to support, but agree that we need fertilizers in time. Those of us who are maize farmers harvest our maize, but the price is not very good. They are selling at Kshs2,000.

We still want to appeal to the Government to ensure that we at least get between Kshs4,000 to Kshs5,000 per 50 kilogramme of maize. This is to ensure that my neighbours like Sen. Osotsi from Vihiga, Senator for Kakamega, and even Sen. Sifuna whose staple food is *Ugali*--- He eats *Ugali*. I am aware because I saw him eating it over lunch. We need that pricing so that as we protect farmers, we ensure that they have something to do.

Finally, on elections of FKF, I want to support that women should be included. Nonetheless, I call upon people who run for elections in the FKF to be ex-sportsmen and women. This issue of having busy bodies to run for this election is very unfortunate.

I support.

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

**Sen. Olekina:** Mr. Speaker, Sir, I would quickly like to comment on two statements. Let me begin with the statement by Sen. Kisang on the issue of fake mobile equipment.

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It is imperative that when the committee is investigating this issue, they need to have a comprehensive discussion with the Kenya Bureau of Standards (KeBS). Since we are trying to encourage companies to produce locally. If we have a lot of fake or substandard equipment, especially telecommunication equipment which are being sold in the market, it hinders our effort as a country to promote local manufacturing.

They are also very dangerous because they do not really use all the standards and safety measures that are required for the production of telecommunication equipment. They could be very dangerous to your health. They will just explode. This is a very good Statement. I hope that it will be taken seriously by the Committee on Information, Communication and Technology (ICT).

Secondly, I would like to comment briefly on the issue of femicide. It is very sad that at this age, we are still targeting women. On the statement which was read on the killing of a taxi driver in Mombasa, we need to stand firmly and revisit our regulations when it comes to the issue of safety in public vehicles.

Our local taxis ought to have cameras because there is nothing private that you do inside a taxi; it is just for transportation. It is about time that we encourage the registration of taxi services. We used to have the Kenya Taxi Service before we got all these other new Apps that are coming up.

The only way we can get away from this belief that this issue of femicide is a systemic gender-based discrimination, is for us to put up regulations and laws that protect everyone regardless of they are.

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

**Sen. Tabitha Mutinda:** Thank you, Mr. Speaker, Sir. I would like to comment on the statement by Sen. Syengo in regards to the killing of Madam Mumbua who was a taxi driver in Mombasa. This is a very saddening situation. As women, we engage in different ways of making income and then our lives become endangered.

Further to that, we had a recent case of the young lady from Kiambu by the name Seth Nyakio who was also murdered. I believe it is time that, as a country, we acknowledged and declared femicide a national disaster. This trend is still ongoing and not shutting down. It is very sickening and saddening. I am wondering when we continue to kill women, who will men be left with to continue this generation?

It is time to have safety regulations within these vehicles. We have seen international taxis have cameras and other modes of security for people to feel safe.

Number two, I want to comment on the Statement by Sen. Kisang. As a digital ambassador for International Computer Driving Licence (ICDL), I advocate for digital literacy.

We continue to acknowledge that we are in a digital space. If our institutions like (KEBS) among others do not ensure that products within our market are to the required standards in the country, we will still be killing and moving backwards instead of progressing. This is both from the market perspective whereby we have standard products for our business people and us the end users, having commodities that have the required standard.

As we continue advocating for digital literacy, the gadgets that are in place should have the same standards that give the quality output.

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In accounting, we say garbage in, garbage out. If we have substandard quality of machines, gadgets, the phones, then the output will not be as expected. I have seen young people nowadays investing in good gadgets to do content creation that earns them an income. Therefore, these digital gadgets should be up to standard.

As KeBS gives their report, I would want them to bring to light how---

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

**Sen. Faki:** Bw. Spika, asante kwa kunipa fursa hii kuchangia taarifa mbili; moja ya kifo cha dada Victoria Mumbua ambaye alikuwa dereva wa taxi kule Mombasa. Kifo chake kilisikitisha wengi sana ikikumbukwa kwamba dada huyu alikuwa akifanya kazi yake ya halali ili kukidhi mahitaji yake na ya watoto wake wawili.

Wakati nchi yetu inaingia katika himaya ya biashara ya masaa 24, bado hatujaweza kuhakikishia usalama wale wanaosaidia pakubwa kuendesha biashara hii. Tukizingatia, utaona kwamba wanaoendesha taxi wanafanya hiyo masaa 24. Hii ni kwa sababu biashara yao inafanyika kinyume na yale masaa ya zamani. Ni lazima Serikali ihakikishe kuwa usalama wa watu hawa unazingatiwa ili waweze kuendesha biashara zao bila matatizo.

Taarifa ya pili ni ile ya uchaguzi wa Football Kenya Federation (FKF). Kwa muda mrefu sasa, FKF imekuwa kama donda sugu katika nchi yetu. Kumeletwa taarifa kadhaa katika Bunge hili na tukafanya uchunguzi katika Kamati ya Leba lakini hadi sasa, mambo haya hayajatatuliwa.

Kumetengenezwa jopo la kusimamia uchaguzi huu ila jopo hili limechaguliwa na rais wa FKF anayeondoka. Rais huyo pia ni mgombea kwa sababu amependekeza yule makamu wake wa miaka minane iliyopita awe Rais kisha yeye awe naibu wa rais. Hiyo ni kesi ya kumpeleka mbuzi kwa fisi kwa sababu lazima atachukua hatua za kuhakikisha kwamba jopo lake limechaguliwa katika kuendesha FKF kwa muda mwingine wa miaka minne.

Bw. Spika, sheria ya michezo nchini kwetu inasema kwamba wasimamizi wa vitengo mbalimali vya michezo watahudumu kwa muda wa mihula miwili ya miaka minne. Huyu anataka kujiregeshea muhula mwingine wa tatu, nne, tano na sita kama alivyofanya Mhe. Rais Putin kule Urusi.

Kwa hivyo, ni lazima suala hili liangaliwe mapema kwa sababu hatutaki masuala kama haya yarejee katika mahakama. Yaweze kwenda na kurejesha wakati nchi yetu inapoteza katika masuala ya michezo. Itakumbukwa kwamba kuguza FKF ni kama kuguza *mrima*---

*(Laughter)*

Hii ni kwa sababu FIFA kule Zurich watakuja mbio kutetea FKF hapa nchini. Ni muhimu kwamba wakati huu, tunapojipanga kwa kura za FKF, mambo yote ya sheria ifuatwe ili tuondoe wale walowezi ambao wamekamua huyu ng'ombe wa FKF kwa muda mrefu, wakati hatuoni matokeo yoyote katika mpira nchini Kenya.

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

**Sen. Kisang:** Thank you, Mr. Speaker, Sir. I want to comment on the Statement by hon. Sen. Chute on fertilizer.

As a farmer, I want to know the exact tonnes of fertilizer that were imported by National Cereals and Produce Board (NCPB), which was my employer in the early 1990s. We want fertilizer to be given out to farmers across the year because there are farmers who grow potatoes whose season is throughout the year. We also have coffee and tea. This is so that they do not import only during the maize season.

As we talk about maize, I urge and ask the Ministry of Agriculture and Livestock Development and NCPB to open the depots because we have already started harvesting. We request that they buy the maize at minimum Kshs4,000 because the cost of production is over Kshs3,000.

Mr. Speaker, Sir, the final Statement is on the elections of FKF. In the past, most of the senior chairs and the presidents who are running these organizations, especially Athletics Kenya and football were not former sportsmen or women. The business is just to mismanage, frustrate our sports people, especially football.

When the elections will be conducted, we ask the footballers and also athletes to elect those who have their interest at heart and not those who want to continue with the corruption in those particular areas.

I rest my case there and ask the Cabinet Secretary for Youth Affairs, Creative Economy and Sports, who is my former Senator, to ensure these two organizations are streamlined.

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

**Sen. Sifuna:** Mr. Speaker, Sir, allow me to make a brief comment on the statement that has been sought by Sen. Beth Syengo. A few days ago, I accompanied the Member of Parliament (MP) for Kamukunji to the office of the Inspector General (IG) of Police, Mr. Douglas Kanja. We were discussing the spate of murders across the country.

I want to persuade my colleagues that this is a national security situation. It is not just something that can be defined along the lines of gender. In the past few days, we have also seen victims of the male sex being brutalized and killed in the most inhumane manner.

I am sure all of you have heard the story of Willis Ayeko, the former Human Resource (HR) manager of Wells Fargo. There appears to be a problem in the country. In the case of the Kamukunji three, a mother, Waris Daud together with her daughter Amina and her niece, Nuseiba, were all killed. Their bodies were dismembered and scattered across four points; three in Nairobi and one in Machakos. In fact, some of the body parts were being recovered from South C after the bodies had already been brought to Nairobi.

When I went to City Mortuary together with Hon. Yusuf, the MP for Kamukunji, I can say without doubt that it is the most inhumane act I have ever had to witness because of the extent of the mutilation of the bodies and the sort of torture that they must have undergone.

There is a problem in this country if a criminal can pluck you from the street and move around Nairobi with a dead body on board, more than one dead body, in fact, throw a piece of you in Bahati, Parklands, South C and Machakos. There has to be a problem with the way our security system is organized. What happened to all the *Nyumba Kumis* we used to have?

I asked the IG of Police, what happened to the command centre that I saw the former President launching, of all the Closed-Circuit Television (CCTV) coverage in Nairobi.

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How is it possible that people are encouraged to do such things? Where is this place in Sen. Osotsi's county that you can hide somebody for hours, torture and cut them down, piece by piece and nobody knows or hears anything? Even when the body is found, suspects are not arrested immediately.

I am happy that at least the IG of Police assured me that in all these cases, they have very serious leads. True to his word, I can see that they have been making arrests in some of those cases. I continue to encourage the police, because it is their responsibility, to protect Kenyans and their property. These things cannot continue to happen in a country such as ours today.

Mr. Speaker, Sir, I take this opportunity once again to say *pole* to all the families that have been affected. We cannot continue to live in a country like this where nobody is safe. Remember even the Member of County Assembly (MCA) from Wajir has not been found up to today. Let us not sit here thinking that we are immune to these things. Anybody can be plucked from the streets.

As I said, blogger Maverick Aoko has not been found up to now. What sort of country is this? This is why it was important when the matter of the Motion that we passed here on the State of the Nation came up. We wanted to get our security agencies to respond to the Motion, so that they could assure all our residents and all of us in this country that we are safe.

I thank you.

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

**Sen. Orwoba:** Mr. Speaker, Sir, I rise to add my comment on Sen. Beth Syengo's Statement. Allow us, as women, to talk about femicide. It is a taxi driver here who was a female, it has been violence on intimate partners who are women. All those Airbnb and Kware Dam stories affected women. We will not ignore it anymore because it is women being killed. There are one or two men, the exceptions.

Femicide is a problem in this country. We cannot keep ignoring women. This is why we do not have a Cabinet Secretary for Gender and Affirmative Action. This is because any time we try to put our heads up to say we, women, are being sat on, someone stands to say it is not an issue of women. It is an issue of women.

Tell me how many women have died in the last six months. How many men have been kidnapped and killed in the last six months? We are here to represent women and what we want is for femicide be recognized as a national disaster. We already have murder being dealt with, but femicide where women are specifically targeted is the problem. It is like when we speak about women things, people want to stand and say it is not about women, sit down. Women are being killed.

Mr. President, we are tired. Do something, give us a Cabinet Secretary for Gender and a special programme under the Ministry of Interior and National Administration. The story here is that our women need to be protected.

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

**Sen. Osotsi:** Mr. Speaker, Sir, let me make my comment on the Statement on internship under the Public Service Commission (PSC). This Statement is timely because this programme of internship is one of the most creative agenda that we have seen from

our Government. Young people who have graduated from universities can take internship opportunities in Government and learn on the job.

The only challenge is that after two years, they have nowhere else to go. They are not able to be absorbed in the same public service. It is a waste of time and resources. It is important that we have a policy where these young people will be absorbed in public service on permanent and pensionable terms.

Mr. Speaker, Sir, let me also comment on the Statement by Sen. Mumma on the FKF. This Statement is timely. As you are aware, we will have elections for FKF. However, even as we are preparing for election, it is already rigged. The current office is the one that has appointed the people who will conduct this election, the electoral commission. If that is the case, then we expect the results, as Sen. Faki said, to be in favour of the current regime, which has basically failed Kenyans in terms of promotion of football in this country.

As some of the colleagues have said, we need competent people to manage our football. The problem in this country is that we have cartels who have now gotten into our sports industry. They are in football, rugby, athletics and other sports.

This country has a potential to do well in sports, particularly football. Kenya can become a great footballing nation in this continent. However, we have allowed cartels to thrive in our football. People who have no understanding of football and have never played football are now in charge of it.

Mr. Speaker, Sir, in the past, football was doing very well in this country because we only knew of two regions that were producing footballers---

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

**Sen. Onyonka:** Mr. Speaker, Sir, thank you for giving me the opportunity to also contribute briefly on three very critical issues that I hold dearly. I will first start with Sen. Mumma on the issue of our football.

Hon. Osotsi has clearly put it out. However, my interpretation is that the problem with our football is not that we have people who never played football engaging in it. The problem with our football is simply money. The football management and people running our football are corrupt. Betting has joined the cartel. We are now punishing our young men and women.

I hope this House will take its responsibility to make sure that we clean up this football thing we keep on talking about; it is about big money.

The second issue is about the matter that happened in Mombasa. The security operators in this country leave a lot to be desired. We understand the challenges they face. There are wonderful things that I have always heard. If you sit in our committees, you will hear those officers talk.

Mr. Speaker, Sir, I plead with this House and the National Assembly that we do not give the police officers little money. If you go to the head of the Directorate of Criminal Investigations (DCI) and talk to him, he will shock you because the budget they get per year is something like Kshs8 billion in totality.

The investigating department, the data collection and all the forensic labs and equipment that are supposed to service the DCI are inept. If you look at the 47 counties, we probably only have two forensic entities for the whole Republic. Every county is

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supposed to have a forensic office and forensic officers who are supposed to make these investigations successful. Someone talked about the CCTVs, my Secretary General, hon. Sifuna. I can tell him today those CCTVs are not working.

**The Speaker** (Hon. Kingi): The Senate Majority Leader.

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I will make two quick comments. The first one is on this issue of the reported number of wanton killings across the country that we have witnessed the last few days. I also agree with those who are calling on the IG to up his game and bring the country up to date on what is really happening.

Mr. Speaker, Sir, it cannot be business as usual when you wake up each day to news of people who have been picked out of taxis, their homes and eventually found to have been murdered. This country has enough infrastructure and technology advancement that can place criminals at the scene of crime.

Technology can also help follow leads to ensure that those who are perpetuating these heinous crimes are eventually caught up with and the country rests easy knowing that no matter how long you run and hide, eventually you will be arrested. This is the job to the IG. I expect that he will do this very urgently.

Mr. Speaker Sir, on the issue of the FKF raised by Sen. Catherine Muma. I have only one request to our Judiciary. We have come such a long journey to ensure that we have these elections. However, I am pleading, almost to the point of begging, that our Judiciary allows the country to run its course.

We know and understand what is happening in this country. In fact, I have seen football fans jokingly say that if Vinicius Jr. was a Kenyan, by now he would have gotten a court order to stop Rodri from picking up his award from some judge either at Kirinyaga or somewhere else.

We want our judges to know that much as we respect them, they should also respect other institutions. Once they have made certain decisions, let the matter rest and be at that. They should not accept every invitation. Therefore, my humble plea is that may this election be conducted and the men or women that will be elected to run our football for the next four years be granted the opportunity to do so.

**The Speaker** (Hon. Kingi): Sen. Ledama, you have got a statement to request. Proceed.

KILLING OF MR. EDWARD KAIRO BY AN OFFICER  
FROM ATPU IN NAROK COUNTY

**Sen. Olekina:** Thank you, Mr. Speaker. I appreciate this. I want to request a statement on the killing of Mr. Edward Kairo by an officer of the Anti-Stock Theft Unit (ASTU) of the Administration Police Service at Ilmolelian sub-location in Narok County.

Mr. Speaker, Sir, pursuant to Standing Order No.53, I rise to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the killing of one Mr. Edward Kairo, a Form 3 student at Larmudiac High School by Inspector George Rukunga, the Officer- in-Charge at the Kiramba ASTU Camp at Ilmolelian sub-location in Narok County on the 28<sup>th</sup> of October, 2024.

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In the Statement, the Committee should:

(1) Report on the circumstances that led to the fatal shooting of Mr. Edward Kairo by Inspector George Rukunga, stating whether the ASTU officer was acting under orders, and if so, provide evidence of the same.

(2) Provide a status update on investigations by the Independent Police Oversight Authority (IPOA) into the incident, outlining disciplinary actions taken against capable police officers.

(3) State measures put in place to ensure that the family of the late Mr. Kairo get justice for the killing of their son.

I thank you.

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

### NOTICE OF MOTION OF ADJOURNMENT UNDER STANDING ORDER No.37

#### RISING CASES OF FEMICIDE IN THE COUNTRY

**Sen. Oketch Gicheru:** Mr. Speaker, Sir, as you have seen the concern of people in this House with regard to a number of killings that have been going on in the country, especially of women, I wish to rise on under Standing Order No.37 and beg to give a Notice of the following Motion-

THAT pursuant to Standing Order No.37, the Senate do now adjourn to discuss a definite matter of urgent national importance, namely, the rising cases of violent murder in the country, mainly targeting young women and girls, the most recent being the murder of three young women in Eastleigh on 2<sup>nd</sup> October, 2024, Waris Dahabo Daud, Amina Abdirashid Dahir and Nusayba Abdi Mohamed and a 23-year-old girl, Ms. Seth Nyakio in Thika, Kiambu County on 14<sup>th</sup> October, 2024.

I thank, Mr. Speaker, Sir.

*(All Senators rose in their places)*

**The Speaker** (Hon. Kingi): Hon. Senators, I do ascertain the requisite threshold has been met. Therefore, the House will adjourn at 5.30 p.m. to discuss this Motion.

Now, before I call the next order, allow me to make the following Communication.

### COMMUNICATION FROM THE CHAIR

#### VISITING DELEGATION FROM STAREHE BOYS CENTRE AND KIANDA SCHOOL

Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon, students from Starehe Boys Centre and Kianda School who are undertaking a two-weeks voluntary service scheme in the Senate.

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In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and my own behalf, I wish them a fruitful visit.

I will allow the Senate Minority Leader and the Senate Majority Leader, both speaking under one minute, to extend words of welcome.

Senate Minority Leader, you can pass it to a former student if you are not prepared to do it.

Proceed.

**The Senate Minority Leader** (Sen. Madzayo): Starehe and Kianda are big schools in Nairobi City County. I would like to welcome them to Senate. However, we have the distinguished Senator for Nairobi, my brother, Sen. Sifuna. I would like to give this opportunity to Sen. Sifuna to do the welcoming remarks.

**The Speaker** (Hon. Kingi): The Senate Majority Leader and then I will give the Senator for Nairobi his time to extend words of welcome. You need not donate any time to him.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, on behalf of my colleagues in this House, I join you in welcoming these students from Starehe and Kianda Schools to the Senate, who I believe are on a study tour. They have found us in the midst of business today discussing statements and should they hang around a little bit longer, they will see us transact other business, either business at the Committee of the Whole or even dispensing off with a Motion that is in the Order Paper.

I wish them well in their studies. I also celebrate these great institutions that have produced Kenyans of great distinction, who continue to serve this country and even beyond its boundaries.

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Senator for Nairobi.

**Sen. Sifuna:** Thank you, Mr. Speaker, Sir. I wish to confirm that these two top schools in Nairobi are the first schools to be welcomed to this Chamber by three Senators in a row. It is in recognition to their outstanding performance. Kianda and Starehe do not need introduction to anybody in this country; they are top institutions.

We welcome all of you to this Chamber to see for yourselves what we do here and we hope every day that we, as the leadership, in Nairobi will make you proud. The Senate Majority Leader was saying that it was right for you to deny me the opportunity to welcome them because I went to some school in the bush. However, I am also a testament that as long as you work hard, it does not matter your circumstances.

*(Laughter)*

You will end up with the Senate Majority Leader in the same House. I do not know which school you went to. However, I want to take this opportunity to welcome those students from Kianda and Starehe. Now that the three of us were given an opportunity to welcome you, you will also have the opportunity to meet all three of us outside there, so that if there are any issues that need to be attended, they say many hands make light work.

Thank you, Mr. Speaker, Sir

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**The Speaker** (Hon. Kingi): Next order!  
The Senate Majority Leader?

### MOTION

#### ALTERATION OF DATES FOR SITTINGS OF THE SENATE IN BUSIA COUNTY

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I rise to move the following Motion:

THAT, AWARE that on the 11<sup>th</sup> of July 2024, pursuant to Article 126 (1) of the Constitution, the Senate resolved to hold its Plenary and Committee sittings in Busia County from the 23<sup>rd</sup> to the 27<sup>th</sup> of September 2024;

FURTHER AWARE THAT on the 18<sup>th</sup> of September, 2024 the Senate resolved to alter the dates of the Senate *Mashinani* in Busia County from the 23<sup>rd</sup> to the 27<sup>th</sup> September, 2024, to the 28<sup>th</sup> of October to 1<sup>st</sup> of November 2024;

ACKNOWLEDGING THE recommendations of the Senate Business Committee (SBC) to defer the holdings of its sittings in Busia County

NOW THEREFORE, the Senate resolves to defer its plenary and committee sittings (*Senate Mashinani*) in the counties until the Fourth Session in 2025.

Mr. Speaker, Sir, I am a big fan of Senate *Mashinani*. However, we are all leaders and we understand the current financial situation that the country finds itself in. It is unfortunate that we shall not make it to be in Busia this year the way we had hoped to go and interact with the people of Busia and enjoy walking from the border towns of Busia and so many other towns in that part of the country.

Given the financial situation that the country find itself in, you know that our travel budget has been significantly reduced in follow-up to resolutions that have been made outside this House and even our own resolution when we passed the State of the Nation Motion.

We said we must take the lead as Parliament in living within our means and ensuring that we reduce on expenditure across. If you have noticed, Senators, there has been very little travel both without of the boundaries of Kenya and even without of the boundaries of Nairobi City County. We have resorted to transacting a lot of our business within Parliament due to the financial constraints that we find ourselves in.

Further to that, you are equally aware that in the month of December the Parliament of Kenya shall be hosting the East African Parliamentary games, meaning that the other eight East African countries will be trooping to the Republic of Kenya, and all that bill has to be footed by Parliament of Kenya.

It is quite a costly affair hosting the rest of the East African countries. We have been hosted like kings, we have played and lived like royalty across all the capitals of the

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other eight East African countries. Those of us who participate in these games over the years, we know how kind the rest of the Parliaments of East Africa have been to us to ensure that we have been comfortable during our stay in their countries. It will be completely gross and wrong for us if we give them anything less, especially knowing that Kenya is a superpower of the region.

That affair will leave a significant dent on our budget as Parliament. This will not be funded actually from anywhere else other than from within our own resources as a Parliament of Kenya. Comparing many demands that this Parliament has, we have requested at SBC that we defer the sitting of Busia to a further date when things get better and we have opportunity.

I want to give a personal commitment to the people of Busia. I saw the Senator here; I think he has stepped out. When we resume this programme, we shall begin in Busia. So, it is not to say that it is completely off, but only that there is a temporary suspension based on the financial situation that the country and Parliament find itself in.

That is a simple reason. This is fairly a Procedural Motion. It is not something we need to debate for long because I have explained the reasons.

With those many remarks, I beg to move and request the Senate Minority Leader, Sen. Justice (Rtd) Madzayo, to second.

**The Senate Minority Leader** (Sen. Madzayo): Mr. Speaker, Sir, I second.

*(Question proposed)*

**The Speaker** (Hon. Kingi): Now, Hon. Senators, I believe the Senate Majority Leader has explained in detail the reason why this Motion is before the Plenary. I do not see why you want to go into debate, but the Floor is open.

**Hon. Senators:** Put the Question.

**The Speaker** (Hon. Kingi): Very well. Thank you. I will now proceed to put the question.

*(Question put and agreed to)*

Next Order.

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

Hon. Senators, for the convenience of the House, pursuant to Standing Order No.45(2), I will move to rearrange the sequence of today's Order Paper. We will move to Order No.10 then to Order No.37, and thereafter, resume normal flow of today's Order Paper.

Clerk, proceed to call that Order.

Sen. Eddy Oketch?

**BILL***Second Reading*THE COUNTY PUBLIC FINANCE LAWS (AMENDMENT) BILL  
(SENATE BILLS NO.39 OF 2023)*(Sen. Cheruiyot on 29.10.2024)**(Resumption of debate interrupted on 29.10.2024)*

**Sen. Oketch Gicheru:** Mr. Speaker, Sir, I thank you for giving me this opportunity. From the onset, I rise to support this amazing Bill by the wonderful Senator for Meru. I am in the Finance and Budget Committee and have had the opportunity to interrogate this Bill many times.

We had a lot of stakeholder engagements together with the Senator for Meru County on this particular Bill. We cannot overemphasize the issue of financial autonomy in terms of how the county assembly should be able to run their affairs.

Mr. Speaker, Sir, the task of oversight and accountability bestowed upon county assemblies is, indeed, one task that has been wallowing and has been very difficult to meet because of this issue of financial autonomy.

It is very hard to oversight anybody who feeds you or anybody who holds the key to your resources. Therefore, today I just want to talk about one or two pitfalls that I see with this Bill that we must be able to caution the assembly.

When the Senate Majority Leader was moving this Bill yesterday, he emphasized a lot of the benefits of this Bill. The Secunder of the Motion yesterday was Sen. Sifuna, who also spent a lot of time churning through the Bill that I find to be very self-explanatory.

When we were going through the process of public participation and stakeholder engagement as a committee, one of the areas that the Senate, must be able to help by cushioning the county assemblies--- We have experienced times without number where we see that exchequer releases to counties are extremely delayed.

When the exchequer delays release going to counties, we have seen several times when the county governments led by governors can sometimes go to different banks and borrow on short-term notice, as well as sometimes getting unsecured loans so that those unsecured loans, they can pay for them when exchequer releases comes to them.

Given that we are seeking these financial autonomies for county assemblies. If you look at the Bill, some finances will deal with administration as well as sometimes affect payrolls of those who are employed within the county assembly.

It can be sometimes very hard for the county assembly to figure out how do they then go and raise resources. In a case where there is a serious delay with the exchequer, that is the one big thing that we, as the Senate, should ponder to see if we can create some remedy. For example, in the instances where there is no money going to the county due to exchequer delays, then we can intervene and help counties be able to raise money in some ways as the way for the external reason.

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Mr. Speaker, Sir, we will find ourselves in a situation whereby the county executive can raise money for its staff or staffers when there is any exchequer stress and sometimes not willing because I do not think that we are separating the CRF. However, the county government may not be willing to raise resources to deal with that shock for the county assembly.

The second issue is technically solved by Section 119A, whereby the bill proposes, and rightfully so, that the Controller of Budget (CoB) be given the viewer rights from end to end of the revenue from that county.

The challenge, however, is we have also seen in some cases where the CoB has been facing the challenge of almost auditing requests before those payments are made. This is another area that we discuss in this particular Bill. We must look at making sure that the authorization of withdrawal from that account by the CoB cannot delay the county assemblies.

Mr. Speaker, Sir, other than that, the point that the Senate Majority Leader and the point that Sen. Sifuna, the Senator for Nairobi City County talked about yesterday on the merit of this Bill with regards to giving financial autonomy to county assemblies and making them more effective in terms of doing the job of accountability and oversight cannot be overemphasized.

It is indeed a wonderful Bill and I want to take this opportunity to personally pass my sincere gratitude for the wisdom and grit that the Senator for Meru County, who is the Deputy Speaker of this House, came up with this Bill.

I believe that this Bill will enable counties to start to experience serious oversight and accountability by Members of County Assemblies (MCAs) when the autonomy on financial matters of management finally comes to law.

Mr. Speaker, Sir, I seek to support and hope that those two pitfalls that I have captured, even as we will be going to a Division, hon. Senators will look at some of the ways of being able to introduce remedies to them because they might affect that particular autonomy.

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

**Sen. Kathuri:** Thank you, Mr. Speaker, Sir, also for this opportunity to contribute to this important Bill.

From the onset, what the Bill is proposing to do is to give county assemblies the autonomy as it has been stated by my colleagues. We are proposing to amend the county public finance laws so that we can have county assemblies access their money directly from the National Treasury.

We are trying to create what we are calling a County Assembly Fund in every county assembly. Then the clerk who is the administrator of the county assembly, or the account holder becomes the administrator of this fund.

Currently, when the county assemblies want to requisition money, they go through the County Executive Committee Member (CECM) Finance. Most of the counties have problems, right from the governors themselves, the deputy governors and the county assemblies.

Mr. Speaker, Sir, when a county assembly is trying to access money so that they can do their oversight and work out their programmes, they must go and kneel to the CECM

for Finance. Also, you must realize that the CECM for Finance is a “puppet” of the governor. Let me not use that word, but the governor's person who is administering his finances.

If that county assembly has issues with the governor, you must realise that that money will never be released. It will be starved of resources and it can be very diminishing to the county assemblies.

Mr. Speaker, Sir, all these county assemblies sat down and felt that the only saviour was the Senate. It is the Senate that can amend this law so that counties be able to get their financial autonomy.

The County Assemblies Forum (CAF) and other organizations in the assemblies came to me and they requested that we support them, so that they can access their money directly.

Through this process, I would want to thank the Senate Standing Committee on Finance and Budget, headed by my friend, Sen. Ali Roba. We worked with them day and night. We even made a stakeholder forum some months ago and very many stakeholders appeared before the Standing Committee on Finance and Budget.

We deliberated on these pros and cons for almost one day, from morning to evening. Some of the stakeholders who attended the stakeholder’s forum include the Office of the Controller of Budget, The National Treasury and Economic Planning, the Council of Governors, the Commission of Revenue Allocation, the County Assemblies Forum (CAF), and the Institute of Certified Public Accountants of Kenya (ICPAK).

All these stakeholders and valid submissions, but at the end of the day, it was really necessary. It was agreed that it is really necessary to have this amendment Bill go through.

Unfortunately, some county assemblies that have a very high own-source revenue like Nairobi City County, Mombasa and Narok have a different view. Where there is delay of release of money by the National Treasury, they go to the governors and borrow from the own source revenue so that they are able to function.

Therefore, they felt that if this money is taken to the National Treasury directly, then at some point they will not have that advantage to request for favours from the governors through the own source revenue account. During these deliberations, I told them that they cannot have their cake and eat it. They must agree what they want as county assemblies.

Mr. Speaker, Sir, the autonomy of county assemblies is very critical. If I quote Article 185 (3) of the Constitution, it says:

“A county assembly, while respecting the principle of the separation of powers, may exercise oversight over the county executive committee and any other county executive organs.”

I have interacted with many county assemblies and most of the time they are not even able to do the oversight work because they need resources to move around the county, but most of the time there is no money in the county assemblies. When they do requisition for money to move around, they are not able to get that. The Senate and the National

Assembly cannot perform if we rely on the Executive to give us money to do our oversight role or run the administration of the Senate.

We want to treat the 47 county assemblies the way the national Government treats both Houses of Parliament. Once the Budget is done, money is given to Parliament, then Parliament sits down to allocate the money for the National Assembly and the Senate through the Parliamentary Service Commission (PSC). It is us who decide what to do and when. It is only that sometimes the Exchequer releases delay, but we have that autonomy and power to decide on what to do with our programmes. Most of the assemblies also told me that their staffers undergo manipulation and intimidation. If this money is given to them---

Mr. Speaker, Sir, another challenging matter in the counties is the Exchequer release. It is only the Senate that can help the county governments. If they stay for three months without the money being released to the counties, even if we give these county assemblies autonomy, but this problem is not sorted once and for all, there will still be a problem in the future.

You remember when we had the Devolution Conference in Uasin Gishu County, the President of the Republic of Kenya pronounced himself that he would be very happy if the Senate passes a law that can give county assemblies that autonomy. I also remember your keynote address. You indicated that there is a law in place being processed by the Senate. This is the law that will give the county assemblies autonomy. The Council of Governors (CoG) also said that they had no problem with ensuring county assemblies are able to run independently.

The other thing that is very critical is Article 119. I remember last year, the Controller of Budget (CoB) appeared before the Finance and Budget Committee of the Senate and indicated that it is not possible for her to know what is happening in the county governments and county assemblies or any other county bodies that we have in this country.

The question asked was how money is released to the counties. On issues of pending bills, you will find that some of the contracts which were done two years ago have not been paid, but the contracts done three months ago gets the payment.

The CoB said that once the requisition is made by the county governments or county executives, it is not possible for her to know where they take that money or which contractor they pay. Therefore, our recommendation was that she should have viewer rights in order to have a view of what is happening in Meru County by a click on the computer. For example, if you have done a requisition for agriculture or other departments, how did you spend that money? Did you take that money to the specific vote lines?

Once this law is enacted by the Senate, we will relieve a lot of pressure from our people who do not get their pending bills paid. I remember when the Senator for Narok County came up with a Motion here, every Senator was alarmed by the figures in pending bills in our counties. I thank him for circulating that information to every Member, so that we can see the status of every county.

Mr. Speaker, Sir, this Bill is very critical. The Fourth Senate will go into history for trying to help devolution. These are the laws that we need to see moving forward, so that by the time we leave here, Kenyans will be happy that we did the right thing for them. We

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also need to see how the county deputy governors will be managed through law, so that we can minimise the tension between the governors and the deputy governors. In the process, there is still another law legislation that is in the offing, so that we can help our counties perform well.

We have so many other Senators who are interested in making their comments and, therefore, I want to stop there. I thank you and the Office of the Clerk for the support that you gave this process. Moving forward, Senators, let us support this Bill so that we give our assemblies the autonomy that they desperately need.

I thank you.

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

**Sen. Wambua:** Mr. Speaker, Sir, I thank you for this opportunity to contribute to this Bill. From the onset, I must thank the promoter of the Bill for the good job and thought that he has brought this Bill before us for debate. Most importantly, I thank him for the consultations that he has had with the different stakeholders, especially in the county assemblies across the country.

Devolution is perhaps one of the best things that has happened in our country within the context of the 2010 Constitution. The most unfortunate thing is that devolution seems to have somehow gotten stuck at county headquarters, especially in the executive arms of the county governments. I would like to remind my colleagues that Article 176 of the Constitution creates county governments with two arms; the executive and the assembly. None of these arms is superior to the other. They should work interdependently to deliver services to the residents of the counties in which they are established.

The financial autonomy of county assemblies and the benefits thereof, cannot be gainsaid. If we achieve the financial autonomy of county assemblies, then as a Senate, we will be beginning to scratch the surface to ensure devolution moves beyond the county headquarters towards the wards as centres of development.

It is not good that, as things obtain today, the county assemblies will have to approach the County Executive Committee Members (CECMs) for finance in the executive arm of government for them to access finances to do anything and everything.

It is a good thing, that we have this County Public Finance Laws (Amendment) Bill, 2023, which seeks the speaker to amend the County Assembly Services Act and the Public Finance Management Act to ensure the autonomy of county assemblies.

Mr. Speaker, Sir, I want to mention just two or three things in the Bill. One is the establishment of the County Assembly Fund, as captured in Clause 109(a). The establishment of this fund is critical to ensure that, as county executives are accountable to the national Exchequer, especially for the releases and the control of the Budget, then the assemblies will also equally be accountable through the clerks of the assemblies for the expenditure and the utilisation of their budgets.

It should be remembered that when the Integrated Financial Management System (IFMIS) was being rolled out immediately after devolution, there was a conversation that had started, and that conversation seems to have stalled. There was a conversation around the establishment of an integrated Financial Management System.

Now, we have a parallel, almost independent system of accountability for county assemblies, fully cognizant of our government's structure as a system of devolution.

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Perhaps that conversation needs to be revived, so that we have a County Integrated Finance Management System to ensure that counties are accountable for the expenditure of their finances.

I like the provisions of Clause 109(b) on the utilisation of the fund. It says in black and white that-

“The fund shall be used to defray administrative expenses of the county assemblies, acquisition and proper maintenance of buildings, grounds, and other assets of the county assembly, and administrative expenses as may be incurred by the fund under this Act.”

This is explicitly provided for in the Bill. The clerk of the assembly, who is designated as the accounting officer for the fund, will then have to directly to answer or work closely with the Controller of Budget to manage their own accounts and funds.

As I said when I began, if we achieve this situation, the assemblies will not have to rely on the executive for anything, and devolution will have made a big leap forward.

With those many remarks, I support the Bill.

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

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

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

**Sen. Cherarkey:** Mr. Deputy Speaker, Sir, I thank you for giving me this opportunity. From the onset, I want to congratulate you on this wonderful Bill.

As the champions of Members of County Assemblies (MCAs), this is one way we will build the capacity and ability of MCAs, who are the leaders at *mashinani*.

As I have said before when an issue occurs in a village, the first people that the ordinary *wananchi* run to are normally the MCAs. From issues of funeral bills, *harambee*, people giving birth in hospitals and other social work responsibilities.

The role of MCAs is important because they are the primary oversight. Even in the County Public Accounts Committee, where I sit, we normally rely on the local knowledge of the area MCAs to tell us about the projects and deliverables.

We have agreed on key issues that we need to deliver to MCAs. One of them was to give them the Ward Development Fund. Even in the National Dialogue Committee (NADCO) Report, it was captured that we need to entrench the Ward Development Fund, the National Government Constituencies Development Fund (NG-CDF), and the Senate Oversight Fund, which we have yet to achieve.

Number two was to look into their welfare. The Salaries and Remuneration Commission (SRC) circular did not consider MCAs in terms of ensuring that they have the capacity to enhance their welfare; from how they run their ward offices to mileage, sitting in plenary and committee allowances and even the basic salary. They need to be rationalised by the SRC. I am happy that the SRC is being reconstituted and that we will have a new commission chairperson. This will be a big plus for MCAs.

The final one, which you have led us today through your Bill, being one of the senior most Members of Parliament in this House, is the issue of financial autonomy. If

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these three things can be achieved for the benefit of MCAs, it will be critical, going forward. We need to treat MCAs with respect, decorum and, dignity to ensure their primary oversight is carried out without hindrance.

Sometimes I see in State and county functions, that sometimes we do not even give MCAs the opportunity to address the gathering, yet they are the leaders at *mashinani* who know the village-level problems.

Sometimes, I feel sad when I go to public, church, State and county functions and the MCAs are told to stand up and wave. Then, they are thanked for attending the function. Leaders who interact daily with the people from the grassroots should be given priority. Then you find Principal Secretaries being given an hour or so to speak on something they are not aware of. The Bible says that whoever much responsibility is given, much is expected.

I want to also challenge the MCAs, like the Meru and Kericho MCAs, to let them do their jobs without fear of contradiction or fear of governors or CECMs. As much as we want to ensure MCAs get financial autonomy, their welfare must also be considered and respected. They should also do their job because that is the calling of the good Book; for us Christians, that is what is demanded of them. In as much as we are pushing for the capacity and ability of MCAs across the nation, we also demand that they do their job.

It is shocking when governors appear before the County Public Accounts Committee, where I sit as the Vice Chairperson. Even the local MCA does not have local knowledge of the local project, even their own budget, which they discuss and approve at the County Assembly level. I want to challenge MCAs and call out some. Some MCAs behave like they are governors' Public Relations Officers. They speak more about the programmes of governors, worshipping them and building governors into cult personalities and yet we are here working hard to ensure we give them capacity and ability.

Mr. Deputy Speaker, Sir, MCAs should also know their job. As we push for their good welfare here on the Floor of the House and in Parliament, they should also behave and be supervised. Why would an MCA be telling us about the implementation of projects, yet the CECM is there?

I saw the Governor of Narok was on the development tour of the Emurua Dikirr Constituency. However, there is nothing the governor was going to launch. He was going to 'beat' stories. Did you see his convoy? A convoy that the President cannot have. It was trending. There were more than 100 motor vehicles made of high-end SUVs.

The people who are hero-worshipping cult personalities are Members of County Assemblies (MCAs) who are supposed to oversight, and that is unfortunate. We must call out MCAs to do their job and ensure that they perform.

For example, in Nandi County, when COVID-19 struck, the sitting governor decided to set a budget of Kshs115 million for mass graves. However, that land does not exist. When you ask MCAs, they do not know where that land is. When we asked them to do their job, they decided to go and fight in the county assembly because of small monies and favours, which they like chasing around.

Mr. Deputy Speaker, Sir, I urge MCAs that, as we give them the financial autonomy, they should know that to whoever much is given, much is expected. I only have three points. I have heard colleagues say something but Article 219 is very clear; money

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that is disbursed should be given to counties without undue delay. Counties are not beggars of the National Treasury.

The Cabinet Secretary for National Treasury and Economic Planning, hon. Mbadi, should be aware of Article 219. When money is released to the counties, it should be done without undue delay, unless denied by Article 225 of the Constitution of 2010. I urge the Cabinet Secretary to take note of that.

Last time we censured the former Cabinet Secretary, hon. Ukur Yatani, over the delayed disbursements to counties. I am happy with the proposal in the County Public Finance Laws (Amendment) Bill that counties should have County Assemblies Fund accounts, just like County Revenue Fund (CRF) accounts at the Central Bank of Kenya (CBK).

Mr. Deputy Speaker, Sir, we are tired. I was speaking in confidence to some of MCAs. Whenever I go to Nandi and other counties, I ask them why they are not doing their job of oversighting. What they tell me is that if you are not loyal or do not look nice before the governor, they deny development to your ward and hit you politically then in future, you may end up losing.

I want to tell them that politicians think about the next election, but leaders think about the next generation. I challenge them because we are tired of begging.

*(Loud consultations)*

Mr. Deputy Speaker, Sir, can I repeat that? I think there is a demand. Politicians think about the next election, but leaders think about the next generation. I think that should be---

*(Applause)*

Thank you. That is why I challenge MCAs to do their job wherever they are. We are tired when MCAs have to hero-worship cult personalities of governors, so that there is development in their wards.

It is not a favour for Kaptumo-Kaboi Ward to get development simply because the MCA is hero-worshipping the governor. It is the right for each and every ward, including 30 wards of Nandi County and others across the Republic of Kenya.

We are tired of County Executive Committee Members (CECMs) for Finance behaving like demigods before MCAs. We want them to have access to their own funds, so that they can discuss their recurrent expenditure and legislative agenda. We want them to form *ad hoc* committees and ensure that accountability committees do their job without fear or favour. I challenge county assemblies. I heard my brother, Sen. Wambua, say that county assemblies and county executives are equal.

Mr. Deputy Speaker, Sir, I thank you for your Solomonic wisdom. Lack of financial autonomy has been a challenge because it has made MCAs look like they are subordinate to the county executives, which is unfortunate. They are equal partners. Therefore, they should have the same structure.

In this Senate, our accounting officer is the Clerk of the Senate, Mr. Nyegenye. In the National Assembly, the accounting officer is the Clerk of the National Assembly, Mr. Njoroge. In fact, the other day I was asking if there is any need to have the Parliamentary Joint Services (PJS), yet every House has its own accounting officer.

Money that comes to Parliament should be shared between the Clerk of the Senate, who is the accounting officer of the Senate, and the remainder to go to the National Assembly, which is the “lower House”, although they are proposing a Bill through the Justice and Legal Affairs Committee (JLAC) to scrap off this House, but we shall scrap them before they do. They should do their own accounting. The PJS is an animal that the law does not recognise. That is why we normally complain about lack of facilities because of that ‘animal’.

I challenge them that the model of running a county should be like what is in the Parliament of Kenya. I am saying this with a heavy heart, knowing that the MCA for Della Anole Ward in Wajir, hon. Yusuf Hussein Ahmed, is still missing and unaccounted for. You may recall that an MCA from Kakamega was attacked and killed.

There was talk of assigning them bodyguards, so that they are safe. Politics attracts many enemies. For example, many people are looking for me but God has been protecting and has been gracious to me.

In fact, MCAs have been attacked on several occasions. We must also ensure that we give MCAs---

Mr. Deputy Speaker, Sir, if we give Nairobi City or Nandi around Kshs10 billion, then a person who oversights the one in charge of that money is unprotected, political goons will always be sent to MCAs.

If we can remember the MCA who was killed in Kakamega, somebody is yet to be arrested. If the MCA for Della Anole Ward in Wajir County had a bodyguard, maybe things would have been different.

Mr. Deputy Speaker, Sir, during impeachment proceedings against Governor Kawira Mwangaza, who is challenging her impeachment, MCAs had to sleep in the County Assembly. They had to lock themselves in Meru County Assembly because their security was not guaranteed.

I am told they did not access their salaries and allowances, because the county executive prevented them, asking them to drop the Impeachment Motion against the impeached governor. We know we have an impeached Deputy President and governor.

Thirdly, I agree with the issue of autonomy. However, I do not agree with the proposal that the administrator of a County Assembly shall obtain a written approval of the Controller of Budget (CoB). I caution MCAs.

I am happy that the Senator for Machakos is here. Yesterday, it was revealed that they had 300 bank accounts, yet the CoB wants a few accounts for the County Revenue Fund (CRF).

We are aware that counties are voiding payments. For example, a county may indicate that they want to pay Sen. Olekina, but when money is released, they pay Sen. Wambua. That is just for purposes of illustration. I am not saying they are being paid. That is how counties are perpetuating the issue of voiding of payments. Therefore, I agree with

this provision that before withdrawing money, it must be approved by the CoB. County assemblies should stop opening many bank accounts.

I am happy that the Chairperson of the Standing Committee on Devolution and Intergovernmental Relations is here. We challenge governors who appear before us after looking at their financial statements. For example, Bungoma County had over 300 commercial bank accounts. Nandi County has over 500 commercial bank accounts, apart from CRF, special purpose accounts, and facility improvement accounts under the Facilities Improvement Financing Act.

Therefore, we want to caution county assemblies. As we give them financial autonomy, we want them to maintain one County Assembly Fund each at the CBK.

Fourthly, I disagree with the proposal on proper maintenance of buildings. I can see you have given functionality and utilisation of the Fund. One of them is defraying administrative expenses which I agree with.

Mr. Deputy Speaker, Sir, county assemblies appear before we Members of the County Public Accounts Committee for auditing. The business of county assemblies and Parliament is recurrent. How you gauge functionality of a county assembly is through committee meetings, plenary, tabling of reports, Motions, Bills, and any other oversight role that is allocated by the law.

Mr. Deputy Speaker, Sir, I agree with you. The only challenge is that there are counties that have not completed their county chambers, including my own Nandi. We went to Isiolo and found that the project had stalled. The same case applies to a number of county assemblies. In Narok, I am told the county executive is squatting on the county assembly land. They also need to put their assets in order.

We do not want Narok County Executive to be squatting on the County Assembly premises. We need them to have a valuation roll that ensure that the assets of the County Assembly are well captured.

**The Deputy Speaker** (Sen. Kathuri): A moment, Sen. Cherarkey.

What is your point of order, Sen. Hezena?

**Sen. Lemaletian:** Mr. Deputy Speaker, Sir, I have been waiting on the queue to rise on a point of order for a long time. I am rising on Standing Order No.105, on statement of facts, because Sen. Cherarkey has alleged that the Governor of Narok County was using public funds for the convoy that was seen the other day, with several vehicles. Does he have facts that the vehicles were funded by public money, or they were private vehicles? He needs to substantiate that fact.

Thank you.

**The Deputy Speaker** (Sen. Kathuri): Sen. Cherarkey.

**Sen. Cherarkey:** Mr. Deputy Speaker, Sir, so that I do not lose my Solomonic trail of thought, I would like to request to substantiate tomorrow. I do not want to lose this serious myth. Those are diversionary tactics that are non-essential to this matter that is before us.

Finally, I largely agree with the financial autonomy. Let us give it to the county assemblies. I want to call upon Members of County Assemblies (MCAs), when you are given this financial autonomy, make sure you use it for the betterment of our running of county assemblies to do the oversight.

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With those many remarks, I wish to congratulate and wish you well. I support this Bill with everything that I have, including my body organs.

I thank you.

**The Deputy Speaker** (Sen. Kathuri): Thank you. Next is the Senate Minority Whip, Sen. Olekina Ledama.

**Sen. Olekina:** Thank you, Mr. Deputy Speaker, Sir. The principle of separation of powers, requires the county assemblies to be independent. However, currently, as we are in this country, I blame the framers of the Constitution, because of the rush to set up county governments, they never saw a problem when it comes to the issue of the Executive controlling the assemblies.

Today, when the Clerk or the Speaker of the Assembly wants to authorize payment for the administrative cost, payment for plenary sitting and allowances, they depend entirely on the Executive. In most cases, the Executive will decide whether to approve Form A or not. So, this amendment to the Public Finance Management (PFM) Act, is quite timely. I, therefore, support it fully, because I would like to see county assemblies being able to carry out their oversight authority without any dependency on the Executive.

Mr. Deputy Speaker, Sir, the Bill as proposed by yourself, as a Senator of Meru County, concludes this debate that started a long time ago. This is a debate that started a long time ago, from the previous two Senates, when the Senate was trying to figure out how they would deal with this issue, yet the Constitution only sets up one County Revenue Fund (CRF).

As a result of your Solomonic wisdom, you have been able to look at the law, the PFM Act, and see an avenue that the county assemblies are also able to have their service fund. I have gone through the recommendation that you have put across. Although I support all these recommendations that you have put across, to set up this County Assembly Service Fund, I see one challenge. I am not sure, whether you have seen the danger of the amendment to Section 109(e). You say-

“The County Treasurer shall, at the beginning of every month, and in any event not later than 15 days from the commencement of the month, disburse monies to County Assemblies Fund for the expenditure of the following month.”

Mr. Deputy Speaker, Sir, I see us going back to the same problem, where the Executive decides when to send this money. I would like to beseech you that you do away with that provision, and give the power directly to the Controller of Budget. Today, when the Clerk of Narok County Assembly, who is the one you have given all the powers to be the Accounting Officer, wants to requisition money from the Controller of Budget, he will have to rely on the Chief Officer (CO) or the County Executive Committee Member (CECM), Finance and Economic Planning.

If you still leave this provision in this amendment, do you not see that this will still continue being a problem and a hindrance? I beseech you to do away with this section 109(e), completely. Let the Accounting Officer of the Assembly communicate directly to the Controller of Budget.

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Mr. Deputy Speaker, Sir, while communicating to the Controller of Budget, we still see that there is a problem with the Controller of Budget approval. We have a representative of the Controller of Budget in each of the 47 counties. Before the County Executive or the County Assembly, in this case the Clerk, requisition any money, it has to go through the representative of the Controller of Budget, for them to approve that there is a vote head on that amount.

However, realistically, immediately after this representative of the Controller of Budget approves and says, Controller of Budget, you may at least release this money, if you happen to go to the office of the Controller of Budget, you will see the CECM, finance and Economic Planning and the Clerk trying to begin the process all over again. Why are we putting all these bureaucrats or hurdles to get money, yet is a very simple process? Everybody knows that each county has their ceiling.

A county can have their ceiling of Kshs1 billion. Allow them to spend their money directly from their Fund. Let them requisition, and the Controller of Budget releases the money.

Mr. Deputy Speaker, Sir, you have introduced a new provision where you are allowing the Controller of Budget viewing access. This is going to be very controversial. We have been dealing with this issue where people are saying, no, we do not want. If you take time and speak to the Council of Governors, they will tell you they do not want the Controller of Budget to have access to their funds. They do not want her to view.

However, if you look and read the Constitution, Article 228(5), where it says-

“The Controller shall not approve any withdrawal from a public fund unless satisfied that the withdrawal is authorised by law.”

Then your proposition is justified.

However, of course, those who are spending do not want to be called to account to it. So, I beseech you to remove this hindrance. There is no point of the Assembly depending on the Executive.

The PFM Act as it stands right now, puts the County Treasurer as the CECM, Finance and Economic Planning. He is the sole County Treasurer. However, now that we are introducing this provision and we are giving the Clerk of the County Assembly the powers to administer these funds, why then should we not give him almost similar powers as the powers that the CECM Finance and Economic Planning has as the head of that treasury?

Mr. Deputy Speaker, Sir, I would like you to relook at section 109(e). Let us ensure that we make these amendments during the Committee of the Whole. If you leave this, you will not have solved the problem. You have attempted to solve the problem by 109(e)(ii) when you say-

“The disbursement referred to in (ii), shall be done in accordance with the schedule prepared by the County Treasurer and submitted to the County Assembly for approval together with the County Appropriation Bill under Section 109(e)(vii).”

Mr. Deputy Speaker, Sir, we are trying to resolve a problem here, but we are not solving it. The county assemblies will continue having that problem. It depends on the relationship between the Speaker, the Clerk and the county governor. He will just say, ignore. Let us not release the money.

I would like to beseech you that you do away with 109(e) completely. Let us give these guys their full autonomy. Let them control their money. We already know that this Senate, the CRA, and the Committee on Finance and Budget have deliberated on the ceiling of the county assemblies. The only thing that we may need to revisit is the growth of the ceiling of county assemblies.

Mr. Deputy Speaker, Sir, this is because, if you look at the way the ceiling of the county assemblies' funds are growing, it is not proportional to the way the funds for the executive are growing. We will have to figure out and revisit that so that we do not find a place where county assemblies have a lot much money and they cannot absorb it. Remember county assemblies do not have any big vote head on development. So, these are recurrent expenditures. We will need to be practical to make sure that we have a system that works properly.

I would agree with my colleagues that the current situation is not a very conducive environment for the assemblies. That is why you find that, whenever, even in our oversight committees we invite county assemblies to come and appear before us, county assemblies just tell us that they have a problem. They may not even afford to fuel their vehicles to come and attend sessions because the executive has not yet released their funds. I believe this is something which is going to help all the 47 counties and as well as help devolution.

There is this business that governors still think that they are the fathers of the MCAs. You will find a governor saying that my MCAs. They are not your MCAs. The MCAs are elected by the people to oversight the county governor. It is important that we clarify those two.

Mr. Deputy Speaker, Sir, as I conclude, I believe I have summarized my points clearly to the fact that, firstly, it is important that we do away with that double prong of accountability. It is not really accountability, but the examination of documents.

The CoB must agree that if she has a representative in the 47 counties and if the representative has gone through all the documentation, let us not waste time allowing people to travel from counties to come in and camp in her office. If she has a problem, let us deal with the electronic system.

The next amendment and I was hoping that you would piggyback on this one, would be the one of establishing an end-to-end system. So as to avoid this issue where you require the CECM of finance or the CO to give double authority for funds to be released. This is why you find a lot of people are complaining that there are many pending bills. When the money is released by the CoB, the people who are supposed to be paid are not the ones who are paid and the funds are diverted.

Mr. Deputy Speaker, Sir, there is something I wanted to request, because this Bill is sponsored by the Senator for Meru County, that Section 119(a) you are now introducing, where you say the CoB shall have viewer rights, access to all bank accounts maintained by the county executive, the county assembly, and all other county government entities.

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I do not know whether it will be overstretching to further add 119(b), to require that when payments are being made out, that the CoB shall have some form of viewer rights to the people who are being paid that money, to ensure that when the county executive or the county clerk are requesting to pay vendors, they shall include the vendor account numbers to the requisition and in that requisition, when the money has been sent out, we should require the banks to send a confirmation that the money which was authorized by the CoB has been sent to the supplier.

That will end this business of pending bills. It will also end this business of diversion of funds because diversion of funds, is a cancer and if we do not deal with it right now and cut it out completely, we will continue having huge pending bills. People will continue killing themselves because counties have not paid them. When we have a crisis in a stagnating economy like this one right now, most businesses out there will continue suffering.

Mr. Deputy Speaker, Sir, I fully support this and I will be sitting down with you, so that at the Committee of the Whole, we include those two new amendments and we do away with Section 119 that you have introduced. Let us allow county assemblies to fully manage their funds. This will even help the MCAs to go out there and carry out their oversight function, because they will no longer complain that they have not been given their mileage or their sitting allowances because the executive has not yet released money to the county assembly clerk.

I thank you.

**The Deputy Speaker** (Sen. Kathuri): Sen. Mutinda?

**Sen. Tabitha Mutinda:** Thank you, Mr. Deputy Speaker, Sir. As the Committee on Finance and Budget, we deliberated on your Bill. Kindly allow me by thanking you, Sir, for this wonderful Bill that, at least, this Senate will leave a legacy as far as our MCAs are concerned. These are our leaders that represent us at the lowest level; at *mashinani* and, leaders that this Senate highly respects.

That is why we really take this Bill very dear to us. I wish my very good friend, the Senator of Narok, would accord me a full hearing as I did to him, so that when I get to Clause 109(e) I can shed some light on what the Committee deliberated, and why we settled for the clause as it is.

He has requested that I go to my comments on Clause 109(e), which says that the county treasurer shall, at the beginning of every month, in any event, not later than the 15<sup>th</sup> from the commencement of the fund ensure that the funds are disbursed. That was taking care of timely disbursement.

However, I know the concern that is in place because we are trying to cure autonomy for the MCAs. It seems like the county treasurer has sort of final powers. This is the reason, according to the PFM Act, what we analysed and looked at, was that we cannot allow more than one or two people to have access to the CRF account. That was the reason the Committee deliberated on these issues.

We looked at it from how my colleague has also tried to look at it, and thought, will there be autonomy, or there might be much dependency? However, light was shed in the sense that it would not be so safe, prudent or wise to allow many signatories for this County Revenue Fund (CRF) account. Since the funds will be transferred now to the County

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Service Fund (CSF) that we are creating, we are trying to ensure that the County Treasurer will adhere to the timeline.

This is because a schedule will be in place so that he can ensure timely remittance to this Service Fund Account so that the CRF account should not have so accounting officers accessing it. The view was to ensure safety by minimising the number of signatories who are supposed to access this account.

We had contributions and deliberations. Everyone's opinion is very much highly respected and welcomed and we can continue engaging further. We have very competent legal personnel who guide us. Especially in our Committee, we have none other than Ms. Lucy Radoli, who we engage deeply with because this was one of the greatest concerns. Not that we overlooked it, but we were very keen on this issue.

**Sen. Olekina:** On a point of order Mr. Speaker, Sir. I am listening to Sen. Tabitha trying to explain the reasoning behind still maintaining the hindrance of the autonomy of the Assemblies. I am just trying to understand. I would like her to clarify why they did not look at the provision of the Public Finance Management (PFM) Act that sets up the County Executive Committee Member (CECM) Finance as the County Treasurer, vis-a-vis Article 228(5), which talks about the Controller of Budget (CoB) having the powers to release the money.

In this case, right now, when the Clerk of the Assembly requires money to offset the expenditures, they will write to the CECM Finance, who then writes to the CoB asking the release of money to the County Assembly. However, when the money is released, it does not normally go to the Assembly.

I am trying to figure out, as we are debating on this issue. Could the distinguished Senator clarify, why it was not easy for the Committee to then further amend the Section that puts in the CCM Finance as the main treasurer for the county.

I remember, and I was giving her the history behind this. When devolution started, there was only one audit account, which was the county government of for example, Narok County. However, subsequently after the Assemblies went through this hurdle, then it was divided into two. It was made that the Office of the Auditor General (OAG) would audit the executive and the assembly. So, there are two separate accounts.

Even before devolution, the Clerks of the County Council were the accounting officers. So, I am just trying to understand this. The distinguished Senator can give that clarity so that we can end this back and forth so that when we are deliberating on this matter to cast a vote, we can cure this problem once and for all.

**Sen. Tabitha Mutinda:** Mr. Deputy Speaker, Sir, I have heard my colleague. I know this is your Bill and you are very passionate about it, which is allowed, of course. I would still say it is our view in terms of how we thought about it being that this is a consolidated fund. So, the wisdom was simply just to avoid back-and-forth of so many signatories.

I will leave it at that at this particular moment and look at the other Clauses that the Bill has looked into.

In Clause 3, the Clerk of the Assembly shall be the administrator. The Clerk of the Assembly, like the Clerk of the Senate, is the one who is in direct communication with the Senators. In the case of the County Assembly, then the Clerk of the County Assembly

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is also the administrator to ensure that there is a smooth flow of the workings of the Members of the County Assembly (MCAs). He stands best to administer this fund.

Clause 5, which talks about how the administrator of the county assembly shall arrange for the county assembly fund to be kept in the Central Bank of Kenya (CBK) in an account to be known as the County Assembly Fund Account. Where I sit as a Member of a County Investment Special Fund (CISF), when we are doing audits and oversight, we come across issues of different bank accounts that have been opened by different accounting officers in the different funds that the counties are allowed to open.

With Clause 5(a) communicating and talking about the fact that the account shall be kept to the CBK; it minimises the issues that we have seen happening in the counties. It is the same counties that open these accounts. Avoidance of these so many accounts is very important. So many accounts bring challenges during the oversight process.

Part B talks about ensuring that all money authorised by the county for the public purpose is paid from the account without undue withdrawal. This will have to go up to the level of the National Treasury.

I am happy we have a new Cabinet Secretary. Since he has also been a Member of this Parliament, he is going to ensure timely disbursements of the funds to the counties. That delay in the funds has caused a lot of problems including problems with the pending bills. At the same time, problems for our great working leaders; the MCAs.

Our MCAs at times go for almost three months without their salaries. Mark you, these are the leaders who are in direct communication with our people at the ground level. Senators come to Nairobi and transact our business because our offices are within Nairobi and we go to *mashinani* during the weekend. It is different for the MCAs who every day they are meeting with the people. They interact with the people and the people are also sharing their needs. If an MCA goes without salary for two to three months, for Christ's sake, it becomes very hectic.

Ensuring that disbursement of these funds to the County Assembly Fund Account should be timely starts at the National Treasury level. So, the new Cabinet Secretary should ensure, because this is what he promised when he came to this House, and affirm that timely disbursements will be done. Otherwise, without this, then we will be killing devolution. Undermining devolution is the last thing that the Senate wants to embark on. So timely disbursements will always be very key.

Looking at Clause 109B, the funds shall be used to defray administrative services, as well as the acquisition and maintenance of buildings, grounds and other assets. In the Committee of Finance and Budget, we have a room whereby when the MCAs appear before our committee requesting an increment of their ceilings. This is normally brought about by the projects that they have. In most cases, we have looked at those issues and accorded the increment of the ceilings.

One thing to note is that we have had counties such as those in northeastern where they talk about the challenges that they go through to do the oversight. Even the Senators, before we do the oversight for the counties, the mandate is within the MCAs. If they do not have enough facilitation, and they have all these challenges, mobility and all that, it becomes a hurdle for them to achieve their basic mandate, which is oversight.

Mr. Deputy Speaker, Sir, when the County Assembly Fund will be in place, it will give a smooth running for them to conduct their oversight smoothly, conduct their training capacities as required without challenges and without continuing to beg the same employers, that is the CECM for Finance, who has been vetted by the same MCAs; given the same responsibility by the MCAs and still they have to go back and beg for facilitation and financial support for them to undertake their roles. So, this Fund will give them maximum output.

Yesterday when we were deliberating the Bill for Sen. Crystal Asige on the nomination of MCAs, concerns were raised in terms of the quality, competency and all that. When this Fund is in place, it will empower MCAs to understand how to partake in their roles.

I would want to conclude on the issue of Section 119A, which says that-

“The Controller of Budget shall have viewer rights, access to all the bank accounts maintained by the county executive, the county assembly and all other county government entities.”

Mr. Deputy Speaker, Sir, it is high time that the CoB, Madam Margaret Nyakango, establishes in all the 47 counties subsidiary offices for the CoB, so that there is smooth flow of these audit processes and all the work that pertains to the office of the Controller of Budget. As we speak, it is within Nairobi and so it becomes a challenge.

When you look at the office of the Auditor General, you will find that we have officers that have been distributed across all the regions and counties and they are able to maximally partake in their roles and do maximum audits. During our audit process, we always meet with them, representing different regions and counties and their work is able to flow.

The office of the Controller of Budget is still narrowed. There must be the maximum number of officers that have been deployed to the different counties so that they can ensure that the role of the Controller of the Budget is maximally achieved.

With those very many remarks, I look forward that even before we go to the long recess, we will have concluded and passed this Bill. I also hope that our colleague at the National Assembly will be able to fast-track this Bill, so that we support our MCAs. Any other issues to do with the MCAs, we will ensure that we maximally support them.

I thank you.

**Sen. Kavindu Muthama:** Thank you, Mr. Deputy Speaker, for giving me this opportunity to, first of all, congratulate you on this County Public Finance Law Amendment Bill 2023, because this is very much overdue.

I remember there are two more recommendations about MCAs being given financial autonomy. When I was in the Building of Bridges Initiative (BBI) we had also recommended that they be given Ward Fund directly to them without passing through, the governors.

Also, the National Dialogue Committee (NADCO) report has recommended that they be given funds directly so that they can be able to work. I am talking as the Senator of Machakos County. I have seen these MCAs work with a lot of trouble because they have

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to dance to the tune of the governor. If they do not dance to the tune of the governor, then their wards will not be developed; which means they might not be reelected back again.

They have to move around with the governors, even when they have other business to do, because if they do not, then it is said that they are against the governors.

I have come across some incidents where if an MCA brings a Statement or a Motion like we do here, then they are told that they are fighting the governors. So, those Statements are not signed and they cannot move forward.

They are unable to do their oversight work because they have to dance to governor's tune and if they see anything wrong, they cannot even voice it because they will be accused of fighting the governor and their wards will not be developed.

This Fund will empower the MCAs so that they can be able to do development at the ward levels and they can also now be able to oversight the governors properly because they will be independent with their own funds and will not be reliant on the governor.

I have seen ward administrators and ward coordinators of the governors launching projects at the ward level when the MCA does not even know that there is a project being launched in his own county and yet that is the person who has been elected by the people to represent them. They are the persons who know what their people want at the ward level.

MCAs wake up every morning to find people at their doorsteps, coming for school fees, coming for money medical bills and many other issues. They are the people we depend on in totality at the ward level.

If they are given this financial autonomy, it will be very good for them, and even for all of us. If all the 1450 MCAs get funds to do development at their wards, devolution will make a big difference because now they will be able to do a lot of development at the ward level, without waiting until the governor has mercy on them and does a certain project or refuses to do a certain project.

If you go to the wards of those MCAs who do not work together with the governor, you will find that those wards do not have roads, water; they have nothing. They are just crying and waiting for God to have mercy on them.

I want to thank God for this Senate because if these amendments are implemented, then the MCAs will have money to work and they will work peacefully and they will have independence also to be able to do what is right at the right time.

I support.

**Sen. Seki:** Mr Deputy Speaker, Sir, I want to thank you very much for this opportunity that you have given to me. I also thank you for coming up with this important Bill, which tries to give powers to counties, more so the county assemblies. This is how we really need to empower devolution.

I want to thank you so much. On the onset, I support this Bill because it brings very important aspects, particularly in the county assembly where they have been dominated by the executive in the counties.

The county assemblies have almost everything. They have autonomy; they have fully-fledged finance departments. County assemblies have officers who are very much trained, competent, knowledgeable and qualified to operate finance departments in their assemblies. County assemblies have units in procurement.

County assemblies have the link of Integrated Financial Management Information System (IFMIS) and I believe they are also connected to Integrated Payroll and Personnel Database (IPPD). This means that if this Bill is approved by this Senate and therefore, ratified by the National Assembly, we will see a very competent county assembly that has an autonomy to work without any pressure of the executive.

The Auditor-General will also have a chance to audit county assemblies on what they have done and the Controller of Budget (CoB) will transfer funds to the right account. As the Senate, we will be sure that the county assembly are dispensing money that ought to be theirs with no diversion of funds.

Mr. Deputy Speaker, Sir, there were a few comments and contributions from Members on Clause 109 (e). I believe this is a very contentious Clause. We need to look at it because at the end of it all, we want to have an autonomy of the county assembly. We do not want to see a scenario where the executive will have another small chance to control funds. We want to have a direct transfer of funds from the National Treasury and the CoB to the county assembly, without passing again through the County Treasury. We need to look that. However, this will try to solve so many problems.

The issue of pending bills is a big problem in the county assemblies. This Bill will try to solve a number of issues in the county assembly and the executive. As we look at these clauses clearly, we will see the light at the end of the tunnel. We will resolve problems of many business people who have been having problems of doing business in counties because the county government are unable to pay them because of diversion of funds. They do requisitions to the CoB, and when the money hits the account, the priority becomes a different scenario.

I believe Sen. Olekina has tried to introduce a certain clause and I am also in support on the same. If we can introduce a clause where the CoB will also have that right to introduce a certain portal where when the executive or the county assembly makes requisition for money, there will be a follow up. This is to ensure that in the next requisition, they are able to see if that money has gone to the right supplier or vote.

This is a very important Bill. I believe that the county assembly has the capacity in human resource to handle their finances without passing through the county executive. The Senate County Public Accounts Committee (CPAC) will also be able to track and find out if the county assemblies are using their money at the right voting.

Mr. Deputy Speaker, Sir, I stop there. I support this Bill. I thank you so much for bringing up this important Bill.

*(There was a technical hitch)*

**The Deputy Speaker** (Sen. Kathuri): Let us start with the Sen. Mwaruma.

Let us take the five minutes.

**Sen. Mwaruma:** Asante Mhe. Naibu Spika kwa fursa hii ili nichangie mjadala muhimu kuhusu Mswada wa kupatia bunge za kaunti uhuru. Kumekuwa na mjadala kwamba bunge za kaunti haziwezi kutimiza majukumu yao ambayo ni uangalizi, kutunga sheria na uwakilishaji vizuri kwa sababu hawana uhuru.

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Mhe. Naibu Spika, nakushukuru kwa hekima na ubunifu wako wa utunzi wa sheria. Tukibadilisha hii sheria ya the *County Public Finance Laws (Amendment) Bill (Senate Bills No.39 of 2023)*, bunge za kaunti zitapata uhuru wake. Pesa nyingi huenda kwa magatuzi na kusipokuwa na bunge za gatuzi zinazofanya kazi vizuri, pesa nyingi hupotea, na wananchi nyanjani hawapati maendeleo ipasavyo.

Mwaka wa 2010 tulijipatia Katiba iliyoleta ugatuzi. Hii ilimaanisha kwamba pesa zitoke Serikali kuu na kuenda mashinani, lakini magavana wameendelea kunyanyasa bunge za kaunti. Kwa mfano, mwaka wa 2021 nilikuwa katika Kamati ya Uhasibu ya Seneti na bunge za kaunti zingine hazikuwa zinalipwa mshahara moja kwa moja bali wanalipiwa na *executive*. Kwa bunge za kaunti kupata fedha zao, inabidi waziri wa fedha aandikie *CoB* ili awatumie zile pesa. Bunge zetu zimeendelea kupata shida kufadhili miradi na mipango yao.

Kuna jambo lilitokea mwaka wa 2021 ambapo bunge limetengeneza makaratasi yake ya *pending bills*, lakini waziri wa fedha wa *executive* hawajatengeneza makaratasi ya kupeleka kwa *CoB* ili pesa irudi. Kwa hivyo, bunge za kaunti zinakawia kupata pesa kwa sababu inacheleweshwa na serikali ama *executive*. Kama wangukuwa na uhuru wao, pesa zao hazingechelewa kufika kwa bunge za kaunti.

Jambo lingine litakalosaidia uhuru wa bunge za kaunti ni kwamba saa zingine hazina ya kitaifa inachelewa kutoa pesa na inabidi kaunti zikope pesa kutoka kwa benki. Bunge za kaunti hazijapewa uhuru wa kukopa kutoka kwa benki ili kulipa wafanyakazi wao bila kupitia kwa waziri wa fedha wa kaunti.

Bunge za kaunti zikipata uhuru wao wakati hazina ya kitaifa imechelewa kutoa pesa, basi mabunge haya yatakuwa na uwezo wa kukopa pesa kutoka kwa benki ili kulipa mishahara.

Nimekuwa nikinena kuhusu mambo mawili ambayo yanafaa yafanyike ili mabunge ya kaunti yafanye kazi vizuri. Jambo la kwanza ni kuhusu kuwepo hazina yao ndogo. Bw. Naibu Spika, katika Mswada wako, umesema kando na hazina ya kaunti kuwe na hazina ndogo ya mabunge ya kaunti ambayo itawekwa pesa ili bunge za kaunti zitumie pesa zao moja kwa moja.

Bw. Naibu Spika, hata zile pesa zikiwekwa kwenye mabunge ya kaunti, gavana anaweza kukataa kufanya maendeleo kwa wadi. Tukipitisha Mswada huu, ule Mswada mwingine ambao lazima tuangalie kwa karibu ni Mswada wa fedha yaani *Ward Equalisation Fund* ili pesa zikifika kwa gatuzi kila kata ipate pesa zake na wapate kufanya maendeleo yao.

Vile ilivyo hivi sasa, kama mwakilishi wa bunge la kaunti haimbi wimbo wa gavana, hatapata maendeleo kwenye eneo lake, ili wananchi wakasirike na yeye na wamnyime kura katika uchaguzi unaofuata. Haya mambo mawili ya kupatia mabunge ya kaunti uhuru wao na pia Mswada ule mwingine wa kupitisha *Ward Development Fund* yatasaidia wawakilishi wa bunge la kaunti kufanya kazi vizuri zaidi.

Kifungu cha 109(e) kuna msemaji amesema si vizuri kupea waziri jukumu la kutoa fedha katika hazina ya kaunti. Natofautiana na yeye kidogo kwa sababu katika hazina ya kitaifa, waziri wa fedha ndiye anayeweka sahihi kwenye ugavi wa pesa kwa mahakama, bunge na taasisi mbalimbali.

Pia, kule kwenye hazina ya kaunti ni vizuri pia waziri wa kaunti apewe nafasi atoe pesa kwa niaba ya *county assembly na executive*.

Naunga mkono Mswada huu wa kuhakikisha mabunge yetu ya kaunti yamepewa nguvu za kufanya kazi.

La mwisho kabisa---

**The Deputy President** (Sen. Kathuri): Sen. Mwaruma, zile dakika zako tano zimefika nane.

**Sen. Mwaruma:** Bw. Naibu Spika, nitamalizia kwa kusema kuwa, hata tukiwapatia wawakilishi wa kaunti *Ward Fund*, tukubaliane kuwa kazi ya gavana ni kufanya miradi na wawakilishi wa bunge la kaunti kazi yao ni uangalizi. Hivi sasa hakuna tofauti ya mwakilishi wa bunge la kaunti na waziri. Wawakilishi wa kaunti vile vile wanafanya miradi.

Wabunge wa Bunge la Kitaifa wanafanya miradi ya *National Government – Constituencies Development Fund (NG-CDF)* moja kwa moja. Katika ile *seperation of powers* inatakikana wabunge wafanye kazi yao ya *oversight* ile gavana afanye kazi yake ya utekelezaji wa miradi.

Kwa sababu ya muda, na wenzangu wanataka kuongea, naomba kumalizia kwa kuunga mkono Mswada huu.

**The Deputy Speaker** (Sen. Kathuri): Sen. Thang'wa, proceed.

**Sen. Thang'wa:** Thank you, Mr. Speaker, Sir, for the opportunity. From the onset, I was trying to see what the Bill is trying to cure. I am a former Member of the County Assembly (MCA), and I have experienced some of these problems that are supposed to be cured.

When you bring autonomy or independence to the county assembly, the problem is not spending. The problem is how they get the money to the assembly's account.

When we create the Fund, which, of course, was under the County Assembly Services Act, it has never been utilised before, but if we create the Fund, how will this Fund be getting their money? The issue is not the assembly utilising the money; it is how the money comes to the fund.

What happens today is if the assembly wants their money, they do a requisition to the county treasury led by the County Executive Committee Member (CECM) in charge of finance in a county will forward that requisition to the Controller of Budget (CoB) for that money to come to the county assembly. Now, here is the catch.

When they write to the CECM, they delay forwarding the same to the CoB. So that is the problem right there. If we do not cure that part, then even this Bill will also have the same problem.

They will be writing to the county treasury, who will not forward to the CoB. Once the CoB approves the money to the county assembly and is disbursed to the fund, we are asking the CoB to approve the use of this fund, which is wrong. The autonomy or the independence we are giving the county assembly, we are now giving it to CoB.

I will be bringing an amendment to make sure that we give the clerk to the county assembly the power to do requisition directly to the CoB, and not necessarily through the county treasury. The county treasury has already done the budget.

Why do we ask the county assembly to write to the CECM asking for money, yet they already know how much money they passed in their budget? They should write directly to the CoB so that that money can now be sent to the fund.

If we do that, now we can cure what you are trying to achieve with this Bill. After we bring the money to the County Assembly Fund, then we remove CoB from approving every spending.

Why am I saying that? I believe this is the County Assembly Fund, the Bursary Fund, the Emergency Fund and the Hospital Fund. Once you put the money in that fund, the person who is given the authority to spend is the administrator, and the administrator is the clerk. The clerk is going to be giving quarterly reports on how they spend money for the county assembly.

I will bring that amendment to make this law now complete because you have captured most of the things that the Members of county assemblies have been crying about. However, once we give the clerk the autonomy to write to the CoB directly, we complete the circuit.

I thank you, and I support you.

**The Deputy Speaker** (Sen. Kathuri): Thank you. I wanted to give some further guidance. I can see I have five Senators who want to contribute. We have a few minutes.

I wanted to give them to the Senate Minority Leader, and then the rest can speak tomorrow. You will utilize the 20 minutes that you have.

The Minority Leader, proceed.

*(Sen. Osotsi spoke off record)*

**The Deputy Speaker** (Sen. Kathuri): Is the point of order to your leader?

**Sen. Osotsi:** Mr. Deputy Speaker, Sir, there is a serious problem with this system. I came here at 2.30 p.m., and I pressed my button. Later, I realized that it was not reflecting on your dashboard.

It is not fair that a Member comes in here and sits all this time and cannot be given a chance to speak because of the system. We need to do something about this system.

**The Deputy Speaker** (Sen. Kathuri): Sen. Osotsi, we have discussed this system for quite some time. Maybe management is looking into it so that they can change it completely. Sorry for that, but you will have an opportunity next time.

Proceed, Senate Minority Leader.

**The Senate Minority Leader** (Sen. Madzayo): Asante sana, Bw. Naibu Spika, kwa kunipa nafasi hii kuchangia Mswada huu. Kwanza, ningependa kutoa kongole kwako kwa sababu wewe ndiye ulileta Mswada huu kuhusu sheria za pesa za umma zinazoenda kwenye kaunti zetu, licha ya kuwa Mswada huu ni wa mwaka wa 2023 ilhali tuko katika mwaka wa 2024. Kama ungeuleta mwaka wa 2022, tungepata mwelekeo mzuri lakini hatujachelewa. Barabara iko wazi na tutaendelea vivyo hivyo.

Sheria hizi zitasaidia Bunge hili. Mara nyingi, MCAs ndio wa kwanza kukumbana na shida za wananchi. Wakienda nyumbani kwao, ofisini ama wakiwapata barabarani, wao ndio watu wa kwanza kutatua shida za wananchi.



Si vyema kwa sababu mshahara wa MCA ni mdogo. Pesa zisipopelekwa katika kaunti zetu kwa wakati unaofaa, mara nyingi huwa kuna shida kwa sababu hawana la kufanya.

Nafurahi kwamba tunajadili Mswada huu. Itafanya Mabunge ya kaunti zetu kuwa huru. Wakiwa huru, kutakuwa na mijadala mingi ya maana kule.

Mara nyingi, MCAs wanaogopoa kuongea kwa sababu wanajua kuwa wakisema kitu fulani wanaweza kuchukuliwa hatua na serikali za kaunti. Ningependa kuwapa imani kwamba hivi karibuni sheria itapatikana. Kwa hivyo, watakuwa huru kuongea wanavyotaka wakiona kuna makosa.

Bw. Naibu Spika, kwa kumalizia, ningependa kuzungumzia pesa ambazo zitakwenda katika kaunti zetu. Umefanya vizuri kupendekeza kuwa Mdhibiti wa Bajeti, yaani Controller of Budget (CoB), awe na uwezo wa kukagua pesa zote zitakazokwenda kwa mabunge ya kaunti. Anafa kusema iwapo kuna makosa ama jambo lolote ambalo haliendi sawa.

Pesa hizo zitasaidia watu katika serikali za kaunti. Kwa hivyo, zitahitaji kuangaliwa vizuri ili kuhakikisha kuwa matumizi yake yanafanywa kulingana na sheria baada ya kuidhinishwa na Mdhibiti wa Bajeti, yaani CoB. Tukiwa na sheria hii, litakuwa jambo la kufaa zaidi.

Nitakomea hapo, Bw. Naibu Spika.

**The Deputy Speaker** (Sen. Kathuri): Asante sana, Kiongozi wa Wachache.

*Next is* Sen. Veronica Maina.

**Sen. Veronica Maina:** Thank you, Mr. Deputy Speaker, Sir, for bringing this Bill which is timely and much needed. I believe it has been delayed because it should have come earlier.

For the longest time, I have met with MCAs from many counties crying how hard it is for them to perform their oversight function because they have to keep begging governors to fund their activities and balance their oversight function *vis-à-vis* the need for them to be supported by the respective counties.

This law will set our county assemblies free from being tied to the governors whom they are supposed to oversight. It will set Kenyans free from having to watch devolved funds being used in a corrupt manner and people watching helplessly, including those on the first line of defence and oversight, which is supposed to be done by county assemblies.

It definitely speaks to better management of resources at the county level. It also seeks to deliver autonomy to the operations of county assemblies from the executives within the counties.

I have looked at the amendments proposed in the clauses. It definitely introduces the concept of the Fund and its structure. I like what is contained in Clause 6 of the Bill, which seeks to amend Section 109(a) to introduce the County Assembly Fund. Sources of this Fund will come from such monies that may be appropriated by the county assembly from the County Revenue Fund (CRF) established for each county. The second source are grants, gifts, donations or bequests.

Mr. Deputy Speaker, Sir, if you recall the structure and some of the amendments we have been discussing in this House regarding donations, gifts and bequests taken to the counties, it opens an avenue that a county can receive beyond the exchequer in the national

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Government. This Fund can also receive donations and gifts beyond what is being given or earned from Own Source Revenue (OSR).

It has also given an avenue that in this Fund, we may have such monies, as may be allocated from that purpose from investments, fees or levies administered by the county. In other words, this Fund will structure what is being earned, including OSR within the counties, as a Fund that can be utilised for the purpose for which it is set.

Mr. Deputy Speaker, Sir, I believe this Bill is a big boost to devolution but it calls for heavy responsibility on county assemblies because, to whoever much is given, much is demanded. As we ensure that devolution is supported from the grassroots, it means that MCAs must be in a position to safeguard those resources that are being devolved further to where people are. The purpose of this Fund, ultimately, is to deliver services to the people.

Mr. Deputy Speaker, Sir, following what you have done today, I believe all the MCAs from all the wards in the Republic of Kenya and county assemblies should celebrate tonight because of this Bill, especially when it is passed.

We know that in some counties, it has been difficult for the assemblies to discuss any impeachment of governors on misuse or misallocation of resources. I believe once they have this Fund, there will be no more reason to watch billions of shillings being carted away from counties. Instead of seeing development, we see private entities being grown by individuals who are serving in public offices.

I urge county assemblies, since they have been granted what they have been crying for, to take this opportunity to ensure that there is development we have lacked within the counties. Counties have received billions of shillings, yet there is not even a single hospital for the people. Counties have received billions of shillings, yet there is nothing done in agriculture.

**The Deputy Speaker** (Sen. Kathuri): Sen. Veronica, my good friend, you have a balance of 14 minutes next time the Motion resumes.

We were to adjourn at 5.30 p.m. under Standing Order 37. I, therefore, now call upon Sen. Eddy Oketch to move his Motion, pursuant to Standing No.37 to discuss a matter of national importance. Please, note that you have ten minutes and any other Senator who wishes to speak has five minutes, including the Secunder.

### MOTION OF ADJOURNEMENT UNDER STANDING ORDER NO.37

#### RISING CASES OF FEMICIDE IN THE COUNTRY

**Sen. Oketch Gicheru:** Thank you, Mr. Deputy Speaker, Sir.

This is a hard Motion to move because matters femicide---

**The Deputy Speaker** (Sen. Kathuri): First read and then you will state the issues that you have.

**Sen. Oketch Gicheru:** Okay. Mr. Deputy Speaker, Sir, as I said, this is a sensitive Motion to move.

Pursuant to Standing Order No.37, I beg to move-

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THAT the Senate do now adjourn to discuss a definite matter of urgent national importance, namely, the rising cases of violent murder in the country, mainly targeting young women and girls, the most recent being the murder of three women in Eastleigh on 22<sup>nd</sup> October, which is the time that they were discovered, but they disappeared on 21<sup>st</sup> October, 2024; that is, the Dahabo Daud Said, Amina Abdi Rashid Dahir, and Nusuiba Abdi Mohammed, and a 23-year-old girl, Ms Seth Njeri Nyakio, in Thika, Kiambu County, on 14<sup>th</sup> October, 2024.

Mr. Deputy Speaker, Sir, as I said, this is a hard Motion to move because it breaks my heart. I would like to start with Seth Nyakio Njeri, a 23-year-old young lady, who had just graduated from Zetech University. According to the conversations and news that we have been receiving, she was also the daughter of Lucy Njeri, who is a Member of the County Assembly (MCA) in Kirinyaga County. One would think, because of her position in the society, her family would not experience such a brutal murder, especially that of her daughter.

Mr. Deputy Speaker, Sir, before I go further, let me take this opportunity to pass my deepest condolences to the family of Lucy Njeri and to the family of the Dahabo Daud Said for the extreme pain, stress and untold suffering that those families have gone through the experience of such losses in our borders.

It is even sadder to hear the story of the Dahabo Daud Said in Eastleigh. This is a wonderful woman who was killed alongside her daughter and a niece. When these stories are told, it is difficult to know the truth because of the laxity and lack of proper intelligence shared with the public and with families. I went to Eastleigh the other day just to find out really what happened.

While this might not be a confirmed story, one of the conversations that I had was that this lady went to a mall in the evening, while the daughter and the niece were in the house. Then the story is told of how perhaps the daughter and the niece went to pick her from the mall. In my own deduction, it could be that their killers might have lured and gotten hold of them. After they were killed, their body parts were found in different locations.

The body of Dahabo was found in Machakos. She was picked from Eastleigh, driven, or whichever means that was used, taken through the trauma of passing different places, and found in Machakos, mutilated without a head. The body of the daughter, was found in Bahati in Makadara, while the body of the niece was found on 6<sup>th</sup> Avenue, in Parklands.

The images of how far apart these bodies are found, all of them having been lured together, begs the question of, do we really have a country? Do we have a country if a whole family can be picked by murderers, killed and their bodies mutilated and put in different locations? The distance from Nairobi to Machakos, the distance from Eastleigh to Makadara, the distance from Eastleigh to Parklands begs the questions of, what happened to surveillance in this country, and what happens to policing and monitoring in this country that can guarantee our people security?

Mr. Deputy Speaker, Sir, this is a bit of domestic violence that has escalated to the point that it is no longer just a domestic violence issue on women, but also porosity in terms

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of security that has come to the point that we can see a country taking the killing of women and people as a pleasurable thing.

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

*[The Temporary Speaker (Sen. Veronica Maina in the Chair)]*

Madam Temporary Speaker, the killing of women in this country is becoming a pleasurable thing because we do not see equal response in terms of the rule of law on killers such as these. My fear is, if we allow this to continue, we shall see it now extending to all genders.

Presently in Siaya County, a well-established gentleman, Willis Ayieko, was found dead, after being killed in the same brutal manner that we see in the killing of women in the country.

The worst thing is that the security infrastructure ends only at giving simple journalistic updates on simple accounts and leaving it as a situation whereby, we will be able to do further investigations, so that these murders end at conversations by authorities on a hope of further investigations to be done.

This House must take the issue of this femicide seriously. We passed a resolution in this House on police abductions and brutal murders that are going on by the police in the wake of Gen Zs.

This House must also do a Motion and a resolution on actions that should be taken to ensure that this country puts an end to these brutal murders that we see in our country. It cannot be that we keep on being comfortable. I do not know whether we are comfortable as a country because it has not reached our own homes.

Madam Temporary Speaker, imagining the pain and agony that such families have which brings untold trauma and stigma to these families and they never recover from that. Is it that for the people in power today, starting from the Presidency, coming to the security infrastructure and the IG of Police, these things look normal because they are not in their families?

I beg this House that has shown a very serious resolve in dealing with issues of national importance or crises such as these, that we must come to the rescue of the nation and do a serious resolution of the House that will demand our security infrastructure to put an end to this problem. Even if it means that we are going to put maximum surveillance in communities, then I hope that the Senate can come to the rescue of these families.

Madam Temporary Speaker, I beg to move this Motion and would want to hear the insight of my colleague Senators. I, therefore, request the wonderful Senator Hamida to second this Motion.

I thank you.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Sen. Eddy.

Sen. Hamida, you may take the Floor.

**Sen. Kibwana:** Thank you, Madam Temporary Speaker. As I support, I would like to echo Sen. Eddy and appreciate him for the Motion he has brought forward. The recent

wave of bizarre abductions and gruesome murders has swept across the nations. It is disturbing and it is a matter of urgency for us to discuss.

In the past week, we have learnt about the horrific deaths of the three women whom Sen. Eddy has talked about; Madam Waris Daud, her daughter, Amina Abdirashid and her niece, Nuseyba. We have tried to condole with the family. However, we have kept on wondering why the women and why should they go through that pain.

This is an opportunity for me to also condole with them and grieve about my neighbour Willis Onyango Ayieko was my neighbour and his wife, Esther Ayieko is my friend. It is painful going to their home every evening, looking at her and the grief she is going through. Ayieko is always in the media and you can imagine the trauma the kids are going through every day.

Madam Temporary Speaker, last night, I remember Esther was struggling for her kids not to go downstairs and watch the television. Imagine, they were supposed to be together. Esther was supposed to be with her husband and the husband had just gone for a burial because one of our friends had lost the mother, Agina. After leaving where the burial was, he was supposed to travel to elsewhere.

He had already reached his destination and the next day, they started calling and looking for Willis. Then later on, we realized what happened. So, they mutilated the body. Whenever I discuss about Willis, it is so painful. He was such a humble neighbour and a good friend. They mutilated the body in pieces. That was so inhumane. These victims in recent months have endured an imaginable suffering with the bodies bearing signs of the brutal torture.

The trend is not just tragic but also painful to the family and also a reflection of an escalating crisis in our society. In October alone, over 20 murders have been documented across the country. So, I feel strongly that this number alone is a concern, especially with the sheer brutality of how crimes are committed and no suspects have been apprehended so far.

So, how are we expected to explain to our communities and families who look up to us for support and protection? I must underscore that in this alarming reality right now in our society, law enforcement agencies are falling short of providing safety and justice to our citizens. Moreover, law enforcement agencies must work to rebuild with the committees they serve.

As I conclude because my time is up, let us take a moment to acknowledge the pain and suffering of the families that have lost their loved ones.

The other day when we were at the Standing Committee on Justice, Legal Affairs and Human Rights, I was surprised when I asked the Director of Criminal Investigations (DCI) what they are doing so far after they found a mutilated body of an MCA after one-and-a-half months. They said, until now they are not sure because they are unable to do the DNA. Imagine matching the body of the deceased. So, how painful is that? This is an MCA. He needed to be protected because he was a leader. So, it is unfortunate that even the DCI, the Director of Public Prosecutions (DPP) and the rest cannot explain the murders that are going on. We condemn the brutality.

The culprits have to be brought to book. Seriously, it is painful to all our communities. You can imagine Willie's story, it is all over the news every day. Until now,

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we are just being told stories and also the family cannot lay him to rest until the investigation is complete. So, it is unfortunate that the country is going through this. Seriously, are we heading to the dogs? I am saying it with bitterness.

Twenty lives have been lost within one month and no explanation has come out for Kenyans to understand why this is happening---

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Sen. Hamida.

*(Question proposed)*

The Motion is now open for contribution by Senators.

I call upon Sen. Tabitha Keroche of Nakuru County to contribute.

**Sen. Tabitha Keroche:** Madam Speaker, Sir, I thank you for giving me this opportunity to contribute to this motion.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Tabitha Keroche, is it possible for “Madam Speaker, Sir”, to be in the same sentence? You have to choose.

**Sen. Tabitha Keroche:** My apologies, Madam Temporary Speaker.

So, Madam Temporary Speaker, thank you so much for allowing me to contribute to this Motion. I want to thank Sen. Oketch Gicheru for bringing up this Motion.

I want to take this opportunity and condemn the abductions and the femicide murders that are happening in this country. It is sad that we have security in place and that we seem to be helpless; it looks like we are helpless when murders of our young girls are happening in this country. I want to take this opportunity to send my sincere condolences to all the families, and the parents that have lost their loved ones.

I know how painful it is, especially losing a young person whose future was very bright because you can look at all these children who are all in their universities, and they look very bright children.

We want to ask our security to save us from the torture that the parents and the families are going through. Even the process of finding, justice for those children is torture. Why would we, as a country, just sit there so helplessly and allow such crimes to happen in our own country when we can arrest such heinous murders?

Mine is to urge our Government, the one that we elected with a lot of love, to ensure that they look and see what is not happening in our security system. If we have the wrong people in the security system, remove them. There is no way we can allow parents; we have seen them on national television. We have seen the murders that have happened in this country. I look at them, and I feel for them and wonder.

Even the process for them even to try and start looking for the justice for their children is painful. How it tortures somebody. We can only pray to God to give them strength so that they can be able to fight for their justice.

Even in the courts; trying to go to the courts to look the justice is the most tedious process that a parent can go through or a family member can be taken through.

How can it be prevented? I do not think there is much that we, as Senators, can ask about how it can be prevented. We can all sit down now here and watch when such murders are happening to our children and we just continue allowing this.

As women, we will come to a point now where we will lay down our tools and say, now we need to stand for the rights of women, especially since they were young women, who we know, whatever we are looking at---

*(Sen. Tabitha Keroche's microphone went off)*

**The Temporary Chairperson** (Sen. Veronica Maina): You will have one minute. I know you have gone through a hard experience on this, so just finish.

**Sen. Tabitha Keroche:** We know how hard it is for a woman to rise to a certain higher level. When we see our young women being killed like this, we are trying to show that women cannot reach a certain level. We are not seeing the boys being killed like the way the girls killed. We are, however, not saying that they should die. It is frightening and shocking. As women leaders, we cannot stand and watch when this is happening. It is frightening and sad. I can tell you for free that it will take a long time for the parents to forget how they have been tortured. It will damage the progress of those---

*(Sen. Tabitha Keroche's microphone went off)*

**The Temporary Chairperson** (Sen. Veronica Maina): Thank you, honorable Senator.

Sen. Betty Montet, proceed.

**Sen. Montet Betty:** Thank you, Madam Temporary Speaker. Allow me to pass my condolences to the families that have lately lost their loved ones. The stories we hear are very painful. Sen. Sifuna has said that it was very difficult to watch the bodies of Ms. Wario, the daughter Amina and the niece, who were murdered recently. I pass my condolences to the family. This must be a very difficult time.

Recently, a nominated Member of the County Assembly (MCA) from Kirinyaga County, Hon. Njeri, lost her daughter, Seth. We have also seen in the news lately the murder of the Wells Fargo Human Resource (HR) boss, Mr. Willis Ayieko. I pass my condolences to the families. May their souls rest in peace.

Madam Temporary Speaker, the whole nation has to tackle this. I believe as much as these people are criminals, these are issues which churches and mosques should be encouraged to talk about so that Kenyans can have some sense and respect for life. It is so saddening to see the way the murders are being carried out. Human beings have become animals and do not value life any more.

In fact, I wonder how many other murders are not being highlighted in the news. We only see what comes to the news. I am sure there are many others happening, which are not highlighted. Maybe the family members have never known that their loved ones have been murdered because in Nairobi, most people live on their own and their families may be far away. Sometimes, it could take time to realize that your kin is missing.

As the police is told to up the game, we should also have a discussion as a society in this nation because it is now getting out of hand. Every day of the week, we hear these things. Sometimes back, I heard a Senator say that it is so disheartening to watch news because any time you are watching news on our local televisions, all what you see is

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murders here and there; that a body was found or someone has been murdered or is missing or abducted and they are later found dead.

So, this is an issue of national importance, something that all arms of Government should address urgently. Let us come together to see what is happening and what we can do to improve. Whether it is the police, let us discuss and see what can be done. If it is the judiciary, let us see whether these cases that come up of the murderers when they are caught can be hastened so that people can be deterred or if they know that if you are caught, your time is up.

Madam Temporary Speaker, I thank the Senator who has brought up this matter. Let us not stop it here. Let us put it out there for the nation. Let it be a discussion that we all hold and see what we can do to avoid and prevent these killings.

I know they are taking care of young girls and women because we are weaker. However, when you look at the way the Eastleigh murder was committed, if people know that there are CCTVs all over, whatever you do will be followed. It will be a matter of time before they catch up with you. Then, I am sure these murders are going to reduce.

What is happening is not interesting at all. It is sad for our nation, for us women, and it is disheartening.

Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Senator. Sen. Abass, proceed.

**Sen. Abass:** Thank you, Madam Temporary Speaker. I want to thank Sen. Oketch Gicheru for bringing up this issue because this is a weighty matter that needs the attention of everybody in this country.

Lately, Kenyans are experiencing a wave of murders, abductions and arbitrary arrests. Who is doing this kind of business? Is it the Government or the security agents? Kenyans have been kind. We are surrounded by many countries that have a lot of security issues and fallen governments, and many people have found their way to Kenya. They are able to access our identity cards, passports and own properties, and nobody has even vetted this guy.

We have criminals, money launderers, murderers and rapists coming to this country. Therefore, we are not safe.

I want, first and foremost, to condole with all Kenyans who lost their loved ones, especially the family of Dawit and the kids. They have Daud and her children.

The last time when there were demonstrations, many Kenyans lost their lives. To date, they have not been accounted for. So many young men and women who just wanted to demonstrate lost their lives. They have not been accounted for. I do not know where they have been held or if they are dead.

I have lost one elected MCA, the Minority leader of the Wajir County Assembly. To date, there is no communication. The last time we rushed to Wajir, we were told that the body was found. His body was mutilated. You know you kill somebody, and then you start cutting the body into pieces; it does not make sense. Even the criminal has to be listened to; the criminal has a right to be represented and a right to be taken before court. Even the ladies in Eastleigh, their bodies were mutilated. The young girl was raped, and the limbs were cut.

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So, what is happening in this country? Criminals are hiding because we have arbitrary arrests of people, abductions and extra-judicial killings. Then you do not know who the criminal is, the Government representative or the agency.

Kenyans must wake up and say, "Enough is enough." We must be able to separate Kenyans from criminals. We must live in peace and do our business without fear. We must be innovative.

The taxi driver who killed those ladies was somebody close to them. He was known to the ladies. That is a criminal!

According to the stories going around, he has killed many other people in the past. I do not know where he came from. That shows that he had a temporary Driving Licence (DL), Identification Card (ID) and a passport. He is a criminal hiding as a Kenyan citizen.

Corruption has spoiled this country. It is high time we said enough is enough.

Madam Temporary Speaker, social media should be censored. I am talking about *TikTok* and the like because that is where criminals get to know many funny things from.

What is happening today is not normal. We are having murders, killings and rape. Every other day, you see in the newspapers that parts of a body have been found. We have not been experiencing that in Kenya.

The loss of Dahabo Daud, her daughter Amina Dahir together with her niece, Nusayba Abdi and the rest of the Kenyans who are missing is unacceptable. This country has the most learned and intelligent security officers. Our security officers and intelligence-

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*(Sen. Abass's microphone was switched off)*

**The Temporary Speaker** (Sen. Veronica Maina): Your time is up, Sen. Abass.

Next is Sen. Sifuna, the Senator for Nairobi City County.

**Sen. Sifuna:** Bi. Spika wa Muda, kwanza, sisi wakaazi wa Nairobi tunazidi kutamaushwa sana na matukio haya kwa sababu visa vingi vinavyotendeka katika kaunti hii vinahusu wakaazi wa Nairobi.

Huyo dada aliyetwa Waris Dahabo Daud, mwanawe Amina Dahir na mpwa wake Nusayba Abdi walikuwa wakaazi wa Nairobi. Willis Ayieko pia alikuwa mkaazi wa kaunti hii, kama Sen. Kibwana alivyothibitisha kuwa alikuwa jirani wake. Ni Victoria Mumbua pekee aliyekuwa dereva wa taxi kule Mombasa ambaye mwili wake ulipatikana kule Nakuru. Yule dada mdogo aliyejulikana kama Seth Nyakio aliuwawa maeneo ya Thika.

Juzi, dada mmoja aliyetwa Lilian Muhavi alipatikana amenyongwa na mwili wake kutupwa kando ya barabara ya Naivasha kule Kawangware hapa jijini Nairobi. Kuna dada mwingie aliyetwa Vivian Kajaya, mkazi wa Nairobi kule Kawangware. Mwili wake ulipatikana umetupwa Nakuru baada ya kuuawa.

Bi. Spika wa Muda, ninavyokuhesabia visa hivi vilivyotokea katika majuma machache yaliyopita, hao ni wanadamu zaidi ya wanane ambao walipatikana. Hao ni baadhi tu ya walioripotiwa katika vyombo vya habari. Hatujui kama kuna wengine ambao kesi zao hazijaangaziwa na vyombo vya habari. Hiyo inaonyesha kuwa kuna genge la watu ambao wana uwezo wa kumchukua mtu kwenye barabara katika jiji hili na kumtendea unyama ambao tumeona dada na ndugu zetu wakitendewa.

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Hata MCA wa Wajir County, Mhe. Yusuf Hussein Abdi, alichukuliwa akiwa kwenye barabara za Nairobi. Sisi kama viongozi wa Nairobi, tutazidi kusesitiza kwamba asasi zetu za usalama lazima ziwajibike ili kutoa majibu kwa familia hizi na pia kuonyesha wakaazi wote wa Nairobi kwamba kuna usalama wa kutosha ili kuhakikisha kuwa watu wanaishi kwa amani.

Bi. Spika wa Muda, tulipozungumzia swala hili mapema leo aduhuri, kuna dada zetu waliokuwa wanatoa pingamizi kwamba labda tunasema sio swala la kina mama pekee kuuawa. Kusema kweli, takwimu zinaonyesha kwamba wengi wa walioathirika na visa hivyo ni kina mama na hatujakataa. Hata hivyo, naamini kwamba hakuna aliye salama hadi sisi sote tuwe salama.

Ndio maana nilipopata fursa ya kuketi na Inspekta Jenerali wa Polisi, Bw. Douglas Kanja, wengine waliniuliza kwa nini sikuwa naketi na Bw. Koome. Mnajua uhusiano wangu na aliyekuwa Inspekta Jenerali wa Polisi, Bw. Koome.

Koome alikua ananiandama kama mnyama, mimi pamoja na Kiongozi wa Waliowachache, Mhe. Stewart Madzayo. Tumeona kifo na macho yetu chini ya mkono ya Koome. Mimi singeweza kufika kwenye ofisi ya Koome na nafurahi alituondokea. Tunaomba huyu ndugu yetu, Douglas Kanja, awe tofauti na Koome kwa sababu serikali hii ilhaidi kwamba, chini ya uongozi wa Dkt. William Ruto, haya matukio yatakuwa matukio yaliyopitwa na wakati.

Tulikuwa Kaunti ya Vihiga na Mhe. Osotsi. Inawezekanaje wakati huu wote tunajua kwamba watu wanauwawa na miili yao kupatinaka katika mpaka wa Kaunti ya Siaya na Vihiga? Hatuwezi kuweka *patrols* za polisi katika mpaka huo? Kila wakati, miili inapatikana katika mto ulioko kwenye mpaka huo. Itawezekanaje jeshi la polisi haliwezi kuchuka hatua kwamba maeneo ambayo yanajulikana wazi kama matimbo na maeneo mengine ambayo mili ni kawaida kupatikana, kuwa na surveillance ya kutosha kuhakikisha kwamba mambo haya hayaendelei?

Nitazidi kuongeza sauti yangu kwa ajili ya haki kupatikana kwa familia hizi. Kama nilivyosema hapa mchana, nilipoenda makafani ya *City*, ungeona hali ya miili ya Dhahabu na mwanaye, ulikuwa katika hali mbaya sana. Hii inamaanisha kwamba walipitia kifo cha uchungu sana.

Hata zile ripoti ambazo tumepata kuhusu mwili wa ndugu yetu, Willis Ayieko ulivyokuwa, inamaanisha kwamba alipitia mambo magumu sana kabla ya kuaga dunia.

Swali ambalo tunajiuliza ni kwamba, kwa sababu operesheni kama hio inachukua muda sana, inawezekanaje kwamba umuweke mtu mahali kwa wakati huo wote na kumkata kama kuku ama kumchinja---

*(Sen. Sifuna's microphone went off)*

**The Temporary Speaker** (Sen. Veronica Maina): Give him one minute to finish the sentence.

**Sen. Sifuna:** ---bila mtu yeyote, hata chifu ama watu wa nyumba kumi ama ile *local security arrangement* kujua kwamba kuna tukio fulani linatendeka?

Hata hapa Nairobi City County, tulikuwa wakati ambapo tulizindua mfumo wa Closed Circuit Television (CCTV), zile kamera za kunasa matukio katika jiji letu.

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Nilipomwuliza Douglas Kanja aliniambia ni asilimia sitini pekee ya jiji la Nairobi ambalo lina hizi kamera za CCTV. Kwa nini isiwe asilimia nia moja kwa sababu tuliambiwa kwamba mfumo huo wa CCTV ulikuwa umeimarishwa hapa jijini?

Namalizia kwa kutoa pole zangu kwa familia hizi zote ambazo zimeathirika, na kuwahaidi kwamba, *for as long as* tuna sauti kama viongozi, tutazidi kutumia sauti zetu kuhakikisha kwamba haki inatendeka na wale ambao wamehusika wanaletwa mbele ya sheria.

Asante.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Hon. Senator.

Sen. Cherarkey, Senator for Nandi County, please, proceed. I do not want to say anything. You have heard the cry of your colleagues.

**Sen. Cherarkey:** I did not hear their cry. I rarely listen to such cries.

Madam Temporary Speaker, let me make four points, but I will be sensitive.

One, I have just looked up at the definition of the word femicide. It means “somebody being killed on the account of their gender, especially by men.” That is how it is defined.

Secondly, it is sad that, from 2016 up to date, more than 500 women have been killed through femicide. In fact, this year alone, 34 cases of femicide have been reported up to yesterday. In January this year alone, 10 women were killed. Most of these victims are women in their 20s and 30s. I was discussing this with another psychologist, who told me because of societal pressures, some of these young women are in abusive relationships; Intimate Partner Violence (IPV), which is common among people in relationships. If it among people who are married, it is spousal, where it is bordering gender-based violence.

So, the issue of femicide is a serious issue. It is happening in relationships, in campuses, and it is sad that women of 20 to 30 years are the biggest victims, yet essentially, they should be productive. So, the intimate partner violence is a serious issue that defines femicide in this country.

Madam Temporary Speaker, in 2023, there were 152 killings of women on gender-based cases. I would like to ask the Director of the Directorate of Criminal Investigations (DCI), Mr. Amin, that, when an issue becomes of national concern, they should form a special unit to address issues of femicide cases, as the President declares it a national disaster. I join my colleagues who have said this should be a national disaster. Let the DCI form a special unit that can handle femicide cases.

Madam Temporary Speaker, when you walk to most of the police stations, there are no gender reporting desks. We only have a few in county headquarters. We want them as near as the divisional police headquarters so that such issues can be reported.

Madam Temporary Speaker, on the stigma that comes with it, the society must be on the lookout and ask the young girls and women to not be comfortable in relationships with men they do not trust. I know trust is one of the most expensive currency in relationships. We should ask them to be careful and weigh situations and not bow to societal pressures.

We have heard Sen. Abass talk about it. Most of these things happen through online dating apps where young women go online although, they have a right to associate with whoever they want to but at least, they need to be careful. I remember former President

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Uhuru Kenyatta used to say that security starts with you. As we call the police, we know we cannot get them to police everyone but the society needs to be very careful and ask our young men and women to avoid toxic relationships that might lead to GBV and femicide.

Madam Temporary Speaker, I also speak on behalf of athletes. We have lost many athletes to that. We lost Agnes Tirop who came from my village through this GBV. She was killed in Iten. The investigations are still ongoing and we ask the Judiciary to speed such cases. The most recent one was the one for the Ugandan athlete, Rebecca Cheptegei, a marathoner. It was very tragic. She was buried the other day. We also lost Damaris Mutua and we have just lost Samson Kandie, one of the famous marathoners. One of the suspects is the wife. While women are affected by this issue, men also are affected.

Even in the sports world, we are losing many female athletes and most of the perpetrators are partners, husbands, boyfriends and people close to them. As a society, I call upon all religious organizations, the Muslims, Christians and the Hindus – and I am told the Hindu want a holiday – to be at the forefront to fight this vice.

I thank Sen. Eddy. I have heard him talking about the extra-judicial killings, forced disappearances and abductions. That is a serious concern. I would like to inform Sen. Eddy in closing that when I was once the powerful Chairperson of the Committee on Justice, Legal Affairs and Human Rights, we investigated such cases and the report is available for his perusal.

Madam Temporary Speaker, I support this Motion. Thank you.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Senator.

Sen. Madzayo, Kilifi County Senator.

**The Senate Minority Leader** (Sen. Madzayo): Asante, Bi. Spika wa Muda. Kwanza, ningependa kutoa rambi rambi zangu kwa familia, jamii na marafiki wote wa hizi familia ambazo zimeathirika kwa wapendwa wao kuuwawa katika hali ya kinyama na sintofahamu.

Pia, ninatoa heko kwa ndugu yangu na mdogo wangu, Eddy, kwa kuwasilisha Hoja hii ambayo imeleta msisimko mpya ndani ya Bunge letu la Seneti. Tumeona Wakenya wanauwawa kiholelaholela na bila sheria na bila hatua yeyote kuchukuliwa na polisi.

Kitu cha kwanza ningependa kutafakari vizuri ni kwamba, kuuu watoto wadogo, tena watoto wa kike; watu ambao hawezi hata kupigana ama kujiregeshea ngumi au kusukuma mtu. Wewe unaenda unapata watoto wa kike wameketi mahali, ama kwao nyumban au wako barabarani; halafu mnawashika kwa nguvu na kuwaingiza ndani ya gari ama, mnawadaganya na mnaenda nao mahali fulani halafu hapo panapatikana na vifo.

Bi. Spika wa Muda, hilo ni jambo la uchungu kuona watoto ambao hawawezi kujitetea wanapatikana katika hali hiyo. Kitu cha kukemewa zaidi ni kwamba watoto hao wapatikana sehemu zao za nyeti haziko, macho na matiti hayapo.

Ni hali ya kinyama kiasi gani kwamba Mkenya, hata kama wewe ni jangili au muuwaji unaweza kumkata matiti na sehemu zake za nyeti mama ambaye hawezi kujisadia? Wewe ni binadamu wa namna gani? Kitendo kama hiki ni cha kukemewa na Wakenya wote.

Kitu cha kushangaza ni kwamba, sisi tuna watu wanaopelekwa shule Kiganjo. Hawa ni polisi ambao wamesomea kulinda mali, haki na uhai wa watu. Katiba inasema uhai wa kila Mkenya utalindwa na Serikali. Hawa polisi ninauliza wako wapi?

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Tunawaona tu wakati wanataka kututupia *teargas*, mimi nikiwa na Sen. Sifuna. Tunawaona tu wakati wanataka kuonyesha sehemu zetu za siri kwa magazeti

*(Laughter)*

Hawana maana. Washindwe kabisa!

Bi. Spika wa Muda, ni jambo la kusikitisha. Si jambo la kucheka. Mtu kama Willies Ayieko, alikuwa anafanya kazi kwa Wells Fargo.

*(Sen. Sifuna spoke off record)*

Sen. Sifuna anasema amebeba. Sikuona mimi. Nasema tu ya kwamba ni jambo la kusikitisha hivi leo ikiwa mtu mzima kama yule, aliyekuwa hana ubaya na mtu anaweza kupoteza maisha yake kiholela namna ile halafu anatolewa macho. Hata kama ni uhalifu, umefikaje kiwango hiki?

Mwisho, huyu Inspector-General wa Polisi, Bw. Kanja, tuliyemchagua hivi majuzi, ninataka kumwambia aamke kutoka kwa huo usingizi; aamrishe askari wake wafike kila mahali. Vile vile, vitengo vingine vya uchunguzi kama vile Kitengo cha Ujasusi wawape wananchi ripoti za ujasusi na hatua zilizochukuliwa.

Tunakemea sana. Lazima hatua kali zichukuliwe dhidi ya wahalifu hao. Hoja hii ambayo imeletwa na ndugu yangu, Sen. Oketch Gicheru, naomba tuichukulie kwa uzito mwingi sana.

Asante, Bi. Spika wa Muda.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Olekina?

**Sen. Olekina:** Madam Temporary Speaker, it is sad that in the 21<sup>st</sup> Century, we are discussing about femicide. This is the time we should be discussing about equality and not even equity because women in our society contribute and they play a critical role in the development of our culture and society. However, it is sad. This is a matter that we cannot take lightly.

Let me start by thanking the distinguished Senator for Migori for causing this House to adjourn to discuss this issue of critical national concern.

It is sad when we turn on our television stations to watch the news and we are told that a young girl was kidnapped and killed, a mother and two of her two daughters were killed and bodies were spread across two counties. It begs the question of whether we have a criminal justice system in this country.

When you talk about the issue of femicide, others might argue that it is systemic, gender-based discrimination; that it is in the system, systemic. Some people consider it sort of heroic to discriminate or hurt women. It is barbaric, to say the least. There is nothing heroic in someone who knows that they cannot control their destiny to turn their guns and kill someone who cannot defend themselves.

This House must stand very firm for the lives of those young girls who were killed: The young Somali woman who was killed in Nairobi County, the young girl who was a taxi driver, who was killed in Mombasa County and even the young girl who was killed in

Kiambu County and various other areas. It is wrong and we must say it as it is, that it is wrong and barbaric.

Madam Temporary Speaker, we have to ask ourselves whether, as a country, we have laws to protect our young women who in most cases cannot speak for themselves.

We are elected, we are here, not because of a right. It is a privilege; we are given an opportunity to come and represent our people. We pass laws. So the first question to ask is this, does this country called Kenya have laws to protect women?

Today, as I stand here, I want to argue that dealing with the issue of femicide is a multi-agency approach. We find Non-Governmental Organizations (NGOs) talking about the protection of women. We find Government institutions talking about the protection of women, of our girls.

I am a father of girls. God has blessed me with two beautiful girls and maybe more to come. I want to know that as long as God allows me to breathe this free air, I will be able to be counted as one of those people who protected their daughters.

So, as I stand here, I need to analyze and critique our criminal justice system, and our legislative journey, to see whether it is Parliament or is it the Executive that is failing.

We have laws to protect our women, and we have laws to protect our young women from domestic violence. The challenge is that the implementation is wanting.

Sometimes because of our cultural norms, it is easy to say, it is okay, let us just deal with it. However, it is about time that now, we put our priorities right. We must ensure that our criminal justice system, our law and order, protect these young girls.

The only way that Kenyans can be convinced that, yes, indeed, we are determined, not only as a House that makes laws but also as Executive that implements those laws, is by making sure that those people who kill these young girls are arrested, and justice must be given to those families.

Madam Temporary Speaker, I hear, and I hope that you will give me some more time, because I am the last speaker, and we end at 6.30 p.m.

I have listened to my colleague, Sen. Sifuna, and he has alluded to the fact that we spend billions of shillings to secure our urban centres. We have CCTV cameras all over.

We know that Nairobi City County was not able to deliver that function. So, under Article 187 of the Constitution of Kenya, they had a collaboration with the national Government. There was the creation of something called the Nairobi Metropolitan Services (NMS), and there was a command centre.

It is time for us to follow up and say, that command centre, what is it for? Or, is it one of those incidences where a command centre comes, people come in there, put CCTV all over, create a command centre and you do not pay them bills, so they end up sabotaging it?

If that command centre is there, then, by all means, the Inspector General (IG) should sit there and arrest or follow those people who killed these young girls, and they are running a mock across two counties, Machakos and Nairobi, dispersing different parts of the bodies. We need to ask those questions. This is so painful that we must push forward.

I thank Sen. Oketch Gicheru for causing this House - and I hope that our distinguished Members of this House, all of them would have been here because of the weight of this matter.

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I want Kenyans out there to know that we will not relent until we get to the bottom of this issue. We need to make sure that our girls are protected.

One of my biggest pet peeves is that some people think that they will breathe this air for centuries and centuries and generations. We are just a passing cloud. Our time will come and we will go.

I will not sit here knowing that I am a father of two beautiful young girls, and when other women and young girls are being kidnapped out there and being attacked, I cannot speak for them. Who will speak for them?

So, there are three things, that I want to summarize my argument on---

**The Temporary Speaker** (Sen. Veronica Maina): I will give you two minutes.

**Sen. Olekina:** Madam Temporary Speaker, thank you for the two minutes.

I want to reiterate that this is a multifaceted issue that requires a concerted effort from the Government, civil society, and communities to address it. Let us talk about, uh, you know, *Nyumba Kumi*. Let us talk about our implementing arm of the Government, our criminal justice system.

I have a lot of confidence in the IG. I want to request him to take this matter seriously. Those three young girls or women who were killed in the Eastleigh, we need justice for them. That young girl, the taxi driver who was killed in Mombasa, we need justice for her.

Going forward, we want you to call a Press conference and tell us, these are the measures that you put in place to protect the girl child, to protect women in our society.

There is nowhere we are going to go without women in our society. You are who you are, Madam Temporary Speaker, because somebody protected you; somebody cared for you.

If we do not care about our young girls, then if no human being can judge us, the Almighty God will judge us and say, you are worthless; you are useless. Even Satan will not want our bodies to burn in hell.

*(Laughter)*

I am being very honest, Madam Speaker. If you cannot protect your young girl, a vulnerable person, then who are you?

I want to encourage my colleagues that next time when we are talking about this, all of us must be seated here to address those challenges but look at it. Seriously! Look at this House, very few people are here.

Is it that only Sen. Sifuna, Sen. Hamida Kibwana, Sen. Oketch Gicheru, the Senator from Wajir County, and Sen. Cherarkey? Is it the Senator from Turkana County, and my dear sister, Sen. Betty Montet, who only cares about women here? All of us, it behoves us to protect our girls. You know, so

Madam Temporary Speaker, let me not proceed further because this is very emotional. It is an emotive issue. I hope that the IG will take it very seriously and make sure that we protect our girls.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, hon. Senator. It truly is an emotive issue to be taken very seriously by everybody, including *Nyumba Kumi*.

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**ADJOURNMENT**

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Senators, it is now 6.32 p.m., and having concluded the business for which I extended the hours of sitting pursuant to Standing Order No.34(2)(a), the Senate stands adjourned until tomorrow, Thursday, 31<sup>st</sup> October, 2024, at 2.30 p.m.

I thank you.

The Senate rose at 6.32 p.m.