

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 3rd July, 2024

Morning Sitting

*The House met at the Senate Chamber,
Parliament Buildings at 9.30 a.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)

(Several Senators walked into the Chamber)

Order, hon. Senators. Kindly take your seats, so that we proceed with today's proceedings.

Hon. Senators, before I call the first Order, let me make some few remarks.

You are all aware of the happenings that have been taking place in this country. It is sad that we have lost Kenyans because of the happenings that have been going on. We, as a House, need to reflect on these happenings. It is a moment when, we, as leaders, need to do a lot of soul-searching.

The many issues that have been raised by those who have been protesting cannot be wished away. Nobody is better placed to address those issues other than the leadership, and more particularly, the Senate.

The Senate is the only House that goes to the grassroots. It is the only House that protects the counties and their governments. Therefore, it is this House that must rise to the occasion. We have to confront the realities of today as a House and as a leadership. If there is a day that this country yearns for leadership, it is this day.

Hon. Senators, in memory of the departed fellow Kenyans, I call upon all of us to rise and observe a minute of silence.

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(Hon. Senators stood up and observed a minute of silence)

Thank you. You may be seated.

(Hon. Senators resumed their seats)

May God rest their souls in eternal peace.
First Order, Clerk.

(Sen. Gataya Mo Fire walked past the Dispatch Box)

Sen. Mo Fire, kindly take your seat as I do the first Communication.

COMMUNICATION FROM THE CHAIR

CONSIDERATION OF NATIONAL ASSEMBLY AMENDMENTS TO THE EQUALIZATION FUND APPROPRIATION (NO.2) BILL (SENATE BILLS NO.30 OF 2023)

Hon. Senators, at the morning sitting of the Senate held on Wednesday, 26th June, 2024, I conveyed a Message from the National Assembly on the passage with amendments by the National Assembly of the Equalization Fund Appropriation (No. 2) Bill (Senate Bills No.30 of 2023).

Pursuant to Standing Order No.165 (2), the Senate is required to make a determination on the National Assembly amendments to the Bill, upon a Motion that the amendments by the National Assembly to the Equalization Fund Appropriation (No.2) Bill (Senate Bills No.30 of 2023) be now considered.

Hon. Senators, as a matter of procedure, I hereby commit the National Assembly amendments to the Bill to the Standing Committee on Finance and Budget. The Standing Committee will be required to consider the amendments and make a report to the Senate with recommendation on whether the Senate adopts the National Assembly amendments to the Bill or otherwise.

The report of the Committee will facilitate the Senate in deciding on the Motion referred to herein above. In this respect, therefore, the Standing Committee is hereby directed to table its report by Wednesday, 10th July, 2024. Kindly be guided.

NOMINATION OF DR. PATRICK AMOTH AS DIRECTOR GENERAL FOR HEALTH

Hon. Senators, again, I have a Communication to make on the nomination of the person for appointment as the Director General for Health.

Vide a letter, Ref. MOH/ADM/VOL III/2023, dated 21st June, 2024, my office received communication from the Cabinet Secretary, Ministry of Health, submitting the name of Dr. Amoth Patrick Omwanda as the successful candidate for the position of

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Director General (DG) for Health, following a competitive recruitment exercise conducted by the Public Service Commission (PSC).

Section 16(2) of the Health Act requires Parliament to vet the nominee submitted by the Cabinet Secretary for appointment as the Director General for Health. The said section states as follows-

“The Director-General for Health shall be recruited by the Public Service Commission through a competitive process, vetted by Parliament and appointed by the Cabinet Secretary.”

Section 8(1) of the Public Appointments (Parliamentary Approval) Act states that a Committee shall consider a nomination and table its report in the relevant House for debate and decision within 28 days from the date on which the notification of nomination was given.

Hon. Senators, this being a matter of immense importance in the provision of public health facilities, I hereby refer the request of the Cabinet Secretary for Health to the Standing Committee on Health for further processing pursuant to Standing Order No.77 of the Senate.

The Standing Committee, working jointly with the relevant Departmental Committee of the National Assembly, will be required to consider the request, undertake approval hearing and table a report within 28 days pursuant to Section 8(1) of the Public Appointments (Parliamentary Approval Act).

The Committees are expected to forthwith jointly commence the vetting process of the nominee, ensuring that the committees notify the candidate and the public of the time and place for holding the approval hearing in accordance with Standing Order No.77(2) of the Senate and the corresponding Standing Order of the National Assembly.

Kindly be guided.

I have got a further communication to make.

AMENDMENTS TO THE SENATE STANDING ORDERS

As hon. Senators may recall, at the Sitting of the Senate held on 28th May, 2024, the Senate adopted the Second Report of the Procedure and Rules Committee (PRC) on the review of the Standing Orders of the Senate. The amendments relate to interpretation of terms, quorum of the Senate during division and voting, pre-publication scrutiny on Bills, functions of Standing Committees, and the procedure on consideration of Petitions in the Senate.

The amendments have been inserted as an Addendum to the existing Standing Orders for ease of reference. I appeal to all hon. Senators to familiarize themselves with these amendments, which pursuant to the Resolution of the Senate made on 28th May, 2024, took effect from Tuesday, 25th June, 2024.

I thank you.

Next Order.

Take your seats, hon. Senators as I pass this message.

MESSAGE FROM THE NATIONAL ASSEMBLY**APPROVAL OF THE SENATE AMENDMENTS TO THE INDEPENDENT
ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO.10 OF 2024)**

Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No. 46(3) and (4), I received the following Message from the Speaker of the National Assembly regarding the approval by the National Assembly of the Senate's amendments to the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bills No.10 of 2024).

Pursuant to the said Standing Orders, I now report the same Message.

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

WHEREAS on the 11th June, 2024, the Senate considered and passed the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bills No.10 of 2024) with amendments and referred the Bill to the National Assembly for concurrence; and,

WHEREAS on the 20th June, 2024, the National Assembly considered and approved the Senate's amendments to the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bills No.10 of 2024), pursuant to the provisions of Article 112(2) of the Constitution;

NOW THEREFORE, I hereby convey the said decision of the National Assembly to the Senate. Consequently, in accordance of provisions of Article 112(2) of the Constitution and Standing Orders No.41(1) of the National Assembly Standing Orders, I will present the Bill to the President for assent.

I thank you.

Next Order.

Yes, the Senate Majority Leader.

PAPER LAID**REPORT ON THE SOCIAL HEALTH INSURANCE (GENERAL)
REGULATIONS, 2024 AND THE SOCIAL HEALTH INSURANCE
(TRIBUNAL PROCEDURE) RULES, 2024**

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, Wednesday, 3rd July, 2024-

Report of the Standing Committee on Delegated Legislation on its consideration of the Social Health Insurance (General) Regulations, 2024 and the Social Health Insurance (Tribunal Procedure) Rules, 2024.

(Sen. Cheruiyot laid the document on the Table)

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The Speaker (Hon. Kingi): Next Order, Clerk.

NOTICE OF MOTION

THE CURRENT STATE OF THE NATION

The Speaker (Hon. Kingi): Proceed, Senate Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to give notice of the following Motion-

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

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

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

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

NOW THEREFORE, the Senate-

(1) Calls upon-

(i) the National Assembly to expeditiously consider the Presidential Memorandum pursuant to Article 115(2)(a);

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

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

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

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

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

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

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

The Speaker (Hon. Kingi): Next Order, Clerk.
Proceed, Senate Majority Leader.

MOTION

THE CURRENT STATE OF THE NATION

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

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

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

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

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

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

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

Mr. Speaker, Sir, as we are gathered here this morning, I wish to appreciate the fact that before the commencements of the sitting, you led us as a House, in a minute of silence to reflect and think deeper on the issues that our country is facing at this moment. We took time to commiserate and feel the pain and burden that is with the families and friends of, as per the count of the Kenya National Commission on Human Rights (KNCHR), 39 persons that have, so far, lost their lives in the last two weeks during these demonstrations.

I wish to go on record that we acknowledge as a House that this is an indictment of us as the leadership in this country. We are in an extremely difficult place where, if not careful, not many countries have gotten to this point and turned back. There are some that after moments such as this, 20, 30 or 50 years later, they are still trying to turn back. Therefore, this calls for introspection, a rethink and serious empathy on our part as leaders.

I have said many times on the Floor of this House that the challenges that we face as a country, on many occasions, we have very limited choices on whether to tackle or not. However, the most important thing is what has been our input as individuals who are in a position of responsibility to get the country to a better space.

As I begin, I apologise at a personal level, not necessarily as the Senator for Kericho County or the Senate Majority Leader, but just as a leader that God has granted the opportunity to serve in a position of responsibility in this country. I would wish to personally tender my unreserved apology to the country, either by commission or omission or everything that I have contributed into getting us into the mess and the place that we are in.

(Applause)

Mr. Speaker, Sir, I have reflected deeply the last few days and looked through my own journey as an individual. I have asked myself very serious questions, trying to wear the shoes of the ordinary citizen and wondering how they feel at this particular moment about me as a person. I do not want to focus about any other individual or whichever office they occupy, but just me; a citizen of this country that God in his own wisdom granted the opportunity to serve in a place of responsibility. I also tried to retrace my steps to see what I should have perhaps done better.

Mr. Speaker, Sir, I have to be sincere that there were days in the night that I contemplated even quitting and said, perhaps other people can do it. However, this is not the time to quit. This is because quitting does not solve nor does it get us out of the hole that we are already in. If it is about getting out and running away, you first sort out the mess that you created.

Mr. Speaker, Sir, I am afraid and I know that this is the agony that many of my colleagues have thought through. Just to bring the country up to speed and appreciate

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why the Senate of the Republic of Kenya is seated this morning is that we had a session yesterday in the afternoon where we sat down as a Senate of the Republic of Kenya, off camera and not in this Chamber.

We sat somewhere together and reasoned. We asked ourselves what it is that we can make as our contribution. We are deeply embarrassed that it has taken young children to point to us that we are naked as their leaders. It is extremely troubling.

As I listened to many of the leaders yesterday in the afternoon as they shared their experiences regarding what transpired in the last few weeks, I realized that we are in extraordinary times and ordinary solutions that we proposed in the past cannot work this time.

Unless we are serious, genuine, honest or mean it, let us not begin this conversation in this House this morning. I would wish to put it on record that I come 100 per cent willing and committed, standing before the Senate and the Republic of Kenya, knowing very well that one way or the other, I have made a contribution. I am ready to be persuaded and led jointly, first of all, by the leaders that are here and by what we are being told by the people that are speaking in the public spaces and the conversation that is going on in the country on what we need to do to redeem and win back our country. This is so that people can reflect back.

Mr. Speaker, Sir, we have come up with this Motion. This Motion is just but the beginning of guiding the country towards solutions. We would wish to make a certain number of requests to you as our leader, together with the office of the Clerk that is here; that as Members will be speaking, let it be known that many of them will take time to paint the state of the nation. That is why we have titled this Motion; "The State of the Nation." As it is, with no filters or embarrassments; pointing and saying things as they are. That this is what is wrong, this is what we hear and spend the remainder or the later part of their conversation in proposing solutions.

There are those that we can do within us as Senate. There are those that we can do as a legislature, which is the National Assembly and us. There are things and solutions that we are being asked for changes to be made at the level of the Executive. We will make the recommendation.

There are those that constitutionally mandated institutions have to do. We have to interact with them and guide on how they will do them. As I have already pointed out, these are not normal times. Normal solutions will not get us out of this problem at this particular time.

Mr. Speaker, Sir, the request that we are making to you is that you get us staffers of Parliament who, as Members speak, will classify all these challenges that we are speaking to, and cluster them into the various thematic areas, so that we deal.

We are ready and willing to work, whatever time, over and above the call of duty, beyond even 6.30 p.m., if that is what it will take because unfortunately, we do not have time. That is the other issue that young people are telling us. That is what I hear when I listen to what the country is saying. We are willing and ready to work, so that we classify all these challenges and the various solutions that we are prescribing. Some of them have been suggested by other people outside the precincts of this House.

Many others will be shared by these Members because there are senior people here who are experienced. They know what the challenges are and what their contribution can be.

I want to appreciate the meeting that happened yesterday afternoon, where we agreed that not even apportioning blame at this particular time will rescue anybody. When the protesters showed up in Parliament last week, none of us was spared and rightly so.

Much as we may have wished that they should deal with the National Assembly because they are the ones handling the Finance Bill, they did not care. They just know that you are leaders and you are the ones who by whatever means that is possible have done this or the other.

As we begin our reflection as a Senate in the next few days, we should propose solutions with far-reaching implications. We should come up with answers to questions that we are being asked by our people, in both our private and public spaces, because this conversation has not spared anybody. It has not taken the traditional definitions or characterizations that we know about issues in this country. It has nothing to do with religion, tribe or class. These are unique challenges that have caught all of us.

Mr. Speaker, Sir, we request that when we get our staffers to serve as rapporteurs to classify the challenges as they will be enlisted by the various Members, say, for example, on the issue of corruption, and the proposals that are being made. Later on, when we sit to reflect and make our decisions after we have classified all the issues into the various thematic areas, we will retreat and reconvene as a House, to make the various far-reaching recommendations.

Mr. Speaker, Sir, whatever it is that we, as Parliament, need to do, if it is a change of law, we are willing to do it in record time. I know we have your cooperation and you will help us make that true. If it is a resolution of the House, specific to the various constitutional commissions and independent office holders, we will make a resolution.

There are two ways in which Parliament makes decisions. We either vote on a Bill or resolve on a matter and give it as a resolution of the House. We intend to pursue whatever means it will take to heal the country and make us better, as we have been challenged in the last few days.

The country is complaining of a broken system; that absolutely nothing works. That this is a rigged economy where only those with proximity to power and the advantage unduly given to them by the spaces they occupy; either in public or private institutions, are able to enjoy living in the country.

We are being asked to repair and fix it. Where this thing has reached, it needs an overhaul. I am afraid that the usual glue and gum that we put into areas that are leaking areas will not solve it this time because it is completely broken. If it is a pipeline, then it is time to decommission it and set up a new one. That is what why we being challenged on.

We are being told that everybody wants a fair shot at life and not just our children to get better chances of education. I grew up through a public education system from primary to secondary and university. It was the best at that particular time. People are complaining that, unfortunately, as it is today, nobody with a penny in this country can

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take their children either to public primary, secondary, or even university, because education system is completely broken.

The picture of the primary schools that we all went to, while it served and it worked at that particular time, public education is broken at this time. We must make radical decisions because that is what they are speaking to. They are saying: “While you guys are okay, what about a child of the ordinary person?”

Every time I lost sleep as I thought about the issues that we have been through as a country, I asked myself where it is that we, as leaders, have lost touch with reality. I did not grow up as a child of privilege for your information. I am 38 years old. I came to this Parliament at the age of 29. I spent the first 29 years of my life deep in the slums in Eastlands. I used to sell *simsim* like the children you see as you drive on our roads such as Ngong Road.

Many times when I see them, I reflect back, roll down my windows and share with them because I know they are complementing what their parents are doing. That is what sends those children out to the streets. I know what it feels like, but why is it that when granted such an opportunity, we are not able to make it better?

This is what we are being told as leaders. I believe that an opportunity to serve is to be reminded that we have issues, but they look at someone and think they have wisdom and ability to make it work for all of them. As you serve, can you make it possible for the rest of us to enjoy?

Unfortunately, either by design or because that is what the country is accustomed to, when we get the first line at the queue, we do not think about the second, third and onwards queues. We are satisfied that so long as I have had my serving at the table, that should be enough. That is what people are complaining about.

We are here to plead this morning. Grant us the opportunity to lead the country as the Senate of Kenya in making right and correct decisions, so that we do not lose our country. I say this at this particular time, so that people may know that in whatever we say and do, anarchy is not an option.

I wish to plead even to those leading these protests and demonstrations that if Kenya was to sink, unfortunately, nobody will be spared; not even them. I like the fact that many people have begun speaking out and saying that there are certain conditions that you must meet as a person in some of the solutions they are prescribing.

When you listen to what is being said in online spaces, you can clearly see that some of the solutions will get us into more problems than we already we in. Unfortunately, they are being prescribed on us by people who are not within the borders of Kenya. Like I have said, it is not time to apportion blame and point fingers. It is time to lead the country and point them to the right direction.

What our young people have done is that they have perhaps painted better than Galileo could ever paint a picture perfect of the reality of what it means to live in the Republic of Kenya today. Nobody could have done it any better. Therefore, we are duty-bound as an institution to lead.

Corruption has featured prominently in this conversation. In fact, at the heart of it, perhaps the Finance Bill was just, but a trigger. The bigger conversation that the country is having is on the issue of corruption and what we need to do.

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We passed the Constitution in 2010 and thought that at that particular time, we had finally succeeded to slay the dragon of corruption. This is a challenge that we have dealt with as a country for the past 50 years. What people are saying is that instead of getting better despite the fact that we have created independent offices, it has become worse.

That is a conversation that we, as a House, need to have. Something that we have not resolved at this point is that when we have the thematic areas, shall we resolve them as a Committee of the Whole? There is a big thinking that says given the national importance of this conversation, we cannot even relegate it to the committees. There are those who hold a slightly different view and we will take time to reflect.

I am willing to be persuaded as I listen to my colleagues when they will be speaking on whether we should deal with it as a Committee of the Whole. We must invite the Ethics and Anti-Corruption Commission (EACC) here and they must tell us why we are not succeeding. Is it because of the law? What do we need to do as a country?

Even this design where we have an officer from the EACC in every county--- Basically, they are quickly captured and become appendages of the corrupt system in our various counties. The same can be said nationally.

Mr. Speaker, Sir, if we are to be honest, I wish that the country also indulges us. Corruption is not only a problem of leaders, but it is a national problem. It is a value problem that we have as a people. We cannot just speak about what leaders are doing without taking time to consider how we should run our politics without using money.

How do we make politics less influenced and infiltrated by the power of money? Unless and until a country has that conversation, I am afraid we are not likely to win this conversation. Part of the proposal that must come out of here is the process of removing money out of our politics. That has destroyed the fabric of our society.

Listening to the President the other day, I liked the fact that this is a conversation many of us have had many times. He talked about the issue of *harambees* and presentation of resources. Perhaps it is time to ban it for us, as public officials, so that when I meet people, I tell them about policies that I have made to make their lives better and not Kshs2 million that I carry in my car to give them to build a classroom.

That is a challenge we must be willing to accept. I must repeat this. Until we separate money from our politics and the space of influence, it will continue to be a gold rush and the desire on every Member.

People do not know that the life of a politician in this country involves running from Monday to Thursday, collecting as much as you can, only to go and spend it from Friday to Sunday. In fact, most of that money does not even get to the houses of these Members. People do not know that.

If a Member makes, for example, Kshs1 million within a week, they will be very lucky if Kshs100,000 makes it to do anything in their house. This is because a sum Kshs900,000 goes back to the constituents. Therefore, we must remove that demand and the desire to see Members of Parliament (MPs), politicians and people in public offices as if they are tools for pushing resources and money.

That is just the effect. What we need to address here today is a structural fight. Those in the justice system and those involved in enforcing law and order must come

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here, so that we ask each other why it is difficult. The EACC must appear before us and tell us what we need to do.

We are now in the third cycle of county governments. Everybody knows why people can almost kill each other to be county governors. However, we do not have any solid case before any court of law that can point out what they have done as an institution, so that people know what they are doing. We will be willing because this has featured prominently.

We are being challenged as an institution on things that we have done and said, and even the laws that we have passed. We must make it difficult. It must pain people to break the system after we repair it. The punishment must be punitive, so that it gets to a point where people fear. Nowadays people do not fear to be corrupt in this country because they know the worst that can happen is that they will be taken to court, pay a bail then walk scot-free. Chances are they will enjoy that money until they die.

The EACC must come and tell us about the new jurisprudence that they are trying to establish. You will hear that somebody stole Kshs1 billion and says he is willing to part with Kshs300 million and the case is dropped. That is what happens, unless we did not read newspapers properly.

Good leaders, I have said that this is not the time to apportion blame. If there are things that they want us to change, is it their budget or the law as we defined it, so be it. Let us listen with an open mind and ask them to tell us what will respond to this particular issue.

Mr. Speaker, Sir, the Judiciary has been silent while all this has been going on. The only time I saw the Chief Justice speak was on the issue of abductions. Later on when her office was raided, she issued a statement or something to that effect. However, listening in to what we are being told in the conversation going around, part of the broken system is our judicial system. People know that even if you are taken to court, you can find your way around it and buy justice.

A country that sells its justice is not a country. If I know that all it takes for me to get away with murder is sufficient resources in my bank account, then that is not a country. Just like all of us in positions of responsibility, the Judicial Service Commission (JSC) must engage, guide and be willing to tell us what has happened.

If you listen to people who are speaking, they have shared their experiences of how they have been disinherited of properties that were left by their parents because a rich person showed up. As orphaned children, they could not put up a fight before our courts of law. That is not the foundation of a judicial system. We need time to reflect and JSC must tell us what we need to do.

Mr. Speaker, Sir, equal opportunity has featured prominently. Many people are saying that they know that all it takes for you to get employment anywhere is to have people of influence.

We have so many constitutionally mandated institutions such as the National Cohesion and Integration Centre (NCIC). Let us see the studies that they have done so far out of the millions that we have sent to them over the years. Are they just collecting *per diems* and travelling to Naivasha or have they done a scientific study that we can appreciate?

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The problem in this country is that people love proposing half solutions. That is what we are being told; that it is not enough. For example, it is not just enough to tell us that a certain community has this percentage of jobs in public service. Make recommendations.

Mr. Speaker, Sir, we are willing to come and pass a resolution of the House. For example, if it is established that the community that I come from has more than an equal share of opportunities in the various cadres and levels of Government, let us say that until such a time that others get an opportunity equitably, we do not give a chance to those from my community.

Unfortunately, after listening and reading the report from NCIC, you find that it is so basic. It is like the person who designed it just wanted to appease people with little facts here and there. For example, that Kikuyus and Luos have this percentage. That is not enough. Break it down; work like a serious institution.

Tell us how many Chief Executive Officer (CEOs) exist in public service and their distribution. Tell us how many senior level managers and ordinary clerks exist. We could be talking about a particular community that has a certain share, but they are all clerks and drivers. It is not the same. We need a more detailed study, so that you lead us, as a House, into making this conversation.

Mr. Speaker, Sir, I am trying to rush because I know time is not on our side. Governance on our value systems featured prominently in this conversation. We must put it either by law or by design. What is it that you do as a public official when certain things are said about you? How is it that in certain countries the system is so advanced that as a public official, even when you are just accused of having an extra marital affair, forget about stealing public resources, you are challenged.

You are told Mr. 'X', 'Y' and 'Z', if you cannot be faithful even to their partner, you cannot be faithful to the country. That their character has been found wanting. On such occasions, people are asked to step aside. They do the honourable thing and say, "I no longer enjoy the trust of the people. Allow me to pursue other things."

This is on personal matters. I am not talking about public issues. The problem with us is that even when we have been challenged on public issues, we still want to stick around and die. We all know of a famous quote where somebody once said that he would rather die than resign.

Mr. Speaker, Sir, on debt, I have a certain level of reprieve as a person, but it still does not help me. As I said, these young people that are speaking do not care. I voted against the debt question on the two occasions that it appeared before this House in the last term. The first time it was to move it to Kshs6 trillion and eventually when we moved it to Kshs10 trillion. However, that does not help. It is history.

You can point fingers and say who moved or did this, but it does not matter at this point. The thing we are being told first is that when Kenyans look keenly, they are trying to locate Kshs10 trillion in the country and they cannot see it. So, they are asking if we are sure that we owe Kshs10 trillion.

I have made public confessions. Those that served with us in the Standing Committee of Budget and Finance in the last term know that when we asked for Kenya's debt register, it was brought to us on an Excel sheet; no records beyond that. We

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were just being told that we owe this company this much and the rate at which we borrowed, so on and so forth. That pointed out to a problem.

In fact, on the day that I made my contribution and said that I rejected the approval of raising of the debt ceiling to Kshs10 trillion, that is one of the reasons that I raised that afternoon. I said that until Parliament has a counter copy of what the National Treasury is borrowing and we rearrange that whole space of our debt, we are not yet out of the woods.

Mr. Speaker, Sir, I do not want to spend a lot of time on the issue of debt. However, we are being told that a public audit of our debt situation is mandatory at this particular point. I know the Executive will do theirs, but even as Parliament, since it is we who failed in that regard, we must carry out our own, so that we countercheck with what the Executive is doing.

The Parliamentary Budget Office (PBO) can lead this exercise. Let us have that conversation even if they need the expertise of other audit firms that can help us. That can include international reputable established institutions who know about multilateral lending and financial markets because there are issues of Eurobond and other institutions that we have borrowed from therein.

Mr. Speaker, Sir, let us have that conversation, so that we, first of all, know our debt exposure. Even the debt ceiling change of law that we did earlier makes sense. We argued that we want to change how we calculate our debt status as opposed to having it as a static number; we make it a percentage of the Gross Domestic Product (GDP) because that is the more globally accepted standard. That is fine and I supported that Motion.

We said that we want to bring our debt sustainability to 55 per cent of the GDP in three years' time; it is now at 61 per cent. We have three years, but what is the plan? What did we learn from the past? How comes we did not tie that particular legislation neatly when we were passing it?

You know, bringing debt as a percentage to the GDP to 55 per cent is not an event, but a process. You have to grow down your fiscal deficit over the years and yet we did not put it in law. It is not just enough for us to be satisfied and promise that, that is where we will be in three years' time.

At the time of exiting this conversation, we must tighten that law, so that even those that do our budget at the National Treasury know that this is the maximum fiscal deficit that we can get for this Financial Year 2024/2025, so that you leave them with no option. However, if we leave the law as it is, I tell you for a fact that we will get to 2027 when we are still at 60 per cent or even more. As we sit and reflect, we must make a decision because debt has featured prominently in this conversation.

Mr. Speaker, Sir, as I conclude, the Salaries and Remuneration Commission (SRC) have been silent as this whole debate has been raging. Silence is not an option anymore. They have to speak to the country and tell us what we are going to do, so that we reduce our public expenditure on wages and salaries from 46 per cent to the mandatory 35 per cent.

If it means taking a pay cut as Members of Parliament (MPs), good people, we do not have an option. Even though we have been told that it is not possible, that MPs will never do it. We have no option.

I saw the yearly increment that is now being discussed being misreported in sections of the media that we will now earn more. The SRC continues to be silent about it, but we must make a resolution to say that we also reject that one in light of the financial situation.

As it is, even if the high earners were to take a shave on their salary, it will not be enough. I do not have the statistics, but some of these constitutional commissions have failed us. I do not know the percentage of Kenyans that earn above Kshs100,000 and Kshs150,000, but I am certain they are the slim minority of less than 10 per cent. Ninety per cent of our public officers earn Kshs100,000 and below.

Mr. Speaker, Sir, let us make whatever savings we can make there. Sen. Omogeni is outside, but he knows that this featured prominently in our National Dialogue Committee (NADCO) talk. The Report that we tabled here, which we unfortunately have not done with speed, captured all the wastages that are in the public expenditure space and what we need to do as a country. This is covered from page 546 to page 600.

It is the most obvious thing that people do when things are tight. Young people are telling us that when you have a job with Safaricom, you can live in Langata. However, the day you lose it, you move downwards to either South B or Umoja, until things get better. That is what we are not doing as a leadership. We know for a fact that when things were better, we, as MPs, could all fly Business Class. If you read the recommendation from NADCO, we have said that you must surely not fly Business Class as a public official on any flight that is less than three to four hours. You cannot even sleep within those hours.

There are so many things, including recurrent expenditure and wastages in institutions, even Parliament. I saw our staff criticise us saying this or the other, but this must also come to them. I have served in the Staff Welfare Committee. Therefore, I know a thing or two about expenditure in this institution. You will hardly get anybody in Parliament on a Friday. A report that happened in Parliament cannot be considered in Parliament, but in Naivasha or Mombasa. It is the case in all our public institutions and we must lead by example.

Before we exit out of this Motion today, we must give a blow-by-blow detail of what happened and why people cannot think in public offices on Fridays, but must be somewhere in Naivasha, Kisumu or elsewhere. I do not think that there is any correlation between better consideration of a tender document, or evaluation exercise that comes when you leave Nairobi.

Mr. Speaker, Sir, these are extraordinary times and I must appreciate that there has been guidance. We are being reminded now that the Finance Bill has been sent back *via* a Presidential Memorandum and all clauses deleted. You know that is a space that many people misunderstand and we sometimes need to help them appreciate parliamentary procedures.

One, the Finance Bill remains to be a Bill; it is not an Act of Parliament. Many people have misreported in public spaces saying it takes effect on such and such a day.

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As a sign of goodwill and trust because trust has been completely eroded at this time, the worst thing to do is for the National Assembly to come for the Budget and Finance Committee to consider that recommendation immediately, for people to be satisfied that it is behind us.

Having done that, it is more important that the National Treasury must table the new budget estimates that capture the new reality; less Kshs3.9 trillion, less the Kshs346 billion that was lost.

People must take a cut and my proposal is a very simple exercise. The Kshs346 billion out of Kshs3.9 trillion budget is 9 per cent, at least at the national level. I would not wish that the same be applied to our counties, which must be on equity basis. Do a pro rata cut on national Government institutions. If your budget was Kshs300 billion as a State Department or an agency, submit your new estimates, less 9 per cent so that you are left to go and do the reappropriation of whatever needs to be done.

We shall have a new budget by next week that captures that particular reality. We are being reminded that living within our means is not an option anymore. I believe that when our colleagues reconvene in the National Assembly, they would be guiding us in that particular issue. However, I have to be specific to say that since, in the first instance, the distribution to counties was not pro rata. I do not know what is being proposed, but the shave cannot be pro rata to counties.

I know it is not in my place. However, at the very least, counties should not get less than what they got last year. I know it is difficult, but we must somehow protect. Hon. Members, I do not know if you follow this conversation. Even in our own county level, people have become more critical in budget making process. They are beginning to ask our county governors to lay out their budget in public so that they see the confidential vote if it is there. You know there are many budget lines that people do not follow, but have now become more alive to reality of the budget making process in our counties.

I am sure colleagues will speak about it when they get time. I cannot say everything. We need to look also at the architecture of devolution as presently constituted; whether it can work, you know---

Mr. Speaker, Sir, you were a governor between 2013 and 2017. Many young people, women and the vulnerable made a life out of doing business with counties. There was a spread of resources. You could see a young person in every village and be told so and so is a road contractor, he supplies this and the other trades with the county.

People could begin to appreciate these things that were completely unknown to the country before the promulgation of a new Constitution. There are no such people in our villages post 2017. In fact, I have seen on the Floor of this House many times that unless the governor is your personal friend or your father, nobody can dare trade with them.

As protectors and custodians of devolution, the House is charged with the responsibility to make sure that devolution works in our county. Before we exit this Motion, we must propose a way forward. If it means forcing our governors to first clear all the pending bills found to be eligible before rolling out any new development, so that you give life at least to the many women and young people that have lost whatever little

savings that they had by trading with counties, we must pass that particular resolution today.

Mr. Speaker, Sir, I want to speak to two final issues then I conclude. In a public forum, I asked where the Inspector General (IG) is. That was in relation to the killings that were going on in Kerio Valley. It has been two weeks of protests, Kenyans have lost their lives and others beaten. Police have also faced very difficult and hostile gangs on the streets. I am yet to hear the voice of the IG. I am deeply troubled by that. It cannot be right.

I was not a leader, but a young person in university when we faced the post-election violence. Day by day, General Hussein Mohammed would brief the country and give them an update of what was happening. How can we face such a crisis up to this particular point and I do not know what the IG thinks, what the challenge is and the things being discussed? The question in the back of my mind is: Is this the right man for this job? We must think critically.

Finally, about Article 37, we have had conversations and debates here in this House on whether demonstrations are peaceful or not. How is it that we continue to struggle as a country with this thing of peaceful demonstrations? What is it that we are supposed to do? Why can we not guide and provide the way forward? People should know what is expected of them under their constitutional rights if they want to demonstrate peacefully.

A new trend is emerging where any time when one organizes a demonstration, there is an infiltration. Thus, it is difficult to distinguish between those who are peacefully protesting and those who want to take advantage of the situation.

Mr. Speaker, Sir, I want to request the House that we do not exit on this Motion until we first provide the way forward and guidance. I listened to one gentleman who was an organiser of the “Occupy Parliament” crusade. He said, according to them, they just wanted to come and sit outside, listen and make noise as the debate on the Finance Bill, 2024, was ongoing.

I said okay. Fair enough. Unfortunately, in the way that they communicated, it was impossible to tell how to do that kind of an occupation. I wish at that point there was an engagement with your office because you are the person who permits these kinds of engagements. We ought to know how we facilitate if 100,000 people want to come and present a public petition to Parliament today. They should know at what time they will come and what they need to do. We need to set the rules and agree so as not to provide an environment that is ripe for people with sinister motives.

I know that it was not the design of the young people who wanted to protest outside Parliament to have it look like the way it did that afternoon because they had no intention of burning anything. I do not think it was in their design to destroy the amount of property that was destroyed here. I do not think that it was in their design for Members to flee for their lives. They wanted to come and present their petition.

Mr. Speaker, Sir, we have to think and propose a way forward on how we can protect citizens' rights. This is because there are too many inherent dangers. If we do not provide a way forward on this conversation, then it shall be known forever that it is impossible to have a peaceful protest in this country, yet other countries have it.

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I do not want to get into a diplomatic row by mentioning various countries. However, there are countries that you think are even less democratic, but have provided the space and the means for people to exercise their democratic right to peaceful protest. It is provided for and people make their voice heard.

I do not know how we can do it here. I know Members can guide us on how this is done. However, in this conversation, we are sick and the ordinary medicine we have administered over the years is not likely to heal us. We need new medication.

With those many remarks, I beg to move and request the Senate Minority Leader, Sen. Madzayo, to second this Motion and lead the country towards the right path.

I thank you, Mr. Speaker, Sir.

(Applause)

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika. Kwanza naunga mkono Hoja hii. Naunga mkono Hoja hii kwa sababu imekuja wakati unaofaa. Leo nasimama hapa Seneti nikiwa na majonzi mengi sana kama Bunge la Seneti kwa sababu kufikia sasa, Kenya imepoteza maisha ya watu 39.

Vile vile, ukiangalia katika hospitali zetu zote Kenya, na sekta mbali mbali kuanzia baharini hadi Lake Victoria, ukumbi wa magharibi hadi mashariki, Kenya nzima, kuna watu waliolazwa huko sasa yamkini 361 wakipata matibabu. Wengine wamekatwa miguu, mikono, wengine wamefanyiwa operesheni za tumbo na vichwa. Hivi sasa wako na majanga ya maumivu wakiwa wamelala katika hizo hospitali.

Ni jambo la kusikitisha sisi kama Bunge tukiwa hapa kuona nchi yetu inaenda njia isiyo. Kuna umuhimu wa kurejesha nchi ili iende kwa njia inayofaaa.

Kwanza, nchini Kenya, tuna vijana wadogo na barubaru wanaojulikana kama Gen. Z. Hawa vijana wamekuja kwenye maandamano barabarani wakiwa na chupa za maji kwa mkono wao wa kushoto na kwa mkono wa kulia, wameshika simu ili kurekodi historia wanapofanya maandamano wakidai haki za kila Mkenya zitendeke.

Hawa vijana wa Gen Z hawana ukabila, ujamaa ama undugu. Wao wanajuana kama Wakenya. Wanajuana kama Wakenya walio ndugu mmoja, na wanaoishi pamoja katika nchi yao iliyojulikana kama Kenya. Hata Kenya ikiharibika, hawana nchi nyingine watakayoikimbilia. Kwa hivyo, wamekuja kutengeneza na kurekodi historia kwa sababu wanadai haki zao.

Jambo la kusikitisha ni kuona polisi ambao ni utumishi kwa wote wakiongozwa na Inspekta Mkuu wa Polisi Bw. Koome wakitumia nguvu kupita kiasi kusimamisha maandamano haya yaliyo sababisha vifo na watu kuumia. Hivi sasa tunapongea, kuna watu pengine wamekatwa miguu, mikono na hawajulikani watakavyopona. Ni jambo la kusikitisha.

Nasema pole sana kwa wazee na akina mama wote. Sisi kama Seneti, tuko nanyi katika barabara hii. Tunaendelea kuunga mkono hao vijana kwa sababu maandamano yao yako katika Katiba na sheria.

Inajulikana wazi ya kwamba, sababu ya kuwa na haya maandamano ni ule Mswada wa Fedha. Mswada huu ulikuwa na hesabu iliyokuwa sio sawa ya kutoza wananchi ushuru uliyopita kiasi. Tunajua ni jukumu la kila mwananchi kulipa ushuru,

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lakini utozaji wa ushuru ukipita kiwango fulani, ama mambo yasiyofaa kutozwa ushuru yakiwekwa hapo, lazima watu waandamane ili kupata haki yao.

Tunaona kabisa kwamba huu Mswada wa Fedha ulileta mushkin mkubwa nchini Kenya. Sisi hatuwezi kuwalaumu vijana wa Gen. Z kwa sababu walipokuja walisema Mswada huu unakandamiza kila mwananchi. Haukandamizi tajiri pekee, bali kila mtu nchini.

Bw. Spika, sisi kama viongozi tunasema ya kwamba ni lazima tuwe na nidhamu. Hii ni kwa sababu tunaona wananchi wanaendelea kuishi maisha yasiyo mema. Maisha yamekuwa ghali na kila kitu katika nchi ya Kenya akipatikani

Kumezuka majivuno na watu wanaojivunia sana ni wale ambao wanafanya ufisadi. Tumeona katika harakati za Wakenya ambao juzi na jana tulikuwa pamoja. Hivi leo, hawajamaliza miaka miwili ndani ya hili Bunge, lakini tunaona ya kwamba maisha yao yamegeuka. Wamekuwa matajiri zaidi ya vile inavyotakikana.

Utajiri huu wanaupata kighafla ni kama mtu amechukua ndege na kupaa juu na kuwa tajiri mara moja kwa dakika 45, kisha kushuka chini kama mtu aliyefika Mombasa, ni hali ya aibu. Mambo kama haya ambayo tunaonyeshana ni ya kusikitisha.

Kenya yetu inastahili amani. Tuliona hata balozi wa Uingereza akisema kwamba watu wamekuja hivi karibuni na walikuwa hawana chochote, lakini sasa wamekuwa matajiri mpaka wanatutapikia. Hii ndio maana Gen. Z wanasema aibu kama hii isitendeke katika nchi yetu.

Bw. Spika, sisi tunasema ya kwamba vile ambavyo Mhe. Rais aliweza kukataa kupiga sahihi Mswada na akauregesha, ulikuwa mwelekeo wa kisawasawa. Serikali iweze kuangalia wale wamepoteza maisha yao pamoja na wale wote ambao wamepatwa na hasara katika maandamano haya.

Sisi kama Bunge la Seneti tuko tayari wakati wowote. Hawa *Gen Z* wakiwa wanataka kutuona sisi kama Bunge la Seneti tuko tayari. Waseme ni wapi na tuko tayari kuketi nao.

Hakuna wakati Bunge hili la Seneti limehairishwa kwa sababu hatutaki kuonana na wananchi. Hata wakati wa vita, Bunge nyingi ulimwenguni huwa zimebaki zikisikiza wananchi. Hii ni kwa sababu Bunge ndio inaweza kutekeleza mwelekeo wa taifa.

Hivi sasa, sisi tuko tayari. Tunasema poleni sana kwa wale ambao walipatwa na hasara ya maandamano. Kwa wale vijana wote wa *Gen Z*, Bunge la Seneti liko wazi na wakati wowote wakitaka kuonana na sisi, tuko tayari kukutana nao.

Nimetangulia kusema ya kwamba kuna watu 39 ambao hivi sasa wamelala katika vyumba vya kuihifadhi maiti au *mortuary*. Hii ni kulingana na ratiba ya hesabu. Pia kunaweza kuwa kuna wengine zaidi katika pande mbalimbali za Kenya. Pia kuna wale ambao wameumia.

Ni lazima hatua ichukuliwe dhidi ya polisi ambao walitumia bunduki za risasi badala ya kutumia bunduki ambayo inatupa mkebe wa kutoa machozi na kuwapiga hawa wananchi ambao walifariki. Washikwe na waweze kupelekwa kortini. Washtakiwe na makosa ya kutumia bunduki ama kutumia nguvu zaidi kuwaumiza wananchi ama kupoteza maisha yao.

Wale wote ambao wameshikwa kiholela na wako korokoroni hivi sasa, kwa kutolewa katika gari kama vile tuliona yule Mbunge wa zamani alivyotolewa kutoka kwa

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gari lake. Tendo hili lilifanyika kwa sababu ya makosa yake ya kuandama. Watu hawa wote, tunasema wawachiliwe mara moja.

(Applause)

Mhe. Rais amewaajiri watu ambao wako na rekodi za ufisadi katika Serikali yake. Kuna watu wamefanya vitendo vya uhalifu ambavyo havifai kulingana na sheria za Kenya. Mhe. Rais, ikiwa hao watu wako katika Serikali yako, afadhali uwaachishe kazi mara moja.

Jambo lingine ni kwamba Mswada wa Independent Electoral and Boundaries Commission (IEBC), hivi sasa uko kwenye mikono ya Mhe. Rais. Ni vizuri aupige sahihi ili kuondoa vuguvugu la kwamba hataki ama hawezi kupiga sahihi au kuna tashwishi yoyote.

Hivi sasa, wananchi wanataka huo Mswada wa IEBC uwekwe sahihi na uwe sheria mara moja, ili mambo ya Kenya yaweze kuendelea na uchaguzi katika maeneo ambayo hayana wabunge au watu wanaowaakilisha. Kwa hivyo, aiweke kidole mara moja.

Kuna wale walimu wa Junior Secondary School (JSS) na madaktari ambao wanamemaliza masomo na kupita mitihani yao. Hawa ni lazima waajiriwe mara moja. Pia ile *programme* ambayo ilikuwa inasaidia watoto wa watu wasiojiweza, kama vile, *School Feeding Programme*, irejeshwe mara moja ili watoto waweze kuenda shule wakijua watapata chakula.

Jambo la mwisho na muhimu zaidi ni kwamba sisi kama Wabunge wa Seneti, na nakubaliana na alivyosema Kiongozi wa Waliowengi jinsi watu wanavyosema kwamba mishahara inaongezwa, mimi ninasema ya kwamba sitaki mishahara wangu uongezwe. Sitaki. Nimekataa.

Bw. Spika, ninajua ndugu zangu Maseneta wako hapa na tunashida za pesa ndio. Lakini nina hakika watakubaliana na mimi ya kwamba sio wakati mzuri sasa sisi kuongezwa mishahara. Haifai na hatuitaki. Tumekataa.

(Applause)

Ndugu yangu, Sen. (Dr.) Khalwale, utakubaliana na mimi ya kwamba umeshakula chumvi ya kutosha. Mishahara hivi sasa ukae kando na wapee wale ambao hawajiwezi ili waweze kuendelea na maisha yao kisawasawa. Ama ile pesa ya mishahara, ipelekwa kwa hao ambao walipata majeruhi, wale ambao wamefariki na walio na shida. Ziende uko ili tuweze kuwasaidia.

Bw. Spika, hii Hoja iko na maana sana. Sisi tunajua tuna uwiano. Tunajua sote ni Wakenya na Kenya ikiharibika, itakuwa ni nchi yetu imeharibika. Hatuna nchi nyingine ya kuenda isipokuwa kubaki hapa ndani ya nchi ya Kenya.

Kwa hivyo, tunatakiana kila la heri kuona ya kwamba Serikali yetu na watu wetu wa Kenya tumekaa pamoja kama ndugu moja. Tuwe na amani na tupendane ili tuweze kurejesha nchi katika njia ya amani na mwelekeo.

Asante. Naunga mkono.

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The Speaker (Hon. Kingi): Hon. Senators, I will now proceed to propose the question.

(Question proposed)

Hon. Senators, the Floor is now open. I call upon Sen. (Dr.) Boni of Kakamega to take the Floor.

Sen. (Dr.) Khalwale: Thank you. Mr. Speaker, Sir, accept my compliments for allowing us to reserve time and place for this important Motion. Allow me to equally compliment both the Senate Majority and the Senate Minority Leaders for speaking, not just from their minds, but from their hearts.

In my life, I never thought that in this House, I would listen to a wonderful speech by the young Sen. Aaron Cheruiyot.

(Applause)

We have been trying to steer this Parliament in that direction and some people wanted to read defiance. No! Listen to the words of the Senate Minority Leader. He is telling the Gen Zs that at no time in this Parliament have we ever locked anybody from accessing us. Have we ever locked anyone from accessing us?

They did not have to lose lives and limbs and result in loss of property for them to have an opportunity for a photo session in this House. Every day, the Speaker's and the Public Galleries have not only remained open, but they always have people. There are times when we are not sitting, the Serjeant-at Arms personnel allow members of the public to come and sit on these chairs. We did not have to pay this price.

Mr. Speaker, Sir, I open my remarks by passing my profound, heartfelt condolences to all Kenyans who lost their lives, who got injured and whose property was destroyed. I specifically missed to sit in this House on Wednesday last week when I should have. This is because a woman who has been selling me fried groundnuts and oranges in Kakamega, Ms. Caroline Shiramba was shot dead. She sells outside the Office of the Governor.

Equally, a young man from Malinya was shot dead. So, these events have come very close. For those who thought that this was something for a particular set of Kenyans, he is mistaken. When I went to visit victims at the General Hospital in Kakamega, one of the victims was the son of one of my chiefs. He was at the forefront in Kakamega.

You saw that even the son of the Attorney-General of Kenya was also involved. I saw the son of my brother, hon. Mwangi Kiunjuri involved in those protests. I may not have known where my children were. Probably, they were also involved, but the only thing that missed was that they were not captured on camera.

Mr. Speaker, Sir, where are we? There are four things that are unprecedented which have taken place. The first one is that for the first time in the history of this country, the President refused to assent to the Finance Bill. It is unprecedented.

Secondly, the youth did what they did. Some people called it the invasion of Parliament and others called it desecration of Parliament and sacrilege. I do not know

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what to call it. I can only say that they did what they did. Never in the history of the four Presidents we have had in this country, have they ever contemplated on deploying the military the way we did.

Mr. Speaker, Sir, you saw that across the whole country members of the public torching homes and properties of elected leaders. Indeed, we are in a bad place and, therefore, as we say in our community, when you are mourning, you do not mourn with shame. We must speak to it as I wish to do now.

We are where we are today because Kenyans hate and are angry with the on-goings in the country. If we do not speak to them and take action, we will go nowhere. It was never about the Finance Bill; the Finance Bill was simply a trigger. Why? Public servants led by Cabinet Secretaries are very corrupt. Our people hate this and they are angry.

Mr. Speaker, Sir, yesterday, I was called by a Cabinet Secretary whose name I will not mention on the Floor because it is not necessary. He was very angry with me for the position that I have taken on corruption in the Cabinet, especially over the weekend in Navakholo.

He used strong words and told me many bad things. The people we were working with the other day think that because the Constitution has given them a different office as opposed to the offices we have been given, they are, therefore, in high heaven, should be worshipped and nobody should mention their name even when they are wrong.

Mr. Speaker, Sir, people are angry and hate public servants because of our own making. The public display of wealth and opulence, unless members of the public can quickly see where you have gotten it, they will not be happy. Over the weekend, I was speaking of a young Member of Parliament from my community who has bought a helicopter.

I know him very well. I wish him well to continue accumulating wealth. However, I am asking the President to ask himself; how can the membership of an MP to a Committee of Parliament be the basis for him to afford some of the things that are not affordable?

(Applause)

Hon. Didmus Barasa, take it easy. Those helicopters will not change your life.

I equally offended somebody over the weekend in Kakamega whose name I never mentioned, about this issue of opulence. I just wondered; how would an MP be able to donate Kshs20 million at a *harambee*? He was very offended.

In another function, I saw a Minister of this Government carrying a white bag on the back and started announcing how many millions are in that bag. He said, *moja, mbili*--- If we do not refuse these things, people like hon. Murkomen will think that they are giving us their money. It is not their money. Those are proceeds of corruption.

(Applause)

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This House is saying “No”. It is because of that anger that our children did what you saw. People are angry and hate us as leadership because every weekend, helicopters crisscross the skies going to functions where these millions are being dished out.

The fuel guzzlers that we drive; if you go to the parking, you can see the difference between the four-wheel driven by your Senators compared to those driven by Members of the National Assembly. In the parking of the Senate, you will see Prados. However, in the parking of the National Assembly, you will see high-end vehicles that sometimes you only see---

Why is it so? It is because of an unconstitutional fund called National Government Constituency Development Fund (NG-CDF). The courts made a pronouncement that it was unconstitutional and illegal. How did we respond as Parliament? The National Assembly, without blinking an eye, went and exercised legislative impunity by twisting the Act, so as to be allowed to continue with that unconstitutional and illegal process.

Mr. Speaker, Sir, as I speak to these guzzlers, colleagues, you have seen how as you struggle to rush to this Senate, then an MP or a Secretary General of a political party comes with chase cars, his vehicle having the national flag with a siren, and the police does not arrest those people. The law is very clear on who should fly the national flag, and whose convoy should be cleared with sirens. This is the impunity that is making our young people to turn against us.

Mr. Speaker, Sir, I celebrate the President for the remark he made on Sunday during the interview that he was filling questions. I did not support the fact that the President was filling questions. This is because I know that the President has people who are supposed to have filled those questions. As the Senate Majority Leader was saying, the responses to security that the President was doing, should either have been done by regular briefs by the Inspector General of Police, or by Prof. Kithure Kindiki.

Why was the President being humiliated by the people of the media? However, I am celebrating for accepting that we have wasteful expenditure in several offices in this country. The respected Prof. Githu Muigai gave while in office, a legal advisory opinion on something called the Office of the First Lady. I urge you, colleagues, to go and read that opinion. He convinced me and those who will read it after me, that the issue of First Lady is foreign to our Constitution.

(Applause)

As if that is not enough, we not only have the Office of the First Lady, the wife of the President gobbling millions of shillings, but we also have others; the Office of the wife of the Deputy President, the Office of the wife of the Prime Cabinet Secretary and the Office of the wives Governors.

I always say, God bless Kenya. If I had that ambition and ascended to one of these offices that people think they should have those wives as First Ladies, you would shake my family. Who would be the First Lady? Would it be my first, second or third wife? Which one? Those are private family issues that should never be brought to the public.

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I am a student of the late Michael Kijana Wamalwa and George Welime Kapten. I never saw Wamalwa's wife or George Welime Kapten's wife address any function, not in Luhya Land, in their constituencies or anywhere else. Their purpose was to make sure that visitors have eaten. What became of husbands in this country?

Mr. Speaker, Sir, let me finish very quickly because the light is now on. People are angry and hate us because of impunity. That we have a Director of Public Prosecutions who from Monday to Friday, sits scheming on which language and law to use so as to help people who are politically correct, but criminals who have court cases, to be released.

(Applause)

I do not know if that is why we separated the Office of the Attorney General from the Office of the DPP and made it an independent office. Not only from Kakamega, but the DPP is my sisters' son, from Malinya. It is not necessary. Let criminals who have stolen property and you know them, go through the due process.

If the office of the DPP was working, some of the Cabinet Secretaries in office today would not be Cabinet Secretaries. They became Cabinet Secretaries because a corrupt Parliament allowed them to become Cabinet Secretaries and then the DPP followed it up by withdrawing their cases.

Mr. Speaker, Sir, there is also the impunity of tribalism. Senate Majority Leader, you have said it. How will the children who do not come from the tribes of the President, Deputy President or the Prime Cabinet Secretary get jobs?

(Applause)

Mr. Speaker, Sir, they hate us because of the impunity of nepotism. I know of a Cabinet Secretary who has employed his two sons in his office. The impunity of Members of Parliament shooting members of the public dead and they are set free, yet we say we are living in a country which follows the rule of law?

There is anger and hatred because the Government is unable to fix this monster called Competency Based Curriculum (CBC) system. That system has killed free primary education and destroyed the quality of education.

For many years, all of my children have been doing the exam at Malinya Primary School. It is only right now and for the first time that my daughter, Sonia Inuni Khalwale, is now in Class 7, junior secondary, at a private school, because Malinya Primary School, where we all went to - all my children and I - has collapsed.

There are two teachers in a class of 150 teaching children of the poor. There is no learning going on, colleagues. There is anger and hatred because of the insensitivity of this Parliament. We are so insensitive that when the issue of housing levy was raised, we did not respond critically.

(The red light was switched on)

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Mr. Speaker, Sir, allow me just to conclude. Can I?

The Speaker (Hon. Kingi): Give Sen. (Dr.) Khalwale, a further three minutes.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. On the issue of the Housing Levy, I was shocked because we were addressed by the Cabinet Secretary for National Treasury who told us that they were contemplating investing the money collected from the housing levy into Treasury bills, meaning that we got money from members of the public and we are unable to absorb it. It, therefore, teaches me that we should have collected less to meet our capacity to absorb instead of wiping people's pay slips and now we are unable to use that money.

Finally, on the things to do. Mr. President, dissolve Cabinet and reconstitute it. Mr. President, disband offices outside the Constitution, including Chief Administrative Secretary (CAS) and the Office of Prime Cabinet Secretary. They are not in the Constitution of Kenya. This also includes the offices of First Ladies and advisors. If advisors are useful, then what David Ndi is doing is not advice, but mis-advice.

Mr. Speaker, Sir, the President should quickly restructure the security organs by firing people, the IG included. Finally, but not least, all the sky teams must be grounded.

I thank you and I mourn.

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

Sen. Wambua: Let me use the Dispatch box. I have a lot of documents.

Thank you, Mr. Speaker, Sir, for allowing us to provide leadership. We are doing this at a time that the people of Kenya feel - rightfully so - that leaders have used them and dumped them.

They feel that they held the ladder for us to climb to the top of the tree and appropriate fruits for everyone. However, when we got to the top, we kicked the ladder and we are eating the fruits alone. Enjoying the fruits of their labour and vomiting on their heads.

Mr. Speaker, Sir, this is a time of crisis. At a time of crisis, leadership must be demonstrated. We are here as the 'Upper' House, as Senators of the Republic of Kenya, to provide that leadership. We are hearing a lot of things from young people and our constituents. We cannot pretend that the things that these people are saying do not make sense to us. These things are sensible. I want to address myself to three issues in that Motion.

First, is on the Finance Bill 2024/2025, which was the monster that triggered the crisis that this country finds itself in. If the National Assembly had listened to the people, we would not be where we are today.

That is the point at which I want to respectfully, as a leader, differ with the President on his comment during the interview; that, perhaps the 204 Members of the National Assembly who voted in support of the Finance Bill would be our future heroes.

Mr. Speaker, Sir, those 204 Members of the National Assembly who voted yes for this Bill are sellouts. They have failed this country and their constituents. They have reason to apologize to this country. We are where we are, deep into a crisis that threatens to tear our country apart. The young people in the streets are the true patriots, people driven by a deep sense of love for their country. They are saying they do not want their

country to go to the dogs. They love their country and their lives. They have a future to look into.

Mr. Speaker, Sir, I must applaud this upper House of the Parliament of the Republic of Kenya for staying engaged at a time like this, because this is what is required of leadership. The leaders in the ‘Lower’ House whose action has brought us where we are, have run away. We are here to clean up their mess. They should forever occupy their space and listen when the people of Kenya and the ‘Upper’ House speak.

Mr. Speaker, Sir, my reading of Article 115 of the Constitution of Kenya on presidential assent and referral tells me that we have a window to take possession of the Finance Bill, 2024, referred by the President back to Parliament and deal with it. I say this because the Article deliberately says that the President may refer a Bill back to Parliament for reconsideration.

Article 93 of the Constitution defines Parliament as both the National Assembly and the Senate. Mr. Speaker, Sir, lead with courage. Bring that Bill to the Floor of this House this afternoon or tomorrow and let us deal with it.

Regarding austerity measures as captured in the Motion that we are debating today, first, I want to call out the SRC, led by Lynn Cherop Mengich because they are completely out of order. How dare you publish salary increments for public and State officers at such a time as this? What exactly do you want to achieve?

When the Senate Majority Leader was moving this Motion, he said that some institutions must appear before us. The first institution should be the SRC. Who has sent them to fuel discontent at a time when this country is bleeding? Who does that?

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

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

Mr. Temporary Speaker, Sir, I want to echo the words of my leader, the Senate Minority Leader in the Senate. We will pass it as a resolution at the end of this Motion. We, as Senators, are not interested in that pay rise.

In fact, one of the conversations that we have been having, which will crystalize by the end of this Motion, is where we should cut our budgets as a Senate and individual Senators. For the SRC to do what they have done, I want to say this on the Floor of this House; “shame on that institution and shame on Lynn Cherop Mengich.”

There is another office that I want to call out. I would like to borrow the ear of the Senate Majority Leader because this is very important. I want to call out the Head of Public Service for a reason. On 24th May, 2024, a day before this crisis started in this country, he wrote to the Public Service Commission to begin the process of recruiting Chief Administrative Secretaries (CASs). Who does that at such a time as this?

We call upon him to recede that letter like yesterday. You cannot seek advice from the PSC on how to recruit CASs at a time when we are saying that we cannot afford the cost of running these offices. The next person of interest who should appear before this Senate and speak to the country is the Head of Public Service.

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I want to challenge the President, respectfully again. The cost of living is what it is. Too much talk is not helping anyone. We have said everything that could be said. It is now time for action. There are things that I know the President can do to bring down the temperatures in this country. One of the things he can do even today is to reduce the size of his Cabinet.

Article 152 of the Constitution gives the President a minimum and maximum number of Cabinet Secretaries. He can appoint between 14 and 22 Cabinet Secretaries. As I speak, we have 21 Cabinet Secretaries.

I call upon the President, as a demonstration that he has listened and understood what the people are saying, to reduce the size of his Cabinet from 21 to 14 which is the minimum. Merge Departments and reduce the number of Principal Secretaries (PSs) from 51 to around 30 or even 14, to match the number of Cabinet Secretaries that we have.

There is comparable jurisdiction to this argument. When you look at the United States of America (USA), where we go to borrow money and benchmark all the time, the size of the Cabinet is 15 with a population of more than 340 million people.

When you look at China with a population of more than 1.5 billion people, Members of the State Council, whose equivalent are Cabinet Secretaries, are 26. What are we doing with 21 Cabinet Secretaries with a population of less than 60 million people and an economy that cannot support that kind of expenditure? Let us reduce that number.

(Applause)

On the matter of security, it is time for us all, especially those in authority, to walk the talk. As I said, too much talk is not helping anyone. I hear the usual threats that; those who break law will face the full force of law and that investigations will be carried out and no stone will be left unturned. Those things stopped making sense a long time ago. It is time for action.

This sitting of the Senate is a call to action; both from us and others who are in positions of responsibility. Mr President, if you love your country, and you have listened to what the demonstrators are saying, let heads roll in the security operation departments of this country.

Mr. Temporary Speaker, Sir, I asked some young people in my office to tell me when last the IG, Mr. Japheth Koome, spoke to this nation. They went to the archives and told me that the last time he spoke to Kenyans was on 17th April, 2024. He was speaking to a contingent of police officer dispatched to Haiti. He said:

“As the Inspector General of Police, I would like to assure you that they have the capability, capacity, and training to succeed in this mission and that they will deliver when they get to Haiti”.

That is the last thing that Kenyans heard from him, but when the country is burning, he is silent.

Mr. Temporary Speaker, Sir, one of the requirements for demonstrations is that demonstrators would notify the police of their demonstrations. Then they would be

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guided on how to organize their demonstrations and where to go. They would be escorted through the streets or wherever they are going to present their petitions. All this time, the IG is absent.

Perhaps, the words that the President used on the former IG of Police, Mr. Mutyambai, on the level of incompetence and cluelessness, are better suited used on IG Koome. Perhaps the President spoke too early when he addressed Mr. Mutyambai.

Talking about incompetence and lack of capacity, the IG is the embodiment of lack of capacity to lead the Kenya Police Service (KPS). Mr. Koome must leave office immediately for this country to enjoy peace and tranquility.

Mr. Temporary Speaker, Sir, lastly, let me speak very briefly on this matter of corruption. Corruption has become the order of the day in this country. Unfortunately, the institution that has been charged with the responsibility of fighting corruption is itself the biggest den of corruption. The EACC is either unwilling or unable to fight corruption in this country. They will not help us in this journey.

I have listened to the presentation by the Senate Majority Leader on the performance of the judiciary. Though I have gone on record to applaud the Chief Justice (CJ) of having the courage to lead from the front, a lot more needs to be done in the judiciary, especially on matters of corruption. That justice now has become a commodity of sale in the judiciary is a very sad state of affairs in our country. We want this monster called corruption to be tackled properly.

I also challenge the demand side of corruption because it is also there. We must have a candid conversation as a country. When churches, schools, hospitals and all manner of institutions look at their MPs and the people serving in public service as the people who are supposed to give them money in *harambees* and do all this manner of things every day of the week, where do they expect these people to get this money from?

Mr. Temporary Speaker, Sir, we must have a national conversation on how to fight corruption.

Lastly---

(Sen. Onyonka spoke off record)

Including what Sen. Onyonka has said.

More serious and important is this thing about MPs and public officers being expected to dish out money in *Harambees* every day---

The Temporary Speaker (Sen. Abdul Haji): Let us add two minutes for the Senator to conclude.

Sen. Wambua: Thank you, Mr. Temporary Speaker, Sir, for indulging me.

This idea of MPs being seen as moving Automatic Teller Machines (ATMs) or people who have so much money to just give to people will not help us. Both the leaders and the people being led must learn to live within their means. Let people not expect too much money and contributions from Members at a time that we are saying we must uphold austerity for this country to move forward.

Lastly, as the Senate Majority Leader said when moving the Motion, let us now have a new budget estimate tabled before Parliament so that now we can debate and pass a budget that reflects our ability to finance our own operations.

There was no reason why the Members of the National Assembly added themselves Kshs30 million for National Government Constituency Development Fund (NG-CDF). What for? If you multiply Kshs30 million by 280 constituencies, that is Kshs8.7 billion? In fact, that money should be going to counties as part of the equitable share. We must confront these issues and deal with them as they are.

With those many remarks.

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

Sen. Cherarkey: Mr. Temporary Speaker, Sir, I thank you for giving me this opportunity. I congratulate the Senate Majority and Minority leaders and my colleagues for resisting the temptation to go and hide, just like our colleagues have done. I would be somewhere in Kimondi Forest near Kapsabet running away from my responsibility. In fact, it should be treated as corruption when you run away from your duty.

I remember we were supposed to resume when unfortunate events were happening in the city. I am happy that I am among the Senators who found it wise to continue with our duty because we are being paid to proceed as envisaged by Article 96.

Mr. Temporary Speaker, Sir, I tell Kenyans, including our young brothers and sisters of the Gen Z because some of us are millennials, that we have listened and heard you. We apologize for some of the transgressions that might have escaped our attention in addressing some of the challenges.

While a lot has happened in this country, we must agree that some of these challenges that we face as a nation has built up for many decades since both pre and post-colonial independence of this Republic.

It was very unfortunate when on Tuesday, I saw people running helter skelter when the young people decided to visit Parliament and enjoy the hospitality, although they went away with a number of flags. They also were able to take photos on the Floor of the National Assembly Chamber, to be precise. I saw one of the pastors speaking at the aftermath and it was very unfortunate.

The unfortunate part was that as we were being evacuated, some of the media houses were streaming live exposing the lives of many MPs. I know the substantive Speaker, Sen. Chute and other colleagues had to use ambulances to escape possible harm.

Even as that happened, I point out that under Article 118 (34) and (35) on the right to freedom of information and media, we should not at any given time block or deny access to media the way it has been done. We should, case by case, look at the access of media to the Floor of this House and Parliament precincts. I am told there is a silent gag order that has been issued against access of media to the precincts of Parliament, which is very unfair.

Mr. Speaker, Sir, Kenyans need to know what is happening, especially as the legislators transact business. I hope through your office, you can consult and ensure that case by case--- While I do not agree that the media exposed MPs and reported live that they were being evacuated through the tunnel or taken away by the ambulances or that they were changing clothes; I met one member of the National Assembly who decided to

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remove the entire suit and wear a vest and a boxer to escape the wrath through *landi ya mawe*, in this city.

While those are tactics that people used to evade what happened that day; it is not a justification to deny media access and issue a gag order against it within precincts of Parliament. Therefore, I ask your office and the Parliamentary Service Commission (PSC) to resist the temptation to give out unconstitutional orders of denying access to the media because Kenyans need to know what we are doing.

I have used an example of 1932, when there were allegations that there was a letter that was being sent to the House of Congress and Senate and had poison. The congress decided to close the House and run away.

In the subsequent elections, all the Congressmen were voted out. However, the Senate of the Republic of United States of America remained true to its cause and addressed the great recession; the reason why they remember. That is also why we have distinguished ourselves as the 'Upper' House.

Mr. Speaker, Sir, there are many issues that young people have raised: Issues of corruption, Governance by both national and county governments, lack of opportunities, nepotism and not being listened to. There are many challenges, I assure the Gen Zs and any other Kenyan that Parliament is a public place. If they were a proper organisation, they would have accessed Parliament. Many Kenyans access it.

I put this straight: Under Article 126(1) of the Constitution of Kenya, Parliament can sit anywhere. The Gen Z and any other Kenyan must know that Parliament can sit in Uhuru Park, Migori County or anywhere else in the country. That is why we have Senate *Mashinani*. The Constitution allows us as a Parliament to sit even in Garissa, Mandera or Kilifi to listen to the Kenyans. I am happy as we talk of the Senate *Mashinani*, we will be doing it in Busia Country.

We have done it in Makueni, Turkana and Uasin Gishu. Kenyans should know that Parliament is ready to listen to them. Under Article 126 of the Constitution, Parliament can sit anywhere within the borders of the Republic of Kenya. Even if they want us to sit in Kenyatta International Conference Centre (KICC), we can sit there and listen to Kenyans, especially the Gen Z.

Number three, from the onset, I send my deepest condolences from my family, myself and the great people of Nandi County to many Kenyans who have lost their lives. It is unfortunate and I wish quick recovery to many Kenyans who have endured injuries. Even when we exercise Article 37, the law states that it must be peaceful and unarmed. The first few days when the young people came out, the protests were largely peaceful.

It was later infiltrated by the criminals. We have seen incidents where the security officers have been injured. Do you remember the Inspector of the Police that lost both arms? We have a number of police officers who were injured, and some have lost their lives, as well as the protesters.

Even as you protest under Article 37, which is your right, peaceable and unarmed, let us resist the temptation of allowing goons and criminals to infiltrate. I challenge the Directorate of Criminal Investigation (DCI) and other security agencies: Should anybody who is a criminal or goon who is looting public property--- I know the business

community stated the value of looted property to be around Kshs3 billion. I hope the Ministry of Interior will sit and evaluate at the end of all this chaos.

Mr. Temporary Speaker, Sir, I challenge the young people and any other Kenyan demonstrating, that they should do so in a peaceful manner and the police should provide the necessary security. I borrow the many other issues that my colleagues have talked about and I associate strongly with that. Ordinarily, it should not be the President responding to all these other issues, especially on regular security briefs.

I would have expected even the police spokesperson; we used to have somebody called Mr. Owino and Mr. Bruno Shioso. Now, the only time IG has responded is when he saw allegations of fatalities in Haiti and he sent a statement. Not just legally, but even morally, the IG should have at least appeared on a regular basis to update the country on security situation. He should have told the country how many people have unfortunately died and injured, how many properties have been looted and generally on the state of the security.

The state of the homeland security is the least we expected from IG. His stay in office is no longer tenable. We must do a proper reshuffle within the security apparatus of this country, especially on the homeland security so that we have a police service, not a police force as was envisaged by the Constitution of the Republic of Kenya. So, I agree with my colleagues that the IG must be called out for failing to provide leadership and to morally and legally update the country on the security situation.

We are told there were demos yesterday. Others are being planned. That is the least we expect of even, particularly on the cases of where police have had shooting incidences. He should be briefing the country on the circumstances under which the police shot some of the protesters and whether they work together with the Independent Policing Oversight Authority (IPOA).

Fourthly, is on corruption. We know when I raised an issue of opulence of some of the Cabinet Ministers, I was blasted, accused of jealousy, accused of not knowing how to do deals, accused of coming to take tea and *mandazi* in Parliament instead of going to Tanzania and other countries to broker deals.

It is unfortunate because I was just calling out that do not eat too much and vomit on the feet of Kenyans, as a former ambassador would say. Even in my culture, where I come from, you do not eat and open your shirt. It is a curse. I called them out and you can remember that I was being blasted left, right and centre. I warned them that if this trend of displaying opulence by MPs and some cabinet secretaries without humility---

I am happy that the quality of air has improved for the last two weekends. When choppers were crisscrossing, it was affecting our agenda of climate change. People would fly in, land, reorganize the programme of a funeral or a church service, speak, insult other elected leaders, call them dimwits and fools; the way I was called in Nandi last year. They would give out money in millions of shillings, that God knows where they got it from, and then they fly away in the chopper, disrupting a social function for the next one hour or 30 minutes before they settle.

On the issue of corruption, as a proposal to the President and the EACC, we must start doing lifestyle audits to all state officers, governors and any person serving in a public office. We must know because the reason Kenyans, the Gen Z, were on the streets

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calling us out is they are wondering how you can contribute Kshs20 million in a harambee yet they do not even have Kshs100. They were wondering how a Cabinet Secretary would be in harambee counting millions of shillings and the roads and water are not there. They are wondering why we are telling them the economy is bad, but we preside over harambees worth millions of shillings.

It is not bad to do harambee or to help people. I know some people even who had bought shirts and dark suits for funerals. Sen. Sifuna, the only thing was, when they hear social function, they appear. However, they have never visited the bad roads that are in our counties or looked even at the water situation. They will find time to go and insult other leaders. I think corruption also is not doing your job. It does not necessarily mean that you have stolen. Failing to do your job with integrity or reporting to your duty station, is part of corruption.

Thirdly, I propose that the EACC must be disbanded forthwith, with capital letters. They have failed from national to county level. When you steal, they come and see you *nyuma ya* tent, they slap you on the wrist and go away. If the EACC was serious, three-quarters of governors would be in jail by now. I can tell you for free. Even some of the people serving as State Officers should be in jail. The EACC has failed us.

While I agree they do not have enough resources, it is time we disband the EACC, restructure and redevelop it to win back the public confidence of this Republic going into the future. Members, I have been privileged to serve on the Standing Committee on Justice, Legal Affairs and Human Rights (JLAHRC) as the Chairperson.

I remember that we invited the EACC. If you ask them, the only conviction it has done, is a bribe of Kshs20,000. What are we telling Gen. Z when they can see a club that you have built somewhere in a town and they know it is from proceeds of crime? Then, the EACC turns a blind eye. We must resist and I want to request, that even as EACC struggles with the challenges of resources, we must disband and restructure it to win the public confidence of this Republic.

Fourthly, before I finish with austerities, this issue of the SRC increasing the salaries of MPs and state officers is ill-advised. It is in bad faith. It wants to increase public discontent. Therefore, this SRC must be called out. Colleagues, do you remember when we had UHC interns, we invited SRC here?

They told us there is no money to increase for UHC doctors or Junior Secondary School (JSS). However, they are quick to increase money for us, MPs, to create discontent and fuel the country into discontentment against MPs. We never requested for the increment of salaries. The SRC is abusing its power by trying to set us up against the public. I am happy some colleagues have responded to this blackmail and misleading corruption by the SRC.

I also propose that the SRC be disbanded. Let the SRC commissioners not serve monthly. They should serve as part-time commissioners. The problem we have with the SRC, they are not serving part-time. They are busy trying to set and regulate salaries so that they justify their work in the office. The SRC chairperson is giving herself a Kshs10 million car grant for Prado from Toyota Kenya.

She is increasing her salary and gets two car grants within four years. I want to tell Kenyans that I am not interested. What I am proposing going into the future, MPs

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should serve part-time, just like in other countries. Then we agree on how it works out. If that is the solution that will bring back the confidence in this Republic of Kenya, so be it.

Mr. Speaker, Sir, on Judiciary, I served and I have the privilege of information. Kenyans file more than 500,000 cases per year. I saw Chief Justice (CJ) Martha Koome, respectfully, saying they can open up until midnight to handle these issues that we are experiencing. However, she has never done anything on clearance of the backlog.

The bitterness Kenyans have is that they have court cases and those people who do not have the means, have not received a court order. They are suffering, but the CJ, just to appear popular, is just giving a Public Relations (PR) exercise to the gallery.

Nobody is safe from Gen. Z. She was visited the other day in her office. She thinks that by saying let us handle all the protesters who are brought to court yet they are not goons, is fair. The real problem with the judiciary is the backlog of cases. She should give us a matrix and the timeline for clearing cases. How can you justify that from 1982 up to today, there is a succession case? It is corruption. Kenyans are very mad with all the institutions.

I want to tell everybody who is serving as a State officer that no one is safe. Sen. Aaron Cheruiyot will tell you that when Hon. Wamboka Wanami and Samuel Atandi wanted to cross for safety, they could not. The people would say, *ndio wale*. Some things happened that I am not comfortable sharing, because this is a parliamentary-guarded programme. It is PG-rated. I can see Sen. Faki is interested. I will tell him in camera

Finally, on austerity measures. I plead with the President and all of us, as we go for austerity measures, just in two minutes, please let us not cut the amount that was supposed to go to JSS for 46,000 teachers.

Most of these 46,000 are young people. If we can confirm them to Permanent and Pensionable (PP), we shall have been fair to the young people in 6,000 Junior Secondary Schools. Let us also not reduce the allocation to counties. As the Senate Majority Leader has said, it was not pro rata. It was based on equity. Let us also not cut money that was going to confirm the UHC intern doctors, among others, within the medical sector.

With those many remarks, I support this Motion. Let us bring back this nation to where it should be.

I thank you, Mr. Speaker, Sir

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

Sen. Sifuna: Thank you very much, Mr. Speaker, Sir. First, let me start by lauding the leadership of the Majority and the Minority sides that have brought this Motion this morning.

To Sen. Aaron Cheruiyot, my brother, you will struggle to make a better speech than what you have made this morning. I am sure it has given a lot of hope to many people in this country that this institution of the Senate can rise to the occasion when other people are failing. They say that with great power comes great responsibility.

I do not think that in this House there was somebody with a greater responsibility other than you, as the Senate Majority Leader, to set the tone for the discussion that we want to have this particular morning. I hear what Kenyans are saying. They want to see the leadership of this country in contrition. They want to see remorse. They want to see

us taking responsibility for everything that has happened that has led us to this particular moment.

Allow me to follow in your footsteps and tender an unreserved apology to the people of Kenya if I have contributed in any way by my conduct, by my speech to bringing the country to where it is today. I apologize for that.

Mr. Speaker, Sir, as the Senator of Nairobi, you know that Nairobi has borne the brunt of the protests, killings, the loss of lives and property. As I speak right now, we have 39 people, as of the last count, who have lost lives across the country.

More than half of that, at least 19 have been killed in the City of Nairobi. Out of those 19 that have died in the City of Nairobi, between six and eight of them, the numbers are yet to be confirmed, were shot outside this very Parliament. As we join our country and our colleagues in mourning, I also want to take this opportunity to send my heartfelt condolences to all the families that have lost their loved ones in this protest.

Since we have been the epicenter of these riots and protests, we have a lot of damage that has been done to public and private infrastructure. We have lost a lot of property. The value is unknown. Therefore, we will need time to do an audit of all the property that has been destroyed.

Businesses in Nairobi, Central Business District (CBD) have been shut. There have been all sorts of claims. There are people who have come to me and talked about ethnic profiling that led to some of the attacks on the businesses. There are certain communities that are being attacked while others are not.

We are in a place where we have never been in terms of the crisis that is facing us. All I hear the young people of this country say is that we, as a leadership, now need to stop talking and listen to them.

I have been turning down invitations to media houses. I am asking media houses, why they are not inviting Gen Zs to tell them what it is they want and to paint a picture of the kind of country that they want. Would you believe that there are many Gen Zs who are being invited to these Television (TV) shows and are afraid that they will not leave those TV stations and get home. This is because they are afraid of being arrested or detained outside those TV stations.

The conversation here, Sen. Cheruiyot, is that we now need to do certain things to facilitate a conversation to happen, starting with what we are doing here. We need to show remorse as leaders and stop threats to people who are expressing themselves.

I am in a *WhatsApp* group and somebody shared a charge sheet of someone who is being arraigned in court because they said ‘Ruto must go.’ We must get to a place where if we are going to have a national conversation, let us allow people to express themselves. That is the only way we will hear what they have to say. We need to put aside our egos. I know some of the things that we are being told and directed at us are very humiliating. As leaders, we are not accustomed to this. However, it is the time to set egos aside and just listen.

There is something very profound that the Senate Majority Leader told me yesterday. He said, “Sifuna, right now, there are no more political goals to be scored. There is no political game that is going on now because all of us in the political class are

indicted by the people of this Republic". We have failed in terms of what we need to do to get this country to where it is supposed to be.

I have shared an example here that on 25th June, 2024, anybody driving a Prado was being stoned in the City of Nairobi. Although it is a car that is popular with MPs, very many Kenyans drive this car. It is one of the most ubiquitous cars in the streets of Nairobi.

Mr. Temporary Speaker, Sir, imagine you being a doctor or a lawyer and have nothing to do with Parliament and you are driving around the City and the people attack you because of the car that you are driving. It is a problem that we have to solve by our own conduct. We have put all of us in the line of fire.

One of the nominated MCA was attacked while leaving the County Assembly of Nairobi. Her car was badly damaged. She was badly hurt, including her driver and had to get surgery. By the time people are saying, stop, this is not an MP, you are already dead. That is what we are saying. We need to come together and rise above all these differences that we have always had to have a conversation about our country.

Kenya has changed forever. We must not allow ourselves to go back to the bad manners. I was seeing clips of young people on *TikTok* saying they are very happy there are no more strobe lights, sirens and people are not overlapping. They are asking where all the big vehicles have gone to in the streets of Nairobi?

(Laughter)

Mr. Temporary Speaker, Sir, I saw a newspaper article in the *Standard* today saying that Members of the National Assembly are in hiding. The question is: Where are these Members?

I am very proud to be a Senator today because we are not hiding from the people. We are here to take responsibility for all our actions and to try and deal with the problems that we have contributed in bringing about.

There are things, in my view, that we can do and this moment does not call for us to tell the young people what to do. We need to demonstrate that we are hearing what they are saying and look at ourselves in the mirror. It has to be about us. We must start with the House of the Senate and the House of Parliament and as leadership, generally, so that we are able to demonstrate that we understand what these young people are saying.

Mr. Temporary Speaker, Sir, in my presentation, I will be proposing that we do not tell anybody else other than ourselves what we are going to do going forward, to try and help this country move from the quagmire that it finds itself in.

There are very low-hanging fruits and my friends here have spoken, for instance, about the supposed salary increments. In defense of the SRC, I know many of you have bashed them here, but gazette notice that is in the public domain and in discussion right now, was published on the 9th August, 2022, the day we went for elections.

I am telling you that because when MPs go for elections, people should know in advance how much they will make. The role of setting salaries was removed from us. The public still thinks that Sifuna has the power to increase his own salary. I do not have that power. That power is in a constitutional commission called the SRC.

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Mr. Temporary Speaker, Sir, I am happy that my colleagues who have spoken before me have said what we need to do. In all honesty, no one that I know asked for that increment. Personally, I never asked for the Kshs14,000 increment. It is to be tone-deaf if we are going to insist that we get that increment this year or even next year when the economy is in the doldrums and when many Kenyans have nothing to put on the table.

I also support the proposal by hon. Members who have spoken before me that we formally resolve that the Senate is not interested in any additional salary in this financial year.

Secondly, we need to re-look at our budget in this House and see where we can make major concessions and cuts so that members of public can feel that we are lessening the burden and not increasing it. I will give a personal example and, Mr. Temporary Speaker, Sir, you will forgive me if I am giving out House secrets.

When I became the Deputy Minority Whip, I was allocated a GK vehicle. On the first day that I used it to go home, I passed through the Express Way. I was shocked at the amount that is on my Electronic Toll Collection (ETC) card for my parliamentary car. As of this morning when I used the same vehicle to come here, my card had Kshs377,000. It does not make sense at all. What we should do is that MP and the staff of Parliament have to be honest with Kenyans in the way the budgets of Parliament are prepared.

(Applause)

There are ways and means of reducing the expenditure in this House in a manner that will reduce the burden on taxpayers. I honestly do not need that money. Even if I ran up and down the Express Way for one year, I would never exhaust Kshs377,000. We must do this so that we demonstrate to the people that we are serious about what we are talking about.

Thirdly, I will speak about something in the Motion. The Senate Majority Leader proposes that the National Assembly should reconvene so that they deal with the question of the Presidential Memoranda on the Finance Bill. Just as a constitutional lawyer, we, in the Opposition or the Minority side, have a different take on how this Finance Bill should be dealt with.

Mr. Temporary Speaker, Sir, look at Article 115 on what should happen to a Bill when it is sent back to Parliament.

Article 115(3) says-

“If Parliament amends the Bill fully accommodating the President’s reservations, the appropriate Speaker shall re-submit it to the President for assent.”

What that means is that the President has to be sent something back after that process of the consideration of his Memorandum. I do not think the Constitution envisaged a situation where you are sending a blank document from Parliament to the President for assent. This is because the Presidential Memorandum is proposing a deletion of all the clauses contained in the Finance Bill.

So, you will have an empty piece of paper. It will have nothing on it and then you are sending it back to the President for assent. What is he assenting to? The proposal that

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has come from hon. Otiende Amollo makes a bit more sense for us, that there be a Bill that is introduced to repeal the Finance Bill as was passed. This is because in the language of Article 115, we do not think it can be done in the way that it is being proposed.

Mr. Temporary Speaker, Sir, another thing we can do is that there should be a public pronouncement from the Head of State that we are going to stop arrests and abductions that have been ongoing; free everyone who has been arrested because of these protests as the Senate Majority Leader said and honour our dead and the people who are still in hospitals.

There is the question of opulence, corruption and the corrupting influence of money in politics. Hon. Senate Majority Leader, when you spoke about that, I was very happy because we should have a conversation. I was at a conference at one place and somebody was saying how it has become expensive to join politics.

I said it is used as a scare tactic to scare away people from political participation. If a young man hears that you need Kshs70 million or Kshs100 million to become the Senator for Nairobi County, do you think that person will ever participate in elections? Where are we supposed to get this money? We want the young people to understand that they have demonstrated to this country that, in fact, you do not need the sort of resources that we are told you need for you to become a political player.

Mr. Temporary Speaker, Sir, there is this question of a ban on harambees. As a lawyer, I am aware there is already legislation that tries to limit participation of political players in harambees. However, it is limited to the last few months to the election, about six or nine months. It has become a culture that campaigns begin immediately after elections, anyway. After you are sworn in, your opponent is already on the ground saying Sifuna must go. Why do we not just extend the period and say throughout the term of Parliament, MPs should not be allowed to participate in these *harambees* and demonstrate the sort of opulence that we have seen?

The Senate Majority Leader and hon. Sen. (Dr.) Khalwale have spoken about a rigged economy. That is something that has touched my heart. Those of us who were born where we were born, many of our young people, including myself, have always wondered how is it possible that people, who we know had lesser grades and far inferior grades in school, whom we were better than them at everything, are making progress at a faster rate just because of their second name and we are just there languishing.

People who have six degrees have never gotten an opportunity. They go for interview after interview. The moment somebody sees your name is Watanya or Sifuna, your Curriculum Vitae (CV) is put aside. It is very embarrassing that sometimes an entire institution has members of only one community serving in that office from top to bottom. These are the things that are going to make our people extremely mad every time these matters are brought about.

Mr. Temporary Speaker, Sir, if we do not address these matters, we are not going to deal with the problem. When it comes to employment in public service, we have seen young people who qualify as teachers waiting all their life to be employed as teachers, then you see leaders in public rallies and funerals, handing and dishing out employment letters from the Teachers Service Commission (TSC).

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When you go to the TSC, they tell you that there is a system where everybody is logged in and there is a criteria used, and that they will eventually reach to you. However, you can see people dishing out letters from the TSC, the Kenya Wildlife Service (KWS) and the National Youth Service (NYS) in harambees and funerals. This includes Kenya National Police. These are the things that we need to work on as a leadership so that we stop all this anger that you see.

Let me go to another thing. An angry people cannot be reasoned with. Right now, people are very angry. This is why I am trying to explain to this House that we are not going to be prescriptive in how we deal with this issue. We are hoping that we can demonstrate to the country that, at least, there is a place where a conversation can be heard. The Senate is the only House of Parliament that goes to the people. We do not fear the people. That is why we are still here.

If it is possible for us to go to Uhuru Park as somebody has suggested, we are ready to be insulted because at some point, we deserve to be insulted. However, at the very end of those insults, we will be able to pick some few things.

The Senate Majority Leader was telling us a story of how he logged into one of the *Twitter* spaces. He said there was maybe 60 per cent of expletives and insults. However, 40 per cent was good material, which has inspired the speech that he made this morning. So, let us put ourselves at the disposal of the people. We should be available to the people so that we deal with this.

On debt, I agree with the Senate Majority Leader that there has to be a public audit of all Kenya's debts so that we know the truth about this.

Concerning budget, we have explained and I have given an example here of how we feel, that sometimes our budgeting process is padded in such a way that it allows for budgeted corruption. Those of us on the Minority side have estimated that we can do away with at least Kshs1 trillion in this budget. We do not need to punish anyone. We just need to cut on expenditure in our own institutions.

I will go to some of the proposals that I have received from members of the public. First, there needs to be an audit of all appointments from 13th September, 2023. As Sen. (Dr.) Khalwale said, there are some offices which have been created that we do not even understand the basis of their existence. For example, look at the number of advisors in Government. There needs to be a public audit of all these advisors.

We need to tell Kenyans why it is okay for one office of the advisor on economic matters to have more money for travel than nine committees in this House combined. It does not make any sense. There is also the spectra of personal assistants in Government; we need a public audit of that. There was another office that was created - on this one you will forgive me, Senate Majority Leader - of faith intercessors. We need a public audit of who are these people and why are they earning public money. I had the occasion to see a business card of one of those faith intercessors; it was the most powerful business card I have ever seen in my life.

Mr. Temporary Speaker, Sir, you have spoken about the office of the First Lady. I am happy that the President himself took an initial step to say that that office will cease existing from Monday this week. It had 285 employees.

The wife of the Deputy President's Office had 100 employees. We cannot continue like this. There is also the spectre of retreats. This one we are all guilty of, as Members of this House. We need to look at whether the retreats we are taking are necessary; whether these meetings cannot be held here; whether those resolutions cannot be dealt with here.

In the independent commissions, Ministries and State corporations, I was told there actually exists fake retreats. There is something called a fake retreat. This is where there was no retreat, but people are paid for going for a retreat. On foreign trips, this is something we all understand. Let us demonstrate to the public that we are serious and we hear them.

(The Red light was switched on)

Sen. Sifuna: Kindly allow me one more minute---

The Temporary Speaker (Sen. Abdul Haji): Let us add him one more minute to conclude.

Sen. Sifuna: Mr. Temporary Speaker, Sir, on the DPP - I was conferring here with my friend the Senator for Migori County - we were shocked when we heard that a plea bargain had been entered in the Migori corruption case. A governor who had been accused of stealing billions of shillings has agreed to return Kshs300 million for the case to be withdrawn. I want to call for an audit of all the cases that have been withdrawn in the past 12 or 24 months so that we understand the legal basis for the withdrawal of these cases.

This is where we are failing. As long as you can see that these cases are going nowhere that is where these people get the confidence that the Senate Majority Leader was talking about, to engage in some of these things.

Lastly, we need respect for the Constitution and constitutional institutions and bodies across the public service and the national Executive infrastructure. For instance, I was being given an example. The mess we have in the management of public service is such that an Executive order was made transferring the functions of the Public Service Commission (PSC) on human resource matters to a body called the State Corporations Advisory Committee, which is a duplication of roles.

Mr. Temporary Speaker, Sir, I support this Motion. Let us put up that humane face that Kenyans are looking to see, that we can actually engage with these matters.

I thank you.

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

Sen. Chute: Thank you, Mr. Temporary Speaker, Sir. My son who is in St. Vincent Medical College called me yesterday and asked me: "Baba, why are these people calling you, M-Pigs?" He asked why the Gen Zs are calling parliamentarians M-Pigs. I told him I did not know, but there is something that is wrong with us.

Sen. Osotsi: On a point of order!

Sen. Chute: Mr. Temporary Speaker, Sir, in support of this Motion, let me say a few things.

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

The Temporary Speaker (Sen. Abdul Haji): What is your point of order, Sen. Osotsi?

Sen. Osotsi: Mr. Temporary Speaker, Sir, we are having a critical reflection in this House. We are talking about matters of discrimination and unethical conduct, but we are seeing the same being practiced.

I was among the first persons to come here and logged in. Now other Members are being called to contribute as we sit and wait. Is that fair? When we are talking about fairness, we should exercise that fairness even on this Motion. Let us follow the list on the screen so that we exercise fairness.

I understand that the leadership should be given priority, but what about people who are not in the leadership? There is a priority list there. Let us follow the list, so that we demonstrate to Kenyans that, indeed, we are talking about fairness.

The Temporary Speaker (Sen. Abdul Haji): Just a moment, Sen. Chute.

Sen. Osotsi, I need to understand whether by calling Sen. Mohamed Chute, the Chair is not following the order. The speaker just before Sen. Chute was Sen. Sifuna and he is in the leadership. The reason Sen. Cherarkey was given an opportunity is because he was next on the list, but Sen. (Dr.) Lelegwe, who is in the leadership, was not. The practice in this House is that if one Member on this side speaks, I have to give an opportunity to speakers on the other side.

I have had a personal discussion with you, Sen Osotsi. You know very well that your colleague, Sen. Beatrice Ogola, who is the next speaker, made a special request because she is traveling. The Chair has to listen to such pleas from Members from time to time, so that we can accommodate them.

Sen. Osotsi, there is no reason for standing on the Floor of this House and accusing the Chair of being unfair. We agreed that you will speak after Sen. Ogola on that side.

Sen. Chute, please proceed.

Sen. Chute: Mr. Temporary Speaker, Sir, I hope my friend, Sen. Osotsi, is not complaining about me because I was ahead of him.

I was talking about Gen Z. Let me take this opportunity to thank our Senate Majority and Minority Leaders. You have done something I have never thought of. You have represented this country and not your parties nor individual interests. Thank you very much and may God bless you.

Having said that, we have a problem. The problem facing this country is huge and we need a solution. Gen Zs are asking for a solution and not a discussion. What is the solution? First of all, when the President discussed the issue of the Finance Bill, his intentions were good, but the problem was communication. It was not communicated well. That is why we are facing the problem we have today.

Our problem is not the issue of the Finance Bill only. This country is rotten to the core. Our problem is excesses. You will find a Cabinet Secretary or MP who is well connected going to a *harambee* and contributes Kshs20 million. They start by giving Kshs5 million. When claps continue, they continue adding money and eventually end up giving Kshs20 million.

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Mr. Temporary Speaker, Sir, if somebody from Marsabit calls me and asks; *Mzee, hawa watu wametoa pesa wapi?* I tell them that I do not know.

I saw a Cabinet Secretary (CS) wearing a Hublot watch costing Kshs 3.2 million, his belt costs, Kshs500,000, shoes, Kshs680,000 and the suit, is almost Kshs1.2 million. That is Kshs6 million walking on the street.

(Laughter)

Then if somebody asks him where he is getting this money from, he says that he will go to court and sue them. *Waende huko kortini sasa.* Gen Zs have brought out these issues and we are going to face it head on.

Mr. Temporary Speaker, Sir, if, as a Senate, we want to stop corruption and excesses, we must start from the counties. I am in the Standing Committee on Devolution and Intergovernmental Relations and my committee Chairperson, Sen. Abass, is here.

Development projects and programmes in some counties are up to the tune of 6 per cent only. A 6 per cent of Kshs10 billion is Kshs6 million only, if I am not wrong. So, would I be wrong if today, I ask this Senate to stop sending development funds to some counties because there is no development? Kisii and Nairobi counties are at 6 per cent.

I thank the Gen Zs, and if there are any other groups that can join the Gen Zs to help us solve this problem, I would really appreciate it.

Mr. Temporary Speaker, Sir, there is a democratic space that we are lacking in this country and yet the laws are very clear. The laws give people space to talk, picket, demonstrate and even give statements of what they need for themselves. This is a democratic country. Police brutality should stop. Reverend Njoya was beaten in front of this Parliament in 1996. In 2024, the same thing is happening. When is this going to stop? The Inspector General of the NPS should resign.

On corruption; if you report something to the EACC today, after one hour, somebody will call you from Marsabit and ask you if you went to the EACC and what you reported there. How would this person who is 500 kilometres from Nairobi know that I have gone to the EACC? Definitely, there is somebody in that office who leaks information. If you ask me, it should be disbanded like yesterday, not today.

Mr. Temporary Speaker, Sir, we are seeking solutions here and this is what the Gen Zs want. What they are asking is for us to stop our excesses.

What would be wrong if the President today says that he going to sack all the Cabinet Secretaries? Why can he not sack them? Let them go home, there are other Kenyans who can do the same job effectively and efficiently. *Wafute kazi.*

The other day, you heard about fertilizer. That man is still in office. There was the cooking oil saga and the concerned CS is still in office and yet, the President is aware. The CEO of the Kenyan National Trading Corporation (KNTC) asked why we were asking him questions when it is his seniors who sent traders to his office. Who are these seniors? The President should sack all the Cabinet Secretaries, employ the fresh ones and we move forward.

On the borrowings, if you look at President Moi's Budget in 2007, it was Kshs2.18 billion and the expenditure was Kshs324 billion. Similarly, in 2012, the budget was at Kshs1.52 trillion and today, our budget is at Kshs3.9 trillion.

Mr. Temporary Speaker, Sir, we have a problem which is not taxes that are being paid, but our expenditure. We live beyond our means; we have thieves as Cabinet Secretaries, Principal Secretaries (PSs) and MPs. Let us not spare this House. We also have a problem and we must start from this House. Everybody knows how much we are earning but there are people we know who live extravagantly in this House.

Mr. Temporary Speaker, Sir, there are issues about counties. There are devolved functions that have not been transferred up to today. Why do we need regional bodies doing some work that is supposed to be done by the counties? Do you know the reason? It is corruption.

You create regional offices yet constitutionally; those issues are supposed to be in the counties. They are devolved. Why do you keep the money here? I ask our President that if he loves this country, let him follow our Constitution and send all the monies to the counties. The NG-CDF should go to the counties; it is not the MP's business. It should be managed by the counties. We have regional offices in Marsabit, Isiolo, Garissa and so many offices. These are conduits of theft.

Mr. Temporary Speaker, Sir, I appreciate what our Majority Leader has done today. He has opened a free space for us to talk. Do you remember our Deputy President said that some people have eaten so much and are vomiting on us? That is very true. I urge our President that this is the right time and the right opportunity for you. Do not wait for these young boys and girls to come and talk to you. You know what they have asked for. Please, start by, first of all, sacking all the Cabinet Secretaries, Principal Secretaries (PSs), and take back regional offices to the counties.

The President should support the county governments. The county governments should also stop their excesses. I urge this House to visit counties so that we look at the excesses, the employment and the development programmes. Then we come up with a law that will curtail theft in those counties.

About two months ago, the governor was brought before the EACC. Since then, they are bragging around Nairobi area saying “*kwani EACC iko?* What can the EACC do to us There is nothing they can do. We are dining with the President, we sit in his helicopter, we take photos with him. Who will touch us?” I ask the President to, please not sit and dine with thieves. Chase them away.

When you are seen with the President, you think that there is no case against you. There is a case against you. The ODPP should be disbanded. There is nothing they are doing. Sen. (Dr.) Khalwale has said that they select who to prosecute, who to take to court and who not to take to court depending on which party you come from or where you come from. That is very serious.

I thank God and Gen Zs for creating this space for us to talk about what we want. There is the issue of imported cooking oil. It is in almost 50 go-downs today expiring and the Government has lost over Kshs17 billion. Those people are still in the office because they are politically-correct. I urge the President, please even if someone is politically-

correct and you are trying to help a certain region, stop doing that. Do your work, sack all of them. We have lost a lot of money.

I ask our Senate Majority and Minority Leaders to think about what we are going to do in handling the county governments' issues. The problem starts with the counties. Every Gen Z comes from a county. If you go to your county today, you will find foreigners, including people we do not know, working in those counties. If these Gen Zs are allowed to work in their counties, do you think we would have this kind of problem? We would not have. However, they cannot work. It is only the family and close relatives of the governors that are given those contracts.

Do you think that the President is not aware? He is aware. We even send him texts telling him that this and that is happening in our counties. So, he should take charge. The money that is going to the counties is from the taxpayer. It does not belong to the counties or the governors. The governors sit in Nairobi, then, they control the money in either Wajir, Marsabit, Isiolo, or Samburu. Why is this happening? What business do you have in Nairobi? It is because you just went there as a governor to steal and not to work for the people.

Finally, the President should ask the Governors who are now being questioned to step aside and thorough investigations initiated. The main business of this Senate is counties. It is constitutionally mandated to look into any business that has been handled in the counties. Are we doing that? No. Not the way we are supposed to do. I will ask these distinguished Senators, please, let us take time. Let us sit and have a discussion on how to tackle the most problematic counties starting from the bottom to the top. We can have Special Committees sent to Marsabit, Kakamega, Isiolo, Mandera and even Machakos, then we solve these problems.

Mr. Temporary Speaker, Sir, under Article 75(1)(a) on the conduct of a State Officer says-

“A State officer shall behave, whether in public and official life, in private life, or in association with other persons, in a manner that avoids—

- (a) Any conflict between personal interests and public or official duties.”

Mr. Temporary Speaker, Sir, there are some organizations such as the Kenya National Highways Authority (KeNHA), Kenya Rural Roads Authority (KeRRA) and Kenya Urban Roads Authority (KURA). If you go there today, those director generals are supposed to be asked to step aside, so that lifestyle audit can be instituted.

If you go to any office today, either Government or any other institutions, if you want to ask for contracts or employment for your people, you will be told “sorry, we do not have any job” because it started somewhere in State House.

There are some brokers working in State House who normally go to places and say, we need employment for our people and the President said, employ 500 people and it is not true.

(Applause)

The Kenya Revenue Authority (KRA) was before us and they employed 56 per cent of their staff from one community. Do you think the President is aware? No.

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Additionally, some Chief Executive Officers (CEOs) working in institutions are worried. They are being forced to do things that they are not supposed to do. They are being told that this money has been sent by so-and-so and you must do this or that. They have a problem. The only way to solve this problem is for the President to do a memorandum to all CEOs and Director Generals to tell them not to listen to anybody who uses his name. That memorandum has to be publicized. We need to see it. That the President has---

Please give me one minute so that I can conclude.

The Temporary Speaker (Sen. Abdul Haji): We are running out of time. I will add you one minute.

Sen. Chute: So, if we have that kind of a memorandum, I am sure these thieves will stop stealing from our people.

In conclusion, I thank Members who are here. Last week, we almost adjourned. I want to thank the 19 Senators who said we should not go for recess, including myself. Today, our Majority Leader has seen the fruit of us saying no.

I want to also thank the Majority and Minority Leaders for bringing this issue today before the people of Kenya and the Senate.

I thank you.

(Applause)

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator. Proceed, Sen. Ogola.

Sen. Ogola: Thank you, Mr. Temporary Speaker, Sir. I want to start by thanking the Senate for standing up and being there for Kenyans who lost their lives and are lying in the morgues, the injured who are still in hospitals and for the Kenyans who are hurting, including a number of us.

I want to be honest with this House that from Tuesday, I attempted twice or thrice to drive to Parliament and drove away. This is specifically because I wondered if I was going to come to Parliament with the blood of young Kenyans who had lost their lives right in Parliament.

On that note, as I am here, I am thinking that these young men that specifically died in Parliament should be buried like MPs. Probably, their bodies should even be kept at Lee Funeral Home just like parliamentarians when they die.

I want to pass my condolence to Kenyans who have lost their family members and wish the rest that are injured a quick recovery.

Mr. Temporary Speaker, Sir, on that note, I also thank the Gen Zs for their courage. These young people shouted to whoever would listen. They cried and sang to us, but we did not listen to their cries. We assumed that this is a generation that we would physically meet somewhere. We assumed that they were the traditional opposition-like demonstrators that you can find meeting somewhere to plan for their activities. This is a generation that needs a change of tact, just as many speakers have demonstrated here.

From the onset, I thank a few of the professionals that were involved rightfully in these demonstrations for the help that they gave. I thank the medics who stood out and

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walked the journey with the demonstrators. Probably, if they were not there, they would have been many casualties. I also thank members of the LSK and the journalists for standing up for Kenyans and for keeping to their professions.

Mr. Temporary Speaker, Sir, killing young people is killing the future of Kenya. Killing young people was killing the dreams of families, their communities and mankind as well. It has been indicated that CCTVs could pick criminals out. I am here wondering why these CCTVs have not been able to pick out child killers, innocent blood spillers and dream killers. This is because we needed to see the killers of our young people in handcuffs today.

As I speak today, there are no resignations that have been received, no arrests made and there are no firings that have been made. In Homa Bay County, for example, one boy was shot on the first Tuesday in the first demonstration. Incidentally, he was a son of a corporal in the police service. What does this indicate? It indicates that as you are shooting someone's child, that child could be a son of an officer with a gun in his hands. What if that officer decided to shoot carelessly?

Mr. Temporary Speaker, Sir, earlier on, a proposal had been made of having to set meetings or committees to iron out a few of these issues that are the predicament of the Gen Zs. I wonder whether KRA needs any meeting or a committee resolution to know that when they are hiring, they have to take into consideration the face of this country.

We have seen sectors as has been indicated by a few of us where one community dominates the workforce. Do we need a committee or a resolution of Parliament for the people doing the hiring to initiate a hiring that shows the face of this country?

Mr. Temporary Speaker, Sir, the matter of austerity measures has been mentioned---

The Temporary Speaker (Sen. Abdul Haji): Sen. Beatrice, just a moment. If you can resume your seat.

Hon. Senators, considering the time and we are supposed to adjourn at one o'clock, I propose that we extend for another 10 minutes so that Sen. Beatrice can conclude her submissions as per Standing Order No. 34(2)(a).

(Applause)

Hon. Senators, considering there is a lot of interest on this debate, there has been requests from some Members that when we resume in the afternoon, we do follow the list as per the schedule right now.

For the Members who are on the list, as you step out, please take a look at the schedule so that you know whether you are going to be one of the first speakers when we resume at 2.30 p.m. I understand that this debate shall be continued today in the afternoon and tomorrow until most Members have spoken on it.

Sen. Ogola, you can conclude.

Sen. Ogola: Mr. Temporary Speaker, Sir, I thank you for that indulgence. That is the Senate I knew as I was coming to this House. That, it is a House of wisdom, responsiveness and consideration.

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The issue of austerity measures has come here. However, even if the different departments of the different Arms of Government went into the austerity measures initiatives we are talking about. However, if we do not as a country address the issue of wastage, we will still be coming back at where we are. This country must address the issue of wastage.

As leaders, we must be remorseful, but not defensive or defiant. I saw just the other day when the Head of State was at an interview, and all Kenyans saw leadership that was not remorseful to what had happened on Tuesday. All of us saw leadership that was defiant and defensive. We call on all of us to feel with Kenyans and be responsive to the predicament of the Gen Z.

A number of us, when we were coming out of college in our many professions, there was already employment letters. I am a teacher. Having completed my course, I was already registered as a teacher, having an employment letter and going to report to a school. However, that is not the situation that young people find themselves in today.

When you listen to the young people who were addressing the nation while demonstrating, those were top-notch brains of this country. Some of them have been out of college for six, five to 10 years with no jobs. As we make decisions for them, let us listen to them.

As I said, the Gen Z are listening and sharing widely as we talk. We assume that we know what they want. Let us not assume that we know what they want, but listen to them and be sensitive to the predicament of them.

That is why after Tuesday, in accounting this Republic, I saw men that had been mobilized, wielding *rungus* and saying that they were inspecting the ground. They were probably looking for the Gen Z who were going to demonstrate. I sympathized with the person who had mobilized these people. Why would they come to look for the Gen Z on the streets? They are in our houses. Each one of them should have just picked a *rungu* and gone to their family and beat their own children because that is where the Gen Z are.

Mr. Temporary Speaker, Sir, in the last demonstrations, I woke up and found my two children had joined the demonstrations. When we looked for them, they said they must be on the right side of history. So, for somebody who thinks they have powers and want to mobilize *rungu*-wielding people to go and beat the young children, they could as well just beat their own children in the house.

Let us not leave this to the public. The Constitution establishes institutions with structures that have order and reasonable officers that can attend to the predicament of the youth. This is because if we do not do that as institutions, then we leave it to the public. However, what happens to the public when they take charge? They have no order and probably may not be reasonable. As Kenyans, that is not what we want.

Mr. Temporary Speaker, Sir, I come back to the mandate of Parliament. When we talk about the Finance Bill, some of us ask ourselves where did it come from. Basically, I remember that the Principal Secretary for National Treasury and Economic Planning himself was unable to explain aspects of the Finance Bill on national television. Yet this is the PS of the National Treasury. I saw with my own eyes an officer from the KRA who was not able to explain matters concerning the Bill on national television.

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Where did this document come from? Are we saying that Parliament is not in control of the budget? Parliament should be. I am happy that the Gen Z are more courageous because right now when you walk around you are told that parliamentarians are in hiding. Why are you hiding if you did the right thing?

Let Parliament stick to its mandate. Parliament is a House of representation. We probably disappointed the public. After the Tuesday demonstrations, we have seen members of the public attacking the properties and homes of some MPs who they perceive or know voted yes.

As leaders, we should also watch the people who went to attack. They were not only the Gen Z. It not only shows us that the Gen Z had the courage to come, but it also shows us that the general public is not happy with what is going on.

It is time to call on counties, that as the Gen Z come to the national outfits, the counties should read the sign of the times.

The governors and county leadership must toe the line and do things as Kenyans expect. They are closer to members of the public and the public will catch up with them. Let us reassure the young people. Let us give hope to our people. We all have the capacity to learn and re-learn. Even the Head of State has all mandated institutions to support him in making the right decision.

I stand here and wonder how did we get to Tuesday? Is it possible that we did not listen to the right institutions that were giving us the right information? This country has an intelligence department that is skilled and is probably the best in Africa. Is it because somebody did not listen to caution from the intelligence? If that happened then the right things should have been done at the right time so that we could avert that kind of situation.

Mr. Temporary Speaker, Sir, yesterday, I talked to a friend who told me that Kenya is on the tip of collapse. If we allow it to collapse, we will never come back to where we were before. Is that what we want as leaders? Is that what somebody wants us to get into?

Mr. Temporary Speaker, Sir, we would like the Head of State to be more responsive, accommodative, listen to Kenyans and give room to institutions that have mandate to perform their mandate so that we do not end up with the situation we got into. We have had so many problems and issues such as the JSS where Kenyan children are sitting in classrooms without teachers.

In the past few weeks, we have seen that the medics have been having a challenge with the Government because the doctors have been speaking to the Government, but nobody was listening to them. We are happy that when this happened on Tuesday, the doctors came and stood with the demonstrators. The medics were there to support the demonstrators.

Mr. Temporary Speaker, Sir, I cry because of loss of lives in the country. When the President made a speech, he said no more lives would be lost. On Thursday, I was surprised that more lives were lost. Is it an indication that somebody is not listening to him or he is not listening to the advice?

We must not continue to lose lives. By losing young people, we are losing the future of Kenya and destroying the dreams of Kenyans, families, people and mankind. That is not what we expect for ourselves.

Let Parliament do its work. Let us preserve the lives of young people. Let us listen and be responsive to them. Above all, let us encourage leadership that is remorseful.

I cry because of all those lives lost. For the children who died around Parliament, I propose that they be buried like MPs.

ADJOURNMENT

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, it is now 11 minutes past one. Having concluded the business for which I extended the time of sitting, pursuant to Standing Order No.34(2)(a), the Senate stands adjourned until today, 3rd July, 2024, at 2.30 p.m.

The Senate rose at 1.11 p.m.