THIRTEENTH PARLIAMENT

THE SENATE

OFFICIAL REPORT



Fifth Session

Wednesday, 25th November 2026 at 2.30 p.m.

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 25th November, 2026

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

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

PRAYER

DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Serjeant-at-Arms, please ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

Serjeant-at-Arms, please ring the Bell for another 10 minutes.

(The Quorum bell was rung)

Honourable Senators, we have quorum. Clerk, you may proceed to call the first Order.

(Sen. Veronica Maina stood in her place)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION OF YOUTH
LEADERS FROM SIAYA COUNTY

Sen. Veronica, kindly take your seat.

Honourable Senators, I would like to acknowledge the presence of a visiting delegation of 29 youth leaders from Siaya County who are seated in the public gallery. The delegation is visiting the Senate for an academic exposition. On behalf of the Senate and on my own behalf, I extend a warm welcome to the delegation and wish them a fruitful visit.

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I ask the Senate Minority Leader, in under one minute, to extend a word of welcome.

The Senate Minority Leader (Sen. Madzayo): Asante, Mstahiki Spika. Pia nami wacha nijiunge nawe kuwakaribisha wanafunzi kutoka Siaya County katika Seneti. Kwa wanafunzi, tunawaambia karibuni sana hapa kwa sababu hili ni Seneti. Kama mnavyoelewa, katika Seneti tunaweza kuongea lugha mbili; Kiswahili na Kiingereza. Zote zinaruhusiwa. Uwepo wenu ni kwamba muweze kujifundisha, kujionea, na kutafakari zaidi kwa sababu nyinyi ndiyo viongozi wa kesho.

Nawatakia kila la heri katika ujio wenu ndani ya Seneti ili mjifundishe, muone, na mukirudi nyumbani mutawaambia, 'tumewaona wale Maseneta ambao huwa tunawaona katika runinga'.

Nawatakia kila la heri, Mwenyezi Mungu awabariki sana.

MESSAGE FROM THE NATIONAL ASSEMBLY

PASSAGE OF THE HEALTH (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO.56 OF 2024)

The Speaker (Hon. Kingi): Pursuant to Standing Order No.63, I have received a Message from the Speaker of the National Assembly regarding the passage, by the National Assembly, of the Health (Amendment) Bill (National Assembly Bills No.56 of 2024).

The Message, dated Thursday, 19th November, 2026, was received in the Office of the Clerk of the Senate on Tuesday, 24th November, 2026. Pursuant to Standing Order No.64, I now report the Message-

WHEREAS the Health (Amendment) Bill (National Assembly Bills No. 56 of 2024) was published in the Kenya Gazette Supplement No.230 of 27th December, 2024, as a Bill seeking to amend the Health Act to provide for access to emergency treatment and healthcare services prior to payment of prospective medical costs by users, and to prohibit detention of bodies of deceased persons as a means of enforcing settlement of outstanding medical bills.

AND WHEREAS the National Assembly considered and passed the Bill with amendments on Wednesday, 11th November, 2026, in the form attached hereto.

NOW THEREFORE in accordance with the provisions of Article 110 of the Constitution and Standing Order No.142 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration.

Standing Order No.163(1) requires that a Bill which originates in the National Assembly be proceeded with in the same manner as a Bill introduced in the Senate by way of First Reading, in accordance with Standing Order No.144.

Accordingly, I direct that the Health (Amendment) Bill (National Assembly Bills No.56 of 2024), be listed in the Order Paper for First Reading at the next sitting of the Senate.

Thank you.

Next Order.

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PAPERS

Sen. Veronica Maina: Thank you. Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, Wednesday, 25th November, 2026-

THE 5TH ANNUAL REPORT ON THE STATE OF PUBLIC PRIVATE PARTNERSHIPS IN KENYA FOR THE FINANCIAL YEAR 2025/2026

The 5th Annual Report on the State of Public Private Partnerships in Kenya for the Financial Year 2025/2026.

THE ANNUAL CORPORATE REPORT FOR THE OFFICE OF THE AUDITOR-GENERAL FOR FINANCIAL YEAR 2025/2026

The Annual Corporate Report for the Office of the Auditor-General for Financial Year 2025/2026.

REPORTS OF THE AUDITOR-GENERAL ON FINANCIAL STATEMENTS FOR VARIOUS ENTITIES

Report of the Auditor-General on Kenya Devolution Support Programme II IDA Credit No. 7447-KE - County Government of Tana River for the year ended 30th June, 2025.

Report of the Auditor-General on Kenya Devolution Support Programme II IDA Credit No. 7447-KE - County Government of Tana River for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Homa Bay County Climate Change Fund for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Homa Bay County Education Bursary and Scholarship Fund for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Municipality of Homa Bay - County Government of Homa Bay for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Ndhiwa Municipality - County Government of Homa Bay for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Mbita Municipality - County Government of Homa Bay for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Municipality of Kendu Bay - County Government of Homa Bay for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Rangwe Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2026.

Report of the Auditor-General on Kenya Devolution Support Programme (KDSP II) Project Grant/Credit No. P180935 - County Government of Homa Bay for the year ended 30th June, 2026.

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Report of the Auditor-General on financial statements of the Turkana County Youth and Women Empowerment Fund for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Turkana County Biashara Fund for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Turkana County Water Services Fund for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Kakuma Municipality - County Government of Turkana for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Lodwar County Referral Hospital - County Government of Turkana for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Lokitaung Level 4 Hospital - County Government of Turkana for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Kirinyaga County Assembly Mortgage (Members) Scheme Fund for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Kirinyaga County Assembly Car Loan (Members) Scheme Fund for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Kirinyaga County Emergency Fund for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Mwingi Level IV Hospital - County Government of Kitui for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Mutitu Sub-County Hospital - County Government of Kitui for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Zombe Sub-County Hospital - County Government of Kitui for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Tanathi Water Works Development Agency for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Uasin Gishu County Education Revolving Fund for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Uasin Gishu County Bursary, Scholarship and Skills Development Support Fund for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Uasin Gishu County Alcoholic Drinks Control Fund for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Uasin Gishu County Climate Change Fund for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Nakuru County Government (Staff) Car Loan Scheme Fund for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Nakuru County Bursary Fund for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Nakuru Water and Sanitation Services Company Limited for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of County Assembly of Nyeri Car Loan and Mortgage (Staff) Scheme Fund for the year ended 30th June, 2026.

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Report of the Auditor-General on financial statements of Nyeri County Referral Hospital - County Government of Nyeri for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Mt. Kenya Sub-County Hospital - County Government of Nyeri for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Muhoroni Chemelil Municipality - County Government of Kisumu for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Katito-Pap Onditi Municipality - County Government of Kisumu for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Migori County Alcoholic Drinks Control Fund for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Migori County Climate Change Fund for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Awendo Municipality - County Government of Migori for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Makueni County Empowerment Fund for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Makueni County Referral Level 5 Hospital - County Government of Makueni for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Machakos County Government Equalisation Fund for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Kangundo/Tala Municipality - County Government of Machakos for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Mandera Municipality - County Government of Mandera for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Elwak Municipality - County Government of Mandera for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Banisa Sub-County Level 4 Hospital - County Government of Mandera for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Lafey Sub-County Level 4 Hospital - County Government of Mandera for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Siaya County Emergency Fund - County Government of Siaya for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Siaya Alcoholic Drinks Control Fund - County Government of Siaya for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Nandi County Climate Change Fund for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Kapsabet County Referral Hospital - County Government of Nandi for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Kapsabet Municipality - County Government of Nandi for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Kajiado County Women Economic Empowerment Fund for the year ended 30th June, 2026.

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Report of the Auditor-General on financial statements of Kajiado County Assembly Car Loan and Mortgage Fund for the year ended 30th June, 2026.

Report of the Auditor-General on financial statements of Kajiado Municipality - County Government of Kajiado for the year ended 30th June, 2026.

That is from the desk of the Senate Majority Leader.

Thank you. I beg to lay.

(Sen. Veronica Maina laid the documents on the Table)

The Speaker (Hon. Kingi): Before I ask the Clerk to call the next Order, I have this Communication to make.

COMMUNICATION FROM THE CHAIR

THE 5TH ANNUAL REPORT ON THE STATE OF PUBLIC PRIVATE PARTNERSHIPS IN KENYA FOR THE FINANCIAL YEAR 2025/2026

As you may have noticed, hon. Senators, the Senate Majority Leader laid on the table of the Senate this afternoon the report by the National Treasury on the State of Public Private Partnerships for the Financial Year 2025/2026.

The report by the National Treasury on the stated period provides an overview of the status and performance of public private partnerships projects in Kenya, including their value, implementation progress, financial implications and government support measures. It also highlights key achievements, challenges encountered and priorities for strengthening the implementation of PPP projects.

As you may be aware, Section 88(1) and (3) of the Public-Private Partnership Act states as follows-

> "The Directorate shall, in not more than three months after 30 June, in each year, prepare and submit to the Committee a report on the state of public private partnerships in Kenya.
>
> The Cabinet Secretary shall submit a copy of the annual report to Parliament.
>
> Pursuant to Section 88(2) of the public private partnerships Act, the annual report submitted to Parliament should contain the following-
>
> (a) The state of public private partnerships in Kenya;
>
> (b)The number, types and value of public private partnerships being implemented in Kenya;
>
> (c) The contracting authorities implementing public private partnerships in Kenya;
>
> (d) The government support measures that have been given by contracting authorities and to whom;
>
> (e) The private parties that have been debarred or blacklisted under the Act;

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(f) The number, types and values of public private partnership tenders that have been cancelled;

(g) The value of contingent liabilities, if any, approved for any public private partnerships; and

(h) The financial reports of projects which have been completed and are being operated by a private party and any other information that may be relevant."

Honourable Senators, given the significance of public private partnerships projects in this country, I hereby commit the report of the National Treasury on the state of public private partnerships for Financial Year (FY) 2025/2026 to the Standing Committee on Finance and Budget for its consideration.

I thank you.

(The report was committed to the Standing Committee on Finance and Budget)

Let us move on to the next Order.

BILL

First Reading

THE SOCIAL PROTECTION (AMENDMENT) BILL
(SENATE BILLS NO.14 OF 2026)

(Order for First Reading read - Read the First Time and ordered to be referred to the relevant Senate Committee)

Let us move to the next Order.

BILL

Second Reading

THE ANTI-DOPING (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO.66 OF 2026)

That Order is deferred.

(Bill deferred)

Let us go to the next Order.

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MOTION

CONSIDERATION OF NATIONAL ASSEMBLY AMENDMENTS TO THE ELECTIONS (AMENDMENT) (NO.2) BILL (SENATE BILLS NO.29 OF 2024)

Sen. Veronica Maina: Mr. Speaker, Sir, I beg to move-

THAT, the National Assembly amendments to the Elections (Amendment) (No.2) Bill (Senate Bills No.29 of 2024) be now considered.

The Elections (Amendment) (No.2) Bill (Senate Bills No.29 of 2024) was published on 7th May, 2024, and introduced in the Senate by way of First Reading on Thursday, 4th July, 2024. The Bill underwent the legislative process in the Senate and was passed with amendments on Thursday, 5th December, 2024, and thereafter the Bill was referred to the National Assembly for consideration pursuant to Article 110(4) of the Constitution.

On Thursday, 22nd October, 2026, the National Assembly passed the Bill with amendments and referred it back to Senate for reconsideration. In passing the Bill, the National Assembly amended 18 clauses of the Bill from the version that was passed by the Senate. These amendments are the subject of the current Motion, where the Senate is requested to resolve that they be considered, pursuant to Article 112(1)(b) of the Constitution and Standing Order No.165 of the Senate Standing Orders.

The Elections (Amendment) (No.2) Bill (Senate Bills No.29 of 2024) is co-sponsored by the Senate Majority Leader and the Senate Minority Leader and was one of the Bills originating from the National Dialogue Committee (NADCO). The principal object of this Bill is to amend the Elections Act, Cap. 7, to streamline the electoral administration process.

The Bill also seeks to demarcate better the responsibilities of the Independent Electoral and Boundaries Commission (IEBC) and the Office of the Registrar of Political Parties. The IEBC will deal with registration of candidates while nomination will now be a preserve of the Registrar of Political Parties. That was an important distinction in terms of functions that each of these offices should play.

Additionally, the Bill seeks to amend the Act by deleting provisions that the courts have declared unconstitutional. These amendments serve two purposes; to improve the electoral laws and to delete some of the provisions that the courts have found do not meet the constitutional threshold. That shows how important these amendments are, especially when we are facing the 2027 General Elections.

Following committal of the National Assembly amendments to the Standing Committee on Justice, Legal Affairs and Human Rights (JLAHR), I am pleased to inform this House that the committee has carefully considered the amendments within the timelines that it was given. As the Vice-Chairperson of the committee, I sat through the discussions that enabled us to consider amendments that came from the National Assembly. We also looked into what was contained in the NADCO report that injected life into these amendments.

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Of the 18 amendments made by the National Assembly, the committee has recommended the following-

The committee agrees with the amendments by the National Assembly to Clause 2, Clause 3, Clause 9, New Clause 13, Clause 16, Clause 20 and Clause 21 of the Bill. The reason the committee has agreed to amendments to these clauses is because they define the legislation that has been proposed to be amended in Parliament. Therefore, they were an improvement to the initial Bill that was proposed in Parliament. The committee was reasonable and considered that whatever proposal was made by the National Assembly was acceptable.

There were other considerations made on certain clauses. After due consideration and deep reflection, the committee rejected amendments by the National Assembly to Clause 10, Clause 15, Clause 19, Clause 22, Clause 23, Clause 24, Clause 25, New Clause 26A, Clause 30, Clause 32 and New Clause 33 of the Bill. Among the amendments where the committee did not concur with the National Assembly are those relating to academic qualifications for elective offices. The role of the IEBC *vis-à-vis* that of the Office of the Registrar of Political Parties in regulating political party primaries and qualifications for one to be nominated as a Member of County Assembly (MCA).

Mr. Speaker, Sir, the question of academic qualifications in elective offices has been a subject of heavy litigation in the Republic of Kenya. Indeed, we know quite a number of leaders in this country whose academic credentials have been questioned by Kenyans. It is not just by Kenyans but also the authorities. Even the courts have disqualified some on the basis of their academic qualifications. Unfortunately, we still have some leaders going to River Road to secure certificates in order to meet the legal stipulations for academic qualifications.

In this Bill, amendments that were introduced by the National Assembly did not meet the thresholds required legally, hence our committee rejected some of the proposals that were put forth by the National Assembly.

Also, there was the issue of the role of the IEBC *vis-à-vis* that of the Office of the Registrar of Political Parties in regulating political party primaries and the question of qualifications for one to be nominated as an MCA. We found it very unfair that requirements for nomination for an MCA were the same as those of a governor. There is the need to graduate the qualifications, so that depending on the level of leadership one is assigned, it is considered that appropriate qualifications be attached to such. Even in the ordinary the job market, there are some jobs where you may require a graduate qualification from a university while there are other jobs that may require just a diploma qualification.

Others are provisions relating to livestreaming of election results, procurement of election technology, grounds and procedures for recalling a Member of Parliament (MP), access to information, evaluation of electoral processes and procedure and timelines for making an approval of election regulations. The detailed grounds for recommendations by the committee are contained in our report, which has since been tabled in the Senate. I urge honourable Members to go through the same ahead of consideration of the National Assembly amendments during the Committee of the Whole, so that we are well-versed with provisions that were rejected and those that were accepted by the committee.

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The implication of approving this Motion is that the House will proceed to the Committee of the Whole during which it may consider amendments by the National Assembly clause by clause. If the House agrees with the committee and rejects National Assembly amendments to the Bill, the Bill will be subjected to a mediation process as contemplated under the Constitution and Standing Orders of the Senate. At the same time, if the House rejects this Motion, the implication is that the Bill proceeds directly to mediation, thus reducing both the process and timelines towards getting a resolution on this important legislation.

The recommendation by the committee is, therefore, that the Senate rejects the Motion for consideration of the National Assembly amendments to the Bill. This will pave way for a mediation committee to be constituted at the earliest opportunity with a view of developing a version of the Bill that may be passed by both Houses. It is therefore important that the House prioritises this Bill, so that we meet the timelines and threshold of the timelines required before the 2027 General Elections.

Mr. Speaker, Sir, I wish to thank your office and that of the Clerk of the Senate for the support accorded to the committee in undertaking this assignment. I also wish to commend Members of the committee for their diligence as always in executing the mandate that we have been given.

Mr. Speaker, Sir, I therefore move and request Sen. Maanzo, a Member of our committee, to second this Motion.

I thank you.

Sen. Maanzo: Thank you, Mr. Speaker, Sir, I rise to second the Motion on consideration of the National Assembly Amendments to the Election Amendment (No.2) Bill (Senate Bills No.29 of 2024). The thrust of the matter, as explained earlier and bearing in mind that the country is heading to election, is that there is need to amend all the necessary election laws, so that when we go to election, everybody is happy with the process. Ordinarily, elections are supposed to be credible, verifiable, simple and that every common Kenyan should be able to understand the processes of election.

The Election Act carries a lot of details as to the whole process of election. An election is not a one-time event; it is a process. It takes a long time to prepare hence, the Independent Electoral and Boundaries Commission (IEBC), which now has commissioners, should constantly, if need be, bring forth amendments to the House. Also, having been considered at the National Assembly, then we should be able to deal with it at the Senate, so that it is released to be applied to the election.

This particular one had quite a number of definitions added. For example, the meaning of nomination, because there is a nomination by political parties and there are timelines attached to it. Then there are members nominated to the House, again by political parties. While the first one goes by way of election, a political party nominates and then the nominated candidates compete in the main election, thereafter, there is a list of nominated Members in accordance with the apportionments made in the law. Therefore, nomination was one of the key things which came up as part of the amendments.

There are quite a number of proposed Sections that we went through. I really want to agree with the the vice-chairperson of the committee, that there was a lot of work in

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terms of the proposed amendments. There are quite a number of clauses which have been brought forth and that this not being a Money Bill, then we should be able to handle.

Election amendments can originate from whichever House. Mostly, they originate from the IEBC, the body dealing with elections for the best interests of the country, to make sure that everybody participates. So, there have been a lot of proposals. We went through all of them with a tooth comb. For example, there has been additions like 33A and 38A. Determination and the declaration of election results about the tallying has been one of the main thrusts. We are also guided by decisions of the court; whereby ours truly, Sen. Okiya Omtatah, went to court. There was also the Kiai decision. This was supposed to guide the House to make sure that we enact a law which is credible and one that serves the nation better. The Constitution recognises that there will be elections in 290 constituencies. Therefore, the election law must tie to the Constitution, have the law itself and the regulations relating to that.

Mr. Speaker, Sir, this means that as soon as these amendments are effected, the regulations will also be accordingly amended to align with the new Acts. Therefore, in regard to the tallying of election, first and foremost, everything happens at the polling station. Once you tally at the polling station, the returning officer will then announce the tally for 290 constituencies for elected MPs and also the presidential election. This came under Section 39, and it also originated from the NADCO report.

What necessitated this amendment was the outcome of NADCO, which was shared by co-chaired by His Excellency Kalonzo Musyoka and the Leader of the Majority in the National Assembly, the Member for Kikuyu Constituency, the Hon. Kimani Ichung'wa. This House and the National Assembly were represented. Therefore, most of the ssections under NADCO, were negotiated for purposes of political parties who are stakeholders in the election. Therefore, we look forward to a healthy debate on this matter.

I second the Motion, so that debate will ensue. I believe the best will come out for the nation.

I second.

(Sen. Oketch Gicheru stood in his place)

The Speaker (Hon. Kingi): Sen. Oketch Gicheru, kindly take your seat.

(Question proposed)

Now the Floor is open for debate.

Proceed, Senator for Nandi County.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I thank the able Mover, my sister, Sen. Veronica Maina for ably moving. She is unusually very active. She is the Vice-Chairperson of the Committee on Justice Legal Affairs and Human Rights, the Chairperson of Kenya Women Senators Association (KEWOSA), the incoming Women Representative for Murang'a County, and Secretary General (SG) *emeritus* of the ruling party. She should be awarded the rank of Senior Counsel alongside you.

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The issue of elections is very emotive. As we proceed with the Elections (Amendment) Bill (Senate Bills No.29 of 2024), I am happy the distinguished Senator for Makueni has agreed that this---

(Sen. Oketch Gicheru consulted loudly)

The Speaker (Hon. Kingi): Sen. Oketch Gicheru, kindly consult in low tones.

Proceed, Senator for Nandi.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir, for that protection. I appreciate that this is part of the NADCO process. So, we expect minimal or no resistance at all. I am happy the distinguished Senator for Makueni has agreed that this is a NADCO Bill. It was co-chaired by his party leader of the Wiper Patriotic Front, the former Vice President, Kalonzo Musyoka alongside the Majority Leader of the National Assembly. I did not see him in the afternoon among the members of the disunited opposition where they want to go and lecture the IEBC on how elections should be done.

Is this a NADCO-bated Bill? We agreed that elections is a process. It is not the outcome. The former Chief Justice who is making hullabaloo in the streets, was the one who told us when he nullified President Uhuru Kenyatta's election that the process is as important as the outcome, yet he is the one leading other members of the disunited opposition trying to lecture IEBC on how to conduct an election. This is disrespect from our Chief Justice *emeritus*.

For us who are football lovers, although yesterday Arsenal went into a draw with another team which I will not mention their name because they will get popular, you do not sit with your referee before the game. I do not know what the motivation of the former Chief Justice who nullified the election of former President Uhuru Kenyatta is. He is now trying to tell IEBC how to conduct the election. The Constitution requires that IEBC must be impartial. It must conduct verifiable, transparent--- The principle is already anchored in the Constitution. You do not need to lecture IEBC about it. Therefore, we must agree and pass the NADCO Bill as quickly as possible. This is because the Kriegler report gave us lessons. We learnt that some of the amendments to the Elections Act should and must be done before elections, so that we can give IEBC voters, people who run for offices and many others an opportunity to acclimatise and be able to look at the Bill and understand it.

Therefore, I want to advise our brothers. Sometimes, when you know you are losing, you tend to create a lot of unnecessary sideshows. With a lot of respect, the united Opposition know that they have already lost the 2027 election. They are trying the usual script of premeditating the loss to request for sympathy, so that Kenyans can be incited. We ask the national security apparatus to be on the lookout to prevent the inciters who have noticed that they are losing the 2027 election. They must be told.

The Speaker (Hon. Kingi): Senator for Nandi, you know the rule on relevance. Please, restrict your comments to the Motion before you.

You may proceed to conclude your thoughts.

Sen. Cherarkey: Mr. Speaker, Sir, I stand guided, but this is an election matter. Let me go to the Bill, but they should be warned.

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I agree with the issue of academic qualifications. The reason there is surge of fake academic qualification is because Section 22 of the principal Elections Act, which was ruled unconstitutional in Paul Macharia Wambui case, was that you must have a degree to run for some of the elective positions. That is why there was a lot of River Road academic papers of some of our colleagues because they want to run for office, and so they manufacture and cook academic qualifications. Some of them are sitting governors, Senators, Members of County Assemblies (MCAs) and Members of the National Assembly. We are giving them reprieve. After the Paul Wambui Macharia case, the court said there must be segregation on what to run for in an elective position.

I know of a former colleague who is now a governor in this country but does not have a degree. That is a story for another day. This is reprieve. Even an MCA, from where your aide-de-camp, Muhammed, comes from, does not need a degree. He needs to know the local dialect, Kiswahili and English. In fact, I want to suggest to this committee to let us return the proficiency test where you go to the IEBC headquarters and you are given an insha or a composition. In fact, we create three, Kiswahili insha, composition and sign language. If you know how to write in Kiswahili because it is a national and acceptable official language, you are allowed to run. If you know how to write in English and Sign Language, you are also allowed to run. That is what the Constitution says on the proficiency of language. So, I agree that we do not need to belabor on this.

Mr. Speaker, Sir, we have created a hubris where most people are now faking academic qualifications, so that they can run for political offices. I know a Member of the National Assembly, who has a Doctor of Philosophy (PhD), but he cannot communicate in English. I sat with that Member in a meeting and I was shocked that even signing is a problem. He was signing like "cows chasing each other or being milked".

So, let us allow the use of proficiency of language, either Kiswahili, English or Sign Language. The decision of the High Court by Paul Macharia Wambui case was ruled unconstitutional. Let us not limit political rights as per Article 37. Let every Kenyan run for elections.

Mr. Speaker, Sir, you have been a leader for the longest in this country and you understand the dynamics. We do not want to create elective positions to look exclusive. That should not be. The ruling on Section 22(1)(b) of the Elections Act must ensure that we agree with the court of law and with the reports that the House or the committee made.

On Clause 13(a), I will run quickly, so that our colleagues can have a chance. On the issue of polling stations, and I have looked at Section 38(a) of the principal Elections Act, the IEBC has been given power to ensure that it gazettes the polling station, and that a polling station must not have more than 700 registered voters. The timing was scientific. I know that as the voters increase, under the new Section 38(a), Clause 20 of the new Elections (Amendment) Act, the IEBC has been given power to gazette polling stations.

I do not know why our colleagues are uncomfortable because that is their power. Why would our brothers and sisters who are running for elective offices want to tell the IEBC where and how to gazette polling stations, yet the insertion of Section 38(a) in Clause 20 of the amendment, should ensure that we are able to gazette polling stations?

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I have seen the Senator of Uasin Gishu. You know, a number of times we have seen some of our colleagues went to schools that are polling stations. I want to assure them that those schools will be very critical, because in as much as those schools are polling stations, they are very important because they elect the President of this country. I want to appeal to colleagues who went to schools that are used as polling stations not to feel bad. They should feel nice, because that is where leaders are elected. The insertion of Section 38(a) is apt, even the bringing and ensuring that we ensure the limit of 700 voters per polling station.

This brings me to the point, even the ruling in the Justice Maraga decision of the Supreme Court in 2017, the Elections Act is very clear. When I see my colleagues in politics arguing, you know, they are trying to make--- It is in the Elections Act, the principal Elections Act that brought this amendment. Sen. Maanzo knows this, that the declaration done at the polling station is final. Which other English do people understand? Should we speak Spanish and say it is *finito*? I want to thank the courts of law, although the other day the Chief Justice said they want to rate judges and magistrates on their performance. They should agree.

We said and they agreed with us, that we need a national tallying centre for just collation of the results. I vote at Chepterit Primary School Stream A, where I went to primary school. If that polling station declares that out of 700 voters who voted in Stream A, William Ruto got 700 votes out of 700 and the disunited opposition got zero, those are the numbers that will be brought to the national tallying centre for collation, so that the Chairperson of IEBC, Mr. Ethekon, can now declare them as a whole.

Since the gazettement of polling stations is under the new Section 38(a), the question is: How would our brothers and sisters want us to declare the results? Should the Chairperson of the IEBC go to Magarini, where you come from, Mr. Speaker, Sir, and declare the results from there, move to Bungoma, Nairobi, Kilifi and Mombasa? We must also be realistic.

Yesterday the IEBC appeared before the National Assembly, and they want more money to run the election. We agree that elections in Kenya are very expensive, because it goes, I think, to around Kshs2,000 per voter, unlike most of the other jurisdictions in Africa. They need more, almost Kshs 30 billion, to organise the general election. It is as expensive as that. The insertion of Section 38(a) in Clause 20, is very critical and I agree with colleagues in the Justice, Legal Affairs and Human Rights Committee reports. They are doing a very good job.

The issue of the office of Registrar of Political Parties and of nomination lists has been very emotive. With tremendous respect, you have been a party leader even though now you are in United Democratic Alliance (UDA). You know the challenges, having built a party. I do not know why the Minority Leader is excited; he thought you would go to ODM. No, this is our person in UDA. You know how to build a party under the broad-based government; every house has its own rooms and so, he is ours.

Mr. Speaker, Sir, we do not live in isolation. You have been a party leader, and you know the nature of nominations in this country. Today, I saw our colleague, the Senator for Siaya County meeting Orange Democratic Movement (ODM) leaders and he

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made a very profound pronunciation on the issue of nominations; that the parties must do free, fair and transparent nominations.

If the parties do free and fair nominations, you will not see independent candidates. If you give the right person a ticket in your county to run for governor, Senator, Member of County Assembly (MCA) or Member of National Assembly, I can assure you that you will never see independent candidates in this country. The ball is on the parties to do fair and transparent nominations.

On the second limb that is in this report, the Registrar of Political Parties must be very keen even as we do nominations. They must follow the law. I am surprised that there are over 80 political parties in this country but if I ask Members here about the parties, they will remember only three or two. They will remember UDA, where you and I belong to and maybe ODM, where the Minority Leader and Sen. Eddy belong to.

I do not see any other political party. Out of the 80 plus political parties, most of them are briefcase political parties yet, there is a Registrar of Political Parties. The Registrar of Political Parties should let us be like the United States of America (USA) where we have Democrats and Republicans. Sen. Eddy, even some civil servants are registering briefcase political parties. Even as you go to duel, you must agree as the Luo Nyanza that the people there belong to ODM under the broad-based arrangement, so that we move.

The second limit is on the nomination list; the people we nominate to come to the Senate. I have tremendous respect for my nominated colleagues – you are as good as some of us who are elected; we are proud of what you are doing. However, let nomination also be done transparently. We do not want nominations to be done based on your face, where you come from, your language or whether you have visited a certain room. Let nominations be done in a fair process.

I am happy that the distinguished Senator Veronica, who we hope by the way – there is sweetness in being elected, it so beautiful and nice – will be elected. Sen. Wakwabubi, Sen. Karen and Sen. Nyaituga, the incoming Women Rep of Kisii County, you will have more weight when you are elected.

In conclusion since I can see my time is spent; there was a Member of the National Assembly in KANU who was a career nominated Member of Parliament (MP). I do not want to name her because I know you know her; you have been around for some time. I challenge colleagues who are nominated that nomination is an affirmative seat, just use it to propel yourself to get elected. I am surprised that people who are nominated are disturbing to be nominated again, in the party you built, my sister. They should go and be elected. Just like Sen. Madzayo, I know a number of colleagues who were nominated but are now elected. I know the nomination process, especially for MCAs, has been having problems but they must be done in a free and fair process.

I know the issue of live streaming results is not there, but it is a topical issue. That is in the Elections Act. Allow me to say that this country is funny. Somebody told us that Bomas of Kenya has been sold; that there was no wheelbarrow in the Rironi-Mau Summit and some funny things that do not exist. Even the issue of live streaming elections is in the Elections Act; I do not know why we are arguing until cows come home.

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Under Sections 34 and 35, the right to information and media freedom is a constitutional right. All the elections will be live streamed for anybody who would want to know. I do not want to use unparliamentary language, but these people should be told that Kenya is beyond doing things in silence.

The person lecturing us - I do not want to mention them because I do not want to run afoul of Standing Order No.101 - was a former Justice Minister when former President Kibaki--- I can table that Kriegler Report that says there were election malpractices against Raila Odinga, the father to Eddy Oketch.

Mr. Speaker, Sir, you were there and the person who switched off lights at the KICC, the former Justice Minister, is now lecturing us about live streaming. This country is funny because the Pharisees are many. The people who are lecturing us about transparency live streaming and Samuel Kivuitu, were the ones who were switching off lights at KICC. They then sent the General Service Unit (GSU) and went ahead and swore President Kibaki at night when the sorcerers are active. Why are they lecturing us?

I do not want to go on and on; I think the people who are controlling time are unhappy with the direction I am taking. I support the report and yield back the microphone.

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

Sen. Eddy, have you refused to contribute?

Sen. Oketch Gicheru: No, I was doing some rituals, but it is okay. If those rituals will not be performed today, I am unable to continue.

I thank the committee right from the start for a good job done in considering what came from the National Assembly. I have taken my time to go through the report as well as the different parts of the Bill that were contentious and the proposals made. I seek your indulgence because this is a very serious issue that I want to talk about.

Of all the provisions of this Bill and the report as considered, which I think will be subject to mediation, I want to focus on only one thing. For the last two months, the country has had a problem in the sensation around the issue of live streaming of election results. This is the main issue; all the other issues can be canvassed.

The issues around nominations of MPs to come to this House can be canvassed and the issue around the roles of IEBC *vis-a-vis* the Registrar of Political Parties on supervising or conducting nominations for different political parties are things that we can deal with. However, there is nothing you can do if you have not done an election that gives people confidence that the results that come from polling stations are the results that they believe in and are transparent.

The results transparency and accountability to the people of Kenya only happen in two ways; one, at the point of transmission and live streaming of those results. As a House, we cannot do what the National Assembly did of confusing transmission and live stream of results. These are two different things. This is why you get people becoming hysterical about results in this country. The transmission of results must be guided with well-stipulated laws that directs, instructs and clarifies to IEBC what it must do.

In the same manner, as a House of the Senate, we must give IEBC a law that mandates it to put a mechanism to live stream results. If there is confusion for the people of the National Assembly in understanding these two terms, let me make it very clear that

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transmitting results is moving recorded election figures and official forms from one point to another.

When you record election results as an official of IEBC from the polling station and then you push them to the constituency tallying centre, you have transmitted. When you record what you have received from the tallying centre as a constituency centre, verify them, then you push them to the county tallying centre, you have transmitted. When you further record what you have come with from the counties and then push them to the national level, you have transmitted because those are forms that you have recorded as an officer of IEBC and you have just pushed them to subsequent tallying centres up to the national level.

Mr. Speaker, Sir, but that does not equate or does not equal live streaming of results. Live streaming, by definition, must be broadcasting the real-time announcement as they happen at the polling stations. That is what is going to give the people of Kenya confidence that both of those processes did happen; one in the glaring watch of Kenyans and the other in the mandated institutions to run an election. We must sort this out.

If you read this report and I will go back to that report, paragraphs 68 and 69 attempt to address this issue but it does not. It attempts, and we as a Senate must address the issue of live streaming of results if we have to restore confidence in the electoral process.

The report in paragraph 68 says in the proposed amendments as contained in Clause 22 of the Bill, which was the contention the last two months in this country. The new paragraph 9 provides as follows-

> "The Commission shall facilitate public information, allow candidates and their agents, observers and any other person authorised to access a polling station or a tallying centre to record and document the tallying, announcement and declaration of results."

This is good but not good enough. Why am I saying this? We are going to have over 50,000 polling stations. If in over 50,000 polling stations you have observers, agents and these officers and persons, including individuals who are party officials recording results and live streaming them in their different platforms, if it happens that 50 per cent of those people who are about 200,000 people or over have given different results that do not tally or agree and, for instance, KTN has given results that are not agreeable to citizens and some agents have given results that are not agreeable to observers; where is the authority that will make Kenyans believe that the authorised live streaming process is the one that is telling us the truth?

Mr. Speaker, Sir, we cannot excuse IEBC from putting up a mechanism to equally live stream the results. I hope that as we go for mediation, and as we will be going to the Committee of the Whole, we can correct this clause, insert and I say it verbatim so that we can perhaps correct it – I would like the Senate to apply itself to the issue of live streaming of the results. I wish we could develop this part to say as follows-

> "The IEBC will be mandated to put up a mechanism and the infrastructure to live stream results from the polling station and use that live streaming for two purposes. One, for purposes of informing the public and two, for the purposes of

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declaring results upon using the transmitted results to verify what has been live streamed so that they go together."

We cannot allow the IEBC not to live stream at all because if you read paragraph 69 of this report, it says-

> "This Bill, therefore, replaces the provision on live streaming with one on access to polling or tallying centres by candidates, their agents and other authorised persons for the purposes of recording and documenting the tallying announcement and declaration of results."

You are giving our people mere access which they already have. We have gone through a number of elections. Whenever we go to elections, the people who sign the forms at the polling stations are agents. The people who look at what has happened in the polling station are observers. They have access. The issue of access and recording whatever you have taken from the polling stations does not solve the issue of live streaming.

I understand the National Assembly is coming from a good place in the sense that if you look at the contention in 2018, the High Court removed Section 39(1)(g) of the Elections Act, 2011. Their rationale was that the section was requiring the IEBC to live stream results for purposes of informing the public, and not for purposes of declaring results. The courts had an issue with that statement, saying that you cannot use live streamed results to inform the public and not use them to declare results. That is unconstitutional.

Mr. Speaker, Sir, if you are the one who put a mechanism, the financial investment and the infrastructure to live stream those results, why are you not confident enough to use those same results to declare the candidates who have won results? In September this year, the Court of Appeal asserted that position; that it is unconstitutional to leave Section 39(1)(g) as is, that you are only live streaming the results for purposes of informing the public. It does not complete the transparency and accountability equation.

If you have informed me with the results that you are live streaming, that Veronica Maina, the good Senator from Murang'a, has won the election according to a live stream and then you come and contradict it with recorded results transmitted, then why were you live streaming those results in the first place? That is what the public wants us to cure.

The National Assembly got the assignment. Yes, the court deleted that section because it is unconstitutional, but the court did not say that we cannot live stream results. The court expected us, as a House of Parliament, together with the National Assembly to find a mechanism or instruction to IEBC to put in place a live streaming mechanism that will lead to declaration of results.

Mr. Speaker, Sir, we cannot joke with this, and we cannot let it go. I would request the committee that together, let us apply ourselves and make sure that elections 2027 will be live streamed to inform the public and will be live streamed to ensure that they are used for the purposes of declaring results. How do we do that?

We must go back to Clause 22 of this Bill that addresses itself to Section 39(1)(g) of the mother Act. It requires the IEBC, because the IEBC is putting up a budget right now. That budget is going to look at the process. They are going to procure technology.

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They are going to procure technology to enable voters to vote. They will procure technology to enable them to transmit the results. They must, therefore, go and procure technology to make sure that they can live stream results that are dependable, verifiable and that can bring the confidence of Kenyans. That when William Samoei Ruto, the President of Kenya, is declared as having won his second term, the entire country watches. It is broadcast, and the entire country has got nothing to do with disputing those results. That is the country that I want.

Mr. Speaker, Sir, that is the only section that I want to apply myself to. I want to plead with this House that this is the most contentious section. The other sections are well stipulated, they are well explained, they are well elaborated, and there are mechanisms that have been put in place to deal with all of them.

The only section that the Senate should be able to look at very keenly, and I am warning this House, that if we do not solve the issue of live streaming of results, as a Senate, we will have a problem with our employers. Our employers are the people of Kenya, who are keen to see what the Senate is going to do about the issue of live streaming of results. Therefore, I thank Sen. Veronica for moving this Bill. I thank her, together with Sen. Dan Maanzo.

Sen. Dan Maanzo has debated this issue with me on television, and he knows where I stand. I stand at a point where I believe that transmission and live streaming of results must happen. Since we gave Sen. Dan Maanzo the job to be in the committee to go and correct this misnomer, they must correct it as a House.

We must get an amendment. If there is nobody who will take that action from the committee, I want it to be committee work. I respect this committee; it has done some of the best Bills that we have in this House. Yesterday, we passed a number of amazing Bills, executed, done well by the Justice, Legal Affairs and Human Rights Committee (JLAHRC). I want to wish the JLAHRC the courage that the National Assembly did not have. They did not have the courage, because the National Assembly took a shortcut, that so long as the court did declare those sections unconstitutional, they just deleted them. That is intellectual laziness. If the court has said that the problem is lack of transparency, you go ahead and put a law that can help us. You put in place a law that can help the country. You do not say that the easiest way is to delete it and let us move on.

We cannot move on. So, I want to wish the Members of the committee, the courage to introduce what I am saying - there are better lawyers there. Sen. Veronica is a better lawyer; I am not a lawyer. She is excellent. Sen. Maanzo is also a lawyer. Sen. Cherarkey is also there, a better lawyer. Sen. Sigei is another lawyer there. They can put my pedestrian--- Sen. Tom Ojienda is also in that committee as well as Sen. Mumma. They can put my words in better language, legally, that can make sense to solving this issue before it boomerangs on the entire House.

As I conclude, I am saying the wordings can be improved. That we put under Section 22 of this Bill that the IEBC shall be required to put up a mechanism and the right infrastructure to live stream results, one, for purposes of informing the public; two, for purposes of declaring results upon all verifications done with that live stream.

With that, I thank you, and I support.

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

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Sen. Okenyuri: Thank you, Mr. Speaker, Sir. I want to support this report and just point out two issues. When you look at Clause 19, where the committee is recommending that following the various cases we have had in court, especially on issues to do with the nomination list in the county assembly, their proposal that for someone to be nominated to the county assembly they have to either be a resident of that county or show association with the matters of that county. I think I strongly agree with this proposal, because I equally, through experience I underwent in 2017, I was on the nomination list for the Jubilee Party, the Kisii County Assembly list. Unfortunately, whoever was nominated then was never a voter in Kisii County, was someone who voted in Kasarani. Since they probably knew someone at the party, they got away with it. I filed an election petition at the lower court in the county, up to the Court of Appeal in Kisumu, and that petition was dismissed.

I am happy that consequently, subsequently, we have had petitions which have been upheld at the Court of Appeal level, which are now giving direction, that for you to be on the nomination list, at least you need to show some kind of relationship with the county of interest. This is in a big way going to bring transparency and reduce the matter of political parties importing nominees from different counties to serve in other counties.

Mr. Speaker, Sir, we have very many young people who are serving in different political parties. They may be wearing different colours but the challenges they undergo are similar. So, this recommendation goes a big way in making and encouraging political parties to give priority to young people or people who are serving their parties from that specific region.

I do not understand why someone in Kisii or Migori can be represented by a nominee from Marsabit or Isiolo. So, we really have to support that even geographical diversity is represented. We cannot have maybe three people on the nomination list all coming from one ward.

So, this is very progressive, so that the Registrar of Political Parties, when they are actually looking at this, all this has to be factored, so that people who are working for the different political parties equally feel appreciated. This is in a big way going to promote equitable representation, so that we do not have people who are missing out but on the other hand, they are being represented by people who do not come from those areas or have nothing in common to show with the areas of origin.

I also want to comment on and associate with the sentiments by the Senator for Migori on transmission. In 2022, when this was being done online, you could clearly tell how the performance of different candidates was. If the intention is to promote transparency, elections belong to the people, and the people want to see what is actually happening. The proposals to have openness, so that we can protect both the voter, the candidate, and even the electoral official, this will actually support them.

When you want to follow the proposal by the National Assembly that we delete that clause, it actually leaves a lot of uncertainty in law. We are not addressing that issue, so that we do not have people who are going to contest results in court. If we do this bit well, it is going to solve very many aspects. We are going to have a reduction in the number of petitions we have in court.

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Therefore, I support the issue of allowing candidates and their agents who are accredited into the tallying centre where the counting and everything is happening but if you are doing that, just as Sen. Eddy said, we should be able to show how transmission is, because if transmission, as defined, is just capturing what was recorded and transmitting it, I do not see where the problem is but generally I agree with many of the clauses in this report. In a big way, they go towards addressing most of the challenges we have had, especially by clearly outlining the responsibilities of the IEBC and the Registrar of Political Parties.

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

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

This is a very critical report we are talking about, and members of the public are following. Just to mention, we are heading into elections, yet I really doubt if many people are conversant with some of these issues. I want to place emphasis on the young people participating in the different political parties in this country; be very keen because you might do so much for your party and end up nowhere.

Therefore, I want to encourage them, as early as now, to get to know the different nomination rules that are actually in place, so that you can also put the parties on the spot. If this goes through the mediation process, we are going to cure most of the challenges we are experiencing. We will ensure that we have good leaders representing good people in a transparent manner to solve the various issues our citizens face in the different areas we come from.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Sen. Mwinyihaji Mohamed Faki.

Sen. Faki: Asante, mheshimiwa Naibu Spika, kwa kunipa fursa hii ili nichangie ripoti ya Kamati ya Haki, Masuala ya Kisheria na Haki za Kibinadamu ya Seneti kuhusu marekebisho ya sheria ya uchaguzi ya Kenya. Mimi pia nitakuwa mchache wa maneno. Ningependa kuchangia mambo mawili ambayo nimeona hayakuchukuliwa kwa uzito na Kamati.

Kwanza, naipongeza Kamati kwa kazi nzuri waliyoifanya. Ripoti hii ikifuatiliwa kwa makini itasaidia pakubwa kuleta uwiano wa sheria za uchaguzi katika uchaguzi wa mwaka ujao. Pia naipongeza kamati kwa mapendekezo yao kwamba wale wanaochaguliwa kama wawakilishi wadi maalum lazima wawe wanatoka kwa maeneo ya wadi husika. Kwa mfano, wale wanaochaguliwa katika Kaunti ya Tana River, wanafaa kuwa wakaazi wa Kaunti ya Tana River, kwa sababu wale ndio wanaojua matatizo ya Tana River. Wale wanaochaguliwa katika Kaunti ya Mombasa wawe ni wakaazi wa Mombasa, ambao wanajua na wamejiandikisha kama wapiga kura katika Kaunti ya Mombasa.

Mheshimiwa Naibu Spika, kuchukua watu kutoka sehemu zingine kwa sababu ni watu *marginalized* haieleweki. Hata katika kaunti zetu, kuna jamii zilizotengwa, na hawawezi kumchagua mwakilishi wadi ambaye atapeleka matatizo yao mbele kusikilizwa.

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Hoja ya pili ni suala la uchapishaji wa matokeo ya uchaguzi moja kwa moja. Hilo ni jambo lililofanyika kwa mda wote mpaka mahakama ikajaribu kutoa muongozo kuhusu suala hili. Kamati imetambua kwamba ipo haja ya sheria ya kuhakikisha kwamba Tume ya Uchaguzi inatangaza matokeo moja kwa moja, hususan matokeo ya kura ya urais. Lakini ukiangalia mapendekezo ya Kamati, sheria wanayopendekeza haifikii kile kiwango kinachotakikana. Wanasema katika mapendekezo yao kwamba-

"The Commission shall facilitate public information, establish a mechanism for transmission of results."

Mheshimiwa Naibu Spika, jambo muhimu ni kuwe na *live streaming*. Yale matokeo yatumwe moja kwa moja kwa vyombo vya habari ama wananchi ili kila mtu ajue matokeo ya uchaguzi. Hii ya kutafuta mbinu ndio inayoleta yale mambo tuliyokuwa nayo wakati kura ilipoisha ya kina Camargo, unaambiwa kuwa *server* iko Costa Rica ama sehemu fulani. Yote hayo yataendelea kuwapo ikiwa hakutakuwa na sheria ngumu itakayosaidia uchapishaji wa matokeo moja kwa moja wakati wa uchaguzi.

Jambo la kuchapisha matokeo ni la msingi, kwa hiyo tungependa suala hili lirekebishwe ili sheria ya kuchapisha matokeo ya uchaguzi moja kwa moja ibaki katika vitabu vya sheria zetu.

Kwa hayo mengi, naunga mkono ripoti hii, lakini lazima tuhakikishe marekebisho yamefanywa ili kutoa nafasi ya kuchapishwa moja kwa moja matokeo ya uchaguzi.

Asante.

The Deputy Speaker (Sen. Kathuri): Sen. Mungatana Danson.

Sen. (Dr.) Mungatana, MGH: Thank you, Mr. Deputy Speaker, Sir. I rise to support the report of the Standing Committee on Justice, Legal Affairs and Human Rights. First, I want to take the floor to appreciate the work of the Chairperson, Hon. Wakili Sigei, together with the team that led the consideration of the amendments from the National Assembly.

When the Committee sat, it agreed to some of the amendments that the National Assembly brought to our Bill. Kenyans listening to us must know that this Bill on the amendments to the Elections Act started from this House. The process is that once we pass it, it goes to the National Assembly, which then brings back some of its recommendations. In those recommendations, we agreed to some of the amendments they proposed and we rejected others.

Mr. Deputy Speaker, Sir, going to the substantive issues that have been raised, this House elected me to be the head of delegation to the Pan-African Parliament. In carrying out my duties there, I have served as an election observer in many countries in Africa. What we are discussing here today is no different from what is discussed in many other African countries; the creation of trust, transparency and setting out the basic requirements that can deliver a credible election. I can tell you many people are listening to this debate outside this country because Kenya has set the standard for the credibility and transparency of elections. People are able to see the results even before the election is formally announced.

Therefore, I want to strictly agree with this report that has been well considered by our committee. We agree that when we go to vote in the queue, there was previously a requirement that if you did not have a valid passport, you would not be allowed to vote. I

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could have a passport that has expired, but it does not change who I am, my name or my identity. I am very happy that this restriction has been removed; any passport that you have, so long as it identifies you, should enable you to vote.

The National Assembly made some amendments, and the net effect of those amendments is to put a requirement on representatives of the people from the Senate to the National Assembly to the County Assembly to require a degree. The Senate of the Republic of Kenya will still stand by the position that a representative of the people should have basic education and be able to communicate properly. To put a requirement that a degree must be there for a representative of the people is wrong. The Houses of assembly are the Houses of the people. I am a PhD holder; I am a doctor, but I am not any wiser than a colleague here who is just a businessman who maybe just sells in a petrol station. I am not any wiser. He is a representative.

There are also people who are men of the cloth, people who worship, who are actually pastors. Pastors and people who have been serving in the church and religious leaders are here but there are also crooks who are elected inside here. We have people who are educated, not educated, people who are religious, not religious, people who are good, people who are bad. It is a representation of the society.

We must not say this is the same as, you know, the requirement of being a president who must have a degree and a deputy, the requirement of being a governor who must have a degree, and the deputy must also have a degree. So, we disagree with any provision that makes that a compulsory thing.

Mr. Speaker, Sir, when you look at this report, there was a problem that we tried to solve in the Senate. We said when somebody is being nominated to a seat, that person must prove that he or she has been a voter of that ward. I remember very clearly in the coast, our neighbouring Kilifi County, there was a time people were coming from outside Kilifi County, and they are told they are members of the Assembly. They are nominated to be sitting as MCAs who are nominated and they are not even registered there.

When the National Assembly looked at the version of our Bill and they proposed that we remove the requirement that someone must be a registered voter in at least one of the wards within the county, they are speaking from no experience at all. In fact, there are four court cases of the High Court that support us from this report, the Narok Election Petition E002 of 2023, Kering versus Torome and five others – four other High Court decisions have been made to support that a person must have a connection with where he is being nominated.

Even in this Senate, we have received a petition from Mr. Laban Omusundi, who recommended that this provision must be there, so that people are not nominated who have no connection at all with where the nomination has taken place.

We said in this Senate, in the original version of the Bill, that the IEBC must be given opportunity to bring delegated legislation. They must be given opportunity to bring rules and regulations, so that they make the election better or more manageable. On the other hand, the report shows us that the National Assembly has proposed that we delete Clause 24, which removes the power of the IEBC from making regulations.

We cannot make all the mother laws and then the agency does not have power to make any subsidiary legislation. We need to be fair to the people who are managing the

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election, so that we allow them where there are gaps, they can make regulations that will allow our people to have a better election.

We had made a provision, which is also a consensus provision from the National Dialogue Committee (NADCO), that immediately after elections, we should have a scrutiny of the presidential results from all other seats. This must be done and then a report be filed and gazetted. I am surprised that the National Assembly has put a deletion on that clause, so that they do not want scrutiny to be done six months after the election. The argument they are putting is that once the election has been announced and the petitions are done, there is no need of scrutiny.

I want to say this. In my duty in the Pan-African Parliament, what we have seen is that every country that does election scrutiny after their election, they tend to improve on election practices. So, this rejection of election scrutiny after the election has taken place is a ridiculous thing.

So, the report that has been filed by our committee, which very clearly states there are some good things that have come from the National Assembly, but there are some ridiculous things that have also come from the National Assembly.

I do not want to dwell too much on what has already been debated, but the principle must be that we must be as transparent as possible. We must be able to look in the face Kenyans and tell them this election we won it square and fair. We must be able to say you can come back and look at the results five or six years, because there is a gazette report. What is it that people are afraid of? I think this scrutiny is very important, and it is important for us to have proper and total election transparency.

I would want it that either I have won elections or I have lost elections, and I would want my election win to be so clear, and if I have lost, to be so clear, so that you do not even have to bother about petitions. That should be the spirit. We should support the Independent Electoral and Boundaries Commission (IEBC). If we are going to have credible elections, I would urge us to be able to engage all stakeholders.

I am surprised to see in the news that stakeholders are writing to the IEBC and the IEBC is not responding to them. Any political party that seeks information from the IEBC, the IEBC should be up and quick to respond. The IEBC has many lawyers. You know that even when you receive a letter, you can say I acknowledge receipt of the letter, I am looking at it, I will give you a substantive result. I mean, that is a statement that we always make in practice of the law. How can you be given letters and you do not answer? The IEBC must be like Caesar's wife, above any form of criticism, above any form of doubt, above any form of question or questionable character.

Mr. Deputy Speaker, Sir, in regard to this law, the Senate said if there is a recall, let that recall be decided by a simple majority, if a Member has been recalled and an election has been done. However, the other House, the National Assembly, amends that and says that no, if it is for a Member of Parliament (MP), every ward must approve. There must be a critical number in every ward. Then, if it is for a Senator, at least one third of the county must approve. Why are we making extra requirements? If you have been recalled by the people, by a simple majority, then you should accept that they do not want you to serve them in a representative capacity. In my opinion, these additions are

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making it difficult for people to recall Members who are elected as Senators, Members of Parliament and Members of the County Assembly. We should move away from that.

Mr. Deputy Speaker, Sir, we are saying that if we support this report as a Senate, then there are good things that they have suggested from the other House. Similarly, there are good things that we have suggested, and we are sticking to them. We would like that mediation to take place, so that the final law that goes to the President for assent is something that represents our people in this country.

Mr. Deputy Speaker, Sir, I am 100 per cent for live streaming. I do not also agree with those people who are saying we should abolish a place where the national tally must take place. How does a stakeholder dictate to the Independent Electoral and Boundaries Commission (IEBC) what they need to do? This is an election manager. If you are so good, then retire from politics and apply for a job at the IEBC. Let us also respect institutions. When you go to court as a practising lawyer, you follow the Cause List. It is the judge who is in charge of the Cause List. You cannot go to court and tell the court, I want my case to be heard first, then you say whatever you have to say. You want to control the court and then walk out.

To the hon. Members or former Members of Parliament who went to the IEBC and tried to capture media headlines, that was a shameful kind of disgraceful act. It should never happen again. That is an independent – underline the word, "independent" – it is like a court. You wait for your matter to be called and then argue your case. Even if you have a very good case, if you misbehave before the court, you will be thrown out. As an advocate, you and all your clients will be thrown out.

So, I would urge the members of the opposition that, being in opposition does not entitle you to misbehave. You misbehave and then two days later, you give a statement saying you want another meeting with IEBC. Are you paying the bills? You have seen they are going to beg for more money. When the matter is there for you to debate and discuss, you do not want to debate. You start doing funny things, theatrics and then afterwards you go and ask for another meeting. Let us respect institutions. It is in our interest that all of us have a good election.

If you say we must have transparency, who does not want transparency? If you say let us have live streaming, who does not want live streaming? Why are people trying to create the impression that those of us who are in the government and supporting the government and the President, do not want the results to be known? Kenyans listening to me should hear that in the side of the government coalition, we want these results to be open and clear. We want them to be transparent because we are going to beat these people seriously. Therefore, we want it to be open, so that everyone can see. These people do not have anything to sell to Kenyans. We know we are running on record because we are incumbent. We are running on record, and our record speaks for us. We have nothing to hide. However, let us respect the IEBC. If you want the IEBC to deliver, let us respect it.

I have been in many other African countries observing elections, and I have seen where people do not respect their institutions. That is where trouble starts. If you do not respect the IEBC, next you will not respect the courts and the police, and then you will just run the country down. We cannot have that kind of behaviour especially where you

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see in the opposition people who are respectable, and have held the position of Vice-President, in fact, two vice-presidents in the opposition, yet you are behaving like you are just little people from the opposition. No, we expect more. We hold you to a higher level.

I submit, and thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen, Kathuri): Sen. Joe Nyutu, please proceed.

Sen. Joe Nyutu: Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to also add my voice to the support that we have on the recommendations of this committee.

Mr. Deputy Speaker, Sir, allow me to thank and congratulate the committee led by my friend, the Senator for Bomet County, Sen. Hillary Wakili Sigei. Due to the limitation of time, I would like to restrict myself to the report before us, presented by the committee. I will restrict myself to the deletion by the National Assembly of Clause 22 that had been introduced by the Senate. It must be known that the Senate recommended that we introduce Section 9 on Clause 22, in order for us to bring a cure to the fact that the High Court had declared Section 39, especially (1)(g), unconstitutional. The reason being that (1)(g) provided for just the announcement of results for purposes of public information and not for purposes of declaring the results.

So, the Senate, in its wisdom, decided to bring that particular amendment in Clause 22 and Section 9, which the National Assembly went ahead to delete. The net effect is that the National Assembly retained Section 9 as it was, which then means that whatever the High Court had declared unconstitutional was retained by the National Assembly. We cannot go by the decision of the National Assembly because we will be trying to introduce something that is a constitutional nullity.

If the High Court has declared Section 9 unconstitutional, then we cannot agree with the decision by the National Assembly to retain that particular section. So, I agree with the recommendation of this Committee that we reject the deletion of Clause 22 because the results must be announced for purposes of both public information and for declaration of results. This must happen because I have heard several of my colleagues here saying that all of us want a clear, free and fair election. I would like to believe that people are saying what they mean here. If we want a free and fair election, then the results must be announced for purposes of public information and declaration of results.

Let me also say that I agree with my party leader that we do not need that Bomas thing. This is because if results have been announced at polling stations, at constituency level, for purposes of public information and declaration of results, then every other Kenyan will know what the result of the presidential election is, even before the Chairperson of the IEBC makes the announcement and declares who has won that particular election.

So, Mr. Deputy Speaker, Sir, it must be said that nobody fears the results of the election. It has been said in this particular House that the IEBC is independent. Nobody would stand anywhere and say that the IEBC is not independent. However, it must be known that the IEBC determines and announces the results of an election. Therefore, where somebody is a participant in that particular process, you cannot tell them not to air their views to the IEBC. The IEBC is there to serve the interests of all the people that have an interest in the election.

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Therefore, if anybody has a concern with the way the business is being run at the IEBC, you cannot say that because they have a particular concern, that they are dictating to the IEBC how it is going to work. You cannot say that since they have raised a particular concern, they are dictating to the IEBC how to work. All we are saying is that IEBC must listen to every other stakeholder; it is not supposed to serve the interests of any political party. I assure those of us in here and out there who are saying that we should not recommend anything to the IEBC that we will continue pointing out the issues that are sticking at the IEBC and the IEBC must listen and, of course, address the merits of our arguments. We cannot stand here and say that there are people dictating to the IEBC what to do. Nobody wants to dictate to the IEBC what to do.

Mr. Deputy Speaker, Sir, let us support the report of this particular committee, that we reject especially the deletion of Section 22 by the National Assembly. Elections must be live streamed for purposes of both public information and declaration of results.

I submit.

The Deputy Speaker (Sen. Kathuri): Sen. Karen Nyamu, proceed.

Sen. Nyamu: Mr. Deputy Speaker, Sir, the country is watching how we handle this electoral law amendment process. They are waiting to see if we have goodwill or if we have anything hidden. The public has been debating the issue of live streaming as is in our Clause 22; the National Assembly went ahead and deleted our whole proposal on Section 22. As a Senate, we have to reconsider our earlier position where we did away with live streaming based on the inconsistencies and the determinations in court.

Just like other Members, I will support other amendments that are progressive for this law. You know how this amendment came about; it came out of the report of the National Dialogue Committee (NADCO) negotiations between the UDA and ODM. Electoral reforms and transparency are very key to every Kenyan. We have to ensure that we are processing a law that will eventually reflect the wishes of the people of Kenya. If the people of Kenya think that live streaming is what will make the results credible, by all means, let us give them live streaming. However, Kenyans should be cautioned because live streaming may not be practical in each of the 55,000 polling centres. In that case, the law allows that your agent can record announcing of the results.

At the same time, as we discuss live streaming, we need to be very clear on what it entails. Is it from when the voting process begins? Should the voter be live when they walk into the polling station and go to the booth? To what extent can you come close to a voter because the secrecy of secret ballots is also very important? This is so that you do not go to the extent of confirming whether they actually ticked the candidate that you are claiming they ticked.

We should not have live streaming in a vacuum; we should set out what it entails and what it does not entail. At the same time, I do not think we should have it as a mandatory provision because that nullifies a credible election result simply because there was no live streaming in some polling station.

On the issue of recalling elected Members, we have to make it as difficult as possible for the electorate to recall Members. We should envisage a situation where Members make a decision once in five years; no decision should be made between the five years unless it is very, very necessary. So, I support a situation where it is almost

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impossible to recall unless very, very necessary. Then the process and the hurdles that we put on recalling should be met by an electorate that feel very, very dissatisfied and not for political reasons.

I can see the mood of the House; they want to vote by acclamation very fast, so my remarks will be---

Thank you.

The Deputy Speaker (Sen. Kathuri): Next is Sen. Mumma Catherine.

Sen. Mumma: Thank you, Mr. Deputy Speaker, Sir. Allow me to read the mood of the House. I think we are all agreed that we owe this nation a good law on elections. I think I will pass the time, so that I can contribute at the Committee of the Whole, but from what I hear, we owe this country to put in place a good law.

I support the report of the Committee. Thank you very much.

The Deputy Speaker (Sen. Kathuri): Sen. Olekina Ledama, have you also read the mood of the House?

(Loud consultations)

Ask the Deputy Majority Leader. Wakili Hillary Kiprotich is ready to contribute.

(Loud consultations)

Hon. Senators, having no other Senators wishing to contribute to this Motion, I request the Mover to reply.

Sen. Wakili Sigei: Mr. Deputy Speaker, Sir, thank you very much. I would like to appreciate hon. Members who have contributed to this Motion, starting with Sen. Veronica Maina, the Deputy Majority Leader, who moved the Motion; Sen. Maanzo, a Member of the Justice Legal and Human Rights Committee (JLHRC) Sen. Cherarkey, former Chairperson of JLHRC, Sen. Essy Okenyuri, Sen. Mungatana, my senior learned friend; Sen. Eddy Oketch, a leader in the House, Sen. Nyutu, Sen. Karen Nyamu, who is a Member of the Committee, as well as Sen. Catherine Muma, who actually has read the mood of the House and acknowledged the fact that we have had time and we need to vote; and lastly, my learned senior, Sen. Faki.

This is a very important Motion and Members have spoken to the proposals from the National Assembly to the amendment to the elections law. I will not go back to debate or contribute further from what Members have said. Indeed, we need these 10 rejected clauses from the National Assembly to progress to mediation and the eight clauses, which the committee agreed with the proposals from the National Assembly be adopted as we progress.

Therefore, as I reply noting that we need to take a vote. I wish to appreciate the Members and ask that if there is need for additional contributions to this, this can come at a stage when we are voting at the Committee of the Whole.

I beg to reply.

The Deputy Speaker (Sen. Kathuri): Clerk, confirm whether we have quorum to put the question. I also confirm that this matter does not concern counties.

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(Question put and agreed to)

MOTION

ADOPTION OF REPORT ON PETITION ON EVICTION OF SINGLE MOTHERS ASSOCIATION OF KENYA FROM PROPERTY NO.LR2096738

THAT, the Senate adopts the Report of the Standing Committee on Land, Environment and Natural Resources on a Petition by the Single Mothers Association of Kenya concerning their eviction from Property Ref. No: CP & ARCH/00219, Excision of L.R. No. 209/6738 in Ziwani Ward in Nairobi County, laid on the Table of the Senate on Wednesday, 16th September, 2026,

Sen. Faki: Thank you, Mr. Deputy Speaker, Sir. At a sitting held on 16th September, Wednesday, the Senate received a public petition from the Single Mothers Association of Kenya (SMAK) based in Ziwani Ward, Starehe Constituency in Nairobi County concerning their threatened eviction from a property Ref. No: CP & ARCH/00219, being an excision of disused parking lot at the Hindu Cemetery, L.R. No. 209/6738 part, Kinyanjui Street part development plan No.PDP Ref. No: CP/FP zone 2/126/10/07.

The committee proceeded to seek responses from the Chairperson, National Land Commission (NLC) and the office of the Governor of Nairobi City County, to address the issues raised in the Petition. The Committee concluded its sitting by conducting a visit to the area mentioned in the Petition to verify the facts as alleged by the petitioners *vis-a-vis* the submissions made by the stakeholders on Monday, 15th June, 2026.

The committee sought answers to the prayers sought by the petitioners and further ensure that it responds to the following concern-

(1) That the Nairobi City County Government immediately ceases all eviction threats, intimidation and interference with SMAK's operations on the suit land, pending the resolution of the matters raised in the petition.

The Committee observed that SMAK is a legally registered charitable Community-Based Organisation (CBO) established in 1991 and registered in 1992, and has been in continuous occupation of the suit land at Ziwani Ward, Starehe Constituency, pursuant to allocation from the then Nairobi City Council.

The Committee observed that SMAK occupied the disused parking lot in Ziwani Estate, allocated by the Nairobi City Council, whose allotment letter specifies an approximate area of 0.2 hectares without defined boundaries. The planning notices issued in 2007 and 2008 did not reflect any subdivision or partial reallocation of the land.

The Committee observed that the petitioners moved to the court vide Chief Magistrate's Civil Suit No.958 of 2014, which was dismissed on 29th April, 2025, for lack of demonstrated legal right on the property and failure to establish beneficial interest. They say dismissal notwithstanding, the county government's administrative obligation to account for the payments received and the documentation withheld remains.

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The committee observed that SMAK has, at all material times, demonstrated good faith in the regularisation of its tenure, having made full payment in 1997 for allotment fees, lease, PDP and beacon surveys. They have also consistently met its ground rent obligations over more than three decades, yet the County Government of Nairobi City has persistently failed to issue the corresponding legal documentation, leaving SMAK in a legally precarious and unprotected position.

(2) That the Nairobi City County Government produces and releases all relevant land documents, including the lease agreement, PDP, beacon certificate, title deed, all allotment letters issued in respect of the land, including those for the four alleged sub-allotees and any records pertaining to the subdivision or partial allocation of the plot.

The committee observed that the prolonged failure to issue title documentations constitutes a potential violation of SMAK's constitutional right of access to information under Article 35 of the Constitution, as operationalised by the Access to Information Act, 2016, and may further constitute a denial of a fair administrative action under Article 47 of the Constitution.

The committee observed that the County Government of Nairobi City indicated its willingness to avail certified copies of all records in its custody relating to L.R. No.209/6738 subject to verification and that this undertaking should be reduced to a definite and time-bound obligation.

(3) That an investigation be caused into the circumstances surrounding the subdivision and partial reallocation of the suit land, including why the planning notices of 2007/2008 did not reflect any subdivision, while the allotment letter specifies only an approximate area of 0.2 hectares and without defined boundaries, and how the sub-allotments to the four other parties came to be recorded on a beacon certificate without SMAK's knowledge.

The committee observed that the apparent inconsistency between the planning record of 2007/2008 and the subdivision of 2012 raises questions about the regularity and propriety of the subdivision process.

The committee observed that the situation had been materially aggravated by the alleged unauthorised subdivision of 2012 and the issuance of disputed beacon certificate purporting to list four sub-allottees, neither the legal basis nor the identity and entitlement of whom has been disclosed to SMAK, raising serious concerns about potential irregularity and administrative misconduct in the management of the public land.

The committee observed that the conduct of the County Government of Nairobi City towards SMAK reveals a pattern of administrative bad faith spanning over two decades, including instruction to advertise for regularisation in 2007/2008 without follow-through, and unauthorised sub-division in 2012, eviction letters in 2015, and the demolition of SMAK's facilities without notice in 2019.

The committee observed that the county government has failed on various occasions to share the details of ownership of the other four parcels of land.

Mr. Deputy Speaker, Sir, the committee having investigated the matter in accordance with its mandate under the Standing Orders No.228(4), the Committee recommended that-

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(1) The Nairobi City County Government immediately and unconditionally ceases all eviction threats, intimidation and interference with SMAK's operations on the suit land, in recognition of SMAK's continuous and good faith occupation since 1992.

(2) The Nairobi City County Government, within 30 days of the adoption of this report, releases to SMAK and the committee certified copies of all land documentation pertaining to L.R. No. 209/6738, including the lease agreement, title deed, Part Development Plan (PDP), beacon certificate, and all records relating to the subdivision of the plot and any allotment letters issued to the other four alleged sub-allottees.

(3) The National Land Commission, pursuant to its mandate under Article 67(2)(e) of the Constitution and Section 14 of the National Land Commission Act, 2012, investigates the alleged and unauthorised subdivision of the suit land undertaken in 2012, within 60 days of the adoption of this report in the Senate, with a view to determining whether historical land injustice has occurred, and recommending appropriate remedial action. The Commission's findings to encompass the legal basis for the sub-division, the identity and legitimacy of the claims of the four alleged sub-allottees, and the consistency of the subdivision with the planning notes of 2007-2008.

(4) The Nairobi City County Government takes immediate steps to regularise the petitioner's land tenure by completing the issuance of all outstanding documentation for which payment was made in 1997, including the lease, the Part Development Plan (PDP), the beacon certificates, and proceeds thereafter to formalise title in the petitioner's favour in accordance with the applicable provisions of the Land Act, 2012 and the County Governments Act, 2012, and updates the committee on the progress within 60 days of the adoption of this Report in the Senate.

(5) The Nairobi City County Government, jointly with the petitioners and the Office of the Director of Surveys, undertakes a fresh cadastral survey of L.R. No. 209/6738 to ascertain the precise boundaries and area of the parcel and shares the survey report with the Committee within 60 days of the adoption of this report.

I want to thank the committee, your office and the secretariat for having facilitated the Committee in this inquiry.

I beg to move and invite the Vice-Chairperson of the Committee, Sen. Karen Nyamu, to second the report.

Sen. Nyamu: Thank you, Mr. Deputy Speaker, Sir, and my able Chairperson of the Committee and Senator for Mombasa, Sen. Faki Mwinyihaji.

I second.

The Deputy Speaker (Hon. Kathuri): Thank you, honourable Senators.

(Question proposed)

Proceed, Sen. Samson Cherarkey.

Sen. Cherarkey: Thank you, Mr. Deputy Speaker, Sir. I want to congratulate the Chairperson, Sen. Faki, for ably moving. The Single Mothers Association of Kenya (SMAK) are the rightful owners of this parcel of land in Ziwani Ward in Starehe Constituency. Looking at the history, I am happy with what the committee has captured

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in this Petition and the report by the SMAK concerning eviction from property L.R. No.209/6738 in Ziwani ward, Starehe Constituency in Nairobi County.

I congratulate the committee and agree with their decision. You know, we respect all the single mothers. Some of them are not single by choice but because of a shortage of men to marry them. However, there is no shortage of men to sire children with them. So, we appreciate what single mothers are doing in our society. We are proud of them.

I know in the region called Mount Kenya, single mothers are very powerful. They can make you be elected. Some of them are single mothers not because they like, but because sometimes they have lost their husbands, or they have been divorced. So, it is circumstances.

Therefore, the Single Mothers Association have a rightful claim. I think the reason they were being frustrated by the County Government of Nairobi City is because they are single mothers. Therefore, we want to agree with the report that the land rightfully belongs to the SMAK of Ziwani Ward in Starehe Constituency, Nairobi City County. Therefore, the County Government of Nairobi City have said 60 days, which is around February. We must have a report indicating that all these matters will have been resolved once and for all. I am happy that Sen. Faki's committee has indicated the issue of the National Land Commission. They have a role to investigate and regularise.

Mr. Deputy Speaker, I know that you are also a landlord or a landowner in this city but you know, there are many cities. I know Sen. Faki is a landowner in Mombasa City. It looks like in this city, when you have land, you become a target of land grabbers. The disease called '*grabiosis'* in Nairobi City County is on another level. The sad reality is the collusion between the Nairobi City County Government offices and other land grabbers. They are even targeting the SMAK, a vulnerable group.

You have even seen that there are targeted attacks against all Asians in this city, the absentee landlords. So, I want to agree that the Nairobi City County must and should release all documents; the lease agreement, title deed, part development plan, beacon certificate and all records relating to the sub-division and reverse the illegal sub-division of the parking lot of 0.2 acres in favour of the petitioners, the SMAK.

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

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

The NLC should report within 60 days. I want to challenge the committee led by Sen. Faki to ensure this happens. I want to appeal to Sen. Faki, that you should have added that the costs of surveying, certification of this document, release of document should be borne by the Nairobi City County Government, not the SMAK.

Mr. Temporary Speaker, Sir, you are a lawyer and you understand very well that some of the people do not have title deeds because the cost of the titling process. You know that the surveying process, the division process, even the process at the Director of Surveys and certification of leases, all these processes are costly. You understand because you are a top lawyer. You understand what we mean when we talk about the process of adjudication and subdivision of land.

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So, if it pleases you, allow me to appeal to the Chairperson of the Committee on Land, Environment and Natural Resources, if they can add an amendment that we include the cost to be borne by the Nairobi City County Government because these are women who are single. You can imagine single mothers are raising their children on their own. There are deadbeat fathers, there is a programme on *Radio Jambo* where Massawe Japani exposes the deadbeat fathers.

We want to appeal to all fathers who are siring children with the single mothers not to run away. We also want to appeal to single mothers not to fleece these fathers, so that they do not run away, so that our children are brought up by the father and mother. Therefore, I agree with the report and expect that the Committee on Land, Environment and Natural Resources will resolve this issue once and for all in 60 days.

Mr. Temporary Speaker, Sir, I celebrate the petitioners for believing in the Senate because this is a straight and fair Motion. My only concern is that I did not bring a petition. I want to challenge the Standing Committee on Land, Environment and Natural Resources on the issue of land leases in Nandi.

Mr. Temporary Speaker, Sir, you come from a region where multinational companies have taken over land leases, especially tea multinational companies. I brought that statement and I am yet to be invited by the Standing Committee on Land, Environment and Natural Resources to address the issue of tea land leases in Nandi County because we still have a problem, especially on the leases of multinational companies in Nandi.

Apart from tea lease issues in Nandi County, we also have the issue of de-gazettement of land of people who live in the forest. We need that de-gazettement to happen, so that our people who live in areas such as Ng'atipkong, parts of Nandi Hills and Tinderet constituencies are settled properly. We have three forests in Nandi; Nandi North, Nandi South and Kimondi Forest. The gazettement of these areas will be very important.

I know this season is one where we are having a lot of ceremonies. Where I come from, we are busy with ceremonies. This December, we make sure we initiate our young ones. When we reopen school, we have three main priorities; our people come back to vote for leadership and also the President. We want those people protected because of the forest. You know the cultural importance of the forest, especially Chepalungu Forest, which we use for cultural issues. We need those spaces.

Mr. Temporary Speaker, Sir, there is a song that has been playing in my head called *Rewot by Jeffstar Chizi*. I know you have listened to that song called *Rewot* because it is a season of songs and happiness. As we go into the season, I know Bomet, where you come from, every village has its own recording studio, and we appreciate the songs that come from there. They teach people about life, farming and land issues, but the one that has stayed with me is *Rewot by Jeffstar Chizi.*

As we enjoy the season and go for the holidays and long recess, we hope that when we come back, before nominations, we will have opportunities where these reports are addressed. I have always insisted on having a committee on implementation as a House. I know in the next House because some of us may receive a higher calling of

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serving in other capacities--- My belief, having stayed in this House long enough, is that we need to have a committee on implementation.

Sen. Faki has given us a timeline of 30 to 60 days on compliance by the county government regarding the Single Mothers Association of Kenya (SMAK) in Ziwani Ward, Starehe Constituency, where the land was almost taken away by the Nairobi City County Government. We need a committee on implementation put in place, so that we can ensure compliance. I hope SMAK will ensure that when they vote in 2027, they elect a good governor. If they get a good governor, the issues of single mothers will be resolved once and for all.

Sen. Faki is a member of the Orange Democratic Movement (ODM). The current Governor, whose name everybody knows, has fairly run down Nairobi City County. I do not know whether ODM accepts incompetence. ODM should reject him, so that we can get a good governor who can ensure proper use of resources and the functionality of Nairobi City County, including ensuring land is not taken away from SMAK.

Mr. Temporary Speaker, Sir, with those many remarks, I beg to support the Motion. Thank you for giving me the opportunity. After this, I will send you by *WhatsApp* that song called *Rewot by Jeffstar Chizi*, so that you can enjoy your evening.

I support.

The Temporary Speaker (Sen. Wakili Sigei): Senator, I can assure you that I can run you through the lyrics of the said song. You do not need to send it to me.

Secondly, for your information, Sen. Cherarkey, in the course of your contribution, you made reference to the cost of transfers of property. Just to remind you, during the State of the Nation Address, the President indeed made a commitment and a proposal that any conveyance on property of value below Kshs1 million is going to be stamp duty free. That is one of the things that is important for the public to know.

Sen. Veronica Maina, proceed.

Sen. Veronica Maina: Hon. Temporary Speaker, thank you very much for giving me this opportunity. I thank Sen. Faki for bringing this Motion before the Senate today. I also want to thank Sen. Cherarkey and name him as a defender of single mothers in this Senate. He can be termed as such together with Sen. Faki. I am proud of both of you.

We need to see many more men defending single mothers. Single mothers did not just wake up and become single mothers. There was a father involved who made them single mothers. There are absent fathers who have left them to remain as single mothers. I know their situation is very complex and it exposes them to certain vulnerabilities.

As women, sometimes when we speak about why women need to be protected more, I do not think part of our community appreciates or understands why women feel there is a need for that protection. In every facet of a woman's life, from the time they are children, boys and girls are treated very differently from the time they are assigned roles at home. For instance, when a boy is born in Kikuyu land, the community I come from, they give five ululations *(ngemi)* and when a girl is born, they give four ululations. Already from the onset, even before that girl cries out, the community is waiting to treat them very differently.

That differential treatment is perpetuated through very different facets in a girl's life. When roles are assigned, and in yesteryears, my mother could not be taken to school

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in the same way my uncle was taken to school. In fact, she tells a very sad story of how their parents had to decide who was to go to school. The girls were left out, and the boy had to go to school because of scarce resources and the need to retain labour back home. Women and girls have always bridged that labour gap in homes.

Even today, when women apply for certain jobs, imagine your daughter applying for an engineer's job after qualifying, and the only reason they are sometimes denied that job is because a panellist on that interview panel turns around and says that the job looks like a man's job. That the face should be a man, someone who can climb the ladder and not a girl in a skirt. So, in many respects, our society treats a girl differently.

Even in the duties assigned in a homestead, a girl is told it is her duty to cook, wash clothes, look for firewood and fetch water. Due to that story of fetching water, many girls have been denied access to education because they are busy fetching firewood and water, while boys are doing something different.

When you see the likes of the Kenya Women Senators Association (KEWOSA), Federation of Women Lawyers – Kenya (FIDA) and women's organisations advocating for girls' rights, it is not because it is fun or we advocate for the sake of it; it is because there are gaps that need to be answered. There is systemic discrimination of girls. I have laid that foundation, so that I now come to this Motion that is before the House by the Single Mothers Association of Kenya (SMAK) concerning their eviction from property.

I know many other people have been evicted; families have been evicted from properties, men and women have been evicted from properties, but this specific group is the SMAK. If a level of a government is sensitive enough to understand which population is vulnerable, this would be one of those that would be delineated in that county as being very vulnerable. This is so that if you are effecting an eviction from a property by a government that even has powers to allocate land, the first group they cannot pick is the SMAK.

I want to identify with the Mover of this Motion and thank Sen. Faki and his committee for bringing this issue because behind the single mothers, we have children who do not have fathers who are showing up. We have children behind the single mothers who will be crying when that eviction is being done.

My plea would be that, as the Senate considers this Motion, they ensure that this group of single mothers is protected. That is why we have said, even in the Affordable Housing Programme, in Kenya, we must have a proportion of it, a percentage of those houses being allocated to vulnerable families, vulnerable single mothers and vulnerable orphaned children. We must find the ethic behind protecting the less fortunate and the weakest within the society. If you want to show me a strong society or a strong community, show me one that is protecting the weak, looking to up to the widows, looking up and noticing the orphans and saying there is an orphan in this village who is not going to school and they take this up as their responsibility.

I want to thank all the chiefs in the Republic of Kenya and administration officers who notice such families. We even have some who are in this Senate today, who are raised orphans and schooled in places like Starehe Boys Centre, and we must turn into Starehe ourselves. Wherever you are, Mr. Temporary Speaker, Sir, in Bomet County,

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people must identify you as a leader who is able to pick the vulnerabilities within the society.

Now, I want to speak to Nairobi City County. If they want to evict people, look for another category. Please do not victimise the Single Mothers Association of Kenya (SMAK). You should be seeing how to regularise their position and ownership of this land, not chasing them or excising that land, so that they have less than what they could get as protection.

I know for a fact that many of my colleagues or friends, male friends, who are raised by single mothers are very protective of their mothers. When they speak about their mothers, they are passionate about their mothers and in their adulthood, they remember the pains that their mothers have gone through to raise them and take them through school.

I want to urge the Governor of Nairobi City County, Hon. Johnson Sakaja, these are your voters. Single mothers are your voters and they are raising other voters in their homes. The one category of people you cannot allow to be mistreated or even subjected to certain legalities that are not suitable to protect their land, this is one such group.

I want to support the committee and say that whatever has been excised from their property, LR No.209/6738 in Ziwani Ward should be reinstated and if possible, even add them more land; make sure they are protected. Let us be careful with the populations that are vulnerable, so that we can truly say we are an empowering community.

If you notice, women are always grouped together with the youths and Persons with Disabilities (PWDs). Did you ever know that even the laws group women together with youths and PWDs? For some reason, I think having looked into the vulnerabilities women go through, they decide they are actually in that category and they should stay together.

Women may not complain much because they are the ones who give birth to the youth and even the PWDs. So, women may not even complain loudly about the grouping, but time has come to allow equality across board and good treatment of every citizen despite their gender, marital status, race, religion or political affiliation. Time has come for us to allow the Bill of Rights in the Republic of Kenya to be heard, accepted, practiced, enforced and protected by every member of the community.

I support this Motion and say that the Senate now has an opportunity to write what has been done wrong with respect to the Single Mothers Association of Kenya (SMAK), in respect to this property. If we cannot write it here, where else can we correct this anomaly? Where else do we fill in this gap? In fact, I would say there is a lot more that needs to be done. I remember a few years ago, I was opening an account with a bank and imagine one of the questions in that form--- I will not disclose the bank; I do not want to embarrass them. I hope they now have women working with them as managers, who may have rectified those forms.

One of the questions they had asked in that form was the name of your husband, your marital status, and then the next question, the name of your husband. Imagine, asking women today, "what is your marital status?" They need to know that some are even married and are not sure whether they are married or non-married. They are single-married, a status I do not understand, because they are living with people who are not

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serious about that marriage, then you go to the bank and you are given a form you are supposed to write down whether you are married or non-married or what the name of your husband is.

When you craft such a form in a bank, a financial institution, which should be doing financial inclusion, what do you want the single mothers to fill out in that form? What do you want the divorced person to fill out in that form? What exactly are you looking for? Are you looking for their finances or their marital status? Is that the setting in place of subtle discrimination, even without that financial inclusion, so that the day she goes asking for credit, the next thing they are looking at is, can she afford to pay back? Does she have backup from home where we can say she can come back and pay the loans or the facilities that she is advanced by the bank?

Institutions must become very sensitive to matters gender – gender perspectives. When we talk about gender perspectives, let us not look at it as though women want to become men. I want to state today that when we talk about gender equality and gender equity, women do not want to become men. I do not want to become a man. I am only saying when a girl is taken to school, let them have access and an opportunity to be the best version of themselves as women and as girls. It defeats logic for us, even as a state and a government, to inject so much money for education, educate both our girls and boys, but when it comes to equal opportunities, we deny them that access to an opportunity.

So, the next time, Mr. Temporary Speaker, Sir, you are invited to sit in an interview panel, you have to walk in blind like that statue that is at the High Court. Do not look at the agenda first. Look at the qualification and the merits. Do not look at whether she can lift, I do not know what. We now have technology, even on heavy equipment. Women can handle heavy machinery and heavy equipment because right now, everything has been mechanised and automated. That is why we have pilots now; we have captains who are women.

I want to appreciate my friend, Captain Koki Mutungi, who is a captain, one of the top captains and a pilot at Kenya Airways. We are very proud of her and I want to also appreciate Captain Mukulu Kai, my friend, who is also a very distinctive and distinguished captain and pilot. I want to say in this day and time, let women be treated equally with men.

So, Nairobi City County, I want to stand both as a Senator, nominated in Senate, and as Chairperson of KEWOSA to say, back off from taking or excising property that belongs to single mothers. Just know today that single mothers have defenders in this House and in the National Assembly. I am sure even Sen. Ledama Olekina is a defender of single mothers.

We do not want to hear single mothers crying, together with their families; lamenting for being disentitled in matters that deal with proprietary rights.

Mr. Temporary Speaker, Sir, with those many remarks, I beg to support and hope that one day we will have something being discussed in this Senate, a whole day, on gender. Perhaps, the Speaker, needs to designate one day when we can do a Motion, the way we do the State of Nation Address, we debate it.

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We are going to debate how we should have relation, the power play between gender, male and female. Let us have this conversation and ensure that our girls at home are exposed to all the opportunities that are available. We should ensure they are given access to quality education, both in sciences and arts. Let us give women access and allow them to be in the maritime sector. Let them pilot vessels, like my friend. I have a lady captain friend who is piloting big vessels for the Mediterranean Shipping Company (MSC). Some of them are Kenyans. Let us have all women being exposed and not being denied their rights, especially proprietary rights.

Mr. Temporary Speaker, Sir, as I wind up, let me note that women hold under six per cent of the titles that have been registered within the Republic of Kenya. That is a very small fraction of titles. They are either being disentitled in succession and ownership. Women have also even sought for loans and actually registered properties that they bought with that money in their spouse's' names, in good faith. However, immediately they do that, when something goes wrong with that relationship, we find women who are having financial obligations, have been chased out of their matrimonial homes and lost everything. Having even raised those families and their work not even being quantified or valued within domestic settings, they lose everything and are left paying loans.

I have handled cases of women, and sometimes you want to ask them, why did you have to make this decision? There are still very low percentage of women who have ownership of immovable properties in the Republic of Kenya. I hope someday that even our government, when we are giving out the affordable housing, maybe we should even say 50-50 for men and for women. There are many homesteads right now which are single-parent headed homesteads.

Most of the single parents are women. If I asked you today to count the single fathers who are heading their homes, maybe they would be handful because the minute a man becomes single either by design, they do not want to get married, or maybe they are widowed, you will find they get a lot of attention from women. So, they do not even stay long single. If I asked you to count 10 single fathers who are heading their homesteads, you may find it very difficult to get them. However, if I asked you to count 20 single mothers who are heading their homes, you will have 50 in your hands.

We need to protect this community, as well ask absent fathers to please take an interest in their children, so that from a social perspective, we can further protect those children and single mothers.

With those many remarks, I urge the Nairobi City County to do the right thing and restore the ownership of LR209/6738 in Ziwani Ward in Nairobi County to SMAK. I congratulate them for pushing this Motion until it has been heard by the whole Republic, and by our Senate Standing Committee on Land, Environment and Natural Resources.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Veronica. I take great note of the fact that you are a great defender of the women in this country.

Sen. Essy Okenyuri, please proceed.

Sen. Okenyuri: Thank you, Mr. Temporary Speaker, Sir. I also take this opportunity to support the Senate Standing Committee on Land, Environment and

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Natural Resources' work regarding this Petition. The concerns raised by SMAK deserve careful attention. Single motherhood might come from different situations, for instance, divorce, death, and so many other reasons. There are those who are just single by choice.

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

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

However, this should not be the reason injustices are being meted upon them by the Nairobi City County Government. When I go through this report, the members of SMAK have undergone a lot of harassment, which generally affects their dignity. The single mothers have children who are looking upon them. At times, they serve as fathers to those children, and any bit of disruption of the work or situations they are in, affects the children.

When you carefully go through this report, it highlights the importance of listening to citizens by bringing their concerns. I commend SMAK for bringing this Petition to the House. As Parliament, we have a huge responsibility in supporting such groups that seek redress by way of this channel.

Parliament must ensure that Petitions which arise from such groups, like the single mothers, PWDs, youth or affected communities, are addressed transparently. Access to justice is something all of us should push for. This Petition not only highlights the challenges the single mothers are undergoing. Personally, in my daily work at the grassroots, through my initiative of Bidii na Jasho la Mama Mashinani, and Nyumba ni Heshima, I have taken time to listen to women at the grassroots and the challenges they undergo. Their challenges are not any much different from what the single mothers in Ziwani are undergoing. So, I support the work of this committee and say that this group should never be discriminated by the fact that they are single mothers because they pay their dues. Why would you want to harass them just because they are not able to defend themselves?

I would like to also support the Senate Standing Committee on Land, Environment and Natural Resources and urge that the land that legally belongs to the SMAK be given back to them.

I thank you, Madam Temporary Speaker.

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

Sen. Olekina Ledama, please proceed.

Sen. Olekina: Thank you, Madam Temporary Speaker. Let me begin by appreciating the good work that Sen. Faki and the Senate Standing Committee on Land, Environment and Natural Resources have been doing for this Republic.

Land is very emotive. When it comes to the issue of single mothers, who very diligently saw an opportunity, applied for them to be given an allotment letter or a title, raise their children and make a living because for whatever reason they found themselves in this world where they have to fend for their kids, the only reason those women do not have their title deeds is because of the insatiable greed of our public officers.

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Madam Temporary Speaker, I subscribe to the school of thought that we should always support women. Slowly, that school of thought has crippled into our national government today. Today, on a daily basis, you hear there is an empowerment exercise for women. Why are we preaching what we cannot do?

The first thing that the government ought to do is to ensure that these women, who have lived there for 34 good years are given their title deed. It is ridiculous. We have laws that we pass in this House on adverse possession. When these women saw this parking lot which nobody was using, they applied to be given an allotment letter.

At that time, it was very sexy to say we are supporting these women. However, slowly by slowly, the insatiable nature of our public offices started creeping in and they decided to divide that land into two just because they had no defender. Nobody defended these single women. They decided that they would take half an acre because they are already in possession of the land. Mind you, they have been paying their lease, their rent and trying to process all their allotment letters. But what? Nobody gives a hoot in hell. That it is a single woman; she has no one to defend her.

That is why I am a firm believer of the fact that we need to change the procedure of submitting petitions in this House. I hope that whatever we decide will be that within a very short time, the Ministry of Land, Public Works, Housing and Urban Development should process their title. I am concerned that it may not come to pass because of the procedures that we have. Someone has a right to petition Parliament. So what? You petition Parliament, we allocate it to a committee, the committee carries out its due diligence and then does what? Hands you over the report, so that you can start crying again and going to court?

This time, the Standing Committee of Land, Environment and Natural Resources led by Mohamed Faki, a very competent attorney, must follow through to make sure that they implement – our committees are self-implementing – the resolutions of this House. Go to the Ministry of Land, Public Works, Housing and Urban Development and the Nairobi City County for implementation. Let me appreciate Governor Sakaja for the step that he took in trying to make sure that those mothers are not evicted from their land, but that is not enough.

The truth of the matter is that first – even before I move into the truth of the matter – the problem we have when it comes to allotment is the insatiable greed in councillors. It goes back to 1992 when we had councillors, right? Now we have county assemblies that see an opportunity where there is a property in Nairobi worth billions of shillings. They then feel like, even though these women are here, they will take half an acre of this, develop and then use shady means to acquire a document. This happens, it is not new and it is happening everywhere. My biggest pet peeve is that even our judicial system, most of the time, is not diligent enough.

Madam Temporary Speaker, yesterday, I was called to be told that there were neighbours of mine whose houses were demolished and yet, these people have been living there for over 20 years. When the magistrate issued orders, that magistrate did not take judicial notice of the financial jurisdiction of a magistrate, which is a maximum of Kshs20 million. By now, those properties are worth Kshs100 million, but an order which is defective in its first place, is still implemented.

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Now, today, we are here talking about single women who are living under threat of being evicted. Yesterday, I drove to Narok to go and rescue a 93-year-old man whose house was demolished, yet they owned a title deed. When you go through those documentations, you will find that the magistrate who was dealing with that matter first ignored the rule of law. Even though all judges and magistrates make their decision based on the evidence presented to them, the first common thing is to take judicial notice of your financial jurisdiction.

Madam Temporary Speaker, I do not know when this country will finally believe that we are only here for a short time. When will the Judiciary, this Parliament and the county assemblies serve the citizens? Those mothers are the ones who are selling things and tilling that soil to raise their children, they are paying the dues. Our salaries are paid by those women, and we do not care about them. Just because somebody has bribed you, has given you some little money, should you forget your civic duty?

What these women have endured for 34 years is a stain on our collective conscience as a nation. We cannot continue like this. I am happy that Sen. Faki has just walked back in. I would like to plead with him, this time, to become completely unorthodox in the way that he implements the resolution of this House. He must walk to the Land, Housing and Urban Development office and set a timeline to say; under his watch, as a good lawyer and the Chairperson of the Committee on Land, Environment and Natural Resources, these women must be given their title deeds within 14 days.

Madam Temporary Speaker, my good friend should not stop there. He should walk straight to the county offices and go through the documentation. He does that all the time. He is a lawyer. From the initial stages, he should follow the hooligans; those officials and greedy-faced mongoloids who end up harassing women to continue staying. This Senate has been reduced to fight for these women. Make sure they face the consequences and they are sent to jail. The day you penalise people for making stupid mistakes or intentional mistakes because of the value of land in Nairobi, is the day this country will have discipline.

I want to end by calling this issue what it is. I was sitting down here just drafting some notes after speaking to my good friend, Sen. Faki, whom I respect and like the work that he does in the committee. At first, he was dealing with the land issue in Narok, Olderkesi Group Ranch and that matter is still not resolved. However, it needs to be resolved once and for all. This insatiable greed has got to come to an end.

Madam Temporary Speaker, it is important for us to call this what it is. This is a state-enabled predation against the vulnerable. Otherwise, we would not be here trying to make sense of a situation which is very clear. We are supposed to protect the vulnerable. If this country and this government and if all of us who are carrying out, on a daily basis, women empowerment mean what we say or practice what we preach, the first thing we should do is not to leave these vulnerable women homeless. It is to make sure we empower them first. Otherwise, we are all hypocrites.

I thank you.

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

Sen. Omar Mariam Sheikh.

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Sen. Mariam Omar: Thank you, Madam Temporary Speaker, for giving me this opportunity to add my views to contribute to this Motion. I am a Member of the Committee on Land, Environment and Natural Resources. We visited the area. Everything has been expressed but I want to add a few.

This is a community-based association which was established in 1991. The aim of these single mothers coming together is not for individuality. We went there and we realised they were accommodating the youth, both genders. There is Jua Kali activities that they are training youths in. Also, single teenage mothers are given accommodation.

At the same time, they were trained in tailoring. Their kids also have opportunities to have a learning session. They have classrooms, they have a room for baby care. Some of these mothers, who are the teenage mothers, normally put their kids there and go and do their white-collar job outside there.

So, when these single mothers come together, they have a motive of empowering our youth. So, when we realised that the county government could come in and demolish such kind of activities, we condemned it. Such kind of activities cannot happen in other places because as much as we empower our youth, women, the County Government of Nairobi County must empower and give a hand to support women.

In the population of the country, we the women, are many. We are honest when it comes to voting in an election. We vote you in as a governor, MP, Senator, then you come back demolishing the grassroots association which was there for almost 30 years. I do not know what is behind this. There is corruption which is happening at the Ministry of Land, Public Works, Housing and Urban Development and they have not even availed themselves.

The recommendation of the Committee must be upheld. One, the county government should immediately and unconditionally cease all eviction threats. There are threats, intimidations and interference going on, against these single mothers' operations. With this recommendation and after 30 days of adoption of the report, the single mothers should be given copies of all the land documentation, petition of the land No.209/6738, including the lease agreements, title deed, PDP, beacon certificates and all the records related to subdivision of the plots, and any allotment letters issued to the four alleged sub-allottees.

Madam Temporary Speaker, we went there. The county government is unable to give out a list of these people that the land has been leased to. So, there are some issues which we are unable get to properly. That is why we have put it as one of the recommendations; that, we must get the allotment documents. The document must be availed within 30 days, so that these single mothers' activities they were doing are returned, so that our youth can benefit.

These people are handling almost 25 teenage mothers. I asked one of the chairpersons where the teenage mothers come from. I realised that they are not from Nairobi. They are from the outskirts of Nairobi. These are vulnerable teenage mothers whom they are accommodating. I also asked her where they were operating from after the 2019 demolitions. She said that most of them are unable to cope and that they do not have supportive structures the way SMAK was supporting them. They are now scattered as street mothers and most of their children are street children.

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Madam Temporary Speaker, to avoid that, we need these single mothers' land to be restored, so that they can go back to their activities. With that, I support the report.

Thank you.

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

Sen. (Prof.) Margaret Kamar, proceed.

Sen. (Prof.) Kamar: Thank you, Madam Temporary Speaker, for giving me the opportunity to support this report from the Standing Committee on Land, Environment and Natural Resources on the petition by SMAK. Looking at SMAK, you would not have expected any county government, in its normal operations, to do what they have done to these women. This is because these are single mothers, not just single women, which means they are carrying children on their backs. They have children around them, meaning there are children who depend on them. Any normal county would have paid attention to these women from the time they complained.

I thank the committee for going deeply into the actual issues raised by these petitioners. We ask ourselves: does one have to petition even for that which is rightfully theirs? Why should a government institution not sort out things before people even come to petition? Thank God that this House handles petitions, and such petitioners can see the light of day because of this Senate. I thank the committee, under the Chairmanship of Sen. Faki, for doing a thorough job.

For an association that was started in 1991, you ask yourself: has there never been anybody merciful for that long to date? The surprising thing discovered by the committee is that the county government does not seem to have all the documentation and is asking for time. How much time do they need to sort out something like this? I would have expected them, upon receiving the letter from the committee, to appear with the documents.

This means part of the problem these single women are having is the county government itself. Can you imagine the number of people who have handled that file from 1997, when they paid, up to now? From 1997, over 30 years ago, ask yourself what is going on. Even with whatever level of greed Kenyans have, there are situations where greed cannot even be applied, because you are looking at people who have nothing else except what they paid for so that they could have a home for their children.

Madam Temporary Speaker, the recommendations from the committee are very straightforward. I like the observations they made; that SMAK is actually a legally registered body and that they own and paid for everything. Imagine this group has faithfully paid their land rates up to now. So, who is receiving the land rates and who is saying they are not sure about their ownership? If you are receiving land rates as a county government, it means you recognise that these people own the land.

I am happy with one of the recommendations that we need the NLC to investigate because it now has an investigative arm.

Madam Temporary Speaker, the best part of it is that the chairperson of that investigating group is a former Senator of this House. Hon. Mary Seneta is the one in charge of the investigation of anybody who has a dispute about their land. She is such a fair lady. She is so fair in the way she looks at her things that we know she will be able to go to the depth of this.

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I believe the Chairperson, because they were in Senate at the same time, will be able to actually use her to get to the depth and to be able to get this land back to the hands of these women. So, Sen. Faki, please go and see your sister and tell her to finish this. 30 days is, in fact, too much for Hon. Mary Seneta. She will be able to finish this earlier than 30 days because she is a very good, sharp investigator and a very fair human being.

You cannot allow people to be removed just the way they are. So, even as we ask NLC to correct the ills of county governments, we really must bring these counties also to take responsibility for what they are doing. The laziness not to have documentation that anybody can just remove and show you on demand is something that really bothers on corruption itself. Why would anybody hide information about land that was allocated many years ago, both in 1997, now we are entering 2027, 30 years since they paid for it? Why would anybody not have any documents? Furthermore, by the time you are accepting land rights and land rent, it means there is a file. So, they cannot hide files from the committee, but again, our committee went into the depth, and we really appreciate what they did.

My appeal is that this committee goes to the end of it. The 30 days they have demanded documentation and return of documents should be accurately timed as 30 days, so that even if we go for recess, the Clerks should report to the chairperson accurately that it happened. This is so that if it does not happen, we allow other punishments to come in. How can somebody be waiting to settle in land they paid for in the year 2007 and you are busy harassing them that you do not belong?

It is very sad, as Sen. Mariam Omar has said, that some of them have actually scattered. They are so vulnerable that now they are asking themselves, if we are under threat, who knows what will happen to them the next day. So, some of them have scattered, they have gone all over, asking for relatives and anybody to take care of them. How inhuman can a country be? We cannot be described with that kind of inhumanity.

It is good to get to the core of who is responsible. Who is behind the land that was being subdivided in 2007-2008? Who was behind that? Committee Chairperson, please go back, get the NLC to give you the history because they can demand the whole history and accurately cut the documents. Let somebody be punished for this kind of behaviour. You cannot punish innocent people. It is unfortunate because women, we always say, are vulnerable but the most vulnerable are the single ones. They cannot go back home because they have their children. They are already single; they do not have husbands.

Madam Temporary Speaker, just as you said earlier, that even the fathers of the children must take responsibility. We need to have another law that actually ensures that anybody who has fathered a child must take responsibility for their own child. That way they can be tracked down. Otherwise, leaving children, increasing the number of children in the streets just because you do not want to take responsibility is something that we want them to be answerable to.

I want to support the committee and congratulate them for the depth with which they went in. Senator Faki, you and your committee, we say *heko* because, you have been able to come through and to come out. We will not rejoice today. We will rejoice when Sen. Faki says they have actually delivered and that within the 60 days, within the 30

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days, timelines were obeyed. That we actually have delivered by giving these women their own land.

With those remarks, Madam Temporary Speaker, I beg to support this report. Thank you.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Margaret Kamar.

There are no other Senators wishing to contribute to this Motion. Therefore, I would like to invite the Mover, Sen. Faki Mohamed, to reply.

Sen. Faki: Asante, Bi. Spika wa Muda, kwa kunipa fursa hii ili nijibu Hoja ya ripoti ya Kamati ya Kudumu ya Seneti ya Ardhi, Mazingira na Maliasili, kuhusu shirika la SMAK hapa Nairobi.

Kwanza, ningependa kuwashukuru wote waliochangia, wakiongozwa na Sen. Karen Nyamu, Sen. Cherarkey, Sen. Veronica Maina – ambaye yuko kwenye kiti hivi sasa - Sen. Olekina, Sen. Mariam, na Sen.(Prof.) Kamar. Kwa wote ambao wamechangia Hoja hii, tutayazingatia maoni yao.

Kwa kweli ni masikito ya kwamba Kaunti ya Jiji la Nairobi haijaweza kutatua suala hili kikamilifu. *Single mothers* hawa wamekuwa katika ardhi hiyo kabla ya 1992. Mwaka wa 1992 ndipo waliomba rasmi kutumia ardhi hii kwa mahitaji yao. Kama alivyosema Sen. Mariam, kuna miradi mingi, kama vile ile ya vijana ya kujifundisha kazi, na *daycare centre* ya watoto ambao mama hao wanaofanya kazi. Mama hawa hawana uwezo wa kuajiri wasaidizi. Watoto hao wanaangaliwa hadi jioni. Kuna *empowerment* pia ya *car wash*, ambapo vijana wanafanya kazi hapo. Kwa hivyo, ni miradi ambayo inasaida jamii moja kwa moja. Kwa hivyo, hakuna sababu nzuri ya serikali ya Kaunti ya Jiji la Nairobi kuwafurusha akina mama hawa.

Bi. Spika wa Muda, jambo lingine la kusikitisha ni kuwa wakati hiyo *road reserve* ilipobadilishwa ikawa ploti ili wapewe hawa kina mama, kulifanyika *fraud* hapo. Sehemu ya ploti hiyo iligawiwa watu ambao serikali ya Kaunti ya Jiji la Nairobi walishindwa kuwataja. Sijui ni kwa sababu gani walishindwa kuwataja. Pengine kwa sababu waliogopa. Tuliwaambia mara kadhaa walete majina na *copy* za *title* lakini hawakufanya hivyo.

Vile vile, waliweza kupata *title deed* kwa haraka kuliko hawa ambao walikuwa wameiomba ardhi ile ili waweke miradi yao. Kwa hivyo, tutafuatilia mapendekezo ambayo tumetoa hapa wakati yatakapopitishwa na Bunge hili. Tutakapofuatilia, tutahakikisha kwamba *title deed* imepatikana na kupewa akina mama wa SMAK. Pia sehemu ambayo iliyonyakuliwa na mabwenyenye ambayo serikali ya Kaunti ya Jiji la Nairobi wamekataa kuwataja, tutahakikisha kuwa imerejea kwa kikundi hiki cha kina mama ili kiweze kusimamia na kusaidia miradi yao.

Asante, Mhe. Spika wa Muda, kwa kunipa fursa hii. Ningeomba kwamba kuambatana na Kanuni ya 66(3) ya Bunge hili, swala la kuamuliwa lisiwekwe sasa hadi siku za usoni.

Asante.

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

I defer the putting of the Question to the next Sitting of this House.

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(Putting of the Question on the Motion deferred)

Next Order.

The Chairperson of the Standing Committee on Labour and Social Welfare is not in the House, so that Order is deferred.

MOTION

ADOPTION OF REPORT ON PETITION ON WINDING UP AND LIQUIDATION OF TECHNICAL UNIVERSITY OF KENYA STAFF RETIREMENT BENEFIT SCHEME

THAT, the Senate adopts the Report of the Standing Committee on Labour and Social Welfare on a petition to the Senate regarding the winding up and liquidation of Technical University of Kenya Staff Retirement Benefit Scheme, laid on the Table of the Senate on Wednesday, 7th October, 2026.

(Motion deferred)

Next. The Chairperson Standing Committee on Land, Environment and Natural Resources, Sen. Faki, you may take the microphone.

MOTION

ADOPTION OF REPORT ON PETITION ON ALLEGED GRABBING OF PUBLIC LAND IN KITHIMA LOCATION, BUURI EAST SUB-COUNTY, MERU COUNTY

Sen. Faki: Thank you, Madam Temporary Speaker.

At the sitting of the Senate held on 14th May, 2025, the Hon. Speaker reported to the Senate a petition that was submitted by Mr. Daniel Mutuma Rukaria on behalf of the residents of Kithima Location in Meru County concerning the alleged grabbing of public land reserved for public amenities with the following land parcels numbers, Kiirua/Nkando 702, Kiirua/Nkando 704---

The Temporary Speaker (Sen. Veronica Maina): Sen. Faki, just pause there and approach the Clerk's desk for directions.

(Sen. Faki approached the Dispatch Box)

You may now proceed to move the Motion.

Sen. Faki: Thank you, Madam Temporary Speaker. I beg to move-

THAT the Senate adopts the report of the Standing Committee on Land, Environment and Natural Resources on a petition by residents of Kithima Location concerning the alleged grabbing of public land in Meru County laid on the table of the Senate on Wednesday, 16th September, 2026.

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At the sitting of the Senate held on 14th May, 2025, the Hon. Speaker reported to the Senate a petition that had been submitted by Mr. Daniel Mutuma Rukaria on behalf of the residents of Kithima Location in Meru County concerning the alleged grabbing of public land reserved for the public amenities with the following land parcel numbers; Kiirua/Nkando 702, Kiirua/Nkando 704 and Kiirua/Nkando 690.

The petitioners are seeking the intervention of the Senate to ensure that-

(1) the illegal occupants of the said parcels of land are evicted;

(2) the boundaries of the said parcels of land are mapped out and beacons erected to that effect; and

(3) that it considers taking other action it so deems necessary to protect the public property and the constitutional rights of the residents of Kithima location.

To facilitate an informed settlement of the Petition, the committee resolved to conduct an enquiry on the issues raised in the Petition. In this regard, the Committee requested the petitioner to submit their written documents to elaborate further on the issues raised in the Petition and to supply supporting evidence on the same. The committee proceeded to seek responses from the Cabinet Secretary for Lands, Public Works, Housing and Urban Development and the National Land Commission (NLC) to address the issues raised in the Petition.

The committee concluded its sitting by conducting a visit to the areas mentioned in the petition to verify the facts as alleged by the petitioners *vis-a-vis* submissions made by the stakeholders on 27th October, 2025, where the Catholic Church gave their submissions orally at the site. The committee sought to seek answers to the prayers sought by the petitioners and further ensure that it responds to the following concerns;

Prayer one; the committee ensures that the illegal occupants of the said parcels of land are evicted-

(1) the committee observed that based on the submission from Ministry of Lands, Public Works, Housing and Urban Development, the three parcels of land within the Kiirua/Nkando Block were registered on 28th January, 2014 in favour of the County Council of Meru on a freehold basis, all of which are free from encumbrances as detailed herewith parcel number Kiirua/Nkando 704 measuring 0.42 hectares is reserved for Kithima Dispensary; Parcel No Kiirua/Nkando 702 measuring 6.40 hectares is reserved for Kithima Primary School; Parcel No. Kiirua/Nkando 690 measuring 7.86 hectares is reserved for CCM Secondary School.

The committee observed that the Catholic Diocese of Meru was allocated Parcel No.703 measuring approximately 0.42 hectares for development of a Church. It is, however noted that the Church developed a private dispensary, a private school and a secondary school on public land; namely Kiirua/Nkando/704 earmarked for Kithima Dispensary, Kiirua/Nkando/702 earmarked for Kithima Primary School, and Kiirua/Nkando/690 earmarked for the CCM Secondary School.

The committee observed that the Catholic Church did not submit any documentary evidence to justify the occupancy of the entire parcels of land.

(2) The committee recommends that the boundaries of the said parcels of land are mapped out and beacons erected to that effect.

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(3) The committee observed that based on the submissions from the Minister of Lands, Public Works and Housing Development, the said parcels of land are clearly mapped out and reserved for public utilities. Allocation to them as per official records are at the Ministry offices. The committee further observed that the religious institution had been properly allocated its own parcel of land.

(4) Kithima Location lacks a public health facility, a public primary school and a public secondary school, forcing residents to travel approximately 10 kilometres to the neighbouring Isiolo County to access these essential services, and thus the need for possession and development of the parcels of land by the national and county governments.

Madam Temporary Speaker, the Committee, having investigated the matter in accordance with the mandate under the Standing Orders No.228(4) of the Senate Standing Orders recommends that-

(1) That the Ministry of Lands, Public Works, Housing and Urban Development conducts a physical visit and conducts a survey to determine the actual acreage occupied by the church;

(2) That the NLC institutes a dispute resolution mechanism between the community, the Church, and the County Government of Meru for them to prioritise and fast track the development of public utilities with a view to settle the matter and allocate the land to the Church and the remainder to the County Government of Meru and a status report be submitted to the Senate within 90 days of adoption of this report.

Madam Temporary Speaker, I thank the office of the Speaker, the committee secretariat for the assistance they accorded the committee in the consideration of this Petition. The Church serves the community. The County Government of Meru and the national Government also serves the people of Meru.

In the process, we resolved that NLC should visit the parcels of land, so that no property is demolished as a result of the consideration of this Petition. However, there will be land available to give the people of Kithima Location for the three amenities that they are looking for.

I thank you and I beg to move. I ask Sen. Mariam to second this report.

Sen. Mariam Omar: Thank you, Madam Temporary Speaker, for giving me this opportunity. I have to thank the committee, chaired by Sen. Faki. I am also a Member of the committee. I have to appreciate myself and the Members for the good work we did of tabling this comprehensive report.

This Petition is the only one which is straightforward. It is easier to solve it immediately but because of political issues happening, it cannot be solved now. It is dragged here and there. The parcel of land which has been demarcated for our charge is 703, with a size of 0.42 hectares. However, they have developed a private dispensary on public land which is 704. In the Ministry, it was registered under public parcel of land on 28th January, 2014.

Again, they moved ahead and constructed a secondary school which is also private on a parcel of land 690 which was registered as a public land on 28th January, 2014. As I read through, you will realise that the parcel of land they developed was not theirs. Their land is 703, but here is 704, 702 and 790. We listened to many stakeholders,

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including the Ministry. We looked at the title. We called the county government to see that the parcel of land did not belong to the church.

Madam Temporary Speaker, as they establish private schools, because we have almost 1,000 households, children continue to walk many kilometers to go to school and to visit dispensaries. As much as we uphold and protect devolution, we want service to be nearer to the citizens.

As much as we want that, the religious sector, which is the Catholic church, came over and took a private piece of land instead of the county government. They then developed it for the citizens to have hospital service, secondary and a primary school that is nearer to the people. These institutions are private. I wanted to paraphrase that. Sometimes these religious institutions are misused by people.

Let me put it clearly because I realised that almost three or four petitions, which we have handled, rely on the Catholic Church. The Church opts to take private piece of land, develop it and establish facilities. However, in the end, these are private facilities. Citizens are charged to use them. We wanted a recommendation by our committee to be done immediately, so that the services are taken closer to the 1,000 households. People must get the services and benefit from the health, primary and secondary school facilities.

With this, I support the Motion. Thank you.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Mariam Sheikh Omar.

(Question proposed)

Hon. Senators, there are no Senators to contribute to this Motion. I, therefore, call upon the Mover to reply.

Sen. Faki: Madam Temporary Speaker, first, I thank Mr. Daniel Mutuma Rukaria, who brought this Petition on behalf of the residents of Kithima Location in Meru County. The Deputy Speaker, who is also the Senator for Meru, was present during our visit and engagement with the people. The rest of the political class in Meru were reluctant to take up this matter because of the perceived dominance of the Church in that area. However, we conducted the inquiry in a very sober manner, and were able to get the Church to appear, although they never submitted the documents they were supposed to submit to the committee.

Madam Temporary Speaker, the recommendations that the committee has made are very fair and reasonable. Therefore, we implore upon the Senate to accept the same, so that we move the matter forward and the residents of Kithima Location can get the public amenities they are craving for.

Pursuant to Standing Order No.66 (3), I beg that the putting of the Question be deferred to another date.

Thank you.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Faki. The putting of the question is deferred to the next sitting of the Senate.

(Putting of Question on Motion deferred)

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Next Order.

I want to invite Sen. Faki, Chairperson of the Standing Committee on Land, Environment and Natural Resources, to proceed and move this Motion.

MOTION

ADOPTION OF REPORT ON PETITION ON EVICTION OF KOROGOCHO COMMUNITY LIVING ALONG NAIROBI RIVER CORRIDOR

Sen. Faki: Thank you, Madam Temporary Speaker. I beg to move-

THAT, the Senate adopts the Report of the Standing Committee on Land, Environment and Natural Resources on a Petition by Mr. Hezekiah Kuria Karanja and others concerning the eviction of Korogocho community living along the Nairobi River Corridor after its declaration as a Special Planning Area, laid on the Table of the Senate on Wednesday, 16th September, 2026.

Madam Temporary Speaker, at the sitting of the Senate held on 16th April, 2025, the honorouble Senator for Nairobi City County presented to the Senate a Petition that had been submitted through the Clerk by representatives of the Korogocho community residing along the Nairobi River corridor. The petition concerns the alleged eviction of the community living along the Nairobi River corridor after its declaration as a Special Planning Area (SPA).

The committee, thereafter, received a request to be enjoined in the petition from the Congregation Church of God 7th Day Members (COGMERS) on the demolition of COGMERS developments along the Nairobi River corridor after its declaration as an SPA on 15th March, 2026. It was received by the Clerk of the Senate on 23rd March, 2026.

Madam Temporary Speaker, a brief background of the highlights of the petition for the benefit of fellow Members is as follows-

First, the petition submitted by the Korogocho Community Forum on behalf of the residents of Ruaraka Constituency, Nairobi City County, urgently appealed to the Senate to intervene against the forced eviction of the Korogocho community living along the Nairobi River corridor.

The crisis stems from Nairobi City County's declaration via Gazette Notice No. 3372 on 6th March, 2025, designating the Nairobi River corridor as a Special Planning Area. The declaration, published in local dailies on 6th March, 2025, defines the corridor as stretching from Naivasha Road to Ruai, including tributaries and imposes a 60-metre buffer zone, 30 metres designated as a riparian reserve and an additional 30 metres as a development control area, measured from the high-water mark on either side of the river.

Further, the petition details a pattern of lack of public participation, unfair eviction practices, intimidation by the authorities during the planning and execution of the evictions, with no discernible fair criteria applied.

The committee received the petition from the petitioners through the House and further requested for written submissions and evidence from the petitioners. Thereafter,

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the committee invited the Cabinet Secretary for Lands, Public Works, Urban Development, the Chief Executive Officer of the Nairobi Rivers Commission, and the Governor of Nairobi City County, who appeared before the committee and provided written responses to the committee.

The committee concluded its sitting by conducting a visit to the areas mentioned in the petition to verify the facts as alleged by the petitioners *vis-à-vis* the submissions made by the stakeholders on Monday, 15th June, 2026. The committees sought to seek answers to the prayers sought by the petitioners and further ensured that it responds to the following concerns-

On prayer one, the committee recommends that the Ministry of Interior and National Administration should work closely with the County Government of Nairobi City in protecting the affected residents from intimidation and inhuman evictions-

(1) The committee observed that the Nairobi City County Government declared the Nairobi River Corridor as a special planning area following a request by the Ministry of Lands, Public Works, Housing and Urban Development.

(2) The committee observed that it is prudent for the national government and county government to conduct any planned evictions in a humane manner with adequate consultations through public participation together with the residents and their local leaders. Therefore, no form of intimidation and threats of eviction should be applied on the affected residents.

On prayer two, the committee recommends the immediate allocation and resettlement of the petitioners on available alternative land as compensation for the evicted lane-

(1) The committee observed that the Nairobi City County Government disputed that the implementation of Nairobi River Corridor regeneration initiative has resulted in forced displacement and in unlawful eviction. The county government further submitted that proof displacement and lawful eviction can only manifest after considering three aspects. The three aspects are: outcome of the ground survey, gazette notice that the government will appropriate property along the Nairobi River corridor and provision of ownership documents by petitioners.

(2) The committee observed that the Nairobi Rivers Commission is not privy to any unresolved compensation issues and cannot commit further on the matter of forced evictions. Nonetheless, the Nairobi Rivers Commission is willing to engage the forum of stakeholders within the law to resolve compensation disputes through collaboration with other state actors.

Madam Temporary Speaker, the committee having investigated the matter in accordance with its mandate under Standing Order No.228(4) of the Senate Standing Orders, recommended that-

(1) Prior to any planned evictions, the National Land Commission and the County Government of Nairobi City, coordinated by the Nairobi Rivers Commission, should conduct a thorough audit of the land falling within the special planning area.

(2) All pending compensations be completed by the Ministry of Interior and National Administration within six months of the adoption of this report by the Senate,

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and that it, in cases of future evictions, then an effective plan of compensation and resettlement should be considered prior to the displacement of affected people.

(3) The Nairobi City County Government and the Nairobi Rivers Commission should further engage the elected and community leaders in the activities carried out under the special planning area within six months of the adoption of this report in the Senate.

(4) The national government to consider and prioritise resettling of the evicted residents within the special planning area, if any.

(5) The County Government of Nairobi City and the Ministry of Lands, Public Works, Housing and Urban Development, in consultation with the Nairobi Rivers Commission, conducts a joint survey of the entire special planning area to determine the exact river boundary and historical river movement within six months of the adoption of the report in the Senate.

(6) The NLC should further investigate the matter as per its mandate under Section 5 of the National Land Commission Act to determine and resolve the eviction, resettlement and compensation actions towards the petitioners within six months of the adoption of this report in the Senate.

(7) The NLC, working closely with the County Government of Nairobi, should establish and map out the exact boundaries---

The Temporary Speaker (Sen. Veronica Maina): Sen. Faki, you will have a balance of 53 minutes to move this Motion when the Senate resumes next..

ADJOURNMENT

Hon. Senators, it is now 6:30 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until tomorrow, Thursday, 26th November, 2026, at 2:30 p.m.

I thank you.

The Senate rose at 6:30 p.m.

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