

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

Wednesday, 5<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): Serjeant-at- Arms, kindly ring the Quorum Bell for 10 minutes.

*(The Quorum Bell was rung)*

Hon. Senators, we now have quorum. Please, settle down for the business of the day.

Clerk, you may proceed to call the first Order.

#### PAPERS LAID

#### REPORTS OF THE AUDITOR GENERAL ON FINANCIAL STATEMENTS OF VARIOUS ENTITIES FOR THE YEAR ENDED 30<sup>TH</sup> JUNE, 2024

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to lay the following Papers on the Table.

Report of the Auditor General on Financial Statements of Machakos County Bursary Fund for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of the County Executive of Lamu for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of the County Assembly of Lamu for the year ended 30<sup>th</sup> June, 2024.

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Report of the Auditor General on Financial Statements of the County Revenue Fund County Government of Lamu for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of the Receiver of Revenue - Revenue Statements - County Government of Lamu for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of the County Assembly of Lamu Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of Lamu County Executive Staff Housing Fund for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of Lamu County Emergency Fund for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of Lamu County Youth Development Fund for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of Lamu County Bursary and Scholarship Fund for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of Lamu County Disability Fund for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of Lamu County Gender and Social Development Fund for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of Lamu County Fisheries Development Agency for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of Lamu County Climate Change Fund for fourteen (14) months ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of Municipality of Lamu for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of Lamu County Referral Level 4 Hospital - County Government of Lamu for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of Faza Sub County Level 4 Hospital - County Government of Lamu for the Six (6) months period ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of Mpeketoni Sub County Level 4 Hospital - County Government of Lamu for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of Lamu Water & Sewerage Company Limited for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of the County Executive of Siaya for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of the County Assembly of Siaya for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of the County Revenue Fund - County Government of Siaya for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of Receiver of Revenue - Revenue Statements - County Government of Siaya for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of Siaya County Assembly Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June, 2024.

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Report of the Auditor General on Financial Statements of Siaya County Bursary Fund for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of Siaya County Emergency Fund for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of Siaya County Alcoholic Drinks Control Fund for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of Siaya County Referral Level 4 Hospital - County Government of Siaya for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of Bondo Level 4 Hospital - County Government of Siaya for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of Got Agulu Sub County Level 4 Hospital - County Government of Siaya for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of Yala Sub County Level 4 Hospital - County Government of Siaya for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of Madiany Sub County Level 4 Hospital - County Government of Siaya for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of Sigomere Sub County Level 4 Hospital - County Government of Siaya for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of Uyawi Sub County Level 4 Hospital - County Government of Siaya for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of Ukwala Sub County Level 4 Hospital - County Government of Siaya for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of Rwambwa Sub County Level 4 Hospital - County Government of Siaya for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of Ambira Sub County Level 4 Hospital - County Government of Siaya for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of Siboi Water and Sanitation Company Limited for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor General on Financial Statements of Siaya County Climate Change Fund for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General of the Financial Statements of Machakos County Bursary Fund for the year ended 30<sup>th</sup> June 2024.

Mr. Speaker, Sir, I beg to lay.

*(Sen. Cheruiyot laid the documents on the Table)*

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

## QUESTIONS AND STATEMENTS

### QUESTIONS

**The Speaker** (Hon. Kingi): Hon. Senators, we are expecting three Cabinet Secretaries this morning. We have a total of 10 Questions and, therefore, time will be of

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the essence. We intend to have the Cabinet Secretary (CS) for Labour and Social Protection to start the session from 9.40 a.m. to 10.30 a.m., then from 10.30 a.m. to 11.30 a.m., we will have the CS in charge of Treasury and Economic Planning. From 11.30 a.m. to 1.00 p.m., we will have the CS in charge of Interior and Coordination of National Government.

The CS in charge of Labour and Social Protection is in the House. Welcome, hon. CS. We will straightaway go to the Questions posed in respect to your Ministry. The Question No.11 by the Nominated Sen. Catherine Mumma. You may proceed, hon. Senator.

*Question No.011*

THE WELFARE OF KENYAN MIGRANT WORKERS

**Sen. Mumma:** Thank you, Mr. Speaker, Sir, for the opportunity to ask this Question and welcome Mr. CS to the Senate. I beg to ask the following Question-

(a) Could the Cabinet Secretary provide the Senate with a list of bilateral labour migration agreements and arrangements that Kenya has signed, particularly with the West Asian countries to protect Kenyan migrant workers? Do these agreements comply with the international labour laws and standards?

(b) What monitoring and enforcement mechanisms have been established within these agreements to ensure that recruitment agencies and employers comply with the provisions related to fair wages, humane working conditions and access to legal recourse in cases of violation?

(c) How many cases of passport confiscation involving Kenyan migrant workers have been reported from 2019 to date? What actions have been taken to penalise the violations and protect the affected workers?

(d) Could the Cabinet Secretary provide a breakdown of reported cases of abuse against Kenyan migrant workers from 2019 to date, including the outcomes of investigations? Could he explain the Government's role in ensuring that victims have access to legal aid, shelter, and repatriation?

Thank you, Mr. Speaker, Sir.

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

**The Cabinet Secretary for Labour and Social Protection** (Hon. (Dr.) Mutua): Good morning, Mr. Speaker, Sir.

Hon. Members, I reply as follows and thank you for the questions. I have provided to this House a list of all the Bilateral Labour Migration Agreements (BLMAs). They are quite a number. Therefore, if I read them, it will take some time and I know about the constraint of time. So, I will give a summary.

That Bilateral Labour Migration Agreements are key instruments in ensuring migrant workers' rights and welfares are protected, increasing access to decent jobs in countries of destination and support realisation of the development benefits of labour migration. The BLMAs negotiated by the Ministry are right-based and aligned to the international labour standards.

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The Government of Kenya has signed and is implementing three agreements with the West Asian countries. This include the Kingdom of Saudi Arabia on recruitment of domestic workers, signed in 2017. The State of Qatar on recruitment of employment of workers, signed in 2012. The third agreement is with the UAE on labour cooperation, which was signed in 2018.

Additionally, the agreements have been signed with Germany in 2024, with Austria in 2024 and the UK in 2021, for healthcare professionals. Negotiations are ongoing with 10 countries and we are looking forward for a positive feedback from them. The agreements loosely reflect the principles and standards of the key international framework, including the International Labour Organization Conventions on Decent Work, Fair Recruitment and Migrant Workers Protection, as covered by ILO Convention 97 and 143.

Two, the United Nations Global Compact on Migration, which promotes safe, orderly and regular migration. Three, regional protocols such as the African Union's Migration Policy Framework, which emphasises migrant rights.

I have just summarised on the written; (b) on monitoring and enforcement mechanisms which have been established with these agreements to ensure that recruitment agencies and employers comply with the provisions of fair wages.

The Ministry has put in place the following monitoring and enforcement mechanisms to ensure that recruitment agencies and employers comply with provisions related to fair wages, humane working conditions, and access to legal recourse in cases of violation-

One is the BLMAs as explained above. The BLMAs are very clear in the rights of the Kenyans and the work needed to be done by the agency that is sending them overseas.

There is also provision of consular and attaché services to migrant workers. Since we took over, as the Kenyan Kwanza Government, have now reformed how the consulars work. We have posted labour attachés. We work with the ambassadors to make sure that Kenyans are free to go to the embassies to report any cases and ensure that everything that is attested goes through a system that complies with the law.

For example, Mr Speaker, Sir, before any person goes out of this country, the employer has to provide what is called a demand, or say that we need this person to be employed.

That demand has to be taken to the Kenyan embassy of the country where they live and they do due diligence to see whether that company exist. Does this organisation exist? Are these jobs real? When that is done, they attest and they stamp. That is sent now to Kenya; particularly to my Ministry and a national employment agency. That is where now an agency here is allowed to recruit. Therefore, we have been able to do away with fake jobs overseas by ensuring there is a system through our consular services to ensure a Kenyan goes to do a job that is existing.

Furthermore, the whole process of taking people abroad means that even before they are recruited, the Ministry has to attest their documents. If a Kenyan claim to be an engineer, we will not allow him to leave the country as an engineer if he does not have documents to show that indeed he is an engineer.

Mr. Speaker, Sir, one cannot pretend to go there as a driver if he does not have a document to show that he is a driver. Even with hospitality, we cannot allow you to go there if you have never taken any hospitality courses. So, we make sure that those are aligned before you go.

We have set up a desk at the Jomo Kenyatta International Airport (JKIA) and other international airports. The immigration now requires anybody going for employment to be verified by that desk at the airport before they can be allowed to leave the country. This ensures that people are smuggled out of the country.

Mr. Speaker, Sir, we also have monitoring and spot checks of private employer agencies and we do impromptu visits to ensure that they are not briefcase agencies.

We also have provided distress reporting tools and phone numbers to Kenyans working abroad. These phone numbers are available on our website. Any distress, you call this number and we are able to know.

There is also an oversight and community feedback mechanism where the Ministry in collaboration with International Organisation for Migration (OIM) has established this mechanism to facilitate continuous monitoring of the private employer agencies. They are now there.

We have a system where one has to go for vetting once their license expires. This is done before it is extended for another year. Documents are brought from the Attorney-General, National Intelligence Service and other offices. People are at times not allowed to continue working because they have been shown to be undertaking unscrupulous deals. Therefore, vetting is undertaken to ensure that the oversight is done well.

We also have pre-departure training and orientation. I was in Mombasa this week where we opened the Saudi House. In that house, people going overseas will be taught how to work if they will be employed as house girls. With that help, they will not put shoes in the microwave. They will also have an understanding of how to separate clothes when using the washing machine. They will also know that they should not use the dish washer to wash clothes.

We are also collaborating with governments, agencies and organisations. A good example is Germany. There is a group interested in setting up a German Hospital in Kenya to teach people how to work in a German facility before they leave to go and work there. This will reduce conflict when people go overseas. We also have capacity building of private employment agencies on ethical recruitment and it is ongoing. It is all explained there.

Part 'c' of the Question is on the cases of passport confiscation involving Kenyan migrant workers. The law is clear. The Kenyan law and BLMA that we sign do not allow Kenyans to have their passports confiscated. This habit has been going on for a long time in some countries. With the new international labour organisations, there countries like Kenyan, for example, have laws that prevent people from handing over their passports to their employer. The passport is their document.

We have asked them to report to the Kenyan Embassy if the employer asks them to hand over their passport to them. If I hear of any case, I call the relevant Minister in that country who then works on it.

A country such as Saudi Arabia has set up a desk to deal with Kenyan complaints. In their Ministry of Labour, they have an officer and a unit dedicated to dealing with Kenyan issues. With that, they can move with speed when there is a complaint to ensure that their citizens are adhering to the set laws.

There is a question on breakdown of reported cases of abuse against Kenyan migrant workers from 2019 to date. We have had cases from several countries as listed there. The good thing is that the numbers are going down because of this reportage.

I was in the Middle East and I visited countries such as United Arab Emirates, Saudi Arabia and other countries, where I met senior officers at my level. What came out is that we have to talk to Kenyans on their attitude and how to live in foreign countries. We want to protect Kenyans so that they are treated fairly.

I went to one country where a Minister told me that at one point had Kenyans, Philippines, Europeans, Indians, Americans and Canadians held in one place because they were being deported out of the country. During that time, there was a problem with internet, hence delay of one week in processing the documents. Everybody was told about the problem, but the Kenyan cohort that was there rioted, yet it was the smallest group. They caused a number of distractions. They asked me what is special about Kenyans. He said that people from other countries did not revolt. I told them that we will train our people on patience.

They also said that Kenya provides the lowest number of workers from overseas in their countries. However, if you google in social media, the highest number of people attacking their countries are from Kenya. They asked me what is wrong with Kenya. I got this complaint from six countries. They said that Kenyans are the ones who are always complaining on social media.

We are training our people and telling them that we will fight for their rights. However, they should also use the right channels to raise their complaints without ruining the chances for others. Because of the complaints, the quota for Kenyans going overseas has been reduced. They prefer Ugandans, Ethiopians and South Africans. They said that Kenyans are good workers, but they can also be big headed.

We are having attitude training to teach our young people who have grown up in an activist system that they should leave their activism *nyumbani*. They should go there and follow the system. If they have a problem, we will bring them back home. However, they should not go there and start *maandamano* in a foreign country.

We have also set up shelters for repatriation in some of these countries. I want to commend the State Department of Diaspora Affairs under the Prime Cabinet Secretary, Hon. Musalia Mudavadi. The Permanent Secretary is doing a wonderful job in terms of having safe houses and people are coming back home.

We are on top of things. I have ensured that we provide access of good employment opportunities for Kenyans. We are also providing ways of protecting our people. I want to thank the hon. Member for these good questions. The rest of the information is on the written document.

**The Speaker** (Hon. Kingi): Sen. Mumma, do you have any supplementary question.

**Sen. Mumma:** Thank you, Mr. Speaker, Sir. I have two supplementary questions. Thank you, Cabinet Secretary for that answer. The answer makes one believe that we have a perfect system in place. However, you will agree with me that two weeks do not pass before we are told of a case of a female domestic worker who is stuck on a third or fourth employer. One who does not have their passport, critically sick or dead thus help is sought from Kenyans for them to come back home. I do not think that answer has spoken to those issues.

My first supplementary question is; do we have a programme that sensitizes Kenyans on the system that you are talking about? Remember the domestic workers you are talking about possibly are not on social media. They will not go to a website to see the safeguards that you have. Do we have a sensitization programme that reaches out to the vulnerable possible migrant workers who need to know what working abroad entails?

Does the Ministry's agreement with the agencies provide in detail the need for the agency to provide all the information you are talking about? Does it tell the worker where they can report if they have a problem? Does it tell them where the consular is and what legal aid they can get? Can this Senate be provided with copies of the agreements that you have with these agencies, including the list of the accredited agencies for recruiting for migrant workers?

I thank you.

**The Speaker** (Hon. Kingi): Hon. Cabinet Secretary, proceed.

**The Cabinet Secretary for Labour and Social Protection** (Hon. Alfred Mutua): Thank you, Mr. Speaker, Sir and Hon. Sen. Mumma. The system is not perfect, but it is working. I can proudly say that within the last three months we have not had any reported cases of people getting their passports confiscated or dying out of what you may call abuse or distress in these foreign countries.

Kenyans are now empowered. They now reach their embassies and our attaches are able to deal with those issues before they escalate. We also have issues where people go to countries for a particular job and then they quit and become runaways. They are out of status. In the United States of America (USA) they are called illegal immigrants. This is because they went to work somewhere, but they quit and are now out in the streets.

We have had cases where those people get into trouble. We are trying as much as possible to get them back into the system, but they need to come back home. We have a number of Kenyans who talk about distress, but they do not want to come back home. They still want to do their *chini chini manenos* over there, yet they are out of status and are illegal in some of these countries.

I would also like to report here that we have quite a number of Kenyans in some foreign countries who have given birth to children. The children are still with them, but we are trying to get them back here. For the children to come back, the mother needs to come back too because we require a Deoxyribonucleic Acid (DNA) test to match theirs. We have realised that some children are given to somebody *na mtu anaambiwa ampeleke kwa mama yake*. The child is not yours and you also do not want to be accused of child trafficking.

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The second question was on sensitization. We are about to embark on a nationwide communication programme, which was halted because we did not have enough budget to undertake it. I will be going across the country holding meetings with communities, chiefs and elders, so that they understand what happens when their children go overseas to get employment.

In addition to that, before they leave the country, all these employees are taken through sensitization. They are sensitized about their rights. Given the right documents and taken through process of reporting to the nearest embassy. Those documents are given to them with proper orientation, which they have to undertake.

The agencies have also been told that before anybody goes overseas, all their boxes have to be ticked, including that of orientation. They are obeying. Since I came in, I have indicated that if you do not obey, then you are de-registered. We will provide this House a list of the agreements and all other documents that have been requested.

I submit.

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

**Sen. Miraj:** Asante, Bw. Spika. Swali langu kwa Waziri ni kuhusu dada zetu walio huko nje. Kuna mikakati gani ya kufanya operationalisation of the Welfare Fund ili kuwaruhusu dada zetu baada ya kufanya zile DNA---

**The Speaker** (Hon. Kingi): Sen. Miraj, you need to choose which language to use. You either go for Kiswahili or English, but do not mix the two.

**Sen. Miraj:** Kiswahili.

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

**Sen. Miraj:** Asante, Bw. Spika. Swali langu kwa Waziri ni kuhusu dada zetu na changamoto wanazozipata ughaibuni wanapofanya kazi. Je, kuna mikakati gani ya uendeshaji wa hazina ya fedha ya kuwasaidia wanapokuwa kule nje? Nina imani kuna juhudi na jitihada nyingi ambazo Wizara imesaidia kwa kuwafanyia ile DNA *test*. Lakini kuna changamoto ya kifedha wanapopata zile *birth certificates* ambazo wanapewa.

Je, kama Wizara kuna mikakati gani imewekwa kuona kwamba hazina hii inafanya kazi na kuwasaidia hawa dada zetu kule ughaibuni?

Asante.

**The Speaker** (Hon. Kingi): Proceed, Sen. Onyonka. Hon. Cabinet Secretary kindly note down the questions, so that you can respond to them after.

**Sen. Onyonka:** Thank you, Mr. Speaker, Sir. I just heard the Cabinet Secretary comment that when he sees Kenyans demonstrating whether it is in Saudi Arabia, he thinks they are talking about *mapambano*. I want to remind him that our Constitution allows Kenyans---

**The Speaker** (Hon. Kingi): Hon. Sen. Onyonka, do not offer speeches; ask your question as per our Standing Orders.

**Sen. Onyonka:** Mr. Speaker, Sir, I was laying the preamble.

**The Speaker** (Hon. Kingi): No. Go straight to the question. What is your question, Senator?

**Sen. Onyonka:** Mr. Speaker, Sir, I cannot ask the question if I cannot set up the preamble. So, I rest.

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

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**Sen. Mungatana, MGH:** Asante, Bw. Spika. Bw. Waziri, mimi na Wakenya walio na nia njema tunakushukuru kwa sababu ya kazi unayoifanya. Yangu ni malamishi machache na ndiposa nina swali la kukuuliza. Umetenga siku ambazo utakuwa unazuru kaunti tofauti tofauti na pia unahitaji watu wa kuajiriwa kazi ughaibuni. Hata hivyo, kaunti ambazo umezuru na kufanya kazi zina vijiji vikubwa. Kuna kaunti zilizo mbali na wananchi wanachukua muda mrefu kufika vijijini, kwa mfano, Tana River na zinginezo.

Kwa nini hujaweka mpangilio wa kutangaza siku ya kuzuru kule kuwaandikisha vijana na watu wanaotaka kufanya kazi---

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

What is your point of order, Sen. Madzayo?

**The Senate Minority Leader** (Sen. Madzayo): Bw. Spika, kwa heshima na taadhima umemnyamazisha ndugu yangu Sen. Onyonka kwa sababu alikuwa anaeleza kabla hajauliza swali lake. Lakini naona mkondo huo unafwatwa na ndugu yangu Sen. Mungatana na humsimamishi kama ulivyomsimamisha Sen. Onyonka.

*(Applause)*

Ningetaka kujua ni kwa sababu gani pengine umechukua uamuzi kama huo.

**The Speaker** (Hon. Kingi): Senator, is your point of order directed to the Chair or Sen. Mungatana?

**The Senate Minority Leader** (Sen. Madzayo): Sen. Mungatana, MGH.

*(Laughter)*

**The Speaker** (Hon. Kingi): In that case, Sen. Mungatana is not out of order.

Senate Minority Leader, kindly approach the Chair.

Proceed and conclude. Ask your question, Sen. Mungatana.

**Sen. Mungatana, MGH:** Bw. Waziri nilikuwa nauliza ni siku gani utapanga na Wizara yako kuzuru kaunti kama Tana River na zinginezo ambazo ziko mbali na miji mikubwa ili uwaandikishe wanaotaka nafasi za kufanya kazi ughaibuni.

Asante.

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

**Sen. Wafula:** Thank you, Mr. Speaker, Sir. Mr. Cabinet Secretary, your team was in Bungoma County sometime back in a public institution to recruit young people to go to the diaspora to work. I have received their calls and they are travelling to Nairobi City County, so that they can be facilitated to get the Social Health Authority (SHA) to enable them to travel abroad.

What is the contract between the SHA or any other insurance towards these young people going outside the country to work?

I thank you.

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

**Sen. Wambua:** Mr. Speaker, Sir, I want to seek clarification from the Cabinet Secretary. When he stood to respond to the questions, he profiled Kenyans as big-headed activists, people who take *maandamano* abroad, and who generally have bad manners. Is

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that the appreciation of the Ministry of the calibre of Kenyans that we send outside the country for jobs abroad? This is a House of records. It will be important for him to come clean on whether that is what the Ministry appreciates of Kenyans we send to work abroad.

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Sen. Cheruiyot Aaron, the Senate Majority Leader?

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, has the Ministry finally installed the LIIM system, which the predecessor in that Ministry promised this House the last time they appeared on this issue? That was finding of this House in a delegation that you led. I think you were with the Senate Minority Leader, his Deputy and several Senators when we met Kenyans living and working in the United Arab Emirates (UAE). That is one of the requests that they made to this House.

At the subsequent meeting and presentation by the Cabinet Secretary for Labour and Social Protection, they had committed as a Ministry that by the time they came to this House, they would have installed that system. Would that system answer many of the questions that Senators are asking about the enlisted companies and whether it is easily possible to trace Kenyans?

The whole problem was supposed to be sorted by this system. My question to the Cabinet Secretary is whether that system has been installed, and if not, what is causing the delay, and how long until we get it?

Lastly, we have the Chairperson of the Standing Committee on Labour, and Social Welfare with us here today. This House spent a lot of time towards the end of the last Session of Parliament doing an investigation on all these issues that are being raised. Unfortunately, that report never saw the light of day because it came at the end of the term of Parliament.

We request that the Committee on Labour and Social Welfare invite Ministry officials for a session and a consideration of that report. They do not need to travel or do anything else. They need to move this House to adopt those recommendations as they speak about many of the issues Members of this House are raising this morning.

I thank you, Mr. Speaker, sir.

**The Speaker** (Hon. Kingi): Sen. Joe Nyutu

**Sen. Joe Nyutu:** Thank you, Mr. Speaker, Sir. My question is very brief. The jobs in Saudi Arabia have more challenges than those in Western countries. What arrangements has the Cabinet Secretary put in place to see to it that when jobs arise from Western countries, which are more lucrative, that they are evenly distributed across the country?

I ask this because there are rumours out there that jobs in Europe and Canada are reserved for some areas in this country. Exactly what does the Cabinet Secretary do to see to it that any available job opportunities abroad are distributed evenly across the country?

Thank you, Mr. Speaker, Sir.

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

**Sen. Osotsi:** Thank you, Mr. Speaker, Sir. This matter of immigrant workers to the Middle East has been an issue that has come to the two Houses many times. Every

time we get answers, they are not satisfactory. The Hon. Cabinet Secretary has this morning misled this House that no death has been reported in recent times.

I want to put to him that a 28-year-old lady by the name of Elizabeth Chausi from Shamakhokho Ward, Passport No.AK1179924, was murdered in Saudi Arabia. This was widely reported in the media. Is he aware? This is to the extent that his Ministry is not even listening to the media.

Where is the embassy? Why has the embassy not been informed about this death? This is a very sad case because this particular lady comes from a very humble family. An old grandmother called Agnes Maiti raised her. She left to go and look for greener pastures in Saudi Arabia only to die there, but the Ministry is doing nothing. The family requires Kshs1.3 million to bring the body back home. This case happened last week.

The Cabinet Secretary cannot have the audacity to come to this House and lie that there has never been any death reported when in Vihiga County alone this year, I have so many cases of people who have died in the Middle East in similar cases.

Mr. Speaker, Sir, I want you to caution the Cabinet Secretary to withdraw the statement that no Kenyan has been reported dead in Saudi Arabia. I have the documents--

**The Speaker** (Hon. Kingi): Sen. Osotsi, the Chair is speaking. Proceed to ask your question and let the Hon. Cabinet Secretary respond.

**Sen. Osotsi:** I ask the Cabinet Secretary whether he is aware Elizabeth Shausi of Passport No.AK1179924, who hails from Shamakhokho Ward in Vihiga County, is either alive or dead.

*(Laughter)*

What is the Ministry doing to bring back the body home? Is the Kenyan Embassy in Saudi Arabia awake or asleep on this matter?

**The Speaker** (Hon. Kingi): Sen. Wakili Sigei.

**Sen. Wakili Sigei:** Thank you, Mr. Speaker, Sir. I noticed that in the forwarding letter to this response, I want to correct this because Sen. Mumma, who is a Member of your Panel, is not Beatrice Muna. May the Cabinet Secretary correct that spelling to make reference to specific names. Yes, the letter refers to Catherine Muna, which is a misrepresentation.

My question to him is on his response to the fact that the Ministry has posted labour attachés to a number of our missions abroad. I would like to get specifics or a confirmation that these labour attachés are in all our missions. If not, which are those missions without labour attachés? How do they deal with issues like what Sen. Osotsi has raised in instances where we do not have labour attachés in our missions abroad?

Thank you.

**The Speaker** (Hon. Kingi): Sen. Madzayo?

**The Senate Minority Leader** (Sen. Madzayo): Asante Mstahiki Spika. Swali langu kwa Waziri ni hili. Mwanzoni wa mwaka huu, kuna mama anayeitwa Maureen Yaa Nyadzua. Aliondoka Kenya kama *nurse* kwenda kufanya huko Saudi Arabia. Hatimaye ikatokea kwamba ilikuwa lazima afanye hiyo kazi yake ya *nurse* ndani ya nyumba. Hivi

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sasa huyo mama ni mgonjwa sana. Ana *presha* na magonjwa tofauti tofauti yanayolazimu aidha apelekwe hospitali na akipona aweze kurudi nyumbani.

Mama huyo anatoka Baraka Chembe huko eneo la Kaunti ya Kilifi. Kuna *agency* inaitwa Lahaza *Agency* iliyompeleka huko. Sasa akiwa na haja ya kuwafikia wale *agents* wake hawezi. Ni mgonjwa sana na kuna hatari anaweza kufariki.

Bw. Waziri, je, unaelewa kwamba huyu mama yuko hali mahututi na hivi sasa anatakikana kurudi nyumbani? Hilo ndilo swali la kwanza.

Swali la pili, je, hii Lalazar ama Hahazar *Agency* inaruhusiwa na Wizara yako kupeleka Wakenya kule Saudi Arabia kufanya kazi?

Niko na jina la *agent* ambaye alihusika na kumchukuwa huyu mama kutoka Kilifi akampelela Saudia. Anaitwa Bw. Mohammed. Namba yake ya simu ni 0759297229. Je, huyu mtu anaruhusiwa kufanya hiyo kazi ya kupeleka watu Uarabuni?

Huyu mama sasa hivi hawezi kufanya kazi yoyote ya nyumba ama ya uuguzi. Wewe kama Waziri na Wizara yako, unachukua hatua gani kuweza kumleta huyu mama nyumbani? Vile vile umechukua hatua gani kuona ya kwamba hii kampuni ambayo ilimpeleka imewajibika kuweza kumleta huyu mama nyumbani?

Asante, Bw. Spika.

**The Speaker** (Hon. Kingi): Hon. Cabinet Secretary, you may respond to that first set of questions.

**The Cabinet Secretary for Labour and Social Protection** (Hon. Alfred Mutua): Thank you, Mr. Speaker, Sir.

Nitaanza na swali la Sen. Miraj kuhusu ile hazina ya fedha. Tayari tumepanga mikakati ya kuwa na hazina ya fedha ambayo itaondoa changamoto nyingi. Hivi sasa lazima hiyo hazina ya fedha iwe imeorodheshwa kwenye sheria. Kwa hivyo, tuko Mswada wa *Labour Migration*, ambao tayari niliweka sahihi juzi ndiyo iweze kuletwa kwa Bunge na iweze kuchangiwa ndiyo uwe sheria. Kwa hivyo, tunatarajia kwamba itakuja mpaka hapa na tutaweza kusonga nayo.

The second question is from Sen. Mungatana. Thank you very much as that is a brilliant question. Kwa sababu Nairobi na Mombasa sio Kenya na miji mikuu sio Kenya, ni lazima tuwe na mikakati ya kuweza kuwafikia watu. Nilikuwa nimeanza safari ya kuenda katika kila kaunti kuzungumza na ndugu na dada zetu lakini tukawa na upungufu wa hali ya fedha. Unajua kuna upungufu wa fedha kwa sababu bajeti yetu ilikatwa.

Pia kulikuwa na changamoto kidogo ya zile safari nilienda. Niliona kuna *agencies* na mikakati ambayo kweli lazima kwanza yalainishwe ndio tusiende tukajichimbia shimo. Kwa hivyo, hayo ni mambo ambayo naendelea kumaliza na hivi karibuni nitarejea.

Nataka kufanya kazi sana na waheshimiwa wa Seneti na wa Bunge la Kitaifa, ndiyo tuweze kushirikiana. Wakati naja mahali nawaeleza, mnapanga watu wenu na pengine hata mnawasaidia na nauli kidogo na tunaenda mahali ambapo ni karibu. Nikienda kaunti fulani, nisiende tu mahali pamoja niende *recruitment* kaunti nzima.

Kuna mpango ambao naangalia ambapo nitaweza kuwauliza nyinyi wenyewe mkiwa kule kijijini muweze kuwatambua wale ambao wamehitimu, ndiyo tuanzie hapo. Isikuwe ni kazi yetu tu kuja hapo. Nyinyi ni waheshimiwa ambao mmepigiwa kura na wananchi. Mnastahili kuwawakilisha na kuwasaidia.

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Sen. Wakoli, you talked about the team in Bungoma. I am not conversant with that process. What I know is that before people go overseas, they have to undertake medical tests. The tests can be quite expensive. It means x-rays for your chest, looking for Tuberculosis (TB), blood, infections and so on. I believe that the move for people to register for SHA, is so that when they go for medicals, part of that medical fee is covered already by their registration. Nevertheless, I will follow up to find out why it is happening that way.

Sen. Wambua, I would like to just clarify that I never said that Kenyans are big-headed activists. I was reporting what they told me. It is the spirit of Kenyans that makes us great. We are people who are very well-educated, liberal and democratic. We know our rights and we fight for them. That is very good spirit and that is what makes us a great nation.

Mr. Speaker, Sir, we need to bridge between our rights, information and ability to speak our voices with how to do it. The issue is not what to do, but it is how we are doing it. When you go to a foreign country that may not have the democratic rights like we do in our country, you need to understand how to navigate the aspects of those countries.

Undoubtedly, in countries with democratic rights, everybody frowns upon a foreigner coming to shout in their country. If we had foreigners in our country who are employed here demonstrating in the streets of Nairobi, you will see Kenyans saying, *warudi kwao, kwani hao ni nani wanakuja kutupigia kelele hapa kwetu?* It is a matter of just teaching Kenyans how to seek redress without appearing to be a thorn in the flesh in these countries. Since when you travel to another country, you are a visitor.

The overlying principle is if you are dissatisfied with where you are and you no longer want to be there, you can leave that country. Nobody will stop you from leaving that country and coming back home. Come back to your country. However, if you wish to stay there, then you may have to adhere.

I have lived overseas. I lived in Australia, USA and even lived and worked in Dubai. There are principles that you have to adhere to in Dubai. If they tell you do not go around shaking hands or hugging women, you do not do it because that is their principles. If you feel like your rights for hugging is being embedded upon, come back home. Come and hug the ones in Kenya. Do not cross the border because there are religious factors and other factors in different countries.

We are doing civic education, so that we teach our young people how to adapt to these cultures. Cultural knowledge is very important even in a country like Japan. If you go there, there are some ways you can cross your legs and insult a whole village. Thus, we are teaching them how to really behave in some countries.

The Senate Majority Leader asked about the system. Before I joined the Ministry, a decision was made that instead of a new system, we are upgrading the National Employment Integration System under the National Employment Authority (NEA), with a grant of Kshs400 million from International Labour Organization (ILO). When this is upgraded, it will have all this information that is there.

Currently, as I speak, the NEA website has all the information about the valid recruitment agencies. *Mtu akisema anataka kukupeleka ng'ambo*, you just go and check if they are valid. If that person is in that agency, their names and if they are following the

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laws and the principles--- Most of the people who are taken overseas have Form Four certificates and university degrees and they can do due diligence. We are encouraging them to do so.

Thank you, Sen. Nyutu for your question on the issue about Saudi. It is very good to clarify here that in Saudi Arabia, we have Kenyans who are doctors, nurses, teachers, drivers, ICT experts, in the hospitality industry and working in a variety of jobs, including in the Government of Saudi Arabia.

The issue we have heard of Saudi Arabia are issues of people working in homes. We cannot say that it is Kenyans working there. It is a segment where we have had this small issue of people working in homes. That is why we have had the new Bilateral Labour Migration Agreements (BLMA). The Saudi Arabians have appointed somebody to deal with those issues to respond to some of those challenges in homes, so that people are well protected.

The issue of Europe and Canada jobs is the fact that people are taken to jobs according to available positions from the demands that are given. The difference is this; if you are going to work in Saudi Arabia, Qatar or these countries, the amount of money you need to pay your agency here is little. Simply because a lot of the monies are given over there for your ticket and other things. Even though they are not given in the United Arab Emirates (UAE), it is low cost and it is just here.

If you go to Australia, for example, to work, the average money that you need to pay upfront, even for the visa and everything else, is about Kshs700,000 to a million. The jobs are there, but the amount of money you need to go to Germany or Poland is Kshs700,000.

That is why you see many Kenyans can afford going to countries. However, the positions are there and open to all Kenyans. They are not set for any community at all.

Sen. Osotsi, the good Senator from Vihiga County, you gave an explanation of a person who has passed away. I am not aware of that. I will investigate and find out the cause of death of this person. You said they were murdered. We will find out. Murder is a police case. It means that someone committed the murder and need to be arrested. Were investigations done? Is it murder? Where were they murdered? Where were they at the time of murder? Were they still working? So, I will find out.

Mr. Speaker, Sir, it is also good to designate roles here. I am the Cabinet Secretary for Labour and Social Protection. I deal with Kenyans when here before going overseas and I monitor how they are doing. However, the work of repatriating Kenyans when overseas is for the State Department of the Diaspora Affairs under the Ministry of Foreign and Diaspora Affairs. That is where the embassies come in. We work as a team and collaborate. Some of the issues you are asking about the ambassadors would rather be asked to the Cabinet Secretary in charge of the Ministry of Foreign and Diaspora Affairs.

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

**The Speaker** (Hon. Kingi): Sen. Osotsi, you cannot pose a point of order against the Cabinet Secretary.

Proceed, Hon. Cabinet Secretary.

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**The Cabinet Secretary for Labour and Social Protection** (Hon. (Dr.) Alfred Mutua): Sen. Wakili Sigei, thank you for pointing out about that error in spelling. We will correct it. We have posted labour attaches to Saudi Arabia, Riyadh, Geneva in Switzerland, Doha in Qatar, Dubai in the UAE and Berlin in Germany. Those are the main sources we are getting more demands for jobs.

I am changing the labour attaches. We are posting new ones within the next two to three months, but we require a budget of about Kshs300 million for us to be able to send them. If we had more money, we would have more labour attaches in many countries. However, we work with the consular services in those countries. The teams on the ground with the embassies are able to undertake that work.

Mhe. Mazdayo, umeuliza kuhusu dada yetu Maureen Najua ambaye ni mgonjwa. Namwambia augue pole.

*(Sen. Madzayo spoke off record)*

Anaitwa Maureen---

*(Sen. Madzayo spoke off record)*

**The Cabinet Secretary for Labour and Social Protection** (Hon. (Dr.) Alfred Mutua): Dada ambaye anaumwa. Namwambia augue pole. Namtakia mema. Ningependa kujibu hivi, lazima tufahamu---

**The Speaker** (Hon. Kingi): Sen. Madzayo, what is your issue?

**The Senate Minority Leader** (Sen. Madzayo): Thank you, Mr. Speaker, Sir. My name is Stewart Madzayo.

**The Speaker** (Hon. Kingi): Hon. Cabinet Secretary, the Senator for Kilifi County is Stewart Madzayo, not otherwise.

**The Senate Minority Leader** (Sen. Madzayo): The lady I have spoken about is called Maureen Nyadzua Yaa.

**The Cabinet Secretary for Labour and Social Protection** (Hon. (Dr.) Alfred Mutua): Thank you, Sen. Madzayo. I had said Sen. Madzayo, and then I said the lady is called Maureen Nyadzua. That is where I had made a mistake. I know Sen. Madzayo for many years. Everybody knows you. Sorry if I misspelled your name. However, if I try to recall, I pronounced your name properly. They mixed up because I said both names following each other.

Concerning Maureen Nyadzua, ambaye ulisema ameugua katika nchi nyingine, ile mikataba tuko nayo na mtu yeyote anapoenda ng'ambo huwa zinampa *full medical care*. Kwa mfano, ukienda Saudi Arabia, uko na *full medical care*. Tumeona Wakenya wameugua sana huko na wanapelekwa the Royal Hospital na kutibiwa hata wakiwa ndani ya Intensive Care Unit (ICU) mpaka wanapona. *It is fully covered*.

Pia kandarasi wanayojaza iko na *return ticket*. Sio lazima arudishwe na yule aliyempeleka. Kuna *return tickets as part of the agreement*. Ukimaliza kazi ama ukikosa kazi ama ukiugua, kuna *return ticket* imepeanwa na aliyekuajiri uweze kurejea nyumbani ikiwa bado unamfanyia huyo kazi.

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Sijui hali ya Maureen, nitachunguza. Lakini kwa ujumla unakuta ya kwamba umepewa kazi na mtu fulani, halafu wewe unatoroka hiyo kazi na kuenda kufanya mambo mengine---

**The Speaker** (Hon. Kingi): Hon. Cabinet Secretary, just go straight to Sen. Madzayo's question. If you are not aware of the circumstances of Maureen Nyadzua, you may plead to bring up a more comprehensive response. That is the general principles under which a Cabinet Secretary operates. If you are not aware of the details, you may seek time so that you give us a more detailed and comprehensive response regarding this particular lady that the Hon. Senator has talked about.

**The Cabinet Secretary for Labour and Social Protection** (Hon. (Dr.) Alfred Mutua): I am well guided, Mr. Speaker, Sir. I will find out about the case of Maureen Nyadzua and Mr. Mohammed. I want to clarify that if she was still working for the same employer, then she should be getting medical care. We will investigate why that is not so and give a comprehensive answer to this House.

I submit, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): We have a second Question directed to the same Ministry by the Hon. Sen. James Murango.

**Sen. Joe Nyutu:** Mr. Speaker, Sir, I am standing in for him.

**The Speaker** (Hon. Kingi): Yes, Proceed.

#### *Question No.019*

#### INCREASED NUMBER OF STREET CHILDREN ACROSS KIRINYAGA COUNTY

**Sen. Joe Nyutu:** Thank you, Mr. Speaker, Sir. I am standing in for Sen. James Murango of Kirinyaga County. These are the Questions that he has for the Cabinet Secretary for Labour and Social Protection-

(1) What has led to the increase in the number of street children in major towns across Kirinyaga County, including Ngurubani, Kutus, Kagio, Sagana and Kerugoya?

(2) Could the Cabinet Secretary provide details on Government programmes for the rescue and rehabilitation of street children in Kirinyaga County and provide a status update on efforts to re-integrate these children with their families?

(3) What is the Government doing to support street families to access formal education, obtain national identity cards and secure job opportunities within and outside the country?

I thank you.

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

**The Cabinet Secretary for Labour and Social Protection** (Hon. (Dr.) Alfred Mutua): Thank you, Mr. Speaker, Sir, and for this Question from Sen. James Murango.

The increase in number of street families in major towns across Kirinyaga County and several other counties has been attributed to several factors. One of them is the influx of destitute children and families from neighbouring countries attracted by engagement by the business community, especially those in rice business.

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In other words, some of these people in those areas are not Kenyans. They come and undertake menial jobs like pulling carts and carrying other market wares from one place to the other for some meagre pay. Others are Kenyans that have been attracted to those areas to go and undertake that work and not necessarily from Kirinyaga County.

Socio-economic conditions that the country has been experiencing for some years has led to an increase in the number of vulnerable people and families who live in the streets in a bid to earn a livelihood. These vulnerable persons usually result to begging for food and other forms of assistance in the streets. This number started rising as a result of the COVID-19 pandemic, which left many households displaced due to loss of income, majority of who sought refuge in the streets.

The second question on programmes for rescue and rehabilitation, street Families Rehabilitation Trust Fund developed a national policy on rehabilitation of street families. The policy provides guidelines on implementation of programmes, which include prevention of more persons going to the streets, rescue, rehabilitation, reintegration and resocialization. This will ensure that the programmes are effectively implemented in all urban areas, including Kirinyaga County.

The Trust Fund is establishing Street Families Rehabilitation County Chapters, which are structures that coordinate rehabilitation of street families at the county and other lower levels. Kirinyaga County level is scheduled to be operationalised in the current financial year.

In the third week of February 25, the trust's implementing partners operating in Kirinyaga and Murang'a counties in conjunction with the Director of Children's Services in Mwea Sub-County rescued a total of 14 boys working on the streets of Ngurubani, who have now been placed in rehabilitation centre in Murang'a for further assessment and placement. The business community is normally involved in such rescue missions as a way of sensitising them on the plight of street families.

Upon rehabilitation, the beneficiaries are integrated back into society after being provided with economic empowerment strategies to ensure they sustainably settle within their community. They are also linked to relevant services and integration.

I have listed some of the things that we are doing for Kirinyaga County. The last question is what the Government is doing to support street families in accessing formal education, obtaining Identity Cards (ID), and securing jobs outside the country. The Government, through the Ministry of Labour and Social Protection, has developed the following strategies to assist and ensure the welfare of street families.

One is the rescue aspect, the process of identifying, assessing and helping persons out of street situations for eventual rehabilitation, reintegration and resocialization for better living.

Two is rehabilitation. This is where you restore their human dignity and privileges so that they also understand and through counselling, how they can actually fit back into society? Upon rescue, beneficiaries undergo an assessment to determine suitable placement within the education system so that children can go back to school.

The ones who are over 18 years old are given their ID cards and internship opportunities are provided for those who have been trained. Any person with a skill, because the idea is if you are a street child, you are over 18. You have gone through

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training, skill development in a Technical and Vocational Education and Training (TVET), or we take you through rehabilitation, you are open to competing for any overseas job that is there. We will try as much as possible to ensure that street children get a livelihood by having a programme whereby they are considered first in terms of overseas jobs.

By linking rehabilitative beneficiaries to potential workers, we are trying to ensure that they also have a way to continue.

Lastly, as the Ministry, we continue to lobby Parliament, particularly through the Social Protection Committees, to allocate sufficient funds to enable the Ministry to implement vital and effective programmes aimed at securing the welfare of street children.

I have had meetings with my people and we are reworking the rehabilitation and identification of street families. Some of the street families we see in our country are foreigners from foreign nations who have come to Kenya because Kenya is an economic giant in the region. We are working on that, so that we can send them back home to their countries and also get the ones that are here taken back to the countryside where they come from and also taken to school as part of the rehabilitation.

I submit, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Yes, Sen. Joe Nyutu, proceed.

**Sen. Joe Nyutu:** Thank you, Mr. Speaker, Sir. I have listened to the Cabinet Secretary's response, but I want a little more information, especially on question number one. He has submitted that the increase in the number of street families in Kirinyaga County and indeed in the whole country is because most of them are foreigners.

Could he provide us with the details? Profile the locals against foreigners so that we can know how many street families are locals and how many are foreigners. Every foreigner that comes to this country is not supposed to be here illegally. What is the responsibility of the Ministry on street families who are foreigners? These foreigners are here legally. So, what is the responsibility of the Ministry of Labour and Social Protection, especially under Social Protection?

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Proceed, hon. Cabinet Secretary.

**The Cabinet Secretary of Labour and Social Protection** (Hon. Alfred Mutua): Thank you, Mr. Speaker, Sir. The majority of the street families are Kenyans. It is not that the majority are foreigners. Some are foreigners and we are taking a census.

We are waiting for budgetary allocation so that we can have a breakdown, not only of which foreigners or Kenyans, but also where they come from in Kenya. We will also identify the main cause and what made them come to the street. We want to find out if a family breakdown or poverty is being used as child labour, especially for children to come to the street. So, we are undertaking that census and we will provide a copy to this House with more details.

We are concerned about human and child trafficking. The Ministry of Foreign and Diaspora Affairs is working with us as well as the Ministry of Interior and National Administration to identify these foreigners that have come into our country to find out

how they came here. Do they have documents? What they are doing in our streets and how we can send them back to their countries?

I submit, Mr. Speaker, Sir.

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

**Sen. Kavindu Muthama:** Thank you, Mr. Speaker, Sir, for giving me this opportunity.

My question to the Hon. Cabinet Secretary is; what happens if a Cabinet Secretary is moved to a different Ministry to ensure that the next Cabinet Secretary implements the same things? I am asking this because like him, he has been moved from Foreign Affairs. I asked the Ministry of Foreign and Diaspora Affairs questions that have not been answered to date.

Also, when he was in the tourism sector, there were things to do with tourism, wildlife conflicts, and fencing.

Mr. Speaker, Sir, please let me finish. It will answer these questions here.

**The Speaker** (Hon. Kingi): Sen. Kavindu Muthama, you are not supposed to answer any questions. You are supposed to ask them.

**Sen. Kavindu Muthama:** Mr. Speaker, Sir, I am not answering.

**The Speaker** (Hon. Kingi): Sen. Kavindu Muthama, take your seat. Sen. James Murango has asked the main question through Senator Joe Nyutu. Your supplementary question must flow from that particular question. Anything outside that main question will be deemed not to be a supplementary question and, therefore, disallowed.

Proceed, Sen. Kavindu Muthama.

**Sen. Kavindu Muthama:** Thank you, Mr. Speaker. Sir, my question concerns the questions Sen. (Dr.) Murango asked, which the Cabinet Secretary answered well. However, in case the recommendations are not made while he is still in that Ministry, what measures do they put in place to ensure that the next Cabinet Secretary follows up and implements them? This is similar to the questions we had asked him from the former Ministries where he was and have not been answered to date.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Hon. Cabinet Secretary, proceed.

**The Cabinet Secretary of Labour and Social Protection** (Hon. Alfred Mutua): Thank you, Sen. Kavindu Muthama. A Government is perpetual. As a Government of Kenya, we are still implementing policies that were carried out in the 1970s during President Jomo Kenyatta's reign.

Some of the issues that I have discussed here, some of the policies that I am talking about today, we found them in the Ministry. This is because the technical teams are there and the Ministry continues regardless of who the Cabinet Secretary is. The Cabinet Secretary can add volume and bring better policies. However, the incoming Cabinet Secretary should carry forward the policies.

This is a good question. It is a good question to ask the Cabinet Secretaries who are in the dockets that maybe I was, where they have reached in those Government policies. I am carrying out the policies that I found in the Ministry and adding new ones, that is how the perpetuity of Government is assured.

Thank you, Mr. Speaker, Sir.

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

**Sen. Mariam Omar:** Thank you, Mr. Speaker, Sir, for giving me the opportunity. My supplementary question is the first question that was asked. Could I continue?

**The Speaker** (Hon. Kingi): No, you may not continue. Just take your seat. Senator Cherarkey is not in. Sen. Murgor, proceed.

**Sen. Murgor:** Thank you, Mr. Speaker, Sir. I have a question about the attaches that they have sent to Saudi Arabia, particularly.

**The Speaker** (Hon. Kingi): Sen. Murgor, your question has nothing to do with Sen. (Dr.) Murango's Question. That relates to the first question, which is now closed. Sen. Mwaruma has walked out, but Sen. Methu is not present. Sen. Osotsi, proceed.

**Sen. Osotsi:** Mr. Speaker, Sir, my concern is just that I am not satisfied with the answer given by the Cabinet Secretary in the first part of the Question. That is why I was trying to raise a point of order.

**The Speaker** (Hon. Kingi): Sen. Osotsi, the Cabinet Secretary, undertook, just as he did, to find out and come back to you regarding Sen. Madzayo's question.

**Sen. Osotsi:** Mr. Speaker, Sir, that has been a trend, even with the predecessor.

**The Speaker** (Hon. Kingi): Sen. Osotsi, let me assist you.

Hon. Cabinet Secretary, within seven days, we need to get a detailed response to the questions by Sen. Osotsi and Sen. Madzayo, which should be filled with the Office of the Clerk.

Next is Sen. Wambua.

**Sen. Wambua:** Mr. Speaker, Sir, I have heard the Cabinet Secretary talk about a national rehabilitation programme for street children. I would like him to clarify how many children are in the programme and the facility where rehabilitation is being done.

Mr. Speaker, Sir, if you allow me, apart from being the Senator for Kitui, I am also the principal assistant to the Senate Minority Leader. He received information as we were seated here concerning the question he had asked about Maureen. If the Cabinet Secretary can listen, that lady is said to be in a very critical condition. It may not wait for seven days.

Mr. Speaker, Sir, I request that you direct that the Ministry moves with speed and contacts Maureen in Saudi Arabia today and find out what help can be extended to that lady because we are actually running a risk. I just received the information from the Senate Minority Leader that the lady is doing extremely badly.

I thank you.

**The Speaker** (Hon. Kingi): Hon. Cabinet Secretary, as you respond to the first limb of that question, take note of the concern about the lady who is critically ill in Saudi Arabia. Please, proceed.

**The Cabinet Secretary for Labour and Social Protection** (Hon. (Dr.) Alfred Mutua): Mr. Speaker, Sir, the national rehabilitation programme is one where we work with different agencies. As a Government, we monitor to ensure that they are being rehabilitated.

As a Government, we will set up a centre in Mavoko and other places when we have funds, so that we can take our street children to some of those centres. We have a few that have been set up where some of those children are taken there, but they leave.

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I will align the system because I am trying to fix it and ensure that we eliminate street families so that we rehabilitate our children. We will begin by identifying why they are in the streets. Are they in the streets because they do not have homes or they are there because it is better to be there because of financial and other reasons?

Mr. Speaker, Sir, I take note of the concerns about a Kenyan lady called Maureen who is ailing. I undertake that within 48 hours, I will provide this House with a letter detailing what we would have found out and we will ensure that she is assisted.

The life of any Kenyan, whether in or outside Kenya, but especially when they are outside, is critical. It does not matter where they are and how they got there; it is our responsibility to help them. I am going to communicate with my colleague, the Cabinet Secretary for Foreign and Diaspora Affairs, to ensure that we move with speed to find what is happening and assist Maureen.

Mr. Speaker, Sir, with your indulgence, I will deal with both issues within 48 hours.

I submit.

**The Speaker** (Hon. Kingi): Next is Sen. Miraj.

**Sen. Miraj:** Asante, Bw. Spika, kwa kunipa fursa kwa mara ya pili. Ningependa kujua kama Bw. Waziri ana takwimu za watoto wanaorandaranda mitaani ambao wameongezeka. Wamekuwa watu wazima sasa na wanazaa watoto wengine ambao pia wanarandaranda kule Mjini Mombasa.

Familia hizo sasa zimeanza kuishi katika sehemu za makaburi ikiwemo Mbaraki Cemetary na kufanya kuwa makazi yao. Ningependa Bw. Waziri atueleze mikakati iliyowekwa ili kutambua watoto wanaorandaranda ama kuna kipimo gani cha Serikali kinachoweza kujua jamii zinazorandaranda wakiwemo watoto hao na familia zao?

Suala la watoto hao wanaorandaranda mitaani limeleta suitofahamu kwa sababu limechangia kuongezeka kwa utovu wa usalama katika maeneo mengine kule Mombasa. Je, ni mikakati gani iliyowekwa kutambua watoto wanaorandaranda na ni sababu gani wanaishi kule Mjini Mombasa?

Vidole vya lawama vimekuwa vikielekezwa kwa Gavana anapojaribu kushughulikia suala la watoto hao. Je, ni hatua gani ambazo zimechukuliwa kuwatambua watoto wanaorandaranda na kwa nini wameongezeka kwa asimilia 80 katika Mji wa Mombasa?

**The Speaker** (Hon. Kingi): Proceed, Hon. Cabinet Secretary.

**The Cabinet Secretary for Labour and Social Protection** (Hon. (Dr.) Alfred Mutua): Bw. Spika, hesabu ya watoto hao ambayo tutafanya itatupa takwimu ili kufahamu ni wangapi wanaorandaranda katika maeneo yote ya Kenya ikiwemo Mji wa Mombasa. Ni kweli kwamba wengine wamezaliwa na vile vile kuzalia hapo. Siyo ajabu kuwa wengine wana wajukuu ambao pia wanaishi barabarani. Kwa hivyo, ni jambo la kutatanisha kuona kuwa familia hizo zinaendelea kuongezeka.

Idadi hiyo ilianza kuongezeka wakati wa janga la COVID-19. Hatimaye, kumekuwa na shida hiyo kwa sababu ya upungufu wa hela. Tutachunguza kwa nini wako hapo na kama wengine wanatumia dawa za kulevya. Kwa hivyo, kuchangia katika uhalifu na ukosefu wa usalama.

Kuokoa watoto, vijana na akina mama ambao huishi kwenye barabara ni jambo ambalo tumekuwa tukiangazia. Hatutangoja hadi wakati ambao tutafanya hesabu yao. Ni mpango ambao unaendelea ambao nimetilia mkazo.

Wiki hii nilikuwa na mkutano kujadili mambo hayo kwa sababu yananikera. Sipendi kuona Wekenya wakihangaika barabarani ilhali nchi yetu ni huru. Lazima tuwapange ili warudi nyumbani na kuendelea na maisha ya heshima.

Asante sana, Bw. Spika.

**The Speaker** (Hon. Kingi): Thank you so much, Hon. Cabinet Secretary. That terminates our interaction with you. You may now be ushered outside.

*[The Cabinet Secretary for Labour and Social Protection  
(Hon. (Dr.) Alfred Mutua) was ushered out of the Chamber]*

Hon. Senators, we will now move to the second Cabinet Secretary to respond to Question Nos.15 and 25.

Clerk, you may usher in the Hon. Cabinet Secretary.

*[The Cabinet Secretary for the  
National Treasury and Economic Planning  
(Hon. John Mbadi) was ushered into the Chamber]*

## COMMUNICATION FROM THE CHAIR

PRESENCE OF DR. GEOFFREY GITAU MWANGI  
IN THE SPEAKER'S GALLERY

**The Speaker** (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this morning, of Dr. Geoffrey Gitau Mwangi, the National Chairman of Former Councillors. He is in the Senate to follow proceedings, particularly the response by the Cabinet Secretary for the National Treasury and Economic Planning on Question No.015 by the Senator for Meru County, Sen. Kathuri Murungi, MP, in today's Order Paper, on the delay in the implementation of the resolution of the Senate of 18<sup>th</sup> October, 2018, and the subsequent recommendations of the Inter-Agency Taskforce on payment of honorarium and monthly pension to former councillors.

Hon. Senators, the said resolution arose out of a Motion filed by the Senator for Kitui County, Sen. Enoch Wambua, CBS, MP, on payment of a one-off honorarium and monthly pension to former councillors during the Twelfth Parliament, which was passed by the Senate on 18<sup>th</sup> October, 2018.

Hon. Senators, on behalf of the Senate and on my own behalf, I extend a warm welcome to Dr. Mwangi and wish him a productive visit. I thank you.

*(Applause)*

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The Hon. Cabinet Secretary is in the House. We will straightaway go to Question No.15. Hon. Cabinet Secretary, welcome to the Senate.

Question No.15 is by the Senator for Meru County, Sen. Kathuri Murungi. You may proceed, Hon. Senator.

*Question No.015*

DELAYED IMPLEMENTATION OF SENATE'S RESOLUTION  
AND RECOMMENDATIONS TO PAY HONORARIUM  
AND MONTHLY PENSION TO FORMER COUNCILLORS

**Sen. Kathuri:** Thank you, Mr. Speaker, Sir, for the opportunity to ask this Question on behalf of the former councillors who cut across the Republic of Kenya.

I thank my former colleague at the National Assembly for finding time to come to respond to the questions from Kenyans.

Mr. Speaker, Sir, I beg to ask the Cabinet Secretary for National Treasury and Economic Planning the following Question No.015.

(a) What are the reasons for the inordinate delay in the implementation of the resolution of the Senate of 18<sup>th</sup> October, 2018 and the subsequent recommendations of the Inter-Agency Task Force on payment of honorarium and monthly pension for former councillors despite the undertaking given by the National Treasury via a letter dated 28<sup>th</sup> September, 2021 and addressed to the Senate that it would factor the payments in the ensuing financial year 2022/2023?

(b) Could the Cabinet Secretary provide the status update on the establishment of the requisite legal and policy instruments to authorize, process and facilitate payments? If not, state the reasons for such delay and whether the eligible former councillors have been enrolled in the *Inua Jamii* programme?

(c) When will the former councillors receive their full gratuity payments? Could the Cabinet Secretary state the measures put in place to ensure that for those who are deceased the rightful beneficiaries are identified?

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

**The Cabinet Secretary, National Treasury and Economic Planning** (Hon. Mbadi): Thank you, Mr. Speaker, Sir. I am grateful for the opportunity to appear before the Senate, conscious of your critical role in our nation's governance, ensuring accountability and representing the interests of the Kenyan people.

My aim today is to provide you with a comprehensive response to your questions to achieve the best possible outcome for our country. I was invited here to address two Questions. The first has been asked by the Senator of Meru county.

My response is as follows-

(a) Regarding reasons for the delay in implementation of the Senate resolution and the task force recommendations, the delay has been primarily due to legal constraints. The Attorney-General who is the official Government advisor on legal matters in a legal opinion dated 8<sup>th</sup>, May, 2023, advised that there was no legal basis to

support the proposed one-off honoraria payment of Ksh200,000 to former councillors who served for less than 20 years.

The opinion also reference Circular No.1394 issued by the then Ministry of Local Government, which limited pension or gratuity payments to councillors who had served continuously for 20 years or more as of 13<sup>th</sup> December, 1993.

Furthermore, the legal advisory highlighted the absence of a structured formula to determine benefits given that councillors were not salaried, but received allowances that varied across different regions. Consequently, implementing the proposed payment of Ksh2,383,800,000 to about 11,919 former councillors lacks the necessary legal and policy foundation.

(b) On the second question; given the legal constraints I have just mentioned the National Treasury has considered an alternative approach through the *Inua Jamii* programme which is designed as a social protection initiative for elderly citizens. Former councillors who meet the eligibility criteria form part of the persons for inclusion in the programme.

The State Department for Social Protection in collaboration with the relevant Government agencies, including the National Treasury, have been verifying eligible registrants into the programme. We shall collaborate with the State Department for social protection to identify the number of former councillors already enrolled and facilitating the registration for those who have not yet been enrolled.

Mr. Speaker, Sir, in addition, the National Retirement Benefits Authority that was approved by the Cabinet in October, 2023, also aims to provide a harmonized framework for administering retirement benefits across all sectors. This policy will guide future considerations on the retirement welfare of various categories of public service workers, including former councillors, by ensuring a structured and legally sound approach to retirement benefits.

To further strengthen the legal framework, the Government established a multi-agency committee on 17<sup>th</sup>, September, 2024, to review and align public service pension schemes with Constitution of Kenya, 2010. This committee is expected to provide recommendations on how best to address pension coverage for different categories of public service workers in a sustainable and legally compliant manner.

On timelines for full gratuity payment and measures for identifying beneficiaries of deceased councillors, in light of the legal challenges, the National Treasury will engage the office of the Auditor General to conduct a forensic audit of the 328 former councillors who were initially identified as eligible for benefits. It will also verify those who are still alive and rightful beneficiaries for those who are deceased.

The findings of the audit will guide the next course of action in ensuring that only eligible former councillors or their rightful beneficiaries are considered under existing Government social protection mechanisms.

Mr. Speaker, Sir, the Government remains committed to addressing the welfare of former councillors within the confines of the law and available resources. While the initial recommendations for the Senate and the Task force lacked legal backing, the alternative approach through *Inua Jamii* coupled with the broader national retirement

benefits policy seeks to provide sustainable and legally sound interventions for retired public servants.

I submit.

**The Speaker** (Hon. Kingi): Sen. Kathuri, do you have any supplementary question?

**Sen. Kathuri:** Thank you, Mr. Speaker, Sir. This is a matter of national interest. If you could indulge us maybe you could give us a bit of time to ventilate on it.

The matter was canvassed during the last Senate. I am happy that the Member who raised is in this Fourth Senate is here. Hon. Senate Minority Leader, I wish he catches the Speaker's ear because for sure this is a matter of national interest.

Mr. Speaker, Sir, we wish you could indulge us, especially when asking supplementary questions because our former colleagues, the councillors, gave a huge input to this Republic. They laid the foundations where we step our legs on today.

Mr. Speaker, Sir, with your indulgence maybe the Senators who may be interested can be given some leeway to ask the right questions because those councillors have no other forum, except this Parliament; especially the Senate.

Mr. Speaker, Sir, I want to thank Dr. Mwangi for availing his time also to appear here on behalf of almost 1,500 councillors as their Chairman. You can see the interest that this matter has. I want to inform the Cabinet Secretary that the payment of these councillors was an undertaking by Hon. (Amb.) Ukur Yatani who was the Cabinet Secretary for National Treasury and Economic Planning.

What we are trying to unlock today is the resolution of the Senate on the 18<sup>th</sup> of October 2018 when this matter was canvassed here. It was raised by the Senator for Kitui who by God's grace, is present in this House.

**The Speaker** (Hon. Kingi): Senator, just proceed to ask you a supplementary question because the more you---

**Sen. Kathuri:** It is the first time we are hearing that there was another legal opinion, which was sought with the Attorney-General. He gave an opinion that there was no legal basis for payment of this honorarium or the pensions to these councillors. That was in 2023. Therefore, from the time this matter was canvassed up to the 2023 – the legal issue that the Attorney-General raised - we do not know what happened and who is this trying to frustrate the councillors. If there is no legal basis, the Attorney-General should work tirelessly to ensure that we have a legal framework to give them their pension.

I do not want my former colleague to go into this route. That he is one who has not been able to pay the councillors.

**The Speaker** (Hon. Kingi): Senator for Meru, Sen. Kathuri, what is your question to the hon. Cabinet Secretary?

**Sen. Kathuri:** Mr. Speaker, Sir, I have fully stated my stand that it is the first time this matter of legal opinion is being raised here. Even the chairperson of former councillors is not aware of the legal opinion given by the Attorney-General. I do not know who sneaks these opinions so that these people do not get their money. It is a very little money, less than even Kshs200 million.

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This country is shaming itself. These are former leaders who really need support; they do not have even money to pay for SHA. I met some of them in Meru and they are very old *wazees*. They do not even have Kshs300 to pay for SHA. There is a group somewhere, which is frustrating them so that they cannot pay Kshs200,000 per councillor, for those who served for less than three terms.

My question is to refer back the treasury. We do not need that legal opinion; it can be quashed by this House, so that these *wazees* can get their pension.

As I said, this matter is not about the questions but---

**The Speaker** (Hon. Kingi): Senator for Meru, with all that, what are you asking the hon. Cabinet Secretary?

**Sen. Kathuri:** The Cabinet Secretary to set aside that legal opinion and pay the councillors without further delay.

**The Speaker** (Hon. Kingi): So, your question is: Could the hon. Cabinet Secretary set aside that opinion?

**Sen. Kathuri:** Yes.

**The Speaker** (Hon. Kingi): Set aside the legal opinion and proceed to pay. Is that your question?

**Sen. Kathuri:** Mr. Speaker, Sir, if he cannot set aside, he can still request the Attorney-General through treasury. He has that power to request the Attorney-General to set aside that opinion or to come up with a legal framework that will enhance the payment of their pension and honorarium to their former councillors.

**The Speaker** (Hon. Kingi): So, hon. Cabinet Secretary, there are two supplementary questions from the hon. Kathuri. One, are you in a position to set aside that legal opinion? Secondly, if not, can the Attorney-General come up with a legal framework within which the former councillors can be paid their money?

Proceed.

**The Cabinet Secretary for The National Treasury and Economic Planning** (Hon. Mbadi): Thank you, Mr. Speaker, Sir. Am I able to set aside the legal opinion of the Attorney-General? The answer is no, I do not have that capacity. The Attorney-General is the legal advisor to the Government. Once she has given the opinion, then that opinion cannot be set aside.

The other issue before us is whether we need to have a legal framework to pay the former councillors. The answer is, yes. I believe legal opinions are based on legal provisions.

Mr. Speaker, Sir, the Attorney-General must have been informed by clear foundation of the law. Therefore, the people with the mandate to bring a legislative framework through which councillors can be paid, is this House.

What my advice would be is for Sen. Kathuri to make a provision in law that would allow these former councillors to be paid. It is not that I am not interested in supporting these councillors. Many of them come from my place and I know them personally. I have even met them during my times in politics. They have complained and I know what they go through. However, for us to be able to pay these former councillors gratuity or pension, there is need for legal framework.

Remember we even have cases of former Members of Parliament whom I personally attempted to provide a legal framework through which they could be paid. I brought a Bill in Parliament, which was passed, and the President refused to assent to it.

Mr. Speaker, Sir, this was in realization that there was no legal framework to pay former MPs. There cannot be lack of legal framework to pay former MPs, which made us to attempt to amend the law, yet there is a legal framework to pay former councillors. To be honest, if these former councillors have to be paid, there must be change of the law. We all know that even our Constitution talks about any money that is paid to anybody who is appearing like a public officer, I believe councillors would appear, that needs to be processed through Salaries and Remuneration Commission (SRC).

Lastly, these councillors were not even drawing a salary. Therefore, you do not even know if you are to pay them. You are basing it on what. In addition, the Motion by the Senate was a Motion. Motion remains an intent. It does not have the legal basis to occasion withdrawal of public funds. If it was a Bill passed by the House, then that becomes legally binding. However, where we are, there is an intention to pay former councillors, but we lack the legal framework.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): What guidance are you seeking, Senator for Kakamega?

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker. Mr. Speaker, I have listened very painfully, the difficulty the Minister appears to be having. However, listening to it and reading Article 94 of the Constitution, which speaks to the role of Parliament, it says, in 94(5), that no person or body other than Parliament has the power to make a provision having the force of law in Kenya, except under the authority conferred by this Constitution.

We have not come to Nairobi to this House to speak in vain. We do so under the provision of this Constitution, which I have read. Is the Cabinet Secretary suggesting that the Attorney-General has the power to veto Parliament? This Parliament made a resolution.

**The Speaker** (Hon. Kingi): Sen. Boni, I will give you an opportunity to ask a question.

**Sen. (Dr.) Khalwale:** No, I was asking for interpretation.

**The Speaker** (Hon. Kingi): Sen. Enoch, I can see your name on the dashboard.

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, I wanted you to guide us.

**The Speaker** (Hon. Kingi): I will give you an opportunity.

**Sen. (Dr.) Khalwale:** Thank you.

**Sen. Wambua:** Mr. Speaker, Sir, clearly for my brother, my friend, my colleague, Waziri Mbadi, the shoe is clearly on the other foot. That is very clear. Just riding on what Sen. (Dr.) Khalwale is trying to ask, can Parliament, this Senate, your Senate that you preside over, legislate in vain? Is it possible that Senators would sit here, pass resolutions and it is just talk show?

The Attorney-General then sits in an office somewhere and decides that this is not good enough. The question is; when the Cabinet Secretary received that advisory opinion from the Attorney-General, if he did, did he write to you to tell you that you made a

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resolution on this date, but we have received an advisory opinion from the Attorney-General on this day so, please act accordingly?

I will not belabor the point. The Cabinet Secretary fought with me on this matter when he was pushing the agenda of the former Members of the National Assembly to be compensated. In fact, I have a message for the Cabinet Secretary from one former Member of Parliament from Kitui East, Hon. Mweu. He is still waiting for the day when this administration will live up to its word that the things that had been done wrongly will be done right and people will get their rights under this administration.

Mr. Speaker, Sir, can your House legislate in vain?

**The Speaker** (Hon. Kingi): Is that a question to me or to the Cabinet Secretary?

**Sen. Wambua:** Mr. Speaker, Sir, it is a clever way of getting you agitated. This is because somebody is trying to say that you can sit on that chair, preside over a Motion and a resolution is passed, which pushes ministries to sit down and come up with a solution to a problem, then one person, by a stroke of a pen says that all we have done is in vain.

The question is to the Cabinet Secretary. Can any House of Parliament legislate in vain?

**Sen. Kathuri:** On a point of information, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Who do you want to inform?

**Sen. Kathuri:** I want to inform the House. Mr. Speaker, Sir, the Cabinet Secretary has not given the right answer. This was not a Motion. A taskforce was formed and it included the Ministry of National Treasury and Planning, the Ministry of Devolution and Arid and Semi-Arid Lands and the Ministry of Labour and Social Protection.

That interagency taskforce was to look at the payment of honorarium and monthly pension of former councilors. It was to negotiate with them. They negotiated and agreed on what should be paid. The interagency taskforce gave proposals and the three Cabinet Secretaries appended their signatures in this Report that I will table to this House.

The three cabinet secretaries who appended their signatures to the amount of money to be paid to the councilors are the Cabinet Secretary to the Ministry of National Treasury and Planning, who was Ambassador Ukur Yatani, we also have Hon. Eugene Wamalwa who was the Cabinet Secretary in the Ministry of Devolution and Arid and Semi-Arid Lands and Hon. Simon Chelugui, who was the Cabinet Secretary in the Ministry of Labour and Social Protection.

It is a negotiated package and agreement which was to be provided. They said that their monies were to be put in the budget of the financial year 2022/2023. We are not talking of a Motion but a resolution, which was communicated to the Clerk of the Senate from the Ministry of National Treasury and Planning advising the Senate on what the interagency taskforce agreed on. This is the property of the Senate.

We are not talking of a Motion passed by the House. It is a resolution from an inter-ministerial taskforce. I want to table this resolution to the Senate so that we do not say that we have finished with the Cabinet Secretary. We must review this decision. Thank you, for giving me all this indulgence.

**The Speaker** (Hon. Kingi): You may proceed to table the document.

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(Sen. Kathuri laid the documents on the Table)

Can we hear from Sen. Faki? Hon. Cabinet Secretary, just note down the questions, you will respond to them at one go.

**Sen. Faki:** Ahsante Mheshimiwa Spika. Mwaka jana nilipokuwa katika kamati ya fedha ya bunge hii, waziri wa zamani wa fedha na hazina alikuja mbele ya *Committee* wakati tulipokuwa tunajadili *Budget Policy Statement*. Ali *commit* kwamba hizo pesa ambazo madiwani wa zamani wanatakikana kulipwa yatawekwa katika *budget* ya mwaka wa 2024/2025.

Ni sawa mawaziri waje katika bunge hii na kamati zake kutoa majibu ambayo hayalingani? Prof. Njuguna Ndung'u alikuwa waziri wa fedha na hazina kuu katika serikali ya Kenya Kwanza. Leo tuko na waziri Mbadi. Je ni sawa mawaziri kukuja na majibu tofauti katika bunge hili?

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, our brother, Hon. Mbadi, is an experienced parliamentarian and he knows that Parliament does not speak in vain. I leave that to his conscience.

The former councilors of Nandi, Uasin Gishu and Kakamega counties came to see me, formally. They told me that the President had met them and made a commitment just before he won the election. He told them that he would ensure that the promise made by the Jubilee Government--- No, the inter-ministerial taskforce was during the Jubilee Government. He said that he was aware of that taskforce and he would implement that decision if elected.

God has been very kind and he is now the President. He committed himself to these councilors. Can the Cabinet Secretary undertake, as the financial advisor to the President, to go and make the necessary consultations so that the promise of the President and the expectations of the former councilors converge and we pay our old people. After all, paying this Kshs200 million will be a form of financial stimulus. They will spend the money in public and the economy, in their villages, will be vibrant.

**Sen. Olekina:** Asante Bw. Spika. Waziri wa Fedha, Waziri wa Leba na yule wa ugatuzi walizungumza na wakakubaliana ya kwamba watapeana *Cabinet Memo* ili Kshs2,686,000,000 iwekwe katika *budget* ya mwaka wa 2023/2024 ili iweze kulipa *councilors* wa zamani ambao walikuwa 11,909. Pia, walisema ya kwamba Kshs218,000,000 itatumika kulipa councilors ambao walifanya kazi zaidi ya *term* tatu. Naomba Waziri wa Fedha atueleze kwamba haya mambo yalibadilika lini?

Ninajaribu kuongea Kiswahili ndio councilors waweze kuelewa. Hiyo ilibadilika lini? Seneti hii inaweza kujieleza kwa njia mbili. Ya kwanza ni kwa ile *Motion*. Ya pili ni kupitisha sheria. Seneti hii ilipitisha mkataba ikasema ya kwamba *former councilors* ambao walikuwa 11,400 waweze kulipwa pesa. Tulikuwa na mikutano hapa na tukazungumza. Waziri wa fedha ambaye alikuwa kabla ya Waziri Mbadi alikuja---

Waziri wa Hazina ya Kitaifa na Mipango ya Kiuchumi, ambaye alikuwa kabla ya Hon. Mbadi alihudhuria mkutano wa kamati ya Leba na Ustawi wa Jamii. Ilikuwa Aprili, 23 na akatueleza kuwa wamekubaliana na wanaenda kuwasilisha *Cabinet Memo* ili pesa hii iwekwe kwenye bajeti. Ningependa kujua kama pesa hii iliwekwa na

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kuondolewa kwa sababu hawa ni watu waliozeeka na hawana faida. Hawa ndio wamefanya tuje hapa. Kama sio hao ugatuzi hungekuja. Ni lini jambo hili lilibadilika?

Pili nikimalizia---

**The Speaker** (Hon. Kingi): Hon. Senator, you are entitled to only one supplementary question under our Standing Orders.

**Sen. Olekina:** Bw. Spika hili ni swali moja tu. Kiswahili ndicho kigumu. Naomba unipe ruhusa kwa sababu ningejieleza kwa Kingereza ninge kuwa nime *flow* vizuri.

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

**Sen. Olekina:** Hon. Mbadi ametueleza kuwa alipata ujumbe kutoka kwa Attorney-General (AG) ya kwamba jambo hili halifai kufanywa. Wakati Mhe. (Prof.) Ndung'u alihudhuria mkutano wa kamati hii, hakuwa amezungumza na AG kumweleza kuwa anakwenda kule na anataka kupewa ushawishi kabla ya kupeleka mkataba huu kwenye baraza la mawaziri. Walieleza kuwa ni lazima wangukuwa *Cabinet Secretaries* watatu ambao watapeleka *joint Cabinet Memo* ili pesa hizo ziwekwe kwenye bajeti.

Ni lini swala hili lilibadilika? Ama huu ni mchezo wa paka na panya? Leo tunasema tunampa huyu lakini kwa sababu hana ile *political clout* wanatupwa nje. Maisha ya waliokuwa madiwani ni ya hofu. Ni lazima uwapiganie. Leo hii Hon. Mbadi akisema tunabadilisha na kuweka programu kama ya Inua Jamii itakuwa ni ubaguzi.

Unaezaje kusema unainua jamii ya madiwani na kuwapa Kshs200,000 ilhali unmpa baba ya Ledama Kshs200? Je, huu ni ungwana?

Asante.

**The Speaker** (Hon. Kingi): Hon. Senators, allow the Hon. Cabinet Secretary to respond because in his response, I believe that he may even address some of the issues that are yet to be raised.

Proceed, hon. Cabinet Secretary.

**The Cabinet Secretary for National Treasury and Economic Planning** (Hon. Mbadi): Thank you, Mr. Speaker, Sir. First, I want to categorically state that it is not in my interest to deny former councillors what is rightfully theirs. What I am emphasizing on is that it is desirable to pay these former councillors. Many of them are suffering after serving this country in public offices. They are respected personalities in their right. However, we must do it within the law.

I have been asked by Sen. Wambua a few questions. One, whether the House can act in vain. My answer is no. The House should not act in vain. Did we write to the Speaker ---

*(Sen. Oketch Gicheru and Sen. Abdul Haji consulted loudly)*

**The Speaker** (Hon. Kingi): Sen. Oketch Gicheru and Senator of Garissa County, kindly resume your seats.

**The Cabinet Secretary for National Treasury and Economic Planning** (Hon. Mbadi): Did my office write to the Speaker on this matter, or on the opinion of the AG? Unfortunately, I do not think we did. We did not write to inform the Speaker. There was

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a task force that was set up, and also a resolution of the House. Let me start with the task force. Is the report of the task force binding? My understanding is that it is not.

Article 94(5) of Constitution, which Sen. (Dr.) Khalwale mentioned, states-

“No person or body, other than Parliament, has the power to make provision having the force of law in Kenya except under authority conferred by this Constitution or by legislation.”

I am yet to see the provision in our Constitution or any written law, passed by this Parliament, which has authorized a task force formed to approve payment to former councillors. If there is that provision, I would make provision in our budget and pay. However, there is none. That task force remains just that. The report should also be implemented procedurally, but it has not been done. A legislation should have flown automatically from the task force report to anchor it in law.

On the question by Sen. Faki on why I have not respected or obeyed what former Cabinet Secretaries committed to do, unfortunately, I want to report to the Senate that my predecessor, Hon. Ukur Yatani, or even Hon. Prof. Ndung’ u, probably made a commitment, but they did not pay. The person who is paying now is myself. I cannot pay unless backed by the law because it will raise issues. I am the one accountable and responsible.

I cannot hide behind people who made commitments or intentions, but did not pay. The paymaster now is me. If they paid, I would have come here to report that they did. However, they did not, and they left it for me. I am also checking the legal framework, but I do not see it.

A question was asked about the AGs’ powers. My understanding of Article 156 of the Constitution is that the AG is a principal legal advisor to the Government. I take his or her advice very seriously. The AG gave advice on 8<sup>th</sup> May, 2023, on this, and it has not been vacated or changed.

Sen. (Dr.) Khalwale has asked me again about Parliament legislating in vain. I say, again, Parliament cannot legislate in vain. We have been in this House with the Senator for a while. We know the power and the force that a Motion or an Act of Parliament has.

This has been the legislative practice; that if you want a Bill to pass easily, you craft it to a Motion. That Motion is debated, and once you succeed, then you follow through by generating a Bill to actualize it. How I wish that Sen. Wambua, who raised this matter, brought it to the House through a Motion, followed through by bringing a legislation to anchor whatever the House resolved into law to allow for payment. If that is done, I will definitely obey the legal framework.

As to the President's commitment to pay the councillors; I want to again read Article 94(5) of the Constitution. There is no exclusion here-

“No person or body, other than Parliament, has the power to make provision having the force of law in Kenya except under authority conferred by this Constitution or by legislation.”

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I am yet to see where power has been given to the President to give authority for payment that is not anchored in law. I would advise that if the President initiates through the Executive a legislative proposal, which would now give me the legal basis upon which this payment can be made, I will obey.

On the question by Sen. Olekina, Senator of Narok County, which was in Kiswahili, but I will translate it into English was, since when did we agree that an agreement by three Cabinet Secretaries be changed?

Did we start? In fact, it was in Kiswahili, but I have tried to translate it into English. That an agreement by the three Cabinet Secretaries be changed. I am not changing the task force report. What I am saying is that the taskforce report has made recommendations. Those recommendations now should be anchored in law to allow me to make payments to former councillors. When did this change? It has not changed. The task force recommendation still stands. However, we have to now actualise it.

Did Prof. Njuguna Ndung'u speak to the Attorney-General (AG) before coming before the Senate? I wish I knew. I have not consulted him to know whether he did. However, I thought he must have consulted because for the AG to give an opinion on 8<sup>th</sup> of May, 2023, it must have been sought from the National Treasury. The Cabinet Secretary then was Prof. Njuguna Ndung'u. So, I am very sure he must have in one way communicated with the AG.

On the *Inua Jamii*, I was not saying that we pay the former councillors this pension or honorarium through the *Inua Jamii* programme. What I mentioned is, we are working with the line ministry to make sure that these former councillors who deserve to be enrolled under the *Inua Jamii* programme, are enrolled in the normal way to get support like any other qualified Kenyans, including those who have not served as councillors.

Thank you.

**The Speaker** (Hon. Kingi): Now, Hon. Senators, we need to make progress on this very weighty matter. I know that if I am to give an opportunity to any of you, there will be no bigger departure from what has already been said by the Senators who have spoken before.

Now, you will note that there is a willingness to pay from the Executive right from the President to the Ministry. The biggest obstacle that has been observed from the response by the Hon. Cabinet Secretary is the lack of legal framework. Therefore, Hon. Senators, allow me pursuant to Standing Order No.1 to refer this matter to the Standing Committee on Labour and Social Welfare working together with the Ministry in charge of Finance and the Office of the Attorney-General, within 60 days, to come up with a legal framework within which we can actualise the recommendations of the taskforce so that the councillors are paid their dues.

If that finds favour, we will rest it at that. So, Hon. Cabinet Secretary, this matter has now been referred to the Standing Committee on Labour and Social Welfare, which will work with you and the Office of the Attorney-General to come up with a legal framework within which the former councillors can get their dues.

We will leave it at that. We will now move to the second question directed to---

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**Sen. Kathuri:** On a Point of Order, Mr. Speaker, Sir.

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

**Sen. Kathuri:** Mr. Speaker, Sir, thank you for your guidance. I am okay with it. I have realised where the Lacuna is. Is it possible also to include the Committee on Finance and Budget because it is very critical in this matter. That is the Committee that can also get the Cabinet Secretary, Hon. Mbadi, any time they want to meet him. Otherwise, the Committee on Labour and Social Welfare does not know the corners of the National Treasury more than the Committee on Finance and Budget. It is also a finance matter. So, it is better that the Committee on Finance and Budget to be involved.

**The Speaker** (Hon. Kingi): Very well. Three Committees will work together with the Cabinet Secretary for the National Treasury and the Office of the Attorney-General. The Committees are the Labour and Social Welfare Committee, Standing Committee on Justice, Legal Affairs and Human Rights (JLAHRC), and Finance and Budget. We need that report to be laid before the Senate within 60 days. The earlier, the better.

We move to the second question. Question No. 25.

Senator Boni, proceed.

*Question No.025*

USAID FUNDED PROGRAMMES IN KENYA AND  
INTERIM MEASURES TO ADDRESS THE FUNDING GAP

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir. I rise to ask Question No. 25, as indicated on the order paper. Allow me to congratulate the Cabinet Secretary for the candid manner in which he has handled this matter of gross national importance.

(1) Could the Minister provide a list of programmes in Kenya relating to education, food security and governance that were being implemented by the United States Agency for International Development (USAID) at the time of freezing of foreign assistance from the United States of America?

(2) What is the total funding requirement for each of the said programmes and could the Cabinet Secretary specify the amount of funds that USAID was projected to provide in the Financial Year 2024/25.

(3) What interim measures has the Government put in place to address the funding gap that has emerged as a result of the freeze of foreign assistance from the U.S. to ensure continuity of the critical services?

(4) Could the Cabinet Secretary also outline the Government's long-term plans to reduce reliance on foreign aid and to ensure sustainability in financing for the critical programmes in sectors such as education, health, food security and governance?

I thank you.

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

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

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**The Temporary Speaker** (Sen. Abdul Haji): Cabinet Secretary.

**The Cabinet Secretary for Treasury and Economic Planning** (Hon. Mbadi): Thank you, Mr. Temporary Speaker. Allow me also to reciprocate the magnanimity of Sen. Boni Khalwale by saying that I also appreciate the Senator for being proactive in this matter and not waiting until there are challenges out of this freeze of funding, to now ask questions. He is being proactive and asking well in advance. Since the Senator has read the question, I do not want to read it again. However, it is Question No. 025.

This is my response.

First and foremost, allow me to acknowledge the invaluable support from the Government of the United States of America to the people of Kenya for over six decades. We enjoy a cordial and enduring partnership between the United States and Kenya that has led to healthy collaboration in a wide range of initiatives such as access to education, improving quality health care through nutrition, family planning and maternal and child health, including malaria, tuberculosis, HIV-AIDS and strengthening of the healthcare system, support for economic growth through trade, agriculture and infrastructure initiatives, fostering democracy, governance and conflict interventions that directly impact the lives of millions of Kenyans.

So, cognizant of the Executive Order titled Re-evaluating and Realigning United States Foreign Aid issued ordering a 90-day pause on all U.S. foreign development assistance programmes to conduct a review, the National Treasury wishes the Senate to note the following.

That the U.S. government provides foreign aid primarily in grant form to Kenya using several U.S. Government agencies whom we have an existing development cooperation framework with, including U.S. Department of State, U.S. Agency for International Development, or what is known as USAID, U.S. Trade Development Agency (DA) the Millennium Challenge Corporation (MCC) the United States President's Emergency Plan for AIDS Relief (USPEPFAR) Development Finance Corporation (DFC) and the U.S. African Development Foundation (USADF)

We signed the Development Cooperation Framework Agreement (DCFA) with USAID on the 8<sup>th</sup> of December 2019. The initial contribution was US\$50, 16,204, but this has since been increased to US\$1,695,978,754, which is equivalent to Kshs 220,477,238,020. The DCFA is valid up to 30<sup>th</sup> September, 2028.

Mr. Speaker, Sir, with those highlights, I now wish to respond to Question No.025 by the Senator for Kakamega County, Sen. (Dr.) Boni Khalwale, as follows-

On the question of providing a list of all programmes in Kenya relating to education, food security and governance that were being implemented by the United States Agency for International Development (USAID) at the time of freezing of the foreign assistance by the United States of America (USA), I wish to state that attached to my written response is the list of the USAID funded programmes in Kenya relating to education, food security and governance. This is appended as annexure number one.

Under education, if you go to that annexure at page 14 of my submission, there is US\$ 22.3 million. I have highlighted where this money would be spent; training of teachers to enhance reading instructions, providing support to public schools---

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*(Technical hitch)*

Sorry, Mr. Speaker, Sir. Perhaps I can now continue. Under education, I said that there is a US\$ 22.3 million. Giving examples of where this money will have been spent or would be spent is improving early grade literacy across public primary schools. I want to single out that there was support to public Technical Vocational Education Training (TVETs) in Kilifi, Mombasa, Nakuru and Machakos to align training to industry needs, providing scholarships to the youth to attend TVETs and support for the newly established Open University of Kenya (OUK) to build systems for infrastructural, instructional delivery and establish partnerships with private sector and universities in the US and globally. Those are the areas where the education money was going to.

Under governance, a number of issues are being dealt with, but the amount that was available for this was US\$ 8.6 million. Under food security, it was a little higher, US\$128 million and that is an equivalent of Kshs16.5 billion. This was supporting a number of Non-Governmental Organizations (NGOs) and programmes, including Dadaab and Kakuma refugee camps, improved farming practises, county governments, NGOs and UN agencies and especially, Arid and Semi-Arid (ASAL) areas in providing food and relief to over 2.5 million people. The details are there.

Mr. Speaker, Sir, on the second question, what is the total funding requirement for each of the said programmes and could the Cabinet Secretary specify the amount of funds that you said was projected to provide in the Financial Year 2024/2025? The amount for the said programmes that I highlighted such as food, governance and education is approximately US\$158.9 million, equivalent to about Kshs20 billion, while the total assistance, including health and the others is approximately US\$ 405.4 million, which is about Kshs52 billion for the Financial Year 2024/2025, from USAID. As I have indicated, this includes other sectors such as health, economic growth, water and environment.

Mr. Speaker, Sir, it is important to note that while Official Development Assistance (ODA) from USAID is aligned to our medium-term plan and supplement Government investments and largely benefits the people of Kenya, USAID contracts implementing partners, that is both international and local, are entities that bear the fiduciary responsibility because this funding is implemented by the implementing partners. The money, as I will state, does not come to our budget.

Therefore, USAID support is not reflected in the budget. The National Treasury plays a subsidiary role in facilitating tax exemptions. This is something worth noting. This has been off-budget financing from USAID, however, they provide very critical services.

Mr. Speaker, Sir, what interim measures has the Government put in place to address the funding gap that has emerged as a result of the freeze of foreign assistance from the USA, to ensure continuity of critical services? My response is as follows-

Regarding the interim measures to address the funding gaps resulting from the freeze of foreign assistance from the USA, the Government has taken the following steps to ensure continuity of critical services-

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With the affected State Departments, we are conducting a review of our existing budget allocations to prioritise funding for essential services in sectors such as health, education, governance and food security to be included in the budget estimates of supplementary budget three, if it becomes very necessary. If this funding stops abruptly and there are critical areas, we cannot wait for the 2025/2026 budget.

Likewise, county governments are also expected to act accordingly to ensure uninterrupted service delivery for devolved functions. We are also engaging with other development partners to explore opportunities for additional funding and technical assistance to plug the gap. For instance, the Universal Health Care (UHC) agenda reforms under the Social Health Authority (SHA). Vulnerable populations will gain access to a broad spectrum of benefits, including screening, dialysis, kidney transplants, essential medications and vital medical equipment and plug the gap by some of the interventions that were being performed by USAID.

The other question was that, could the Cabinet Secretary also outline the Government's long-term plans to reduce reliance on foreign aid and ensure sustainable financing for critical programmes in sectors such as education, health, food security and governance? This is my response-

Like you have observed, this administrative action has exposed our vulnerabilities and calls for concerted efforts to address them to ensure Kenyan self-reliance. Our vision 2030 overarching goal is to transform Kenya into a newly industrialising middle-income country providing a high quality of life to all Kenyans or citizens.

The journey to self-reliance requires broad-based economic development. The Government is implementing policies, programmes, projects and interventions in the bottom-up economic transformation agenda to enhance agricultural transformation, support macro, small and medium enterprises, provide affordable housing and settlement, achieve UHC and support the growth of digital superhighway and creative economy for job creation.

Mr. Speaker, Sir, in this year's Budget Policy Statement (BPS), which is titled Consolidating Gains under Bottom-Up Economic Transformation Agenda for inclusive green growth, we have outlined the fiscal consolidation measures to reduce public debt vulnerabilities while providing fiscal space to deliver essential public goods and services. Fiscal consolidation will be supported by concerted expenditure rationalisation and revenue mobilisation efforts. This will bring public debt on the downwards path, consistent with Kenyan's debt anchor.

To boost revenue, emphasis will be placed on a combination of tax administrative and tax policy reforms that include; strengthening tax administration for enhanced compliance through expansion of the tax base, minimizing tax expenditures, leveraging on technology to revolutionize tax processes, sealing revenue loopholes and enhancing the efficiency of tax system and focusing on non-tax revenues that Ministries, Departments and Agencies (MDA) can raise through the services they offer to the public.

The Government will also sustain efforts to strengthen accountability, transparency and a revenue mobilization path guided by the Medium-Term Revenue Strategy that makes tax regime more efficient, equitable and progressive. These

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deliberate efforts will be put in place to strike a right balance between the need to create a stronger and more reliable revenue stream and the need to protect the critical masses who have been grossly affected by the prevailing macroeconomic shocks.

To strengthen expenditure control and improve efficiency and effectiveness in public spending, the Government will; rationalize and reduce non-essential expenditure, roll out an end-to-end E-procurement system to maximize value for money and increase transparency in procurement, operationalize the Public Investment Management Information System to automate public investment management process, revamp the public service pension administration through digitization and re-engineering of the pension management system, expedite governance reforms targeting state corporations.

To strengthen Public Finance Management, the Government will; fast-track the process of transitioning from cash basis to accrual basis of accounting to improve cash management and enhance financial and fiscal reporting and entrench the adopted zero-based budgeting approach while finalizing the financial year 2025/2026 budget estimate to reorient our budgeting and expenditure framework.

The Government will also operationalize the asset and inventory management modules in our Integrated Financial Management Information System (IFMIS) for all MDAs. This will enable the Government to have full visibility of all assets and inventory and facilitate optimal assets utilization and ensure idle and unserviceable assets are disposed in conformity with existing legal requirements.

Mr. Temporary Speaker, Sir, I want to add that most of these measures that I have already put here are at their advanced stages of implementation. For example, the case of E-procurements, we are onboarding almost all MDAs by the beginning of next month. We are doing a test run all the way to 30<sup>th</sup> June. By 1<sup>st</sup> July, all MDAs, including county government, should be all onboarded into the E-procurement system to make efficient, effective our procurement system and realized economy in the procurement.

The case of actuarial accounting, my Committee, which is headed by my Principal Secretary, is already implementing it. I delegated that to him and he is doing an excellent job, including on inventory and investment management. Therefore, all these measures that I have pointed out here are already at advanced stages of implementation. They are not thoughts, wish lists or intentions. We are actualizing them.

To crowd in private sector in the provision of public services, the Government will scale up use of Public-Private Partnerships (PPPs) framework for commercially viable projects. I know PPP has been scandalized. We are trying to revamp, re-engineer and re-brand it so that Kenyans may appreciate the PPP as an alternative to financing major infrastructural development, which would reduce pressure on our fiscal space.

The Government is also piloting a new Human Resource Management System, which will be rolled out to all national government ministries and departments, as well as all county governments, in order to improve the management of the wage bill, including statutory payroll deductions.

In view of the constrained fiscal environment, prioritization during resource allocation will be critical in ensuring low-priority expenditures are dropped or deferred to give way to high-priority service delivery programs. MDAs are therefore required to re-evaluate all the existing or planned activities, projects and programs to be funded in

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financial year 2025/2026 and in the medium-term budget. Sector Working Groups (SWG) are required to eliminate wasteful expenditures and pursue priorities which are aimed at safeguarding livelihoods, creating jobs, reviving businesses and economic recovery.

I want to add that we have already put a zero-based budgeting model into the IFMIS for the budget that we are processing at the moment. SWG should also ensure that all expenditure items in the financial year 2025/2026 budget are justified and emphasis is placed on allocating the limited resources based on program efficiency and requirement than incremental budgeting.

Before I finish, I wanted to point out that the day before yesterday, I had a meeting with the *Charge d'affaires* of the United States of America (USA) in Kenya. This is what I want to add to the response that I have just given. We discussed at length and it is clear, as I said, that the USA has been giving us support directly through implementing partners, not through the budgetary support. The programs out of this executive order, which have been running in this country, were about 100. With this executive order, the programs may reduce to only 15.

These are the areas that are going to be saved from the discussion I had with them. I requested him to give me a write-up on the impact of this executive order, including areas that are not going to be affected. He stated that life-saving interventions will not be affected. Emergencies like infectious diseases, e.g. Ebola, will not be affected in terms of a fund cut. Emergency food assistance will also be preserved or not affected or saved. Finally, our mission in Haiti through our police force will also be supported. Therefore, the executive order does not affect those areas. Those will still continue to enjoy the USA funding.

Mr. Temporary Speaker, Sir, even as we pursue these risk-mitigating measures, we remain hopeful that we shall continue strengthening our bilateral ties with the USA notwithstanding the outcome of the 90-day review on foreign aid. We discussed at length with the team from the USA Embassy and they have indicated areas where they still want to continue cooperating with us. They re-emphasized that the foreign policy around Kenya is still intact and remains intact.

I thank you very much. I submit.

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

Hon. Senators, due to time, I will not be taking any supplementary questions except from Sen. (Dr.) Boni Khalwale. You can ask one supplementary question if you are still not satisfied with the response.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Temporary Speaker, Sir. I am satisfied with the answer that has been given by the Cabinet Secretary. I regret on behalf of the people of Kakamega, Mombasa, Nakuru, Kilifi and Isiolo counties that Kshs1.1 billion, which was earmarked for promoting accountability in delivery of services in those counties and reducing fraud, wastage and abuse of resources in the health sector has fallen on its face.

I want to draw the attention of the Cabinet Secretary to page 9 of his answer, bullet 8.3, where you have mentioned the issue of the Social Health Authority (SHA). Mr. Cabinet Secretary, since you are trying to look for ways of bridging the gap, where

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the Universal Health Care (UHC) has succeeded elsewhere in the world, the funding model is clearly based on what comes from the National Treasury, what they realise from the contributions of members who subscribe to the programme for insurance and an element of out of the pocket.

Could you clarify to the country's Cabinet Secretary that the current funding model of the Social Health Authority (SHA) does not factor in any money from the National Treasury? Given that in your budget, you have Kshs134.5 billion thereabout to the Ministry of Health, which is going to remain at Afya House.

Can I plead on behalf of the Kenyans that the Kshs134 billion that is remaining at Afya House, you should take upwards of 50 or 60 per cent and take it into SHA so that it can be the national Government's contribution to cushion the programme because the noise I hear across the country, is about funding. People are happy about SHA, but the funding does not appear to be sustainable.

Could you undertake to learn and borrow from the way Universal Health Care is funded in other countries, the UK included? I am afraid the noise we are hearing is not about to come to an end.

Thank you.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you, Senator. Cabinet Secretary, please respond. Thank you.

*(Sen. Cherarkey spoke off record)*

Sen. Cherarkey, I have told you that we have run out of time. Another Cabinet Secretary is waiting. The Questions have been answered. These are supplementary questions. Sen. Cherarkey, we are not going to engage each other in a verbal exchange.

Cabinet Secretary, please proceed. Sen. Cherarkey, that is enough. Let the Cabinet Secretary reply.

**The Cabinet Secretary for National Treasury and Economic Planning** (Hon. Mbadi): Thank you. Mr. Temporary Speaker, Sir, I would like to quickly address the two issues that Sen. (Dr.) Khalwale has raised. Regarding his regrets, I agree that funding issues like advocacy and support for fighting corruption will certainly be affected, and we may not have enough resources to support such programmes. However, this is regrettable because we really need accountability in the country. So, I agree with Sen. (Dr.) Khalwale on that.

Secondly, on the issue of Universal Health Coverage, I want to agree with Sen. (Dr.) Khalwale that this programme is contentious everywhere in the world. There is no country that I know of which has implemented Universal Health Coverage without issues around it, either political, people who feel it should not be implemented, especially in developed democracies, or it is issues around how to implement it.

We, as a country, promised universal health coverage in the manifestos of major political parties. However, we must implement it properly. The issue around SHA is not that SHA is not right; it is the good thing, and it is the right thing to do, but the issue around it is, are we doing it properly? So, this is the question that we need to ask.

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So, what am I going to do from the Treasury perspective? From the Treasury, I am going to insist on rationalising our budget to put money where it is needed. I just want to tell Sen. (Dr.) Khalwale that the National Treasury has supported SHA. It is not true that we have not supported it. Even in the current supplementary two, we have a location of Kshs6 billion to support SHA, three billion to support primary health care, and another three billion to support critical care.

By the way, it may interest Members to understand that, from the information I have, critical health care was not being provided under the National Health Insurance Fund (NHIF) but under SHA. The Government has insisted we must provide it and make resources available.

Apart from the deductions from members, which are basically insurance, it is not actually expenditure. The money that is collected from Kenyans, if you take the best-case scenario that no Kenyan falls sick, should not be spent; it should remain there. So, it is not an expenditure.

That is why, when you look at our fiscal framework, we have removed the SHA allocation of Kshs73 billion from the framework because it is not an expenditure. However, the Government must also put in money to support health care in the country. So, you will see in the budget allocation that we must support this critical health programme.

I hope and believe that the Line Ministry will do justice to Kenyans by making this system work, more efficient, and more accountable. Problems are bound to exist because any new thing must have challenges. However, those challenges must be dealt with within a period of time so that the system works. We cannot afford to lose this system. This system is the best for this country, especially with the challenges surrounding some of the health programmes that USAID was supporting.

We need a system that caters to society's vulnerable. I agree with Sen. (Dr.) Khalwale, largely. I have taken note of your suggestion and advice to my Ministry on how to deal with the funding for the Health Ministry. I will act accordingly.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you, Cabinet Secretary. We shall give you leave now. I wish you all the best in the hard task ahead, and we'll probably see you next time in this House to ask you more questions.

*(The Cabinet Secretary for National Treasury and Economic Planning  
(Hon. Mbadi) was ushered out of the Chamber)*

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Cherarkey, proceed. Give him the microphone.

**POINT OF ORDER**

## TIME MANAGEMENT DURING QUESTIONS TIME

**Sen. Cherarkey:** Mr. Temporary Speaker, Sir, the Cabinet Secretary for Interior and National Administration is coming and has more than 10 questions to respond to. We have been sitting since morning; we need guidance early so that if there is no space for supplementary questions, we do not have to wait. If we do not get a chance, then why did we indicate in the Standing Orders that supplementary questions will be asked?

In fact, the Standing Order should only allow the people who are asking the questions to ask the question. It is unfair for Members to come here at 9.30 a.m. to ask further supplementary questions or even to assist in the guidance of the House and not be given a chance.

This does not apply only to me but to a number of colleagues who have sat here since morning. The next Cabinet Secretary has more than 10 questions, and even if you are to indulge the House to rise at 1.15 p.m., it will not be sufficient.

Will you indulge the House using Standing Order No.1? If that is okay, the owners of the questions in the Order Paper can drop their supplementary questions and allow other Members to ask further questions. If it is not possible, under Standing Order No.1, kindly guide the House so that Members do not expect to ask.

We can be good listeners, and we can listen through. Since my question was simple, I wanted to find out from the Cabinet Secretary the position of USAID on the payment of Universal Health Coverage. This is a live issue. I know you have UHC in Garissa and Kericho.

Is the Cabinet Secretary for the National Treasury and Economic Planning looking into the same, following the suspension of USAID that has been catering for that?

Mr. Temporary Speaker, Sir, we need your interpretation of Standing Order No.1. When a Cabinet Secretary appears here to answer questions, from your dashboard, you can tell whether an answer is sufficient to a question. If a Cabinet Secretary has not answered a question adequately, and by looking at the reaction of Members, is it possible for you to direct that the Cabinet Secretary withdraws that response and perhaps comes back after seven or fourteen days, so that we also do not waste time? The reason we ask more supplementary questions could be because the responses are not sufficient.

I need your guidance on Standing Order No.1 where Cabinet Secretaries give answers that do not satisfy the House, or we feel that they have not taken the House seriously.

Another issue is this. For example, today we will have Cabinet Secretaries for Interior and National Administration, National Treasury and Economic Planning, and Labour and Social Protection. If some of them have many questions to respond to, is there a way we can have just two, for example, the Cabinet Secretary for the National Treasury and Economic Planning and the Cabinet Secretary for Education? We agree that there are many issues. Is there a way the Senate Business Committee (SBC) can sit and agree on that?

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**The Temporary Speaker** (Sen. Abdul Haji): Thank you, Sen. Cherarkey. What you have raised is valid. We will take it up with SBC. We should not lump up Ministries which have many questions to respond to. Today we have three Cabinet Secretaries and it is quite evident that we are not able to manage our time properly.

We have six questions to the Cabinet Secretary for Interior and National Administration. I propose that we get all the six questions asked and see how much time will be left after that, so that we know how many supplementary questions to take thereafter. Therefore, you will ask the six questions without any supplementary. After they have been replied to, we will see how many supplementary questions can be asked. Is that in order, hon. Senators?

**Hon. Senators:** Yes.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you. Let us go to Question No.021 by Sen. Beatrice Ogola.

Sorry, Hon. Cabinet Secretary. I did not welcome you to the House. Welcome.

**The Cabinet Secretary for Interior and National Administration** (Hon. Kipchumba Murkomen): Thank you.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Ogola, please ask your question as it appears on the Order Paper so that we save time.

*Question No.021*

LEVEL OF PREPAREDNESS IN MITIGATION  
OF DROUGHT AND FLOODS

**Sen. Ogola:** Mr. Temporary Speaker, Sir, my Question is as follows-

(1) Could the Cabinet Secretary provide details on the level of preparedness in mitigation of drought and floods, given the devastation that was experienced in the country during the heavy rains in 2024 and in the previous years?

(2) Are there specific areas that have particularly been mapped out for such mitigation, and what strategies have been put in place for such zones?

(3) How much has been set aside in the FY 2024/2025 budget earmarking disaster and emergency response?

**The Temporary Speaker** (Sen. Abdul Haji): Thank you, Senator. Let us now get the response by the Cabinet Secretary. We request that you summarise the responses as much as possible because the answers have already been circulated to the Members.

**The Cabinet Secretary for Interior and National Administration** (Hon. Kipchumba Murkomen): Good afternoon, Mr. Temporary Speaker, Sir. Thank you for giving me an opportunity to be here. I thought you directed that all the questions be asked at once then I run through the responses at once.

**The Temporary Speaker** (Sen. Abdul Haji): We can do that. Question No.027 is by the Senator for Turkana, Sen. James Lomenen.

*Question No.027*MEASURES TO MITIGATE PERSISTENT LIVESTOCK  
THEFT AND BANDITRY IN TURKANA COUNTY

**Sen. Lomenen:** Mr. Temporary Speaker, Sir, my Question is as follows-

(1) Could the Cabinet Secretary outline the measures in place to mitigate the persistent livestock theft and banditry that has plagued Turkana County for decades?

(2) What different strategies has the Ministry put in place to alleviate the unchecked raids that have exacerbated poverty and insecurity in the region, despite numerous Government interventions?

(3) Could the Ministry consider the adoption and implementation of modern technological solutions such as the Animal Identification and Traceability System (ANITRAC) to enhance livestock traceability and effectively curb cattle rustling?

(4) Could the Cabinet Secretary provide mechanisms that can be implemented to enhance collaboration between Turkana County, security agencies and neighbouring counties to enforce livestock identification policies and ensure seamless livestock tracking and recovery?

**The Temporary Speaker** (Sen. Abdul Haji): Thank you, Senator. Next is Sen. Chute, Senator for Marsabit.

*Question No.003*RESETTLEMENT AND COMPENSATION  
OF IDPs IN MARSABIT TOWN

**Sen. Chute:** Mr. Temporary Speaker, Sir, I have the following questions-

(1) Could the Cabinet Secretary state the number of Internally Displaced Persons (IDPs) in Marsabit Town, and provide details regarding the timeline and circumstances of their displacement as well as the form and extent of support provided to them?

(2) Could the Cabinet Secretary disclose plans and timelines for resettling the IDPs, and outline measures put in place to ensure their safety and well-being during and after resettlement?

(3) What are the terms of compensation of the IDPs, and could the Cabinet Secretary indicate when the compensation will be paid?

**The Temporary Speaker** (Sen. Abdul Haji): Thank you, Senator. Next is Sen. Hamida Kibwana.

**Sen. M. Kajwang’:** On a point of order, Mr. Temporary Speaker, Sir. Not to challenge your directions, but when you look at the time, we have got just about 30 minutes before we close this session. When you look at the Order Paper, there are quite a number of questions.

We run the risk of asking the questions then time runs out and then end up taking the written responses from the Cabinet Secretary, which will defeat the essence of this

session. When we put this in the Standing Orders, this session was never there. It was meant to build interaction with Cabinet Secretaries.

I want to plead with you, Mr. Temporary Speaker, Sir. Let us not rush so that we finish. Let us have a substantive conversation and probably just take the first three or four questions and have the Cabinet Secretary to respond. If he responds satisfactorily within the time allowed, then the other questions can be asked. Otherwise, we will be engaging in an academic exercise, which is not the spirit of this session.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you, Senator. We were proceeding well before you interrupted. We will continue the way we were doing. The Chair has a leeway to increase the time once it gets to one o'clock. We will see how well the Cabinet Secretary will have done in terms of his responses.

Proceed, Sen. Hamida.

*Question No.006*

DETERIORATING CONDITION OF NYAYO HOUSE

**Sen. Kibwana:** Mr. Temporary Speaker, Sir, I have the following questions to *Bw. Waziri-*

(1) Could the Cabinet Secretary explain the deteriorating condition of Nyayo House in Nairobi's Central Business District (CBD), which houses the State Department for Immigration and Citizen Services, and indicate whether there are immediate plans to renovate it to ensure efficient delivery of services to Kenyans?

(2) What measures has the government put in place to ensure that both the public and government officials working at Nyayo House have access to adequate facilities including clean water, sanitary amenities and a conducive working environment?

(3) Could the Cabinet Secretary also confirm whether there is budgetary allocation for the renovation of Nyayo House in the Financial Year 2025/2026 and if so state the amount.

**The Temporary Speaker** (Sen. Abdul Haji): The next question is by Sen. Joe Nyutu on behalf of the Sen. (Dr.) Murango of Kirinyaga county.

*Question No.012*

INCREASED INSECURITY IN KIRINYAGA COUNTY

**Sen. Joe Nyutu:** I have the following questions to the Cabinet Secretary-

(1) Could the CS state the immediate actions taken to address the increase in incidences of insecurity in Kirinyaga county particularly in Kerugoya town where two people have been killed by criminals in the last one month and Ngurubani town where marauding gangs have been waylaying residents early in the morning and late in the evening?

(2) What the status of investigations into an attempted robbery with violence incident in Mirigaire area in Kerugoya town on the night of 24<sup>th</sup>. January, 2025 in which

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a Mr. Murimi was shot and later succumbed to injuries while undergoing treatment at Kerugoya County Referral Hospital and could the Cabinet Secretary clarify the timelines within police officers should investigate incidents of such crimes?

(3) What long terms plans does the Ministry have to curb insecurity in Kerugoya town and its environs.

(4) Could the Cabinet Secretary also state the number of police officers who have served in one station within Kirinyaga county for more than three years and when those officers would be transferred?

**The Temporary Speaker** (Sen. Abdul Haji): The last question is by the Senator of Tana River County, Sen. Mungatana.

*Question No.020*

STATUS OF INVESTIGATIONS INTO THE MURDER OF  
MR. ISAAC JARSO, A RESIDENT OF KONE  
VILLAGE, TANA RIVER COUNTY

**Sen. Mungatana, MGH:** I rise to seek answers to the following-

(1) Why have the killers of Mr. Isaac Jarso a resident of Kone Village in Tana River county who was killed by suspecting Kenya Wild Life Service (KWS) officer on the 29<sup>th</sup>, December, 2024 not yet arrested?

(2) When will the killers be arrested given that a similar incident happened in Nakuru county on the 18<sup>th</sup>, January, 2025 and within hours, arrests of the suspected KWS officers was made?

(3) Could the Cabinet Secretary explain why the Directorate of Criminal Investigations (DCI) officers are yet to make arrests when the suspects are known KWS officers?

(4) When will the family of the late Mr. Jarso be compensated following his unfortunate death?

I thank you, Mr. Temporary Speaker, Sir.

**The Cabinet Secretary, Ministry of interior and National Administration** (Hon. Murkomen): Thank you, Mr. Temporary Speaker, Sir. I will run through the questions in their order of presentation.

First is questions No.003 by the Senator of Marsabit County. I will skip a number of things there to save on time

On part one which is the number of Internally Displaced Persons (IDPs) between 2017 and 2022, sporadic social –political skirmishes resulting in the displacement of people in various parts of Marsabit county.

On record, we have 528 households whose houses were vandalized and 135 houses burnt as follows with villages provided for - the sub location - and maybe just to mention the sub location. In Njirime sub location, we have 12 households; in Milima Tatu, 18; in Mataharba, 33; in Kilta, 35; all totalling in different villages as provided for - and I am sure the advanced copy was shared. It is a total of 528 households. The burnt houses are 135. The list is provided.

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Honorable Speaker, on question 2, the government has been distributing relief food to the affected households. In addition, there has been allocation of bursaries to the affected children.

On the terms of compensating the IDPs and when they will be paid, most of the IDPs have returned to their original Manyattas - Daba, Sales, Wako, Konso, Banchale, Aisakonu, Umuro, and Gabra scheme.

To ensure their safety and security, police posts have been established in the area. Saku CDF has put up a police post at Manyatta Daba awaiting deployment of security officers. National Police Reservists have been deployed across the hotspots and peace dialogue have been conducted across the county. Peace structure committees are operational. There is enhanced intelligence gathering and there is frequent public barrages being conducted in the area.

In the absence of budgetary allocation in my ministry to facilitate compensation for IDPs, the county resettlement committee is engaging the IDPs to voluntarily return to their Manyatta. This has become possible since the security situation has stabilized.

The government commits to ensuring that upon return of the displaced persons, adequate provisions is made to provide them with food and non-food items.

On question number 006 by nominated Sen. Hamida Kibwana, Speaker, on part one, which is the deteriorating situation of the Nyayo House, I would like to respond as follows –

Nyayo House was commissioned around 42 years ago and currently accommodates over 58 national and county government departments, which offer different services to the citizens, especially in migration services. Previously, the ministry engaged the State Department of Public Works to assess the necessary maintenance works of Nyayo House and they gave the ministry a bill of quantities amounting to Kshs244,831,860; funds which the ministry does not have at the moment. The refurbishment will cover internal and external painting, electrical and mechanical works, including the lifts, which are performing very poorly.

The State Department of Migration and Citizen Services occupies the majority of the floors in Nyayo House. All these floors currently occupied by the State Department are being refurbished to ensure efficient service delivery and a conducive working environment for both the staff and the clients. The floors that accommodate the Principal Secretary's office are on 23rd floor, the Director of E-Citizen Services on 23rd, 22nd and 17th floors have all been renovated and refurbished with modern furnishing and IT infrastructure. The service lobby on the ground floor where the Director of Migration and Citizen Services carries out passport application and issuance; was fully renovated and expanded to accommodate our targeted clientele.

Plans are underway to renovate offices on third, fourth and eighth floors and refurbish all the washrooms and all floors that are occupied by State Department of Migration and Citizen Services.

On part two, on the measures put in place to ensure both public and government officials working there have clean water, sanitary amenities and conducive working environment, I would like to respond as follows –

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The government has ensured uninterrupted clean water supply, which runs throughout the week from the Nairobi City County. Nyayo House also has reserve tanks on the rooftop of the building in case we experience water supply shortages. The State Department of Migration and Citizen Services has also outsourced cleaning services.

On whether there is a budget allocation for the renovation in 2024/2025, I wish to state that the State Department for Immigration and Citizen Services was allocated Kshs70 million in the financial year 2024/2025 budget for the renovation and refurbishment of our offices at the Nyayo House.

However, due to the ongoing austerity measures, the National Treasury reallocated the funds.

We do hope that the National Treasury will disburse the funds to allow the completion of the budgeted renovations.

*Question No.012*

INCREASED INSECURITY IN KIRINYAGA COUNTY

On Question No.012 by Sen. Murango of Kirinyaga County, we have a very detailed response but I will try to summarise it. It is on regarding the immediate actions that have been taken by the National Police Service to address increasing incidence of insecurity in Kirinyaga County, particularly in Kerugoya Town. I like to respond as follows-

In January, 2025, several security incidences were reported in Kerugoya and Ngurubani towns within Kirinyaga County. Consequently, immediate measures were undertaken to arrest the situation.

(1) Increased patrols and rapid responses -The National Police Service intensified both foot and mobile patrols in Kerugoya town and its environs focusing on early morning and late evening hours when incidences were more frequent.

(2) Special Operations - The National Police Service organized continuous special operation to get rid of the criminals.

(3) Public sensitization. Regular public security meetings were conducted to inform the residents about the emerging crime trends and preventive measures.

(4) Stakeholder partnerships - Collaboration was strengthened with community policing groups, *nyumba kumi* initiatives and private security firms to facilitate information sharing for effective security management.

(5) Multi-agency coordination - Law enforcement worked closely with the national Government administration officers, other security agencies and public to build confidence in security efforts.

(6) Targeted investigation - Specialized units were deployed to conduct thorough investigations leading to the arrest and prosecution of criminals.

On the status of investigation into an attempted robbery with violence in Miringa-Liri area in Kerugoya Town and death of one Mr. Murimi who was shot in the incidence, I would like to respond as follows.

On 24<sup>th</sup> January, 2025, at around 9.30 p.m., Gladys Nyambura Njuki, an Mpesa shop operator in Kerugoya Town closed her business and boarded a motorcycle provided ridden by Eric Maina to her residence in Muthaiga area. Before reaching her destination, they were intercepted by assailants using two numberless motorcycles each carrying a pillion passenger and armed with a pistol. The criminals confronted the complainant brandishing pistols and forcibly snatched her handbag while demanding money.

Upon hearing a distress call, a resident, Mr. Peter Karimi Kamau, aged 44 years, responded in an attempt to assist. Unfortunately, one of the robbers shot him. They also fired two shots in the air to disperse bystanders before fleeing the scene on the motorcycles. Police officers arrived promptly but criminals had already escaped.

At the scene, the police officers recovered two spent cartridges and five rounds of ammunitions. The injured victim was rushed to Kerugoya County Referral Hospital for treatment. Unfortunately, he succumbed to the injuries the following day on 24<sup>th</sup> January, 2025. A postmortem was done and confirmed that he had suffered a fatal gunshot wound in the abdomen.

Investigation commenced under the offence of robbery with violence contrary to Section 296(2) of the Penal Code and reference is provided. Forensic was done at the Directorate of Criminal Investigation (DCI) headquarters by conducting ballistic examination on two spent cartridges recovered at the scene of crime established that the firearm used in this incidence had also been linked to a separate robbery with violence case at DCI in Ruiru. As at now, the suspect remains at large and the case is still under active investigation to apprehend those who are responsible.

Regarding the long-term plans by the National Police Service to curb insecurity in Kerugoya town and its environs, the Government is committed to implementing long term measures to enhance security and maintain law and order in Kerugoya town and its surrounding areas.

The following strategies aim to provide sustainable solutions to crime and insecurity. Strengthening the community policing and *nyumba kumi* initiative. More details are provided for in the statement. Increasing police presence and patrols. Use of technology of crime prevention especially CCTV cameras and use of the toll-free emergency number, 'Fichua Kwa DCI'. Capacity building and training of officers.

We provide continuous training for the officers on modern crime fighting techniques, intelligence gathering, human rights practices, among others.

Addressing socio-economic drivers of crime. We would like to collaborate with the local community organisation to provide social programmes aimed at reducing criminal behaviour. Improve the legal and judicial processes to enhance collaboration between the police and Judiciary to ensure that these cases are handled swiftly.

Enhance intelligence and surveillance operations in the area, strengthening Public-Private Partnership (PPP) in security, working together with the private firms and the community, and finally periodic security audits and stakeholder engagement to ensure that we deal with these threats.

On the list of police officers who have served in Kirinyaga County over three years and their transfer status. The Service Standing Orders (SSO) CAP 72 govern the

transfer and deployment of police officers. As stipulated, the mandate for deployment lies with the Inspector General (IG) and is not used as a disciplinary measure or reward.

Mr. Temporary Speaker, Sir, additionally, in line with the Maraga Task Force recommendations, officers should not serve in a single station for more than three years to enhance professionalism, mitigate corruption and ensure optimal service delivery. However, exceptional circumstances allow certain officers to remain in one station beyond this period, including those with medical conditions requiring family support, officers undergoing disciplinary proceedings and those nearing retirement who wish to serve a closer home. In this regard, we have a total of 30 police officers who have served for more than three years in Kerugoya Town.

Mr. Temporary Speaker, Sir, on Question No.020 by the Senator for Tana River County, Hon. Sen. Mungatana, MGH on murder of Mr. Isack Jarso Delo. I wish to respond as follows.

On part one of the Question, which is why the killers have not been arrested. On 29<sup>th</sup> December 2024, at approximately 1030Hours, a contingent of 23 Kenya Wildlife Service (KWS) rangers embarked on an operation to remove cattle and herders who had allegedly settled inside Tsavo East National Park. During the operation, the rangers encountered Isack Abdulla Jarso, - now deceased - his family and his friends at his home in Manyatta.

When the rangers attempted to arrest the deceased, an altercation ensued, escalating into a physical confrontation, beating him and his friends against the rangers. The scuffle resulted in the fatal shooting of Isack Jarso. At 1045 hours, Mr. Said Omar, Assistant Chief of Kone Sublocation, reported the incident at Garsen Police Station under the Occurrence Book (OB) number provided.

Officers from Kone Police Post responded promptly and arrived at the scene where they found the lifeless body of Isack Abdulla Jarso, a 42-year-old male. The body had gunshot wounds on the upper right thigh. Investigations commenced under Inquiry No. 4 of 2024 of Director of Criminal Investigations (DCI) Delta, with officers documenting evidence at the scene and recovering four spent cartridges.

The body was moved to Malindi Subcounty Hospital, mortuary for preservation, where a post-mortem examination was conducted confirming that the cause of death was due to gunshot-inflicted injuries. As part of the investigation, statements were recorded from the key witnesses, including the deceased's wife, two friends who were with him at the time of the incident, and two brothers who arrived after being alerted about the shooting.

Additionally, statements were taken from KWS rangers involved in the operation. To facilitate forensic analysis, all 23 rifles used by the rangers during the operation were collected and escorted to the Forensic Laboratory in Nairobi for ballistic examination. The ballistic expert report is yet to be finalised. Once investigations are concluded, action will be taken against the KWS officers found culpable in the fatal shooting.

Mr. Temporary Speaker, Sir, regarding when the killers will be arrested, given that similar incident happened in Nakuru County; as I said, investigations commenced immediately. An inquiry was forwarded to the Director of Public Prosecutions (DPP) via the number provided dated January 2025.

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In response, the Office of the Director of Public Prosecutions (ODPP) through a letter referenced as provided, dated 14<sup>th</sup> February 2025, directed that several additional matters be established through further investigation, including fire and ballistic report.

As stated earlier, appropriate action will be taken against the officers found culpable.

On number three, on why the Directorate of Criminal Investigation (DCI) officers have yet to make an arrest. Again, the matter is still under active investigation by the DCI and once concluded appropriate action will be taken against anyone found culpable of the offence. Every effort is being made to expedite and conclude the investigation to ensure justice is served.

Regarding when the family of Mr. Jarso will be compensated, compensation for the family of the late Isaac Jarso will be subjected to due process depending on the outcome of the investigations.

On Question No.021 by Sen. Beatrice Ogola, I wish to respond as follows - on part one, on the level of preparedness on the mitigation of drought and floods, the prolonged 2024 rains resulted in flooding that impacted most parts of the country. A total of 315 people died due to the floods, 58,641 households representing 293,205 individuals were displaced and 412,262 persons were affected. The flooding caused havoc to roads, bridges, aerodromes, railways lines, school infrastructure and health facilities.

A total of 298,673 acres of agricultural land and 9,367 livestock were washed away. The Government and partners supported the affected population with evacuations and provision of shelter. Cut-off roads and railway lines were reopened. Further, the Government distributed 3,798.1 metric tonnes of relief and other non-food items to the affected population. Arising out of this experience, the Government has strengthened early warning systems and disaster preparedness for anticipated flood risks. The Government will issue timely alerts besides mobilising emergency response efforts and awareness creation. The Government is investing in climate-resilient infrastructure, flood control measures and disaster mitigation strategies to reduce vulnerability. This includes improving drainage systems in towns and cities.

Secondly, on the specific areas that have particularly been mapped out, I would like to say as follows-

Three months' weather forecast issued by the Kenya Metrological Department (KMD) for March, April and May indicates near to above-normal rains for the Western part of the country and below-normal for the rest of the country. There is therefore likelihood of floods in only three counties including, Kisumu, Busia and Tana River.

The Government has employed the following flooding strategies, among others, to mitigate against possible floods-

- (1) Promoting reforestation and soil conservation;
- (2) Rehabilitation of roads;
- (3) Acquisition of food and non-food items in preparedness for that season;
- (4) Mobilising emergency response efforts;
- (5) Awareness creation among the stakeholders and members of the public;
- (6) Improving drainage systems in towns;

(7) Developing and regularly updating emergency response to ensure swift and effective actions in the event of flooding, including protocols of evacuation in the event of flooding; and,

(8) Fostering collaboration amongst stakeholders to develop coordinated response to flooding incidents.

On the question of how much has been set aside in the Financial Year 2024/2025, I would like to say in the current financial year the Ministry has set aside Kshs40 million for disaster and emergency response. This notwithstanding, the Government will mobilise more resources should there be need to do so.

Finally, Mr. Speaker, Sir, on Question No.027 by Senator for Turkana, Sen. James Lomenen, I would like to respond as follows-

In part one, regarding the measures in place to mitigate persistent livestock theft and banditry that have plagued Turkana County for decades, the Government is committed to addressing the historical challenges of livestock theft and banditry in Turkana County and other regions by implementing several measures. The measures include-

(1) Enhanced security deployment. There is an increased presence now through specialised units such as the Anti-Stock Theft (AST) Rapid Deployment Unit (RDU) and General Service Unit (GSU) to deter criminal activities.

(2) Strengthening border security and increased patrol along borders with neighbouring countries to prevent cross-border raids and smuggling of stolen livestock.

(3) Strengthening the inter-county and cross-border collaborations, particularly with neighbouring counties and countries to prevent the movement of stolen livestock and spread conflict across borders.

(4) Recruitment, training and equipping of National Police Reservists (NPR) drawn from local communities to complement police efforts in intelligence gathering and security patrols.

(5) Strict legal action and prosecution of perpetrators. We are working closely with the office of the Director of Public Prosecutions (DPP) and the Judiciary, to ensure swift prosecution of arrested bandits; and

(6) Disarmament or weapon recovery. There are ongoing efforts to recover illegal firearms through voluntary surrender programme and targeted security operations.

Part II, on the different strategies put in place to elevate the unchecked raids that have exacerbated poverty and insecurity in the region, I would like to respond as follows

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The Government has implemented a multifaceted approach to address the persistent raids in the region by continuously assessing and adopting strategies to effectively tackle insecurity and restore sustainable peace and development in the region. They include –

(1) Community policing and intelligence gathering.

(2) Inter-Agency collaboration with Kenya Defence Forces (KDF), National Government Administration Officers (NGAOs), police working together.

(3) Marking and digitisation of livestock identification. In some parts, we have already introduced the livestock branding, microchipping and digital database to facilitate tracing and recovery of stolen animals.

(4) Engagement of peace committees and elders, strengthening peace dialogues with community elders, religious leaders, and local administrators to promote conflict resolution, discourage the territory attacks and foster long-term reconciliation among warring communities.

(5) Continuous training and capacity building of the National Police Service and the National Police Reservists (NPRs), to ensure that they can respond effectively.

(6) Purchase and distribution of new equipment for use by the security personnel, such as drones, mine resistant, and ambush-protected vehicles.

Mr. Speaker, Sir, on part three, on whether the Government can consider adoption and implementation of modern technology, I would like to respond as follows-

The National Police Service established a committee to oversee the implementation of GIS-based livestock tracking system, in collaboration with the consultancy firm, Jibu Cyber Solutions, which was engaged to develop necessary software and infrastructure for livestock registration, movement tracking and ownership verification.

The system has been proposed for rollout in three counties in the Rift Valley and four counties in the Eastern Region. The process has reached the advanced stage with public participation plan to allow Jibu Cyber Solutions to conduct a proof of concept.

This will test the feasibility, impact, and adaptability of GIS-based cattle tracking technology, which will be integrated with real-time monitoring. Once fully implemented, the solution will be linked to the existing police service infrastructure at the Integrated Control and Command Centre, IC3, to enhance security and response to livestock theft incidents.

On part IV, regarding mechanisms that can be implemented to enhance collaboration between Turkana County Security Agencies and neighbouring counties to enforce livestock identification policies and ensure seamless livestock tracking and recovery, I would like to respond as follows;

The Government acknowledges the importance of livestock marking for identification and monitoring in the banditry -prone areas, as well as the need for inter-county collaboration in enforcing livestock identification policies and ensuring efficient tracking and recovery of stolen livestock. Our Ministry in collaboration with the Ministry of Agriculture and Livestock Department formed a Joint Committee to oversee the implementation of a GIS-based livestock tracking system.

Additionally, to strengthen coordination, various mechanisms have been recommended to enhance cooperation, streamline livestock identification and improve recovery efforts. They include –

- (1) Strengthening inter-county coordination of livestock management.
- (2) Adoption of livestock identification system.
- (3) Strengthening livestock market regulations.
- (4) Cross-border security and regional cooperation.

(5) Legal and policy reforms, which includes the review of the punishment meted on cattle rustlers, among others.

(6) Public awareness and sensitization programs.

I thank you, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you very much, Hon. Cabinet Secretary. Hon. Senators, we are going to extend for not more than 15 minutes as per the provisions in the Standing Order. I shall take two questions from each side, so whoever is going to catch my eye on this side.

Sen. Chute, you have the first question.

**Sen. Chute:** Thank you, Mr. Temporary Speaker, Sir. I am shocked to hear the answer from the Cabinet Secretary telling this Hon. House that IDPs in Marsabit County were resettled, compensated and bursaries given to them.

The Cabinet Secretary is misled by being told that these people have been resettled. I want the Cabinet Secretary to provide evidence that shows that those IDPs were compensated, resettled and given bursaries and by who. As far as I know, there were no bursaries given to IDPs and no settlements at all. So, if there is any evidence--- The Cabinet Secretary cannot tell this House---

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Chute, you realise we do not have much time. We have understood your question. Please, let us allow other Senators to ask their questions.

**Sen. Chute:** Mr. Temporary Speaker, Sir, give me 30 seconds to conclude.

**The Temporary Speaker** (Sen. Abdul Haji): No, Senator, you have taken long enough. We have understood the question.

**Sen. Chute:** Hon. Temporary Speaker, this is a very serious matter.

**The Temporary Speaker** (Sen. Abdul Haji): We have understood the question. You have made the question very clear. It will be answered by the Cabinet Secretary. Give other Senators an opportunity.

Sen. Beatrice Ogola, proceed under one minute.

**Sen. Ogola:** Thank you, Mr. Temporary Speaker, Sir. To the Cabinet Secretary, do we have disaster preparedness measures put in place that are gender sensitive because disasters affect gender differently?

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

**Sen. Mungatana, MGH:** Mr. Temporary Speaker, Sir, the Cabinet Secretary told us that on the incident of Tana River in Kone, 23 guns were taken for ballistic examination and the report has not come out. I wanted him to tell us the capacity at the ballistic examinations place. What is the problem? Since January, we are now heading towards March. In fact, very soon we will be four months down the road. What is happening in the ballistic examinations place? Can he do something because this issue has caused a lot of tension in Tana River?

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

**Sen. Lomenen:** Thank you, Mr. Temporary Speaker, Sir. I would like to ask the Cabinet Secretary when he will lift the curfew between West Pokot and Turkana Counties? The former Cabinet Secretary for Interior and National Administration did the

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same. He said the curfew has been removed, but up to now, the traders are suffering from highway robbery in that road.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you. Let us allow the Cabinet Secretary to reply to those four questions. Then, we will take some more supplementaries.

**The Cabinet Secretary for Interior and National Administration** (Hon. Kipchumba Murkomen): Thank you, Mr. Temporary Speaker, Sir. On Sen. Chute's response, I was clear that we do not have money for compensation. However, with the support of National Government Constituency Development Fund (NG-CDF) among others, some of the affected have been favoured in terms of bursaries, including bursaries from the county government.

In addition to that, since we do not have money for resettling people, as the statement indicates, the encouragement was to make the conditions better for people to go back to their *manyattas* for security operations and then give them a chance to go back. As a result of the same, a good number of them have gone back. A few are yet to go back. On the evidence of the same, it can be provided to the Hon. Senator in writing.

On the question asked by Hon. Beatrice Ogola, we have been and will continue being gender sensitive on disaster response. If you see what the Government did last year, a lot of focus was on issues that are going to affect the specific needs of women and children and this will continue. We will continue perfecting our responses based on the experience we get every year.

I believe that gender-based sensitive measures are continually going to be revised to ensure that we are responsive and that we are effectively responding to disasters. Regarding Sen. Mungatana's question about the Directorate of Criminal Investigation (DCI), we have a financial and capacity challenge at the DCI, and we are working to address that issue because there is a backlog. As you heard from my report earlier, the situation in Kirinyaga and the Tana River is still waiting for the ballistic report to come out.

However, on my last visit to the DCI office, they made certain requests that we are trying to factor into the incoming budget. I believe that we should expedite the process because these are 23 guns, so you have to match each one until you find the one that was owned or used by this particular officer.

Finally, on Sen. Lomenen's question, we will assess the security situation. We continuously receive intelligence reports about the situation between Turkana and West Pokot, including recent activities around mining areas in Aro and the border. We still have a dicey situation in some cases, but we will lift the ban as soon as we are ready to do so, and we can work together with local leaders.

Thank you.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you, Cabinet Secretary. Sen. Joe Nyutu, ask your question in under one minute.

**Sen. Joe Nyutu:** Thank you, Mr. Temporary Speaker, Sir. I am just following up on the question by Sen. Murango, question number one, about the actions that the Ministry took following the killing of two people. The Cabinet Secretary has responded and said that they introduced patrols, special operations, and many others.

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Then my question is, we were taught in lower primary school that prevention is better than cure, so what is the Ministry doing to ensure that we have preventive measures other than responsive measures because one life lost is one too many? Thank you. Thank you, Senator Catherine Luma.

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

**Sen. Mumma:** Thank you, Mr. Temporary Speaker, Sir. My question follows up on Sen. Beatrice Ogola's. Cabinet Secretary, the time to prepare for disaster or manage the floods in Nyando is now.

Properly speaking, the machines for doing the dikes should be working now. Why do we wait every year, and it is predictable, for the floods to happen in Nyando? Then we purport to bring in dikes, including our senator purporting to create dikes with his own money, and then the same story of evacuating people? Why can we not build the dikes now, in the next two weeks, so that when the rains come, the water is diverted and people do not have to be evacuated?

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Wakili Sigei, proceed to ask your question in under one minute.

**Sen. Wakili Sigei:** Thank you, Mr. Temporary Speaker, Sir. In his response to Sen. Hamida's question, the Hon. Cabinet Secretary referred to a reallocation of the funds that had been requested to renovate Nyayo House. I do not know whether the hon. The Cabinet Secretary is aware that the basement of that particular building, which is actually an exit and entry to the lifts, is in a sorry state. Water or sewage substances are leaking, posing serious health hazards.

Secondly and lastly, does the Cabinet Secretary, in his comment about the Maraga Task Force recommendation, have plans to implement that particular report, and if so, when will that be implemented in the police force?

**The Temporary Speaker** (Sen. Abdul Haji): Those are two questions, Senator. Sen. Mandago, proceed to ask the final question.

**Sen. Mandago:** Thank you, Mr. Temporary Speaker, Sir. Cabinet Secretary. It looks like there are too many incidents associated with Kenya Wildlife Services officers. We had an incident in Nakuru and Tana River Counties. Your Ministry should probably focus a little bit on the officers.

Finally, I request that the Cabinet Secretary visit Marsabit to assess the situation.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you, Senator, you are only supposed to ask one question. The Cabinet Secretary will only answer one question. Sen. Kavindu Muthama, proceed to ask your question.

**Sen. Kavindu Muthama:** Mr. Temporary Speaker, Sir, I would like to ask the Cabinet Secretary a question about insecurity. The insecurity that Sen. (Dr.) Murango is talking about is not only in Murang'a but also in Machakos. There is a lot of insecurity especially in a place called Matungulu in Machakos County and other areas. What are you doing about it? There is also the issue of transfer of police officers who have been serving in some stations for more than three years.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you, Senator. Hon. Cabinet Secretary, you have five minutes only to respond.

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**The Cabinet Secretary for Interior and National Administration** (Hon. Kipchumba Murkomen): Mr. Temporary Speaker, Sir, I will be as brief as possible.

On the question of preventive measures in Kirinyaga, we have listed them in the responses. Some of the preventive measures that we apply include early preparations, working with local communities, strengthening the *Nyumba Kumi* Initiative, intelligence gathering, and training officers. All of them are listen there.

Concerning the question by Sen. Mumma, I agree with her that this is the time to do so. This is not just a role that is played by the national Government. County governments also have a responsibility. To be fair, last year, county governments did some good job, working together with the national Government. The only challenge we continue facing as a country is budgetary constraints.

Kisumu County is one of the areas that are forecast to have higher than normal rains. It is important for us to do what we need to do now. We will do everything humanly possible within the budget that we have.

Regarding Sen. Wakili Sigei's question, to be honest, Nyayo House needs urgent attention, particularly when it comes to the lifts. I have an office there. Most of the times I get stuck in the lift. So, I have a personal experience. You have also talked about leaking roofs and so on and so forth.

When you have austerity measures, you struggle between providing social services such as healthcare and others and renovations. That is why we are in that situation. However, we will see what to do with Nyayo House.

We are implementing the Justice Maraga Report in total. That includes improved salaries for police officers at lower cadres. The issue of transfers and many others are being worked out. I hope I will have an opportunity in future to come and expound further because this is an important report for us since it was the first task force that the President established when he took office.

Moving to the question by Sen. Mandago, indeed, I will be going to Marsabit soon. I will inform the Senator for Marsabit so that we can have a personal view.

Many things have been happening in Marsabit. We have done massive operations in Marsabit County to deal with issues of the Oromo Liberation Army (OLA), drugs and many others. We will have an opportunity to visit there with him so that we see what is happening.

On the issue of KWS, what happened in Tana River and Nakuru was of great concern to us. We have been in a conversation with the Director General of the KWS. We will enhance that conversation between the National Police Service (NPS) and KWS to see whether there is a problem amongst KWS officers that needs to be dealt with to ensure that we avert such situations in the future.

Finally, I agree with Sen. Kavindu Muthama. It is true that we have challenges in Matungulu in Machakos County. Those challenges are also related to criminal gangs which are owned by politicians in Matungulu.

We have been seeing resurgence of political gangs or criminals posing as political gangs and pretending to be working for politicians across the country. We have experienced that in Western, Rift Valley, Mombasa, and Matungulu in Machakos among other areas.

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Mr. Temporary Speaker, Sir, we are dealing with it. I promise that we will dismantle these gangs, including those in Matungu in Kakamega County.

I thank you.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you so much, Hon. Cabinet Secretary. It was nice to have you. We are looking forward to have you again.

### ADJOURNMENT

**The Temporary Speaker** (Sen. Abdul Haji): Hon. Senators, it is now 1.15 p.m. Having concluded the business for which I extended the hours of sitting, pursuant to Standing Order No.34(2A), the Senate stands adjourned until later today, 5<sup>th</sup> March, 2025, at 2.30 p.m.

The Senate rose at 1.15 p.m.