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Wednesday, 9th August 2023

The House met at 2.30 p.m.

[The Speaker (Hon. Moses Wetang'ula) in the Chair]

PRAYERS

Hon. Speaker: Hon. Members, we have quorum to transact business.

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Is Hon. Gitonga Mukunji in the House? He is not here.

An Hon. Member: His neighbour is here.

Hon. Speaker: I am not looking for his neighbour.

(Laughter)

In the Bible, the neighbour is not necessarily the person next to you. We will stay the Communication which was meant for Hon. Mukunji.

Next Order.

Leader of the Majority Party, as we go to Papers, I hope the cabinet secretaries are ready. It looks like we will reach them very quickly. We should have the first Cabinet Secretary in 15 minutes.

PAPERS

Hon. Owen Baya (Kilifi North, ODM): Hon. Speaker, I beg to lay the following Papers on the Table:

1. Reports of the Auditor-General and Financial Statements in respect of the following constituencies for the year ended 30th June 2022 and the certificates therein:
 - (a) Dagoretti South
 - (b) Eldama Ravine
 - (c) Ol Kalou
 - (d) Kangema
 - (e) Gichugu
 - (f) Kilgoris
 - (g) Mwea
 - (h) Maragua
 - (i) Gatanga
 - (j) Ol Jorook
 - (k) Kinangop
 - (l) Ndaragwa
 - (m) Kigumo
 - (n) Kieni
 - (o) Tetu

- (p) Gilgil
- (q) Mavoko
- (r) Rarieda
- (s) Turbo
- (t) Mathira
- (u) Budalangi
- (v) Lugari
- (w) Shinyalu
- (x) Kabuchai
- (y) Kimilili
- (z) Sirisia

Hon. Speaker: Thank you, Deputy Leader of the Majority Party. Chairperson, Departmental Committee on Education. Give her the microphone. Is that Hon. Christine?

Hon. (Dr.) Christine Ombaka (Siaya County, ODM): Yes.

Hon. Speaker: Go ahead, Hon. Member.

Hon. (Dr.) Christine Ombaka (Siaya County, ODM): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Education on the study visit on digital transformation in education held in Estonia from 1st to 11th to 18th May 2023.

Hon. Speaker: Next Order.

Hon. Speaker: Hon. Samuel Atandi, Member for Alego Usonga.

NOTICES OF MOTIONS

SUPPORT AND PROMOTION OF LOCAL FERTILISER MANUFACTURING INDUSTRIES

Hon. Samuel Atandi (Alego Usonga, ODM): Hon. Speaker, I beg to give notice of the following Motion:

THAT, aware, that the Fertiliser and Animal Foodstuffs Act, 2015, provides for the regulation of fertiliser importation in the county; further aware that the fertiliser and animal foodstuffs regulates the fertiliser and animal foodstuffs industry including the manufacture and production of fertilisers, noting that the country currently relies heavily on imported fertiliser due to inadequate local production capacity; further noting that the local production leads to high cost for farmers reducing their profits and results in unhealthy reliance on imported fertiliser; concerned that this scenario threatens the country's food security in case of supply disruptions and discourages local production; recognising that local fertiliser production could lead to improved fertiliser quality, increased crop yields and reduction in environmental harm caused by the use of substandard fertilisers; recalling that the country has the potential to produce fertiliser that could meet the country's domestic demand and also supply the regional market; further recognising that there is need for the Government to work with local producers to develop high quality fertiliser tailored to needs of Kenyan farmers and crops.

Now, therefore, this House resolves that the national Government, through the Ministry of Agriculture and Livestock Development, supports and promotes local fertiliser manufacturing industries by investing in research and development to foster the domestic fertiliser manufacturing sector.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you Hon. Atandi. The Member for Mbeere North, Hon. Geoffrey Ruku.

GOVERNMENT TO GOVERNMENT POLICY
FRAMEWORK ON ELECTRICITY INFRASTRUCTURE

Hon. Ruku GK (Mbeere North, DP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, acknowledging that, Kenya Vision 2030 identifies energy as an enabler to achieving social, economic and political pillars and that access to affordable, reliable and quality power is crucial for economic growth and development; aware that, prompt connectivity to affordable and stable electricity power is an essential enabler for spurring rural economies, thus contributing to national growth and development towards attainment of the Vision 2030; recognising that, the Kenya Power Company Limited is the national electricity utility company responsible for connection and billing of electricity to customers throughout the country and it also undertakes electricity licensing, metering, billing, offering emergency electricity services and customer relations; concerned that the cost of electricity in the country has increased significantly over the years thus burdening households and industrial users with high costs of production; further concerned that the protracted chain of stages that characterise the processing of new electricity connections, coupled with delays in importation of critical electricity connection equipment such as transformers, conductors and meters overseas causes a red tape that results in inordinate delays in concluding new connections to electricity; considering that the convoluted process of connection to electricity and attendant management challenges that grapple the Kenya Power in managing electricity in the country bear serious implications on cost of living and retard economic growth by making businesses less competitive thereby diverting potential investments to other economies in the region; cognisant of the fact that, Government-to-Government procurement is an important factor in trading and efforts towards increased economic integration and bears better outcomes in curbing supplies hitches, in order to increase operational efficiency and impacting the overall prices of electricity, this House resolves that the Ministry of Energy to –

1. formulate a policy framework for government-to-government agreements to facilitate local assembly of essential equipment for electricity connections such as transformers, conductors, meters and other attendant equipment in order to address unwarranted supply hitches and to guarantee quality assurance of the equipment; and,
2. formulate management contracts with contractors with private entities to manage power connections and billing services on behalf of the Kenya Power with a view to enhancing efficiency.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Ruku.

(Hon. Ruku GK spoke off record)

Hold on. I hope you will not take as long as you have taken. Okay, next. Go ahead.

GOVERNMENT TO GOVERNMENT FRAMEWORK FOR

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IMPORTATION AND DISTRIBUTION OF ESSENTIAL GOODS

Hon. Ruku GK (Mbeere North, DP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, aware that, Kenya National Trading Corporation (KNTC) Limited is a State Corporation in the Ministry of Industry, Trade and Investment; recalling that KNTC was established under Sessional Paper No.1 of 1965 in recognition of the importance of trade and industry in economic development of the then newly independent Kenya; noting that, among other functions, the corporation acts as the procurement agent for the Government and participates in promotion of wholesale and retail trade with a view to strengthening and promoting supply chain of essential products in the country; appreciating that the corporation plays a crucial role in supporting Micro, Small and Medium Enterprises (MSME) sector through the supply of raw materials, provision of consultancy services and the identification of markets for their products; concerned that the price of foodstuffs and other essential basic commodities in the country have incredibly risen, causing majority of Kenyan households financial distress in the face of surging inflationary pressures, weakening shilling, high cost of fossil fuels, supply chain gaps, declining agricultural productivity orchestrated by high input prices, climate change and variability; concerned that the decline in local food production has been progressively pushing Kenya to the edge of becoming a net importer of foodstuff; noting that the prices of foodstuff and other essential goods imported into the country by merchants have also been on the rise; acknowledging that Government-to-Government arrangements and frameworks are important drivers in trade, economic integration and bears better outcome in pushing downward pressure on costs for goods and stabilising market supply conditions; now therefore, this House now resolves that the Ministry of Industry, Trade and Investments urgently establishes a policy framework to facilitate Government-to-Government contractual agreements for importation and distribution of foodstuff and other essential goods to the country through the Kenya National Trading Corporation Limited with a view to normalising market supply conditions and prices for such basic food commodities.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Ruku. Clerk-at-the-Table, skip Order No.7 for a minute. Go to Order Nos.8 and 9.

BILLS*First Readings*

THE KENYA NATIONAL LIBRARY SERVICE BILL
(National Assembly Bill No.20 of 2023)

THE NATIONAL RISK MANAGEMENT BILL
(National Assembly Bill No.24 of 2023)

(The Bills were read a First Time and referred to the relevant Committees)

Hon. Speaker: Clerk-at-the-Table, go to Order No.13.

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MOTION**ADOPTION OF REPORT OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS OF STATE CORPORATIONS (REGULATORY AND GOVERNANCE AGENCIES) FOR THE FINANCIAL YEARS 2018/2019, 2019/2020 AND 2020/2021**

THAT, this House adopts the First Report of the Public Investments Committee on Governance and Education on the examination of the Report of the Auditor-General on the Financial Statements of State Corporations (Regulatory and Government Agencies) for the Financial Years 2018/2019, 2019/2020 and 2020/2021, laid on the Table of this House on Tuesday, 20th June 2023.

(Moved by Hon. Wamboka Wanami on 8.8.2023)

(Resumption of debate interrupted on 8.8.2022)

Hon. Speaker: Hon. Members, for good management of time, I notice Hon. Eve Obara. Is she in the House?

Hon. Members: Yes.

Hon. Speaker: You had four minutes to go. I advise you to compress your presentation and finish in two minutes. I want the Mover to reply, so that we can close this debate and go to other businesses. I think we spent over three hours on this Motion yesterday.

Hon. Eve Obara (Kabondo Kasipul, ODM): Thank you very much, Hon. Speaker. I supported the Report yesterday. I was as concerned as the Committee on issues of inefficiency in the management of the state corporations that were audited after very many years of clearly knowing what the Public Finance Management (PFM) Act, 2012 says about timely submissions of audited reports and documents required for auditing purposes. We clearly know what the Public Finance Management Act of 2012 says about timely and right submissions of audited reports and documents required for audit purposes. It is about time that we called out some of these institutions. We cannot be receiving reports of inefficiency year in and year out. The President himself said that there are many in leadership positions that are clueless of what is happening in their organisations. Because I believe they sign performance contracts, it is about time we call them out if they do not perform. How can they get away with inefficiency every year yet their contracts are renewed despite their poor performance?

Finally, on inclusivity, there were grave issues of organisations employing people from one or two communities at the expense of the rest of Kenyans. We have the National Cohesion and Integration Commission (NCIC). Can they please act on these organisations? I do not think this is a difficult thing to do. In line with requirements, they should ensure that no single community should be beyond 30 per cent of the total.

Thank you very much. Once again, I support.

Hon. Speaker: Well done. Thank you, Hon. Eve. Mover, you can now reply in the shortest time possible.

Hon. Wanami Wamboka (Bumula, DAP-K): Thank you, Hon. Speaker.

First, I sincerely thank Members of this august House for their immense support, their words of appreciation, and support to the work of our Committee in our tabled Report. Hon. Speaker, I also appreciate the able Members of my Committee. They made our work very easy.

I begin with my deputy who recently gave us a bundle of joy, Hon. Lesuuda Naisula. I appreciate Hon. Chiforomodo Mangale Munga, Hon. Alfa Ondieki Miruka, Hon. Sigei Francis

Kipyegon, Hon. Tonui Joseph Kipkosgei, Hon. Tonkei Rebecca, Hon. Kirima Moses, Hon. Wamacukuru James Githua, Hon. Karitho Kiili Daniel, Hon. Bonaya Mumina Gollo, Hon. (Eng.) Nzambia Kithua, Hon. Ithinji Shadrack Mwiti, Hon. Kakai Bisau Maurice, and Hon. Mwenje Mark Samuel Muriithi. They have been of good help, 'Chair'. If you have realised, they have always been in the House. They always attended our Committee meetings. I sincerely appreciate them.

Hon. Omboko Milemba (Emuhaya, ANC): On a point of order.

Hon. Speaker: Yes, Hon. Milemba.

Hon. Omboko Milemba (Emuhaya, ANC): Really, it is not to intentionally interrupt my friend on the Floor. Somewhat, it is about the three previous Members whom you have given a chance to speak. They continuously refer to you as Chair. I wonder what is really happening. This is the Speaker of the National Assembly. We saw it with the earlier speaker, Hon. Obara. It is being repeated.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Wamboka, you are the Chair of your Committee. I am not the Chair of this Parliament.

Hon. Wanami Wamboka (Bumula, DAP-K): I did not say you are the Chair

Hon. Speaker: You did.

Hon. Wanami Wamboka (Bumula, DAP-K): I am sorry, 'Chair'. Despite being a first timer, I understand very well that you are the Speaker of this Session. Thank you, Hon. Speaker, nevertheless.

(Laughter)

Hon. Speaker: Yes.

Hon. Wanami Wamboka (Bumula, DAP-K): You know I share very many other forums with our Hon. Speaker where he is the Chair. Therefore, you kindly bear with me. I will touch on a few issues. I want to conclude in less than 10 minutes.

Hon. Speaker: Five minutes. Not more.

Hon. Wanami Wamboka (Bumula, DAP-K): I will touch on some of the issues raised by Hon. Members. Hon. Makali for instance observed that some of our recommendations are very lenient. I come from a community that practices circumcision. For the circumciser to be effective, the handler must also be very effective. In this case, we examine books of the Auditor-General.

Hon. Samwel Chepkonga (Ainabkoi, UDA): On a point of order.

Hon. Speaker: Yes, Hon. Chepkonga. There is a point of order.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Speaker, I rise pursuant to Standing Order 87. Is it in order for Hon. Wanami to bring issues of circumcision on very serious matters that deal with public accounts? What is the relevance between circumcision and what he has just presented? I listened to him very carefully when he was making his presentation. None of the institutions he made reference to conducts any sort of circumcision. Could the Chair be relevant in his response to what the Members said? I listened very carefully to all Members. None of them touched on circumcision.

Hon. Speaker: Hon. Wamboka, there is a microphone next to you.

Hon. Wanami Wamboka (Bumula, DAP-K): Hon. Speaker, I do not want to disrupt the good doctor. Please, give me the microphone.

Hon. Speaker: The doctor can shift.

Hon. Wanami Wamboka (Bumula, DAP-K): He shifts.

Hon. Speaker: There you are.

Hon. Wanami Wamboka (Bumula, DAP-K): Hon. Speaker, I want to kindly indulge the Member to listen to my presentation. It is about literature. What I said is that the circumciser can be very good. If the handler is not good enough, the process of circumcising cannot be good. As in this case, the Committee maybe very good. The work will be bad if the reports from the Auditor-General that we are examining are not good. That is what I meant. Please, understand. Next time do not unnecessarily interrupt.

I wish to address several pertinent issues raised during debate. They are critical to the performance of the Committee.

Firstly, on the instance of non-compliance with sections of the Constitution and the Public Finance Management Act of 2012, I relate with the concerns raised about certain officers not adhering to the Act. This is a serious matter that undermines the effectiveness of our governance system. To rectify this issue, we have recommended that the National Treasury supports various institutions with capacity building sessions to relevant officers as well as facilitate secondment of officers to support these institutions. This is especially on matters related to financial accountability. This is one of the issues the Committee is continuously working towards. It is to ensure future audit reports will not have glaring errors touching on non-compliance with the law.

Future recommendations will give specific action to be taken against the various accounting officers who are found in breach of Articles of the Constitution, the PFM Act and relevant laws that govern this country. That way, every accounting officer will know that the Public Investments Committee on Governance and Education is watching. Parliament is watching. The Legislative Arm is watching. Going forward, the Committee has ordered various enquiries into matters it feels require in-depth investigations. This will zero down on the specific matters at hand; specific violations. Therefore, the Committee pronounces itself on specific actions against relevant accounting officers.

On ethnicity, the Committee recently met with the Public Service Commission (PSC) to get their feedback on the steps they are taking to address ethnic imbalance as well as shortage of staff as a result of factors like natural attrition. As such, the Committee is looking into possible interventions to address this menace in public service. I was listening to the Turkana County Member of Parliament and my sister Hon. Waqo Naomi. It is also painful to note, for instance, the Member of Parliament for Turkana County said they have not had any CEO from the Turkana community since Independence. I feel them. I feel Hon. Naomi Waqo. However, you are in Government. I encourage you to now use your various forums to tell President, William Ruto, to implement some of these things because I feel you. A Turkana is also a Kenyan. I feel you. A resident of Mandera is also a Kenyan. Therefore, I urge the Government of Kenya Kwanza to be proactive in helping some of its members in this House.

The Committee also takes note of the issue of timeliness in deliberation of its reports. That has been rectified by splitting of the Parliamentary Investment Committee (PIC) into three committees. For the record, my committee is dealing with the 96th agency. We have already tabled two reports and in the coming weeks, we will table two other reports that are ready. In terms of scoring, our Committee deserves grade A.

Moving forward, I assure this House that we are committed to upholding highest standards of accountability and efficiency. Our mission is to ensure that the Public Investments Committee on Governance and Education yields the best possible outcomes for citizens of our nation.

With those few remarks I beg to reply.

Hon. Speaker: Order, Hon. Members!

(Question put and agreed to)

Hon. Speaker: We will go back to Order No.7.

QUESTIONS AND STATEMENTS

Hon. Speaker: Hon. Members, at Order No.7, we have present in the House two cabinet secretaries: Hon. (Prof.) Kithure Kindiki and Hon. Owalo. They are here to respond to your concerns. The issues were raised by Hon. Gitonga Mukunji, Member for Manyatta and buttressed by many of you. They are on the operations and activities of a company called Worldcoin; national security; and recent cyber-attacks on key Government systems.

I have a copy of the Statement here co-signed by the two cabinet secretaries. They will choose between them who will present the Statement. Once they are done, I will allow you Members to make your interventions with supplementary questions starting with Hon. Mukunji who raised the issue. Of course, priority normally goes to your leaders if they are interested. We will take this matter up to 3.45 p.m. latest 4.00 p.m. and then we will bring in the Cabinet Secretary for Defense who is waiting to answer your Questions.

The two cabinet secretaries, who of you will have the first bite?

Hon. Owalo, go ahead.

STATEMENT

ACTIVITIES OF WORLDCOIN IN KENYA

The Cabinet Secretary for Information, Communications and the Digital Economy (Mr. Eliud O. Owalo): Thank you, Hon. Speaker and Members for granting us the opportunity to come and interface with you over this very pertinent issue in the interest of the Kenyan public. We are here pursuant to a Question raised by the Member of Parliament for Manyatta Constituency, Hon Gitonga Mukunji. He had sought a Statement from the Cabinet Secretary for Interior and National Administration and the Cabinet Secretary for Information, Communications and The Digital Economy on the activities of a foreign data collection company, Worldcoin.

On the 3rd day of August, 2023, the Leader of the Majority Party issued a response to the Question. Consequently, it was directed that both of us, in our capacities as cabinet secretaries, attend the plenary to respond to the issues raised by Members. We stand by the Statement that was earlier on issued by Hon. Kimani Ichung'wah. However, over and above that, we further state as follows:

On the Question pertaining to whether or not the safety of the data collected by Worldcoin is secure, we are glad to let the House know that the Government has implemented the following strategies to ensure safe data management practices by both foreign and local entities:

1. The Government has established and operationalised the office of the Data Protection Commissioner in conformity to the Data Protection Act, 2019.
2. Further, the Government has undertaken development and publication of the data protection regulations as at 31st December 2021,
3. The Government has also been conducting irregular inspections and audit of entities registered as data controllers and data processors and undertaking irregular investigations on breaches of Data Protection Act, 2019.
4. In the same vein, the Government has undertaken development and implementation of personal data training curriculum to enhance levels of compliance.

5. Finally, on a continuous basis, the Government has undertaken public sensitisation on data privacy and cyber hygiene.

In addition to the above, it is worth noting that the Cabinet Secretary, Ministry of Information, Communications and the Digital Economy has constituted a committee to look into regulatory reforms informed by emerging technologies including, but not limited to, digital currencies such as cryptocurrency. This is informed by the fact that the operational environment is dynamic and as factors play in that operational environment change, it is also incumbent upon us as Government to continuously look at ways and means of reviewing our policies, laws and regulations in line with the changes and emerging issues in the operational environment.

On the second Question pertaining to who authorised the biometric data collection by Worldcoin and whether or not the correct procedures were followed, the Government registered Worldcoin on 18th April 2023 as a data controller pursuant to the Data Protection Act and other attendant regulations. An entity processing personal data is required to identify itself with the Office of the Data Protection Commissioner by registering with the Office. Pursuant to the Data Protection Act, 2019 an entity should, therefore, make an application for registration as a data controller where it determines the purpose and means of handling personal data. Conversely, an entity will make an application for registration as a data processor where it handles personal data on behalf of a data controller based on a contractual obligation with the data controller. Further, an entity may register as a data controller and data processor at the same time.

Informed by the above, an application for a certificate of registration only signifies that the entity has complied with Sections 18 and 19 of the Act for purposes of registration. It does not in any manner endorse an entity's compliance with the Data Protection Act or its subsidiary regulations, nor is it a valid license for an organisation to operate in Kenya, or authorise the operations of an entity. There is a divergence between mere registration and operationalisation in conformity with the law. Registration does not imply that a company operating in Kenya has been given blanket authority to behave in the manner that it deems appropriate.

In terms of operationalisation, there are attendant rules and regulations, and even guidelines which, upon registration, an entity is expected to conform to. The certificate simply signifies that an entity is known to the Office of the Data Protection Commissioner (ODPC) and that it processes personal data of persons located in Kenya. Further, it does not amount to certification of the processing activities of an entity, or serve as an endorsement from the ODPC of an entity's compliance with other provisions of the Act or any other laws, including but not limited to, the Constitution of Kenya, 2010, which is our supreme law. A registration certificate was, therefore, issued to Worldcoin following receipt of the requisite documentation pursuant to the registration regulations.

The third question seeks clarification as to whether or not safety guarantees have been put in place to ensure that the data will be used exclusively for the intended purpose, and that citizens will not suffer any loss. On 30th May 2023, the Government issued a directive to Worldcoin to cease processing irises and facial recognition data in the country. A further directive was issued to Worldcoin on 2nd August 2023 to cease all operations in Kenya. In addition, the Government has sought preservation orders from the courts to enable completion of ongoing investigations by a multi-agency team. Informed by the preservation orders, Worldcoin is compelled to preserve all personal data of Kenyans for the duration of the investigations.

It is also important to note that prior to the aforesaid, the ODPC established that the company had set up booths across the country to scan the irises of interested Kenyans in April 2022. This was in anticipation of the launch of their cryptocurrency on the week of 24th July 2023. Based on that, the ODPC commenced its assessment of the organisation in May 2022.

In the course of this assessment, the office initially suspended the operations of Worldcoin for a period of 60 days, during which the company was to submit a data protection impact assessment in accordance with the Data Protection Act to enable the ODPC to ascertain the lawful basis and safeguards adopted by Worldcoin.

Subsequently, the ODPC conducted a spot check in May 2023. It again raised concerns with the processing activities of the entity and subsequently wrote to the entity in May 2023, directing immediate cessation of processing of sensitive personal data, namely, irises, and facial data of data subjects. The office further directed that Worldcoin safely restricts the processing of any data that had already been processed, and advises the office of the safeguards placed on the restricted data.

The next question is on whether or not the Government has established the ultimate objective of this exercise, and for what purpose the data was being collected. This is subject to ongoing investigations. The Government is currently undertaking investigations to establish the intended objectives of the exercise by Worldcoin. Based on the results of those investigations, we will remain ready and available to come back and report to the House in that regard.

The next question seeks to ascertain whether or not prior public participation to inform the public of the risks involved in the exercise was undertaken. It is the responsibility of individually registered entities to undertake public sensitisation as opposed to that of the ODPC, subsequent to the registration. In this regard, we are not aware of any public participation carried out by Worldcoin. Consequently, the Government has issued statements cautioning the public on the operations of Worldcoin in this regard.

The next question pertains to the source of the money that is being paid to participants who stand to benefit from the exercise by Worldcoin. Again, this is one of the components of the terms of reference of the multi-agency team that is currently investigating the source of the money. We believe that the objective will be determined through that exercise.

The Member also sought comments from the Government on matters concerning cybersecurity attacks. In this regard, we state as follows. It is true that the eCitizen platform was temporarily affected by a threat that rendered it intermittently unavailable for three subsequent days. That service interruption was caused by a Distributed Denial of Services, commonly known as a DDOS attack, where the intended hackers sent a flood of service requests. That meant that there were higher than normal levels of requests through the IP address connections to the eCitizen servers with the intention of jamming the connection and making it non-responsive.

The Government, through the Communications Authority of Kenya (CAK), coordinates the Kenya National Computer Incident Response Team, which is a multi-agency cybersecurity monitoring centre. This centre was instrumental in tracking the DDOS attack and providing relevant advisory support for purposes of intervention. There was an attempted attack but informed by the elaborate risk mitigation framework around the eCitizen platform that the Government has deployed and put in place, that attack was unsuccessful. Currently, we are glad to report that the eCitizen platform has now reverted to optimal capacity utilisation, and Kenyans are consuming services as before or as envisaged.

The Government also has a standing multi-agency committee that proactively addresses cybersecurity threats and mitigates cyberattacks and risks. That committee entails membership from the Ministry of Information, Communications, and the Digital Economy, the Ministry of Interior and National Administration, the Konza Technopolis, the Kenya Airports Authority (KAA), the CAK, the ODPC, and the ICT Authority. What we are saying is that from the outset, in the course of rapid digitalisation, we were aware that we were likely to be exposed to cyberattacks. Rather than waiting to be reactive, we put in place an elaborate risk mitigation framework in a proactive manner with a view to mitigating any risks that could occur.

In addition, the Government has taken the following steps to mitigate the emerging cyber security challenges in a sustainable manner moving forward:

1. We have added an additional layer of technology security to the eCitizen platform.
2. We have redirected internet traffic to a different web application firewall with a view to filtering traffic before it hits the eCitizen platform.
3. We are undertaking continuous monitoring and visibility of the system so that we are able to scan all that is going on within the system.
4. We are patching and updating the underlying operating system and the platform itself.
5. We are upgrading all applications running the services to current releases. These are ideally the applications that are installed to run the single sign on as well as the payment gateway.
6. We have added the bandwidth capacity with a view to enhancing the capacity of the platform so that the system has optimal levels of capacity to support requests from citizens.
7. On a continuous basis, based on best case practices elsewhere, we are entering into collaborations and partnerships with other jurisdictions as far as cyber security management is concerned.

As I conclude, I wish to confirm that the Government has put in place an elaborate framework to ensure that the eCitizen platform is stable and able to process and provide citizens with the required services as the Government also continues to on-board services in line with our digitalisation agenda. The net effect of this statement is that we will continue pursuing our digitalisation agenda while on a continuous basis ensuring that there is an elaborate risk mitigation framework to ascertain both data privacy and security.

Moving forward, the Government in collaboration with other stakeholders, has proposed a review of our institutional framework with regard to cyber security so that we can strengthen our cyber space, including but not limited to the monitoring, evaluation and reporting mechanisms. We shall also continue to create cyber security awareness and capacity building at all levels of the Government and amongst the critical stakeholder segment of the Kenyan public.

Thank you, Hon. Speaker. We submit.

Hon. Speaker: Alright. Hon. Mukunji.

Hon. Gitonga Mukunji (Manyatta, UDA): Thank you, Hon. Speaker.

Hon. Speaker: You will note several interventions, then you will be called upon to respond.

Hon. Gitonga Mukunji (Manyatta, UDA): I wish to thank the cabinet secretaries for that elaborate Statement capturing every question and statement we seek as a House. While I was asking the question, I knew it is a wake-up call to our Government and also this House to see how we can be prepared for the future which is digital. I have listened keenly and I feel that the departments concerned are well prepared to handle these issues. There is always a risk when it comes to digitisation.

Hon. Speaker: I have given you an opportunity to ask clarification.

Hon. Gitonga Mukunji (Manyatta, UDA): While we are talking about the preparedness of any occurrence, I would like to know whether it is possible that there are countries interested in our data and are taking advantage of us, considering this company was denied access of data from another country but is comfortably working here. This is not only on the issue of Worldcoin, but a lot of data from our people was picked through their other company called ChatGPT.

Secondly, I saw that the Worldcoin site has been pulled down. I would like to know whether the Cabinet Secretary can shed more light on why the site shut down and at the point of shutting down, what did they have and was it stored in this country or their cloud servers?

Thirdly, on the multi agencies that the Cabinet Secretary has prepared on issues of attacks on cyber security, I would like to know its composition. Is it a department or does it involve foreigners or locals? This is because the key thing here is we are going to a place where we can have welfare that involves our data and our digital Government programmes.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Gitonga Murugara.

Hon. George Murugara (Tharaka, UDA): Thank you, Hon. Speaker. On that particular day, we woke up to long queues, the roads and pathways were blocked and there was brisk business at KICC. My question to the Cabinet Secretary is: Was there a lapse in intelligence service? What these people were doing must have been advertised to Kenyans. We are now being told that investigations are being done with regard to what exactly the company was doing. Was there a lapse in our intelligence service when we allowed somebody to do what was possibly illegal when actually we ought to have known and stopped them from doing it?

Hon. Speaker: Cabinet Secretary, the Members raised serious questions last week and from your Statement, you say that the Data Protection Commissioner directed this company to cease operating in May. On 2nd August 2023, they were attracting phenomenal queues at KICC. Was there a lapse somewhere? Hon. Irene Mayaka.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Speaker. My question goes to the Cabinet Secretary, Mr. Eliud Owalo.

Hon. Speaker: The interests are many, so ask one question.

Hon. Irene Mayaka (Nominated, ODM): Yes, I only have one question. Considering the fact that the rest of the world is revolutionising from the fourth industrial phase to the fifth industrial revolution and we are still backtracking in the country, what measures have you put in place to ensure that we are striking a balance between innovation in technology and ensuring that there is public safety in matters cryptocurrency and Worldcoin in relation to the fact that there is already a sound alarm on different technology magazines on the issues and the risks associated with Worldcoin? How are you going to balance the two?

Hon. Speaker: Hon. Robert Mbui.

Hon. Robert Mbui (Kathiani, WDM): Thank you, Hon. Speaker. On this matter of Worldcoin, I thank the cabinet secretaries for coming up with quick answers because time is of essence. We must avoid condemning any investors without completing our investigations.

Hon. Speaker, it is the responsibility of the Government to carry out public participation to understand what this institution is coming to do, so that they can protect Kenyans, in case there is anything that is out of the ordinary.

I have two quick questions. Sometime last year, there was a rejection of an application for licensing. Later on, there was a license this year. What changed between last year and now? Noting that technology is very volatile and fluid, is it possible that this data has already left the boundaries of this country and we are addressing matters that are already overtaken by time?

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Hon. Omboko Milemba.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker and cabinet secretaries. Let me thank the Cabinet Secretary for Interior and National Administration for stopping this process. However, it looked like a pearl harbour to you. You did not seem to know that we would wake up and have all those queues not only at the Kenyatta International Convention Centre, but also everywhere. How safe are Kenyans, if you have those stopgap measures of such high magnitude happenings only for you to come in and stop them?

Above all, the two cabinet secretaries who have been called here seem to disagree on what exactly should be done on the matter concerning Worldcoin. Why did that come up?

Hon. Speaker: I will give the opportunity to Hon. Kaluma and the cabinet secretaries will respond. Then, we will do another round.

Hon. Peter Kaluma (Homa Bay Town, ODM): I thank you, Hon. Speaker. Section 974 of the Company's Act requires all foreign companies to be registered before they can do business in the country. There is very heavy punishment because it makes it a criminal offence for any foreign company to act before registration.

Was this company registered as a foreign company with the Registrar of Companies? If so, what actions has the relevant ministry taken against the officers of the company, particularly the local ones since this event?

Hon. Speaker: Thank you. Cabinet Secretary, before you respond, allow me to acknowledge the following schools which are in our galleries quickly: Kioneki Primary School from Kinangop, Nyandarua County; Mini Nursery School and Day Care from Kisumu Central, Kisumu County; Lwak Girls Boarding and Primary School from Rarieda, Siaya County; Thanantu Primary School from Tharaka, Tharaka-Nithi County, Dry's Farm Secondary School from Ainabkoi, Uasin Gishu County; Kariani Secondary School from Maragwa, Murang'a County; Kimende Primary School from Lari, Kiambu County; and Sasumua Primary School from Kinangop, Nyandarua County.

On my own behalf and all Members of the House, we welcome the schools to Parliament.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): Hon. Speaker and Members, I would like to respond to some of the clarifications that have been sought in the following manner.

Firstly, I agree with the Member who has said that as a country, we must balance the need for us to move with the rest of the world in terms of technology and all the innovations in the technology space with our national interest and security. That is a national debate for all arms of the Government, including the Legislature so that we can strike the right balance and not roll back from where we need to go into the future. On the other hand, we should not endanger our national security. I concur with those sentiments.

Secondly, on the question whether the business registration services department or the registrar of business names had registered this company, the answer is in the negative. However, I would like to bring to the attention of the House that this entity appears to have carried its operations through a Kenyan agency. In other words, although the company had been registered as a controller of data, the actual operations of processing and harvesting data seem to have been coordinated through a properly registered business which is owned and managed by Kenyans. That clarification is important. Nevertheless, the fact that officials of Worldcoin visited Kenya and so far, we have established that they carried out certain activities around supervising what was going on, definitely implies liability on their part, whether or not, the entity was involved directly or not.

Thirdly, Hon. Speaker, it has been asked by one of the distinguished Members of this House whether the National Intelligence Service (NIS) knew about it. The Member for Tharaka and Member for Emuhaya raised this question. I would like to say again, just like the issue of balancing innovations and security, ordinarily, security agencies do not interfere with businesses, operations and everyday activities, unless there is reason to. When this company began its operations that attracted crowds on a Saturday, reports were made. The following day on Sunday very early when we were doing our morning briefs from across the country, it was brought to the attention of the Cabinet Secretary for Interior and National Administration that there were these activities in two or three locations in Kenya the previous Saturday. We directed immediately that the activities associated with these people and entity be put on the radar. They

continued on Sunday. A report was made in the early morning briefs on Monday. By that time, we had formed the opinion that the activities of this company could not continue. That is why when they did the third activity at KICC, we did not allow them to go on.

To answer the concerns raised by the Member for Tharaka, it was not necessary to stop people from assembling, but it was necessary to stop them from committing a crime. We stopped and dispersed that congregation on that day. The rest is history. Based on the daily reports the following day, we were very clear that these people could not be allowed to continue with what they were doing. In other words, Hon. Speaker, from where I sit, as the Cabinet Secretary for Interior and National Administration, I am satisfied that we were cautious enough without disrupting business and people's activities. We acted timely and timeously, in our view.

Lastly, so that the other issues can be responded to by my colleague, the Cabinet Secretary for Information, Communications and the Digital Economy, is the issue as to whether perhaps there is anything else we could have done. There is a general feeling that the Government could have acted faster. Generally, we have made very good progress. We were able to freeze - at the point where the red flag was raised - the movement of any person, whether Kenyan or foreigner associated with that activity.

We have on our radar all the people associated with this enterprise, entity. We are using our legal instruments on mutual legal assistance to ensure that those people as is likely to be the case, will be held accountable. We believe without pre-empting the investigations, that crimes have been committed, crimes against the Data Protection Act, privacy of the people of Kenya and crimes against the Penal Code. We will hold those people who have committed them accountable, whether they are Kenyans or not. We have within our radar all the people of interests. The local ones have recorded statements and we will also be requesting the surrender of those who are outside our territory so that they can also record statements.

Finally, we believe that what happened on the eCitizen platform was an attempt to hack and not hacking as it were. We have taken seriously upscaling of the system under the MC4 which brings together the Interior Ministry as the coordinating agency, Department of Defence, ICT and NIS. Kenyans should not fear technology, but be very alert so that technology does not bring our national interest into disarray.

There is no cause for alarm on both issues; the Worldcoin and the attempted hacking of our eCitizen platform. We are alert and remain amenable to the input of Parliament so that we can improve our systems and serve our country better.

Hon. Speaker: Mr. Eliud Owalo, you have something to add?

The Cabinet Secretary for Information, Communications and the Digital Economy (Mr. Eliud Owalo): Yes, Hon. Speaker. Just a few more pertinent issues to clarify to Members.

Hon. Omboko Milemba alluded to a possible difference in the stance taken by myself and my colleague from the Ministry of Interior. At no point in the course of this episode has there been a discordance between the position that I took and that of the Cabinet Secretary responsible for the functional mandate of interior and security. What I stated one morning during a TV interview was that at the point when Worldcoin was being registered, they had met the prerequisites necessary for purposes of registration.

There is a difference between the bare minimum requirements that you need to possess for purposes of registration and conformity to the attendant rules, regulations and operational guidelines. Mere registration is not a blanket certificate for nonconformity to the operational rules and guidelines. This is why on a continuous basis upon registration there are mechanisms through which the Government monitors the conformity or otherwise, to the attendant rules and regulations.

I also stated that morning that there were investigations going on. In the course of operationalisation, certain issues had emerged. As a Government, we were looking at issues pertaining to conformity to the set rules and guidelines. There are issues pertaining to security. There were issues pertaining to policy laws and regulations which we were attending to as a Government. In the course of that very day, Government was going to take action. That was what exactly my colleague Hon. (Prof.) Kithure Kindiki did in conformity to what I had stated early on.

Secondly, was the issue of whether or not foreigners could be interested in our data. Granted, data is the new oil and we cannot block our eyes from the possible interest of our data from foreign entities. I believe that as we speak, that is subject to the ongoing investigations and at the tail end of that exercise, we will ascertain the authenticity or otherwise of those fears. Once that is done, we will make that information available to both Parliament and the public at large.

On the issue of innovation and security, innovation is constant in today's world. We are operating in a dynamic operational environment where technology is the in thing. Kenya as a country cannot be an exception. What we need to do is that as we innovate and embrace technology, we also simultaneously ensure that we do not expose the country unwarrantedly to possible cyber-attacks. This is why we are putting in place an elaborate mechanism, risk mitigation framework to ensure that as we digitise our records and digitalise our services, we are not exposing ourselves to cyber-attacks, but conversely putting in place an elaborate risk mitigation framework.

On the issue of the composition of the multi-agency team, that team entails membership from various facets of the Kenyan Government.

Hon Speaker: That has been answered by Hon. Kindiki. Hon. Dido Raso.

Hon. Ali Raso (Saku, UDA): Thank you, Hon. Speaker. I wish to tell the Cabinet Secretary that there are over four million Kenyans who are trading in bitcoins. On what happened recently where the iris was being scanned, it is believed to be the most intrusive data gathering. It also borders on what is called collection of data for Artificial Intelligence. If we are saying that by the next ten years everything in Kenya will be in e-government, e-this and e-that, how much are we ahead in terms of saying yes there must be a red line that Kenyans should not be asked for this or that because banks or any entity can go for this? You can imagine the collection of this data was done because Kenyans were being paid \$49. That is really absurd. For that reason, the Cabinet Secretary for ICT should explain to us the issue of Artificial Intelligence and whether Kenyans are not being used as some sort of data collection entity for a specific reason to match their own business.

Hon. Speaker: Give Hon. Zamzam Mohammed.

Hon. Zamzam Mohammed (Mombasa County, ODM): Asante Bw. Spika. Swali langu linaenda kwa Mawaziri wote wawili. Ilianza kwanza na M-pesa, watu wakawa wanaingia wanawaibia wananchi pesa. Kuna moja alijilipa pesa kama Mbunge na ilikua kumbe ni stori kama ya *Alfu Lela Ulela*.

Mwisho mmenyamaza mpaka imefika kuwa Taifa la Kenya tunapoteza takwimu zetu, tunapata watu wameingia kwenye system na Kenya inakua kabisa iko *blackout*. Waziri wa Usalama amesema vile alivyo fanya usalama katika mambo ya maandamano akafaulu. Katika *data* ya Kenya ambayo ni muhimu maana ata Shakahola ilikupata pasipo wewe kujua na hii pia imekupata vivyo hivyo, unaweza kuambia nini Wakenya kwa mwaka mzima umemaliza kuwa usalama wa Kenya uko dhabiti katika mikono yako?

Asante sana.

Hon. Speaker: Member for Kimilili. Give him a functioning microphone.

Hon. Didmus Barasa (Kimilili, UDA): Thank you, Hon. Speaker. I have a very simple question. By the time this company was applying for registration, it was evident that other

governments were cracking them down. Why did the Government of Kenya fail to carry out due diligence before allowing this company to operate in Kenya?

This is very important because it means tomorrow or the day after somebody can come here, register a company, harvest kidneys from Kenyans and leave this country. The second question is that the two cabinet secretaries have used the word ‘investigations’ more than five times. I want them to assure this House that the Government of Kenya will invest in crime prevention so that we do not behave reactionary and only carry out investigations. Maybe the Worldcoin people already got what they wanted and so, they shut down their system and left. The cabinet secretaries should assure Kenyans that they will invest heavily in crime prevention so that we do not hear about investigations going on. The crime has already been committed.

Hon. Speaker: Hon. Makali Mulu.

Hon. (Dr.) Makali Mulu (Kitui Central, WDM): Thank you, Hon. Speaker. I will ask only two questions.

Hon. Speaker: Ask one.

(Laughter)

Hon. (Dr.) Makali Mulu (Kitui Central, WDM): Okay. The first question which has left me wondering yet I have a finance background is: What is the connection between crypto currency and the eyes? The second question and please allow me to ask is: Would I be in order to say that in this country, there is a disconnect between intelligence collection and what the security agencies are doing? I see us being reactive instead of proactive.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. The Member next to Hon. Kamket, is it the Member for Kajiado North? Give him the microphone.

Hon. Onesmus Ngogoyo (Kajiado North, UDA): Thank you, Hon. Speaker. I rise to ask the cabinet secretaries present and specifically Hon. Kindiki questions. In our laws, bribery is a crime. The Worldcoin people were paying a token to get something from the people.

Hon. Speaker: Ksh7,000 cannot be a token. It is a lot of money.

Hon. Onesmus Ngogoyo (Kajiado North, UDA): My apologies, Hon. Speaker. They were paying Ksh7,000 and this is bribery because they were giving money to get something from Kenyans. The charges you stated are crimes committed. I would like you to come out clearly that you will charge them for bribery because it is against the laws of Kenya. In this House, we asked about the information they picked. Where did they take it?

The Statement did not bring out where this information is. As we talk about the future, what about what they did on that particular day to specific individuals? I have a lot of confidence in Hon. Kindiki, and I want him to answer those questions. I know he is very capable unlike what Hon. Zamzam said that he does not know how to do things. He is capable, competent and a straight-shooting professor.

Hon. Speaker: Is that Hon. Mawathe or Hon. Basil? Hon. Mawathe go ahead.

Hon. Julius Mawathe (Embakasi South, WDM): Thank you, Hon. Speaker. I want to ask the Cabinet Secretary for Interior and National Administration and the Cabinet Secretary for Information, Communications and the Digital Economy a question. This was a very huge lapse of our security because if we allow strangers to come and harvest the identification or biometric of Kenyans, what will they do next?

The other question is: A few days earlier, we assumed our ICT systems were being hacked. You may deny, and so, let me use proper English. Our ICT systems were interrupted by strangers. One, what measures are you taking to ensure this does not happen again? Two, as far as the Cabinet Secretary for Interior and National Administration is concerned, what

measures is he taking to ensure harvesting of people's biodata will never happen again? Third, where is this information?

Hon. Ruku GK (Mbeere North, DP): On a point of order, Hon. Speaker.

Hon. Speaker: What is out of order, Hon. Ruku?

Hon. Ruku GK (Mbeere North, DP): Thank you, Hon. Speaker. Is the Member in order to ask a question which has already been answered by the two cabinet secretaries? Unless he was not in the House or was asleep when that question was addressed, it was addressed in a very appropriate manner.

Hon. Speaker: Order! Order! Order, Hon. Mawathe! The Member has a right to ask a question if he is not satisfied with the previous answer, Hon. Ruku.

Hon. Julius Mawathe (Embakasi South, WDM): Hon. Speaker, I have the right to reply. There is no way you can allow him to say that. He must withdraw. Hon. Speaker, allow me to start again.

Hon. Speaker: I have already allowed you.

Hon. Julius Mawathe (Embakasi South, WDM): Thank you, Hon. Speaker for allowing me. It is very wrong for a *mono* to say something negative about another Member. He must withdraw. Otherwise, we will engage. We are polite, but we are not afraid. That is not the right way to go.

Hon. Speaker: Order! Sit down, Hon. Mawathe. Hon. Rindikiri, the last question and the cabinet secretaries should get ready.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Speaker. I would like to ask the two cabinet secretaries, under which ministry does the office of the Data Protection Commissioner lie? Two, it has been carrying out investigations on the matter at hand. Hon. Speaker, I would like to ask my question through you.

(Hon. Speaker consulted with the Clerks-at-the-table)

Hon. Speaker, my question is to the two cabinet secretaries. Under which ministry does the office of the Data Protection Commissioner belong? As we know, in the former Government this office was used for other purposes. It was aware of the activities of this company at hand a few months ago. Now, we are being told they are carrying out investigations. How confident can we be about the operations and management of this office because we did not get a clear answer from them?

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Yes, Hon. Mukunji.

Hon. Gitonga Mukunji (Manyatta, UDA): Hon. Speaker, there is a question I asked and it has not been answered yet it is very important because it touches on the matter and the people who are expecting money from this side. The Worldcoin site has now been pulled down and it is the one that is holding the 7,000 people who scanned their irises and are expecting that money. Is the shutting down of this site related in any way to the ongoing investigation, or those people have all they wanted?

Thank you, Hon. Speaker.

(Hon. Julius Mawathe raised his hand)

Hon. Speaker: Order, Hon. Mawathe, why is your hand up in the air all the time?

The Cabinet Secretary for interior and National Administration (Hon. (Prof.) Kithure Kindiki): Hon. Speaker, in response to the question of whether the country is safe, I assure the House and the country that Kenya is safe. I add that as we go towards a technological

world, we as a nation must be alive to the fact that the risks that exist in the physical space are the same risks that exist in the digital space.

One of the reasons why perhaps this particular threat we experienced looks a bit unique is because this is a new space. I want to prepare the country that even as we go towards embracing technology as we must, we must be alive to the fact that there are risks in the digital space of equal nature if not greater than the risks in the physical space.

Another concern which is a supplementary issue that has been raised is the need for us to clarify whether we are prepared to deal with risks in the digital space in the same manner we have dealt with other threats to our national security. I confirm affirmatively that the Government will deal with those threats to our national security wherever they arise - whether from physical, digital, technology or any space whatsoever. Therefore, this is a serious threat just like terrorism, banditry, trade in narcotic drugs and psychotropic substances. It is a threat just like those who want to intimidate us to use politics to commit crime. We will be firm with those threats to our national security whenever they arise.

Thirdly, a question has been asked on the money that was promised to Kenyans in exchange for their data. I would not like to speak a lot on this area because we have made great steps in the investigations and I do not want to pre-empt them, but allow me to say that as security managers and as the Ministry of Interior, what raised a red flag was the monetary inducement. For us, that is one of the earliest indications. The moment it became apparent that that exercise that was done for two days, and on the third day we were clear crimes were being conducted from where we sit. That inducement for us is an area of concern. The other red flag other than the area of inducement is that we suspect again that our understanding of the data protection law is that processors of data must obtain consent. We are of the opinion that if at all any consent was sought, which is doubtful, that consent was not informed consent and that is why we believe we will pin down people. It is just a matter of time.

A question has been asked whether we are investing in crime prevention and I want to answer in the affirmative. Going forward, we are increasingly investing and concentrating on preventing crimes before they happen or arresting crimes in the earliest opportunity and I think this is an important clarification without overly interfering with ordinary activities that are allowed under the law. So, by the time we come in, we must have reasonable grounds to suspect that crimes have been committed.

Hon. Speaker, the other issue that has been raised is on why we took a bit of time and only acted after things started happening. I would like to say that activities of this entity are not just a subject matter of security investigations in Kenya alone. There are other countries around the world, and many of them are first world countries that are asking the same questions that we are asking today, including two countries in Europe, and one in Asia. So, I do not think it is fair to say Kenyan authorities have not been prudent or alert enough because I know the same issues have been raised in the United Kingdom, France, India, Germany and a few other countries. We are certain that we will bring accountability and I think there is no cause for alarm.

In terms of data which has been harvested so far, we have preservation orders that it should not be processed. We have a court order, but we are informed by the experts that even if such data is already stored in the cloud, it is still retrievable and, therefore, again, there is no cause for alarm. We already know the number of our people who had gone through this process.

Finally, I know we are a very political country which is a good thing because democracy is supposed to bring the kind of vibrancy that we see in our space as a country. I want to plead with the representatives of the people, Hon. Members, that on matters national security, we try and remove our politics and democratic engagements from that space. That way, we will preserve the country for ourselves and our children. Thank you.

Hon. Peter Kaluma (Homa Bay Town, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: What is your point of order, Hon. Kaluma?

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Speaker, I am concerned that the cabinet secretaries are not treating this matter with the seriousness it deserves. Instead of getting responses as representatives of the people, we are getting lectures on the things upon which we raised these questions.

Hon. Speaker, I asked a simple question; whether this foreign company is registered. The Cabinet Secretary for Interior and National Administration is saying that it appears to be registered. The Cabinet Secretary in charge of Information, Communications and the Digital Economy is saying that it is registered and are dealing with operational issues. Could we know the truth? There is a legal consequence to a foreign company doing business in the country if they are not registered. In this case, even before we check what they are doing with the data mined, the foreign agents of the company should be in court; and the fine prescribed under Section 974; not lectures on democracy on what people should do.

Hon. Speaker: Hon. Kaluma, I thought the Cabinet Secretary had earlier said that the Worldcoin group are not registered in Kenya, but they have local collaborators. Cabinet Secretary, is that not what you said?

The Cabinet Secretary for Information, Communications and the Digital Economy (Mr. Eliud Owalo): Yes.

Hon. Speaker: So, your pursuit should be who are the local collaborators; are they going to be charged with conspiracy to commit crimes; and all those other chains of criminal activities? That is up to the Cabinet Secretary to answer.

Hon. Robert Mbui (Kathiani, WDM): On a point of order.

Hon. Speaker: Can we hear from the second CS first, unless it is a serious point of order?

Yes, Hon. Robert Mbui.

Hon. Robert Mbui (Kathiani, WDM): Thank you, Hon. Speaker. The House has allowed cabinet secretaries to come and answer matters of concern to Kenyans, but the Cabinet Secretary for Interior and National Administration has just told us that he does not want issues that are political. When Members of this House ask Questions, they are obviously political because we are representatives of the people. I think that is what Hon. Kaluma has alluded to. Instead of giving us a lecture, kindly just respond to our questions because there is no politics other than our representation of the people. Hon. Speaker, kindly, guide the Cabinet Secretary.

Hon. Zamzam Mohammed (Mombasa County, ODM): On a point of order.

Hon. Speaker: Hon. Zamzam, are you also on a point of order?

Hon. Zamzam Mohammed (Mombasa County, ODM): Mheshimiwa Spika, swali langu lilikuwa tu dhahiri kuwa Kenya tuko katika hali tata ikiwa anga zetu zitakuwa zimeingiliwa.

Mheshimiwa alinikosa akaweka kama ambaye ninamdhulumu yule Waziri ila ni yale aliyosema Rais wa Taifa hili kuwa hao Mawaziri hawaelewi vitu vingi. Nimeuliza: Usalama wa nchi yetu uko sawa katika mikono yake kwa vile tumeingiliwa sana? Hii ni kwa sababu yeye amekuja kuzungumzia mambo ya siasa. Hapa sio siasa kwa sababu hata mimi, *account* yangu ilikuwa *hacked*. Ndio maana ninasema hayo sio maswala ya siasa.

Hon. Speaker: Cabinet Secretary, Information, Communications and the Digital Economy, Mr. Owalo. We cannot have endless chains of points of order.

The Cabinet Secretary for Information, Communications and the Digital Economy (Mr. Eliud Owalo): Hon. Speaker, I think we had already indicated earlier, and I want to repeat that Worldcoin as an entity, is not a legally registered company in Kenya.

On the business registration service, it is registered as a data collector. In terms of operationalisation, Worldcoin has been undertaking its activities through a different entity which is registered in Kenya, and it is on the basis of this...

Hon. Speaker: Mr. Owalo, the issue that Hon. Kaluma was asking is if this entity is not registered, why did you allow an entity that has no legal status to start collecting data from Kenyans? I think that is the big question. Hand in hand with that, so that we save time, because your colleague is waiting behind there, you should also answer Hon. Makali Mulu's. As the Speaker of this House, I also went and did some research on bitcoins and found nowhere in the world is cryptocurrency traded so that one would have his or her iris mined by any company. That is something that you should assure Kenyans and Members of Parliament.

The Cabinet Secretary for Information, Communications and the Digital Economy (Mr. Eliud Owalo): Hon. Speaker, Worldcoin was registered in Kenya as a data collector, not courtesy of the business registration service. The prerequisites for purposes of registration as a data collector does not include or does not entail being registered as a company operating in Kenya. We are dealing with the digital space in this instance and there are many other companies operating in Kenya which are not legally registered by the business registration service.

The other issue was on the ODPC. For purposes...

Hon. Naomi Waqo (Marsabit, UDA): On a point of order.

Hon. Speaker: Yes, Hon. Naomi Waqo, what is your point of order? Cabinet Secretary, kindly hold on.

Hon. Naomi Waqo (Marsabit, UDA): Thank you, Hon. Speaker. I just want to know why they have allowed them to collect our data. Simple.

Hon. Speaker: Cabinet Secretary, that is the bottom line.

The Cabinet Secretary for Information Communications and the Digital Economy (Mr. Eliud Owalo): Can we be a bit patient so that I can do justice to this issue?

Hon. Speaker: Okay, kindly give the Cabinet Secretary an opportunity to answer. You have asked him questions; let him answer.

The Cabinet Secretary for Information, Communications and the Digital Economy (Mr. Eliud Owalo): The company that has been collecting data in Kenya is not Worldcoin. It is a surrogate of Worldcoin and these people have been apprehended by security agencies.

The ODPC operates under policy guidance from the Ministry of Information, Communications and the Digital Economy.

Hon. Marianne Kitany (Aldai, UDA): On a point of order.

Hon. Speaker: Hon. Marianne Kitany. What is your point of order?

Hon. Marianne Kitany (Aldai, UDA): Hon. Speaker, is it in order for the Cabinet Secretary for Information, Communications and the Digital Economy to say that they can allow companies to operate in this country without any registration? Because we have heard his statement and in it, he is purporting that people can come into this country and operate without any registration. Can he tell us whether it is in order for a company to come and operate in this country without proper registration and proper identification before operations begin?

Hon. Speaker: Cabinet Secretary, go on.

(The Cabinet Secretary for Information, Communications and the Digital Economy consulted the Cabinet Secretary for Interior and National Administration)

Hon. Members, let him finish answering. If I find it necessary to do another round, I will. Mr. Eliud Owalo, are you done? You are consulting.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): Hon. Speaker, we are consulting because to the best of my knowledge, I am not sure that, that obligation is in the current Data Protection Act; subject to confirmation. I just asked our Cabinet Secretary for Information Communications and the Digital Economy to confirm. If that obligation is in the Data Protection Act in terms of procedure for registration...

(A Member stood up in his place)

Protect me so that I finish answering and then the Member can...

Hon. Speaker: Let him finish.

(A Member consulted loudly)

Order! Let him finish. Go on, Cabinet Secretary for Interior and National Administration, Hon. Kindiki.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): Hon. Speaker, to the best of my mind, the Data Protection Act does not obligate the registration of data processors to be companies registered under the law of Kenya, and I have said this with a caveat because I could be wrong. If it does, then definitely, that is an oversight. If it does not, then it means we must amend the law going forward in consonance with the sentiments by the Members to make sure that, that becomes an extra accountability layer for the future.

Hon. Speaker: Hon. Members, I want to end here. Order!

Hon. Bisau Kakai (Kimini, DAP-K): On a point of order.

Hon. Speaker: Yes, Hon. Bisau Kakai, what is your point of order? Members, hold your horses. I have given the Floor to Hon. Bisau.

Hon. Bisau Kakai (Kimini, DAP-K): Thank you, Hon. Speaker. I am sitting here, and listening at the way the two cabinet secretaries are answering these questions. First of all, we have to remember that on that particular day, our country was under attack. In fact, we thank you for coming together, because now you give an impression that at least you are coordinating issues. Before that, we thought you were not at all.

The Cabinet Secretary for Interior and National Administration talked about it happening on the first day, but they investigated on the second day and the third day. That shows a lot of laxity. We cannot have a situation where we are under attack for three days, and we say we are investigating the matter. Technology is moving at a very fast pace. This is neither the first time nor will it be the last time such an attack will happen. We are going to have more attacks. I want the Cabinet Secretaries to tell us the mitigation measures they have put in place so that when we have another technological attack, we ensure that Kenyans do not suffer. Remember, those affected most were those under the pyramid because they were given tokens. Let the Cabinet Secretaries tell us what they will put in place to mitigate the problem.

Lastly, I would like the perpetrators of the attack to be named publicly and their names tabled here.

Thank you.

Hon. Speaker: Kangogo Bowen

Hon. Kangogo Bowen (Marakwet East, UDA): Thank you, Hon. Speaker, for giving me this opportunity. The confusion we saw between the two Cabinet Secretaries has again been brought to this House. In fact, the more they explain their answers to us, the more we get confused.

Hon. Speaker, give them more time to go and reconcile their thoughts and, at the same time, look at facts and then bring correct information to this House. From the start of this

Sitting, the Cabinet Secretaries have been taking us round in circles. At one point, they said that the companies were not registered, and at another point, they said that they were registered but only for data collection. It looks like we will not get correct answers from the Cabinet Secretaries now. Please direct that they go back and bring us correct and satisfactory answers.

Hon. Speaker: Honourable Cabinet Secretaries, for the avoidance of doubt, the Companies Act, Section 974, says as follows:

A foreign company shall not carry on business in Kenya unless-

(a) it is registered under this Part; or

(b) it has applied to be so registered, and the application...

So, what Worldcoin is doing is illegal even under the Companies Act. I agree with Hon. Kangogo Bowen. You can see and feel...

(An Hon. Member spoke off the record)

Stop disparaging our Cabinet Secretaries.

You can see and feel the people's representatives from where they sit. Hon. Makali Mulu captured it well: what has the mining of the Kenyans' irises got to do with cryptocurrency? That is the issue. I agree with Prof. Kindiki that criminal acts have been committed and that you are investigating the matter. I will give you another week to go and come back with more cogent answers.

The young Member of Parliament, Hon. John Paul Mwirigi of Igembe South, has agitatedly been coming to whisper to me that KICC is a Government property. Who licensed these people to have long queues of Kenyans on Government premises?

(Applause)

Those are some of the questions Members of Parliament are asking. I encourage you, as our Cabinet Secretaries, whose responsibility is to account to the people of Kenya through their representatives in this House, to get to the bottom of this matter. Your multi-agency investigation team includes the Data Protection Commission, which gave authority to these people to do what they were doing. So, they cannot possibly investigate themselves! Therefore, I encourage you that for impartiality and openness, you may have to exclude them from your multi-agency team because you might also find them culpable.

(Applause)

I want us to end here to get in the Cabinet Secretary for Defence. Cabinet Secretaries, you are released to go. You will come back next Wednesday. Harmonize your thinking so that when you come, we have, at least, one of you speaking on behalf of both of you.

Prof. Kindiki.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): Sorry, Hon. Speaker. I have to request to speak after you have already given your directive.

I want to suggest as follows: this matter is very complex, as you have already noted about the KICC facility. It involves many Ministries, Departments, and Agencies. I fear that you may not accommodate all the agencies here. I suggest because the Members have raised very valid issues, and I agree with them that this is a very serious national issue, a way be found to package the issue. There is the security aspect, the ICT aspect, the business registration aspect, and many other things. The answers are all over the place, and it is not enough for the two Ministries to respond conclusively, including our agencies. I plead with you, Hon. Speaker,

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that you consider us providing the same information to the House, separately or to the Departmental Committees.

Finally, from where we sit, we are willing to serve the House as many times as possible but in a more organized way so that we do not waste Parliament's time with endless repetition of the same subject.

Hon. Speaker: I get your point, Cabinet Secretary. I have enough people to segregate the issues and will give you advice through formal communication. As you leave now, the direction is that you come on Wednesday. Once we segregate the issues to see which ones fall under security, ICT, and those that fall under other departments (they look intertwined now), we will guide you accordingly. You have a valid concern.

Yes, Hon. Shakeel. I want to close this one.

Hon. Shakeel Shabbir (Kisumu East, Independent): This is very important, Hon. Speaker. I beg your indulgence.

On the issue of the information that has already been mined, I ask the Cabinet Secretary for Information, Communications, and the Digital Economy and the Cabinet Secretary for Interior and National Administration to make applications to wherever that information has been relayed because they have a way to find what information was routed and to where. They can have such information held.

Hon. Speaker: The Cabinet Secretary already said that they have gone to court, and they have orders to preserve the already mined data; even the data stored in the cloud is retrievable.

Hon. Shakeel Shabbir (Kisumu East, Independent): That is the court system in Kenya. We will hear later that no application was served in the United Kingdom court or the American court and that they could not retain the information. So, the information transmitted and its destination should be identified. Then an application can be made in court...

Hon. Speaker: The Cabinet Secretaries have heard you. If the agencies will extend extra-territorial investigations, so be it. I am sure you have got collaborative processes with other agencies elsewhere.

Can you usher in the Cabinet Secretary for Defence?

Hon. Members, as the Cabinet Secretary for Defence comes in, I acknowledge students and pupils from the following schools who are seated in the Public and Speaker's Galleries:

1. Elang'Ata Enterit Primary School from Narok South, Narok;
2. All Saints Kamoiywo Preparatory School from Mosop, Nandi;
3. Kapchoge Primary School from Marakwet East, Elgeyo Marakwet;
4. Sitotwo Primary School from Keiyo South, Elgeyo Marakwet; and,
5. Kapkoiga Girls High School from Kesses, Uasin Gishu County.

On my behalf and your behalf, I welcome them to the House of Parliament.

Hon. Members, the Cabinet Secretary for Defence is now in the House. Cabinet Secretary, you are welcome to the House where you were for years. You are now back wearing a different hat. You are now here to answer questions. I will start with Question 008/2023 by the Member of Parliament for Ugunja, Hon. Opiyo Wandayi.

The Chair is aware that Hon. Opiyo Wandayi is not in the House. Together with his counterpart, the Leader of the Majority Party, they are engaged in discussions elsewhere for the purpose of bringing tranquillity to the country. Is there anybody who has been tasked to ask that Question on his behalf?

(Hon. Mark Mwenje stood in his place)

Hon. Mwenje, I will only allow you if you have instructions in writing. If you do not have instructions in writing, I will store the Question in purgatory until he comes back. If you

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do not have written instructions, you have no authority to ask the Question. The Chair must take responsibility that in case anything untoward is said, we hold Members responsible, and the Member will come back and say you had no authority to ask the Question. You will have no defense. We leave it there.

The Question is not dropped. It is put aside. In the event Hon. Duale does not come to the House so soon, I will direct him to send a written answer to Hon. Opiyo Wandayi. Cabinet Secretary, you will send a written answer to Hon. Wandayi.

Next is Question 229/2023 by the Member of Parliament for Mwingi North, Hon. Paul Nzengu.

Question 229/2023

ACHIEVEMENTS OF KDF FORCES IN THE DRC

Hon. (Eng.) Paul Nzengu (Mwingi North, WDM): Hon. Speaker, I rise to ask the Cabinet Secretary for Defence the following Question:

Could the Cabinet Secretary-

(a) Outline any peaceful milestones and other achievements attained by sending our Kenya Defence Forces (KDF) troops to the Democratic Republic of Congo (DRC)?

(b) Explain the exit strategy for our troops from DRC?

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Defence (Hon. Aden Duale): Thank you, Hon. Speaker. I am appearing before the House in accordance with Standing Order 42(A) to (G). I am coming back home.

The KDF was serving under the East Africa Community (EAC) Regional Force in DRC and more so in Eastern Congo following a resolution of Heads of State and Government after admitting DRC to be a member of EAC in their 22nd Ordinary Summit held in Arusha on 22nd July 2022. It approved, among many other interventions, the immediate establishment and deployment of an EAC regional force in Eastern DRC. Their mandate was to help deal with negative forces in the spirit of collective security under a two-front approach – political and military track. In the context of the military track, which I have the benefit of discussing and giving an answer to this House, the EAC Chief of Defence Forces implemented the decision to establish a regional force. The Heads of State subsequently approved it. Thereafter, the KDF was deployed to DRC in August 2022 to operate specifically in Eastern DRC alongside troops from the Republics of Burundi, South Sudan, and Uganda.

In this deployment, the KDF contingent to the East African Community Regional Forces (EACRF) went through our country's legal framework and Constitution. The National Security Council (NSC) approved it. The National Assembly, this august House, in conformity with provisions of Article 240(8)(a) of our Constitution, empowered NSC and Ministry of Defence to deploy national forces and, more so, KDF outside our country for regional and international peace support operations. That approval was granted.

Secondly, the EACRF, which KDF is part of, is premised on Chapter Eight of the United Nations Charter, which encourages regional mechanisms to deal with matters relating to the maintenance of international peace and security before referring the matter to the United Nations Security Council.

Let me now come to the Question. What are the milestones and achievements of KDF, who are serving under the EACRF? Before KDF deployment in DRC, the M23, one of the main armed groups in North Kivu, was at the threshold of capturing a very important City called 'Goma', which is a strategic location and major population centre. They were only seven

kilometers from that City, an occurrence that could have destabilized DRC and this region. Eastern Congo primarily uses the Port of Mombasa, so there was an economic interest. There was a regional interest in terms of peace and security. At the same time, before our deployment, the maize supply routes were inaccessible due to insecurity. There was a lot of interruption in food supply and humanitarian operations in that part of DRC. There was a huge humanitarian crisis and many Internally Displaced Persons (IDPs). This precipitated the consequence of deploying the EACRF in that area.

These are achievements that we can today be proud of: the M23 armed groups, particularly those in the area where KDF are stationed, withdrew from their previously occupied territories, including safeguarding the areas around Goma. The M23 armed group withdrew from the areas within the East African Community Regional Force (EACRF) joint operations area, which was mostly a KDF area. This relieved the pressure on the DRC Government; hence Goma was saved from the control of M23. This also created an elusive window for the settlement of the security challenges following years of conflict.

The ceasefire between the M23 and the Armed Forces of the Democratic Republic of Congo (AFDRC) was achieved because of the presence of the KDF. The force commander of the EACRF is a Kenyan. Previously, we had General Nyaga; today, we have General Kiugu. This has shaped the political track in DRC. This initiative is spearheaded by the Former President of the Republic of Kenya, Hon. Uhuru Kenyatta, as a facilitator. M23 has indicated conditional readiness for pre-cantonment, which is a critical step towards the disarmament, demobilization, and re-integration of the communities affected by the security situation in Eastern DRC.

Through the EACRF, which Kenya is part of, the Bunagana-Bumangabo-Kibumba-Goma and Kitshanga-Kilolirwe-Sake-Goma main supply routes are now active; hence the enabling movement of commerce, people, and services; and more importantly facilitating access to humanitarian supplies.

The deployment led to the gradual return of refugees and IDPs to areas that are now under the EACRF's control, resulting in a reduction in crime and violence against non-combatants. Our key mandate is the protection of civilians. Last week, I spent three days in Eastern DRC, visiting our troops and my colleagues. There is a sense of stability and protection of civilians from armed conflict.

EACRF has also continued to support the programme, which was part of the Head of States agreement. They agreed on setting up the disarmament areas for establishing the infrastructure of all armed groups and for community rehabilitation and stabilization programmes, which are key leader engagements within the joint operation area. This is in support of the peaceful co-existence among communities while progressively facilitating the restoration of good governance and the re-establishment of social amenities such as schools and health centres in those areas before the deployment of the KDF serving under EACRF.

Hon. Speaker, EACRF, jointly with the United Nations Stabilisation Mission in the Democratic Republic of the Congo (MONUSCO) and the representative of the DRC Government, have identified suitable and important pre-cantonment sites at Bumangabo which have enabled the DRC Government to initiate demobilization, disarmament, community rehabilitation, and stabilization.

The final achievement is the initial deployment of the Kenyan contingent as the first boots on the ground in the joint operation area. This secured and set conditions for the deployment of the other contingents in North Kivu. This means that Kenya has demonstrated much-needed leadership in this crisis. The KDF was the first armed forces to go to that theatre in the first four months. After our success, our colleagues from Burundi, South Sudan, and Uganda joined the wider multinational sector of the North Kivu area. This means that Kenya demonstrated much-needed leadership in a crisis situation.

The second part of the Question was: what is our exit strategy for the KDF troops serving under EACRF from DRC? EACRF was first deployed for an initial mandate of six months that lapsed on 30th March 2023. Thereafter, under the leadership of the Heads of State, this was extended to 8th September 2023. To chart the way forward, a technical evaluation team comprising experts from all our member states was constituted at the last Heads of States and Governments Summit in Bujumbura. The main role of this team is to assess the EACRF's mandate, its achievements, and the way forward and to render a report to the EAC Sectoral Council of Defence Ministers, which will take place between the 21st and 23rd of this month in Nairobi. Based on that report, restoring peace and security in Eastern DRC is the desired condition that will inform us of the military success and the eventual exit from the mission.

Nevertheless, the conditions in DRC will culminate in Kenya's and EACRF's exit from DRC. Kenya will not be the only one exiting. All the multinational troops within EACRF, Kenya included, will exit. There are three conditions that the Government of Kenya can withdraw KDF from DRC:

1. If the EAC Heads of State and Governments fail to renew EACRF's current mandate upon its expiry on 8th September.
2. If this House— through a Motion and with very good reason— asks the Executive and the National Security Council to withdraw KDF from Eastern DRC and EACRF.
3. In the event that the DRC withdraws its consent for EACRF to operate there.
4. If the mission becomes attainable in terms of security.

These are the scenarios that the KDF can be withdrawn from EACRF. Our mandate is until 8th September. At the Defence Headquarters, we always have a plan to ensure that we can bring back our troops safe and sound in the event of the four scenarios.

Hon. Speaker, KDF troops are not only serving under EACRF in DRC. We also have some special forces serving under the MONUSCO. We have over 250 quick response teams in the Eastern DRC, our special forces, and the communication and signal battalion. For EACRF, our mandate ends on 8th September 2023. The Council of Ministers, of which I am a member, will sit on the 21st and 23rd to look at the technical team's evaluation report and the way forward. One week later, the Heads of State will meet. If they grant the extension, then we will remain in DRC. If the extension is not granted, I assure this House and the country that our troops will return home safely and securely.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Cabinet Secretary. Hon. Nzengu, I think it is as clear as that. Do you have a supplementary question?

Hon. (Eng.) Paul Nzengu (Mwingi North, WDM): Yes. Thank you, Hon. Speaker. I thank the Cabinet Secretary for the information that he has given us.

This Question came up because there were concerns that the relationship between Kenyans and the Congolese started waning since Kenyan troops went to the Democratic Republic of Congo (DRC). It is a concern whether this intervention is beneficial or not.

Secondly, the Cabinet Secretary has told us that all IDPs have moved. I want him to confirm whether the IDPs agreed to return to Goma. The information I have is contrary, which I cannot prove true. Since he has been there for the last week, can he confirm to the House that the IDPs have returned because of Kenyan and East African troops?

Hon. Speaker: That is enough, Hon. Nzengu.

Hon. (Eng.) Paul Nzengu (Mwingi North, WDM): This is important, Hon. Speaker. There was a time when the Congolese President had to ask for reinforcement from the Southern Africa Development Community (SADC) countries to bring their troops. Did we fail? Did our troops fail? What necessitated the reinforcement from southern countries?

Hon. Speaker: I will give one joyrider a chance. Member for Migori County.

Hon. Fatuma Mohammed (Migori, Independent): Thank you for this opportunity. First, I congratulate our Kenyan soldiers who are in the DRC. They are trying their best. However, I would like to ask the Cabinet Secretary why we have seen refugees from the DRC flocking into Kenya since our troops went to DRC. I had an opportunity to go to the Kitale showground, where I met refugees from the DRC. The purpose of sending our troops was to help the DRC get peace in their country. Are you convinced that our soldiers are doing enough? Even in recent days, there was news that rebels attacked some places. Women were raped, and children were killed in places like Kurugari, Kitashanga, Nueso, and Kiwanja. A majority of the people killed were women and children. Are you convinced that our soldiers are doing enough? If not, why do you not look for another way to help the DRC so that they get their peace and stop being refugees in other people's countries?

Hon. Speaker: Thank you. Hon. Ferdinand, you are the second and last joyrider.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Thank you very much, Cabinet Secretary for Defence. Although there could be some complaints, I believe it is common sense to agree that Eastern DRC had problems. We read widely, Hon. Speaker. The opening of Eastern DRC has enabled us to get more export coming through Mombasa and across the DRC.

Thank you, Hon. Cabinet Secretary, for doing what you are doing. What she is saying is true. I also heard the same thing, but that could be noise from the past. As far as I am concerned, there are a lot of benefits. That has enabled the DRC to join the East African Community. We are, in a way opening up the region. Therefore, I thank the Cabinet Secretary for the work being done. Please, keep it up.

Hon. Speaker: Thank you. Cabinet Secretary, that is not a question but a compliment. Hon. Owen Baya, you will be the last. Hon. Ruku, *hapana*.

Owen Baya (Kilifi North, UDA): Thank you very much. Hon. Speaker. Allow me to ask the Cabinet Secretary this Question. He was and is still a ranking Member of this House. I think that rank does not go away, Hon. Speaker.

I want to ask about the Banyamulenge in Eastern DRC. They have been excluded from the talks headed by the Kenyan delegation, which the former President heads. As you know, the Banyamulenge cross-cut both Rwanda and the DRC. However, they are one of the oppressed communities in these talks. Unfortunately, they were removed from the table when our former President held the talks, yet they are suffering. Their leader, Prof. Lazare, is incarcerated, and nobody knows where he is. They have been asking Kenya to help them.

Unfortunately, this information does not seem to reach the former President's desk because they have been blocked. It said the former President is a friend to the current President of the DRC. Therefore, he is siding more with the current DRC regime than accommodating everyone. I do not know whether Hon. Uhuru is an impartial arbiter in the DRC or has taken sides, blocking other aggrieved people from accessing the negotiation table. One of the affected is Prof. Lazare Rukundwa. He is a professor. He runs a small university. He was arrested during the last two weeks. He has been incarcerated and held incommunicado. His family does not know where he is.

Cabinet Secretary, you have a responsibility to ensure that Kenya is a good arbiter in these discussions and that everybody in the DRC is protected.

Hon. Speaker: Cabinet Secretary, answer those short questions quickly so we can go to the next Question.

The Cabinet Secretary for Defence (Hon. Aden Duale): Hon. Speaker, I agree with Hon. Member for Mwingi North on IDPs. Not all IDPs have gone back. It is a huge crisis. You will find IDPs if you go to the road between Goma and Kibumba. Gradually, you will find people returning to their homes and planting their farms now that there is peace, security, and stability, particularly where the Kenyan troops are.

Secondly, my good sister, the Member of Parliament for Migori County, asked about women. One of the mandates that the International Council for Research in Agroforestry (ICRAF) and, more so, the Kenya Defence Forces (KDF) have taken up and achieved in Eastern DRC is that they are taking care of the most vulnerable persons in the society. It is one of the things for which we credit our Forces. I saw it. They are protecting women, children, and the elderly. In fact, two days ago, our forces helped a lady deliver twins in an area called Kibumba.

(Applause)

They are providing water too. Even what the Member for Mwingi North said is true that the video clips you see doing rounds are old. If a Committee of this House visits the area, Members will see for themselves that the Kenyan troops that have been there are very much welcome in the place. If you visit cities like Kisangani, Beni, and Goma, you will find huge Kenyan businesses in the petroleum sector. There are too many commodities for trade there. Again, it is in that part of the world where Kiswahili is spoken.

On Hon. Baya's matter, I was hoping you could indulge me and maybe, invoke the Standing Orders. That is an internal political matter of the DRC, and I do not want to discuss it. I do not want to be quoted as discussing personal political internal issues of governments. Our troops are in that theatre. They are under the DRC Government. I do not want to discuss the politics involved. If you ask me, the Banyamulenge is known there as M23. I do not want to say anything about that. When he meets the former President, who is leading the political track, they can chat. I cannot discuss it, Hon. Speaker. I hope you will forgive me.

Of course, Hon. Ferdinand's was a comment. I want to say that apart from restoring peace and security in the DRC, Somalia, and all our neighbours, we have an economic interest. That part of the DRC is where the Port of Mombasa is a key player. Many Kenyans thrive out of it. Equity Bank is the largest bank in that country. The Kenya Commercial Bank (KCB) has also bought the biggest local bank there. Apart from making sure that the DRC is stable and secure, it is good for the economy of our country, regional trade, and integration.

Hon. Speaker: Hon. Ruku, what is it? I want us to close this and go to the next Question.

Hon. Ruku GK (Mbeere North, DP): Hon. Speaker, about 80 percent of developed nations have the military as part of their economic plan. It would be important if the Cabinet Secretary could clearly stipulate how the Government is integrating the military into its economic plan so that we eliminate poverty as a nation. It is important that when the military is deployed in the DRC, Somalia, and many other African countries, we know how that fits within our economic plan. It is extremely important. That has been avoided over the years by the Kenyan military. The Kenyan military needs to ensure that it is playing a critical role in the economic development of this country. They should not just focus on security. This is a matter of history for those who are students of international relations and diplomacy.

Hon. Speaker: Hon. Wamuchomba, what is it?

Hon. Gathoni Wamuchomba (Githunguri, UDA): Thank you, Hon. Speaker. First, allow me to congratulate the Cabinet Secretary, the honorable ranking Member of this House – I believe his ranking status is still active – for executing the Questions of the day in a very well-informed manner. I want Hon. Bare Duale to tell us what the deliverables of the forces are when they go on such missions. How do they measure deliverables in comparison with our expectations as a country? That is what my colleague, Hon. Ruku, has asked. What are our gains when we send troops to those countries? How do we benefit as Kenya? Besides just saying that we have regional peace, how do the individual troop members and soldiers benefit

when they go on missions? Since November 2022, what have we achieved as a country by sending troops to those regions?

Hon. Speaker: Regional obligations do not necessarily carry economic benefits. It is a moral duty to your region. What is your point of order, my able assistant?

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Speaker, you partly responded to my matter of concern. We could be discussing matters of the nation in the context of our regional intervention, which may not be prudent. It may call for in-camera proceedings if necessary. I request an intervention because the matters being raised by Hon. Ruku and my good sister, Hon. Wamuchomba, could be collateral. They are not matters to be discussed in the context in which we are proceeding now.

Hon. Speaker: We will go to Question 230/2023. Hon. Duale, if you wish, you can write to Hon. Ruku and tell him about the economic benefits of the military. Hon. Wamuchomba, our military does not go out to protect us for any personal gain. It is a patriotic duty.

Hon. Lotee.

Question 230/2023

MEASURES TO CURB MALPRACTICES DURING MILITARY RECRUITMENT

Hon. Titus Lotee (Kacheliba, KUP): Thank you, Hon. Speaker. Noting that military recruitment will be starting on the 28th of this month, and that there is a lot of anxiety among the youth, Hon. Speaker, I rise to ask the Cabinet Secretary for Defence the following Question:

Could the Cabinet Secretary –

- (a) Explain the measures put in place to curb serious malpractices like bribery and nepotism during military recruitment so as to accord poor but well-deserving Kenyans fair opportunity for recruitment?
- (b) Explain the affirmative action strategies that the Government is putting in place to ensure that Kenyans from marginalised regions such as Kacheliba, Turkana, and other regions are considered for the ever-elusive military jobs?
- (c) Explain mechanisms that the Government has put in place to enable Kenyans to report on malpractices witnessed during subsequent military recruitments?

Hon. Speaker: Thank you. Cabinet Secretary, just hold on for a minute. Allow me to acknowledge students and pupils from the following schools in the Gallery: Soliat Boys High School from Sigowet/Soin in Kericho; Phim School from Kimilili, Bungoma; Mukinyai Primary School from Molo, Nakuru; Hekima Marigat Primary School from Baringo South, Baringo; and primary schools from Molo Constituency in Nakuru County, which include; Mwangi Michuki Primary School, Rombei Primary School, Lawina Primary School, and Arimi Primary School.

Cabinet Secretary, allow me to allow the Member for Molo to acknowledge the presence of those schools on behalf of all of us for one minute.

Hon. Kuria Kimani (Molo, UDA): Thank you very much, Hon. Speaker. It is a great privilege to have 274 pupils from different primary schools in Molo Constituency with us in Parliament, starting with my primary school, Mwangi Michuki Primary School. That is one of Molo's hardly known public schools, which produced the Member of Parliament for Molo Constituency and the Chairperson of the Departmental Committee on Finance and National Planning.

(Applause)

That school produced the first-ever Member of Parliament to be re-elected in the last 30 years. Therefore, I am privileged to associate with my former primary school, Mwangi Michuki Primary School. It greatly encourages other schools like Mukinyai Primary School, Rombei Primary School, and Lawina Primary School. That is why every time I get a chance, I invite them to visit Nairobi to observe parliamentary proceedings and to sightsee. In my vernacular language, a proverb states: "He who does not travel thinks his mum is the only one who can cook." It is a chance for them to see Nairobi and aspire to be Members of Parliament, governors, presidents, and anything else they dream of being. If the son of a single mother from a humble background from Mukinyai, who went to a public primary school, a public secondary school, and a public university, can be where he is now, not even the sky is the limit.

Thank you, Hon. Speaker, for your indulgence.

Hon. Speaker: Congratulations on your journey in life. Cabinet Secretary.

The Cabinet Secretary for Defence (Hon. Aden Duale): Hon. Speaker, in answering this Question, I want to urge the country and the House not to judge us based on the previous recruitment as a benchmark. This will be the first recruitment in this administration under my leadership.

The Constitution of Kenya guides the recruitment process of the KDF, specifically Article 10(1)(c), which protects and provides for national values and principles of governance, which bind all State organs and officers, public officers, and all persons, whenever any of them makes or implements public policy decisions. The Ministry of Defence is determined to protect Kenyans from fraudsters posing as KDF recruitment agents, who are bent on marring an open, free, and fair recruitment process.

At the beginning of every recruitment cycle, eligible applicants are provided with clear guidelines on when and where they should present themselves and how to apply to join the KDF. Indeed, the public is always advised during the recruitment drive to avoid giving bribes and other favours to impersonating officers on the pretext that they will be assisted in securing employment in the KDF. The aforesaid notwithstanding, there are isolated instances where KDF personnel have been involved in recruitment malpractices. To serve as a deterrent, all suspected cases have been thoroughly investigated, and those found culpable are subjected to the judicial process in the form of court-martial, often leading to dismissal from service or imprisonment.

I provided about five or six copies of the answers to this House. I have attached Annex A, which provides the status of the completed and ongoing cases of individual officers, more so General Officers, who have been prosecuted since the last recruitment held in July 2022. That Annex indicates the ranks of those officers and the crime committed. All these officers faced court martial precisely because of recruitment malpractices.

The second question was to explain the affirmative action strategies that the Government is putting in place to ensure that Kenyans from marginalized communities and regions are considered for the ever-elusive military jobs. Allow me to explain a fact here. Devolution was meant to solve marginalization. I am sure there are issues but the term 'marginalised' will be a thing of the past very soon. KDF is very conscious of the country's ethnic diversity and always promotes a national outlook among its ranks. If you look at the hierarchy and leadership of KDF, on the face of it, it represents the face of Kenya in terms of diversity, tribe, religion, and region. This is predicated on the Defence Forces' primary role of defending and protecting the country based on inclusion. Therefore, the distribution of slots, selection, and devolvement of KDF human capital is inherently reflected in the face of Kenya on account of equity as required by the Constitution.

One of the guiding principles in the KDF Act 2012 stipulates that recruitment must reflect the diversity of the Kenyan people in an allowable proportion that ensures that the composition of the command of KDF also embraces the principle of equity and inclusivity. Since I took

over as the Cabinet Secretary for Defence, one of the principles I will be remembered for is ensuring that the rank and leadership of KDF reflect the diversity and the communities in our country. Therefore, equitable slots distribution to counties, sub-counties, and divisions is always completed at the planning phase of the recruitment cycle. The equitable recruitment of slots is based on the following parameters:

1. National population according to the latest national census.
2. Population and demography in each county, sub-county, and, in some cases, some divisions.
3. KDF human resource needs among KDF officers, service members, and constables.
4. Current number of officers, service members, and constables from each county and sub-county.

Hon. Speaker, we look holistically at the numbers of our human resources in KDF. Based on that, we will look at the numbers from each sub-county and then create slots for every county and sub-county in our country. Sometimes we look at the socio-political variables, rural versus urban and marginalized versus indigenous groups.

Finally, recruiting officers must submit daily returns to the Defence Headquarters to satisfy the defense leadership that quotas are being enforced. For example, in a sub-county in Bungoma County, if the number to be recruited was eight or 10, just like IEBC, we have a command centre at the Defence Headquarters. On a real-time basis, the moment those seven are recruited, their ID, names, age, and everything else are submitted to make sure that nothing goes wrong in between. There were times that people used a lot of corruption where, say, seven people would go to the recruitment centre and are told they have been recruited, but in the evening, they are chased away and replaced with other people. I want to assure this House that oversees us as the people's representatives that General Ogolla and I will ensure that the moment the seven are recruited, our command centre at the Defence Headquarters will receive them in real time so that nobody can change anything. I want the House to take me to task on that matter.

(Applause)

The final question was to explain the Government's mechanism to enable Kenyans to report malpractices witnessed during subsequent employment. First, before I tell the country the mechanism, I want Kenyans to stop bribing our officers. That is the beginning. For someone to take a bribe, there must be a giver. I am sure people are watching. Some of them are conmen and fraudsters who make cash during recruitment. I want to talk to Kenyan parents. Do not bribe anyone. Let your children present themselves at the recruitment centre. Our officers are obligated to ensure that every Kenyan is given an opportunity.

The KDF recruitment drive has a lot of adverts free to all eligible candidates. Members of the public are warned against engaging in malpractices to influence the process. Further, they are encouraged to report any suspicious actions during the process. At all recruitment centres, recruiting officers are required to make verbal announcements reiterating the implication of non-compliance with a warning to desist. This year, we have asked the Ethics and Anti-Corruption Commission (EACC), the DCI, and all other civil society organizations within the locality we are recruiting to make sure that they are on standby to ensure that our officers are not vulnerable. We will give a call number that parents can call and report any incidents of fraud going on. I ask this House to judge myself, General Ogolla, and the entire leadership of KDF on this recruitment. I am sure there will be a difference this time around.

Hon. Speaker: Well done, *Waziri*. Hon. Bady Twalib.

(Hon. Rashid Bedzimba spoke off the record)

Sorry, that is Hon. Bedzimba, Member for Kisauni.

Hon. Rashid Bedzimba (Kisauni, ODM): Asante sana, Mhe. Spika.

(Hon. Titus Lotee spoke off the record)

Hon. Speaker: Hon. Bedzimba, hold on. You are a joyrider. The first bite must go to the Member who asked the Question to ask a supplementary question. I will come back to you immediately.

Hon. Titus Lotee (Kacheliba, KUP): Thank you, Hon. Speaker. I want to thank the Cabinet Secretary for the exposition of the fact that he wants to change the face of military recruitment. That is a very good admission as well as a good way forward for the Cabinet Secretary. I speak on behalf of many of the parents. I raised this Question based on what is happening in the villages where I come from. Parents are selling land, and there is a price already for the job. What the Cabinet Secretary said is good, but I want it implemented. It is very easy to speak, but the young people that are agitated and worried want a voice that speaks for them. That is the voice Hon. Lotee is giving you today.

Two, you talked about marginalisation. You said that positions will be given because of the sub-counties, counties, and sub-locations. I wish the Cabinet Secretary could note that even within the allocations, there are people who are marginalized. For example, if you go to a place like Kacheliba, powerful people will come to take those jobs from them because they are weak. I want the Cabinet Secretary to assure this House and Kenyans about what he has said today; there is no bribery. The challenge is that when we tell people not to bribe, they do not do it. However, the other person bribes and his child goes through military recruitment. The one who did not bribe will be disadvantaged. It is the Cabinet Secretary's mandate to ensure that no person will be recruited because of bribery.

I wish to say this on behalf of these Members who are the representatives of the people: can they be allowed, alongside the EACC and the DCI, to be within the precincts of the recruitment centre, so that they can also be an eye to report to this House, should there be malpractices.

Hon. Speaker: Hon. Bedzimba

Hon. Rashid Bedzimba (Kisauni, ODM): Ahsante sana, Mhe. Spika, kwa kunipatia nafasi ya kuuliza swali la ziada. Waziri wa Masuala ya Ndani na Utawala wa Taifa, tunayo imani na wewe. Tunayo imani utaleta mabadiliko.

Umesema usajili wa wanajeshi uko huru, lakini kuna Wakenya ambao wanakatazwa kujiunga na jeshi kwa sababu ya kimo chao na siyo eti ni wagonjwa. Wanavaa viatu na suruali, na wana afya njema lakini wanakataliwa kwa sababu ni wafupi. Ni Mungu amewaumba hivyo. Kwa nini mnawanyima fursa ya kujiunga na jeshi? Kama mnawaona ni wafupi, wanaweza kumfikia adui bila kuonekana.

(Kicheko)

Wachina ni wafupi Zaidi, lakini ni wanajeshi. Kwa nini tunawanyima Wakenya fursa ya kulinda taifa lao? Mhe. Waziri, hili jambo tunafaa tuliangalie kwa makini sana na tuiseme usajili ni huru kama hao tumewaweka nje.

Ahsante sana.

Hon. Speaker: Thank you. I intended to have only one joyrider. Hon. Yegon. Give him the microphone.

Hon. Richard Yegon (Bomet East, UDA): Thank you very much, Hon. Speaker, for giving me this opportunity to contribute.

Hon. Speaker: It is not a contribution.

Hon. Richard Yegon (Bomet East, UDA): Sorry. I want to ask the Cabinet Secretary a question.

The day before yesterday, when I was coming from my constituency, two people came to me and asked about the recruitment of KDF that has been advertised. They came to ask me for money. They told me to give them Ksh300,000. They had Ksh100,000 and needed Ksh300,000 so their person could be employed. What measures has the Cabinet Secretary taken to ensure these people are not exploited because many are extorted money but do not get jobs?

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Elisha, although he had dealt with your question. *Patia Elisha kipaza sauti*. You are giving the microphone to the wrong address. There you are.

Hon. Elisha Odhiambo (Gem, ODM): Thank you, Hon. Speaker. I want to congratulate the Cabinet Secretary for the statements. Looking at his history of competence, I am confident that this recruitment will be fair. On behalf of the people of Gem, give us two sub-counties as recruitment centres. They have only highlighted Gem Yala. I request that Gem Ogaye equally be highlighted as a recruitment Centre.

Finally, for a long time, very minimal numbers of the people of Gem are taken. *Bwana* Cabinet Secretary, I hope that this time, looking at the history, you can compensate the people of Gem. I hope that the recruitment officer in Gem looking at the competence of those they will recruit will negate the appearance of the teeth. That does not help in carrying a weapon.

Thank you, Hon. Speaker and the Cabinet Secretary.

Hon. Speaker: Hon. CNN.

Hon. Charles Nguna (Mwingi West, WDM): Thank you, Hon. Speaker, for giving me this opportunity. I want to ask a question to Hon. Cabinet Secretary, a ranking Hon. Member whom we served together in the recent past. During the recruitment of cadet officers in Mwingi West in the recent past, we have not had an opportunity to have a representative in the military. What is the Cabinet Secretary doing this time to ensure we are included in the recruitment of cadet officers this year?

Hon. Speaker: Hon. Makilap.

Hon. Joseph Makilap (Baringo North, UDA): Thank you, Hon. Speaker. I always believe in Hon. Aden Bare Duale for high competence in doing his job. This being our first recruitment as the Kenya Kwanza Government, I ask the Cabinet Secretary to be very vigilant. You need to work on cybercrime. I want to report to this House that someone hacked my Facebook account, photographs...

Hon. Speaker: What is your question? Go and report to the police. Ask a question.

(Laughter)

Hon. Joseph Makilap (Baringo North, UDA): I have already reported. Hon. Members need to know that there are people who are being conned using...

We have five divisions in Baringo North. For a long time, one division has never been counted during recruitment. It is included as Kabartonjo, yet we have Saimo Soi Division with a County Deputy Commissioner. Regarding recruitment, for the past many years, Saimo Soi Division, which borders Lake Baringo, has not had an opportunity to get a single person to be recruited into the military. When the officers come to the ground this time, can they ensure that as they announce the number of slots in Baringo North, they can be shared among the five divisions in

Baringo North for fairness? Can recruitment be done and finished during the day? When it goes beyond 6.00 p.m., corruption begins. Can it end at 4.00 p.m. across the Republic so that matters can be sincere?

(Hon. Moses Kirima spoke off the record)

Hon. Speaker: I only needed two joyriders, but everybody wants to joyride now. Hon. Kirima, I am not allowing you to ask a question because you are soliciting it.

(Laughter)

Is that Hon. Kagombe?

An Hon. Member: Member for Sigor.

Hon. Speaker: Member for Sigor. There is light behind you. I cannot see you clearly. Ask your question.

Hon. Peter Lochakapong (Sigor, UDA): Thank you, Hon Speaker, for giving me this opportunity to ask a question to the Cabinet Secretary. We have a lot of confidence and trust that the recruitment will be different this time round. For example, if Pokot Central in Sigor Constituency has been given five slots, can it further be taken down to the wards so that there is fairness in the distribution of the recruitment and the five slots do not go to one region? Let us also assist the Cabinet Secretary in ensuring that people do not give bribes. Thank you very much.

Hon. Speaker: Okay. Hon. Kirima. Cabinet Secretary note all those questions which are short. You can answer all of them.

Hon. Moses Kirima (Central Imenti, UDA): Thank you, Hon. Speaker. My question is to *Bwana* Cabinet Secretary. You are very much aware in Central Imenti Constituency, there is a proposal that has gone through public participation to create three sub-counties: Abothuguchi West, Abothuguchi Central, and Abothuguchi East. Only one sub-county, Abothuguchi Central, has been declared a recruitment centre. Can the other two be recruitment centres, that is Abothuguchi West and Abothuguchi East? With your intervention, it is possible.

Hon. Speaker: Hon. Said Hiribae.

Hon. Said Hiribae (Galole, ODM): Thank you, Hon. Speaker, for this opportunity. I recently went through the newspapers and saw that Tana River County is also considered for this recruitment. Surprisingly, the recruitment centre is in Wayu, a different sub-county called Galledyetu. The Headquarters of Tana River County is Hola. I wanted assurance from the Cabinet Secretary that recruitment for Tana River County will be done in Hola and not Wayu in Galledyetu Sub-County.

Hon. Speaker: Cabinet Secretary, hold on, I take two quick short questions. Hon. Martin Wanyonyi.

Hon. Martin Wanyonyi (Webuye East, FORD-K): Thank you, Hon. Speaker. My question to the Cabinet Secretary is quite simple. During the last recruitment in July, I saw gazetted recruitment centres changed around midnight. Can the Cabinet Secretary assure the House that the gazetted recruitment centres will not be changed to the detriment of many youths who want to participate in this process? Finally, the newly gazetted administrative units' process still relies on the old administrative units. Could the Cabinet Secretary connect this process with the current gazetted and operationalized administrative units?

Hon. Speaker: Cabinet Secretary. *Wacha ajibu hiyo kwanza.*

The Cabinet Secretary for Defence (Hon. Aden Duale): Hon. Speaker, a number of Members have a common question on sub-counties. First, I want to state to Hon. Martin that

no centre will be changed at midnight, and all of them have been published in the newspapers and on our website. I want to assure him that no centre will be changed under this administration.

Some sub counties have been combined. For example, Member for Galole, your Governor and leadership are in consultation with our leadership at Defence Headquarters. We will decide on this and other sub-counties. Already leaders have arrived at our offices. The issue of sub-counties is a matter of the Ministry of Interior and National Administration, and we generate our list from them. Some sub-counties have not been operational for good reasons. So, we will consult with the Ministry of Interior and National Administration.

Hon. Titus Lotee is the originator of this matter. I want to tell him that recruitment centres are no-go zones for Members of Parliament (MPs), Members of Country Assemblies (MCAs), and politicians. So, please do not go because you have no business there. The EACC, the police, and the youth being recruited have business. So, Members of Parliament are not allowed to be present.

Member for Kisauni, every job seeker must have qualifications. There are certain checklists for one to be recruited as a cadet, serviceman, or constable. This is historical in the military. I had an opportunity to serve in the National Youth Service (NYS) many years ago before I joined university. While there, I realised why height is an issue in disciplined forces. Hon. Benzinga, there are many opportunities for short people. They could work at the Kenya Ports Authority (KPA) and other agencies. When it comes to the military, we want tall people.

We have diluted many other professions with people having fake certificates. Let us live to the fidelity of the qualifications of joining the KDF so they can protect our country. Hon. Bezimba and many other Members asked that question.

Hon. Yegon, you know fraudsters are everywhere. We cannot stop them from collecting money. I want to tell the members of the public that Ksh400,000 is standard even in my former constituency. Hon. Speaker, if you allow me, Kenyans should not pay Ksh400,000. Integrity, professionalism, and high moral ground are required in the KDF. Any officer who wants to participate in bribery has no place in KDF. They can take bribery elsewhere.

Hon. CNN, please, join me at the Ministry of Defence to discuss leadership. Hon. Elisha, your question was on sub-counties, which is a recurring issue. Member for Baringo North, we will deal with that situation. Hon. Speaker, the Member is not here, and this is the problem I had when I was the Leader of the Majority Party. Members would ask questions in committees, and before they are answered, they leave. When you ask a question, it is good for you to wait for the answer.

Hon. Speaker: Absolutely.

The Cabinet Secretary for Defence (Hon. Aden Duale): Yes. My good friend, Member for Baringo North, had asked a question and disappeared, yet he is a ranking Member.

Hon. Speaker: He may have taken my advice seriously. He has gone to the police station to report.

The Cabinet Secretary for Defence (Hon. Aden Duale): Yes, I think he has walked to the nearest police station.

Member for Sigor, you know when we have a recruitment centre, we will recruit. The basic qualifications are an ID, and you must come from that sub-county or county. We cannot say we have to balance divisions. This is not a very tidy thing for our officers to do.

Hon. Kirima and Hon. Said, your questions were on the same issue of sub-counties, which we will deal with. Hon. Speaker, I want to tell Members who have not discussed with our leadership about sub-counties and why some were merged that they have until 28th August 2023 to come and resolve those issues. Thank you.

Hon. Speaker: Thank you. Mama Zamzam, your hand has been up in the air throughout. What is the problem?

Hon. Zamzam Mohammed (Mombasa County, ODM): I have a question for *Mhe. Waziri*. Many Members have asked about recruitment. I want to ask about the safety of our soldiers when they are at work. We have seen many of them dying because of being bombed while traveling in their vehicles. What are you doing to ensure they have bomb-proof vehicles to save their lives? For those who have lost their lives, are you compensating them because we have seen too many families complaining that they have not received any compensation? Thank you, *Waziri*.

Hon. Speaker: Answer that in one minute before we go to the next Question.

The Cabinet Secretary for Defence (Hon. Aden Bare Duale): Hon. Speaker, I want to assure the Member of Parliament from Mombasa that a serious modernization of our military has taken off under this administration. By November, we will have Armoured Personnel Carriers (APCs) and high-quality armoured vehicles that will protect our forces from weapons of choice by terrorists and Improvised Explosive Devices (IEDs).

(Applause)

On pension and compensation, the KDF has the most robust compensation scheme. If there is anyone who has not been compensated adequately, write to me, and we will answer.

Hon. Speaker: Yes, what is it, Hon. Member? Who is that Member?

Hon. Timothy Kipchumba (Marakwet West, Independent): Thank you, Hon. Speaker. On the issue of KDF recruitment, the Minister has assured us...

Hon. Speaker: Hon. Timothy, I have not given you the Floor, but go ahead.

(Loud consultations)

Hon. Members, desist from that kind of conduct. Go ahead.

Hon. Timothy Kipchumba (Marakwet West, Independent): Sorry, Hon. Speaker. As an independent Member of Parliament, I have a right to be heard in this House. I have a question for the Minister. He has assured us that the recruitment process will be free, fair, transparent, and credible. Is the Minister willing to resign if the process is compromised and found not to be free, fair, transparent, and credible? Will the Minister be willing to resign?

Hon. Speaker: Yes, Minister.

The Cabinet Secretary for Defence (Hon. Aden Duale): Hon. Speaker, the procedure regarding a Minister's resignation and the procedure for removal of a Minister lies within the powers of this House.

Hon. Speaker: The next Question is 311/2023 by the nominated Member. Hon. Timothy Kipchumba, the Chair, and the Speaker do not look at any Member in terms of a political party. Your legitimacy in this House is equal to every other Member, whether independent or elected under the cover of a party. So, I do not have any of those blinkers.

(Applause)

Nominated Member of Parliament, Ali Abdisirat.
We must make progress. We have many Questions we need to deal with.

Question 311/2023

COMPENSATION TO THE ABBAS FAMILY DUE TO
MURDER IN AN ABANDONED KDF CAMP

Hon. Abdisirat Khalif (Nominated UDA): Thank you, Hon. Speaker. Thank you, *Waziri*, for having time to appear before this House. My question is as follows: Could the Cabinet Secretary –

(i) Provide timelines within which the family of the late Ms. Naima Abbas, a minor, and the late Ms. Elmia Abbas, who was expectant, will be compensated for their murder on 7th of April 2019 within an abandoned KDF Camp in the Diff area of Wajir County due to an explosion from an unexploded ordinance that resulted in their dismemberment?

(ii) Clarify whether KDF is considering providing psychosocial support to the immediate family affected by this incident?

(iii) Outline the plans underway to clear landmines and any other explosives in the North Eastern Area, including Wajir and Samburu, that were left after military activities in the region that pose a significant threat to the safety of local residents?

[The Speaker (Hon. Moses Wetang'ula) left the Chair]

[The Temporary Speaker (Hon. Omboko Milemba) took the Chair]

The Temporary Speaker (Hon. Omboko Milemba): Very well. Minister.

The Cabinet Secretary for Defence (Hon. Aden Duale): Hon. Temporary Speaker, this case of the late Ms. Elmia Abbas – who, unfortunately, during this incident was expectant – and Ms. Naima Abbas, who was 13 years old, is a sad matter that happened in 2019 near our KDF Camp in the Diff area of Wajir County. It is a matter that we discussed at the Ministry of Defence Headquarters. When this matter went to court, the KDF won the case. However, as part of our relationship with communities in those regions and many places, we want to engage. I want to ask the Member of Parliament to provide us with the next of kin of Ms. Naima Abbas and Ms. Elmia Abbas so that together we can work out an affordable compensation programme, which the KDF wants to undertake. I want to be accountable for that. The matter should not be discussed because we have decided that despite the court ruling, out of our social corporate responsibility, KDF values those communities. They give us land, work with us in intelligence gathering, and do a lot of business with our military camps. And because the mother was expectant and had a 13-year-old child, out of moral grounds, the Defence Council, which I chair, sat under the leadership of General Ogolla and decided we would engage the Member of Parliament together with the next of kin and provide appropriate compensation notwithstanding the court ruling.

Hon. Robert Basil (Yatta, WDM): On a point of order, Hon. Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Very well, Cabinet Secretary. What is your point of order, Hon. Member?

Hon. Robert Basil (Yatta, WDM): Thank you, Hon. Temporary Speaker and the Cabinet Secretary. I wanted to get clarification from the Cabinet Secretary. What does he mean when he says that Members are not supposed to attend recruitment? Is that not part of our oversight role? He needs to clarify to us because it is within the Constitution.

The Temporary Speaker (Hon. Omboko Milemba): Well, that matter was already over; and wound up. I only gave you a chance because you rose on a point of order. However, that matter is already spent. Let us allow the Hon. Member who had asked the Question to proceed with the first bite of a supplementary question.

Hon. Abdisirat Khalif (Nominated, UDA): Thank you, Hon. Temporary Speaker. I take this opportunity to most sincerely thank the Cabinet Secretary for Defence for having discussed the matter internally with his team. He has assured us that he is doing something. Indeed, the family has suffered. The father of those teenage girls that perished has become

senile due to that incident. I would like to thank the Cabinet Secretary for Defence for coming up with that amicable solution.

The Temporary Speaker (Hon. Omboko Milemba): Very well, Hon. Member. Yes, Hon. Umi. Proceed with your question.

Hon. Umulkher Harun (Nominated, ODM): Thank you, Hon. Temporary Speaker. I would like to also thank the Cabinet Secretary for his great efforts in answering the questions. However, I still have an issue with the security situation in Garissa. We have gun-wielding people killing people left, right, and centre, and we have dealt with it for the past year. Just to ask the Cabinet Secretary: how far has that issue gone? The area is within the township, which also happens to be the area he served as a Member of Parliament before. It has a lot of insecurity and land issues. I want the Cabinet Secretary to answer that question and tell us how far it has gone.

There is also the issue of illegal transfer of the Deputy OCS in that area. He could also give us an answer to that.

The Temporary Speaker (Hon. Omboko Milemba): This question has been fairly dealt with. Remember, the Cabinet Secretary has accepted that there will be compensation. So, we should not spend too much time on it. However, Hon. Cabinet Secretary, as you will be answering the just-asked question by Hon. Umi, remember that you have not fully answered part of that question. Outline the plans underway to clear landmines. Did you notice that? You will also take that one.

Let me give the Hon. Member the last bite on this particular one, and then we move on.

Hon. Zamzam Mohammed (Mombasa County, ODM): Asante sana. Kwanza, pongezi Mhe. Waziri. Siku ya leo umefanya sura zetu kuwa na furaha kwa sababu unajibu kwa ufasaha. Mhe. Waziri, tumeona *clip* ikizunguka kwenye mtandao wa yule *Brigadier*, ama sijui ni nani, wa Sudan akiwapa vitisho. Ningependa kujua kama tuna uhusiano mzuri ama ilikuwa na maana gani?

Pia, ningetaka kujua jambo kuhusu watoto wetu waliopotezwa Mombasa wakishukiwa kuwa ni *Al Shabaab* ilhali hawakupelekwa kortini wala hawajapatika hadi leo. Unafanya mbinu gani ili wazazi wao wajue kama wamechukuliwa hatua ama wako wapi hawa wapendwa wao?

Asante sana Mhe. Waziri.

The Temporary Speaker (Hon. Omboko Milemba): Cabinet Secretary.

The Cabinet Secretary for Defence (Hon. Aden Duale): Hon. Temporary Speaker, as a former ranking Member, you need to help me guide the House. Ideally, supplementary questions must relate to the Question that I am answering. I want to tell my good sisters that the matter asked leans more towards the Cabinet Secretary for Interior and National Administration. My business as the Cabinet Secretary for Defence is to protect the territorial sovereignty of our country and its borders. That video of the Brigadier of the 'Sudan National Forces' should be treated with the contempt it deserves. That is not how military officers worldwide communicate. If he were a member of the Kenya Defence Forces, he would have appeared before a court-martial, and by now, he would have been jailed.

Secondly, regarding people disappearing, you must thank this administration and the President. Some people do not want this Government to run because some of the crimes they have committed are extra-judicial killings.

Hon. Zamzam, my good sister from Mombasa and Member of Parliament, you must not relent from asking the people who killed innocent Kenyans through extra-judicial killings – the Kinotis and those who worked in the previous administration. They must account for every person they killed. I am happy that as late as yesterday, the President was categorical that...

(Hon. Peter Kaluma rose on a point of order)

The Temporary Speaker (Hon. Omboko Milemba): Hon. Kaluma, what is your point of order?

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Speaker, our former Leader of the Majority Party is doing very well, and I am quiet because I am waiting for the last Statement that he will make so that I can commend him for the excellent work he is doing. I cried when he left Parliament, and I have not been disappointed. The Standing Orders, for which he stood by very firmly and still remembers, prohibits discussing anyone who cannot defend himself before the House. I request that he withdraws references to those individuals who, for good reasons, are protected by the Standing Orders from mention in our proceedings. For instance, the ones he calls the Kinotis – I do not know who it is – but let us retract them, then the CS can continue on a good note. By the way, he is the best example of why we needed CSs in this House.

The Temporary Speaker (Hon. Omboko Milemba): Thank you. That was a point of order. I deliberately gave it to Hon. Kaluma, who has properly covered it. Honourable CS, I also want to protect you from supplementary questions irrelevant to the Question you had been asked to answer before this House. They may be required to ask a substantive Question. Therefore, I direct that you stick to the answers and avoid that small hangover. You were the best here during your time. Get back to your position and deal with the questions directly, as well as Part III of the Question.

Proceed, CS.

The Cabinet Secretary for Defence (Hon. Aden Duale): Hon. Temporary Speaker, I abide by your ruling and Hon Kaluma's. Unfortunately, I was taken that route by the two gracious ladies from Garissa and Mombasa. Sometimes when you veer off Mombasa Road to Bunyala Road, you do not know what you did, but...

The Temporary Speaker (Hon. Omboko Milemba): I noticed they took you off route, and they are taking you to a place where you are best, but please, go back.

The Cabinet Secretary for Defence (Hon. Aden Duale): I have gone back, but because Hon. Ummi is a gracious lady from my county and town, I want to assure her that there is no place for militia and gangs, not only in Garissa but everywhere in this country. Since our Modika base is around that place, when the Ministries of Defence and Interior and National Administration start dealing with them, we will deal with them as criminals, not clan members. We are coming there. It is our duty to make sure that every Kenyan is safe.

Hon. Temporary Speaker, the last part was on what we are doing on these explosives in parts of Northern Kenya. The KDF training activities, which we do in many counties in the North, are conducted in conformity with the regulations and standing orders - which provide guidelines on safety measures depending on the form of training being undertaken. In this regard, training is normally done in designated areas. Every activity is followed by a comprehensive clearance of unexploded ordinance to ensure and secure public safety. In addition, the KDF periodically deploys explosive ordinance disposal teams equipped with specialised kits to deter and dispose of explosive materials that may either be buried in the ground or concealed by vegetation.

We also sensitise the local communities on the dangers and hazards of handling unexploded ordinance through a continuous process that the KDF undertake. This is also conducted within the areas that we train our troops.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Members, we will move to Question 312/2023 by the Member for Moyale, Hon. Guyo Jaldesa.

Question 312/2023

CONTINUED SETTLEMENT OF KDF IN ODHA CAMP

Hon. (Prof.) Guyo Jaldesa (Moyale, UPIA): Thank you, Hon. Temporary Speaker, for giving me the chance to ask this Question. I also join the other colleagues in welcoming Hon. Duale to the House.

Hon. Temporary Speaker, I beg to ask the Cabinet Secretary for Defence the following Question:

Could the Cabinet Secretary –

- (a) Explain the circumstances under which the Kenya Defence Forces (KDF) settled in Odha Camp, Moyale Constituency and whether the prevailing conditions in the area still justify their continued presence?
- (b) Provide details regarding the source of the land provided to KDF for settlement and whether there exists an agreement between the local landowners and the Government regarding compensation?
- (c) Provide justification behind KDF's decision to place beacons in people's homes, schools, mosques and farms which has been perceived as attempts to acquire additional land, and further enumerate the corporate social responsibility initiatives undertaken by KDF since its settlement in Moyale in 1980?

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Cabinet Secretary.

The Cabinet Secretary for Defence (Hon. Aden Duale): Hon. Temporary Speaker, KDF established Odha Camp in the early 1980s for the purpose of supporting civil authority in the maintenance of peace in Moyale and its environment, particularly to deter incursions due to prolonged regional conflict leading to the killing of Kenyans and destruction of property. It is also important to underscore that Moyale is a strategic entry point into our country and a link to the greater Horn of Africa. Against this backdrop, therefore, the incursions experience worsened over time, reaching their peak in the 1980s and continue to date though on a reduced scale owing to increased security measures. I am sure my good friend, Professor, needs a military camp there more than any other person in this House because of the insecurity in those parts of the country - that the KDF will deal with.

Secondly, there is rampant cross-border cattle rustling as well as human, arms, drugs and contraband goods trafficking. The KDF, working together with other security agencies in a multi-agency setup, plays a critical role to mitigate this growing challenge that is compounded by the emergency of terrorism.

Prior to the establishment of Odha Military Camp, incursions threatened to completely disrupt the socio-economic activities of the local communities. However, due to the security umbrella provided by KDF and other multi-agency teams from Odha within the framework of working with other security players, Moyale Town and its environs are economically thriving today. It is one of the best towns where you can find even a five-star hotel. The KDF's continued presence at Odha Military Camp is desirable. It is an important part of our strategic military posture to secure the Kenyan borders by enabling proactive response to any challenge.

If you look at the Strategic Plan of KDF, you will see that we have five military camps in the Northern Kenya region located in Turkana, West Pokot, Marsabit, Wajir and Mandera. This is part of making sure that, with the conflicts in the Horn of Africa, we secure our borders from South Sudan, Somalia, Ethiopia and all our neighbours. We have five land neighbours and one sea neighbour.

The second part of the Question seeks details regarding the source of land provided to KDF. As stated previously, KDF occupied Odha Camp in Golbo Ward, Moyale Constituency in the 1980s to mitigate security challenges in the then Northern Frontier District. This was one of the measures taken to protect the country from external aggression, thus forming the basis for the then County Council of Moyale to allocate 827 hectares of land for military use.

The Ministry of Defence initiated formal acquisition of the land in 2000 when it became mandatory for all Government and public land to be documented. The process was, however, not completed on time necessitating further engagement with the County Government of Marsabit in 2019. Later, the County Government of Marsabit, relying on the unapproved Part Development Plan (PDP) of 2004, formally allocated 242.8 hectares of land to the Ministry of Defence. The then Ministry of Lands, Public Works, Housing and Urban Development, during their planning and surveying undertakings in 2001 and 2003 respectively established the total acreage of land to 827 hectares. The Ministry of Defence, therefore, followed the due process of land acquisition and has in its custody the allocation letter by the County Government of Marsabit, the public participation report, the approved Part Development Plan and the survey plans.

The last part of the Question was to provide justification behind KDF's decision to place beacons in people's home, schools, mosques and farms, which has been perceived as attempts to acquire additional land.

The placement of beacons was informed by the cadastral survey of Odha military land undertaken by Survey of Kenya, who are the custodians of all cadastral maps in Kenya. During the cadastral survey, Survey of Kenya established that there was encroachment on the Odha Military Camp land, on which schools, administration offices, worship spaces and human settlements were established.

With reference to corporate social responsibility, the Ministry of Defence has been instrumental in promoting peace and security in the area through provision of water by constructing water pans, drilling of boreholes during the recent droughts in areas such as Eledimutu, Gandille, Forole, Idido, Burgissa, Demo and Saku.

I urge Hon. (Prof.) Guyo Jaldesa to appreciate that since I became the Minister for Defence, we have made deliberate attempts to work with the communities very well. We had serious land disputes in our training camp in Eldoret. We sat with the leadership of that county and resolved our outstanding issues. We are now talking to the leadership of Isiolo County, where we have a historical land dispute regarding our training bases. We are also convening a meeting with the leadership of Meru County.

Hon. Temporary Speaker, I want to inform the Member for Moyale that no school, mosque or health facility will be demolished. We will sit down with you, together with the leadership of Marsabit. Kenya is big and Marsabit has enough land to give to our military. We will listen to you and make the best decision for the people you represent so that the KDF can continue to promote national security. We will formally write to you to come to the Defence Headquarters and sit with our land officers so as to resolve this matter.

The Temporary Speaker (Hon. Omboko Milemba): Thank you Cabinet Secretary for your magnanimity in the last statement. All the businesses we do here in terms of Questions is meant to resolve people's issues and get an amicable resettlement.

Let us hear Hon. Guyo

Hon. (Prof.) Guyo Jaldesa (Moyale, UPIA): Thank you Hon. Temporary Speaker. I am happy with the response of the Cabinet Secretary in his off-the-cuff speech or response because what was written for him was not factual. Moyale County Council did not exist in the 1980s and when somebody says that land was given to them by a council, that is not factual. The fact that Moyale is far from Nairobi does not warrant us to receive non-factual statements or responses.

To the best of my knowledge, the role of KDF is not battling with cattle rustling or combating drugs and contraband goods trafficking. I think whoever wrote the statement for the Cabinet Secretary did not do a good job. On the corporate social responsibility activities listed, there is no single one in Moyale Constituency. They said they have done something in Saku and this is non-specific. Saku is a constituency. You cannot say that you have done something there. They should have said they did something in a specific place in Saku. They did not involve the community living around there when expanding the area given by the Marsabit County Government.

I am happy because the Cabinet Secretary has said we shall sit together and agree on the way forward. When people claim a stretch of land fifteen kilometres on one side and fifteen kilometres on the other side, the people on the ground will not accept. This is a cause of conflict between the people and the Government we serve with loyalty. So, if the county government gets any land that people are occupying... I am happy you have promised this House and the nation that no school and homes will be demolished or farms taken away. We have some vast areas of land which are strategic and we can give them to the army if they want...

The Temporary Speaker (Hon. Omboko Milemba): Hon. Guyo, this is Question Time, and what you are saying must be put in question form, please.

Hon. (Prof.) Guyo Jaldesa (Moyale, UPIA): It is and I will ask a question. I trust and respect the Cabinet Secretary. I want to request the Speaker to authorise the Departmental Committee on Defence, Intelligence and Foreign Relations to go there on a fact-finding mission and see that area for themselves, so that when things do not work the way we want, the Committee can be on the know.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Members, are there any supplementary questions? There being none, I will allow the Cabinet Secretary to make final remarks on the matter.

The Cabinet Secretary for Defence (Hon. Aden Duale): Hon. Temporary Speaker, Hon. Jaldesa is a very respected professional but I want to go on record that county councils existed in 1980s. There are Members of this House whose fathers were chairmen of county councils. Marsabit County Council controlled Moyale then, and not now. The KDF has reduced and silenced the guns in the North Rift region.

What are we dealing with in the North Rift region? We are dealing with cattle rustling. It is one of our function as approved by this House. We have silenced the guns in the North Rift region and Marsabit, where the Member comes from - where ethnic animosity and deaths happen. I come from that region. That is why we are building military camps in the region. He knows that we are building serious military camps there to mitigate against external aggression from Ethiopia and other areas as well for mitigation against internal security threats.

Today, Marsabit is the biggest gateway for drug traffickers. The Member knows it. Drugs are going to destroy our communities. If a drug dealer's consignment passes through police roadblocks, as we look for terrorists, we will deal with it. We have a function to protect the country from both external and internal aggression. I have offered a solution but I see the Member wants to go the long route of involving the Departmental Committee on Defence, Intelligence and Foreign Relations. That is his choice because it will give him extra *bonga* points, but it will delay the process of resolving the issue.

I have assured him that the shortest route is to amicably resolve this matter. I am asking you to walk to our Defence Headquarters, we meet in one of our conference rooms so that we resolve these matters, like the good leaders of Uasin Gishu, Isiolo and Meru counties have agreed to come. Any county or constituency that has a land dispute with KDF should call us. Let us sit together because our defence forces must always possess a posture of community. We love communities. If you want to go the Committee way, it is well and good. The

Committee will summon me and I will bring all the documents of ownership but if you want to help the people, who I am sure are listening to me, look for quick solutions, as good leaders do. I am offering you a quick solution. Our Headquarters are less than two kilometres away from Parliament Buildings. Next Monday, come to us with the great leaders of Marsabit, including the Deputy Minority Whip, the Governor, Hon. Saku, and with all Members of the County Assembly so that we resolve the matter amicably. If you chose to deal with the matter through the Hon. Koech-led Committee, I am ready for it.

Thank you.

The Temporary Speaker (Hon. Omboko Milemba): I can see that there is a good spirit to get an amicable solution to the matter.

Hon. Jaldesa, regarding your request on whether we can take the matter to the Departmental Committee on Defence, Intelligence and Foreign Relations, we have since changed our Standing Orders so that Questions can be asked from here but after visiting the the KDF Headquarters — if you are willing to do so — and ou still feel like taking the matter to the Departmental Committee on Defence, Intelligence and Foreign Relations, you will advise me and I will do as you request.

Yes, what is your last bite.

Hon. (Prof.) Guyo Jaldesa (Moyale, UPIA): Thank you, Hon. Temporary Speaker. I will go by the suggestion that we go to Defence Headquarters. If that does not solve the problem, the other option is still open. Our brother, Hon. Duale, is from the Northern Kenya region. I expect him to be understanding. Let us go to the KDF Headquarters. He should give us a date now.

The Temporary Speaker (Hon. Omboko Milemba): He said Monday. It should be as soon as possible.

Hon. (Prof.) Guyo Jaldesa (Moyale, UPIA): At what time?

The Temporary Speaker (Hon. Omboko Milemba): Hon. Members, we can have a tête-à-tête. We are in the House.

Let us move to Question 313 of 2023 by Hon. Phylis Bartoo.

Question 313/2023

COMPENSATION FOR RETIRED KDF CPL J.K. CHERUIYOT FOR INJURIES SUSTAINED IN IED EXPLOSION

Hon. Phylis Bartoo (Moiben, UDA): Hon. Temporary Speaker, could the Cabinet Secretary for Defence explain why CPL Jackson Kimeli Cheruiyot, Service Number 60621 (Ex-Service Member), who served in the military for 26 years, is yet to receive compensation for injuries sustained in an IED explosion in Kismayu on 17th 2013 while operating a water bowser during the performance of his duties?

The Temporary Speaker (Hon. Omboko Milemba): Cabinet Secretary.

The Cabinet Secretary for Defence (Hon. Aden Duale): Hon. Speaker, in tandem with the Service Regulation of the KDF, a medical board was conducted in 2014. It recommended a compensation to the service member at a rate of 50 per cent. Subsequently, his file was submitted to the Pensions Office at the National Treasury for processing, leading him to be paid a disability pension lump sum in 2015. To date, he continues to draw Ksh14,352 per month for the same compensation. His matter is as of that. Both the National Treasury and KDF have done their bit. We have paid him. We do not owe him anything.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Bartoo.

Hon. Phyllis Bartoo (Moiben, UDA): What about the compensation? On the lump sum amount that is supposed to be paid, is it the Ministry of Defence that is supposed to follow up the matter? Where is the officer supposed to go for the lump sum payment?

The Temporary Speaker (Hon. Omboko Milemba): Professor, you seem to indicate that not all the monies have been paid and the Cabinet Secretary has heard you. Is there any other supplementary question?

Yes, Hon. Dorothy. Proceed.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Temporary Speaker. I want to join the rest of the Members of this House to thank the Cabinet Secretary for Defence for being available. Whenever you look for him in his office, he is readily available. Cabinet Secretary, we have had incidents where people encountered explosives in areas where the military had trained. Sometimes civilians or even children playing there are injured by landmines. How are they compensated? What measures do you take to ensure that those families are compensated too?

Thank you.

The Temporary Speaker (Hon. Omboko Milemba): Proceed Cabinet Secretary.

The Cabinet Secretary for Defence (Hon. Aden Duale): Hon. Temporary Speaker, the Question by Hon. Phyllis Bartoo is very clear. Maybe the ex-Corporal Jackson Kimeli of the Third Kenya Rifles Battalion did not give you full details of his case. I have said that according to our regulations, a medical board was conducted in 2014 and it recommended compensation for this service member at a rate of 50 per cent. Subsequently, all the processes up to the National Treasury were undertaken for processing, leading to him being paid a disability pension lump sum in 2015. To date, as per our regulations, he earns Ksh14,352 per month as part of the same compensation. Those are facts. If he is not getting it, we are ready to provide evidence.

The second supplementary question - I had given a response earlier on that addressed the same concerns - is by the Member for Embu County, if I am not wrong.

The Temporary Speaker (Hon. Omboko Milemba): Proceed Cabinet Secretary. That is a Nominated Member from Meru County.

The Cabinet Secretary for Defence (Hon. Aden Duale): Hon. Temporary Speaker, it is good when you are in the House and it is live on television to mention Members by their names. It is not appropriate to refer to Members without mentioning their names.

We have an elaborate plan to make sure that all the ordinances we use during training do not affect members of the public. I am sure that the Clerk-at-the-Table will provide the answer, which I have elaborated here, to the Nominated Member from Meru.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Let us move to Question 314/2023 by the Member for Suna West, Hon. Peter Masara.

Hon. Peter Masara (Suna West, ODM): Thank you Hon. Temporary Speaker. Before I ask the Question, I request that you give me one minute to ask a supplementary question concerning an already dispensed with question but which is directly related to my sub-county. It is on an administrative matter. It is not a must that I get an answer here. It is about an outstanding issue in respect of which I have written several times to the Kenya Defence Forces but it has not been addressed. So, I request that after the answer, when I will be asking my supplementary question, I divert a bit and ask that question. It does not have to be answered here but it can be handled administratively.

The Temporary Speaker (Hon. Omboko Milemba): Thank you. We shall see when you have brought up the Question. Meanwhile, I want to put the record straight that the Member referred to by the Cabinet Secretary is Nominated Member, Hon. Dorothy Muthoni of UDA Party. That is for record purposes.

You may proceed Hon. Masara.

Question 314/ 2023

FORCEFUL EVICTION OF MR CHURCHILL ODHIAMBO FROM
THE DEPARTMENT OF DEFENCE MARRIED QUARTERS

Hon. Peter Masara (Suna West, ODM): Hon. Temporary Speaker, I rise to ask the Cabinet Secretary for Defence the following Question:

Could the Cabinet Secretary:

- (a) Explain the circumstances under which Mr. Churchill Odhiambo Osano (Service No.77712), an ex-soldier in the Kenya Defence Forces, was forcefully evicted from the Department of Defence Married Quarters (MQ) within the camp?
- (b) State when Mr. Churchill Odhiambo will be allowed to access the camp to collect his personal belongings that were locked up since the forceful eviction?
- (c) State when Mr. Churchill Odhiambo will be paid disability pension and compensation since he was discharged from the service on medical grounds as a disabled person on 31st August 2019.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Cabinet Secretary.

The Cabinet Secretary for Defence (Hon. Aden Duale): Hon. Temporary Speaker, Ex-Senior Sergeant Odhiambo vacated the barracks as his Run out Date (ROD) of 30th August 2019 approached, abandoning his family in the camp. So, his date of discharge was on 30th of August 2019. Before then, he abandoned his family in the camp. Efforts to have him return to the barracks to hand-over the government quarter was very unsuccessful.

Members of his family, however, continued to stay in the barracks for four months beyond the ex-service member's ROD. As a former service member of KDF, Hon. Didmus Barasa can attest to the fact that once your date of retirement reaches, you have no choice but to vacate the government quarters. This member disappeared but his family stayed for four months. This was untenable according to the KDF Regulations and Standing Orders. The family was advised that it was not possible for them to stay in the camp indefinitely. Consequently, his wife voluntarily relocated to Buruburu to live with her brother. Indeed, the said brother assisted his sister to shift together with the children and their household items. Therefore, there was no forceful eviction, and no personal item remained in the barracks.

On the disability issue, Ex Senior Sergeant Odhiambo was enlisted in KDF on 26th February 2007 and was initially discharged on compassionate grounds at his own request via discharge instructions dated 24th April 2019. His redress was on 2nd May 2019. He requested to be discharged on medical grounds. I am ready to provide the documents. In the Defence Council, the Air Force, Army and Navy Commanders sign. The Chief of Defence Forces ultimately signs as the Chair of the Defence Council. Ex Senior-Sergeant Odhiambo requested to be discharged on medical grounds due to an injury he sustained while in service. He got a permanent hearing loss and a major depressive disorder. The redress was granted to him from his unit commander all the way to the then Cabinet Secretary for Defence. The redress was granted and the reason for discharge was amended to read "On medical grounds." New instructions were issued on 24th May 2019. His date of discharge was given as 30th August 2019.

The medical board conducted an award and he was given 45 per cent medical pension compensation - 30 per cent for hearing loss and 15 per cent for major depressive disorder. In this regard, his file was submitted to the Pensions Office of the National Treasury on 23rd

October 2019, followed by the disability claim on 14th November 2019. The delay in settling his pension arose from the annulment of the KDF (Pensions and Gratuities) Regulations, 2017 by the National Assembly in 2018. This led to a delay in processing his military disability pension as from October 2019. This, however, was approved and a Pension Assessment Board was established via the Defence Council instruction dated July 2022. He has since visited the Pensions Office at the National Treasury to change his pay point and his file is being processed accordingly.

I want to assure Hon. Masara that I will take it upon myself and my office to make sure that the National Treasury and the Pensions Fund pays his dues within the next 30 days. I assure him because that is his voter. The file and all documents are there. Hon. Masara, please, write to me and my officers will follow up with the National Treasury so that Ex Sergeant Odhiambo is paid his dues.

The Temporary Speaker (Hon. Omboko Milemba): Very well. Hon. Masara.

Hon. Peter Masara (Suna West, ODM): Thank you, *Bwana* Cabinet Secretary, for the response. I will kindly request your able office to provide documentation on his discharge. I have very authentic documents from several establishments, namely; the Kenya National Commission on Human Rights, the National Council of Persons Living with Disabilities, Kituo Cha Sheria - Legal Advice Centre - who wrote to the KDF but the KDF never responded to the letter, and that takes us back. It is only that this officer got an opportunity to reach out to me to have the matter raised here, on his behalf. How many officers out there who were dismissed - have not been compensated to date - are suffering? This also raises another question. Does KDF provide psychological support to such officers once dismissed? Imagine someone who was dismissed in 2019 has not been compensated to date. How do they survive? That is just food for thought for us and the Cabinet Secretary so that he can look into ways of helping such officers. This officer served this country. Now that he is disabled, do we abandon him or is there something we can do, as a country, to protect him?

Hon. Temporary Speaker, my other question is on the socio-political variables in the recruitment of KDF personnel. Suna West recruitment is not going to be done at the sub-county headquarters. The sub-county headquarters is in Piny Oyiye but the recruitment is going to be done in Bondo. I have written several letters, even in the 12th Parliament, to change to the headquarters.

Secondly, Suna West Constituency is a cosmopolitan area with many sub-clans like the Wanyara, the Wanje and the Kamng'ungu even within the main tribes. None of these sub-clans has one of their own serving in the KDF. As the Ministry looks into the socio-political variable, it also needs to consider such a sub-county so that every clan can boast of having even one KDF officer. This is the pride of every clan.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Very well. Is there any other supplementary question on this matter? In the absence of the same, I guide that, because the last two Questions are substantive, the Cabinet Secretary comes back another day to deal with them. However, let me call the Cabinet Secretary to answer the first two questions.

Proceed, Cabinet Secretary.

The Cabinet Secretary for Defence (Hon. Aden Duale): Hon. Temporary Speaker, I have responded to the matter. I assure Hon. Masara that I will follow up with the National Treasury Pension Fund. The other day another Cabinet Secretary talked about "the one-Government approach." Allow me to use the same approach on this one.

Hon. Temporary Speaker, as I provide to Hon. Masara the documents he has requested, I will also be happy if he could provide me with the documents he has from the human rights organisation and other organisations he has mentioned for me to find out why those letters have not been responded to. We always respond to issues.

We have a very robust insurance scheme and policy for our retired officers through the Defence Forces Medical Insurance Scheme (DEFMIS). You can ask the officer if he was contributing to this scheme before he left the disciplined forces. If the answer is “yes”, then he must be enjoying his pension. Some of our officers never contributed to the scheme because they did not see the value. We also have a state-of-the-art wellness centre for our officers in service who get injured within and outside the country. We make sure that they get all the psycho-social support they need. I ask the Departmental Committee on Defence, Intelligence and Foreign Relations to visit our wellness centre.

On the recruitment issue, the Member talked about the many clans in his constituency. We do not recruit clans. We recruit Kenyans. The first thing we ask for during recruitment is an Identification Card (ID). I am sorry to say that if we go that route, then everyone in this House will bring their clans for recruitment. Everyone is a Kenyan. We do not ask them which clan they come from. Now that you have raised the issue of the location of the recruitment, please, write a letter to either me or KDF tomorrow so that we discuss it. We will call you and agree on the most appropriate location before the 28th of this month.

It is important to note that even the cosmopolitans in your constituency are Kenyans. If they are in that cosmopolitan area, then they came from parts of Kenya like Bungoma, Garissa, Nyeri and Kisumu. They must be recruited. Please, write to us and we will call you latest Monday. We want to make the recruitment available to a wider section of the Kenyan society. The Member for Galole had the same problem. We want to address all those issues collectively.

The Temporary Speaker (Hon. Omboko Milemba): Thank you, Cabinet Secretary. Do you still have something, Hon. Masara?

Hon. Peter Masara (Suna West, ODM): Yes, Hon. Temporary Speaker. On the same note and just for information, there is one location between Suna West and Suna East called Nyabisawa. This location was hived out of Suna West and Suna East during the boundary review by the Independent Electoral and Boundaries Commission (IEBC). The residents of this location are really suffering, the reason being that they are told they belong to Suna West when they go to Suna East during KDF recruitment. When they go to Suna West, they are told they belong to Suna East. We are doing much disservice to the youths of this location.

The Cabinet Secretary needs to note that Suna Nyabisawa Location is officially under Suna East Location. Therefore, the documentation of all residents born before 2013, when Migori Constituency was subdivided, shows that they were born in Suna West. However, they are currently members of Suna East politically and administratively. Nobody has been recruited from that location for the last five KDF rounds of recruitment because of that confusion. This needs to be corrected too, Hon. Temporary Speaker.

Thank you for granting me this opportunity.

The Temporary Speaker (Hon. Omboko Milemba): Very well.

Again, I think the Cabinet Secretary was magnanimous enough to indicate that you put all these things in writing. In fact, he insinuated that he would like to have a meeting with you because he also wants to look at the documents you have. I guide that you proceed and do that write-up, including what you have just said. As I said earlier, this is intended to make people get services. It is very good if that can be achieved.

Let me thank the Cabinet Secretary because he has answered the questions candidly. He has even given timelines for some, that this and that should happen in 30 days and that is what they intend to have.

(Applause)

Yes, that is very good. I believe this is because the Cabinet Secretary, having been a ranking Member, went through earlier Parliaments like the 10th Parliament where we had

Question Time and ministers being put on notice. I really want us to stop this now. Allow the Cabinet Secretary to go so that we move to the next Order.

Let me give Hon. Kamket the last bite on this matter.

Hon. Kassait Kamket (Tiaty, KANU): Thank you very much, Hon. Temporary Speaker. I apologise for coming in at the tail end. Thank you for the opportunity.

Hon. Temporary Speaker, I have one question for the able Cabinet Secretary. As a policy matter, could he, together with the Departmental Committee on Defence, Intelligence and Foreign Relations, think of using other considerations other than academic qualifications in the recruitment of military personnel? There are Kenyans who are enabled differently. They can defend this country if given opportunity. I am referring to Kenyans who have not had the opportunity to go to school properly. It is not because they did not want to go to school but for lack of opportunity. I have in mind especially Kenyans from among the pastoral communities, where the Cabinet Secretary comes from. History has proven that even people who have not gone to school can serve in the armed forces effectively. Even during the colonial times, there were special regiments of unschooled officers.

The Temporary Speaker (Hon. Omboko Milemba): What is your Question?

Hon. Kassait Kamket (Tiaty, KANU): I have actually asked a question.

The Temporary Speaker (Hon. Omboko Milemba): Thank you. We have wound up here. You had an interest, Hon. Maungu. What is your interest? Then we will close this matter.

Hon. Dick Oyugi (Luanda, DAP-K): Thank you, Hon. Temporary Speaker. Allow me to also thank the Cabinet Secretary for being very articulate in responding to our issues.

Mine is just like the one my good friend, Hon. Kamket, who has been talking about the coming recruitment. We have a lot of interest in the countrywide recruitment that the KDF is conducting.

The Temporary Speaker (Hon. Omboko Milemba): What is your point of order, Hon. Didmus Barasa? You have the microphone. Proceed.

(Hon Didmus Barasa spoke off-record)

Give Hon. Barasa the microphone. Use the one on your left.

Hon. Didmus Barasa (Kimilili, UDA): Thank you, Hon. Temporary Speaker. I am 100 per cent sure that that Question was properly answered unless the Member has just come into the House. There are other matters on the Order Paper. From your communication, the Cabinet Secretary has done very well. We should release him and proceed with other business.

The Temporary Speaker (Hon. Omboko Milemba): Thank you. Hon. Maungu, this matter had been dealt with, but let me give you 30 seconds to conclude what you were saying.

Hon. Dick Oyugi (Luanda, DAP-K): The Member who has just spoken is my good friend. I had an issue with him outside but we did not complete it. He is trying to square it out on the Floor of the House. That is why he is pestering me on the same matter.

I came in late. I just wanted confirmation from my good friend, the Cabinet Secretary. Now that the recruitment process is on, are we assured that it will be fair and square?

The Temporary Speaker (Hon. Omboko Milemba): That issue was thoroughly dealt with.

Yes, Deputy Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Thank you very much, Hon. Temporary Speaker. On behalf of the Majority side and Members of this House, I sincerely thank the Cabinet Secretary for a wonderful job well done. You have given us the marking scheme of how a Cabinet Secretary should answer Questions in the House. As you go, talk to your fellow colleagues. They come here and sometimes read long “acres” of statements, which do not help Members. You have seen that many Members have stayed here waiting for your turn. It is

because of your eloquent way of speaking on behalf of the Government and expressing yourself. On other occasions, a Cabinet Secretary starts speaking and everybody leaves because the Cabinet Secretary is probably not making sense, or he or she is just saying things that Members do not want to hear. You have said what Members want to hear. You have made sense and you have expressed Government policy very well. It is clear that your research was done well.

Thank you, Cabinet Secretary Duale, for a job well done. Pass our sincere gratitude to the President for re-introducing Question Time. *Asante sana* and God bless you.

The Temporary Speaker (Hon. Omboko Milemba): The House has other business to conduct. Cabinet Secretary, answer Hon. Kamket's question and make any other brief remarks.

The Cabinet Secretary for Defence (Hon. Aden Duale): Hon. Temporary Speaker, Hon. Kamket's statement is very controversial. He shared it with me when we were in the North Rift region, and I told him that we would discuss it behind the tent. Now that he has brought the matter to the Floor of the House, and serious counsels like Hon. Kaluma are sitting here, I will not answer it. Let the House decide on the recruitment criteria. The next question that I will be asked is why people go to school. When we were in Chemolingot, Hon. Kamket made a lot of sense. I agreed with him but that matter should be discussed and taken to the National Security Council, the Cabinet, and to the House as a policy. He will then have his time. Maybe, he can try during the third recruitment.

The Temporary Speaker (Hon. Omboko Milemba): Thank you, Cabinet Secretary. You are now free to go back to your other businesses on matters of Government.

(The Cabinet Secretary, Ministry of Defence withdrew from the Chamber)

Next Order.

BILLS

Second Readings

THE PENSIONS (AMENDMENT) BILL (National Assembly Bill No.44 of 2022)

Hon. Didmus Barasa (Kimilili, UDA): Hon. Temporary Speaker, I thank you for giving me an opportunity to move the Pensions (Amendment) Bill (National Assembly Bill No.44 of 2022).

The object of this Bill is to amend the Pensions Act, Cap 189 so that we can provide a timeline upon which the pensions department can pay pensioners when it is due. The House will agree with me that the law, as it is now, does not provide a timeline on when retired people will be paid their pensions. We have millions of Kenyans who have suffered in the hands of pension schemes.

The Temporary Speaker (Hon. Omboko Milemba): Order, Hon. Didmus Barasa. You must move this Bill to be read a Second Time. Go back and begin properly and say that: "I beg to move that this Bill be read a Second Time."

Hon. Didmus Barasa (Kimilili, UDA): Hon. Temporary Speaker, I beg to move that the Pensions (Amendment) Bill (National Assembly Bill No.44 of 2022) be now read a Second Time.

Is that fine?

The Temporary Speaker (Hon. Omboko Milemba): Proceed.

Hon. Didmus Barasa (Kimilili, UDA): Hon. Temporary Speaker, the essence of my Amendment is to put to an end the suffering that many Kenyans have gone through. I persuade the House that when an individual contributes to a pension scheme, that money does not belong to the pension scheme but to the member. After that member has retired and the pension has matured, it is not a favour that the pension scheme does to that individual. It is their right. Delaying to release their pension for years is not only uncouth but also ungodly and unconstitutional.

[The Temporary Speaker (Hon. Omboko Milemba) left the Chair]

[The Temporary Speaker (Hon. Peter Kaluma) took the Chair]

It is a fact that many Kenyans have died before accessing their pensions. Many other Kenyans have waited for more than 10 to 15 years before accessing their pension. Even during Question Time, majority of questions that dominate the Order Paper are those to do with when so and so will be given their pension. To put to an end the untold sufferings of many Kenyans, we must ensure that we put a timeline on how long the pension should take to be paid by saying that nobody should wait for his or her pension for more than 90 days. I know that there are Kenyans who have retired and spent millions of shillings paying brokers on the corridors of the pension offices in the name of “pushing the file.” This makes us wonder how heavy the pension files are that they have to be pushed by paying some money.

I would like to persuade the Members of this House to support this Amendment Bill so that we put to an end the untold sufferings of the senior citizens of this Republic. It is also a fact that Kenyans contribute happily to their respective pension schemes because they have plans with the money after they retire. They hope to set up businesses and use the money to advance their good life. Additionally, they hope to continue paying for their medical bills because after retirement, even the medical insurance scheme that we enjoy comes to a stop. We know that Kenyans are not paid big salaries. The little they are paid is spent on paying for school fees for their children with the hope that by the time they retire, they will use their pensions to continue paying for their other bills.

Hon. Temporary Speaker, I do not want to belabour the point. I just want to ask my very good friend who has told me that he received a delegation of more than 200 people from Kilifi County yesterday. They told him they have been suffering. They have made endless trips to Nairobi. Some have died and their money has been lost.

I ask Hon. Owen Baya, Member for Kilifi North and able Deputy Leader of the Majority Party to second.

The Temporary Speaker (Hon. Peter Kaluma): Deputy Leader of the Majority Party, Dr. Owen Baya, and Member for Kilifi North Constituency, please proceed and second.

Hon. Owen Baya (Kilifi North, UDA): Thank you very much, Hon. Temporary Speaker. This Bill that has been tabled by our good friend, Hon. Didmus Barasa, is timely. When you do not give pensioners their money, you shorten their lives. At times like this when the economy situation is hard and money is scarce, and we deny pensioners money because of files that need to be pushed and there is a backlog of files at the National Treasury, we miss the point why pension should exist in the first instance.

When you retire, you want to live a comfortable life. You had your time at work and made a good contribution to the nation. When you retire, the salary is cut short immediately. When this happens, you are told to wait for two to three years to get your pension. This person

suffers. The lives of people are cut short a lot of times because the little comfort they had while they were working is cut, since there is no salary and pension takes three years to come.

We need to stop the suffering of pensioners, even those who served in high positions and probably because of exigencies of life, they retired without savings. The only savings they have is their pension which is deliberately delayed inordinately in such a way that their families suffer. Their children do not go to school. Because of their age, they require constant medication for blood pressure, diabetes and other diseases. However, they cannot afford them, yet their money lies in the National Treasury.

I congratulate and thank Hon. Didmus Barasa. Today, we need to reduce the amount of time for pensioners to get their money. Pensioners and other Kenyans out there are celebrating you today for thinking about them, caring for them and thinking that this is the time they need to have their money faster for the first time.

Teachers whom I worked with for many years retired. They educated their children using their little money. They took loans and hoped that when they retire, they would go home and have a comfortable life. However, that is when their hardest life begins. They watch the children they educated living a good life. When you retire as a teacher, that is the beginning of a very miserable life because your pension comes after five years. You go to the Teachers Service Commission (TSC) but you are told stories. You go to the National Treasury but you need a broker. You use the little money that you have to get that pension. In line with the Kenya Kwanza mantra, no one will be left behind. We should not leave pensioners behind.

The pensioners in Kilifi County suffer. By the time they get their pension, they would have used the bus almost 100 times on back and forth trips to Nairobi. Before they retired, they could afford air tickets or travel comfortably in their cars. They used to have good lives. However, you reduce them to travel by bus for 12 hours to get to Nairobi. When they get to Nairobi, they stay on the streets because they cannot afford hotel accommodation. They sleep in the restaurants around Tea Room waiting for the sun to rise again so that they can go and get their files “moved” for one inch. They stay again another day and the files “move” another one inch. By the time they are done, they are sick. They contract pneumonia because of the cold weather in Nairobi and sleeping on cold floors.

Hon. Temporary Speaker, it is time we ended the suffering of pensioners in this country. I want to tell the people at the National Treasury to style up. Is it a must for people to “push” their files? Sometimes I am told, “Deputy Leader of the Majority Party, please, help me. Take me to the National Treasury.” This guy worked, suffered and sweat alone. Why is it that when it is time to get his pension, somebody must take him to the National Treasury to ensure that he gets his pension? It is his hard-earned money and sweat. He is not borrowing from anybody. It is his money and, before, he should get it, he sweat for it. The 13th Parliament needs to stamp its authority to address this matter once and for all. We need to change the law to ensure that one gets his pension money one month after he retires.

As a worker, when I retire and receive my last pay cheque in July, my pension should come in August. I should have pension in my account so that I can continue with the pace of my life. I urge this House to support this Bill. I thank Hon. Didmus Barasa. He is a good man who thinks about those who are suffering. He empathises with them because he once suffered for many years. I thank him most sincerely.

With those remarks, I second this Motion.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Owen Baya.

(Question proposed)

There are too many requests. I am searching for Hon. Peter Kihungi, the Member for Kangema. You are recognised.

Hon. Peter Kihungi (Kangema, UDA): Thank you Hon. Temporary Speaker, I stand to support this Bill. I thank the Mover, Hon. Barasa, for his commitment to serve workers. I wish to know his background because I am a Member of the Departmental Committee on Labour. I have come across a number of legislation pieces that are mostly focused on helping the employed.

The issue of pension came to our Committee. I want to put it clear that the reason for moving the retirement age from 55 years to 60 years was because of pension payments. During that time, the Government realised that it did not have money to pay pensioners. Therefore, it was forced to move the retirement age to 60 years. We must come up with a clear conclusive work plan on how to fund pensioners.

I remember when I was in primary in the early 1980s, when a teacher retired there would be great celebrations in the neighbourhood. When the teacher got his pension, he would organise a retirement party for everybody to celebrate. It was good for a teacher to retire. His life would change during retirement. When the National Social Security Fund (NSSF) started using money for retirees to do development, that is when problems started hitting workers. This is because all the funds that workers had saved were channeled to projects that did not make money for workers. Their focus was for people to make money on behalf of workers through corrupt deals.

Many people have suffered and gone through the challenge of getting pension. Every Member of Parliament who interacts with his constituents knows that the biggest issue is people asking for assistance so that they can be paid their pension. They are sent to the National Treasury, where they are told that their files have not reached there. There is a lot of bureaucracy. Therefore, the law must be changed.

Hon. Barasa has put in the Bill, that the timeline should not exceed 90 days. We are happy because the accumulation of NSSF amount or pensioners fund was very slow, when the contribution by the worker was Ksh200 and the contribution by the Government was Ksh200. That amounted to Ksh400. It was not possible to accumulate enough funds to pay workers promptly upon their retirement. However, now that we have gone to percentage contribution, this money will triple. The Government will use the percentage. A worker will pay 6 per cent and the Government will match it with 6 per cent. This money will be available. I know that the Government will not belabour a lot. I call upon the workers to make enough contributions. The Ksh200 that was being contributed earlier on could not fund that account. Now that we are collecting it as a percentage, if we put a supplementary revolving fund – as a Member proposed – after the accumulation of the percentage amount gets to a recoverable amount, we will get this money. Therefore, this Bill is timely. The contribution will be high now that we have moved from Ksh200 contribution from the worker and the Government to 6 per cent contribution by the worker and the Government. We will easily accumulate enough for that fund.

The law should be clear before the NSSF starts investing again as it did in Embakasi and failed. First of all, the workers should get all their money before any such decision is made. In budgeting, the Committee that is in charge of the budget of NSSF should prioritise the pensioners. It should not introduce other investments until the issue of pensioners is solved. I support the Bill and congratulate the Member for his support to the workers and his good thought of how to support those who are suffering.

Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon Peter Kihungi.
Hon. Omboko Milemba.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Temporary Speaker. Let me congratulate Hon. Barasa for walking the journey by bringing this Bill to this House. Let me indicate that this is one of the main suffering all the workers of this country, especially the teachers of Kenya undergo except the armed forces – I will speak on that. Many of them die before receiving their pension. Many teachers of this country have paid a lot of money to cartels within the Pensions Department at the Treasury. They are cheated that by paying a certain amount of money, their files will “move” an inch. It takes from 3-8 years before they get their pension.

There seems to be no plan or code of agreement of the time it will take for an officer who has retired to get his pension at the Treasury where we have the Pensions Department. It has taken Hon. Didmus Barasa to propose the Pensions (Amendment) Bill – which I fully support – that provides for pensions to be paid immediately after 90 days from the time an officer retires. For example, if a teacher retires, after 90 days he should get his pension. Further, what happens at the Retirement Department is that, when one is employed he gets a letter and one year to his retirement he also receives a letter indicating clearly that he will retire at a given date. The letter comes at exactly one year before their retirement date. Interestingly, when one retires is when Government officers at the Pensions Department start to assemble their documents of retirement yet by the time you receive the one-year notice, you are asked to send several documents, including your payslips, to the Pensions Department. This has been a source of not only anguish and injury to retired public servants, and more so to the retired teachers of this country; but also a conduit to completely eat away their entire pensions. However, by the time it is paid, the amount of bribes and other monies that the retiree would have paid to officers at the Pensions Department would be a lot. This has to be said as it is; in black and white. Leave alone the number of journeys that the worker would have made to Nairobi. By the time the retirees get their money, if they are lucky to get it, they are completely exhausted. They would have borrowed too many loans. Most of them get exhausted and impoverished or most of them even end up dying before they use their pension.

Hon. Temporary Speaker, let me indicate that the people who also work in this country, some of whom may have served the country for over 30 years, by the time they are almost retiring would get a challenge in their workplace. This mostly happens with teachers because of the old pension scheme, and not the superannuation scheme. If you lose your job, even if you have one year left to retire, you lose your entire pension. This is another area that Hon. Didmus Barasa should address. I was following keenly. Why should a person who has worked for the Government for 31 years - for example a teacher - lose his entire pension upon losing his job in his 32nd year of service? Such teacher has a whooping 31 years of service to the Government.

This is another source of suffering to all the workers in the public service, and not just teachers. Their bosses in the offices end up blackmailing the workers towards the end of their service so that they can deal with their pension. So, teachers and other public servants become slaves.

One other thing that could be done - an amendment that could be introduced to this Bill - is to completely make the Pensions Department paperless so that once one joins public service, the system captures all the details of that person and by the time of exiting the service, the system automatically dismisses you and you get your pension. That is what is happening at the KDF. A few minutes ago, we had the Cabinet Secretary for Defence here. The only workers who get their pension on time are the KDF officers. This is because there is a pensions liaison unit of KDF at the Pensions Department at the National Treasury.

Two or three officers sit there permanently to deal with their pension. Therefore, by the time a cadet or an officer is leaving the army, they get their pension immediately in the following month unlike all other workers. I further propose that the teachers of this country,

that have already been speaking to the Pensions Department create a liaison office at the Department of Pensions at the Treasury. A team that will completely follow up and this should not be isolated to teachers, but all other workers in all departments including civil servants, so that every time one retires, just like KDF officers, one should get their pension.

It is possible Hon. Temporary Speaker. Let me tell Hon. Didmus Barasa that what he is bringing to the fore, is already happening in the military. Good luck you were in the army yourself. I am sure, if you had any pension, you got it immediately in the next month when you left. So, it is possible that it can work and that is the way I would want our pensioners to be dealt with in this country.

Therefore, I want to support this Bill and hope that it will go a long way to help our workers who leave work to retire honourably and enjoy their retirement and pension immediately unlike what is happening today. Even though I am repeating myself on the issue of death, they suffer for many days and some die before they are able to get their pension, which is not good for this country. It completely messes up the idea of retirement. It is a very threatening and fearful period when a family is worried that their *mzee* is going to retire. They ask themselves, “What shall we do?” They know well that it will take a whooping eight years for them to get the pension.

With those remarks, I support and congratulate Hon. Didmus Barasa for moving this Bill.

The Temporary Speaker (Hon. Peter Kaluma): Thank you very much. I do not see any further requests from Members on this Bill. I take this opportunity to congratulate Hon. Didmus Barasa because this Amendment Bill looks very straightforward and very urgent for the nation.

There being no further interest, I call upon the Mover, Hon. Didmus Barasa to reply.

Hon. Didmus Barasa (Kimilili, UDA): Hon. Temporary Speaker, I want to appreciate you and thank the Members who have supported this Bill overwhelmingly and for working with me to put an end the untold suffering that many Kenyans go through after they have retired. I also take this opportunity to appreciate the office of the Clerk of the National Assembly for processing this Bill in a timely manner. The Bill will go a long way in solving the problems that Kenyans are going through and render the many brokers who operate in the corridors of the pension schemes jobless. When you retire today, you can begin to budget and plan how you are going to spend your pension, because it will be clearly spelt out and indicated that indeed you will get your pension in not more than 90 days.

I beg to reply.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, for some good reason, the Question on the Bill will be put the next time the Assembly will sit following the direction of the House Business Committee, possibly tomorrow.

(Putting of the Question deferred)

Next Order.

THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL
(National Assembly Bill No.45 of 2022)

The Temporary Speaker (Hon. Peter Kaluma): Mover, Hon. Abdul Dawood. Deputy Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Temporary Speaker. I beg your indulgence. Now that the Member is not here, I request that we step down this Bill to the next available time.

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The Temporary Speaker (Hon. Peter Kaluma): Thank you. The matter at Order No.11 is deferred to the next time it will be scheduled for consideration by the House.

(Bill deferred)

The Temporary Speaker (Hon. Peter Kaluma): Next Order.

THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL
(National Assembly Bill No.59 of 2022)

The Temporary Speaker (Hon. Peter Kaluma): Mover, Hon David Gikaria.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I beg your indulgence again so that we step down this Bill to the next available time so that the Bill is not lost. We can discuss it when the Mover is available.

The Temporary Speaker (Hon. Peter Kaluma): Hon. David Gikaria indicated that he was engaged in some national duty outside the House. I, therefore, understand. The matter appearing as Order No.12 is accordingly stepped down to the next time it will be scheduled for consideration by the House.

(Bill deferred)

The Temporary Speaker (Hon. Peter Kaluma): Next Order.

MOTIONS

ADOPTION OF REPORT OF THE AUDITOR-GENERAL ON
FINANCIAL STATEMENTS OF STATE CORPORATIONS

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, indulge me again.

The Temporary Speaker (Hon. Peter Kaluma): Order, Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): I think this matter appeared in the Order Paper yesterday but it was stepped down to today.

Hon. Temporary Speaker, I beg your indulgence that we allow this Motion to be in the Order Paper in the next available time.

The Temporary Speaker (Hon. Peter Kaluma): Was this a Motion for continuation of debate?

Hon. Owen Baya (Kilifi North, UDA): No, we finished with Order No.13 earlier today. It was dispensed with and the Question was put.

The Temporary Speaker (Hon. Peter Kaluma): We are at Order No.14. I am calling upon the Mover to move it.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, in the present circumstances, I request that we defer it to the next available time.

The Temporary Speaker (Hon. Peter Kaluma): The matter for consideration under Order No.14 is accordingly stepped down for consideration the next time it will be in the Order Paper.

(Motion deferred)

Next Order.

APPROVAL OF REPORT ON THE EXCISE DUTY
(AMENDMENT) REGULATIONS, 2023

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Excise Duty (Amendment) Regulations, 2023, laid on the Table of the House on Tuesday, 1st August 2023, and pursuant to Section 15(4) of the Statutory Instruments Act, 2013, approves the Excise Duty (Amendment) Regulations, 2023 published as Legal Notice No. 40 of 2023.

The Temporary Speaker (Hon. Peter Kaluma): Mover, the Chairperson, Committee on Delegated Legislation. This must be Hon. Samwel Chepkonga.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I beg your indulgence that we step it down to the next available time, so that the matter is dispensed with then.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): For the convenience of the House, the matter appearing under the Order No.15 is the one which Hon. Owen Baya has made a request for. It will be stepped down for consideration by the House on future date.

(Motion deferred)

Do we have the Movers for the matters appearing under Order Nos.16, 17, 18, 19, 20 and 21?

Hon. Owen Baya (Kilifi North, UDA): We do not have them, Hon. Temporary Speaker. Therefore, we will step them down. However, I think it is procedural that we deal with them one after the other until we are done with all of them. I just wish we could consider them in a guillotine way but I am told we have to deal with them procedurally.

The Temporary Speaker (Hon. Peter Kaluma): Our procedures do not allow treatment of the matters at once. Can I call for the next Order?

Hon. Owen Baya (Kilifi North, UDA): I request that Order No.16...

The Temporary Speaker (Hon. Peter Kaluma): Order, Hon. Owen. Call out the next Order, lead Clerk-at-the-Table.

NOTING OF REPORT OF THE KENYAN DELEGATION TO THE 146TH ASSEMBLY
OF IPU AND RELATED MEETINGS IN THE KINGDOM OF BAHRAIN

THAT, this House notes the Report of the Kenya Delegation to the 146th Assembly of the Inter-Parliamentary Union (IPU) and related Meetings, held in Manama, Kingdom of Bahrain from 11th to 15th March 2023, laid on the Table of the House on Wednesday, 14th June 2023.

The Temporary Speaker (Hon. Peter Kaluma): Mover. Again, Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I beg your indulgence that we move this Order to the next available time, noting that the Mover is not present.

The Temporary Speaker (Hon. Peter Kaluma): The matter under Order No.16 is accordingly stepped down.

(Motion deferred)

Next Order.

NOTING OF REPORT OF THE KENYAN DELEGATION TO THE 4TH
GENERAL ASSEMBLY OF THE EAPA-FSN IN KIGALI, RWANDA

THAT, this House notes the Report of the Kenya Delegation to the 4th General Assembly of the Eastern Africa Parliamentary Alliance on Food Security and Nutrition, held in Kigali, Rwanda from 7th to 9th December 2022, laid on the Table of the House on Tuesday, 11th April 2023.

The Temporary Speaker (Hon. Peter Kaluma): Mover of the Motion. Again, Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, on behalf of the Mover of the Motion, I request that we step this Order down to the next available time. However, the matter is not lost. It will be rescheduled for discussion in the next available time.

The Temporary Speaker (Hon. Peter Kaluma): Pursuant to that request, the Motion appearing under Order No.17 is stepped down to the next time it will be scheduled for consideration.

(Motion deferred)

Next Order.

ADOPTION OF REPORT ON THE INSPECTION OF VARIOUS ONE-STOP
BORDER POSTS IN THE NORTHERN CORRIDOR OF EAC REGION

THAT, this House adopts the Report of the Select Committee on Regional Integration on its Inspection of Various One-Stop Border Posts in the Northern Corridor in the East African Community Region, laid on the Table of the House on Wednesday, 5th July 2023.

The Temporary Speaker (Hon. Peter Kaluma): Do we have the Mover to move the Motion? Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I seek your indulgence again that you allow this matter to appear again in the Order Paper in the next available time, so that it is not lost.

Thank you.

The Temporary Speaker (Hon. Peter Kaluma): For the convenience of the House, and following that request, the matter appearing under Order No.18 in the Order Paper of this afternoon is stepped down to the next time it will be enlisted for consideration by the House.

(Motion deferred)

Next Order.

BILLS

Second Readings

THE FOOD AND FEED SAFETY CONTROL COORDINATION BILL
(National Assembly Bill No.21 of 2023)

The Temporary Speaker (Hon. Peter Kaluma): Mover. Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, this being a Bill of the Leader of Majority Party, he is supposed to move it. Now that we are not adequately prepared for it, I would like us to reschedule it to the next available time.

The Temporary Speaker (Hon. Peter Kaluma): The Leader of the Majority Party has engagement outside the House. As the Mover of this particular Bill, he is indulged by the House. The matter appearing under Order 19 will accordingly be rescheduled for consideration the next time it will be in the Order Paper.

(Bill deferred)

Next Order.

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL
(National Assembly Bill No.60 of 2022)

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I request that we reschedule this Bill to the next available time. We may not have the Hon. Leader of the Majority Party to move it. We are not adequately prepared.

The Temporary Speaker (Hon. Peter Kaluma): Indulgence of the House is granted. The matter appearing under Order No.20 will be stood down to the next time it will be enlisted for consideration by the House.

(Bill deferred)

Next Order.

THE SUGAR BILL
(National Assembly Bill No.34 of 2022)

The Temporary Speaker (Hon. Peter Kaluma): Do we have the Mover for this one?

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I am sorry for the many requests that I have made. On behalf of Hon. Emmanuel Wangwe, who is the Mover of the Bill for Second Reading, I request that you indulge us to have it moved the next available time.

The Temporary Speaker (Hon. Peter Kaluma): It has been a very busy afternoon for Members engaging and those serving Kenyans in the Executive. I understand when a Member stepped down to engage on other matters of concern to the people. The matter appearing under Order No.21 will, therefore, be stood down to the next time it will be scheduled for consideration by the House.

(Bill deferred)

I want to sincerely thank the Hon. Members who have stayed throughout the busy afternoon. I wish you a good evening as we wait for tomorrow.

ADJOURNMENT

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, there being no other business, the House stands adjourned until Thursday, 10th August 2023 at 2.30 p.m.

The House rose at 7.21 p.m.

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