

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Wednesday, 19<sup>th</sup> March, 2025

### Morning Sitting

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

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

### PRAYER

DETERMINATION OF QUORUM AT  
COMMENCEMENT OF SITTING

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

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

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

*(The Quorum Bell was rung)*

Hon. Senators, we do have a quorum. We will now proceed with the morning session.

Clerk, you may proceed to call the first Order.

## QUESTIONS AND STATEMENTS

### QUESTIONS

Hon. Senators, if you may recall, last Wednesday, the Cabinet Secretary in charge of Water, Sanitation and Irrigation was in this House for purposes of responding to Question No.008 by the Senator for Migori County and Question No.009 by the Senator for Makueni County.

The responses to those two questions were deemed unsatisfactory and, therefore, I directed that the Cabinet Secretary prepare and respond better to these two questions and appear today.

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Clerk, can you confirm that the Cabinet Secretary for Water, Sanitation and Irrigation is present?

Hon. Senators, as we wait for the hon. Cabinet Secretary to be ushered in, I can see Sen. Maanzo, but I do not see Sen. Eddy. Is there any Senator holding a brief for Sen. Eddy?

*(The Cabinet Secretary for Water, Sanitation and Irrigation  
(Hon. (Eng.) Eric Murithi Mugaa) was ushered into the Chamber)*

*(Sen. Oketch Gicheru walked into the Chamber)*

I can see him walking in the Chamber. Hon. Senators, after we have interacted with the Cabinet Secretary in charge of Water, Sanitation and Irrigation, we will proceed to Question No.024, which is a question by Sen. (Prof.) Tom Ojienda Odhiambo directed to the Cabinet Secretary in charge of Defence

After that, we are supposed to proceed to interact with the Cabinet Secretary in charge of Co-operatives and Micro, Small and Medium Enterprises (MSMEs). However, we received a communication yesterday afternoon from the Cabinet Secretary in charge of MSMEs, that he is still gathering information for purposes of responding to those two questions, one by the Senator for Migori, Question No.007 and the other one by Sen. Veronica Maina, Question No.042.

With the letter that we received from the Cabinet Secretary in charge of MSMEs, indicating that he is unavailable today because they are yet to gather all the information necessary for purposes of responding to these two questions, we will not proceed with these two questions. Therefore, may the two Senators stand guided.

*Question No.007*

NON-PAYMENT OF TERMINAL DUES TO EMPLOYEES  
OF FORMER KENYA COOPERATIVE CRIMARIES WHOSE  
SERVICES WERE TERMINATED IN 1999

*(Question deferred)*

*Question No.042*

REVIVAL OF KIMURI COFFEE FACTORY IN  
KIGUMO CONSTITUENCY

*(Question deferred)*

Therefore, this morning, we will proceed to hear the responses to Questions Nos.008, 009 and 024. The first two are directed to the Cabinet Secretary in charge of

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Water, Sanitation and Irrigation and Question No.024 is directed to the Cabinet Secretary in charge of Defence.

Hon. Cabinet Secretary, welcome back. You were here last week. However, your responses were deemed not satisfactory. Therefore, we expect you to directly respond to the questions as asked by the Hon. Senators.

We will, therefore, proceed with Question No.008 by the Senator for Migori.

Hon. Senator, you may proceed to ask the question.

*Question No.008*

STATUS OF COMPENSATION TO LANDOWNERS WHO  
GRANTED WAYLEAVE FOR LOWER KUJA  
IRRIGATION DEVELOPMENT PROJECT

**Sen. Oketch Gicheru:** Thank you, Mr. Speaker, Sir. I will go straight to Question No.008, which is to the Cabinet Secretary for Water, Sanitation and Irrigation.

In this Question, I sought the following-

(1) Could the Cabinet Secretary provide a list of landowners who granted wayleave for the Lower Kuja Irrigation Development Project in Nyatike Sub-County, Migori County and indicate the respective amounts due to each as compensation?

(2) Why has the Government not paid out compensation to them, years after the project commenced and could the Cabinet Secretary indicate the timelines for the same?

(3) Could the Cabinet Secretary explain the inordinate delay in the completion of the project?

I thank you.

**The Speaker** (Hon. Kingi): Hon. Cabinet Secretary, you may proceed to respond, specifically to those questions, please.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. (Eng.) Eric Murithi Mugaa): I thank you, Hon. Speaker. The Question by Hon. Eddy Oketch, the Senator for Migori County, is asking for a list of landowners who granted relief to Lower Kuja Irrigation Development Project in Nyatike Sub County and indicate the respective amounts due to each as compensation.

In 2009, the National Irrigation Board (NIB), now the National Irrigation Authority (NIA), commenced the process of implementing the Lower Kuja Irrigation Project starting with the feasibility studies and detail design. A total 19,292 acres were identified for irrigation. This was done by three agencies. GIBB Africa Limited, Gidio Consultants and the Ministry of Lands and Physical Planning identified and valued parcels of land required for construction of the irrigation infrastructure.

A total of 2,790 Project Affected Persons (PAPs) were identified with a total valuation of Kshs206,014,719.80. To date, the NIA has compensated 1,273 PAPs and paid a total of Kshs77,313,863, with a balance of Kshs128,700,856 for land belonging to 1,517 PAPs. The list is attached. There is a compressive list that has been submitted in response to the question by Hon. Eddy. Already, 9,292 acres have been put under irrigation for the already acquired wayleave.

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Part (b) of the Question is why the Government has not paid out compensation to PAPs years after the project commencement and timelines for completion of the project. I respond that the delay in land compensation has been occasioned majorly by lack of budget. This has resulted to several litigation cases in court by the aggrieved PAPs, which has further delayed the process.

In order to complete the land compensation process, the management of the NIA has engaged the National Land Commission (NLC) for guidance on how to proceed with the exercise. This resulted in NLC visiting the irrigation scheme and a subsequent engagement with the PAPs between 18<sup>th</sup> to 22<sup>nd</sup> November, 2024.

On 5<sup>th</sup> February, 2025 the Commission gave guidance on the process for finalization of compensation for the project. In its communication, the Commission gave the following guideline-

(1) That immediate payment of the available compensation fund amounting to Kshs68 million.

(2) That wayleave land acquisition for all title holders and PAPs, who formally declined offers issued by the Authority be addressed by the Commission.

(3) That the Authority established a grievance resolution mechanism involving key stakeholders, which are National Government Administrative Officers (NGAO), NIA, NLC, Scheme Leadership and PAPs.

(4) The Authority in liaison with the Commission to plan for final survey and vesting all the titles acquired in order to secure its interest.

On 11<sup>th</sup> February, the Authority formed a team to spearhead the compensation payment and the committee has come up with the following payment program for the Kshs68 million-

The programme is to verify PAPs by mid-March and make first payment because PAPs are allowed to be heard, especially on land matters in case of any grievances. Then by 15<sup>th</sup> June, the last part of payment will be made and the total will be Kshs68 million.

On part (c) of the Question, I am required to explain the delay in completion of the project. The delay in completion of the project is due to budgetary challenges. There has been low budgetary allocation for land compensation in irrigation infrastructure development leading to slow progress in implementation. The Ministry has continued to engage other development partners for other sources of funding to support infrastructure development. Currently, engagement with Dutch partners is ongoing although they have been non-committal.

The second reason for delaying completion of the project is the land valuation disputes. Determining the value of land and property affected by the project has proven to be a complex process. Disagreements between the Government and landowners over valuation of land and other infrastructure resulted in significant delays. There are approximately 50 disputes currently being addressed by the grievance redress committee.

The last is the legal challenges. Landowners filed around 25 legal suits against the Government concerning compensation cases, land acquisition matters and other related matters. These have had a substantial delay in the compensation process as this has led to extended periods to resolving courts.

Hon. Speaker, with the current strong commitment by the Ministry to compensate all landowners, I am appealing to this House and the Hon. Senator to support the out-of-court settlement approach that the Ministry has proposed for the landowners. In addition, the total budget required for the remaining around 10,000 acres is projected to be Kshs2.72 billion. This will be done in phases depending on fiscal space, starting from the Financial Year 2025/2026.

Mr. Speaker, Sir, in light of this, I humbly seek the support of the honourable House for the allocation of the necessary budget to ensure the successful and timely completion of this crucial project.

I submit.

**The Speaker** (Hon. Kingi): Sen. Eddy, that is a fairly comprehensive response to your question. Do you have any supplementary questions?

**Sen. Oketch Gicheru:** Thank you again, Mr. Speaker, Sir. First of all, I must be good that for the first time, I have added my hand to the list. It is a very comprehensive list that was received today from the stamp that I am seeing here in the Senate Journals office.

Since this is an original copy and with the order of this House, I wanted to request that perhaps you could allow the Senate Journals office to make a copy of the list for me, so that I can go and examine it properly from where I can perhaps further engage the Ministry. It will only be fair that way because, several issues are coming from what the Cabinet Secretary has shared, including issues of litigation. I believe that from this list, I will get that detail.

For now, I will not have a further question until I examine the list and then I will comprehensively engage the Ministry, but just perhaps a comment from the Cabinet Secretary when he said that he would want to plead with the Senator for Migori County to help engage with those who are in court over these wayleaves for out of court settlement. Perhaps, I would want to hear his comment on how that is structured. Would he be thinking about that after compensation or before compensation, or is there a structure that he wanted us to work on together to be able to talk to the individuals who are affected and who have problems in court?

Otherwise, I am grateful for the list. It is a very comprehensive list, and I will get back to the Ministry appropriately through the House.

**The Speaker** (Hon. Kingi): Maybe as a way forward, hon. Senator, I will ask the Clerk to make available a copy to you and thereafter, you can engage the Cabinet Secretary on all matters, including how best you can help in the out-of-court settlement.

We will now move to Sen. Wambua.

**Sen. Wambua:** Thank you, Mr. Speaker, Sir. Mine is just a clarification that I want to get from the Cabinet Secretary. He mentioned that one of the reasons for the delay in the completion of the project is the whole issue of low budgetary allocation for purposes of land compensation.

I ask the Hon. Cabinet Secretary whether he is aware of the provisions of Article 40 of the Constitution on what the Government needs to do when it acquires land from individual persons for purposes of public utility. That the persons who have surrendered their land for purposes of public utility must be compensated promptly and in full.

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He is one of the budgets. He is the one who presents a budget. He is the one who gets allocation. At what point will we then make sure that the persons who have given out their land proposal for this project get their due compensation? It is a running issue in almost all Government projects, and we must begin to bring an end.

**The Speaker** (Hon. Kingi): Hon. Cabinet Secretary, please, note down the questions and you will respond to them at a go.

Proceed, Sen. Mandago.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. (Eng.) Eric Murithi Mugaa): Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Hon. Cabinet Secretary, I have just directed that you note down the questions and, thereafter, you will respond to them at a go.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. (Eng.) Eric Murithi Mugaa): Apologies, Mr. Speaker, Sir.

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

**Sen. Mandago**: Thank you, Mr. Speaker, Sir. I have one supplementary question, but first, let me thank and congratulate the Cabinet Secretary for Water, Sanitation and Irrigation for the good work he has done. Providing a list of those people who need to be compensated is a phenomenon in this House when you ask a Cabinet Secretary to provide documents. So, this is a good start.

My supplementary question to the Cabinet Secretary is related to that as an irrigation project. What happened with the Lower Sabor Irrigation Project in Moiben Sub-County, Uasin Gishu County?

**The Speaker** (Hon. Kingi): Now, Hon. Senator, that is not a supplementary question as it relates to a different subject matter and if the Cabinet Secretary is in a position to respond to it, well and good, but if he is not, let us not push him to do so.

Sen. Ledama Olekina, you may proceed.

**Sen. Olekina**: Thank you Mr. Speaker, Sir. I just needed a clarification from the Cabinet Secretary on the process of land acquisition. I heard him stating that they were having a dispute with the identified landowners. Could you walk us through the process of compulsory acquisition? Based on your response, it appears that in the list of the people to whom the land was acquired, the Government did not submit to an expression of interest to where the land was, as well as the valuation of that land. The law spells out the process which is identification, valuation and expression of interest. Once the land has been marked for compulsory acquisition, there is a period where the owner of the land can be compensated. Although the law allows for that process of dispute negotiation, it appears that somewhere you miss, that is why you have not been able to settle all the 2,700 people on the list.

So, could you walk us through it? Is it that you did not express an interest in all of them or do you just assume that all of them would be happy with you securing the land?

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

**Sen. Okiya Omatatah**: Thank you, Mr. Speaker, Sir. My supplementary question is based on the list that has been provided. Does the Ministry have an estimated cost of what is outstanding in the overview compensation for the affected individuals, and whether there is a budget and location for the same?

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

**Sen. Seki:** Thank you, Mr. Speaker, Sir. I also wanted to know from the Cabinet Secretary, there was an allocation in the last financial year on the issue of irrigation at the Magadi Nguruman area. I wanted to know the status---

**The Speaker** (Hon. Kingi): Hon. Senator, that does not qualify to be a supplementary question. It is a different question altogether. It does not flow from the primary question.

**Sen. Seki:** Mr. Speaker, Sir, maybe that Cabinet Secretary might be able to answer this question.

**The Speaker** (Hon. Kingi): No, no, no! Whether he is in a position or not, it is not a supplementary question. A supplementary question must flow from the primary question.

Sen. Mungatana, you may proceed.

**Sen. Mungatana, MGH:** Thank you, Mr. Speaker, Sir, for giving me the Floor. I just wanted the Cabinet Secretary to clarify one issue flowing from his statement and answer this question; does the Government have a different policy approach towards compensation for Tana River County as opposed to other counties?

I am speaking specifically to the Tana and Athi River Development Irrigation Project where the Government came and took even ancestral land and to date, the people have never been compensated. On one part, we are hearing that there is compensation, while on the other part, we are hearing that there is no compensation. Even when the Head of State himself came and said that it must be done to date, some people have not been compensated.

So, can subdivision of that land be done, so that the land that does not belong to the people, we can do irrigation and the land that belongs to the people can be given to them? So, clarify to us, does the Government, in which you are serving, have a different policy for our area as opposed to other parts of the country, or is it the normal suppressing of areas that are far from the cities, that has been the colonial policy since independence?

Thank you.

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

**Sen. Onyonka:** Thank you, Mr. Speaker, Sir. I am happy to have this opportunity to ask this question.

On several occasions, in this House, we have raised issues about people who have never been compensated for their land, which was utilized by either Kenya Rural Roads Authority (KeRRA), Kenya National Highways Authority (KeNHA), or the Standard Gauge Railway (SGR). Some of these people, have never been compensated for the last 10 years. In fact, some of the parents have died. I presented a case of a family of a *Mzee* who died and he has left nine family members who are completely distraught.

Can we be informed whether there is a likelihood that this matter can be sorted out once and for all? These are some of the issues which we keep on postponing and they are creating a lot of distraught amongst various people, stakeholders and communities in the republic.

I thank you.

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**The Speaker** (Hon. Kingi): Hon. Cabinet Secretary (CS), you may now proceed to respond.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. (Eng.) Eric Murithi Mugaa): Thank you, Hon. Speaker, Sir, and, Hon. Members, for the follow-up questions.

I would like to request to be given more time in regard to questions that are not part of the Question that we had prepared on, so that I am able to give a comprehensive list and well-thought answers to the hon. Members and the country at large.

There was a question on when we would need the indulgence of the Hon. Member for Migori County. We need his indulgence, especially on settling these cases out of court, at all times, especially after payment. This is because, upon verification, land disputes always arise and the grievance redress mechanism that we have put in place cannot work in isolation without the indulgence of the leadership of the area. The Senator is a key leader in the county and, therefore, we would seek his indulgence in the process.

There was a question by Hon. Ledama on the process of land acquisition. The process of land acquisition starts by the preparation of a Resettlement Action Plan (RAP). Once the Ministry prepares that, we forward the RAP report to the National Land Commission, that further takes that forward by identifying the pieces of land, doing valuation, and then they give time to address the grievances, after which there is an award, and payment is made by the National Land Commission.

That is the standard practice in the country right now, more so in the Ministry, that is the way we do it. After the inauguration of the new Constitution, the Ministry stopped doing the process itself. It became the mandate of the National Land Commission (NLC) and we always engage them in case of land disputes.

There was a question on what is the outstanding amount to be paid to the PAPs in Lower Koji Irrigation Scheme. The outstanding balance is Kshs128 million, and we have clearly highlighted the process on how we plan to acquire that.

I would like to answer the question by Hon. Mugatana on the Tana and Athi Rivers Development Authority (TARDA), where there are irrigation schemes being carried out by TARDA. TARDA is under the Ministry of East African Community, Arid and Semi-Arid Lands (ASALs). It is not under the---

**The Speaker** (Hon. Kingi): Hon. CS, the question by Hon. Mugatana was, do you have different policies for different areas on matters compensation?

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. (Eng.) Eric Murithi Mugaa): Thank you, Mr. Speaker, Sir.

I do not believe we have different policies because we are all mandated to go through the National Land Commission on matters payment of land compensation.

I would like to answer the question by Hon. Onyonka. We have had issues in different projects, where even the PAPs have passed on. This has been a legacy challenge that has been ongoing in the Government. In the Ministry, in case the person to be compensated has passed on, the next of kin is considered by the National Land Commission for compensation. That is the status as it is.

There was a question on why do we have legacy compensation issues. I found that ongoing in the Ministry. However, at the moment and going forward, when we do

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projects, especially by the Government of Kenya, and also development partners, the development partners focus on developing the infrastructure. So, we do not mostly get funding for PAPs or land compensation. The Government of Kenya is responsible for payment of the compensation charges that are required, especially when new projects are commencing. We are now developing a criterion that, going forward, we ensure that we sort out land issues to avoid further delays in the process, and this does not become a historical challenge.

Mr. Speaker, Sir, I submit.

**The Speaker** (Hon. Kingi): We now move to Question No.9. The Hon. Senator for Makueni County, you may proceed to ask your Question.

*Question No.009*

STATUS OF CONSTRUCTION OF THWAKE DAM

**Sen. Maanzo:** Mr. Speaker, Sir, I beg to ask the following two questions to the CS, Water, Sanitation and Irrigation-

(1) Could the Cabinet Secretary provide an update on the status of the construction of Thwake Dam in Makueni County and explain why the construction works have stalled?

(2) What measures has the Government put in place to ensure the timely completion of the dam and could the Cabinet Secretary give the timeline?

Thank you.

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

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. (Eng.) Eric Murithi Mugaa): Thank you, Mr. Speaker, Sir.

The first part of the Question reads-

“Could the Cabinet Secretary provide an update on the status of the construction of Thwake Dam in Makueni County, and explain why construction works have stalled?”

Hon. Speaker, Sir, the construction of the 80.5-meter-high Thwake Multipurpose Dam, with a capacity of 688-million-meter-cubic storage capacity, is ongoing with civil works on dam construction at 94.2 per cent completion level.

Mr. Speaker, Sir, the project has not stalled, but it has reduced its rate of works. The stage at which the dam is does not require the use of a lot of heavy machinery and equipment. The embankment dam filling, which is the key component of the dam, is recorded at 99 per cent, achieving the required levels of elevation of 916 meters above the sea level, being the last layer placed on 18<sup>th</sup> June, 2024.

The spillway physical progress stands at around 94 per cent. The upstream and downstream coffer-dams have been completed and are operational, and the two diversion tunnels of 12-meter diameter and each approximately 740-meter long are also completed and working. This being a rock-filled dam structure, a period of six to nine months was required from the last placement of the final layer on 18<sup>th</sup> June, 2024 to allow the dam embankment to settle and stabilise before the concrete face-slab works are carried out as recommended by the World Dam Safety Panel of Experts and this was achieved at the

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end of January, 2025. The remaining works are on the concrete face-slab placement, that is, the plaster, the spillway bridge and the hydromechanical equipment installation.

Mr. Speaker, Sir, the construction period was expected to end on 7<sup>th</sup> December, 2024, and the anticipated completion date of the dam could not be realised because of the following reasons-

(1) There were delays in work progress because of an increase in the dam height from 77.5 meters to 80.5 meters to increase storage capacity.

(2) There were weak foundations of the dam at the riverbed, which was discovered during its construction, necessitating excessive excavation and special treatment that took quite a while.

(3) The global pandemic and the war at Ukraine that resulted in scaling down of the labour force due to lack of explosives - and when I talk of explosives, it is about ammonium nitrates in the country during the period from 2020 to 2023. The country imports these explosives, some iron and steel products from Ukraine. During this period, the available explosives were between 150 to 200 tonnes per month, against a demand of 600 to 700 tonnes per month.

In addition, during the pandemic, ammonium nitrates used to produce explosives were directed to the production of oxygen to support the fight against the pandemic. We have letters written to the Principal Secretary, the Ministry of Petroleum and Mining to intervene and support the contractor to acquire these key supplies that were required at foundation level.

Mr. Speaker, Sir, adequate time required to allow the dam embankment to settle before the concrete face-slab, which is the remaining component is done, has greatly reduced the rate of works. This is because, the hauling of material from the quarry sites to the dam embankment has been completed.

Just to give a perspective of the construction, at the peak, the contractor had deployed around 77 trucks, 21 rigs and 31 excavators, which made the site very active and very busy.

Mr. Speaker, Sir, part two of the question was what measures has the Government put in place to ensure the timely completion of the dam, and could the Cabinet Secretary give the timelines?

The remaining dam construction works are on the concrete face-slab placement, the spillway bridge and the hydromechanical equipment installation. These works were due to commence once the dam embankment settlement rate, which the rate is five millimetres per month and below is achieved, as advised and adopted by the Panel of Experts.

Therefore, the Ministry is undertaking the following measures to ensure timely completion of the project-

(1) The Ministry and the dam supervision consultant, in consultation with the World Dam Safety Panel of Experts, has been monitoring the settlement level of embankment for a period of nine months from July, 2024 until the attainment of the recommended rate.

(2) As at 30<sup>th</sup> January, 2025, all settlement recordings for the critical sections of the dam embankment had reduced to below the recommended five millimetre per month

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threshold and stabilised, ready to commence face-slab construction. The Ministry wrote to the contractor via the letter indicated on 20<sup>th</sup> February, 2025, to immediately commence the execution of the remaining works, which is on the concrete face-slab placement.

The Government, through the National Treasury, has written to the African Development Bank (ADB) to avail adequate resources for the completion of the dam. The bank has commenced a routine contract appraisal to determine the resources required for the completion of the dam and the bank approval is expected in April, 2025. Therefore, this will be effective by May, 2025.

Mr. Speaker, Sir, in this regard, the project will be completed as planned, and the first impoundment is expected to happen by the short rains in December, 2025. The contractor is under clear instructions to ensure the remaining dam construction works are completed by 30<sup>th</sup> October, 2025.

Finally, the contractor has submitted a revised programme of works to adhere to the same and the revised programme of works is being evaluated. Further, the Government has ensured there is adequate supplementary two budget and mobilised the required teams - the consultant, the dam Safety Panel of Experts, the Project Implementation Team (PIT) for supervising the works and guiding in the overall operation of the construction management. Additional financing, through additional financing request, as explained above, has also been made.

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Hon. Manzo.

**Sen. Maanzo:** Thank you, Mr. Speaker, Sir, this morning I have received a document which has a very detailed presentation, though to me it looks scientific in nature. I believe it goes on to explain the scientific mechanisms of some part of what I had asked. However, I would like to ask two supplementary questions, with your permission. I am aware that there is ADB funding in this dam, and also the Government funding in the same dam. What was the percentage of each and has the Government of Kenya met its part of bargain?

Secondly, there were people who were not compensated in this dam, and those were the ones who had succession cases or had pending cases in court, but I am aware that most or all of them have been completed. Could the Cabinet Secretary explain when they will complete compensating these individuals since there seems to be a delay because the National Land Commission (NLC) has not been cooperative to those who have tried following this matter?

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

**Sen. Kathuri:** Mr. Speaker, Sir, I appreciate the response from the Cabinet Secretary for Water, Sanitation and Irrigation on Thwake Dam, but we are constrained to ask other questions, also touching on other dams in the Republic.

We know the Ministry says all the time that they have no budget. As a House, we would like to know the dams that are ongoing and the others that have been proposed and what magnitude of money we need to push. This is so that we know the budget the Ministry needs for all the dams across the country and the many stalled irrigation projects in our counties, in order to jump-start all these projects.

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Mr. Speaker, Sir, if every Senator talks about their county, you will be surprised because many projects are stalled, others have been proposed and are yet to start and therefore, we feel constrained to ask questions.

I may not know much about Thwake Dam where Sen. Maanzo comes from, however, if the Ministry, at some point, through the respective Committee can give us what indicative figures they need, as the Senate, we shall also put our voice on it so that we can bankroll all these projects across the country. This is not a supplementary question, but a comment to the Ministry so that, at least, we can know what we are looking for, especially on the budget.

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

**Sen. Munyi Mundigi:** Asante Bw. Spika. Leo, Waziri anajibu maswali vizuri. Swali langu ni kutokana na maelezo ya Sen. Kathuri. Naomba uniruhusu niulize maswali kuhusu dams za Embu. Hizi dams hazikuwa kwenye supplementary budget.

Embu County kuna dam inaitwa Thambana Dam, kama Waziri atajenga hii dam vizuri itasaidia wakaazi wa Manyatta na Mbeere South. Pia Kamumu Dam ikijengwa itasaidia Mbeere North. Kuna Thuci Dam ambayo ikijengwa itasaidia Runyenjes Sub County na Tharaka Nithi County.

Bw. Waziri, kuna maji iliyotengenezwa kutoka Betty South---

**The Speaker** (Hon. Kingi): Senator Mundigi, certainly, that is not a supplementary question. You may interact with the Cabinet Secretary after he is done with his formal interaction with the House. I have given you latitude so that I see how I can attach it to the primary question. However, I am unable to do that. So, after the Cabinet Secretary has finished the formal session, you can have a word with him. Alternatively, you can seek a Statement or pose a question for him to come to the House.

Sen. Wambua, proceed.

**Sen. Wambua:** Thank you, Mr. Speaker, Sir. Once more, as I indicated last time, Thwake Dame trundles across Makueni and Kitui counties. I would have expected the Cabinet Secretary to begin by apologising for attempting to mislead the House and the country on the status of this dam. However, be as it may, my question is on the initial cost of the dam.

He says that the height was adjusted from 77.8 to 80.5 meters. Then, in the process of construction, they realised that there was a weak foundation on the dam, which needed deeper excavation. Has this resulted in variations in the cost of the project? If 'yes', what is the variation, and what is the Government doing about that?

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Hon. Cabinet Secretary, you may now proceed to respond.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. (Eng.) Eric Murithi Mugaa): Thank you, Mr. Speaker, Sir. The first question by Hon. Maanzo was on the component, bearing in mind that the Government of Kenya and the African Development Bank fund the dam. The Government of Kenya has funded the project with Kshs6.782 billion and the African Development Bank is meant to fund the project to the tune of Kshs35.583 billion.

The issue of compensation for the remaining parts, to the Hon. Dan Maanzo, is that two families have yet to be compensated. This was because of a land succession dispute in the family. These cases are ongoing. However, the money for their compensation is with the National Land Commission (NLC). So, once there is an agreement, the two families will be duly compensated.

Sen. Kathuri is concerned about the status of all dam projects. If the Speaker allows, we can have a list of all ongoing dams and the amount of money required. Thank you for the gesture. We need resources to complete those dams.

Sen. Munyi Mundigi from Embu County asked the question. Through the Speaker, the Senator is welcome to the Ministry, so that we can give him the status of those three dams you have violated.

Then there is a question by Sen. Wambua. There were two challenges because of the rise in embankment. Also, there was the challenge of a weak foundation at the riverbed. This resulted in cost implications, generally as it is in engineering projects and the cost of increasing height. To put it in perspective, whenever there is a height increase, there is more impounding of water because the dam and the wall can retain more water. Also, the increase in height and the expanded dam footprint had a cost implication to the tune of around Kshs2.4 billion.

Then, there was a question about the weak rock at the river bed. This required the removal and treatment of the weak rock, which cost Kshs432 million, and it is now clarified.

Thank you. I submit.

**The Speaker** (Hon. Kingi): Sen. Wambua's question concerned the original depth of this particular dam, which was later varied. Did that come with additional cost and, therefore, was there a variation of the contract to accommodate that?

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. (Eng.) Eric Murithi Mugaa): Thank you, Mr. Speaker, Sir. Yes, because of the increase in height, there is a cost implication for us to have more impoundment based on the surface runoff from the Athi catchment. The cost implication is Kshs2.4 billion. This was done in 2017.

**Sen. Wambua:** Mr. Speaker, Sir, arising from that response, then my concern, and I believe this will be the concern of the public, is on those two components: the issue of the height and the weak foundation.

I am sure the Government must have paid for a feasibility study on this project. The issue of how deep to excavate must have been part of that cost. So, who is bearing the cost of that deeper excavation? Is it the Government component or are we now going to ask the African Development Bank for a bigger loan to do this project?

In my estimation, the variation on this dam is about Kshs2.4 billion just for the height, and another Kshs432 million for deeper excavation. Who is bearing that cost?

**The Speaker** (Hon. Kingi): Sen. Wambua, I will allow you to get away with this. You are allowed to ask only one supplementary question. However, due to public interest principles, I will allow the Hon. Cabinet Secretary to proceed to respond.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. (Eng.) Eric Murithi Mugaa): Mr. Speaker, Sir, to give a perspective on the question and clarity,

whenever there is a variation on a project, we have to seek concurrence from the Africa Development Bank (AfDB).

I am informed that when this happened, concurrence was sought from the AfDB and they gave no objection. When you raise a dam from 77.5 to 80.5 metres, you retain more, which is the purpose of the dam. That is water harvesting from our catchment. Whenever there is such a change, there is a cost implication and that concurrence is always sought from the bank that does usual and routine contract appraisals and gives no objection.

I submit.

**The Speaker** (Hon. Kingi): Lastly, Sen. Omtatah.

**Sen. Okiya Omtatah:** Mr. Speaker, Sir, the Hon. Cabinet Secretary has referred to an AfDB loan. I would like to know whether that loan is an Appropriation-in-Aid (A-in-A), or whether money was given directly to the Government of Kenya (GoK), put in a Consolidated Fund and is being supervised by the Controller of Budget (CoB). If it is an A-in-A, what is the justification for a bank getting into an A-in-A arrangement for financing Thwake Dam? That is my question, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Hon. Cabinet Secretary, you may proceed to respond.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. (Eng.) Eric Murithi Mugaa): Thank you, Mr. Speaker, Sir, and thank you, Sen. Omtatah. Yes, the loan from the AfDB is concessional in form of A-in-A, whereby, upon approval, money certificates are paid by the bank and not by the Ministry.

**The Speaker** (Hon. Kingi): Thank you so much, the Hon. Cabinet Secretary. We will now move to question No.024. Hon. Cabinet Secretary, you are free to leave.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. (Eng.) Eric Murithi Mugaa): Thank you, Mr. Speaker, Sir, and Hon. Senators. I appreciate.

*(Sen. Okiya Omtatah consulted loudly)*

**The Speaker** (Hon. Kingi): Sen. Okiya Omtatah, we have released the Hon. Cabinet Secretary.

*(Sen. Okiya Omtatah spoke off record)*

Absolutely, Sen. Omtatah.

*(The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. (Eng.) Eric Murithi Mugaa) was ushered out of the Chamber)*

*(The Cabinet Secretary for Defence (Hon. Soipan Tuyaa) was ushered into the Chamber)*

Hon. Cabinet Secretary, welcome to the Senate. You are here for purposes of responding to Question No.024 by the Senator for Kisumu County, Sen. (Prof.) Tom

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Ojienda. I am informed that the Senator for Nairobi, you are holding brief for the Senator for Kisumu County. You may therefore proceed to ask the question on his behalf.

*Question No.024*

INVOLVEMENT OF KDF IN INTERNAL  
SECURITY MATTERS

**Sen. Sifuna:** Mr. Speaker, Sir, the Senator for Kisumu has assured me that he is not more than five minutes away, but we cannot keep the House waiting. So, I will proceed to ask the questions on his behalf. This is Question No.024 by the Senator for Kisumu County, Sen. (Prof.) Tom Odhiambo Ojienda, SC-

Mr. Speaker, Sir, I beg to ask the following three questions to the CS for Defence-

(1) Could the Cabinet Secretary clarify whether the Kenya Defence Forces (KDF) monitors the security situation within the country and indicate the state of preparedness of the KDF to address potential instability or civilian unrest?

(2) What are the modalities for the involvement of KDF in internal security matters and how does KDF balance the internal security needs of the state and the sanctity of civilian lives when dealing with internal instability or unrest?

(3) What measures has the Ministry put in place to ensure that future involvement of KDF in addressing instability or civilian unrest is timely to avert civilian deaths that may arise from the shortcomings of the National Police Service (NPS) as was witnessed during the June, July and August, 2024 demonstrations?

I thank you.

**The Speaker** (Hon. Kingi): Hon. Cabinet Secretary, you may proceed to respond.

**The Cabinet Secretary for Defence** (Hon. Soipan Tuya): Mr. Speaker, Sir, allow me to say that I am glad to be back in this House in my new role as the Cabinet Secretary for Defence. It is obviously because I like to associate myself with the Senate, having been a Member, though very briefly.

I will go straight to respond to the questions raised by Sen. (Prof.) Tom Ojienda, the Senator for Kisumu County. I will not repeat the questions as have been already espoused by the Senator for Nairobi.

I will start by stating that the mandate of KDF, as defined in the Constitution, is in three parts. I am referring to Articles 241(3)(a)(b) and (c) of the Constitution. The three parts are within which the mandate of KDF is defined, the first one being the primary mandate. That is defence and protection of the sovereignty and territorial integrity of the Republic of Kenya.

Mr. Speaker, Sir, you will allow me to call the other two parts as secondary mandates of the KDF which are as follows: To assist and cooperate with other authorities in situations of emergency or disaster and deployment of the KDF to restore peace in any part of Kenya affected by unrest or instability only with the approval of the National Assembly.

Mr. Speaker, Sir, that is what I will start by bringing to the fore, and whereas the questions asked by the Senator of Kisumu County may look very obvious, these are

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issues which are very pertinent and of great public concern by Kenyans. In many instances, we have had Kenyans asking why or how the Kenya Defence Forces (KDF) is deployed concerning matters of internal security.

On the first question, on the need to clarify whether the KDF monitors the security situations within the country, and indicate the state of preparedness in the KDF to address potential instability or civil unrest; the KDF is one of the three national security organs established under the Constitution. This is in addition to the National Police Service (NPS) and the National Intelligence Service (NIS). Our Constitution defines national security to include the protection against internal and external threats to Kenya's territorial integrity and sovereignty, its people, their rights, freedoms, property, peace, stability, and prosperity, as well as other national interests.

Mr. Speaker, Sir, by dint of that constitutional definition of what national security is, and being that the KDF is part of the three national security organs, therein lies the role of KDF in matters of national security. Whereas the primary responsibility for internal security lies with other specialized agencies, and these are the NPS and the NIS, where internal threats to the territorial integrity and sovereignty of Kenya arise, the Constitution then makes provision for instances when KDF may be deployed internally.

It, therefore, follows that for KDF to effectively discharge this mandate of involvement in internal security matters, it must retain situational awareness of internal security issues at all times. Since the KDF will mainly work in support of other agencies concerning internal security matters, the force then has to closely collaborate and regularly exchange information with the relevant agencies.

Again, in response to this question of whether the KDF monitors internal security matters; when you look at the design of the National Security Council (NSC) as established by the Constitution, the KDF is a member through me as the Cabinet Secretary for Defence and the Chief of the Defence Forces. The House does know that the NSC involves all the security agencies and organs of this country and that, therefore, mandates the KDF to work very closely in coordination and cooperation with other security agencies.

We also have the National Security Council Committee, where we have the KDF represented. This security committee is the supportive arm of the NSC. Additionally, it follows that because of the involvement of KDF in these very crucial national security units, that indeed we have a pulse at each and every aspect of the internal security of the country.

At this point, for clarity, I will move on to the question of the instances of the deployment of KDF. Article 241(3)(b) of the Constitution speaks to the collaboration between KDF and other security agencies. An example of this deployment is the Operation Maliza Uhalifu in the North Rift, as well as the Northern Eastern Region Operation. Of course, of keen interest is the deployment of June 25<sup>th</sup>, which again falls under Article 241(3)(b), where KDF was deployed to offer support to the NPS to deal with the unrest that the country went through at that point. An example of a deployment of KDF to respond to that is provided under Article 241 (3)(c), which is to restore peace in any part of Kenya. This is where the express authority of Parliament has to be sought. An example of that is the Operation Amani Boni, which is currently ongoing.

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I will come back to how the KDF operates within these deployments later on, but allow me to go to question two, which asks, what are the modalities for the involvement of KDF in internal security matters? Aside from the provisions of the Constitution, we have the Kenya Defence Forces Act, which elaborately enumerates requirements for KDF participation in internal security operations.

Under the Constitution, the KDF is strictly bound by the principles of national security as defined under Article 238 of the Constitution, which is that they have to be subject to the authority of the Constitution and Parliament and that the national security activities must be carried in strict compliance with the law and with utmost respect for the rule of law, and that in performance of its functions and exercise of their powers, the KDF shall respect the diverse culture of the communities within Kenya.

Again, on the modalities, under the KDF Act, the Cabinet Secretary at any one time is required to furnish the National Assembly with reports on deployments under Article 241(3)(b) and (c) as I have already stated. These reports to Parliament are required to have the details as to the reason for deployment, the place and duration of deployment, as well as the expenditure to be incurred.

Mr. Speaker, Sir, where KDF is deployed to restore peace in areas affected by unrest, that is under Article 241 (3) (c), the Chief of the Defence Forces is responsible for the administration, control, and overall superintendence of the operation. However, where KDF is deployed in a joint operation in support of the NPS and other authorities in situations of emergency, the Inspector General of the NPS shall be responsible for the control and overall superintendence of the operations. To bring it closer home, an example of Operation Amani Boni, the Chief of the Defense Forces is responsible for the administration, control and overall administration. In the other examples given, Operation Maliza Uhalifu in the North Rift, the Inspector General of Police is responsible for the control and the KDF just comes in to offer support.

Mr. Speaker, Sir, to focus on the internal deployment in support of the National Police Service (NPS), other statutory regulations and measures need to be instituted, which include-

(1) Compliance with the Constitutional standards requirement for the Cabinet Secretary to, within 24 hours, issue a notice in the Gazette on the commencement of such deployment and do the same upon discontinuation.

(2) Deployment and discontinuation may be performed only in areas and places where the National Security Council (NSC) and the President may determine. The areas of deployment cannot therefore, be arbitrary. They are guided by the NSC accordingly.

There is a code of conduct that must be adhered to, which details the operational procedures and regulation of the defence forces. The law also stipulates that in such deployments in support of the NPS, the Kenya Defence Forces (KDF) personnel shall have same powers and exercise same duties as those of the NPS members. The KDF personnel are also required to undergo prior training before deployment.

I will move to Question (c) on what measures the Ministry has put in place to ensure that the future involvement of KDF in addressing instability or civilian unrest is timely to avert death that may arise from the shortcomings of the other national security institutions.

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In response to Question (c), the KDF is structured to ensure continuous state of mission readiness, allowing for swift and effective response to both external and internal threats when the need arises. However, its participation in internal security operations are carefully guided by the Constitution and the KDF Act, which specify notifications through gazette notice, authorization to be sought prior to the deployment and the mandatory reports to be furnished to the National Assembly and close collaboration and cooperation with the necessary security institutions.

Question (d) on how the KDF balances the internal security needs of the state and the sanctity of civilians' lives when dealing with internal instability or unrest, the involvement of KDF in internal security matters, as I have said, is governed under the Constitution and the KDF Act. Section three of the Act provides that KDF shall, in fulfilling its mandate, observe and uphold the Bill of Rights, values and principles under the Constitution in terms of striving for the highest standards of professionalism and discipline among its members.

KDF is also to comply with constitutional standards of human rights and fundamental freedoms and dignity, as well as the requirement for sufficient training of staff before such deployments. Guided by the foresaid constitutional and statutory dictates, the KDF is deeply committed to professionalism and operates within customary rules of engagement that prioritize the protection of civilians. This approach entails the employment of non-lethal methods whenever possible and the use of minimum force consistent with the achievement of the mission in accordance with the laid-out standard operating procedures.

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi) Hon. Tom Ojienda, you may ask your two supplementary questions.

**Sen. (Prof.) Tom Odhiambo Ojienda, SC:** Thank you, Mr. Speaker, Sir. I have a follow-up supplementary question. Let me thank the Cabinet Secretary for Defence, Hon. Soipan Tuya, for the response to the structured questions. However, I want her to highlight one question. There is no doubt reference is made to parliamentary approval for intervention and to keeping with the tenets under Article 241(3) of the Constitution and the involvement of the NSC where there are threats for internal intervention.

I want the Cabinet Secretary to clarify, and this is a delicate line, between inability of the NPS to deal with internal strife and the point at which the KDF will intervene. When answering question (c), you have not dealt with the question of threshold. At what point is it deemed fit for KDF to intervene when there is a real threat and the NPS is unable to contain it? I am asking this because at times an intervention can be a little too late.

Lastly, Madam Cabinet Secretary, I have seen other jurisdictions like Burkina Faso where security is interpreted to include food security, security in a wider sense. The KDF of that country spends most of its time in food production and other activities other than just staying in the barracks until there is a threat of security to the country. Is there anything that we can do to ensure that our forces do other things to ensure that we take care of the other security issues other than simply fighting?

**The Speaker** (Hon. Kingi): Hon. Cabinet Secretary, note down those two questions. You will take more and then when you rise to respond, you respond to them at a go.

Sen. Sifuna, proceed.

**Sen. Sifuna:** Thank you, Mr. Speaker, Sir. Madam Cabinet Secretary, I saw a very curious statement from your Ministry on 17<sup>th</sup> March, 2025, regarding the circumstances surrounding the deployment of KDF in July, 2024. As you know, I am a firm believer in the freedom of the media. We must accept that we were all very concerned to see the army in the streets after the protests. My party leader has addressed certain possibilities given histories in other places, including Sudan and Egypt.

What, in your view or of the Ministry, was inaccurate in the report by *The Daily Nation* regarding the possibility of this country being handed over to the military in the event the regime collapsed in July, 2024? You need to tell us because the statement said that the report by *The Daily Nation* was false, baseless, misleading and reckless. Please explain to me what was the basis of that conclusion by your Ministry.

I thank you.

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

**Sen. Chute:** Thank you, Mr. Speaker, Sir. Let me thank the Cabinet Secretary for her eloquence. We are proud of you. My question would be a bit off our discussion today. There is a court case---

*(The Speaker (Hon. Kingi) spoke off the record)*

Let me align it, Hon. Speaker. I am bringing it back. There is a court case that was brought by Mr. Murusi in Karare on the land that was acquired by KDF and the court ruled that KDF should vacate that property. Can the Cabinet Secretary please tell us what action she has taken so far? The people of Karare want to know when the KDF are going to vacate that land.

Thank you very much.

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

**Sen. Oketch Gicheru:** Thank you, Mr Speaker, Sir. My supplementary question is on the question (c) set by the Senator for Kisumu County, Sen. (Prof.) Tom Ojienda.

I wanted to know from the Cabinet Secretary, at a point where the national security has failed, whether because of capacity or other misgivings, and then Kenya Defense Forces (KDF) has come in, like what we saw last year during the Gen.Zs protest.

If KDF takes over to ensure that there is peace and stability. Do they also take over the mess created by the adequacy of the national security organ, like the messes that we saw where, for instance, young people were killed and property was destroyed? Does that assumption only limit KDF to the issue of dealing with restoring peace or does it extend to dealing with a mess that has been created at that time by the national security organ?

If that is so, then what does the Ministry think of the mess that was created at that time, including what this House passed on the resolution of compensating young people who were affected and were killed during that protest?

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This House had pronounced itself through a resolution on dealing with those messes. Is the Ministry taking over that because the national security organs failed as demonstrated?

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

**Sen. Kathuri:** Thank you, Mr. Speaker, Sir. I want to congratulate our Cabinet Secretary, Hon. Soipan Tuya, who before she was appointed as a Cabinet Secretary, was one of us in this House. She has not let us down this far.

Mine is to first congratulate the KDF joint operation with the National Police Service in the North Rift because it is only enormous in the Baringo area, Samburu, and Baragoi. For the first time shops are open in that area. So, I want to thank them for that gentle operation.

I sometimes get restrained from talking about other areas, especially where I come from, but to request whether the National Security Council can also consider redeploying the KDF to other areas that have similar problems in the North Rift especially, the border between Nyambene region of Meru County and Isiolo-Samburu Boarder. If they can at least consider even doing an operation to wipe out or weed out the illegal arms which are in that area.

Just to give a head start, when the bandits left North Rift and Samburu, the haven they have now is the Isiolo-Samburu area bordering Meru and that region. So, they left the North Rift and came to our region and they are terrorizing us. So, if they can consider bringing the same operation on that border so that also our people can live in peace.

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

**Sen. Boy:** Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to also ask a supplementary question. My question is, what is the Cabinet Secretary for Defense doing, and is she aware that on 13<sup>th</sup> March, 2025, a heavily armed militia, believed to be Al-Shabab invaded a village in Mangai, Basuba Ward, Lamu County and that they were in pursuit of the area chief and NPR, who helps in maintaining law and order in that area.

It is believed that the militia got an opportunity to address members of the public and force them to even take the days that they were, they were having. Since then, the members of the public have been living in fear in that area not knowing where the militias will strike next and what will happen. What is the Ministry doing to safeguard those citizens who live in those areas?

My final question---

**The Speaker** (Hon. Kingi): Hon. Senator, you are entitled to only one.

**Sen. Boy:** Mr. Speaker, Sir, in addition that---

**The Speaker** (Hon. Kingi): Hon. Senator, you cannot add.

**Sen. Boy.** Mr. Speaker, Sir, I am finishing---

**The Speaker** (Hon. Kingi): You have already finished, Sen. Boy.

*(Laughter)*

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir. Allow me to request the Cabinet Secretary to take our greetings and our appreciation to the General for their professionalism and discipline as a unit of security in this country.

Having said that, I am a little bit apprehensive listening to you and reading the Constitution; it is not clear. Once the forces are deployed, what self-propelling mechanism has the National Security Council put in place to ensure that once they are deployed they do not roll into taking over the Government?

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

**Sen. Wambua:** Thank you, Mr Speaker, Sir. You cannot fail to notice that today, Sen. Methu is very well-addressed and the hair looks good.

Mr. Speaker, Sir, there are a lot of things that I have not told you and this House. I have not told this House that at some point in my life, I lived in the barracks. My father is a former army officer, in the Kenya Army of that time. So, matters of security and matters of Defense are very close to my heart.

The world over, armies are trained to do three things, whether it is explicit or not, they basically do three things. One is to fight and two is to kill, and three is to die for the motherland. That is the basic training of any army anywhere in the world, including Kenya.

I would want to know from the Cabinet Secretary, our colleague, Hon. Soipan Tuya, about July, 2024 when the KDF was unleashed on our streets. First of all, which battalion is this that was released to the streets? What was the mandate of their mission; their mandate must be very clear. Has the Gazette, notice that released the KDF to the streets been revoked or are they in the streets in perpetuity?

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

**Sen. Mungatana, MGH:** Thank you, Mr, Speaker, Sir. When the Cabinet Secretary was answering, she gave two examples and said in the North Rift where they were carrying out the “Maliza Uhalifu” Operation, the Inspector General of Police was in charge and the Defense Forces were supporting. In our neighbor, Lamu County when they were doing an Amani Boni Operation, it was the Chief of Defense Forces who was in command. We have the highest respect for our Defense Forces as a nation, discipline, and respect.

The question is not on their primary duty, which is the territorial protection of this nation. The question always arises on their secondary duty, which is getting into civilian mix and you have explained it very well. Do quote the Constitution because it gives general principles. Why do you not have a law specific on deployment of the Army for civilian purposes?

Mr. Speaker, Sir, when you go to inspect some projects, for instance, construction projects, you are told these ones are not advertised because the army will do them. We have no doubt that the army can do it. However, why is there not a proper legal framework which can be debated by the representatives of the people and made clear?

Hon. CS, all these questions are around the law and the application of how the army mix up with civilian life.

I submit, Mr. Speaker, Sir.

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

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**The Senate Minority Leader** (Sen. Madzayo): Asante, Mtahiki Spika. Ningependa kuuliza Mhe. Waziri swali moja.

Kuna sehemu kubwa sana ya shamba ambalo wanajeshi wa Mariakani Army Barracks wamelichukua na wanaishi humo. Familia husika zilitupwa nje. Wamejaribu sana kupata ardhi yao lakini mpaka sasa hawajawahi kuipata.

Je, Wizara yako imechukua hatua gani kuona ya kwamba shamba hili ambalo familia nyingi zilidhulumiwa zimerejeshewa? Wananchi hawawezi kufanya chochote kwa sababu ni wanajeshi wanakaa katika ardhi hiyo. Nina uhakika ya kwamba unajua kuwa kikosi cha jeshi kilipoenda pale, kulikuwa wananchi wakiishi pale. Ni hatua gani umechukua kuona kwamba shamba hilo limerudi kwa wakaazi wale au wenye shamba hilo?

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

**Sen. Murgor:** Thank you, Mr. Speaker, Sir. I have a question about security situation in north rift. Right now, the situation is a bit contained, quiet and conducive for our people to carry out their activities. However, once in a while, there are sporadic attacks. Those attacks may happen on one side causing chaos to the people. The reaction by the Kenya Defence Forces (KDF) to quell the situation is equally disastrous because they beat people, kill and shoot cows.

Could this be a matter of a unit overstaying in a place until probably it is now incompetent for them to perform? It seems like they are not up to the task because now the situation is out of control.

**The Speaker** (Hon. Kingi): Sen. Mo Fire, please proceed.

**Sen. Gataya Mo Fire:** Thank you, Mr. Speaker, Sir. My question is to our former colleague, CS Soipan Tuya. There is an old tradition in this country that whenever we have a recruitment, especially the military recruitment, there is a lot of hue and cry from the public. People will go to an extent of disposing their property to get money, so that their sons and daughters can be recruited in the military.

This has created a very imbalanced recruitment because only those who can afford to pay for that recruitment get their sons and daughters recruited in the military. We have had cases where parents have lost money through fraudsters. We will get somebody who requests you to get him some money, so that maybe your son or daughter can be recruited in the military.

In this case, we have denied our poor parents an opportunity to get their sons and daughters to serve in the military. So, what is the military doing because this is a cancerous habit? It has been with us for a very long time. I have not even captured any sentiment from the Ministry, for that matter, addressing that pertinent issue that is affecting our parents across the country. What is your Ministry doing to make sure that this bad habit stops forthwith?

**The Speaker** (Hon. Kingi): Before I allow the Hon. CS to respond, Hon. Senators, allow me to remind you that a supplementary question is a question that flows from the primary Question. The Questions by Sen. Mohamad Chute, Sen. Madzayo of Kilifi County and Sen. Mo Fire, do not qualify to be supplementary questions. However, I will allow the Hon. CS, if she is able to adequately respond to those three questions, you may proceed to respond as you respond to the other supplementary questions. If you are

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not in a position to do so, you can undertake to provide a more detailed response to those three questions.

Hon. CS, you may now take the floor.

**The Cabinet Secretary for Defence** (Hon. Soipan Tuya): Thank you, Mr. Speaker, Sir. The questions are many, but I will give an attempt to respond to all of them adequately. I will go in the order of the way they were asked.

I will start with the question by Sen. Tom Ojienda on what the threshold is for the KDF stepping in to contain internal threats in support of the National Police Service (NPS). I had demonstrated that there is a continuous engagement between the national security organs through the National Security Council and the National Security Committee, where we deal with the situational analysis of security situations on very regular basis.

I want to assure the country and this House that in as much as we do not have a scientific threshold to this effect, any matters that require the intervention of KDF - and this has been demonstrated over time - are done in a timely fashion in support of the NPS. This is not to say that the police officers are not doing their work. It is because we have serious security challenges that emerge so often and that support is required from the KDF.

Mr. Speaker, Sir, the second question was still asked by Sen. Ojienda, on what other duties, apart from the KDF sitting to wait for---

*(Sen. Ojienda consulted loudly)*

**The Speaker** (Hon. Kingi): Sen. Ojenda, may you listen to the Cabinet Secretary in silence.

**The Cabinet Secretary for Defence** (Hon. Soipan Tuya): Allow me to answer the second question by Sen. (Prof.) Tom Ojenda, SC, the Senator for Kisumu County. First, our soldiers do not just sit in the barracks. There is a lot of involvement in humanitarian and civic activities across the country in support of communities. This is in the area of water, security, schools, infrastructure and roads. I am sure we can attest to this at the various levels of involvement of the KDF in different parts of the country.

We also have a serious defense industry unit of the KDF where we have semi-autonomous Government agencies. One example is the Kenya Meat Commission (KMC) and the Kenya Ordnance Factories Corporation (KOFC) which engage in a number of activities away from fighting and the core mandate of our personnel.

On the question by the Senator for Nairobi City, Sen. Sifuna, on what was inaccurate about the article by *The Daily Nation* that referred to a military coup. I can only say that it was baseless, inaccurate and reckless.

Mr. Speaker, Sir, as much as you have declared the third question by Sen. Chute as inadmissible, we are seized of the matter of the Karare land and I appreciate the support of the Senator. We have had discussions and even this morning, he accosted me as I was walking into the House and we will advance discussions as agreed upon.

Mr. Speaker, Sir, we will need the support of the leadership of Marsabit County because the military base that is intended to be set up in Marsabit, is for the interest of the

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Kenyans. The Kenyan population in general and specifically, those communities affected by insecurity situations in Marsabit. The other interests espoused by the different parties are also pertinent and we will address that through the means that we have agreed on.

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

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

Mr. Deputy Speaker, Sir, there was the question by the hon. Senator for Migori on the limits of what KDF should and can do, once deployed. The definition of deployment is very clear as stated in the Constitution. The KDF do not undertake investigations. They do not undertake any form of arrests and they do not deal with any internal criminal liability issues. There are institutions that are tasked with that mandate and the role of the KDF is then restricted to restoring stability, leaving out all these other issues to the relevant agencies of Government.

Mr. Deputy Speaker, Sir, I thank you for admitting that the support of KDF to the NPS is indeed working in the north rift and this has been attested to by the Senator for West Pokot. We appreciate that feedback, but unfortunately, the KDF cannot be everywhere. However, as I said earlier on, insecurity has gone down in the north rift. Yes, there are instances where it is escalating in other parts of the country and that has been noted.

These are the issues that are in constant deliberation between the national security organs. The procedures are very clear. If the KDF is called upon, comes in to support the NPS in the areas that were stated, for example, in Isiolo, Meru and the other parts of the country where internal strife seems to be escalating. As I said, the situation in north rift is good.

Mr. Deputy Speaker, Sir, on the question by the Senator for Lamu, there is a fresh incident of 13<sup>th</sup> March of which I am aware of the incident in Kiunga, and it is a matter that is actively under investigation. Like I said earlier on, the KDF is actively deployed in Lamu under the Operation Amani Boni. I would not wish to comment on the processes that are undergoing

Mr. Deputy Speaker, Sir, with regard to this specific case of the invasion in Lamu that involved chiefs and other people in that area, I would like to assure the Senator that the matter is actively under investigation. I am sure that as the Senator of Lamu, he knows how to plug himself in and know what is happening. I, therefore, invite him to have a discussion outside this House.

For the hon. Senator for Kakamega County, I will pass those greetings to the generals and most probably they are watching. We thank him for appreciating their role. The scope and the duration for the deployment of KDF is clearly spelt out. Even the matter of the deployment that happened on 25<sup>th</sup> June is still active in court. The scope as defined by the Constitution and the relevant laws, cannot allow for a degeneration. This is because, even the duration clearly defines how long the KDF can continue to be deployed in these situations. The NSC is also properly designed to monitor constantly. This is also

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a multi-agency outfit in order to make sure that these deployments remain within the confines of the Constitution.

Mr. Deputy Speaker, Sir, the Senator for Kitui County, Sen. Wambua on the confines of the operation. I believe the question was whether the gazette still subsists for the deployment of 25<sup>th</sup> June. The parameters for 25<sup>th</sup> June were clear. I earlier mentioned that there is a court case. There were two gazette notices issued by the Cabinet Secretary then, defining as required by the court directive, the scope, duration and the confines within which the KDF was to operationalize the deployment.

With regard to the details of the battalions and their mandate, that is operational and I will not comment on that. The point here is to assure the nation and this House that the deployments are not arbitrary, the deployments are well thought out and the oversight role of the National Assembly, as is required for gazette, as well as defining the scope and the duration does not give room for misuse of the deployment operations.

Mr. Deputy Speaker, Sir, I thank Sen. Mungatana for expressing his respect for the KDF. On his question as to on why we do not have a specific law to define this secondary role of KDF. We do have a law - the Kenya Defense Forces Act. Part 2 of the Act, Sections 32, 33, through to 35, defines the parameters, the scope of engagement, the code of conduct and who takes command for the various levels of deployment. However, this House, is at liberty to review and ensure that if there are any gaps, we would be happy to engage in order to seal any loopholes that may be there.

Mr. Deputy Speaker, Sir, as it were, the Constitution, read together with the KDF Act, does provide the parameters for operationalising the deployments.

Sen. Madzayo, tuko na kesi nyingi across the country, kuhusiana na KDF. Lakini sina habari ya kesi ya Mariakani. Naomba unielezee zaidi. I am not aware of any row that exists between KDF and our operation space at Mariakani. Still, you are welcome to bring that to the fore if, indeed, there is any such dispute between us and the community in Mariakani.

With regard to question by Sen. Murgor, Senator for West Pokot County, I appreciate again that you have stated that the north rift is quieter and more conducive. However, it is not devoid of challenges and we constantly engage with our command at the north rift. We have dealt with a few cases. Should you have any outstanding, please bring them to the fore. We have dealt with some cases and we are still ready to deal with any that may be there. As you have said, there is a lot of progress. However, we have challenges here and there. We can address them as they come.

The hon. Senator for Tharaka Nithi County on the issue of recruitment. Allow me to say that sometime late last year, we got a fully-fledged notification of recruitment, with all the logos of the KDF and the Ministry published out there. We had no such recruitment going on. So, we have fraudsters out there who dupe Kenyans into believing that. We have Kenyans masquerading as generals out there with full uniforms, full ranks, and the like. I cannot say that there are no challenges that we need to address with a recruitment system. The Defence Council, which I chair, is currently working on a watertight recruitment system. One of the key principles of national security is that the recruitment by the national security organs must reflect the diversity of the Kenyan people and must be in equitable proportions.

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We are working round the clock. Without pre-empting, this House has raised a question on the same. When the time comes, I will give details on the measures we are taking to seal the loopholes in our recruitment processes.

I thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kathuri): Sen. Wambua, you asked your supplementary question. Our Standing Orders indicate that you only need to ask one. What do you want to say again?

**Sen. Wambua:** Mr. Deputy Speaker, Sir, I thank you for indulging me. The purpose of asking any supplementary question is to get an answer. So, if you ask a supplementary question and you do not get an answer, then there is no point. I want to seek clarification.

I do not want to push the Cabinet Secretary to do things that she is not allowed to do. On my own behalf and behalf of the people of Kenya, I want to understand what is so secretive about telling Kenyans what brigade or what battalion is engaged in whatever operation is taking place anywhere in the country. The question was specific. What battalion was deployed to deal with the cases on the streets in July? This question was about the gazette notice. It is either to say whether the gazette notice has been lifted or is still in force. I see no issues with that. Let us get those answers; they are important to the people of this country.

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kathuri): Sen. Wambua, you asked a question and then answered it yourself. Therefore, allow the Cabinet Secretary to comment on that operation in July last year. Cabinet Secretary, if you are not ready, then we can also ask you another question.

**The Cabinet Secretary for Defence** (Hon. Soipan Tuya): I am ready, Mr. Deputy Speaker, Sir.

Sen. Wambua, I cannot respond to your question because of the provisions of the KDF law on the limitation of information. The questions on capacity and disposition of deployment fall under that limitation. So, I cannot extend beyond that.

On the question of whether the deployment has been revoked, no, it has not. The matter is actively in court. However, I would also want us to remember again that the deployment of June 25<sup>th</sup> is in support of the NPS, just like the other secondary operations within the country.

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kathuri): I will request that Sen. Wambua, that if he is not really satisfied, he could walk to the office---

**The Cabinet Secretary for Defence** (Hon. Soipan Tuya): Mr. Deputy Speaker, Sir, allow me to invite Sen. Wambua.

**The Deputy Speaker** (Sen. Kathuri): Actually, I was making the way for him so that he could reach your office. The Cabinet Secretary has invited you.

Senator Veronica Maina, proceed.

**Sen. Veronica Maina:** Hon. Cabinet Secretary, welcome back to the House where you served for a few days. Congratulations on your new appointment.

Lamu County has experienced violent extremism. We want to know the current security situation in Lamu. Is KDF still actively deployed there? Has the Somali border been closed or is it still open? What is the current status of that deployment at Lamu County?

**The Deputy Speaker** (Sen. Kathuri): Hon. Cabinet Secretary, proceed.

**The Cabinet Secretary for Defence** (Hon. Soipan Tuya): Thank you, Mr. Deputy Speaker. As I indicated, the KDF remains key to the security situation at Lamu. The operation Amani Boni is actively ongoing. The border remains closed.

**The Deputy Speaker** (Sen. Kathuri): Hon. Cabinet Secretary, from my dashboard, you have no other supplementary questions or interventions. Therefore, I want to congratulate you on appearing before the Senate and satisfactorily responding to all the supplementary questions without tossing and turning back and forth. This is a clear demonstration that Kenyan women can handle even the most extraneous duties. I want to thank you and your Principal Secretary. We are former colleagues.

We need to know the way you are working together in the Ministry. I do not want to say that because you are a former legislator, you know the issues facing Kenyans. Thank you for your time. All the best as you serve Kenyans.

*(The Cabinet Secretary for Defence (Hon. Soipan Tuya, EGH)  
was ushered out of the Chamber)*

**The Deputy Speaker** (Sen. Kathuri): Sen. Abdul Haji, kindly approach the Chair.

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

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

**The Temporary Speaker** (Sen. Abdul Haji): Let us move on to the next Order.

## MOTION

NOTING OF REPORTS OF THE 63<sup>RD</sup> AND 64<sup>TH</sup> OACPS  
PARLIAMENTARY ASSEMBLY AND THE 43<sup>RD</sup> AND 1<sup>ST</sup>  
ACP-EU JOINT PARLIAMENTARY ASSEMBLY

**Sen. Kathuri:** Mr. Temporary Speaker, Sir, I beg to move-

THAT, the Senate notes the Reports of the-

(i) 63<sup>rd</sup> Session of the Organization of African, Caribbean and Pacific States (OACPS) Parliamentary Assembly and the 43<sup>rd</sup> Session of the African, Caribbean and Pacific-European Union (ACP-EU) Joint Parliamentary Assembly meetings in held in Brussels, Belgium from 19<sup>th</sup> to 28<sup>th</sup> June 2023; and

(ii) 64<sup>th</sup> Session of the Organization of African, Caribbean and Pacific States (OACPS) Parliamentary Assembly and the 1<sup>st</sup> Session of the

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African, Caribbean and Pacific-European Union (ACP-EU) Joint Parliamentary Assembly meetings in held in Luanda, Angola from 17<sup>th</sup> to 21<sup>st</sup> February 2024.

Laid on the Table of the Senate on Wednesday, 6<sup>th</sup> December 2023 and Wednesday, 2<sup>nd</sup> October 2024, respectively.

The OACPS was created by the Georgetown Agreement in 1975. It was established as an African Caribbean and Pacific (ACP). During the same year, 1975, a cooperation agreement was established between the ACP and the EU, then referred to as the European Economic Community (EEC).

The Cooperation Agreement was signed in Delorme, Togo and thus adopted the name the Lomé Convention. The Lomé Convention guided the cooperation between the ACP and EU, which is Lomé 1, Lomé 2, Lomé 3, and Lomé 4 up to 2000 when the Cotonou Partnership Agreement was signed between 78 ACP countries and 28 EU countries.

The Cotonou Partnership Agreement was signed to govern cooperation between the ACP and the EU for 20 years, up to 2020. The ACP-Georgetown Agreement provides for an ACP Summit as the highest governing organ, with the Council of Ministers as the policy-making organ and a committee of ambassadors as the policy implementer.

Kenya hosted the 9<sup>th</sup> ACP Summit in Nairobi in December 2019. During the Summit, a revised version of the Georgetown Agreement was adopted. It was during the revision of the Georgetown Agreement that the new name for the ACP, that is OACPS, was adopted.

The Samoa Agreement is a framework for EU relations with African, Caribbean, and Pacific countries. It is the new partnership agreement between the EU and 79 countries from Africa, the Caribbean, and the Pacific, which totals to 49 African countries, 16 Caribbean, and 15 Pacific countries. The agreement includes a common foundation for all OACPS levels combined with the three regional protocols for Africa, the Caribbean, and the Pacific, with a focus on the regions' specific needs.

The new agreement was officially signed on 15<sup>th</sup> November, 2023, by the EU and its member states and OACPS members in Samoa. Its provisional application was to start on the first day of the second month after their signature, that is, 1<sup>st</sup> January, 2024. The Samoa Agreement is based on six key priorities-

- (1) Human rights, democracy, and governance;
- (2) Peace and security;
- (3) Human and social development;
- (4) Inclusive, sustainable economic growth and development;
- (5) Environmental sustainability and economic change; and,
- (6) Migration and mobility.

The OACPS-EU Joint Parliamentary Assembly was the first session since coming to force of the Samoa Agreement the new partnership agreement between OACPS and the EU on 1<sup>st</sup> January, 2024. The first constitutive session of the OACPS-EU Joint Partnership Agreement was held on 21<sup>st</sup> February, 2024. The session was formally opened by His Excellency Esperança Maria Eduardo Francisco da Costa, Vice President of Angola; Carolina Cerqueira, President of the National Assembly of Angola; as well as

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JPA Co-President Carlos Zorino from the European Parliament; and, Ana Rita Sithole from OACPS Parliament.

During the opening session, His Excellency Hon. William Samoei Ruto, PhD, CGH, President of the Republic of Kenya, and Commander-in-Chief of the Defence Forces delivered a recorded video keynote speech as the outgoing President of OACPS and member of the OACPS, Kenya Troika handover the Presidency of OACPS to Angola during the 10<sup>th</sup> OACPS Summit in December, 2022. Kenya will remain in the Troika until December, 2025.

The President highlighted the limited capacity of the JPA due to its lack of legislative power and reiterated the need to overcome this challenge for the effective functioning of the JPA. He concluded by restating Kenya's commitment towards rule-based international order, multilateralism, and peaceful resolution to conflicts.

After the opening ceremony, two delegates ensued, featuring input from the EU Commissioner for International Partnership, Jutta Urpilainen and Prof. Fabrizio Cardone, a Political Science Professor at the University of Glasgow. The United Kingdom was represented in the opening ceremony by Commissioner Urpilainen, who in her address to the Assembly, delineated the various partnership packages tailored to ACP regions through the Global Gateway Africa with OACPS to ensure that people and communities remain central in efforts to address the inequality. The debate topics revolved around the renewed vigour of the partnership between OACPS and the EU.

Mr. Temporary Speaker, Sir, as you are aware, we attend OACPS sessions as Members of the Senate and also the National Assembly. If you recall, we have attended several sessions with you. I think twice in Brussels, Belgium. All the issues that have been recorded here are facts on what our deliberations have always been.

I want to make a summary of the remaining bit. The Samoa Agreement provides for creation of regional parliamentary assemblies that comprise countries from Africa, the Pacific, the Caribbean, and the EU. This is a replica of what our colleague, Sen. Mungatana, is doing in the Pan-African Parliament (PAP). The Samoa Agreement requests that we should have these regional parliamentary assemblies so that we can discuss our issues.

We should have these Regional Parliamentary Assemblies so that we can discuss our issues since we are affected by similar problems and challenges. Thus, when we have Parliamentary Assemblies in the regions we can canvass our issues in a better way.

The Regional Parliamentary Assemblies are co-chaired by a Member of the European Parliament on one hand and a Member of Parliament from the respective African, Caribbean or Pacific Parties nominated as Chair on the other hand. The African region elected a Member of Parliament from Mozambique, Hon. Ana Rita Sithole while the European Parliament elected Mr. Carlos Zorrinho to represent the parties as Co-Chairs.

The first plenary session took place on Sunday, 18<sup>th</sup> February, 2024 to elect the bureau members consisting of two co-presidents of the European Union (EU) and the Organisation of African, Caribbean and Pacific States (OACPS) and the members of the respective regional assemblies.

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Uganda's Deputy Speaker of Parliament, Hon. Thomas Tayebwa was elected as the President of the East African Bureau, which represents Kenya, Uganda, Tanzania, Seychelles, Mauritius, Djibouti, Rwanda and Burundi. The bureau consists of one representative from each region, that Africa, the Caribbean and the Pacific and EU who are executive bodies of the Joint Parliamentary Assembly (JPA).

The main bureau consists of two co-presidents, one each from the EU and OACPS. Twenty two Members are drawn from the respective Regional Parliamentary Assemblies. The representation in the co-presidency of the African, Caribbean and Pacific were elected from Benin, Jamaica and Somali respectively.

Mr. Temporary Speaker, Sir, if you can recall, just two months ago, my colleague, the Deputy Speaker of the Ugandan Parliament was elected as the president of the African Parliament. We have a new leadership under Hon. Thomas Tayebwa. I congratulate him and wish him well as he leads our region.

The JPA adopted the rules of procedure which guides the operations of the assemblies. This report is a summary of the issues discussed at the recently concluded session of the OACPS-EU-JPA, many of which are very relevant to our existing situations. It is hoped that the subjects covered will generate rich and meaningful debate and inspire ideas that will help resolve issues of international and national concern such as climate change, adaptation and mitigation for Kenyans from a local context.

The new session of the OACPS and joint OACPS-EU Parliamentary Assemblies will be held in 2025 on a date to be announced. The Regional Assemblies will be held virtually in 2025 on a date to be communicated. At least this was held one month ago.

As I mentioned, we have two Members who represent the Senate, Sen. Abdul Haji and I. From the National Assembly, our delegation is led by the Deputy Speaker of the National Assembly, Hon. Gladys Shollei and three other Members. Therefore, on behalf of my fellow Members of the delegation that represented the Parliament of Kenya in Rwanda and Angola, I beg to move that the Senate notes this report as presented.

Mr. Temporary Speaker, Sir, you were to second this report because you are my colleague in the OACPS. However, since the Pan-African Parliament is also a regional Parliament and some of the issues I am discussing here are also discussed by the Pan-African Parliament, I will honourably request my colleague, Senior Sen. Mungatana to second this report. I thank you.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you. Proceed, Sen. Mungatana.

**Sen. Mungatana, MGH:** Mr. Temporary Speaker, Sir, I want to thank you and Sen. Kathuri for ably moving this report and giving the nation and the Senate what they managed to achieve when they went to represent us in the international forum.

One of the things that the Parliaments sitting out there discussed was the need to develop closer cooperation with Brazil, Russia, India, China, and South Africa (BRICS) nations. It was discussed that there is need for developing cooperation with not only the traditional EU bloc, but also to look for a way to find cooperation with the BRICS. The BRICS is a new bloc that has come up and is asserting its presence in the global arena. In the past we only had the Western versus the Eastern powers, but here we have the BRICS.

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I want to congratulate those Members who represented us and the views that our regional Parliaments need, to also shift focus and start finding a way to work with the BRICS. The reason is that the BRICS came together and discussed a lot of issues around trade and cooperation between themselves. They have started to invite other nations to come together and work with them.

The most critical thing is that these nations have decided that they will start operating on a new platform of trade. They will not be using the dollar anymore to do their international trade. This is a tremendously huge and important step that needs to be emulated. What is it that they have done so well that is resulting in them moving in that direction and what can we learn, especially from Africa and the Pacific regions? What is it that Parliaments from this African-Pacific region can learn from that move?

I support the idea that the African and Pacific area Parliaments should find a way to cooperate with the BRICS.

One of the issues that was discussed is a common problem that some States are failing to give their assessed contributions to the organisation. They said that 10 countries did not make a single contribution to the 2022 budget of that regional organisation. The question then begs; how does a nation join an international organisation, sign treaties and then, refuse to give its assessed contribution?

Mr. Temporary Speaker, Sir, this is a challenge that we need to address. My prayer is that the Ministry of Foreign and Diaspora Affairs in Kenya will not be one of those that will be mentioned. I am sure they were not be in this one.

I want to take this opportunity to urge the Cabinet Secretary for Foreign Affairs and Diaspora Affairs, the Hon. Musalia Mudavadi, together with his Principal Secretary, Dr. Korir Sing'oei, to sit down and review all our memberships, so that we are not part of those countries that are described as 100 per cent non-contributor countries because we have signed to be in those organisations. It is a shame.

Mr. Temporary Speaker, Sir, in this particular meeting, our President visited and was the guest of honour. He officially opened the sitting of that Parliament. You can imagine if you are not contributing and the Ministry of Foreign and Diaspora Affairs has not verified whether we are contributing, and then the President goes there as a guest of honor. These things should be looked at. I know the Ministry is listening to me. Can they sit down and review all treaties we are supposed to be contributing to, especially parliamentary organizations, so that this issue will never affect us as a nation?

I am proud of the fact that whenever we go to the Pan-African Parliament (PAP) and stand to speak as Kenyans, we speak with a lot of pride and honor. This is because we have managed to keep up with our assessed contributions. My prayer is that Kenya will never be mentioned in a list of shame in areas we belong to an international organization, that do not pay up on our assessed contribution.

The third issue that was discussed and is critical was the concern that was raised by African and Pacific Parliamentarians meeting of the non-tariff barriers by the European Union (EU). A concern was expressed about the “green deals”. These policies tend to be segregatory against agricultural animal products that are coming from Africa and Pacific nations. The EU comes up with standards which are hurting businesses from Africa and the Pacific region. This issue was discussed at length.

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My prayer is that every time we go to these international meetings, the point must be made that Africa should not be segregated. We should not use these standards to deny opportunity to do business. Already, we suffer a lot. It takes a lot of effort for us to access the markets in the EU. It is sad that they are now developing more standards that are excluding animal products and other products from the agriculture sector coming from Africa.

I am happy that the report that was read to us and laid on this Table has said that members raised concern about this. Some of the standards that the EU is creating are not genuine. Those are standards that are specifically created to exclude the Pacific and African nations from their markets. That promotes their own products so that their intra-trade within the EU is increased at the expense of African and Pacific nations. My prayer is that the EU will take note. This is the reason I have said, and I am going back to the point that even as we work with the EU, it is time for us to also look at the new kid on the block; BRICS. If we are able to tell the EU that their standards do not make sense, but we have our friends in China, Russia, India and all the BRICS nation, then they will start treating us with dignity. Some of the standards and requirements make it impossible for our potatoes, for example, to reach the European markets, and yet we are supposed to be in the same block, friends and countries that are cooperating together.

I am glad that this issue was debated in that Parliament. My prayer is that the EU would note. Right now, the European Union and countries in Europe in general need new friends because the United States of America (USA) has decided that they are not going to be pandering to the EU anymore. The new administration has been very tough on them in terms of putting up, without hesitation, tariffs against their products whenever the situation calls for it.

It is time for the EU to also look for new friends within the Pacific and African region. One of the things it could do, instead of creating standards that are oppressive to our export products, they should now start creating more-friendly environment for us to trade because their traditional partner, the USA, is no longer as friendly as it used to be.

Mr. Temporary Speaker, Sir, with all those many remarks, I second this Report. I urge that our international engagements continue, so that the presence of Kenya, this Senate and the National Assembly is felt as it should. We should maintain our position as an influential country across the world in various fora. I beg to second.

Thank you, Mr. Temporary Speaker, Sir.

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

*(Question proposed)*

Sen. Kinyua, proceed.

**Sen. Kinyua:** Asante Bw. Spika wa Muda. Nashukuru kwa ripoti zilizoletwa, lakini ni kazi bure ikiwa tutafanya mikutano hii ilhali uhusiano wa biashara hauonekani kwa Wakenya ama wananchi wa nchi husika. Majukumu makubwa ya miungano yoyote inayofanywa ni kuleta manufaa kwa wananchi wa nchi husika.

Hii ni kwa sababu wale waliotuchagua na kutuweka katika nyadhifa hizi wamefanya hivyo ili tuinue hali yao ya maisha. Nashukuru kwa sababu mikutano mingi

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inayofanywa inaleta mahusiano mazuri. Vilevile inafanya nchi husika kuondoa vikwazo vya kibiashara na uhusiano.

Nashukuru vile Naibu Spika wetu amesema kwamba katika mikutano aliyohusika walichagua viongozi wa nchi zingine. Huu uhusiano usionekane tu katika biashara, bali hata wakati wa shida. Ikiwa nchi jirani wana shida ama majanga, wanaweza kupata mahali ambapo pana usalama na hali nzuri.

Sitaki kuongea mengi kwa sababu jambo kama hili litasaidia sana wahusika. Kwa mfano, tukitengeneza reli kutoka Mombasa, ipitie Naivasha na iende hadi Kisumu mpaka nchi jirani, itasaidia Wakenya. Kwa hivyo, ni vizuri mikutano na uhusiano huu unaoendelea uwe unawahusisha wananchi wa nchi husika.

Nashukuru sana, Bw. Spika wa Muda.

**The Temporary Speaker** (Sen. Abdul Haji): Asante, Seneta.

I call upon the Mover to reply.

**Sen. Kathuri:** Thank you, Mr. Temporary Speaker, Sir. I want to thank the two Senators who have contributed to this Report. They seem to know exactly what they are saying and the debates that you have been discussed at the ACP-EU summit.

Sen. Mungatana raised a very valid point about the subscriptions to these regional or international parliaments. You remember we were to attend the OACPS Parliament in Benin in January this year but, the meeting was suspended because there were no finances. The countries that subscribed to OACPS and the European Union (EU) did not pay the subscription. So, it was very hard to finance that Parliamentary session. So, what Sen. Mungatana has raised is something that needs to be looked at by the member states so that we do not have hiccups in these meetings.

Also, Sen. Kinyua has raised a very important point, especially on the benefits that the member states can get. Most of our products, especially agricultural products, find their markets in the European Union (EU). Sometimes, they decline to accept our products because of standards. They say we have over sprayed; we have used more pesticides or herbicides. These are the people who produce these herbicides and all these chemicals. They dump them in Africa but when we use them to produce our products, they decline. After have sold their chemicals here in Africa, we spray our crops and become very energetic. So, when we try to ship them back now so that they can utilize them, they decline our products and say we have overused the chemicals. They use us to get their money; to get the market for their industrial chemicals, but then when we sell to them, they start now blaming us. These double standards should be stopped.

They should produce chemicals that have no effect to them, of course, so that when we farm with them, the products are acceptable; they should give us the basic standards, and the basic chemicals. These are the issues that we continue to converse.

You remember also we have an issue where they said that areas that have been deforested, especially, you cannot plant coffee without at least affecting a few trees and there, or tea. Then, they have said that areas that have been deforested to produce those crops will be barred from exporting those agricultural products to the EU. So, these are the issues that are on the table for us to discuss at OECPS-EU Parliamentary sessions.

Mr. Temporary Speaker, Sir, with all these remarks, I beg to reply and because there is no quorum, I also defer the putting of the question---

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**The Temporary Speaker** (Sen. Abdul Haji): Are you deferring?

**Sen. Kathuri**: Sorry, Mr. Temporary Speaker, Sir, I request. I thought I had powers when standing here.

*(Laughter)*

I thought I had the same powers that I enjoy while I am chairing.

Mr. Temporary Speaker, Sir I request you to defer the putting of the question. Sorry for that.

**The Temporary Speaker** (Sen. Abdul Haji): Very well. We have deferred the putting of the question.

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

Next Order.

### MOTION

#### NOTING OF REPORT OF THE 9<sup>TH</sup> IPU CONFERENCE OF YOUNG PARLIAMENTARIANS HELD IN HANOI

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Methu, you may proceed.

**Sen. Methu**: Thank you, Mr. Temporary Speaker, Sir. If you indulge me for one minute, I would also want to inform the House that a fortnight ago, I was elected as the Mount Kenya District League Golf Convener. We had our first match, Nyahururu versus Nyeri and we beat Nyeri 13-3.

Mr. Temporary Speaker, Sir, I beg to move-

THAT, the Senate notes the Report of the 9<sup>th</sup> Inter-Parliamentary Union (IPU) Global Conference of Young Parliamentarians held in Hanoi, Vietnam from 15<sup>th</sup> to 17<sup>th</sup> September, 2023---

**The Temporary Speaker** (Sen. Abdul Haji): Sen. John Kinyua, what is your point of order?

**Sen. Kinyua**: Mr. Temporary Speaker, Sir, I listened to the good Senator for Nyandarua County, Sen. John Methu, saying you indulge him, but what he said, I did not understand. Does it relate to this Senate? How does it relate to this Senate or to what he is about to present? Maybe, he can clarify.

**Sen. Methu**: Mr. Temporary Speaker, Sir, it relates to the extent that I am a Senator and a Member of this August House and having gotten such a rare honour, it is only fair that I inform the Senate.

I have gotten that opportunity right from Hon. Kanini Kega, and now it has come to the Senate. I have even gone further to explain that in my leadership we have started on a very positive note that we have beaten Nyeri County 13-3 sets. This is a very rare feat. The Hon. Sen. Kinyua should relax. The next hub that we are taking on is Nyahururu versus Nanyuki and we shall do what we do best to Nanyuki.

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Mr. Temporary Speaker, Sir, I beg to move-

THAT, the Senate notes the Report of the 9<sup>th</sup> Inter-Parliamentary Union (IPU) Global Conference of Young Parliamentarians held in Hanoi, Vietnam, from 15<sup>th</sup> to 17<sup>th</sup> September, 2023 laid on the table of the Senate on Tuesday, the 5<sup>th</sup> of March, 2024.

The IPU, the World Organization of Parliaments is a global forum for parliamentary dialogue, cooperation, and action. The union advances democracy and assists parliaments and Parliamentarians throughout the world to fulfill their mandate. The Assembly is made up of 180 members, and 15 associate members. The IPU facilitates parliamentary debate, dialogue and cooperation. It also promotes and defends democracy, and the rule of law, and also assisting parliaments in coping with the growing international agenda relevant to their duties.

The IPU Assembly is the principal strategic body that expresses the views of inter-parliamentary unions on political issues. It brings together parliamentarians to study international problems and make recommendations for parliamentary and governmental action. The Assembly meets biannually and is held each time in a different country, providing participants with an opportunity to see various national realities.

The 9<sup>th</sup> Inter-Parliamentary Global Conference of Young Parliamentarians took place on the 15<sup>th</sup> to 17<sup>th</sup> September, 2023 in Hanoi, Vietnam. If you have not had an opportunity to visit Hanoi, it is an extremely beautiful city. It is a perfect green city. It is a city that looks like a city in a forest. The level of afforestation in that particular part of the world is breathtaking.

The theme of the conference was “the role of the youth in accelerating achievement of the SDGs through digital transformation and, innovation. Since 2014, global conferences have addressed topical issues linked to empowerment and have provided policy orientation. In areas such as political participation, peace and security, Sustainable Development Goals (SDGs), social and economic inclusion, education and employment, and wellbeing, recovery from the COVID-19 Pandemic, and Climate Action.

The 9<sup>th</sup> Conference of the Young Parliamentarians took place eight years after the adoption of the Hanoi Declaration on the Sustainable Development Goals turning the world into action by IPU Members of Parliament in 2015. As it is the midway point to achieving the SDGs by 2030, the Conference took stock of the progress and highlighted the rising importance of technology and innovation to accelerate action towards global goals. More specifically, the Conference empowered young Members of Parliament (MPs) to build knowledge and experience better positioning to perform their roles on timely topics such a digital transformation, innovation and startups, cultural and human values for sustainable development. Delegations were therefore encouraged to come prepared with examples of good practices to share with colleagues.

Hon. Temporary Speaker, Sir, it is also important to say that, as part of my presentation as the Head of the delegation that time, we were able to share the Kenyan story, especially the Kenyan story of the M-Pesa, our digital money transfer or digital money market, which fascinates the world that, from the comfort of your seat, in two, three, four, five seconds, you can send as much money as you want to people in the towns

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of Masalani in your county. This has made business very easy. It is this digital transformation and stories like this that we are sharing at the 9<sup>th</sup> Inter-Parliamentary Union (IPU) in Hanoi.

Mr. Temporary Speaker, sir, the Conference encompassed three primary sessions - Digital Transformation, Innovation and Startups, and Promoting Respect for Cultural Diversity in Support of Sustainable Development. Nearly 500 delegates, including 300 international delegates from 70 IPU member states and international organizations gathered together, making it the biggest one since the conception of the Global Conference of Young Parliamentarians.

The three primary thematic discussions received lively participation from the international delegates with the Digital Transformation Session featuring about 30 presentations on the Innovation and Startups, and 40 on the Promoting Respect for Cultural Diversity in Support of Sustainable Development. It is important that I inform the Senate that, among these 30 presentations that were made, one was from the delegation from Kenya, which I was honoured to present. Kenya is a powerhouse, especially on matters of digital transformation in our region and continent. We were able to actually encourage the other Parliaments to ensure that they carry home part of the presentations that were being made, including the one that we made for Kenya.

Mr. Temporary Speaker, Sir, I was honoured to lead that particular delegation that comprised of our colleague, Sen. Crystal Asige and another colleague, a brilliant young advocate, a Member of Parliament who is courageous and has proved time and again that she fits the bill, Hon. Jane Njeri Maina, Member of Parliament from Kirinyaga County.

During the Conference, members of the Kenyan delegation were actively involved in the deliberations that greatly enriched the resolutions. In my contribution during the General Assembly as the leader of the delegation, I highlighted Kenya's achievements thus far on our digital transformation and emphasized the generational responsibility of young legislators, urging them to ensure that they allocate resources to align with the declarations made during discussions.

Hon. Temporary Speaker, Sir, this is a very critical departure that we got from Hanoi, that, even as we speak about digital transformation, resources will always follow functions. We are the people who are tasked with budgeting national resources, and we cannot just keep saying that we want to empower our young people, but do not allocate as much resources that will match this particular clarion calls that we keep making.

More specifically to us, who have been given opportunities to serve as young Members of Parliament, both from the National Assembly and from the Senate, we must endeavour to convince our colleagues that even as we budget money for roads, water and capital projects, they are important. However, we can only achieve that to the extent that we want to, this digital transformation and digital economy that we keep talking about, if we invest as much money.

If we speak about the online jobs that are being done by our young people, if we do not ensure that they have easy access to internet, we will be saying on one hand, but not providing the requisite opportunities and tools of trade so that they can achieve and benefit from this particular scope of source of employment.

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Hon. Temporary Speaker, Sir, on behalf of the delegation, I would wish to thank the office of the Speaker of the Senate and the Clerk of the Senate for the continued support towards facilitating the activities of the Inter-Parliamentary Union, ensuring that Kenya was well represented during that Conference of young parliamentarians.

It is also important to say that, even though the delegation of the members of the support team that we went with were drawn from the two Houses, both the National Assembly and the Senate, we had a very good team. They were able to facilitate Members and including our presentations that we were made.

As we keep saying time and again, the Secretariat and the members of staff from Parliament keep proving that their professionalism is beyond reproach. I would like to encourage the Clerk of the Senate, Mr. Jeremiah Nyegenye, to continue giving as many members of staff, opportunities to showcase their knowledge and professionalism with the delegations that keep moving. Sen. Asige is a visually impaired person. If she was here, she would have confirmed that indeed, the team that we had been given by the leadership of the Secretariat of the Senate was a good team.

Mr Temporary Speaker, Sir, Article 7 of the IPU statutes mandate members of the IPU to submit the resolutions of the IPU within their respective Parliaments in the most appropriate form, to communicate them to the Government and stimulate their implementation to inform the IPU Secretariat as often and fully as possible, particularly in its annual reports of the steps taken and the results obtained.

Accordingly, Hon. Temporary Speaker, Sir, in accordance with Article 7 of the statutes of the IPU, it is my pleasure and humble duty to submit this Report, highlighting the discussions and the Conference statement of the 9<sup>th</sup> Inter-Parliamentary Union Global Conference for Young Parliamentarians to Parliament for necessary noting and action.

Mr Temporary Speaker, Sir, I therefore, beg to move and request Sen. Veronica Waheti Maina to second.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Veronica, please, proceed.

**Sen. Veronica Maina:** Thank you, Mr Speaker, Sir, for the opportunity to second the moving of this Report.

At the onset, let me congratulate the delegation that represented Kenya ably at the 9<sup>th</sup> IPU Global Conference on Young Parliamentarians, which included none other than yours truly, Sen. John Muhia Methu - I am happy to note today the hair looks very smart, Sen. Crystal Asige, our very own able Senator who represents persons living with disability in the Senate, Hon. Jane Njeri Maina, MP and women representative for Kirinyaga County, and the two delegates who were drawn from the Secretariat, both at Senate and the National Assembly.

Hon. Temporary Speaker, Sir, I have noted that from this Conference, our Kenyan delegation was very active, as it should be, and they were greatly involved in the deliberations that enriched the resolutions that were arrived at. That is what a delegation should always do, especially when they represent our nation anywhere. It is important that a report is returned, that the participation is active, not absent, and that our delegates are able to contribute and enrich the deliberations and the resolutions that emanate from any conference. Ideally, that is why the taxpayer uses the money to sponsor our delegation.

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I have noted with a lot of interest the venue where this Conference took place. That was in Hanoi, Vietnam, an interesting destination, which has been in the discussion of Kenyans lately, because of Kenyan, Margaret Nduta, a lady from Murang'a County, whose fate is hanging on the thread because of having been convicted for capital punishment due to offences or accusations related to drug peddling or drug trafficking, or whatever it is that Nduta has been faced with, noting that Vietnam has very strict drug laws.

Mr. Temporary Speaker, Sir, before I finish commenting on the Global Conference on Young Parliamentarians and because Nduta is a young woman, for the last week or so, I have seen a whole hearted petition by Kenyans to the Government to quickly do what it can and have bilateral discussions with the Government of Vietnam and reverse the fate of Nduta from hanging by the rope or getting a lethal injection.; and she be allowed to face the Kenyan judicial system.

A caution we should throw to the young people is that many countries and jurisdictions are very strict on drug offenses and drug charges. It is therefore very important that when young people are approached to do certain things, they should be very cautious as to who gives them what to carry or transport and the suitcases they have while traveling so that they do not find themselves in the situation that Nduta found herself in.

Mr. Temporary Speaker, Sir, we thank the Permanent Secretary, Ministry of Foreign and Diaspora Affairs for reaching out to the Government of Vietnam to discuss this matter and the fact that the punishment was delayed as the governments are discussing is also important. We know an offense could be an offense but we do not know how that process went on. However, we also know that the Kenyan judicial system is eager to enforce the criminal law jurisdiction. I am sure that if Nduta was returned here, she would still face the Kenyan judicial system and this may be lighter for the family. We therefore continue to hope that the Government will discuss and see that the fate of Nduta is reviewed and that she comes back to face the music back home.

Notably, Kenya has no bilateral agreement with Vietnam and maybe it is time for that because the nearest Kenyan embassy accredited to Vietnam is in Thailand. I do not even know how the delegation that was sent worked during this time. They must have had a lot of difficulties because Kenya does not have a mission down at Vietnam and now that we have relations with Vietnam, we urge the PS, Foreign and Diaspora Affairs, to ensure that now that the relations between Kenya and Vietnam are fostered, this should enable us put a foreign mission there considering that there are many Kenyans working in Vietnam. This will be fair and it will be a big honor and great service to those Kenyans if there was a foreign mission or a diplomatic mission that can serve them closer in Vietnam.

Mr. Temporary Speaker, Sir, both countries have issues that are of common interest that could be handled by that foreign mission. Having said that, I am wishing consolation to Nduta's Family back in Murang'a.

Coming back to the report, the theme of this Conference was on the role of the youth in accelerating the achievement of the SDGs through digital transformation and innovation. I will jump to one of the items that were noted by the Secretary General (SG)

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during this Conference; that the SG took the opportunity to address the under-representation of young women in parliaments, emphasizing that their contributions were indispensable in advancing the SDGs, through digital transformation and innovation. He underscored the crucial role of young women and called for increased efforts to ensure their meaningful participation in parliamentary processes.

The reason the young women were singled out must have been because, it is very easy for women to be left behind in digital transformation. It is my view that as our systems get more digitized and become more technologically efficient, it is important that women are carried along. If you look at what is happening now, commerce and trading has gone digital and everything, including the service delivery by governments has gone digital. Unless we carry the women along in this digital transformation, women will always take the shorter end of the stick in this transformation.

That is why this Conference addressed issues of how the young women can be carried along, including those who are in parliaments in order to ensure that their role as women parliamentarians becomes meaningful, even as people participate in parliamentary processes. Right now, you might find that the people who can follow the proceedings even in these Parliament, are those who are digitally aware or are digitally informed. Therefore, it is important that as we go on, parliaments should become centres where the skills of those who are serving within parliaments are improved in this digital technology and transformation.

Mr. Temporary Speaker, Sir, the resolutions that have been arrived at during this Conference should actually be turned into action, so that we do not have conferences being attended to, resolutions being drawn and no action being taken. We need to be in a place where we say, from resolutions now to action, from action to impact so that, the resources being used in these global conferences can become a reality to the citizens of Kenya.

Mr. Temporary Speaker, Sir, I once again congratulate the team that represented Kenya in this IPU Global Conference. I hope that this will impact the other young parliamentarians within our jurisdiction.

With those remarks, I now second this Motion. I thank you.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you, hon. Senator.

*(Question proposed)*

Sen. Danson Mungatana.

**Sen. Mungatana, MGH:** Mr. Temporary Speaker, Sir, I thank you for giving me the opportunity to make my contribution to this report. I first acknowledge the work of the head of delegation and his leadership. Sen. Methu, our former Chairperson of the Committee on Land, Environment and Natural Resources has distinguished himself in this House and the service.

I wish him well and I pray that the people of Nyandarua will keep bringing him back, so that when we finally go, we will leave this House in responsible hands. There were primary sessions that were held during this IPU sittings. There was a session on

digital transformation. There was a session in innovation and startups. There was a session on promoting respect for cultural diversity in support of sustainable development.

One of the comments that Sen. Methu made there as the head of delegation was that, we need to support the resolutions that are passed there with resources, so that what is reflected there, becomes a reality in this country. I am happy to say that on digital transformation, the Government of President Ruto has done something remarkable. This is because, for the first time in many years, we have had an administration that has been speaking about digital transformation, a digital economy and pushing that idea. Last month when the President visited our own county, we launched, through the Member of Parliament for Galole, one of the digital innovation centres.

Mr. Temporary Speaker, Sir, there were young people in Hola who gave testimony on what happened after they finished university. I listened to one of the ladies. She said that she finished university and was not getting a job. So when she heard there was an innovation centre, she came to Hola and started participating. Now she can get something at the end of the month because of the jobs that she is getting.

I want to thank this administration for partnering with the National Government - Constituencies Development Fund (NG-CDF) across the country to make this digital economy a reality. My prayer is that this will be the trend and that more and more young people will benefit from these innovations. Our delegation, the young parliamentarians in the Inter-Parliamentary Union (IPU), discussed this at the international forum, and it is being applied here. What has been done is good, but more resources need to be allocated so that something can continue to happen in our various countries.

The other session that was discussed there was on innovation and startups. I am disappointed in the Government that I support in this area. A lot of our people in Tana River County - I have a young man who is actually a teacher, but he described himself as an innovator. He can create a lot of things, make a bicycle, and produce energy for running a water system. He even created a radio station for basic things. He has this gift that God has given him. He can put something in his mind, think about an issue and come up with a product. However, where is the support for people like these? We have seen, even in other areas of this country, young people who create something that looks like a plane that took off, although not for a long time. Where is the money for innovation? Where is the money for startups? Many young people think outside the box. Many people come up with nice ideas, and I know because I have seen them in my county.

This is not just in Tana River County but in many other counties. Young people know that going to school to get education does not guarantee you a job. They get education and try to start up their own businesses. That is why now we have a lot of musicians and content creators who are making money. Also, we have people who are doing something in the field of innovation and startups, as discussed in the IPU. Nevertheless, where is this money? We can say that in these 47 counties, we have allocated Kshs5 million, Kshs100 million or Kshs20 million for each. As a result, the most innovative young people can be given access to this funding so that they can create their startups.

I attended a youth meeting in Hola, our county headquarters in Tana River. I met a young man who had come up with a machine that irrigates the land for agricultural

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purposes using simple technology. He was using phone technology so you can know when you are supposed to irrigate the land, if the water is enough, and stuff like that. He really impressed me.

Nonetheless, where is the money to help young people, such as those, to support their innovation and startups? We need to tell our Government and the Cabinet Secretaries in charge to think of ways and means of putting funds in this direction because that is what Article 7 of the IPU statutes has mandated our delegation to come and say here in this country. We have been mandated to move this so that the resolutions that they passed are given a life in this country.

Therefore, as we debate this matter in this Senate, we are asking the Cabinet Secretary for National Treasury and Economic Planning and the relevant sector Cabinet Secretary who is in the microeconomic sector to please come up with a fund that is specifically for youth that can support our youth across the counties.

Many counties have created funds to support business in general. Nonetheless, I am speaking about funds that will specifically support innovation and startups. I request that the national Government and our county governments create these funds, so that our young people can also have opportunities to make a living from the digital economy using the internet.

That was a useful session, and it has opened the minds of many people. We are happy that the IPU is thinking in this direction. We pray that our members will continue to support us and help us to go in the right direction.

Lastly, the final session was on promoting respect for cultural diversity in support of sustainable development. During that session, I just wanted to say one thing: I was requested just over last weekend to be a guest of honour at Pwani Cultural University in our neighbouring Kilifi County.

They had a huge cultural day. One of the things I said was, “Yes, we have many diverse cultures within the university; those different cultural diversities should be our strength.”

I felt that identifying people through their tribes and tribal allegiance was not really what I had hoped would happen among our children. When I was in university, we had that kind of thing. My prayer was that people would identify themselves in terms of counties, County X and County Y, not necessarily their tribal affiliation. Why? Because tribes in Kenya eventually will die. I am saying this because the kind of generation that we are raising is a Kenyan generation. We should put all effort into creating a Kenyan tribe if we like, but not necessarily promote certain tribes.

We want Kiswahili to be the language we speak and, obviously, for official purposes, even English. This is what we are selling in the African Parliament when we go there. We want our countries to raise, in fact, not tribes but nations, and these nations to raise a continent called Africa, so that you will be happy to be in.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Mungatana, you will have two minutes left when this debate resumes.

**ADJOURNMENT**

**The Temporary Speaker** (Sen. Abdul Haji): Hon. Senators, it is now 1.00 p.m. It is time to adjourn the Senate. The Senate stands adjourned until later today, Wednesday, 19<sup>th</sup> March 2025, at 2.30 p.m.

The Senate rose at 1.00 p.m.