



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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THE HANSARD

Wednesday, 30th April 2025

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

Hon. Speaker: Hon. Members, we have no quorum in the House. Sergeant-at-Arms, ring the Quorum Bell.

(The Quorum Bell was rung)

Order, Hon. Members. We now have a quorum to transact business. Clerk-at-the-Table, proceed. Members on your feet, please take your seats. I have two short communications to make.

COMMUNICATIONS FROM THE CHAIR

THE ANNUAL NATIONAL PRAYER BREAKFAST 2025

Hon. Speaker: Hon. Members, as you are aware, the Annual National Prayer Breakfast is held each year, on every last Thursday of the month of May. In this regard, I wish to notify the House that the 2025 National Assembly Prayer Breakfast is scheduled to take place on Thursday, 29th May 2025 at the Safari Park Hotel, Nairobi.

The Annual Prayer Breakfast is an inter-denominational prayer meeting organised by Members of Parliament and brings together various leaders from across the country and beyond. The 2025 Prayer Breakfast will be held under the theme “Rise and Rebuild.” The National Assembly will host the Annual Prayer Breakfast, and His Excellency (Dr) William Ruto, CGH, the President of the Republic of Kenya and Commander-in-Chief of the Defence Forces, will grace the occasion as the Chief Guest.

To facilitate your attendance at the 2025 Annual Prayer Breakfast, Members are requested to pick up their invitation cards to the event at the Main Reception in good time, starting today. You may also contact the Chairperson of the Prayer Breakfast Group, the Member for Ainabkoi, Hon. Samuel Chepkonga, CBS, for any further clarification.

Additionally, I wish to bring to your attention two key events that will take place at the same venue on the eve of the Annual Prayer Breakfast, being Wednesday, 28th May 2025. The first event is the Women Convocation, scheduled to take place on Wednesday, 28th May 2025, from 8.00 a.m. All women Members of Parliament are invited to the convocation. This will be followed by the National Conversation 2025, starting at 1.00 p.m. at the same venue.

I urge all Members to note the events and purpose to participate in them, being key annual events in our parliamentary Calendar.

Thank you

(Hon. Dorothy Muthoni and Hon.

Liza Chelule consulted loudly)

Hon. Dorothy and the Member for Nakuru County, you are out of order. This communication is for you.

SUSPENSION OF COMMITTEE SITTINGS
DURING PUBLIC PARTICIPATION

Hon. Speaker: Hon. Members, as you are aware, at the rise of this sitting today, the House is scheduled to proceed on its long recess from Friday, 2nd May to Monday, 26th May 2025, in accordance with its Calendar for the Fourth Session. You may further recall that the countrywide public participation exercise for the Constitution of Kenya (Amendment) Bill (National Assembly Bill No.4 of 2025) is scheduled to be undertaken from Monday, 5th May 2025 to Thursday, 8th May 2025 at identified venues across all constituencies.

In this regard, I direct all committees to suspend their sittings on the stated dates in order to allow Members and staff to facilitate this important exercise.

The House is accordingly guided. Thank you.

Next Order.

*(Hon. Ali Raso and several other Members
walked into the Chamber)*

Members, take the nearest seats. Hon. Raso, take the nearest seat.

MESSAGES

PASSAGE OF FOUR BILLS BY SENATE

Hon. Members, pursuant to the provision of Standing Order 41(4), I wish to report to the House that I have received four (4) Messages from the Senate regarding the passage of the following three (3) Senate Bills and one (1) National Assembly Bill—

1. The Persons with Disabilities Bill (Senate Bill No.7 of 2023).
2. The County Assembly Services (Amendment) Bill (Senate Bill No.34 of 2023).
3. The County Assemblies Pensions Scheme Bill (Senate Bill No.14 of 2024).
4. The National Disaster Risk Management Bill (National Assembly Bill No.24 of 2023).

The first Message conveys that on Wednesday, 9th April 2025, the Senate considered and agreed to the National Assembly amendments to the Persons with Disabilities Bill (Senate Bill No.7 of 2023).

You will recall that on Thursday, 16th January 2025, this House passed the said Bill with amendments, following which I referred the Schedule of the National Assembly amendments to the Senate for consideration in accordance with Article 110(4) of the Constitution. The concurrence of the Senate with the National Assembly on the Bill, therefore, concludes its bicameral consideration under Article 110 of the Constitution.

The second Message conveys that on Tuesday, 15th April 2025, the Senate considered and passed the County Assembly Services (Amendment) Bill (Senate Bill No.34 of 2023) with amendments. The Bill seeks to amend the County Assembly Services Act to provide for the procedure for removal of a Member of the County Assembly Service Board and to establish a fair process for suspending a Clerk of a county assembly, among other provisions.

The third Message conveys that on Tuesday, 15th April 2025, the Senate considered and passed the County Assemblies Pensions Scheme Bill (Senate Bill No.14 of 2024) with amendments. The Bill seeks to provide for the establishment of a contributory pension scheme for members and staff of county assemblies. The Bill further establishes the county assemblies Pensions Fund for the payment or granting of pensions or retirement benefits to Members and staff of County Assemblies, and to provide for other related matters.

The fourth Message conveys that on Tuesday, 15th April 2025, the Senate considered and passed the National Disaster Risk Management Bill (National Assembly Bill No.24 of 2023) with amendments.

In this regard, the Senate now seeks the National Assembly's reconsideration of the Bill in accordance with the provisions of Article 112 of the Constitution. Having passed the two (2) Senate Bills, the Senate now seeks the concurrence of the National Assembly pursuant to the provisions of Article 110(4) of the Constitution.

With regard to the two (2) Senate Bills, you will note that the Standing Orders require the Speaker to cause a Bill received from the Senate to be read a First time upon conveyance of its Message to the House. In view of this, and noting that the House will proceed on recess at the rise of today's Sitting, I direct the Clerk to schedule the two (2) Senate Bills in the Order Paper for First Reading when the House resumes.

In as much as I have directed the Bills to be read a First Time, close attention should be paid to the County Assemblies Pensions Scheme Bill (Senate Bill No.14 of 2024) in line with the provisions of Article 94(5) and (14) of the Constitution on the introduction of Money Bills and consideration of Money Bills, respectively. The relevant Committee is, therefore, urged to take note of the constitutional provisions while considering the Bill.

Thereafter, the Bills will stand committed to the following Committees for consideration—

1. The County Assemblies Services (Amendment) Bill (Senate Bill No.34 of 2023) to the Departmental Committee on Labour.
2. The County Assemblies Pensions Scheme Bill (Senate Bill No.14 of 2024) to the Departmental Committee on Finance and National Planning.

With respect to the National Disaster Risk Management Bill (National Assembly Bill No.24 of 2023), the Message and the Schedule of Senate amendments to the Bill are hereby referred to the Departmental Committee on Regional Development for consideration and reporting. I also direct the Clerk to circulate the Schedule of the Senate amendments to the Bill to all Members.

The Committees to which the Bills have been referred are encouraged to prioritise their consideration and submit their reports as soon as is practicable to enable the House to proceed with the necessary next steps on the Bills.

The House is accordingly guided.

Next Order.

Hon. Junet Mohamed (Suna East, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Who has a point of order? Yes, Leader of the Minority Party. You may proceed from your usual position.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, in line with the communication you have just delivered, the matter concerning the origination of Bills has been conclusively settled, both in the Constitution and in the Supreme Court judgment. As is evident, the County Assemblies Pensions Scheme Bill is a money Bill. It cannot, under any circumstances, originate from the Senate. This spectacle we have entertained for the past eleven years must come to an end.

I seek your indulgence that the Bill ought not to proceed to First Reading as it does not originate from this House. That Bill should be rejected. If we want to help the county

assemblies to get their pensions, then a Member of this House can present that Bill for the First Reading. We must follow the Constitution and the judgement of the Supreme Court. If we allow this County Assemblies Pensions Scheme Bill to be presented by the Senate now, it will become a norm. They will think that they start generating Money Bills. Tomorrow you will hear of another and another. We must now put malpractices to an end.

There was a man who was sleeping under a tree. As he was sleeping, a snake passed between his nose and chin, but never bit him. He started making noise in the village, telling everyone how he had survived by a whisker. He was asked, "If the snake has not bitten you, why are you making noise?" He said, "I am fearing the snake will make that place his road and that every time I am sleeping it will be passing there going to somewhere else." This business of these Money Bills must come to an end.

Thank you, Hon. Speaker.

Hon. Speaker: Yes, Hassan. Is it on the same issue?

Hon. Yusuf Hassan (Kamukunji, JP): No, Hon. Speaker. I wanted to seek clarification on the first statement that you read on the National...

Hon. Speaker: Can I dispose of this one first?

Hon. Yusuf Hassan (Kamukunji, JP): Sure.

Hon. Speaker: Thank you, Hon. Junet. You have a point. So that we do not treat the matter casually, I will deliver a considered ruling to set the record straight and lay some precedent on the matter in line with Article 114 of the Constitution and in line with the very strong judgement from the Supreme Court. I will deliver the ruling on the first day of the sitting after the recess. In the meantime, that Bill is stayed from being listed for First Reading.

Yes, Leader of Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, thank you for your guidance. Let me also thank the Leader for Minority Party for that point of order.

This is not in any way to belittle the work of the Senate. As he said, the Supreme Court has already given us guidance on the mandate of each of the Houses under the Constitution. The House, through the Departmental Committee on Sports and Culture, is in the process of mediating on the Gaming and Lottery Bill. We had the same problems with amendments that had Money Bill effect being sneaked in through the Senate. We have been very firm. I want to ask the Members who are in the Mediation Committee from the Departmental Committee on Sports and Culture that nothing relating to taxation coming from the other House should be entertained. They have no mandate under the Constitution to touch on anything that touches on Money Bills.

Maybe to advise them, when they have legislative proposals that have a Money Bill effect, they should partner with Members of this House to co-sponsor those Bills. Our Standing Orders and theirs allow co-sponsoring. They would have simply allowed that Bill to be co-sponsored by a Member of the National Assembly and have it initiated in this House before it goes to their House, so that we do not have this back and forth. We will await your very reasoned ruling on the matter. I hope that since they are also watching, they will be well guided that anything touching on Money Bills... We had the same problem when we were mediating on that Betting and Lottery Bill. Many of amendments that were introduced in the Senate had Money Bill effect, some touching on tax matters yet they have no mandate on them.

Thank you.

Hon. Speaker: Leader of the Majority Party, some of them have even been misreading the Constitution to insist that Appropriation Bills should go to their House.

Next Order.

PAPERS

Hon. Speaker: Leader of the Majority Party to issue his Thursday Statement so that he can be able to attend to other matters.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, first, I beg to lay the following Papers on the Table:

1. Judiciary Budget Estimates for the Financial Year 2025/2026 and the Medium-Term and the following accompanying documents from the Chief Registrar of the Judiciary: -
 - (a) Recurrent and Development Estimates for Vote 1261;
 - (b) Medium-Term Expenditure Framework (MTEF) Sector Report for the Financial Year 2025/2026 -2027/2028; and
 - (c) Programme Performance Budget (PBB) Report for the Financial Year 2025/2026 - 2027/2028.
2. Reports of the Auditor-General and Financial Statements for the year ended 30th June, 2024 and the certificates therein in respect of:
 - (a) Alupe University.
 - (b) Bandari Maritime Academy.
 - (c) Bukura Agricultural College.
 - (d) Co-operative University of Kenya.
 - (e) Garissa University.
 - (f) Jaramogi Oginga Odinga University of Science and Technology.
 - (g) Jomo Kenyatta University of Agriculture and Technology.
 - (h) Kaimosi Friends University.
 - (i) Karatina University.
 - (j) Kenya Coast National Polytechnic.
 - (k) Kenya Medical Training College.
 - (l) Kenya Utalii College.
 - (m) Kisumu National Polytechnic.
 - (n) Koitaleel University College.
 - (o) Laikipia University.
 - (p) Lugari Diploma Teachers Training College.
 - (q) Moi Teaching and Referral Hospital (MTRH).
 - (r) Mosoriot Teachers Training College.
 - (s) National Defence University-Kenya.
 - (t) North Eastern National Polytechnic.
 - (u) Nyandarua National Polytechnic.
 - (v) Open University of Kenya.
 - (w) Rongo University.
 - (x) Shanzu Teachers Training College.
 - (y) St. Paul's Kibabii Diploma Teachers Training College.
 - (z) Taita Taveta University.
 - (aa) Technical University of Kenya.
 - (bb) The Eldoret National Polytechnic.
 - (cc) The Sigalagala National Polytechnic.
 - (dd) Turkana University College.

Thank you, Hon. Speaker.

Hon. Speaker: Member of the Parliamentary Service Commission, Hon. Patrick Makau.

Hon. Patrick Makau (Mavoko, WDM): Thank you, Hon. Speaker. I beg to lay the following Paper on the Table:

Estimates of Recurrent and Development Expenditure of the Parliamentary Service for the year ending 30th June 2026 and projections for 2026/2027-2027/2028.

Thank you, Hon. Speaker.

Hon. Speaker: Next is the Chairperson of the Departmental Committee on Health.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Speaker, I beg to lay the following Papers on the Table:

Reports of the Departmental Committee on Health on its Consideration of:

- (a) The Kenya Institute of Primate Research Bill (National Assembly Bill No.52 of 2024).
- (b) The Maternal, Newborn and Child Health Bill (Senate Bill No.17 of 2023).

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Next is the Chairperson of the Public Petitions Committee.

Hon. Ernest Kivai (Vihiga, ANC): Hon. Speaker, I beg to lay the following Papers on the Table:

Reports of the Public Petitions Committee on its consideration of:

- (a) Public Petition No.10 of 2023 by the Hon. Mary Wamaua regarding resettlement of residents of Muthanga Farm;
- (b) Public Petition No.40 of 2023 by the Centre for Accountability, Reform and Democracy regarding delimitation of electoral units;
- (c) Public Petition No.46 of 2023 by the Hon. Peter Mbogho regarding payment of retirement dues and pension for retired teachers;
- (d) Public Petition No.47 of 2023 by the Hon. Charles Ngusya regarding deployment of classroom teachers as headteachers in schools across the country; and,
- (e) Public Petition No.53 of 2023 by the Hon. John Bwire regarding access to national parks by livestock grazers during drought.

Thank you Hon. Speaker.

Hon. Speaker: Thank you. Hon. Junet, do you have your notice of Motion? Alert me when it is here. Let us move on to the next Order.

QUESTIONS AND STATEMENTS.

Hon. Speaker: Hon. Members, I had already said I would allow the Majority Leader to deliver his Thursday Statement. Thereafter, we are expecting two Cabinet Secretaries, the Prime Cabinet Secretary and the Cabinet Secretary for Roads and Transport. Once we finish with the Majority Leader, if the Cabinet Secretaries are within, we can have and dispose of their matters.

We have a lot of requests for statements. Today being the last day of our sitting for this particular segment of the session, before we go on recess, I will allow each and every one of you to make your requests before we go to the formal orders on the Order Paper.

Leader of Majority Party, you may proceed. After that the leading Clerk-at-the-Table will read out Order No.8 so that we put the Question. You will also advise if the Ministers we are expecting are within Parliament.

SPECIAL MOTION

APPROVAL OF NOMINEES FOR APPOINTMENT

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AS MEMBERS OF CBK BOARD

THAT, taking into consideration the findings of the Joint Committee of the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and Budget on the approval hearing of nominees for appointment as members of the Board of Central Bank of Kenya, laid on the Table of the House on Tuesday, 29th April 2025, and pursuant to Section 11(2) of the Central Bank of Kenya Act, Cap 491, this House approves the appointment of the following nominees as members of the Board of Central Bank of Kenya–

- (i) FCPA Sophie Moturi;
- (ii) CPA Abdullahi Mohamed Abdi;
- (iii) Ms Beatrice Kosgei; and
- (iv) Mr David Simpson Osawa Owuor.

(Moved by Hon. Kuria Kimani on 30.4.2025 – Morning Sitting)

(Debate concluded on 30.4.2025 – Morning Sitting)

Hon. Speaker: Commissioner Makau, take your seat.

Hon. Members, I will now put the Question to the business under Order No.8.

(Question put and agreed to)

Hon. Members, this is for general direction. When we have ministers coming to answer Questions, we only deal with Questions that are listed on the Order Paper. I am addressing this to Hon. Basil. If you file a Question and it is not on the Order Paper, it is not fair, neither is it reasonable to spring it to a Minister on the Floor of this House when he or she has not come with a prepared answer. It is different from requesting for Statements. On that, I will allow you any time. Even if you bring a Statement while I am sitting here, I will approve it for you to make the request as long as it looks reasonable and lawful.

Hon. Basil and others, in future if you have any questions, try before we start the House to go to the Table Office. If the Table Office does not help you, go to the Clerk's Office, and if the Clerk's Office does not help you, go to the Speaker's Office. We will help you to have your Questions properly forwarded to the cabinet secretaries so that they come with reasoned responses to the House. I hope we are clear on that.

The Leader of the Majority Party.

STATEMENT

BUSINESS FOR THE WEEK OF 28TH TO 30TH APRIL 2025

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. Pursuant to the provisions of Standing Order 44(2) (a), I rise to give the following Statement on behalf of the House Business Committee, which met on Tuesday, 29th April 2025 to prioritise business for consideration during the week.

As Members will note, tomorrow shall be a public holiday. In this regard, the House is scheduled to proceed for a three-week long recess and resume its regular sittings on Tuesday, 27th May 2025 in line with the House Calendar. As we proceed on recess, the House still awaits reports on various business referred to committees. The recess period, therefore, will give

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committees ample time to expedite consideration of business pending before them as this will be a working recess.

Upon resumption, the House shall continue with the consideration at Second Reading of the Political Parties (Amendment) (No.2) Bill (Senate Bill No.26 of 2024), should it not be concluded today. Additionally, debate will also be undertaken on the following Motions, should they not be concluded today—

1. The Third Report on consideration of the audited accounts of specified state corporations;
2. Report on consideration of the audited accounts of state corporations for central region;
3. Consideration of Sessional Paper No.7 of 2024 on the National Sanitation Management Policy; and,
4. Consideration of Comprehensive Economic Partnership Agreement between the Republic of Kenya and the United Arab Emirates.

Having said that, allow me to also speak to the matter regarding the court case on Road Maintenance Levy Fund (RMLF).

ROAD MAINTENANCE LEVY FUND (RMLF)

As Members may be aware, a Constitutional Petition and an Application for conservatory orders, both dated 16th August 2024, were filed in the High Court by five Petitioners, that is, Issa Elanyi Chamao, Patrick Karani Ekirapa, Paul Ngeiywo Kirui, International Legal Consultancy Group Ltd and the Council of County Governors.

The Petition challenges the constitutionality of the decision of the National Assembly made on 28th September 2023 to remove county governments as beneficiaries of RMLF.

It also challenges another decision of the National Assembly made on 13th August 2024 allegedly removing county governments as beneficiaries of Ksh10,522,211,853 conditional grants from funds derived from RMLF in the Financial Year 2024/2025.

The petitioners further challenge the constitutionality of the Kenya Rural Roads Authority (KeRRA) and the Kenya Urban Roads Authority (KURA) on the grounds that they infringe on the functions of county governments. Furthermore, that, the decisions by the National Assembly were made without public participation or consultation with the Senate.

The Petitioners also allege that Section 47 of the Kenya Roads Act, No.2 of 2007 and Section 6 of the Kenya Roads Board Act, 1999 do not meet the threshold of the Constitution as they do not recognise county governments thus undermining devolution.

The Petitioners are seeking several declarations and orders, inter-alia:

1. A declaration that Section 47 of the Kenya Roads Act, No.2 of 2007 and Section 6 of the Kenya Roads Board Act, 1999 are unconstitutional for undermining devolution;
2. That, the National Assembly's decisions of 28th September 2023, and 13th August 2024, which removed County Governments as beneficiaries of RMLF and as beneficiaries of Ksh10,522,211,853.00 for Financial Year 2024/2025 and Financial Year 2025/2026, be deemed as illegal and unconstitutional and quashed;
3. The court compel the Kenya Roads Board to disburse to the county governments the sum of Ksh10,522,211,853.00 due to them for the FY 2024/2025;
4. An injunction to prevent the continued exclusion of counties from the Road Maintenance Levy Fund (RMLF) funding and to stop the Kenya Roads Board (KRB) from funding the Kenya Rural Roads Authority (KeRRA) through the RMLF.

5. The Kenya Roads Board, Cabinet Secretary for Roads and Transport and Transport, the Attorney-General and Parliament to amend the Kenya Roads Board Act of 1999 to include county governments as RMLF beneficiaries for the Financial Years 2024/2025 and 2025/2026.

(Loud consultations)

Hon. Speaker, protect me from the loud consultations behind me. This is a matter that I have seen many of us agitate on, but few now are paying attention.

(Hon. Major (Rtd) Abdullahi Sheikh stood along the aisle)

Who is that Hon. Member leaning next to another Member?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Major Bashir.

Hon. Speaker: Major Bashir.

(A Member spoke off the record)

Hon. Speaker: A retired Major. Take your seat.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. He is a retired Major, which is why he is leaning, and not standing at attention.

6. An order directing the Cabinet Secretary for Roads and Transport and the Attorney-General to reclassify all roads in Kenya within 12 months to align with the constitutionally permissible framework of National Trunk Roads and County Roads.

On 19th August 2024, the Court granted conservatory orders suspending the decision of the National Assembly of 13th August 2024 not to recognise and or remove county governments as beneficiaries of the RMLF in the Financial Year 2024/2025 and the decision of the National Assembly to further remove county governments as beneficiaries of the Ksh10.5 billion conditional grants from funds derived from the RMLF in the Financial Year 2024/2025.

Subsequently, the Petition was heard before the High Court on 7th April 2025 and judgment reserved for 28th April, which was yesterday. However, before the judgment could be delivered, the parties to the Petition agreed to enter into a consent to suspend the delivery of judgment to allow for an out-of-court settlement and conclusion of the legislative process in respect to the County Government's Additional Allocation Bill 2025, which this House passed last week.

The matter came up before the High Court on 28th April, where the consent was adopted as an order of the court with directions that the matter be mentioned on 19th May 2025 to update the court on the progress of negotiations.

For the benefit of the Women Representative for Kajiado, I have said that the day before yesterday, the honourable court adopted the consent, and the matter will be mentioned on 19th May 2025 to update the court on the progress of negotiations. I am repeating that so that it is clear to Members for them to understand where we are. As we engage the Cabinet Secretary for the Ministry of Roads and Transport, who is lined up to appear before the House, let us be measured that we are in a process of negotiating. It is important that when we are in a process of negotiating, we are measured in the manner of things that we do and say. In light of these developments, the House Leadership has scheduled a meeting on 5th May 2025 with the Council of Governors to deliberate on the matters arising out of the court case with the aim of a settlement of the case out of court.

As I conclude, on behalf of the House Business Committee, allow me to wish all Members a restful period as they spend time with their families during this short working recess. I know Members can remember that this was supposed to be a long recess, which would have been about four to five weeks, but we have since cut it to three weeks to allow us to be back in time to process the Budget for the next Financial Year and also for Members to be around during the National Prayer Breakfast which is slated for 29th May, as Hon. Speaker has said in his Communication earlier—for the benefit of those who are not in the House, which is the first Thursday after we resume. Therefore, I wish all of you a good recess as we embark on this very short three-week recess. It is also a working recess. Many of our committees will be sitting to consider the Budget Estimates, some of which I have just tabled and others that will be tabled later this afternoon. With that, I now wish to lay this statement on the table of the House.

Thank you, Hon. Speaker.

(Hon. Kimani Ichung'wah laid the document on the Table)

Hon. Speaker: Hon. Members, allow me to acknowledge in the Speaker's Gallery St Catherine Girls Secondary School from Bomet East, Bomet County. On my behalf and on behalf of the House, we welcome the students and those accompanying them to the House of Parliament.

(Applause)

Yes, Hon. Richard Yegon. You have one minute.

Hon. Richard Yegon (Bomet East, UDA): Thank you, Hon. Speaker. I would like to take this opportunity to welcome the students from St Catherine Girls from Bomet East. It happened that they were just coming from my doorstep, and I had not realised that they were from my Constituency. It is good that they have come to Benchmark here. Visiting here means they are going to work very hard and in the near future, most of them are going to join the august House. I encourage them to try and learn a lot by moving around Parliament before they go back home, so that they are encouraged to work hard and go places in the near future. I wish you well and welcome you to this august House.

Thank you very much, Hon. Speaker.

Hon. Speaker: Clerk-at-the-Table, call back Order No.6 for the Leader of the Minority Party to give notice of Motion.

Hon. Junet Mohamed (Suna East, ODM): Thank you, Hon. Speaker. I am happy the issue of RLMEF is taking another direction.

Hon. Speaker: Yes. Direction of negotiation, consultation, and engagement, contrary to how it was before in court.

NOTICE OF MOTION

ESTABLISHMENT OF AD HOC COMMITTEE

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, I beg to give notice of Motion on establishment of an *ad hoc* committee on a framework for the streamlining and consolidation of education funding in the country for purpose of provision of free and compulsory basic education through National Education Fund (NEF):

Aware that the Kenya Vision 2030 was rolled out with the aim of transforming Kenya into a newly industrialising, middle-income country and providing a high quality

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of life to all its citizens by 2030; appreciating that education is a crucial compound of accelerating the realisation of Vision 2030, Articles 43(1) and 53(1b) of the Constitution entitles every child to the right to free and compulsory basic education; noting that the Government provides capitation per child towards free primary education and subsidised secondary and tertiary education, which is supplemented by funds from household contributions, grants, donations, levies, charities, scholarships, and bursaries, including those from the Presidency, Ministry of Education, the National Government Constituency Development Fund(NG-CDF), the National Government Affirmative Action Fund(NGAAF), and county governments; cognisant that despite the Constitution's provision on free basic education and the framework for financing education, parents and guardians still bear significant costs for boarding, meals, supplementary learning materials, and infrastructural development, necessitating bursary support for needy students; concerned that the multiplicity of channels and standards involved in education financing contributes to multiple allocations of bursaries and scholarships to single beneficiaries, disadvantaging deserving students; further concerned that, the process of allocation and distribution of bursary funds and the identification of beneficiaries for bursaries and scholarships lacks transparency and clear eligibility criteria, and the application and processing procedures do not provide for established appeal mechanisms for recourse by students denied bursary or scholarship awards; acknowledging that, the absence of a comprehensive database of students in basic and higher education hampers the effective and equitable disbursement and utilisation of bursaries and scholarships, and the current funding model, including insufficient government capitation, exacerbates this issue; considering that, the education financing model as currently designed, particularly the disbursement of bursaries and scholarships, is fragmented, uncoordinated and inefficient, leading to duplication, inconsistencies, lack of accountability, and overlapping mandates among multiple government and private entities, including between the national and county governments, contrary to the Fourth Schedule to the Constitution; deeply concerned that lack of a unified and comprehensive framework on allocation, issuance, administration, coordination, synchronization, management and oversight of education funding, particularly bursaries and scholarships in sync with government capitation not only causes duplication, inconsistencies and unaccountability but also hampers the realisation of free and compulsory basic education in Kenya; appreciating that, education funding, including capitation, bursaries and scholarships play a vital role in supplementing funding for enhancing access to free education, particularly for children from disadvantaged backgrounds, hence contributing to the realisation of universal basic education; now therefore, pursuant to the provisions of Standing Order 259C, this House—

1. Resolves to establish an ad hoc Select Committee to review the current education funding administration processes in the country and recommend a unified, comprehensive and sustainable framework for the purpose of facilitating free and compulsory education at the primary, secondary and tertiary levels;
2. Approves the following Terms of Reference to guide the ad hoc Select Committee in undertaking the mandate—
 - (a) conduct a situational analysis of all existing education funds at national and county levels;
 - (b) map and analyse all existing education-related funds including government capitation, bursaries, scholarships and grants;

- (c) assess the legal, institutional, financial, and operational aspects of the current education fund administration in the country;
 - (d) review existing policies, procedures, and best practices related to education fund administration both locally and internationally;
 - (e) engage stakeholders including students, educational institutions, funding bodies including private sector partners, and relevant government departments;
 - (f) identify overlaps, inefficiencies, and gaps in the current education funding system;
 - (g) propose a governance and operational structure for a unified education fund including funding support from the private sector;
 - (h) develop criteria for fund allocation, access, and reporting;
 - (i) propose an efficient, accountable, equitable, inclusive, comprehensive and sustainable framework aligned with national education goals and Vision 2030;
 - (j) propose criteria for eligibility, selection, and disbursement of education funds;
 - (k) recommend monitoring and evaluation mechanisms to ensure transparency and accountability in the disbursement of education funds;
 - (l) propose a Bill to establish a unified legal and institutional framework to govern the sustainable funding of basic education, university education, and tertiary education and connected purposes; and,
 - (m) any other attendant matters.
3. resolves that the ad hoc Select Committee reports to the House within 90 days after its appointment;
4. approves the appointment of the following Members to the ad hoc Select Committee—
- (i) Hon. Junet Mohamed, EGH
 - (ii) Hon. Lesuuda Josephine Naisula, OGW
 - (iii) Hon. Otucho Mary Emaase
 - (iv) Hon. Mule Stephen Mutinda,
 - (v) Hon. Kururia Elijah Njore Njoroge
 - (vi) Hon. Siyad Amina Udgoon
 - (vii) Hon. Omboko Milemba Jeremiah, CBS
 - (viii) Hon. Obara Eve Akinyi
 - (ix) Hon. Mukhwana Titus Khamala
 - (x) Hon. Mamwacha Onchoke Charles
 - (xi) Hon. Gisairo Clive Ombane
 - (xii) Hon. Karitho Kiili Daniel
 - (xiii) Hon. Caroline Jeptoo Ng'elechei
 - (xiv) Hon. Kiborek Reuben
 - (xv) Hon. Kagiri Jane Wangechi, OGW
 - (xvi) Hon. Adan Keynan, CBS
 - (xvii) Hon. Amina Mnyazi,

(Loud consultation)

Hon. Speaker: Order! Order Hon. Members!

(Hon. Joshua Kandie consulted loudly)

Order! Order, Hon. Kandie!

(Loud consultation)

Order! Order, Hon. Members. Hon. Kandie, this is not a rally; it is Parliament. I order you to leave the Chamber for the rest of the day. Please take your leave, Hon. Kandie. When you have calmed down, I will allow you to return when we resume. Quietly exit the Chamber now, Hon. Kandie. If you do not leave, you will be assisted in doing so.

(Hon. Joshua Kandie walked out of the Chamber)

Hon. Members, you know very well that this is the last resort that the Speaker resorts to. Hon. Kandie has been a distinguished and respectable Member of this House. I do not know what he had for lunch today.

Hon. Kangogo Bowen (Marakwet East, UDA): On a point of order.

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

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Speaker, I would like to support the Motion by Hon. Junet.

Hon. Speaker: Order, Hon. Bowen. Take your seat. You are a senior Member of this House. Under which Standing Order do you support a notice of Motion? This is a notice of Motion. You wait to debate and support it as loudly and boisterously as you wish.

Let us go back to Order No.7. The Majority Whip has requested a few minutes to request for a Statement. All Members with requests for statements will do so after we are done with the Prime Cabinet Secretary and the Cabinet Secretary for Roads and Transport.

REQUEST FOR STATEMENT

SEIZURE OF MINING MATERIAL BELONGING TO RIO KAVIRONDO LIMITED

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you, Hon. Speaker. Pursuant to the provisions of Standing Order 44 (2) (c), I request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding mining machinery belonging to Rio Kavirondo Limited, seized at Rongo Police Station in Migori County.

Rio Kavirondo Limited is a Kenyan-registered mining company with recognised and valid mining licences. Since 2021, the company has been actively involved in legitimate mining activities and other matters related to mining rights and land ownership, particularly in Migori County and other parts of western Kenya. However, in 2023, the Company's mining machinery was confiscated and taken to Rongo Police Station in Migori County where it has been held to date.

This is despite there being no active court case or ongoing investigation concerning the equipment, and notwithstanding the Company being the sole legitimate holder of a mining license in the region.

The Constitution of Kenya guarantees every person the freedom to engage in lawful business and economic activities, including the right to establish, operate, and manage businesses without unlawful interference. The seizure and continued retention of the mining

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machinery belonging to the Rio Kavirondo Limited is a deprivation of their property rights and a threat to the company's survival.

It is against this background that I request a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the following:

1. Reasons the mining machinery belonging to Rio Kavirondo Limited has been held at Rongo Police Station since 2023 despite there being no active court case or ongoing investigation concerning the equipment.
2. Action being put in place by the Ministry of Interior and National Administration to release the machinery to enable the company to proceed with its mining activities, and the timeline for the release of the said machinery.
3. Measures being taken by the Ministry of Interior and National Administration to ensure the protection of economic and social rights and guarantee the freedom for entrepreneurs to engage in lawful economic activities.

I thank you, Hon. Speaker.

Hon. Speaker: Thank you. Hon. Members, we have the Prime Cabinet Secretary. Who is the Chairperson? Was it the Departmental Committee on Administration and Internal Security? Yes, Tongoyo.

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Speaker, we will give a response the first week after we return from recess.

Hon. Speaker: The first week is crowded. Do the second week.

Hon. Gabriel Tongoyo (Narok West, UDA): Yes. Nevertheless, we had discussed with the concerned Member that I reach the Inspector-General of police to see whether he can intervene, considering that the recess is a little bit long.

Hon. Speaker: Yes, Gisairo.

POINT OF ORDER

NATIONAL TREASURY CS PROMISES ON NG-CDF MONEY

Hon. Clive Gisairo (Kitutu Masaba, ODM): Hon. Speaker, I seek your indulgence on an issue that is perturbing a number of Members.

On 16th April 2025, while the Cabinet Secretary for the National Treasury was here, he promised to send Ksh7 billion on or before 29th April 2025. We are now going for a long recess. The Leader of the Majority Party wished us a very restful break and interaction with our constituents. I promise that will not happen because the National Treasury has not processed that money as of today.

I seek your indulgence that we get a comprehensive response when we are done engaging the Prime Cabinet Secretary. Instruct someone from that side of leadership to get in touch with the National Treasury. Otherwise, if we proceed on recess, we are likely not to see the National Government Constituencies Development Fund (NG-CDF) money until we come back.

(Applause)

I have always raised the same issue. We are given dates that coincide with our recess and the financial year ends without having received even 50 per cent.

Thank you, Hon. Speaker.

Hon. Speaker: You have made your point. We will give you communication in the course of the Sitting this afternoon.

COMMUNICATION FROM THE CHAIR**GUIDANCE ON CONSIDERATION OF THE BUDGET
ESTIMATES FOR THE 2025/2026 FINANCIAL YEAR**

Hon. Speaker: Hon. Members, I have a short Communication and guidance on the consideration of the Budget Estimates for the 2025/2026 Financial Year before we invite the Prime Cabinet Secretary.

Article 221 of the Constitution as read together with Section 39 of the Public Finance Management Act of 2012 requires the National Assembly to consider the Estimates of revenue and expenditure of the National Government, Parliament, and the Judiciary, for each financial year. Once approved by the National Assembly, these Estimates form the basis for the annual Appropriation Act.

As you may be aware and as the law requires, the Estimates have since been submitted and tabled before the National Assembly. Consequently, and pursuant to the provisions of Standing Order 235, the Estimates now stand committed to respective Departmental Committees and the Budget and Appropriations Committee for consideration. The Departmental Committees are required to engage relevant stakeholders to ensure participation of all players in the process.

It should be noted that the Budget and Appropriations Committee is required to discuss and review the Budget Estimates and make recommendations to the House taking into account recommendations of Departmental Committees, the views of the Cabinet Secretary of the National Treasury, and the general public.

I also wish to inform the House that I have received the draft Finance Bill of 2025 from the Cabinet. It relates to revenue-raising measures for the Budget submitted. It will be committed to the Departmental Committee on Finance and National Planning for consideration and public participation upon publication and First Reading. Indeed, Members will note that the House is scheduled to proceed for recess at the rise of today's Sitting. This break will provide adequate time for committees to embark on this activity among others.

Finally, I encourage Members to actively acquaint themselves with the contents of the Estimates, participate in the exercise, and ensure that their views and those of their electorate are taken into account during the consideration of the national Budget.

The House is accordingly guided.

When these documents are tabled or Bills published, I encourage you to read, analyse, and debate them in this House. Helpless villagers in funerals and public places out there will not help you debate and pass appropriate budgeting processes in this House. Avoid the temptation to stand before helpless nursery kids and tell them that you are opposing a Bill that you are supposed to debate in this House. I have seen this happen in many places. You do not look good when you do that, Hon. Members. Thank you.

Yes, Hon. Junet.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, the real Finance Bill has now arrived in Parliament in line with your Communication.

Hon. Speaker: Yes.

Hon. Junet Mohamed (Suna East, ODM): As you will remember a 'Finance Bill' has been circulating over the past two months. People have been discussing it in public forums claiming that there is over taxation. I want to urge Kenyans from the Floor of this House that the real Finance Bill is with us now. There should be no misinformation, disinformation, and misrepresentation to the public.

The Finance Bill should be interpreted in accordance with what is written in it. Please, we have only one Finance Bill in the House. Do not mislead Kenyans if you want to import

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your own things into it. The people I am talking to are looking at me in the eyes. I do not want to mention names because we know each other. Some of them are in this House. Please, let us tell the public exactly what is in the Finance Bill. If there is no more taxation let us not import things that do not exist in it.

Thank you, Hon. Speaker.

Hon. Kassait Kamket (Tiaty, KANU): On a point of order, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Members. We will now give an opportunity to Hon. Kamket and then we move on. What is it Hon. Kamket? Yes, Member for Baringo East. Member for Tiaty, that is in Baringo. Give him the microphone. It used to be called Baringo East.

Hon. Kassait Kamket (Tiaty, KANU): Yes, that is true. That was before it was renamed mighty Tiaty.

Hon. Speaker: What is your issue?

Hon. Kassait Kamket (Tiaty, KANU): Hon. Speaker, I am very happy. I just wanted to comment on how times have really change. My friend, Hon. Junet is now a big defender of certain things.

Hon. Speaker: Order, Kamket. Switch off that microphone. I can see the trajectory you are taking. I will not allow you.

(Loud consultations)

Order, Hon. Members.

(The Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs walked into the Chamber)

Prime Cabinet Secretary, welcome to the House. We have three questions and a Statement to be made on matters of hardship designations in the country. The Member who asked about hardship is out of the country but the matter is of immense interest to all Members in the House.

Hon. Jared Okello is not here. I designate Hon. Millie Odhiambo to hold brief for him. You remember what he asked concerning designation of areas as hardship areas, the allowances that go with it and the depletion of public servants from other areas to areas which are designated. Before you do that, Prime Cabinet Secretary, we will start with the three listed questions. They are very short. You will answer the question and then I will allow two joyriders to each question. Then, we will go to the issue of hardship areas. Thereafter, we will have Prime Cabinet Secretary, Davis Chirchir, to speak to you about Road Maintenance Levy Fund (RMLF). Sorry, it is Cabinet Secretary, Davis Chirchir.

We will start with Question 34/2025 by Hon. Stephen Mogaka.

ORDINARY QUESTIONS

Question 34/2025

ARREST AND DETAINMENT OF
MR CHRIS ANYUGA BARAKE IN INDIA

Hon. Stephen Mogaka (West Mugirango, JP): My Question 34/2025 is in respect of a university student known as Chris Anyuga Barake, passport holder No.B203878. He was

arrested and detained in India on allegations of online fraud way back on 6th October 2023. He was denied bail.

Hon. Speaker, I wish to know what measures are being taken by the ministry to facilitate the family reunite with this young student. I also want to know what measures are being taken....

Hon. Speaker: Hon. Mogaka, you know how to ask a question. Read it as it is framed in the Order Paper.

Hon. Stephen Mogaka (West Mugirango, JP): Hon. Speaker, I rise to ask the Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs the following Question.

Could the Cabinet Secretary –

- (a) State the measures that the Government is taking to intervene and assist Mr Chris Anyuga Barake of Passport No.B203878 who was arrested and detained in India on allegations of online fraud on 6th October 2023 and denied bail?
- (b) State the measures being taken by the Ministry to facilitate the family in reuniting with Mr Chris Barake?
- (c) Outline the measures being taken to safeguard Kenyans in foreign countries?

I thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Mogaka. Prime Cabinet Secretary.

The Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs (Hon. Musalia Mudavadi): Thank you, Hon. Speaker. I beg to respond as follows. Firstly, I will respond on the measures that the Government is taking to intervene and assist Mr Chris Anyuga Barake. He is a Kenyan citizen and a holder of passport No.B203878. He travelled to India as a student and joined Karnatak University. He was arrested on 6th October 2023 for cyber fraud and charged with the offence of identity theft and cheating by impersonation using computer resources under the Information Technology Act of India. He was also charged under the Foreigners Act for not having a valid visa. He is being detained at Nelamangala Detention Camp in Bengaluru pending the determination of his case.

The second aspect of the Question is the measures being taken by the Ministry to facilitate the family in reuniting with Mr Chris Barake. He has an advocate representing him in court. He was granted a personal bond of 200,000 Indian rupees with one surety of the same amount. However, he is yet to be released until he renews his visa to enable the trial court to make further orders for his release. He has paid for the renewal of the visa which is under review by the Indian Government.

Our mission in New Delhi makes welfare checks on Mr Anyuga. The latest one was on 16th April 2025, and they confirmed he is in good health. The mission has also been following up on the progress of the case and making regular updates to the family.

The third aspect is the measures being taken to safeguard Kenyans in foreign countries. The Government has a constitutional mandate to protect its citizens, including those in the diaspora. There is a raft of measures in place to safeguard Kenyans in foreign countries. I will try to highlight some of them, but most of them are in the written answer that I have already provided.

One is the continuous registration of Kenyans abroad at the embassies and the State Department for Diaspora Affairs for accountability. The Government has also signed several labour agreements and is still negotiating others aimed at safeguarding the rights and welfare of Kenyans working abroad. We have also introduced mobile consular services outreach programmes to reach as many Kenyans in remote parts abroad - away from where the embassies are - to assist them in getting the relevant travel documents.

The State Department for Diaspora Affairs has also developed a legal aid information framework and pre-departure manuals to provide Kenyans going abroad with information on their rights and basic information about their country of destination.

The Government has also established a clear reporting channel where Kenyans in the diaspora or their relatives in Kenya can report any kind of distress through the ministry's e-citizen portal. Our hotline numbers and emails are on through the 24-hour call centre at the State Department for Diaspora Affairs.

Kenyan missions abroad have consular desks mainly staffed by immigration attachés who handle consular concerns, issue citizens with necessary documents and assist with the repatriation of mortal remains. They also pay consular visits to Kenyans in detention centres, prisons, hospitals and deportation centres to provide consular assistance. However, not all missions have immigration attachés. Hence, it is critical for the ministry to bolster the workforce in the missions abroad.

During emergencies, the Government carries out the evacuation of Kenyans from affected countries. For Kenyans in conflict with the law, the missions facilitate them with the services of a translator, more so in non-English speaking countries, to ensure they understand the court proceedings. In certain cases, mission staff attend court hearings, but they do not offer legal representation. They monitor the cases to ensure their right to a fair trial is not violated and keep the families updated on the progress. These two aspects relate to the case in question. Kenyans in distress who have no passports are provided with emergency travel documents to facilitate repatriation. Also, the State Department for Diaspora Affairs supports them with tickets where families are unable to procure. Through diaspora engagements, Kenyans are continuously sensitised and urged to observe the rules and laws of their host countries to avoid violation of the laws.

Finally, the State Department has also developed a Diaspora Mental Health Action Plan to facilitate engagement with Kenyans in diaspora and offer counselling services.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Mogaka, you may ask supplementary questions, after which I will allow two joy riders.

Hon. Stephen Mogaka (West Mugirango, JP): Thank you, Hon. Speaker. I am happy with what the ministry is doing. On behalf of the family, under the rule of presumption of innocence until proven guilty in the common law regime in India, I plead with the ministry to assist the student not to miss his university examinations while under detention.

Thank you, Hon. Speaker

Hon. Speaker: That is just a comment. Hon. Makilap.

Hon. Joseph Makilap (Baringo North, UDA): Thank you, Hon. Speaker. Is the Prime Cabinet Secretary aware of a Kenyan citizen called Mr Barsitei Rerimoi who hails from Keturwa Sub-Location in Baringo West, Baringo North Sub-County?

Hon. Speaker: What is his name?

Hon. Joseph Makilap (Baringo North, UDA): Mr Barsitei Rerimoi. He has been jailed in Mexico for 80 years because he was found with Mexicans who were smoking narcotics.

Hon. Speaker: You do not smoke narcotics; you smoke bhang.

Hon. Joseph Makilap (Baringo North, UDA): Yes, Hon. Speaker. I am not a partaker so I do not know. I have never seen it before. Nevertheless, that Kenyan has suffered and the Mexican courts have falsely imprisoned him for 80 years because he was found with other Mexicans who were smoking bhang. The family who are peasant farmers in Baringo have been slapped with a US\$8,300 fine, which they do not even know how much it is in Kenyan shillings. It could be about Ksh1.2 million. Can the Prime Cabinet Secretary take up this matter and inform this House and the people of Baringo on the fate of Barsitei Rerimoi? The man is almost 40 years old and has received a jail term of 80 years. That is a death sentence.

Hon. Speaker: Hon. Passaris.

Hon. Esther Passaris (Nairobi City County, ODM): Thank you, Hon. Speaker. I want to commend the ministry for the work that they are doing. They recently brought back a group of Kenyans who were stranded in Myanmar. They had been taken there by rogue agents to go and work yet, there was no work. They got stranded and were suffering. The Ministry of Foreign and Diaspora Affairs brought those Kenyans back home at the Government's cost.

There is currently a case of Mr James Kariuki in the United Arab Emirates (UAE) who was arrested for fraud. I will be sharing the details with the ministry. He was charged with identity fraud and while he was in jail, his national Identity Card (ID) was used to defraud other organisations. He is currently serving time in jail.

As a country, we need to do a lot of civic education about what is going wrong in the society. We need to use online platforms to market the hotline numbers that Kenyans can call while out there. There is not enough information. Otherwise, I commend the ministry for the work that they are doing and ask them to be more proactive in terms of informing Kenyans how not to be caught up in such situations.

Thank you for helping all Kenyans out there to come back home when stranded.

Hon. Speaker: Hon. Pareyio.

Hon. Agnes Mantaine (Narok North, JP): Thank you, Hon. Speaker, for giving me this opportunity to raise the issue of Mr John Maina Wanjiru, which I previously brought to Parliament, but I have not yet received an answer.

Mr John Maina was invited to Dubai by Ms Monica while he was looking for a job. He travelled on 15th May 2023 and disappeared on 25th June 2023. We have not heard from him up to date. His parents are looking forward to seeing him again. They have used all possible means to try and trace him, but they still do not know where he is. I am raising this issue so that the Government can try and trace his whereabouts.

Hon. Speaker: Do you have Ms Monica's contact details?

Hon. Agnes Mantaine (Narok North, JP): Yes, I have her details.

Hon. Speaker: The last joy rider will be Hon. Wamuchomba.

Hon. Gathoni Wamuchomba (Githunguri, UDA): Thank you, Hon. Speaker. I rise to affirm the case that Hon. Passaris has talked about because Mr James Kariuki is my voter in Githunguri Constituency.

I am happy that the Prime Cabinet Secretary is here because this case is attracting a lot of foreign attention. Mr James was arraigned in court and jailed for two years for having been involved in electronic fraud. While serving his jail term in Sharjah, UAE, another crime was committed using his documents. He was arraigned in court again, and detained for the second crime, having not completed the first jail sentence. He is supposed to be out on a bond of Ksh2 million. He has no immigration papers or visa and cannot afford that bond amount.

I would like the attention of the Prime Cabinet Secretary. I understand that many of our young people in the UAE went there because of the promise of electronic jobs. However, they ended up being used for international electronic fraud through coercion by some foreigners. Mr James is only one victim who has been arraigned in court, but there are many others languishing in cells. Is the Prime Cabinet Secretary aware of the many young Kenyans in UAE cells? How can we help James and many others who have not been brought to our attention? I happen to have James' contacts as well as those of his family. I would be happy to assist you with them so that you can sort out this issue.

Hon. Speaker: The Prime Cabinet Secretary, you can respond to those questions.

The Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs (Hon. Musalia Mudavadi): Thank you, Hon. Speaker. I will start with the question on Mr Barake sitting for his examinations. We have noted it and will use our diplomatic channels

to see if they can allow Mr Barake to sit for his examinations while the other matters are being attended to. We will follow up on that immediately through the diplomatic channels.

I do not have the specific details on the issue of Mr Barsitei Rerimoi, but I would be happy to get some additional...

Hon. Speaker: You can write to the Committee once you get the details.

The Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs (Hon. Musalia Mudavadi): We can give a more comprehensive response once we get additional information.

On the issue raised by Hon. Passaris, which in a way also ties in with the question by the Member for Githunguri. First, I acknowledge with appreciation the compliments for the efforts that the ministry has taken to help those in Myanmar and other areas to be brought back home.

As I conclude, Hon. Speaker, with your indulgence, I can help in conveying this message and seeking the help of parliamentarians to campaign with us to educate our young people as they go out there.

Mr James Kariuki was arrested in a cybercafé in Dubai, undertaking fraudulent activities together with others, as has been pointed out. Electronically, we must also bear in mind that once your details are violated, it is possible that even if you are here, someone else can use your information.

I have had this kind of experience myself, where at one time, my Visa card was used in a country I had not stepped into. I had to officially write to the institution to confirm and give them details of my passport and travel to show that I was not in that country at that time. Once your electronic details are taken, it is possible that someone can continue misusing them for their personal gain. It is important that we remain vigilant about this. Nevertheless, we will take up the matter again with our mission and see what more can be done to assist in enabling Mr Kariuki to have access to legal support, so, that he can deal with his challenges.

The issue of the hotlines is well taken care.

Regarding Hon. Pareiyo's question, again, I seek that we get proper details because we have no idea who Monica is. I appeal to the Member to communicate officially with more details to so, that the ministry can have a starting point in the follow-up process of this individual.

Hon. Speaker, without casting aspersions on the innocence or guilt of the individuals in this particular Question, I want to state that we have over 1,000 Kenyans incarcerated in different countries for various reasons, some for misdemeanours and others for serious offences. It is not our wish to see these Kenyans languishing in various places.

I would like us to acknowledge that it is important to engage in a collective campaign as leaders to convey messages of awareness to the young people. We have a demographic issue here: the young people, who constitute 70 per cent of our population, are the ones who are really travelling. They are not informed about certain consequences. It is our duty, collectively, to start conveying awareness messages to them in all constituencies in the country. They should be cautious because landing into trouble out there can be very painful. You may be isolated or alone and by the time somebody discovers that you are in trouble, it may be too late. This is the message I want to appeal to you so that we can advise our young people accordingly.

The second point is a hard truth that also needs to go out. Parliament does not allocate resources for the Government of Kenya to continuously bail out Kenyans who have landed on the wrong side of the law in various countries. This must be appreciated because all resource allocation is done here. Therefore, our people should know that while it is a constitutional obligation to safeguard Kenyans, we must also be realistic and tell them to obey the law.

Once the wheels are up, the law in play it is the law of that country. Even in our own country, if somebody is on the wrong side of the law, they face the consequences procedurally.

We must also alert our people that we cannot have a society where Parliament is indirectly pressured through the Ministry, to provide money to bail out people involved in unlawful activities. Hon. Speaker, through you, I just want to appeal that we become cognisant of this and communicate to Kenyans so that we do not face further embarrassment as we move forward.

Thank you.

Hon. Speaker: Let us have Question 35/2025 by Hon. Cynthia Muge.

(Hon. Raphael Wanjala spoke off the record)

Hon. Speaker: Yes, Hon. Wanjala. What is it?

Hon. Raphael Wanjala (Budalangi, ODM): Hon. Speaker, the people of Busia, Kisumu, Homa Bay and Migori who live along Lake Victoria, which is a shared resource, have landed into problems as they go fishing. The boundary is not indicated and our people are arrested by the Ugandans, who keep on extorting them. If they do not have money, they end up being jailed in Uganda. Many of them are still there. However, little is done when we report these cases to the Ministry of Foreign Affairs.

People even go further to raise money to bail out those who have been jailed. The ministry has not intervened despite this being a shared resource. Our people cross into deeper waters to fish, yet the fish are bred in Kenyan waters, only for them to be arrested. What is the ministry doing to ensure that the boundary is clearly marked? They had already started demarcating the boundaries. Hon. Speaker, at that time, you were the Minister for Foreign Affairs. However, the process stalled somewhere. When are they going to prioritise the demarcation of the Kenya and Uganda boundary in Lake Victoria?

Hon. Speaker: Yes, Prime Cabinet Secretary.

The Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs (Hon. Musalia Mudavadi): Thank you, Hon. Speaker. I want to say that the demarcation process is ongoing. We have a department, the Kenya International Boundaries Office (KIBO). Two weeks ago, they briefed me on the progress they are making. Normally, this is a collaborative effort between countries, and both must work in harmony and in tandem. It is an ongoing process. We have covered substantial parts of our boundaries but others remain. The area that the Member mentioned is one of those we are consulting so, that we work together with the Government of Uganda and the Government of Tanzania, when looking at boundaries in the Lake Victoria area. It is not easy. It is a very expensive exercise and I want to assure you that it is ongoing. However, we will continue with our diplomatic efforts to always mitigate and intervene in areas you have mentioned.

When I referred to the wrong side of the law, I was not talking about the kind of situation we find ourselves in through fishing. I was talking about the wrong side of the law where some Kenyans are involved in either drug trafficking, human trafficking or similar offences. I really plead with Kenyans, especially those who want to go out of the country, to consult with the ministry so that we can advise them on hotspots in some areas. This is because some of them have landed in these difficult areas simply because they did not consult.

Thank you.

Hon. Speaker: Let us have Hon. Cynthia Muge.

ORDINARY QUESTIONS

Question 035/2025

PLIGHT OF CHILDREN BORN BY KENYAN

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MOTHERS IN THE KINGDOM OF SAUDI ARABIA

Hon. Cynthia Muge (Nandi County, UDA): Hon. Speaker, I rise to ask the Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs the following question.

Could the Cabinet Secretary:

- (a) Provide a report detailing the data and statistics of all children born to Kenyan mothers in the Kingdom of Saudi Arabia and steps being taken by the Ministry of Foreign and Diaspora Affairs to process their exit permits?
- (b) Clarify whether there are any actions to address the challenges faced by stateless children born to Kenyan mothers, particularly in cases where former employers have confiscated the passport of the mothers and ensure that their rights are fully protected?
- (c) State the measures put in place to ensure timely processing of the DNA samples collected from Kenyan mothers and their children, including timelines of processing and issuance of exit permits for these children?

The Prime Cabinet Secretary should know that this is a very emotive issue. Children who are born to Kenyan mothers living in Saudi Arabia cannot access medical care and education because they are considered not to be eligible in the country.

Hon. Speaker: No speech after the question.

The Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs (Hon. Musalia Mudavadi): Thank you, Hon. Speaker. I wish to respond as follows.

First, the Government is apprised of the matter of children born to Kenyan mothers in the Kingdom of Saudi Arabia. The number of children born to Kenyan mothers is in our records. As of now, they are 388. The processing of exit visas is done by the Government of Saudi Arabia upon application by the individual. The Mission assists Kenyans with children to apply for the exit visa, negotiate for waiver of the accumulated dependency fees, and follow up until they exit.

On the clarity as to whether there are steps taken to address the challenges faced by stateless children born to Kenyan mothers, particularly in cases where former employers have confiscated the passports of the mothers, we wish to respond as follows:

1. Article 14(1) as read with Clause 30 of the Sixth Schedule of the Constitution of Kenya, stipulates that,
“14(1) A person is a citizen by birth if on the day of the person's birth, whether or not the person is born in Kenya, either the mother or father of the person is a citizen”.

This provision outlines the principle of citizenship by parentage, thus granting automatic citizenship to children born abroad to Kenyan citizens. Therefore, in principle, we do not have children born of Kenyans in Saudi Arabia or elsewhere, who are stateless.

2. All the parents need to do is to apply for identification documents for them from the Embassy in Riyadh or the Consulate in Jeddah.
3. In instances where the parents have no passports, they should apply for replacement through the Embassy. In the alternative, the Embassy issues them with emergency travel documents to enable them return to Kenya.

Lack of a passport is not an impediment to acquisition of vital documents or repatriation.

The third aspect of the question is that, as stated earlier, 707 DNA samples for children and their parents were collected for analysis. They were all processed and results shared with the parents to enable them apply for birth certificates and travel documents for the children. The ministry continues to assist in this process so that we can have the DNA procedures undertaken as soon as possible.

Hon. Speaker: Hon. Cynthia.

Hon. Cynthia Muge (Nandi County, UDA): Thank you, Hon. Speaker. I am a bit confused by the answer. I appreciate the efforts and the fact that the ministry is keeping proper records, if not all, at least it is appreciated that there is some.

On the second question about mothers who have had their passports confiscated, the Prime Cabinet Secretary is speaking of an ideal situation whereas, I am addressing the real situation on the ground in Saudi Arabia. Those mothers have got themselves a name, Kemboi which means runaways. They have no documents. Someone who is running away, from I do not know what, cannot honestly walk into an office to take part in a process that the Prime Cabinet Secretary is speaking to.

I would like the Prime Cabinet Secretary to clarify what do the laws of the Kingdom of Saudi Arabia say about citizenship. From where I sit and the little knowledge I have about the laws of Saudi Arabia, you cannot transfer citizenship to that child unless the father transfers it to that child in that country. Again, on emergency travel documents, if this was working, we would have all those women and their children come back home. I wish it was as easy as you snap and get it. I want clarification on those two matters.

I am satisfied because of the fact that they collected samples to help them process their documents. That is very progressive and I appreciate the Prime Cabinet Secretary's office for the same.

Hon. Speaker: Hon. Adagala.

Hon. Adagala Beatrice (Vihiga County, ANC): Thank you, Hon. Speaker. There is a Kenyan from Shamakhokho, Vihiga County by the name Elizabeth Chausi, Passport No. AK11799241 who died in Abu Dhabi. I would like to know what steps the ministry is taking because this is a distressed family that cannot manage to take the remains of their relative back to Shamakhokho for burial. Could the Prime Cabinet Secretary tell us how the ministry is going to assist this family bring their kin back home to accord her a decent burial.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Dido Raso.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Speaker. I wish to ask the Prime Cabinet Secretary about Kenyans registering themselves at the Kenyan Embassy in Saudi Arabia. Apparently, of all the problems we see emanating from different regions, Saudi Arabia is the worst. How much registration takes place?

Secondly, we signed a labour agreement with some of these countries. Why would they confiscate travel documents or passports from Kenyans, if they are legally in those countries?

Thank you, Hon. Speaker.

Hon. Speaker: Let us take one more joyrider. The last one on this. Hon. Basil.

Hon. Robert Basil (Yatta, WDM): Thank you, Hon. Speaker and the Prime Cabinet Secretary.

We have Kenyan single mothers whose exit visas for children are denied for bearing children outside marriage. What is the ministry doing to sort this particular issue?

Hon. Speaker: What is your question?

Hon. Robert Basil (Yatta, WDM): I am asking about exit visas for children who are born outside marriage and are detained in Saudi Arabia. What is the ministry doing about this issue?

Hon. Speaker: A child is a child whether the parents are married or not. Is that not the case? Hon. Ferdinand.

(Laughter)

Hon. Robert Basil (Yatta, WDM): Hon. Speaker...

Hon. Speaker: I have already given Hon. Ferdinand.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Hon. Speaker, I think our country is having a lot of problems. Many of us have relatives or neighbours in the Middle East: Qatar, United Arab Emirates (UAE) and Saudi Arabia. I want to find out whether the Prime Cabinet Secretary has a programme to sensitise those going to these places before they leave. This is because most Members of Parliament may not be able to reach the majority of people traveling to the Middle East, yet we have too many Kenyans there.

I have a cousin who left almost eight years ago. I do not even know where she is—whether she is dead or alive. We need a programme to help prepare people before they go to the Middle East, so that they know how to handle the situation there.

Hon. Speaker: Prime Cabinet Secretary, you can answer those.

The Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs (Hon. Musalia Mudavadi): Thank you, Hon. Speaker. I just want to revisit the issue of DNA. The DNA process is very personal. The details you get out of it must be protected to ensure they do not fall into the wrong hands. When we take the samples, we give the results to individuals in confidence. Sometimes DNA results could prove something else.

One of the reasons this DNA verification process is so rigid with the Saudi Government is that there is a worry that some people may be involved in child trafficking. They are very rigorous, which suggests they have faced such cases before. Not necessarily, from Kenyans but from other nationalities. People have falsely claimed children who were not theirs. This has caused the challenge we are facing as Kenyan today.

When I spoke about presenting documents, I meant to the Kenyan embassy. If a Kenyan goes to the embassy and says they have lost their papers, there will be no other conditions. In fact, there is no conditionality. We will begin the processing and verification because mechanisms exist. I want to assure everyone that they must report to the Kenyan embassy, and not another embassy to get assistance.

Regarding the case from Shamakhokho, we will follow up and communicate to the House about that specific individual. I will also follow up on another case for Elizabeth Chausi. We were able to send funds to her for repatriation.

Hon. Raso, you raised a very fundamental issue about the frequency of concerns coming from some of these regions. Indeed, this is a matter we now take very seriously because it is a pattern. We are engaging diplomatically to refine our relations so we can eliminate these challenges. Some people go innocently to work but end up in awkward predicaments.

We are working closely with law enforcement agencies like the Directorate of Criminal Investigations (DCI). We also want to work with the Ethics and Anti-Corruption Commission (EACC) and others. This is because some of the entities luring Kenyans are not following proper procedures. They are partly responsible for the current situation where Kenyans travel without proper processing.

The ministry has what we call pre-departure protocols to advise Kenyans on what to expect, as Hon. Ferdinand Wanyonyi has said. However, some people bypass this process. Legally, there is no restriction preventing a Kenyan from leaving the country. If someone decides to go without informing anyone, we cannot do anything about it.

So, the issue becomes one of awareness. We must sensitise them to reduce these challenges. I want to re-emphasise that it is absolutely crucial to keep Kenyans safe. Human trafficking, drugs, slave labour and cyber fraud are real threats to our youth. We must communicate this clearly. An ambassador in Kenya once said: “Actions have consequences.” We must remind our young people of this. We do not want to lose them.

Hon. Speaker: Hon. Elisha Odhiambo, Member of Parliament for Gem

Hon. Elisha Odhiambo (Gem, ODM): Thank you, Hon. Speaker. My question is reading 046/2025 instead of 036/2025, if we follow the sequence.

Hon. Speaker: It is corrected.

Question 046/2025

PLIGHT OF CHILDREN BORN ABROAD BY KENYANS

Hon. Elisha Odhiambo (Gem, ODM): Could the Cabinet Secretary -

- (a) State the measures the Government is taking to ensure children born abroad to Kenyans are recognised as citizens?
- (b) Explain how the Government is supporting the economic participation of Kenyans born in foreign countries, particularly in acquiring property, securing employment, and harnessing their skills and expertise for national development?
- (c) State strategies in place to establish a streamlined integration process for Kenyans born abroad, granting them equal rights, legal protection, and access to national systems like other citizens?

Hon. Speaker: Prime Cabinet Secretary.

The Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs (Hon. Musalia Mudavadi): Thank you, Hon. Speaker. I wish to respond as follows. You may note that some of the issues raised have already been canvassed in the previous question.

Once again, I wish to state that Article 14(1), as read with Clause 30 of the Sixth Schedule of the Constitution of Kenya, stipulates that:

“14(1) A person is a citizen by birth if on the day of the person’s birth, whether or not the person is born in Kenya, either the mother or the father is a Kenyan citizen”.

This provision outlines the principle of citizenship by parentage thus granting automatic citizenship to children born abroad to Kenyan citizens.

For them to obtain official documents such as birth certificates, passports and national Identity Cards (IDs), parents are required to register the child's birth with the Government of Kenya. These documents are available in most Kenyan missions abroad where they can easily access them. As we speak, applications are now processed through the e-Citizen platform and thus centralised.

Additionally, the State Department of Diaspora Affairs carries out regular mobile consular services outreach. It takes services to Kenyan in the diaspora where we have a high population of Kenyans. The programme takes a one-government approach as it on-boards Government agencies to provide essential Government services like issuance of passports, IDs, birth certificates, certificates of good conduct, DNA sampling, among others. We do it as a holistic approach.

The second aspect of the Question is how Government is supporting the economic participation of Kenyans abroad particularly, in acquiring property, securing employment and contributing their skills and expertise to national development. The Government has implemented several initiatives to support economic participation of Kenyans born abroad, recognising their significant role in national development. These initiatives are many and varied.

First, it should be recognised that we never had the State Department of Diaspora Affairs since independence. This is now in place. The department is dedicated to facilitating and supporting Kenyans in the diaspora. This Department has also launched the Kenya Diaspora Policy 2024. In the policy, we articulate the Government's commitment to engage with the Kenyan diaspora aiming to integrate them into the national development agenda. It

focuses on protecting their rights, engaging them through partnerships, empowering them through job placements and prospering them through investments.

We have also developed a diaspora investment strategy. It aims at creating a framework that focuses on attracting diaspora investments, facilitating their engagement in Kenya's economic activities, and ensuring that their contributions are effectively integrated into our development plans. We have also been undertaking various diaspora investment promotions with Kenyans in different countries.

We are also contemplating issuing a diaspora bond. The Government is planning to launch a diaspora bond that will enable Kenyans abroad to invest in priority projects back home in areas like infrastructure and housing. This conversation is going on with the National Treasury and institutions like the Multilateral Investment Guarantee Agency (MIGA) of the World Bank.

We have also broadened digital access to Government services. The Government has digitised over 16,000 public services accessible via the e-Citizen platform. They include property registration and verification, business registration, tax return filing and many more that the diaspora can easily access and monitor their investments back home.

There is also the aspect of dual citizenship. In recognising the importance of identity and investment, the Government has made it easier to regain citizenship for Kenyans who lost citizenship after acquiring other nationalities. This has encouraged greater economic participation.

On matters of the global labour market, the Department aims at enhancing employment opportunities for Kenyans abroad while safeguarding their rights and welfare. It also aims at aligning skills of Kenyan workers with global labour market demands by ensuring that they meet international standards. The approach not only creates employment but also leverages the diaspora's contribution to Kenya's socio-economic growth by fostering knowledge, skills and technology.

We also have the Diaspora Placement Agency created in 2023 to focus on supporting Kenyans seeking jobs out there. We are engaging in a diaspora exchange programme that offers short-term assignments for diaspora professionals in Kenya through Technical and Vocational Education Training (TVET) institutions. It focuses on transferring digital skills in areas like software development and data science. We also have the Konza Technopolis. It contributes to skills and expertise in this area. We have been going to an area where we even have nomadic visas to allow Kenyans working in different areas to work from different countries and earn a living.

Finally, what are the strategies in place to establish a streamlined integration process for Kenyans born abroad, guaranteeing them equal rights and legal protection and access to national systems like other citizens? We have reviewed the Kenya Diaspora Policy, 2024. In this policy framework, we want to guarantee the protection of welfare, rights, continuous engagement and empowerment of Kenyans in the diaspora to realise their prosperity. This is in line with the Government's constitutional mandate to protect citizens, whether within Kenya or abroad. I have already talked to the dual citizenship aspect.

There is also continuous inclusive national engagement. Whenever, we have state visits or critical visits from Kenyan Government officials, we have more or less made it a tradition to encourage Kenyans' diaspora engagements. We are also working on career and economic integration. This is spelled out in our policy so that we broaden and facilitate integration of the Kenyan workforce and education institutions to enhance skills and technology transfer.

I have also talked about the modular consular services and the enhancement of use of technology to move forward. As you are also aware, we have been progressively facilitating Kenyans abroad to also exercise their democratic right of voting when the election cycle is due.

Thank you.

Hon. Speaker: Yes, Hon. Elisha.

Hon. Elisha Odhiambo (Gem, ODM): Hon. Speaker, I think I am largely satisfied. Initially there was a rigmarole of having to come back home and apply for some documents.

Hon. Speaker: No speech if you are satisfied. Do we need joyriders if the owner of the question is satisfied?

(Loud consultations)

We do not need joyriders. The owner is satisfied. Hon. Oundo, what is it?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Speaker, I come from a constituency that borders Uganda. It is a unique situation whereby three quarters of people from my ancestry are in Uganda. Of course, this also applies to the Maasai in Tanzania.

I do not know what measures the ministry has in place to allow free movement of people between the three countries in the East African region, without going through the rigours of having to stamp your passport every day. Occasionally, some go across the country for lunch then come back to work. What measures is the ministry together with East African leaders, putting across to allow free movement?

Hon. Speaker: Hon. Oundo, we have a protocol for free movement of people, goods and services in the East African Community. I am sure you are aware of that.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Yes, that is on paper.

Hon. Speaker: Hon. Parashina.

Hon. Parashina Sakimba (Kajiado South, ODM): Thank you, Hon. Speaker. In as much as we appreciate answers from the Prime Cabinet Secretary, I want to seek clarification concerning Innocent Mwangi Njoka who is in Qatar. He got an accident in 2024. He lost his memory and was taken to hospital. He was enjoined in a court case while still in hospital. The ruling was made on 16th March 2025, demanding him to pay Ksh700,000. The family asks what the Government does in such cases. We only care about the money they bring in, but we are not concerned about their health in case they get chronic diseases. Most of them do manual work abroad. When a Kenyan abroad gets a chronic disease, the family is told to conduct *Harambee*. What is the Ministry doing to provide insurance cover and protection?

Second, what is the Ministry doing for a case like that of Innocent Mwangi Njoka: Case No.5440 of 2025, in the Traffic Court in Qatar?

Thank you.

Hon. Speaker: Yes, Member for Kajiado East.

Hon. Kakuta Maimai (Kajiado East, ODM): Thank you, Hon. Speaker. Does the Prime Cabinet Secretary have data on how many Kenyans are jailed in the Kingdom of Saudi Arabia? These are very desperate situations. Since our country does not restrict movement of Kenyans to those countries, has the Ministry of Foreign and Diaspora Affairs developed a policy framework on sensitising our citizens who go to those countries? Do you give them the right information and make them sign liability forms? It seems like there is a big outcry from Kenyan workers in the Kingdom of Saudi Arabia.

Hon. Speaker: Hon. Martin, you can ask the last question.

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Speaker. The Prime Cabinet Secretary can comment on this...

Hon. Speaker: Ask him a question. Do not ask him to comment.

Hon. Martin Owino (Ndhiwa, ODM): Recently, there were young people on the streets demonstrating against scam agencies which purport to help them seek foreign jobs. What measures do you have in place to manage and control agencies that operate as cartels and scamming young people? These types of agencies are part of the reason our workers are vulnerable out there. The workers land there without any procedure!

Hon. Speaker: Very good.

(Several Hon. Members raised their hands)

I said two joyriders, but we have already taken more than enough. Yes, Hon. Bowen.

(An Hon. Member spoke off the record)

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Speaker, I would like to ask the Prime Cabinet Secretary a question. Two days ago, there was a news item on *Kazi Majuu* by the Ministry of Labour and Social Protection. Many Kenyans said they were scammed by the Ministry under the Cabinet Secretary, Hon. Alfred Mutua. What is your working relationship with the Ministry of Labour and Social Protection so that Kenyans are not scammed?

Hon. Speaker: Yes, Hon. Edith Nyenze. Proceed.

Hon. Edith Nyenze (Kitui West, WDM): Thank you, Hon. Speaker, for giving me the opportunity. I am seeking clarification on an issue in the Kingdom of Saudi Arabia. What is the Government or embassy doing on creating awareness to all the people travelling abroad?

There is a man from Matinyani Ward in my constituency who died in the Kingdom of Saudi Arabia. His name is Sally Mbuvi. The cost of transporting his body to Kenya is very high for his poor family. He had gone to the Kingdom of Saudi Arabia to look for greener pasture, but now the body has become a burden to his poor family. Before Kenyans go abroad, is there any kind of awareness creation on how to live and cope there?

Hon. Speaker: Prime Cabinet Secretary, can you respond? Some are just comments.

The Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs (Hon. Musalia Mudavadi): Thank you, Hon. Speaker. I had spoken on the issue of awareness. So, I do not need to go back to it. On the issue of people who take advantage of innocent Kenyans, in the previous response, I said that the Ministry is working with the law enforcement agencies, the DCI and the EACC, so that we can zero in on these unscrupulous people who cause pain and anguish to them. This matter is ongoing. We believe once the investigations are done thoroughly, the procedure is for them to face prosecution through the due process. The Director of Public Prosecutions (DPP) will take over and they will be taken to court.

We are determined to bring order in this area. So, we are following up the cases very closely so that we can have a clean process of assisting Kenyans who want to go and work in different countries. I will do some follow-up on the issue raised by Hon. Nyenze, because I am hearing it for the first time. I would like to reiterate that we are closely following the issues in the areas where we have a lot of problems. We are engaging some of the areas you have mentioned diplomatically, so that we can help in improving the conditions of Kenyans there. I am confident that in due course we will have less of these complaints emerging.

On the issue of the *Kazi Majuu* Programme, we want to adopt a whole-of-government approach. The State Department for Labour and Skills Development in the Ministry of Labour and Social Protection and the State Department for Diaspora Affairs in the Ministry of Foreign and Diaspora Affairs are engaged in a very intricate but detailed conversation, so that we can harmonise the issues around this space. That is why we negotiate bilateral labour agreements. It is so that we do not have a situation where the left hand does not know what the right hand is doing. This is an issue that we are following closely. We do not want to see the kind of headlines that we saw on this issue as we go forward.

Hon. Speaker: Prime Cabinet Secretary, now you can deal with the concerns regarding the criteria used by the Government to classify hardship areas and payment of hardship allowances to teachers and other civil servants in the country.

Hon. Catherine Omany (Busia County, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: What is it the Member for Busia County? If it is about issues in the Kingdom of Saudi Arabia, *tumepita hiyo*.

Hon. Catherine Omany (Busia County, ODM): It is general.

Hon. Speaker: What is it?

(Laughter)

Hon. Catherine Omany (Busia County, ODM): How is the Ministry curbing exploitation of Kenyans employed abroad? They overwork and are treated like slaves and paid meagre salaries!

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Omany, such a general sweeping statement without facts cannot be a question.

(Laughter)

Prime Cabinet Secretary, do not answer that one. Go to the main issues.

(Laughter)

The Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs (Hon. Musalia Mudavadi): Okay.

Hon. Speaker: Deal with the issue of hardship areas. All Members who have been agitating for this matter, it is your turn now. I will allow several joy riders. I will start with Hon. Millie. Let the Prime Cabinet Secretary first make his Statement. You can see the hands Prime Cabinet Secretary.

The Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs (Hon. Musalia Mudavadi): Yes.

Hon. Speaker: This is a matter that has been bedeviling this House for the last one year.

The Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs (Hon. Musalia Mudavadi): Thank you, Hon. Speaker. Before I make my Statement, which is quite comprehensive, let me just take one minute to appreciate and thank the House for supporting, endorsing, and passing the Sessional Paper on Foreign Policy. I appreciate that because it helps us to move forward.

This issue is definitely of premium significance to the Members and all Kenyans. Therefore, I seek your indulgence so that I go through the Statement. It is fairly comprehensive but it is important because of the nature of the subject that we are dealing with.

Hon. Speaker, I take this opportunity to thank you for inviting me to respond to the issues raised by Hon. Jared Okello and several other Members of the National Assembly regarding the criteria used by the Government to classify hardship areas, especially for teachers and other civil servants in the country. Over the years, the Government has identified and designated some regions of the country as hardship areas for purposes of payment of hardship allowance to public servants working in those areas. Designated hardship areas are considered to be remote with inadequate food supply, infrastructure, security, basic social services and amenities. Hardship allowance was introduced in 1969 as an incentive for officers stationed in designated hardship areas.

Article 41 of the Constitution of Kenya provides that every person has a right to fair labour practices which include among others fair remuneration and reasonable working conditions. Section C(10) of the Human Resources Policies and Procedures Manual for the

Public Service, 2016 provides for payment of hardship allowance for officers stationed in designated hardship areas as an incentive to partially compensate public servants working in designated hardship areas.

Let me now go to very specific aspects required of the Statement. First, the House wants an overview on the criteria used by the Ministry of Public Service and Human Capital Development in determining hardship areas in the country. Designation of hardship areas was previously undertaken consultatively with the Office of the President, the then Provincial Administration and Internal Security, and the Directorate of Personnel Management. The designation of hardship areas and payment of hardship allowance was to be progressively reviewed as areas became relatively developed and socioeconomic conditions improved across the country. It is noted that over the years, various jurisdictions in the public service, including the civil service, the teaching service, and the Judiciary, have independently reviewed hardship areas using different parameters thereby creating disparities in terms of categorisation and rates of payment.

It is further noted that the units of analysis for designated hardship areas are not harmonised and vary across public service jurisdictions. For instance, the civil service uses the former district boundaries while the teaching service, under the Teachers Service Commission (TSC), uses educational zones for categorisation. Currently, the civil service, the county governments, and State corporations have 16 designated hardship areas. The teaching service has 44, while the Judiciary has 21 designated hardship areas. In the Statement I provided to Parliament, there is Appendix 1 which indicates the list of those designated hardship areas.

The Kenya National Bureau of Statistics (KNBS) identified and weighted seven parameters to guide the determination and re-categorisation of hardship areas. The parameters were food, water, transport and communication services, social services, climate and terrain, security and the poverty index. The weighted criteria are provided by the KNBS and I have attached Appendix 2 to this Statement to help members as they reflect on this.

The second critical issue was that the House wanted to know the status report of the Inter-Agency Technical Committee on the mode of addressing existing disparities in designated hardship allowances in the public service. In cognisance of the existing disparities in designated hardship areas in the public service, and to promote fairness and parity of treatment of public servants, the Government, through the Ministry responsible for public service, constituted an Inter-Agency Technical Committee to undertake a study and review designated hardship areas.

The Inter-Agency Technical Committee was appointed by the then Ministry of Public Service and Gender in March 2019. The Committee comprised representatives from the following institutions: the then Ministry of Public Service and Gender, the Ministry of Interior and Coordination of National Government, the Ministry of Education, the National Treasury and Planning, the Judiciary, the Public Service Commission (PSC), the TSC, the Salaries and Remuneration Commission (SRC), the Commission on Revenue Allocation (CRA), the KNBS and the Council of Governors.

The terms of reference for the Inter-Agency Technical Committee, amongst others, were as follows:

1. To study the current policies and applicable circulars on designated hardship areas and payment of hardship allowance in the civil service.
2. To undertake a comparative analysis of other existing policies on designated hardship areas and payment of hardship allowance in the public service and other jurisdictions.
3. To study the issues in petitions presented to the National Assembly on the matter of designated hardship areas and payment of hardship allowance to public servants.

4. To study concerns raised by the Union of Kenya Civil Servants regarding designated hardship areas and payment of hardship allowance as provided in the Collective Bargaining Agreement of 2017 and make recommendations on implementation modalities.
5. To address other issues incidental to the matter of designated hardship areas and the payment of allowances thereof.
6. To prepare a report on the study with recommendations on the way forward on categorisation of designated hardship areas and payment of hardship allowances.

The Inter-Agency Technical Committee undertook a wide stakeholder engagement in carrying out the study. Some of the stakeholders' engagements by the Committee were face-to-face interviews with officers from the ministries and institutions that I have mentioned. The Technical Committee undertook the following:

1. Field visits to verify findings and reports from the respective Deputy County Commissioners, analysis of socioeconomic data submitted by County Statistics Officers in the areas visited.
2. Literature review on poverty indices from annual economic surveys and reports prepared by the Commission on Revenue Allocation and the Equalisation Fund.

The key findings and recommendations of the report were as follows:

1. Some areas currently designated as hardship, or petitioned by stakeholders to be categorised as such were, upon review, found not to be hardship areas.
2. The severity of hardship in the reviewed areas varied from moderate to extreme.
3. Some currently designated hardship areas covered entire counties, sub-counties, or divisions uniformly. However, some regions had only specific locations with moderate or extreme hardship conditions. These areas were reviewed and categorised appropriately.
4. Not all public officers working in hardship areas receive hardship allowances. This is due to disparities in current policy guidelines on designated hardship areas in the public service.
5. Some areas previously designated as hardship have acquired different status following implementation of the devolved system of governance and improved socio-economic development across the country. These have been reviewed and recommended for de-gazettement.
6. The report of the Inter-agency Technical Committee on Review of Designated Hardship Areas and Payment of Hardship Allowance in the Public Service was finalised and submitted to the SRC for concurrence. The SRC reviewed the report, provided approved rates, and will issue advice to the public service on the new rates once the hardship areas are gazetted following this review.
7. The reviewed designated hardship areas have been submitted to the Chief of Staff and Head of Public Service for gazettement. However, I would like to add a rider that the Head of Public Service will present the report to the Cabinet before the gazettement is done. That process is currently ongoing.

In accordance with Article 232(1)(b) of the Constitution on the Values and Principles of Public Service, which provides for efficient, effective, and economic use of resources, I wish to inform this House that implementation of the Inter-agency Technical Report will reduce the financial implications for payment of hardship allowance from Ksh25.9 billion to Ksh19.5 billion per annum, thereby occasioning a saving of approximately Ksh6.5 billion per annum to the Government and, indeed, to the Kenyan taxpayer. This is as a result of the proposed harmonisation of designated hardship areas in the public service. I urge Parliament to take cognisance of that possible saving if the report is implemented.

Hon. Speaker, a clarification was sought by Parliament on why some civil servants receive hardship allowance while others, working in similar areas or environments, do not. The existing policies applied by various jurisdictions across the public service on designated hardship areas are currently not harmonised, leading to disparities in the payment of hardship allowances. These disparities have led to disharmony among employees of the civil service, teaching service, and the Judiciary deployed in the same geographical regions, with some earning the allowance while others not.

Currently, some public servants deployed in the same geographical region receive hardship allowances, while others do not qualify due to inconsistencies in the designation of hardship areas. The civil service, county governments, and State corporations have designated 16 hardship areas; the teaching service has 44 and the Judiciary has 21. So, you can see that we dropped the ball somewhere in this matter.

Parliament also sought information on the steps the Government is taking to ensure fairness in the criteria used to determine hardship areas. To promote fairness, equity and parity of treatment for employees in the public service, the Government constituted an Inter-agency Technical Committee, and I have given the profile, to address disparities in the designation of hardship areas. The KNBS provided parameters to guide the Inter-agency Technical Committee in reviewing the designated hardship areas. These parameters included food, water, transport and communication services, social services, climate and terrain, security, and poverty index. In addition, the KNBS provided the weighted criterion for determining hardship areas. As mentioned earlier, this is attached to the Statement.

The Inter-agency Technical Committee prepared and submitted to the SRC a report on the categorisation of designated hardship areas and the payment of hardship allowance in the public service. The report proposed that designated hardship areas be categorised into two: moderate and extreme, with varying rates of hardship allowance. The SRC reviewed the rates of hardship allowance for public service in line with the proposed categorisation of the designated hardship areas, and advised the gazettment of the reviewed hardship areas before implementation.

In conclusion, I once again thank you for the opportunity to appear before the National Assembly. The Ministry of Public Service, Human Capital Development and Special Programmes has prioritised the implementation of the Inter-agency Report that will provide for harmonisation.

I submit.

Hon. Speaker: Hon. Millie Odhiambo-Mabona

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Speaker. I thank the Prime Cabinet Secretary for giving a very detailed response that includes a historical background. Just like Hon. Jared Okello's Constituency, which has parts marked as hardship areas mainly due to flooding, my constituency also has parts marked as hardship areas due to transport and communication challenges.

You may recall that I mentioned during the House Business Committee that there is a part in my constituency where one must use a boat or ferry to access the area. If one manages to get a vehicle onto the ferry, they can drive up to a certain point, after which they must use a motorbike. Beyond that, one has to walk, as there are areas where even a motorbike cannot reach. Therefore, for people working in such regions, these are truly hardship areas. I understand so because that is part of my constituency. One of the concerns that Hon. Jared Okello has is that when you have part of a constituency marked as a hardship area and another part not, everybody will want to flood to the hardship designated part. How do we ensure that teachers are not flooded in one hardship area?

I have listened to the Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs very carefully and I would like to ask about something that is very dear to me

as a representative of Suba North Constituency. Of all the criteria he mentioned, he did not talk about manifestation of diseases caused by tsetse flies. He talked about the climate among other things yet many people are not able to go to a place like Lambwe Valley because of tsetse flies.

There is a very good inter-agency technical committee that has a number of people. They have made very clear recommendations. However, I am wondering: at what point does the voice of the legislature and the voice of the people come in when coming up with a comprehensive policy to translate the recommendations to either policy or law so that people do not manipulate? From the numbers he quoted, the Judiciary has less hardship areas than teachers. That should not be the case. Hardship is for everyone. So, when do you want to translate that report into policy or law and where is the voice of the legislature?

Hon. Speaker: County Women Representative for Tharaka Nithi

Hon. Susan Ngugi (Tharaka Nithi County, TSP): Thank you, Hon. Speaker, and thank you for the responses we have received from the Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs.

I wish to inform the Cabinet Secretary that Igamba/Ng'ombe Sub-County in Tharaka Nithi County has been identified and classified as an ASAL. When will this sub-county be gazetted as a hardship area so that teachers and public servants in this area can start receiving hardship allowances?

Tharaka Constituency was gazetted a long time ago as a hardship area and teachers have been receiving hardship allowances while other civil servants are struggling. Most of them transfer from the constituency. In Chuka Igamba/Ng'ombe Constituency, most of the schools are closing down because no teacher wants to be posted in that area. Most of them are transferring back to Tharaka, Kitui and other surrounding sub-counties.

Thank you, Hon. Speaker.

Hon. Speaker: Yes, Hon. Farah. Very many of you want to ask questions, so everybody is limited to just one question.

Hon. Farah Maalim (Dadaab, WDM): Hon. Speaker, I have been around for a fairly long time both in the country and in this House. The original idea, object, and spirit of hardship allowance was to try and give an incentive to the areas that were historically marginalised so that the officers who work in those places can have an incentive that pays them more so that they can cope with the life there. That was the former Northern Frontier District (NFD) and a few other pastoral areas. It was the same reason for establishing the Equalisation Fund. We now have a situation where everybody wants to crowd into it by using every other criterion. Hon. Speaker, we are defeating the very basis of the hardship areas. Every time teachers are posted to hardship areas, they want to go back to other parts of the country because of insecurity and lack of infrastructure. We do not have a tarmac road in my constituency.

Hon. Speaker: Ask your question.

Hon. Farah Maalim (Dadaab, WDM): I want you to indulge me on this because you have seen this area...

Hon. Speaker: You are debating.

Hon. Farah Maalim (Dadaab, WDM): You practised law in Mandera and the only way you could get there was by flying. The road was impassable. I do not have a metre of tarmac in my constituency and many other constituencies are like that.

Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs, we should avoid crowding this so that we do not defeat the very purpose for which it was meant in the first place. In law, it is the spirit and the object of the framers of that piece of legislation. It is not just the face value of the law or the practice.

So, what is the Ministry doing to make sure that hardship areas are also brought up to speed with the rest of the country so that they do not remain hardship forever? How can it be ensured that this thing is not crowded?

Thank you.

Hon. Speaker: I have allowed him latitude because of his seniority. If anybody does that, I will stop them. Member for Teso South Constituency.

Hon. Mary Emaase (Teso South, UDA): Thank you, Hon. Speaker. The truth is that every constituency has a pocket of marginalised or hardship area. What plans does the Ministry have to review all these areas across the country and identify hardship areas?

In some areas in Teso South when we have a sick person, we make a wooden bed to transport them or sometimes to transport bodies. Such areas cannot be accessed. If a teacher is posted there, they resign or do not report at all because it is a hardship area with hills. This is replicated in many other constituencies. So, what plans does the Ministry have?

Hon. Caroli Omondi (Suba South, ODM): Thank you very much, Hon. Speaker. I just want to point out two points.

Hon. Speaker: Prime Cabinet Secretary, most of these questions, I am hearing them not once, not twice. Most of them point at policy other than individual constituencies. So, at the end of the day, we want to hear from you on that. Listening to my Hon. Members here, it is like we want to declare the whole country a hardship area. So, you will have to give us a clear policy.

We need a coherent policy in the country. Why would the Judiciary decide on their own, Teachers Service Commission (TSC) on their own and administration on their own? Soon the police will decide on their own then we will have a completely jumbled process of managing what hardship means. Hon. Caroli Omondi. One question each.

Hon. Caroli Omondi (Suba South, ODM): Okay. I do not know how to phrase it, but I would be happy.

Hon. Speaker: You are a clever lawyer. Phrase it the best way you can.

Hon. Caroli Omondi (Suba South, ODM): This House should have a view before the new categorization is gazetted. We need to see it because I can clearly see certain parameters are missing. If we take the Suba constituencies, we have islands and islands are very unique. We have islands like Kiwa, Kibuogi, Remba, Ringiti, Rusinga and Mfangano, which have never had roads. There are areas that are unique because of insecurity and there are areas that are unique because of geography. We have a national park, mountainous areas and tsetse flies infested areas, as Hon. Millie pointed out. We need to see the areas before they are gazetted so that we develop a proper criterion. It is good we anchor this in law and not leave it to bureaucrats in the Executive.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Kajwang'

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Speaker, the Member for Suba South is extremely right. I suggest you order the Cabinet Secretary to bring the policy before the House under Article 95. This is a policy with far-reaching implications and of national importance. Any policy that has the effect of law, as a result, will be a gazette notice which will be used by various agencies

Hon. Speaker: Must be brought before the Assembly.

Hon. TJ Kajwang' (Ruaraka, ODM): Yes, must be brought before the Assembly. We have an oversight role in policy making and legislation.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Buuri Constituency. I will come to you Hon. Milemba.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Speaker. The current criterion is very discriminative. My constituency borders Isiolo, Laikipia East, and Laikipia North. I would like the Cabinet Secretary to use the same criteria to determine where Buuri lies, because we are neighbours. The other side is gazetted as a hardship area, and in the opposite side, which is Buuri, 50 per cent is a hardship area. We also need to benefit from

ASAL programmes. I do not know why it is like that. However, I join the other Members in saying that we need to review the criteria. This is because the assumption is that Buuri Constituency is in Meru County, and Meru County is very productive agriculturally. Using that perspective, my constituency is totally disadvantaged.

I thank you, Hon. Speaker.

Hon. Speaker: Hon. Mwashako.

Hon. Danson Mwashako (Wundanyi, WDM): Thank you, Hon. Speaker, and thank you Prime Cabinet Secretary for an elaborate discussion on this matter.

I have two concerns. First, the Prime Cabinet Secretary is indicating that the report will be tabled in the Cabinet before it comes to the House. I was to join my colleagues who are saying that we need to see the document before that happens. I think it is important. I say this because the Inter-agency Technical Committee that the Prime Cabinet Secretary is referring to was a product of this House. It started around 2018. Early 2019, the entire Departmental Committee on Education responded to a petition by teachers from Taita Taveta Constituency. The Committee travelled to Taita Taveta. It visited all the hardship areas within my county, that is Wundanyi, and one zone in Mwatate and Taveta constituencies.

After deliberation in this House, the House resolved that those areas needed to be gazetted as hardship areas. The fact that the report went to the Ministry of Education and then the Ministry of Interior, in their wisdom, they agreed to form the Inter-agency Technical Committee, which has done a good job. However, my challenge has been that from 2021/2022, when the report was done, it is coming to this House three years later. Other than that, it is missing out in very key things. Hon. Millie has talked about challenges in travelling in her constituency. I tell you, it has not mentioned issues around human-wildlife conflict. That is a big issue from where some of us come from! So, this must be one of the considerations in the categorisation.

Another critical thing is that he has talked about degazettement of other areas. I do not know, but that can also cause a lot of mayhem in the country. So, I want to agree that the report needs to come to this House. Let us see which areas will be gazetted and which have been declassified so that we can have a debate that will inform this policy.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Omboko.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker, for your indulgence. First, it would look like teachers have more hardship areas, but it is because of their way of zoning. The TSC went for an education zone system. An education zone is far much smaller than what you can even call a ward. So, as we deliberate, we must understand that originally there were teachers who were posted to the smallest parts of the country hence the 44 areas. That is important so that we do not create competition between the teacher zoning and other zonings. Second, the teachers...

Hon. Speaker: Hon. Omboko Milemba, I thought this House has been striving for harmonisation. You are striving for pigeonholing teachers.

Hon. Omboko Milemba (Emuhaya, ANC): That is the history, but let me come to the second one, which is about gazettelement. I pick up from what the Member of Parliament for Taita Taveta has said. The zoning of these hardship areas and the proposal to degazette them... Remember the one for teachers was actually part of the famous Legal Notice No.534. Many of them are part of the code of regulations. Both Legal Notice No.534 and the code of regulations are part of the Collective Bargaining Agreement (CBA) for the teachers. It is registered in the Industrial Court as by law. Therefore, what is the Hon. Prime Cabinet Secretary doing to make sure that those gains that the teachers got in form of hardship allowance are not taken away given that this is part and parcel of their CBA, which is registered in the courts?

Hon. Speaker: Yes, Dr Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Speaker. Let me appreciate the detailed report that the Prime Cabinet Secretary has given us. My concern, however, is that when we have this policy that has been worked out for implementation, is it also associated with redistribution of staff, particularly teachers? This is because if you do this new system and you gazette new areas and degazette some, it does not automatically change the staffing. Is there also a policy that will come together with staffing so that we do not have the old disparities existing?

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Cherorot.

Hon. Joseph Cherorot (Kipkelion East, UDA): Thank you, Hon. Speaker. I want to thank the Prime Cabinet Secretary for explaining to us and taking time to do so..

Hon. Speaker: He has been thanked enough. Just ask questions.

(Laughter)

Hon. Joseph Cherorot (Kipkelion East, UDA): Hon. Speaker, my question is that in Kipkelion East, on your way to Kericho Town, the right wing on the side of Total Petrol Station was initially categorized as a hardship area. I do not know which method was used to degazette it. This is because Tendeno, Kiprengwe, the lower part of Chepseon, Chepcholiet, and Kamarus areas are hardship areas. So, I want to ask that they come and review those areas so that the civil servants there can also benefit.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Tonkei.

Hon. Rebecca Tonkei (Narok County, UDA): Thank you, Hon. Speaker. *Mhe. Spika*, if you go to Narok County, teachers are getting hardship allowance in some constituencies. Specifically, the other side of the road, some people get hardship allowance while on the opposite side, they do not get. Listening to the Prime Cabinet Secretary, he has indicated the factors that they used to categorise places to earn hardship allowance. Narok North is hard hit in terms of transportation, infrastructure, communication, and the harsh climate. The same applies to Narok South. So, I wonder why it is not categorised as a hardship area.

Thank you.

Hon. Speaker: Hon. Mishi Mboko.

Hon. Mishi Mboko (Likoni, ODM): Ahsante, *Mhe. Spika*. Waziri ana mikakati gani katika sera ya kuongeza zile pesa za ziada kwa wafanyakazi wetu wa umma haswa katika vikosi, kama vile polisi, wanajeshi, walinda misitu na kadhalika? Kwa sababu mbali na kuwa wanafanya kazi katika sehemu ngumu, na sehemu kame, wanafanya kazi katika sehemu ambazo usalama wao pia uko hatarini. Je, ni mikakati gani tutawapatia hao wanaolinda taifa letu; wanaojitolea mhanga katika kulinda Taifa la Kenya?

Ahsante, *Mhe. Spika*.

Hon. Speaker: *Mhe. Chiforomodo Mangale*.

Hon. Chiforomodo Mangale (Lungalunga, UDM): *Mhe. Spika*, ahsante sana kwa nafasi hii. Kwanza nataka niseme kwamba eneo Bunge la Lungalunga lina vigezo vyote ambavyo Waziri amevitamka ili kwamba walimu na wafanyikazi wapate hizi pesa za ziada. Maeneo kama Mkwirowa na Wasini ni visiwa ambavyo wafanyakazi wanahitajika kuvuka maji ya bahari kila siku kuenda kufanya kazi visiwani Mkwirowa na Wasini na kurudi jioni.

Maeneo yale ya Mwereni, Dzombo na kule Lungalunga yana shida ya maji na makaazi ya wafanyakazi hakuna. Ile *Multi-Agency Team* ilienda ikafanya kazi yake, ikamaliza na ikaleta ripoti kwa ofisi hizi za Serikali. Sasa nataka niulize *Mhe. Waziri Mkuu*—kama hilo jina linastahili—ni lini watu wa Lungalunga, walimu na wafanyakazi watapata haki yao? Hii ni kwa sababu maeneo kama Kinango yanapata faida ilhali vigezo ni hivyo hivyo.

Asante Mhe. Spika.

Hon. Speaker: Hon. Osoro.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you very much, Hon. Speaker.

Hon. Speaker: Prime Cabinet Secretary, I am giving chances to many Members because it is almost the same thing. Try to comprehend what they say, for your response.

Yes, Hon. Osoro.

Hon. Silvanus Osoro (South Mugirango, UDA): I also want to inform the House and the Prime Cabinet Secretary that South Mugirango borders Migori County and Narok County. I heard my neighbour, Hon. Rebecca, speak about hardship areas in her area. She actually spoke on my behalf because we border and it is a conflict-prone area.

In fact, it would interest the Prime Cabinet Secretary to know that we had clashes between different communities that border each other about a month ago. Our schools were closed for about three weeks. Teachers posted to those areas always look for transfers to other places. I do not know why South Mugirango is not regarded as a hardship area. It should actually be, as of today.

Hon. Speaker: Yes, Mama Nairobi. Do you also have hardship areas in Nairobi?

(Loud consultations)

Hon. Esther Passaris (Nairobi City County, ODM): Thank you, Hon. Speaker.

Yes, Nairobi is normally neglected. The failure of various counties to introduce devolution effectively has caused congested urbanisation in Nairobi. The fact that we have too many informal settlements means that insecurity is high.

As we review and expand the criteria for hardship allowances, I would like to recommend that we look at the many deserving areas. They include informal and urban settlements that face insecurity, over-crowding, and poor access to services. I propose a data-driven re-assessment for hardship.

Everyone here will ask for more money for his or her county or constituency. I think we need to have a data-driven analysis to harmonise hardship allowance across public services. Such reform will ensure fair compensation, better service delivery, and national cohesion.

(Hon. George Gachagua raised his hand)

Hon. Speaker: Is that Karani? That is the Member raising his hand.

Hon. George Gachagua (Ndaragwa, UDA): No, this is Gachagua.

Hon. Speaker: Hon. Gachagua, sorry. You resemble Hon. Karani.

(Loud consultations)

Hon. George Gachagua (Ndaragwa, UDA): No. I cannot go. Hon. Speaker, protect me from Hon. Osoro.

(Laughter)

Hon. Speaker: You are protected.

Hon. George Gachagua (Ndaragwa, UDA): I am grateful that this issue is being discussed here today. Ndaragwa has always been marginalised. The parameters that were used to classify hardship areas have always been wanting. Now that review has been done, my worry is implementation. That is why I join other Members in requesting that the list be brought to this House so that we interrogate it to see if the same anomaly done during categorisation exists.

Hon. Speaker: Hon. Murugara.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Speaker. There is a little bit of concern with the Statement made by the Prime Cabinet Secretary. At the end of the day, he seems to be telling the House that the Government will be making a saving after harmonisation in the report of the multi-agency taskforce. That means there is going to be a reduction of hardship areas in the country. If he listened to the House, the mood is that hardship areas are likely to increase. Two issues arise.

First, it is vitally important that the House sees that policy before it is even gazetted anywhere. We will annul it if it is gazetted to have any element of force of law. We will not agree with it.

Two, while my Tharaka Constituency is not a gazetted hardship area and purely because of a CBA between the TSC and the Government... Tharaka Constituency became a hardship area for teachers only. The other designation is with the Judiciary. It was the Chief Registrar of the Judiciary who visited the area and considered it an extreme hardship area.

What criterion is being used so that the rest of the civil servants in Tharaka Constituency also enjoy hardship allowance? It goes without gainsaying that Tharaka is one of the most marginalised areas. It deserves hardship allowance in respect of all civil servants in that locality.

Thank you Hon. Speaker.

Hon. Speaker: Yes, Maungu.

Hon. Dick Oyugi (Luanda, DAP-K): Hon. Speaker, I wanted to draw your attention to a matter that some of us were expecting the Cabinet Secretary for Roads, Transport and Public Works to come and address. From what is happening, we seem to have similar questions.

Hon. Speaker: He is waiting behind here. Order! You are out of order! Hon. Ng'elechei.

Hon. Caroline Ng'elechei (Elgeyo Marakwet County, Independent): Thank you very much for giving Elgeyo/Marakwet this opportunity.

I want the Prime Cabinet Secretary to confirm that this country has 23 gazetted ASALs and that Elgeyo/Marakwet is not one of them. Elgeyo/Marakwet County meets all requirements to gazette a county as an ASAL area. That is why I make endless *safaris* to the State Department for ASALs and Regional Development whenever we have bandit attacks, landslides, and flooding.

The Principal Secretary has assured me a thousand times that they are in the process of gazetting Elgeyo/Marakwet County. I am asking him when they will gazette Elgeyo/Marakwet County as an ASAL area. All its four constituencies have more than 60 per cent of their land in arid areas. The remaining 40 per cent is gazetted forests that no one occupies. There is no activity in the forests.

Hon. Speaker: You have made your point.

Hon. Members, I want us to stop here on this matter so that we give the Prime Cabinet Secretary a chance. I am not expecting him to go to your villages to deal with the issue the way you are asking. He is to give us a broad and clear policy direction. Eventually, he will bring that report to this House for you to debate, analyse, and give it a force of law as it is required under the Constitution.

(Several Members lifted their hands)

Let us hear the Prime Cabinet Secretary. I do not want to see any more hands up.

The Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs (Hon. Musalia Mudavadi): Thank you, Hon. Speaker. I think you have literally

summarised the position quite effectively. Let me just repeat some things to flag out and convey my acknowledgment of the very important points raised by Members.

One, this policy came into effect in 1969. That was the first time. It was done through the Directorate of Personnel Management that was in the Office of the President (OP) those days. Subsequently, along the way, the Chief Registrar of the Judiciary gazetted or, at least, released a circular to designate 21 areas as hardship areas. Perhaps because there was no cohesion or interaction.

Separately, the Ministry of Education gazetted a provision for teachers in 1997. Clearly, there was no co-ordination. The report I have talked to elaborately, this afternoon, acknowledges this fact. When you look at the composition of the people who participated in the review process, all the critical ones were brought together. They include representatives from the Teachers Service Commission, trade unions, the Judiciary, the civil service, SRC and others. We are on the right path to bring harmony in this issue. What we are debating now is the procedure and process which we will use to achieve it. Now, it is important that this House, that ultimately anchors everything into law and allocates national resources, gets a full view of where we are going and how we want to proceed.

Hon. Speaker, I will not go into the full list. Hon. Members will note that the much awaited document is Appendix I attached to the response to the Question. Once the document is shared out, I hope they will notice it.

Hon. Speaker: It has been circulated.

The Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs (Hon. Musalia Mudavadi): The issues that you have raised are weighted by the Kenya National Bureau of Statistics. I do not want to break down all of them but the core areas are:

1. Food unavailability and inaccessibility.
2. Water availability and inaccessibility.
3. Transport and communication services.
4. Access to social services such as schools and hospitals.
5. Climatic conditions which are broken down to the specific different climates mentioned.
6. Security and other threats, including human-wildlife conflict, cattle rustling and banditry.

All these factors are in the weighted document. Even the Budget document that has been brought to our notice by Hon. Speaker has gone through the Cabinet and then it has been presented to Parliament. It has the final view of the whole Budget. Equally, it is important for the Cabinet to look at this document. I am fully aligned to the idea that once the Cabinet has approved it, it is important that Parliament also has a chance to review and comment on it. On this basis, we shall have a holistic approach to finding a solution and harmonise this sensitive area.

We want to avoid people getting freebies. This is where areas that do not deserve to be categorised as hardship masquerade as hardship areas. We do not want to have a situation where areas that have significantly changed as a result of devolution and economic prosperity from hardship areas to very well-developed areas continue to benefit. We are looking for fairness and equity across board. During the implementation of devolution aspect, we focused on the Equalisation Fund to specifically help in intervening in some of these areas.

Hon. Speaker, with your permission, this has been a very important engagement. As we look at the future, we need to be conscious that resources are scarce. The ones that are there must be used and distributed effectively and fairly to all deserving Kenyans wherever they may be. That is the policy direction we take.

Hon. Speaker: Hon. Millie.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Speaker. I thank the Prime Cabinet Secretary for the short, but good response. He has covered the core concerns that Members have.

In terms of procedure, when a policy is brought to the House, we cannot amend it. To avoid resistance by the time it is brought to the House, is there a way that we can give our input quietly? It will be brought to the House when it is a done deal. Members will talk to it, but we will not amend it. It is not like a proposed law which we can amend. I request that we have quiet consultations. As Hon. Speaker said, if you give us a chance, every Member wants their constituency to be classified as a hardship area. If we put very firm and clear criteria for hardship areas and agree quietly on the outside, even if it is through a *Kamukunji*, then that is what should be in the Policy.

Hon. Speaker: Exactly. Prime Cabinet Secretary, what timeframe do you think we should think of in terms of when such document will be ready for our consideration? I also agree with the Whip of the Minority Party that when the document is ready, you appear before us along with other Cabinet Secretaries who are under your supervision such as the ones who are in charge of public service, education, and the Attorney-General to represent the Judiciary. I can conduct a *Kamukunji*, an informal sitting, where we can have input from Members and responses from the Cabinet Secretary can enrich the document. Given an opportunity, each of my Members here wants an enclave of their constituencies to be called a hardship area.

(Hon. Eric Wamumbi spoke off the record)

Hon. Speaker: Hon. Wamumbi, I said given the opportunity. Hon. Members, I will organise a *Kamukunji*, once the document reaches my office. We will carefully look at all these things and develop criteria for posterity, but not a quick fix. We will know what hardship means in future and who benefits from it. When I was a young magistrate in a place called Kithimani, I used to be paid hardship allowance. I visited the area and it is no longer a hardship area. It is well-developed. I am sure the Member for that area will demand they continue paying hardship allowance.

(An Hon. Member spoke off the record)

Kithimani is in Machakos County. We will release the Cabinet Secretary. There is another one waiting. What is it, Hon. Omboko?

Hon. Omboko Milemba (Emuhaya, ANC): Hon. Speaker, I will only contribute for one minute. It is very good to have great lawyers in Parliament like Hon. Millie. Her proposal can mitigate some of the things I spoke about which are policy related. For example, many of our teachers will be out of the classroom as a result of a policy. I thank Hon. Millie and ask that we go that way.

Hon. Speaker: How soon can that be done? Serjeant-at-Arms, let the Prime Cabinet Secretary deal with matters.

The Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs (Hon. Musalia Mudavadi): Hon. Speaker, I request that I consult with you on this issue and then you will communicate to the House. It is important that we operate as a united nation in a matter of this significance.

Hon. Speaker: We will have as wide consultations as we can, so that whatever we agree on, can serve the country without upheavals for another two or three decades. You are released.

The Prime Cabinet Secretary (Hon. Musalia Mudavadi): Thank you, Hon. Speaker.

Hon. Speaker: Well, thank you for sparing time to be here on our invitation.

Sergeant, as the Prime Cabinet Secretary and his team leaves, look for the Cabinet Secretary, Mr Chirchir.

While we wait for him, I will invite, under Order 5, the Majority Whip to lay some important documents on the Table.

Hon. Osoro.

PAPERS

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Speaker, I beg to lay the following Papers on the Table:

1. The National Executive Budget Estimates for 2025/2026 and the Medium-Term and the following accompanying documents –
 - (a) Programme Performance Budget (PBB) Report for the year 2025/2026.
 - (b) Recurrent and Development Estimates for the year 2025/2026.
 - (c) Development Estimates for the year 2025/2026.
 - (d) List of projects for the year 2025/2026.
 - (e) The Budget Summary for the year 2025/2026.
 - (f) The estimates of revenue grants and loans for the year 2025/2026.
 - (g) Financial Statement for the year 2025/2026; and,
 - (h) Annex of Estimate of revenue and expenditure for State Corporations.

I beg to lay.

Hon. Speaker: Thank you, Majority Whip.

Hon. Members, we will now go to the issue of the Road Maintenance Levy Fund (RMLF) as it was raised by the Member for Bumula yesterday. Do we have the Chair, Departmental Committee on Transport and Infrastructure? I saw him here, earlier on.

Can you bring in the Cabinet Secretary?

Hon. Members, yesterday, I promised that I will allocate not more than thirty minutes to this item, and it will be exactly that - thirty minutes.

Hon. Members, we have the Cabinet Secretary for Roads and Transport to make a Statement to the House on the issue of RMLF. The issue is very clear. It was raised by the Member for Bumula. Many Members have been raising the same issue along the way. So, what we require is a Statement from the Cabinet Secretary. Once he finishes, I will give the agent provocateur, the Member for Bumula, to have a first go, then I will allow a few of you because the issues are the same on whether the RMLF money will be released and how soon.

Cabinet Secretary, as you do so, consider that part of the issue is pending before a court of law. So, you must navigate carefully, but clearly, so that we can have this matter behind us. Welcome, Cabinet Secretary.

(Hon. Raphael Wanjala sat on the Government's side)

Hon. Speaker: Hon. Wanjala, will you move to where you normally sit?

(Hon. Raphael Wanjala bowed at the Bar and proceeded to seat on the Opposition's side)

Well done. Let nobody go and disturb Hon. Wanjala.

(Laughter)

The Cabinet Secretary for Roads and Transport (Mr Davis Chirchir): Thank you, Hon. Speaker and Hon. Members of the National Assembly, for inviting me to clarify this long-standing issue that we need to resolve quickly.

The Road Maintenance Levy Fund (RMLF) is an Appropriation-in-Aid levy that we use to maintain our roads. When withheld, as it is today, through the court ruling, it hurts us in terms of development for the country. More importantly, at a time like this, when we have experienced rains and a number of our roads are impassable. We are withholding Ksh10.5 billion, an amount that could have gone a long way to maintain our roads. Unless we resolve this challenge, we could continue withholding even in 2025/2026, which is not good for the challenged Levy.

Allow me to give a brief overview of the situation on the RMLF and where we are today on the amount that is being withheld due to the High Court ruling in Nairobi Case No.HCC HRPET/E423 of 2024, which issued an interim conservatory Order on 19th August 2024, directing the Kenya Roads Board (KRB) to freeze and withhold RMLF funds collected in the year 2024 to the extent of Ksh10,522,211,858, and to be allocated to county governments..., to be withheld - in this context, the whole sentence has to be read.

In compliance with the Court Order, to date, the Ministry has withheld that amount of RMLF allocation to Kenya Rural Roads Authority (KeRRA) and the Kenya Urban Roads Authority (KURA) for the Financial Year 2024/2025. The amount withheld today on account of both KeRRA and KURA totals Ksh7,488,061,224; of which, that to KeRRA is Ksh5.37 billion, and that to KURA is Ksh2.51 billion, making a total of Ksh7.89 billion. Of course, it will build up because RMLF is collected monthly, or even twice or three times every month. We collect from every cargo of petroleum product that docks in Mombasa. We have withheld Ksh7.89 billion. As we progress towards the end of the year, we expect to withhold the Ksh10.5 billion, as given in the conservatory order that has been given.

The Ministry shall release the withheld funds upon determination of the Petition before the High Court. We have proposed to Hon. Members to walk through an alternative mediation mechanism so that we can unlock this challenge and get this money to work for us. At the moment, we are working for the money. The money is 'sitting' there instead of allowing it to work for us, yet we are doing so much work to get it. In the annual public roads programme for the Financial Year 2024, KeRRA had planned to maintain a total of 22,175 kilometres of road network while KURA had planned to maintain a total of 2,990 kilometres through various interventions within the urban towns.

Hon. Members, what measures are we truly taking to unlock this challenge and ensure that we do not suspend work? When we received the conservatory court order, KeRRA and KURA were in the process of awarding contracts for roads to contractors who had successfully gone through the bidding process. Because of that order and the need to adhere to the rule of law, we subjected all the road programmes in the constituencies to a multi-year programme to avoid halting work on those roads, even though the available funds were inadequate. We hope to resolve this challenge during the course of the year. We have subjected all the tenders to a multi-year programme. We have awarded the contracts, and the sooner we resolve this impulse, the sooner we will unlock and complete the programmes within the year. If we cannot do so, it would be unfortunate, but it is in the interest of the country at large.

As Cabinet Secretary for Roads and Transport, I have escalated this issue for high-level mediation to ensure that we resolve this challenge and restore our roads to their previous condition. Right now, we are experiencing long rains, which are impacting economic activities because products are not reaching the markets.

If I drill down to the specific details, the deficit faced by KeRRA due to lack of funds will significantly affect rural roads. To be more specific, allow me to just read so that it can be a more structured statement. Any deficit that arises from lack of funds will be treated as a

priority charge in the Financial Year 2025/2026. The KURA will maintain the planned output of 2,990 kilometres for the Financial Year 2024/2025. However, to accommodate the deficit, road works have been contracted as multi-year projects, to be partially financed in the current Financial Year 2024/2025 and Financial Year 2025/2026. I urge the House to embrace mediation seriously and resolve this challenge so that we can spend this money in the current financial year. Additionally, KURA adopted maintenance interventions with a lower scope and scaled-down rehabilitation and periodic maintenance efforts.

Therefore, Hon. Members, as I mentioned previously and in various high-level meetings this morning, I recommend that the National Assembly, through a good mediation process, engages with the Council of Governors (CoGs) to resolve the petition out of court. The withholding of the Road Maintenance Fund has a significant negative impact on the condition of our roads, affecting citizens who do not distinguish between county and national roads. The impacts may continue to the next financial year, which we do not wish to happen. It is our prayer as the Ministry, and as we provide high-level leadership, to ensure that mediation is agreed upon as the way forward to quickly resolve this challenge. This will enable the completion of the tendered roads within the current financial year. Efforts are currently being made to resolve the matter. I request that we work on an amicable solution to address this challenge. Hon. Members, Ksh10.5 billion is a lot of money. If we do not resolve this challenge, Ksh10.5 billion for two years would be Ksh21 billion, which is as much as the allocation under the 32 per cent for the Kenya Rural Roads Authority (*KeRRA*). The sharing of the Road Maintenance Levy Fund (RMLF) revenue is in the ratio of 40 per cent for the Kenya National Highways Authority (KENHA), 32 per cent for the *KeRRA*, and 15 per cent for the *Kenya Urban Roads Authority (KURA)*. Withholding Ksh10.5 billion is significant.

We just went through securitisation and raised a bridge funding facility of about Ksh63 billion, which we used to pay most of the contractors, including the wayleaves. All the contractors are going back to work having sorted out 40 per cent of the pending bills, which had accrued for the last five to six years. We need the Ksh10.5 billion, which is significant, to unlock this impasse and get that money working for us through the established *RMLF Act*, 1993, at such a time when we are experiencing the long rains, so that we can access markets for our products. Easing the movement of people and goods is top of the agenda.

I would like to confirm to this Parliament, this afternoon, that I will provide leadership to ensure that this mediation is handled in a way that will yield positive results, so that we can get the money back to where it ought to be, and for it to work for Kenyans.

Thank you, Hon. Speaker and Members.

Hon. Speaker: Hon. Wamboka.

Hon. Wanami Wamboka (Bumula, DAP-K): Thank you, Hon. Speaker for inviting the Cabinet Secretary, who is also my friend. *Bwana* Cabinet Secretary, we already know most of the things you have said. Members have all that information. I have a few questions for you. The court said that you should withhold Ksh10.5 billion from the RMLF. It did not say that you should get it from *KeRRA* or KURA. The Cabinet Secretary, who is a good friend of mine, has a 10 per cent allocation from the RMLF. The KeNHA receives the biggest chunk. In the spirit of being a good driver of the Ministry, and knowing the impact of the *KeRRA* roads in this country, why did you not get that Ksh10.5 billion from your allocation and KeNHA's allocation so that *KeRRA* funds can continue operating?

Cabinet Secretary, you know that we are in the rainy season and *KeRRA* roads are most affected by the rains. I did not expect you to pass the buck. While you are enjoying, *KeRRA* is suffering, and *KeRRA* represents *mwanaanchi wa kawaida hapo chini*. I beseech you, in the spirit of devolution and taking resources to the grassroots level, to forfeit Ksh10.5 billion as we wait for mediation.

Hon. Speaker: You are now walking into the hands of the governors.

Hon. Wanami Wamboka (Bumula, DAP-K): My point is made.

Hon. Speaker: That is the point they are using to fight you.

Hon. Wanami Wamboka (Bumula, DAP-K): Decentralisation of funds.

Hon. Speaker: Yes.

Hon. Wanami Wamboka (Bumula, DAP-K): Yes, Hon. Speaker. In the spirit of decentralisation of funds, bearing in mind that the *KeRRA* roads affect the locals, we want your undertaking today.

Hon. Speaker: There is no word in English such as “localest.”

(Laughter)

Hon. Wanami Wamboka (Bumula, DAP-K): In difficult situations, you can use any language possible so that the Cabinet Secretary understands how I am putting my points across.

Hon. Speaker: You invent new ones.

(Laughter)

Hon. Wanami Wamboka (Bumula, DAP-K): We hope you will give us that undertaking.

Secondly, we want to know how much of the 22 per cent and the 10 per cent you have released to the Kenya Rural Roads Authority (KeRRA) and the regional offices.

Third and most importantly, the word going around is that you want to securitise KeRRA money, probably, 10 per cent or 22 per cent. For avoidance of doubt, you already have a lot of money to deal with. We do not want securitisation of either the 22 or the 10 per cent.

(Applause)

Please, take note that we refuse any invitation to this conversation. You have a lot of money. Please, deal with that and leave KeRRA alone. We will not deal with that one.

Thank you, Hon. Speaker.

Hon. Speaker: Your point is made.

I will give three chances to Members from each side of the House. Hon. DK, are you the trade unionist?

(Laughter)

Hon. David Kiplagat (Soy, UDA): Thank you, Hon. Speaker. I also thank the Members on my side for agitating that I make my comments on this.

Thank you, Cabinet Secretary, for coming to shed light on this very important national issue. It is currently raining. The 22 per cent and the 10 per cent of the KeRRA money are so local that, as we proceed on recess, it is an issue that this House has decided requires an immediate solution. *Waziri*, I know you are a statistician, good with data and a man who is strategic.

Hon. Speaker: Stop praising the Prime Cabinet Secretary. Ask him a question.

(Laughter)

Hon. David Kiplagat (Soy, UDA): I am building up my question.

Hon. Speaker: Ask him.

Hon. David Kiplagat (Soy, UDA): I have to build up my question, Hon. Speaker.

Cabinet Secretary, you have explained the mechanical way that Ksh10.6 billion was garnished by the courts. However, we are requesting that instead of allowing the overall RMLF funds to lie idle, given that the financial year ends in June 2025, the mathematics can be worked out to release the remaining 22 per cent and 10 per cent by 30th April 2025, as we continue mediating on the issue. This way, as we go home for recess next week, KeRRA roads can be worked on so that our people can enjoy. Rather than being mechanical in terms of executing that court case, let us be dynamic and regroup the money for use, should the worst come to pass by 30th June 2025.

I assure you, *Waziri*, that no money can go to the counties without passing through this House. This is the only House that appropriates funds, and there is no court in Kenya that can pretend to allocate money to any agency or devolved units without passing through the National Assembly. What is agreed finally comes to this House. That is why, in the wisdom of this House, we decided to pass some additional allocation to counties, minus the RMLF. So, despite all these stories, unless it is earning interest, it must come to this House. Kindly, working on that dynamism, release the 22 per cent and the 10 per cent by next week so that we are able to work on our roads.

Hon. Speaker: Hon. Mawathe

Hon. Julius Mawathe (Embakasi South, WDM): Thank you, Hon. Speaker. I just want to beseech and encourage the Cabinet Secretary to get a formula that can be a win-win. Without going into details, still the Cabinet Secretary, as recommended by one of my colleagues, can find a way to release the 22 per cent and the 10 per cent from the Road Maintenance Fuel Fund and from other sources, not necessarily the Kenya Rural Roads Authority (KERRA). That way, we can repair all the roads that have been affected by the rains.

In the ongoing communication and negotiation, I am sure we can arrive at a win-win situation where the Cabinet Secretary can release the funds back to us, and the governors can sign a consent for the release of the funds to us. Parliament leadership is aware of the formula. With the guidance of the Cabinet Secretary, I am sure these funds will be released to us as soon as possible. We urge the Cabinet Secretary to release the 22 per cent and 10 per cent back to the Members, please.

Hon. Speaker: Member for Meru at the back. Hon. Karitho, proceed.

Hon. Daniel Karitho (Igembe Central, JP): The Member for Igembe Central.

Hon. Speaker: I have been to your place.

Hon. Daniel Karitho (Igembe Central, JP): Yes. Thank you, Hon. Speaker. You are welcome again to Igembe Central. Thank you for giving me this opportunity.

I want to encourage and make it clear to the Cabinet Secretary that most of us are not new in this country. We move around our counties every day and we see what KeRRA has done. There is no other fund, especially on roads, that is doing what KeRRA has done. They touch on every common person and the roads that go to the rural areas, which our people depend on for survival in ferrying their products, and enabling movement. Therefore, I encourage the Cabinet Secretary to act swiftly and ensure that our 22 per cent and 10 per cent of the funds remain intact, and are released to the counties and to the general managers of KeRRA so that they reach our constituencies. After these rains, most roads in our areas are impassable. Igembe Central has two sub-counties and one of them is completely unconnected. Without KeRRA funds to repair the roads, people will remain incommunicado. People cannot move from their areas to towns and major centres. I, therefore, I encourage the Cabinet Secretary to release those funds so that our people can survive.

Hon. Speaker: Hon. Nabii Nabwera.

Hon. Nabii Nabwera (Lugari, ODM): Thank you, Hon. Speaker.

Listening to the Cabinet Secretary, other than lamenting and encouraging mediation, I have not seen a solution to the collapsed roads in Lugari Constituency. In fact, if I leave here

without something that says there would be money released to KERRA to start repairing roads, even the public participation we intend to go and do may not be possible because the constituency roads are impassable. My question is basic. You are requested for some bags of maize from that granary, but it has paddocks. You want 10 bags from 100 bags. Why do you decide to pick 10 bags from the elder son and leave 10 bags of the middle son or the youngest son?

Secondly, if the Cabinet Secretary has travelled across this country, he knows very well that roads are categorised. The KeRRA roads are national Government roads. If you securitise 22 per cent of the funds, as per the memo on the 10 per cent allocation to KeRRA reads, leaving them with 482,000 kilometres of unfinished roads yet I have 184 pending KeRRA roads is interesting. Is the person served by a rural road a lesser Kenyan than the one served by an urban road? Should constituencies that do not have tarmac roads perish?

Hon. Speaker: Hon. Nyakundi.

Hon. Japheth Nyakundi (Kitutu Chache North, UDA): Thank you, Hon. Speaker.

I would like to give the Cabinet Secretary a solution to this problem. He has money meant for the Cabinet Secretary's allocation. As we wait for mediation to commence, could he kindly give us that money? We do not even know how that allocation is distributed within the country. We have been experiencing problems with our roads and when we come to your office, we get no solutions or money to repair those small roads.

Secondly, kindly do not dare touch the 10 per cent and 22 per cent allocation because that money solves the problems on small roads at home.

Lastly, money is allocated to the Budget and Appropriations Committee to conduct public participation around the country. We have demonetised those small roads to the point that they seem unnecessary, and that the money set aside for them is going into someone's pocket. Those roads serve our people. Once you get a bridging facility of Ksh10 million, it seems as if there is someone who wants to eat it. Let us not demonetise those roads.

Hon. Speaker: Point made. Hon. Kiamba.

Hon. Suzanne Kiamba (Makueni, WDM): Thank you, Hon. Speaker and the Cabinet Secretary, for this forum. There was a good rationale for having KeRRA and KURA. I do not know whether the rationale has changed. One of the rationales was to solve the problems affecting our roads as fast as possible. We collect this money at the national level. I only have less than 20 kilometres of tarmac road in my constituency. If we do away with KeRRA, should people in Makueni stop living, selling and buying, waiting for what they do not know? I request the Principal Secretary to be considerate. Institutions are not collapsed overnight. They are built with a rationale and if they are to be collapsed, there has to be a good rationale for it.

Hon. Speaker: Hon. GK, Chairman of the Departmental Committee on Transport and Infrastructure.

Hon. George Kariuki (Ndia, UDA): Thank you, Hon. Speaker. I am a happy man today now that the Cabinet Secretary is here to listen to my colleagues' sentiments. Cabinet Secretary, the questions being raised are those that I am asked as the Chairperson of the Committee, yet I do not have the answers. The buck does not stop with me as the Chairperson of the Committee. As the Chairman, I do not have the answers because the buck does not stop with me. The buck stops with the Executive and you are the representative. So, Cabinet Secretary, I will pick two issues that I would be happy to hear your response on.

One is the issue of mediation. When do you intend to call for this mediation? Can you give us the timelines for when you want to conduct it, and who the members of this mediation team will be?

Two is the issue that has been raised by my colleague on murram roads. It is assumed that money allocated for murraming our roads goes into people's pockets. However, that is not true. These roads are very critical and are what I would call the last-mile link roads. It is not

possible to tarmac all roads in the country, but we have sections of rural roads that require heavy grading and gravelling. Therefore, let us not adopt the mindset that this money goes to waste.

In the last Term, I was not in very good books with the Government because I was in the opposition, so to say. I did not get many resources for tarmacking roads in my constituency, but I used the little money that came my way through the Road Maintenance Levy Fund (RMLF) under the Kenya Rural Roads Authority (KeRRA), the same amounts that Members are agitating for here. That is what kept the roads in my constituency motorable for five years. And even if such a road only lasts for seven or ten years, it is still very helpful to the people who live in the rural areas.

Cabinet Secretary, you have my full support.

Hon. Speaker: Your point is made.

Hon. George Kariuki (Ndia, UDA): Please, do not take the path of refusing to allocate resources for murram roads.

Hon. Speaker: Cabinet Secretary, can you respond to those? Hon. Members, I had allocated 30 minutes, but we have gone over by two minutes. Let us allow the Cabinet Secretary to respond. All the issues are almost the same.

The Cabinet Secretary for Roads and Transport (Mr Davis Chirchir): Thank you, Hon. Speaker and Hon. Members.

Let me start with the Question by Hon. Jack Wamboka Wanami. The criterion used in withholding Ksh10.5 billion was this: Hon. Members, you will recall that between 2016 and 2021, the Kenya Urban Roads Authority (KURA) and KeRRA portions of the RMLF money were administered and managed by the county governments. In 2021, a decision was made to return the management of that money to the national Government due to certain administrative concerns at the time. The RLMF portion, which is about 40 per cent, has never been devolved to the counties. The merit we employed and the contest by the county governments was more on what they felt was within the ambit of Schedule Four of the Constitution in defining the national and county roads. Basically, that is what we employed to withhold the 15 per cent of the 47 per cent, because the 32 per cent for KeRRA and 15 per cent for KURA, add up to 47 per cent.

Hon. Speaker, we employed a formula of withholding a portion of 15 out of 47 and 32 out of the 47 in that ratio. Hon. Members, I am more positive in seeking to resolve this issue amicably because in as much as it impacts Members of Parliament, it is a challenge that impacts all Kenyans. We, therefore, need to resolve this as soon as possible. Like I said, Ksh10.5 billion is a lot of money and at such a time, if we release these resources to you, we will address a number of the major challenges affecting the entire country.

To combine that question by Hon. Jack Wanami and my Chairman, Hon. GK, the Member of Parliament for Ndia Constituency, we are seriously seeking the soonest opportunity with the chairperson of the mediation committee, at a high level, with appropriate leadership that can basically resolve this issue in one sitting, and allow this resource to build this country and work for us. I believe we should do this within this financial year because it is not helpful to anybody having that money unallocated and earning interest. We are losing so much given the state of our roads. Movement of goods and people is basically impaired.

Regarding the question by Hon. Kiplangat, DK, we will be releasing the balance of the Road Maintenance Levy Fund (RMLF) next week. I have been given the numbers. I am here with the Director-General of the Kenya Roads Board (KRB). We will be releasing the balance next week. We have the numbers and even as we withhold, we seek to ensure that we resolve this challenge and release the full amount of Ksh10.5 billion. The balance of Ksh3.533 billion, which is outstanding to the end of the financial year, will be released next week in the ratio of

Ksh2.43 billion towards the Kenya Rural Roads Authority (KERRA) roads and Ksh1.1 billion towards the Kenya Urban Roads Authority (KURA) roads.

With respect to the concern of securitisation as raised by the Member for Igembe Central...

Hon. Speaker: Igembe Central.

The Cabinet Secretary for Roads and Transport (Mr. Davis Chirchir): Member for Igembe Central, Hon. Kiili. We do not wish to securitise part of the RMLF that is addressing from KERRA. We noted that and we would be coming to this House to seek necessary amendments to the statute that governs RMLF. We have the annuity fund and you know it has not taken off like previously because the risk placed on annuity, on the maintenance front, is so high. Most of the roads which were meant to be done on annuity have basically collapsed and we are sitting on three shillings under annuity. A few roads which were done in annuity can be managed within 50 per cent of the three shillings. Therefore, we can securitise Ksh1.50 and return that money to your various constituencies to address the road maintenance and development challenges that we are facing today.

We also proposed to securitise part of the Cabinet Secretary allocation. As one Member said, for a long time, it has not been distributed equitably to all the constituencies. There are emergencies across the country and yet this equivalent of Ksh1.80 or Ksh1.50, which sits under the Cabinet Secretary allocation, could be securitised. When you get the discounted future value over 10 years, we can raise as much as Ksh120 billion today and come to this House to agree on how we can build our roads in Kenya. You know the challenges we have on the Low Volume Seal Roads (LVSRS) that need maintenance and that are orphaned because we do not have maintenance allocation for them. Securitisation does not seek to impact majorly on the Kenya Rural Roads Authority (KeRRA) mandate, because KeRRA has a very specific role. Therefore, when we talk about securitisation, we are looking at making the best use of some of the Road Maintenance Levy Fund (RMLF) money within the ambit of the Kenya National Highways Authority (KeNHA), where we can get a shilling from KeNHA and another from the Cabinet Secretary allocation, then Ksh1.50 from the Annuity Fund.

This is the securitisation we are talking about that can raise Ksh120 billion and address the challenges. It includes what we have done on the securitisation that raises Ksh175 billion. The bridge facility of the Ksh175 billion has enabled all the contractors to go back to work. So, if there is any stalled road due to a pending bill in any part of the country today, I would like to take that up and ensure the contractor resumes work. We have paid them on account of securitisation for the pending bills and, therefore, we should get them to continue and complete some of those projects.

Mhe. Nyakundi, I have answered the question on the 22 per cent. We do not intend to touch the 22 per cent and if we have to, we will first do public participation within the precincts of Parliament, so that we all agree on what it means in terms of unlocking the challenge that faces our roads in Kenya today.

On the question by Hon. Mawathe of Embakasi South, we are looking at a win-win solution. I am hurt most as a Cabinet Secretary for Roads and Transport, seeing some Ksh10.5 billion that I am unable to deploy. The challenge between the county governments and the National Assembly is based on the concern of how we can quickly use this money to sort out the challenges that afflict our people, particularly at a time like now. Kenyans do not understand the different mandates by the county government and the national Government in maintaining roads. Therefore, allow me, Hon. Speaker and Hon. Members, to provide some high level of leadership that will ensure that the highest office of the land helps us address this, possibly through mediation, and resolve the issue, so that even as we release the balance of Ksh3.533 billion next week, as Hon. George Kariuki raised, we should be discussing how much sooner we will release the Ksh10.5 billion. It should preferably be within this financial year so that the

smart idea of doing a multi-year will not have us go to the Financial Year 2025/2026 with the programmes of the Financial Year 2024/2025. We should finish the programmes that we planned for the Financial Year 2025/2026.

I have repeatedly addressed the issue raised by Lugari Member of Parliament, Hon. Nabii Nabwera. We, honestly, do not wish to affect the RMLF's 22 per cent and 10 per cent even as we think through securitisation. But securitisation is the solution for discounting the value of the money that we should be collecting for the next 10 years and what will allow us to use that money in the next two or three years to address the challenges that we are facing in the road sector today.

On murraming of roads and the Cabinet Secretary allocation, like I mentioned, securitisation has already unlocked Ksh63 billion. We will be going out to list 20 per cent and 80 per cent on the bond market to raise Ksh175 billion and address the challenges facing the road sector on account of the securitisation. Again, like I have said, I would like to get any road that is stalled today on account of a pending bill because we are now able to pay. If they have not resumed, it is because of money challenges.

Hon. Speaker and Members, we should get contractors back to work on any road stranded on account of pending bills. We have paid them 40 per cent and they have signed up the settlement agreement we developed. The settlement agreement is a return-to-work formula. They are all going back to work. In fact, I addressed all the contractors in a breakfast meeting this morning. They should all be getting back to work.

Hon. Speaker: Take your seat, Cabinet Secretary. Hon. Members, I will do another round. Give me two minutes to give you a Communication under Order 3, and then I will give you time owing to the immense interest I see. I have a Message from the President as a referral of two Bills to the National Assembly.

(Hon. Julius Rutto consulted other Members)

Order, Member of Kesses. It is good to listen when a Communication is being made.

MESSAGE

PRESIDENT'S REFERRAL OF BILLS FOR RECONSIDERATION

Hon. Speaker: Pursuant to the provisions of Standing Order 42, I wish to report to the House that I have received two Messages from His Excellency the President regarding referral of the following Bills to Parliament for reconsideration:

1. The Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill (National Assembly Bill No. 5 of 2025).
2. The Conflict of Interest Bill (National Assembly Bill No. 12 of 2023).

In the First Message, His Excellency the President conveys that pursuant to Article 115(1)(b) of the Constitution, he has considered the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill (National Assembly Bill No.5 of 2025) and referred it back to the National Assembly for reconsideration, expressing reservations concerning the Bill.

In the Presidential Memorandum of Referral of the Bill back to the National Assembly, His Excellency the President has expressed reservations on Clause 3 of the Bill.

In the Second Message, His Excellency the President conveys that pursuant to Article 115(1)(b) of the Constitution, he has considered the Conflict of Interest Bill and referred it back to Parliament for reconsideration, expressing reservations to the Bill.

In the Presidential Memorandum of Referral of the Bill back to Parliament, His Excellency the President has expressed reservations on Clauses 2, 5, 6, 8, 12, 16, 17, 18, 20, 30, 31, and 35 of the Bill. Further, His Excellency the President has detailed the reasons of his reservations to the said clauses and made recommendations thereof, for consideration by the Houses of Parliament.

Having made his reservations on the two Bills that are contained in his Memorandum to the House, His Excellency the President now requests Parliament to reconsider the Bills in accordance with the provisions of Article 115 of the Constitution.

You may recall that this House passed the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment Bill) (National Assembly Bill No.5 of 2025) on 16th April 2025, following which I presented the Bill to His Excellency the President for assent in accordance with the provisions of Article 113 of the Constitution.

You may also recall that the National Assembly and the Senate passed the Mediated Version of the Conflict of Interest Bill (National Assembly Bill No.12 of 2023) on 5th December 2024 and 8th April 2025, respectively. Thereafter, I presented the Bill to His Excellency, the President, for assent in accordance with the provisions of Article 113 of the Constitution.

This House is, therefore, required to consider the President's reservations to the specified clauses in respect of each Bill. Standing Order 154(2) requires the House to consider the President's reservations within 21 days upon receipt of a Memorandum.

Hon. Members, with respect to the President's reservations to the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill, 2025, the Message from His Excellency the President, together with the Presidential Memorandum of Referral, are hereby referred to the Departmental Committee on Justice and Legal Affairs.

With regard to the Conflict of Interest Bill, 2023, you may recall that its passage underwent the bicameral process under Article 113 of the Constitution. Given that the Bill was originated by this House, the consideration of the President's reservations to the Bill will commence in the National Assembly. In this regard, the President's reservations to the Bill and Presidential Memorandum of Referral stand committed to the Departmental Committee on Justice and Legal Affairs for consideration. The Committee should prioritise the Bill and table its report soonest to allow this House to consider the President's reservations within the said timelines.

Upon conclusion of consideration of the President's reservations by this House, I will transmit the decision of the National Assembly to the Senate, seeking its concurrence on the said decision. I hasten to guide the House that the consideration of the President's reservations to the Bills by the respective committees and the House will be undertaken in accordance with the provisions of Article 115 of the Constitution. Further, the guidance contained in the Speaker's Communication of 28th July 2015 relating to the Consideration of the President's Reservations to a Bill and amendments thereto will apply, as shall be necessary.

I now direct the Clerk to circulate the Memorandum of His Excellency the President, to the two Bills to all Members, so that they familiarise themselves with the contents therein.

The House is accordingly informed and guided. Thank you. Can we do another round? Can we do a round of three-three Members?

Hon Members: Yes.

Hon. Speaker: Whom do I take or whom do I leave?

Hon. Members: Woman Representatives.

Hon. Speaker: Hon. Millie Odhiambo. Try and take a minute or two each. You are all Members of Parliament.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Speaker. I will take less than that.

Hon. Speaker: Very good.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): We are all Members of Parliament. I thank the Cabinet Secretary. The last time you were here, you made a promise in relation to Sindo-Mbita Road. You said you would talk to the contractors to do the maintenance before works. You have actually just indicated that you have released funds. We know that is not one of the things that has been done. I am sure Hon. Caroli will raise the same issue. Can you please, clarify what the position is?

Hon. Speaker: Hon. Wamuchomba.

Hon. Gathoni Wamuchomba (Githunguri, UDA): Thank you, Hon. Speaker. I congratulate you because all I wanted to say about the needs of my constituents have been raised by my colleagues.

Hon. Speaker: Then resume your seat.

Hon. Gathoni Wamuchomba (Githunguri, UDA): No, Hon. Speaker. Allow me to submit because you have given me a minute. With all due respect, finally, you have brought back central role of making decisions concerning money that concern our people back to Parliament. It is good that the Executive now has to realise that Parliament has a role to play for any decisions to be made before they make implementations of the budgets that we make here.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you.

(Several Members spoke off the record)

Hon. Wangwe.

Hon. Emmanuel Wangwe (Navakholo, ODM): Thank you so much, Hon. Speaker. My question to the Cabinet Secretary for Roads and Transport.

(Hon. Thuddeus Nzambia stood in his place)

Hon. Speaker: Take a minute, Hon. Nzambia. You do not have to stand up. I can see you from here.

Hon. Emmanuel Wangwe (Navakholo, ODM): Hon. Speaker, my question to the Cabinet Secretary is that it is good he has returned the contractors. What are you planning to do in respect to maintenance ahead of works? I am talking about two roads, namely, C41 and the one from Shianda-Malaha-Mukhweso.

Hon. Speaker: Member for Thika Town.

Hon. Alice Ng'ang'a (Thika Town, UDA): Thank you, Hon. Speaker.

Hon. Speaker: Each Member will get a minute each. I will then consider giving additional minutes.

Hon. Alice Ng'ang'a (Thika Town, UDA): *Waziri* has said that all the contractors are back, yet I have not seen any in my constituency. I know there are pending bills in Thika. I also wanted to add that the 22 per cent and the 10 per cent allocations are a no-go zone. We will not discuss them. They will remain as they are supposed to.

Hon. Speaker: The Speaker does not need any help.

(A Member spoke off the record)

I will give an opportunity to Hon. Ngogoyo. You have a minute.

Hon. Onesmus Ngogoyo (Kajiado North, UDA): Thank you, Hon. Speaker. Cabinet Secretary, KeRRA operates with work plans. Are there any contrary instructions from you or

KeRRA instructing the constituency roads committees to prepare work plans that are less than the money that would have been planned for? I am asking this so that I know whether there is a direct communication from you or from the Director-General of KeRRA on different instructions to the constituency roads committee on the amount of money that they will plan for in the next financial year. There are usually instructions by this point. Have you or the Director-General of KeRRA issued any instructions contrary to what has always been planned for in every financial year?

Hon. Speaker: Member for Keiyo South, one minute.

Hon. Gideon Kimaiyo (Keiyo South, UDA): Thank you, Hon. Speaker. The Cabinet Secretary has not answered one question: The funds collected under the RMLF belong to four institutions namely, KeRRA, KeNHA, KURA and the Kenya Wildlife Service (KWS).

(A Member spoke off the record)

No, the Kenya Forest Services (KFS) does not get any funds. The Third Schedule of the Kenya Roads Board Act identifies the four institutions. The court gave a ruling that you should set aside Ksh10.5 billion. No part of that ruling says that you must set aside the allocation to KeRRA. In that formula, there are different allocations of 10 per cent, 22 per cent and 47 per cent. When you were told to set aside Ksh10.5 billion, why did you target what equitably belongs to KeRRA?

Hon. Speaker: Point made. Hon. Nzambia. Avoid jumping up.

Hon. Thuddeus Nzambia (Kilome, WDM): Thank you, Hon. Speaker. If you are not careful, you may not get time to express yourself in this House. I have heard the Cabinet Secretary express himself. I understand that we have received, Ksh17 million out of Ksh42 million in our constituencies. We want to know when he will send the remaining Ksh25 million. He has indicated that he will send the money by next week. We want the total amount of Ksh25 million to be sent to the...

Hon. Speaker: Point made. Hon. Members, when we finish this, Hon. Musa Sirma will be invited to make a Statement as the Chairperson of the National Government Constituencies Development Fund (NG-CDF) Committee on the NG-CDF issues that you have been raising.

I will now give an opportunity to Hon. Justice Kemei.

Hon. Justice Kemei (Sigowet/Soin, UDA): Thank you, Hon. Speaker.

Hon. Speaker: Order.

(Hon. David Pkosing consulted loudly)

Hon. Pkosing, I sent Hon. Kandie out of the House this afternoon because he was conducting himself like you are, currently. Take your seat. I have given the Floor to Hon. Justice Kemei.

(Laughter)

Hon. Justice Kemei (Sigowet/Soin, UDA): Thank you, Hon. Speaker. In his presentation, the Cabinet Secretary talked about the low volume seal roads. This programme has left most of the tarmac roads in our constituencies in a terrible state. When is the earliest that the Cabinet Secretary expects those roads to be re-done?

Hon. Speaker: Hon. Donya.

Hon. Dorice Donya (Kisii County, WDM): Thank you, Hon. Speaker. I have just received a message from my grandmother. Please, listen. She has said that Members of

Parliament do good work of connecting the roads, but she is now requesting the Cabinet Secretary to set aside funds for water pipes because some governors have failed to do so.

Hon. Speaker: It is clear that the message you have received is fake. You are just building up a story. Ask a question.

Hon. Dorice Donya (Kisii County, WDM): Hon. Speaker, when we debate...

Hon. Speaker: Ask a question.

Hon. Dorice Donya (Kisii County, WDM): Can they get more money so that as they construct the roads, they can also do water connectivity?

Hon. Speaker: Yes. We had agreed to have three Members from each side of the House. I have now allowed five Members from each side to ask questions.

Hon. Wamumbi, you will be the last.

Hon. Eric Wamumbi (Mathira, UDA): Thank you, Hon. Speaker. The Cabinet Secretary has said that the contractors have been paid 40 per cent, and it is good for him to clarify that it is based on the certificates raised, which is not enough.

He has a Cabinet Secretary allocation and he said that the money set aside will be released after the stalemate is sorted out. I would like to request the Cabinet Secretary to release the money from the Cabinet Secretary allocation to KeRRA, and once the stalemate is sorted out, the money set aside can be taken back.

Hon. Speaker: Hon. Ruweida.

Hon. Ruweida Mohamed (Lamu East, JP): Asante, Mhe. Spika. Ningependa kumpongeza Waziri. Ningependa pia kumwambia kuwa sheria zikitengenezwa, ahakikishe zinafikia sehemu zote. Kule kwangu, hakuna barabara iliyojengwa kwa sababu *contractor* hawezi kufanya barabara moja pekee. Hii ni kwa sababu gharama ya kubeba *material* na meli ni milioni nne. Kwa hivyo, lazima *contractors* washikane ili waweze kujenga barabara. Hii ni sheria iliyowekwa bila kuzingatia hali yetu. Barabara mbili zilizotengwa bado hazijatengenezwa.

Kule kwetu, watu wanangoja lami na ngoma. Tunasikia kuwa barabara ya kwanza ya lami itajengwa. Hatuna hata *one-inch* ya lami, lakini sasa tunatarajia watajenga. Tunaomba wafanye bidii ili *contractor* aje. Watu wanangoja sana kwa sababu itakuwa barabara ya kwanza ya lami. Tuko na hamu ya kungoja *contractor*. Kila wakati watu wanauliza *contractor* atakuja lini. Tunaomba aje haraka ili nasi tuone lami kwenye barabara hii moja ili tusiwapeleke wanafunzi sehemu zingine kuangalia lami.

Hon. Speaker: Your point is made. Finally, let us have Hon. Pkosing.

Hon. David Pkosing (Pokot South, KUP): Thank you, Hon. Speaker. May God bless you abundantly.

Hon. Speaker: What would you have said if I did not give you the chance?

Hon. David Pkosing (Pokot South, KUP): May God bless you abundantly. May the God of Rome bless you.

Hon. Speaker: Yes. Go on.

Hon. David Pkosing (Pokot South, KUP): The Cabinet Secretary stated that contractors are either on the way or already on the ground. I want to inform him that there is no contractor that has come back in the entire West Pokot County. He should take this opportunity to specify the exact roads where contractors are in. In West Pokot, there is none.

Hon. Speaker: You have made your point. Cabinet Secretary.

(Several Members raised their hands)

Members, we had agreed to have three members from each side of the House. Cabinet Secretary, you can see the level of interest.

The Cabinet Secretary for Roads and Transport (Mr Davis Chirchir): Thank you, Hon. Speaker.

On the issue of maintenance before work as raised by Hon. Millie Odhiambo, this is something I have taken up. Regarding the Mbita-Sindo Road traversing your constituency, we have given instructions to contractors to do maintenance ahead of the main works. As road construction progresses, economic activities must not stop. If that has not happened for this particular road or any other, I encourage Members to send me a brief message. I will ensure that maintenance is first done to ensure roads are motorable so that our citizens continue to use them during major construction works. That seems to be a great concern because I think the same question was raised by Hon. Wangwe. I will take it up. I will get information for the individual level on roads that require maintenance ahead of work to ensure that they remain motorable as we do the major construction.

For Hon. Alice, I do not know whether you are saying we should not discuss and resolve the impasse on the RMLF. Basically, what you are saying is that we should not discuss the 22 per cent. We have a conservatory court order on the 22 per cent. Are you saying that we should not do the mediation? Am I getting instructions from Parliament not to go that route and let the matter to go through the court? Can I get a very clear guidance? We respect communication from Parliament. That should be very clear even as we seek to unlock this Ksh10.5 billion which is being withheld by the conservatory court order of 19th August 2024. Even if the Cabinet Secretary allocation which has been securitised was available today, it would only be an insignificant amount in terms of the quantum. As you know, the Cabinet Secretary allocation is only 1 per cent. The challenge, particularly now, is that it is the rainy season of the month of April in the country. My take is that, and I am very concerned, we unlock the challenge through mediation. However, I am getting a different instruction that we should not discuss the RMLF even when the matter is in court. That is my understanding as a Minister. I need to get very clear instructions, because that was not a question, it was an instruction not to discuss the RMLF, even when it is before the court today.

Hon. Speaker: Who is calling out Speaker? What is it, Hon. Gisairo? Is it a point of order?

Hon. Clive Gisairo (Kitutu Masaba, ODM): Thank you, Hon. Speaker. The Cabinet Secretary is saying that he has received an instruction.

Hon. Speaker: From who?

Hon. Clive Gisairo (Kitutu Masaba, ODM): An instruction can only come from the Speaker and that has not happened.

Hon. Speaker: What is it, Hon. Kimaiyo?

Hon. Gideon Kimaiyo (Keiyo South, UDA): Hon. Speaker, I did not mean to interrupt.

Hon. Speaker: You have already done. Ask what you want to.

(Laughter)

Hon. Gideon Kimaiyo (Keiyo South, UDA): I am making a clarification. What *Mweshimiwa* Alice from Thika meant was that they should not securitise the 22 per cent and the 10 per cent. They should not touch the 22 per cent and the 10 per cent. However, on what is ongoing in the mediation, that should be allowed to continue.

Thank you, Hon. Speaker.

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Roads and Transport (Mr Davis Chirchir): Thank you for that clarification, Hon. Speaker. Hon. Tongoyo of... Is it Kajiado West? The direct communication...

Hon. Speaker: Kajiado North.

The Cabinet Secretary for Roads and Transport (Mr Davis Chirchir): The Question from the Member of Parliament for Kajiado North is on whether we have given instructions to the regional engineers that as they do their work plans for the next financial year to exclude what has been withheld in court. We have not issued those instructions. I will be brief on that. It is important that we plan. We should see the challenge as interim. As I said, we do not want to unlock the challenge and then go back to planning for work. There are no instructions issued to the regional engineers not to plan for work in line with the 22 per cent and 10 per cent allocation.

On Hon. Kimaiyo's question, I do not remember what it was. It was a contest of... I did not record the question properly. Allow me to first finish with Hon. Nzambia's question on when we are...

Hon. Speaker: Hon. Kimaiyo asked that under the Schedule, the money is for the Kenya Rural Roads Authority (KeRRA), the Kenya Urban Roads Authority (KURA), the Kenya National Highways Authority (KeNHA) and the Kenya Wildlife Service (KWS).

The Cabinet Secretary for Roads and Transport (Mr Davis Chirchir): Thank you, Hon. Speaker. I thought I had answered that question, but let me try to give that clarification. Between 2016 and 2021, the money in contest that was being administered by the county governments was the Kenya Urban Roads Authority (KURA) and the Kenya Rural Roads Authority (KeRRA). What seems to be in contest was what was taken away from the county governments, which was the KURA and the KeRRA amounts. If you may recall, if we are to go back historically between 2016 and 2021, these amounts were being administered by the county governments. We just returned it to Parliament. When the contest came, it was about KeRRA and KURA. The Kenya National Highways Authority (KeNHA) is not in the contest. It has never been administered by the county governments.

As I explained, what we basically did was to withhold the ratios in the share of 15 per cent as a share of the 47 counties which is 15 and 32 per cent. I want to provide leadership and ensure that we seek that mediation at the highest level and unlock this challenge. I think that is more important.

(Applause)

With respect to the question of when we will see the full amount of the disbursement, I indicated that the amount that we still have, the 10 per cent and the 20 per cent, will be released next week to the extent that it is not within that interim conservatory order issued by the court. We will release Ksh3.5 billion next week to address those roads.

Concerning Justice Kemei's question... What was the question from Justice Kemei? Let me first deal with the low-volume roads. What we will shortly see with the low-volume roads and the orphaned roads is securitisation and the availability of some level of resources for us to repair and reseal them across the country. In effect, a number of those low-volume roads that *Mhe*. Kemei from Sigowet raised is that they are "orphaned" roads. They have not been allocated resources for maintenance.

When we engage the securitisation and what we can do with that money, we should be able to maintain the roads. We are already doing that. Immediately some of the contractors finished the low-volume sealed roads, they were not able to undertake the maintenance which was within the contract because there were so many pending bills that they abandoned the work. Even the last bit of the one-year maintenance was not taken up. Therefore, if today you go to roads like Daraja Sita-Chebole-Labotiet-Emurua Dikirr Road, it is being maintained and resealed because we have unblocked and paid the pending bills. They are able to go and do what was not accomplished under the contract. We will see quite a number of this happening across the whole country. I will just use that as an example.

With respect to Hon. Ruweida, on Mtaka Wanda- Kizingitini, I will push to make sure the contractor goes to the site next week, if he has not already gone yet. The tenders were done. This is probably the first tarmac road in Lamu East. Mhe. Ruweida, let me take up that next week.

Hon. Pkosing, we have been paying the contractors in the last one or two weeks, except that I accompanied His Excellency to China, and unfortunately it has also been raining. It is on top of my agenda. This is what I probably do every day to make sure that the contractors go back to work. I said that every contractor who has been paid 40 per cent signed a settlement agreement which confirms that they will go back to work on payment of the 40 per cent while awaiting the 60 per cent that should be paid within 120 days. The success of our fundraising the 60 per cent, and being paid the balance will be based on how they perform with the 40 per cent. The settlement agreement also pushed the contractors to discount 35 per cent of the interest which they had levied.

I wish to confirm to Mhe. Pkosing, and this Parliament that for contractors on any road which had been abandoned due to pending bills, we are getting them to go back to work. If they have not gone back to work, it is just because of the rains or they are servicing the equipment. Some of these massive up-moving equipment have been lying idle for the last two or three years, so a number of them are being serviced. All of them will indiscriminately go back to work upon payment of the 40 per cent which has already happened. I wish to confirm to the House that this will happen if it has not happened already. This is not a matter of months, but days.

Hon. Speaker: Hon. Members, I want us to end here.

Hon. Danson Mwashako (Wundanyi, WDM): On a point of order.

Hon. Speaker: Hon. Mwashako, what is your point of order?

Hon. Danson Mwashako (Wundanyi, WDM): Thank you, Hon. Speaker. The Cabinet Secretary has stated in this House that all contractors have returned to their sites, and people are watching this.

Hon. Speaker: He has just explained that.

Hon. Danson Mwashako (Wundanyi, WDM): The Cabinet Secretary is aware that there is a contractor who has refused to go back to work due to the agreement rates. The agreement rates were set in 2021, and the contractor, Stecol Power China, has been paid 40 per cent. This concerns the Mto Mwagodi-Dawida-Mbale-Wundanyi-Bura Road. The Cabinet Secretary is aware of this because he was present in Taveta when the President visited. The contractor has refused to resume work until the rates are reviewed. Therefore, the Cabinet Secretary needs to clarify this so that my people understand why the contractor is not on site. The statement that all contractors are going back to work is incorrect. We have been expecting the contractor back on site for the last two months. Even the President announced that the contractor would resume operations on a Monday, two months ago. Two months later, that has not happened.

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Roads and Transport (Mr Davis Chirchir): Hon. Speaker, I confirm that this particular road's contractor, Stecol Power China, has confirmed he is going back to work. I know the rates for this road were significantly below the market, especially for hilly areas. We have resolved that challenge. The same contractor should be back. If he has not gone back, I encourage Mheshimiwa to see me after this. The Mto Mwagodi Road is not a challenge as we speak today.

There are many such other cases because work has been pending for a long time. Several contractors could be seeking rate reviews due to inflation. We have not opened this up yet. That was a challenge for this particular road, but we have already addressed the concern

with the contractor. I have been in constant communication with the contractor. If he is not on site already, he should be there next week.

I thank you.

Hon. Speaker: Thank you, Cabinet Secretary. You are released.

(Loud consultations)

I will now invite Hon. Musa Sirma to make a Statement in relation to the release of the National Government-Constituencies Development Fund (NG-CDF). After that, Members with requests for Statements, please, get ready.

Hon. Musa Sirma (Eldama Ravine, UDA): Hon. Speaker, following your intervention and instructions to secure firm confirmation of the release of funds from the National Treasury this afternoon, I visited the National Treasury and met with the Cabinet Secretary, the Principal Secretary, and the Director General, Mr Ndugu. The Cabinet Secretary had promised to release the money on 29th April 2025, but due to technical and unavoidable circumstances, he has given firm confirmation that the money will be released...

(Technical hitch)

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

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

Hon. Temporary Speaker, he has promised to release the money on Friday. Tomorrow is a holiday. In the meeting, the Cabinet Secretary, the Principal Secretary and the Director General affirmed that the funds will be released on Friday. Expect the Ksh7 billion in your accounts on Monday or Tuesday. The funds that were released yesterday are already in the accounts. We were to have money in the accounts today.

(A Member spoke off the record)

Yes, the money that went to the constituencies, Hon. Temporary Speaker.

(A Member spoke off the record)

Let me correct that and say it is in the National Government Constituencies Development Fund (NG-CDF) accounts in the various constituencies. I had instructions from Hon. Speaker to meet them. I would like to confirm that I complied.

Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Makali Mulu.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you very much, Hon. Temporary Speaker.

I appreciate the Chairman for the information he has provided. When he talks about technical hitches, it leaves us very confused. I do not think there is something called a technical hitch. The Cabinet Secretary was here and he gave a commitment. He was giving the Chairman a commitment at the National Treasury and not in the House and the Chairman wants us to believe him.

Hon. Temporary Speaker, I said the other time that we should resist the idea of cabinet secretaries coming to this House, giving commitments, then failing to honour them. That degrades the status of this House.

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The Temporary Speaker (Hon. Peter Kaluma): Last, let us have Hon. Makilap.

Hon. Joseph Makilap (Baringo North, UDA): Thank you, Hon. Temporary Speaker.

Whereas I appreciate the efforts made by my colleague, Chairman of the Select Committee on NG-CDF, the commitment that was made to this House that represents Kenyans was on 29th April 2025. Today is 30th April 2025. Is the technical hitch a plan to ensure that Members go for recess so that we do not talk about it until we come back from recess? Parliament is a House of records. When a Cabinet Secretary says 29th April 2025, it should mean exactly that.

What corrective measures will the Chairman make if we go for recess, but money is not disbursed? That will be a serious gross misconduct of a Cabinet Secretary to the House for pledging that on 29th April 2025 the money would have been released, but now creating stories not backed by evidence. Our Chairman does not have evidence of the technical hitch. He has just made a blanket statement that he visited the National Treasury without any written commitment. We need to protect the House of Parliament of the people of Kenya.

The Temporary Speaker (Hon. Peter Kaluma): I give this chance to Hon. Mwenje, under Standing Order No.1.

Hon. Mark Mwenje (Embakasi West, JP): Thank you, Hon. Temporary Speaker.

I have heard the Statement that has been made and I remembered the Cabinet Secretary came here and gave an undertaking. I remind fellow Members that when we come back from recess, we are sure that one of the things that will be brought to this House by the Executive is under Article 223 of the Constitution to approve certain expenditures that have not been approved. As a House, we will not approve that under Article 223 of the Constitution unless all the money has been received in NG-CDF accounts. That is what we can do. It is time this House exercised its powers. There is no point in passing a budget if it is not going to be implemented and the Executive simply changes things and then brings them here for the House to approve later on. I beg that the integrity of this House is not demeaned by the actions of the Executive.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Chairman, the concerns raised by Members are valid and very serious. It is not the first time a Cabinet Secretary in charge of the National Treasury has promised to release funds for the NG-CDF, but the promises are not met. This House never operates in vain. Can you have your last word and your utmost commitment? As you do so, I am reminding you of the powers of this House even over that Cabinet Secretary, so have your last word.

Hon. Musa Sirma (Eldama Ravine, UDA): Hon. Temporary Speaker, I understand that this is a House of record and whatever one says, there must be a reason for it. I expect anybody in authority to be a truthful person by giving me statements which he knows I will release to the House, committing myself. Therefore, I am also happy that we called the Cabinet Secretary to appear in this House and it seems everybody agreed with him at that time. He released Ksh7 billion and I am sure the other Ksh7 billion will be released as promised.

I also understand the shortage of money to pay for bursaries. At this time, it is the students and parents who are in high need of sending their children to school. Therefore, I believe that the Cabinet Secretary meant his word and there are many other things that he will require this House to do. Let us trust him for today and if he does not do it, we have another tomorrow.

The Temporary Speaker (Hon. Peter Kaluma): I want us to be done with this because we are raising this with the Chairman of the Select Committee on National-Government Constituencies Development Fund who is one of us. We have power over him and I hope you understand what I am saying, Hon. Musa Sirma. We have power over you, just as we also have power over the Cabinet Secretary. The House is going on recess, but it will be back soon. It

will have both you and the Cabinet Secretary in charge of National Treasury and Economic Planning. So, honourable Members, let us transact other business.

Hon. Members: Yes.

The Temporary Speaker (Hon. Peter Kaluma): Let us transact other business. We will hold you to those undertakings you have made on your own behalf and on behalf of the Executive.

Let us go to Requests for Statements.

REQUESTS FOR STATEMENTS

The Temporary Speaker (Hon. Peter Kaluma): Hon. Beatrice Kemei.

MURDER OF MR JOSHUA MUTAI

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I want to request for a Statement regarding the status of investigations into the murder of Mr Joshua Mutai, a village elder in Sigowet Ward, Kericho County.

Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal security regarding the status of investigations into the murder of Mr Joshua Mutai, a village elder in Sigowet Ward, Kericho County.

On 6th March 2024, Mr Joshua Mutai of ID No.12751157, a village elder serving in Kapkeiyo Village, Kebeneti Sub-location, received a letter from the area Assistant Chief, Mr Lang'at David, concerning the welfare of a child who had been allegedly burnt by the father, as communicated by the children's department. Mr Mutai is reported to have delivered this letter to the said father, who responded with serious threats to the life of the village elder. Tragically, on 25th April 2025, Mr Mutai was found lying along a footpath in the area, gruesomely murdered. He suffered deep and fatal cuts to the head. The recipient of the letter who is also the main suspect in the matter has since gone into hiding and remains at large.

The wife of the deceased, Ms Joyce Mutai, reported the incident at Sondu Police Station under OB No.6/21/04/2025. This heinous killing has caused alarm among residents of Sigowet Ward, leading to public protests and unrest that include demonstrations up to the home of the member of county assembly (MCA) of Sigowet Ward, Hon. Paul Kiprotich Rogony.

Mr Mutai, who had served diligently as a village elder for five years, was also a father of four children and was widely respected for his dedication to the community. His death has left his family devastated. He was the sole breadwinner. The incident has also caused village elders in Kericho County to live in fear. They are uncertain about their safety as they continue to discharge their responsibilities.

Day scholar students studying in nearby secondary schools can no longer leave for school early in the morning due to rising concerns by parents over security. That has disrupted their education. It is worth noting that village elders serve their communities voluntarily, without any remuneration. Despite the sacrifice, they continue to work under unsafe conditions.

It is against this background that I request a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the following:

1. The current status of investigations into the murder of Mr Joshua Mutai, including efforts to apprehend the primary suspect who remains at large.
2. Immediate measures implemented by the Ministry of Interior and National Administration to safeguard residents of Sigowet Ward, particularly village elders who feel apprehensive about executing their duties.

3. Initiatives the ministry has developed to ensure security of local administrators across the country.
4. Long-term plans to support and remunerate village elders in recognition and support of their contribution to grassroots' administration.

Hon. Temporary Speaker, allow me to mention that this is a very serious matter. It needs to be given much attention. The deceased was laid to rest yesterday with much pain from villagers and administrators. This is a very marginalised area of Sigowet Ward. I was there on Sunday and it was not easy. There was no money even for the funeral. We had to work so much.

Students travel up to six kilometres on foot to different schools like Kepeneti Secondary School, Minililwe, Cheptuyet, Kaptembwa, and Marumbasi. They go to school late because of security concerns. The suspect is still at large.

The village elder used to travel for over six kilometres on foot to deliver bursary forms and collect them from the village on behalf of villagers and take them to relevant offices. The family of the MCA is traumatised. The youth went to his family's home for lunch in order to vent about the issue. The MCA was not aware; he was not around. This has caused a lot of uproar in the society, ward, and constituency. I pray that this matter will be given serious attention that it deserves.

The Temporary Speaker (Hon. Peter Kaluma): On special request, Hon. Justice Kemei.

Hon. Justice Kemei (Sigowet/Soin, UDA): Thank you, Hon. Temporary Speaker, for giving me the opportunity to add my voice on the killing of this most dedicated and loyal servant of the people of Sigowet/Soin Constituency. Mr Joshua Mutai died in the hands of a person who is on the run. There is fear in the constituency, particularly in Sigowet Ward. Everybody fears for his or her life because this man is on the run.

We have taken up the matter with the administration in the sub-county. When I talked to the Deputy County Commissioner (DCC), Mr Kisalu, today in the morning, the man was still at large. We condemn this act and request the office of the Speaker to issue a Statement that will calm my constituents, particularly in Sigowet Ward. We know very well that there is a man on the run suspected to have killed somebody who was not being paid a salary.

Lastly, the village elders, managers, and pastors are the first points of contact whenever there is calamity in the society. When there is death in the society, these are the first points of contact, yet they are not paid a salary. As Parliament, we must make sure that one day these people are remunerated. The little amount they will get will be worth the sacrifice they make for our country.

Thank you, Hon. Temporary Speaker. I support the Statement requested by my colleague.

The Temporary Speaker (Hon. Peter Kaluma): Lastly, Hon. Millie Odhiambo-Mabona, the Whip of the Minority Party.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. I wish to add my voice on the killing of Mr Mutai which is very unfortunate. It might look like it is a small thing that is happening in one part of the country, but it speaks to impunity. Only yesterday, Members of Parliament here were speaking about officers who are killed in the line of duty. You have just sent a contribution to my cousin, your constituent, who was killed in the line of duty in similar circumstances. He will be buried tomorrow as well. If action is not taken, we will normalise these kinds of killings. They leave a family with a lot of pain and people who fear that such a thing will happen to them.

If the police officers are serious and mindful, they will get this person. It is not enough to say this person is at large. Has he gone to Mars or Venus? He is here on Earth. The police have what they need to find the culprit or suspect. I encourage them to take action very quickly.

Above that, the Government must also set up a fund that when you are killed in the line of duty, it should not be the responsibility of your family to bury you. Just like the case of Mr Mutai, my cousin is the only breadwinner in their family.

We buried the father last week. We will bury him tomorrow. We now have to try and scrape through to get something. This is a person who used to work for the Government, especially in the security sector. There needs to be a quick fund to help people who are killed, whether on the borders or within, maintaining peace and order. I thank Hon. Beatrice. We stand in solidarity and support. May the police take action.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Dido Raso this is serious. Commit to the House when you shall respond to the House.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Temporary Speaker. This is a case of clear murder of an elder. I believe that something is already in progress. However, without waiting for the House to resume in May, once I receive the Statement from my colleague, we will escalate the matter to the Directorate of Criminal Investigations (DCI) to ensure that the culprit is arrested and brought before court in the shortest time possible.

The Temporary Speaker (Hon. Peter Kaluma): How short?

Hon. Ali Raso (Saku, UDA): We will give a response to the House in the second week after we resume from recess, but we will not wait until then. We will escalate the matter with the authorities immediately.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Beatrice, two weeks after we come back from recess sounds reasonable. Give Hon. Beatrice Kemei the microphone.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Temporary Speaker. I appreciate what the Member of that Committee has said. However, I wish that even before they issue the Statement, they could make arrangements to visit Kericho and cool the temperatures of the people down. They should be seen to be doing something as Members of Parliament. They can act. They should not wait until we resume. They can do something now.

The Temporary Speaker (Hon. Peter Kaluma): The Vice-Chairperson of the Departmental Committee on Administration and Internal Security agrees with you and has indicated that bringing the response two weeks after recess does not mean they will wait until then. I may not speak for the Committee because the Chairperson is present, but knowing them, they may include your request among the other things they will do. So, two weeks it is.

There is a second request for a Statement by Hon. Emmanuel Wangwe, Member for Navakholo, on a similar issue.

STATUS OF INVESTIGATIONS INTO MURDER OF MADAM ROSELIDA AKINYI

Hon. Emmanuel Wangwe (Navakholo, ODM): Thank you, Hon. Temporary Speaker. We are playing in the same pool with my very good friend from Kericho.

Hon. Temporary Speaker, pursuant to Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the grievous incident involving the unfortunate killing of Madam Roselida Akinyi Wanga, a teacher at Nderema Secondary School in Navakholo Constituency.

On 17th April 2025, Madam Roselida Akinyi Wanga, a teacher at Nderema Secondary School in Navakholo Sub-County, was brutally murdered in broad daylight along the Munyala–Elucho Road in Mumias East Constituency by criminals. She was gunned down immediately after withdrawing money from a bank in Mumias Town in circumstances that suggest she was trailed from the bank. The matter was reported at Mumias Police Station under OB No. 37/17/04/2025.

Notably, in May 2023, the husband of the deceased, Mr Paul Ali Wechuli, was also a victim of armed robbery at Harambee Market in Matungu Sub-county. This incident was reported at Harambee Police Station, but to date, there has been no substantive progress in the investigations or apprehension of suspects. These incidents have raised serious concerns regarding the state of security in Kakamega County.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the following:

1. The current status of investigations into the murder of Madam Roselida Wanga, including any arrests made so far, and whether officers from the serious crimes and/or homicide units have been deployed to support the investigations.
2. A report on the status of investigations into the case of robbery with violence against Mr Paul Wechuli, husband of the slain teacher, which occurred in May 2023.
3. The immediate measures put in place by the Ministry to strengthen security in Kakamega County to curb the rising cases of violent crime and to expedite investigations into incidents of insecurity.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Geoffrey Wandeto Mwangi, do you want to speak to this?

Hon. Geoffrey Wandeto (Tetu, UDA): Hon. Temporary Speaker, I have a request for a Statement.

The Temporary Speaker (Hon. Peter Kaluma): Do you have a separate request?

Hon. Geoffrey Wandeto (Tetu, UDA): No. My earlier point of order was to request Hon. Beatrice Kemei not to debate her Statement, but that has since been overtaken by events.

The Temporary Speaker (Hon. Peter Kaluma): The Chairman of the Departmental Committee on Administration and Internal Security.

Hon. Ali Raso (Saku, UDA): Hon. Temporary Speaker, I will indulge my good colleague from Navakholo, so that we get more information from him. At the same time, they say justice delayed is justice denied. It has taken a while and for that reason, we will give a response to the House in the second week after recess. We will escalate it to the authorities as soon as possible.

The Temporary Speaker (Hon. Peter Kaluma): Thank you. Hon. Emmanuel Wangwe.

Hon. Emmanuel Wangwe (Navakholo, ODM): Thank you, Hon. Temporary Speaker. One immediate request I am seeking from the Committee is the deployment of officers from the Serious Crimes Unit and homicides, particularly from Nairobi, to go and support the team on the ground. Looking at the case, the husband was first abducted in May 2023, and the wife has now been murdered. This indicates a sequence of events affecting the family. It is not good enough to leave it to the officers on the ground, who might not have the necessary equipment and capacity to investigate such a web of could-be crime.

I would seek my good friend, the Colonel, to support me in deploying officers from the Serious Crimes Unit (SCU) to go and address the issue on a short-term basis, as we wait to get the full report from the Committee.

The Temporary Speaker (Hon. Peter Kaluma): Was the husband also abducted and killed, or was he found?

Hon. Emmanuel Wangwe (Navakholo, ODM): The husband was abducted, but is alive. He is also a high school teacher in my sub-county.

The Temporary Speaker (Hon. Peter Kaluma): The Chairman of the Committee says that he will indulge you. You might have more information that could help with this serious matter beyond what you are saying. You can either arrange with him now or at any other time

to give that information so that it can help the Committee that is overseeing security matters to go to the depth of the killing of this teacher.

We will now proceed to the third request for a Statement by the Member for West Mugirango, Hon. Stephen Mogaka.

TRESPASS AND FAILURE TO ENFORCE COURT ORDERS
IN KASARANI CONSTITUENCY

Hon. Stephen Mogaka (West Mugirango, JP): Thank you, Hon. Temporary Speaker.

Pursuant to Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding trespass and failure to enforce court orders on LR No. 8481/1 located in Kasarani Constituency within Nairobi County.

Hon. Temporary Speaker, this land parcel is registered under the estate of the late Mrs Peris Wambui Matiru and has been the subject of a long-standing court dispute. In 1996, the High Court issued orders restraining squatters who had occupied that land. On 29th November 2019, the High Court authorised a land surveyor to re-establish the beacons in the disputed land and further authorised that police officers provide protection to the rightful owners. However, the land surveyor was obstructed by the individuals illegally residing on the land when he attempted to execute the court order. The beacons were however re-established on 31st January 2025 and a subsequent beacon certificate issued to the estate of the late Ms Peris Matiru issued on 13th February 2025. Despite the court order, the family has not been able to enjoy peaceful possession of the land, threatening their constitutional right to property under Article 60 of the Constitution.

Hon. Temporary Speaker, it is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the following—

1. Immediate steps that the Government is putting in place to safeguard the interests of the estate of the late Ms Peris Wambui Matiru and to ensure that the families enjoy peaceful possession of land parcel LR.No.8481/1 (L.R. No.138588) in Kasarani Constituency within Nairobi;
2. The long-term measures that the Government is putting in place to address the rising cases of trespass of land, especially in urban areas where land disputes continue to threaten property rights.

In emphasis, with the escalating conflicts in other areas involving land, this should be considered as a very urgent request for response.

The Temporary Speaker (Hon. Peter Kaluma): Chairperson, Departmental Committee on Administration and Internal Security.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Temporary Speaker. The Hon. Colleague who has presented this request for a Statement is a lawyer just like you are. The issue borders on a civil case. I do not want to put the cart before the horse, therefore, allow us to respond two weeks after the recess.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Stephen Mogaka, any rejoinder?

Hon. Stephen Mogaka (West Mugirango, JP): Hon. Temporary Speaker, I thank the Chairperson for acknowledging that I am a lawyer. I have cited court orders preserving the property that require our Executive, through the police, to enforce the court orders. Unless court orders are enforced, the alternative would be a recipe for lawlessness. That is why poor owners who have litigated and have orders in their favour fail to secure their properties. If we cannot support and execute those orders, then there is no point of going to court in the first place.

The Temporary Speaker (Hon. Peter Kaluma): Which officer was this order directed to for enforcement?

Hon. Stephen Mogaka (West Mugirango, JP): The Officer Commanding Station (OCS) Kasarani Police Station.

The Temporary Speaker (Hon. Peter Kaluma): Okay. As we wait for the two weeks after recess, please supply the Chairperson of the Committee with the copy of that order so that when the matter is pursued with the relevant Ministry, that information goes to them. Because if there is a straight forward order to be enforced by a particular police station, division or the police at any level, it has to be complied to. So, two weeks after recess, it shall be.

Hon. Stephen Mogaka (West Mugirango, JP): Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): The next Statement is by Hon. Getrude Mbeyu, Member of Parliament (MP) for Kilifi County.

*(The Temporary Speaker (Hon. Peter Kaluma)
consulted with the Clerks-at-the-Table)*

For the convenience of the House, the Request of Statement No. 4 on the Order Paper will be deferred to a future date.

ALLEGED ENVIRONMENTAL POLLUTION IN KILIFI COUNTY

(Request for Statement deferred)

Next is the Request No.5 by Hon. Suzanne Kiambaa, Member of Parliament for Makueni Constituency.

SUSPENSION AND SUBSEQUENT DISMISSAL OF MR PAUL WAMBUA FROM KRA

Hon. Suzanne Kiamba (Makueni, WDM): Hon. Temporary Speaker, I wish to request for a Statement regarding suspension and dismissal of Mr Paul Wambua Ndambuki from the Kenya Revenue Authority (KRA).

Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Labour regarding suspension and subsequent dismissal of Mr Paul Wambua Ndambuki from the Customs and Exercise Department in the Kenya Revenue Authority at the Jomo Kenyatta International Airport.

On 27th October, 1998, Mr Paul Wambua Ndambuki of ID. No. 3505123 was suspended from KRA following allegations involving the alleged issuance of duplicate and triplicate copies of receipts which indicated different amounts. On 12th January 1999, the Appointments, Promotions and Disciplinary Committee of KRA held a meeting to determine Wambua's case without according him an opportunity to be heard, to defend himself or to appeal the decision of the committee. Subsequently, he was dismissed on 22nd September 1999.

Article 50 of the Constitution provides for a right to fair hearing including a right to prepare a defence, to be present when being tried and to choose a representative in this trial. The unlawful and unjust suspension and dismissal of Mr Wambua violated his guaranteed rights under the Constitution. Section 41 of the Employment Act (Cap. 226) requires that before terminating employment, the employer must inform the employee of the reasons and give them an opportunity to respond, all of which the committee failed to do.

At the time of his dismissal, Mr Wambua was the sole breadwinner for his family and the unjust termination caused immense emotional, psychological and financial suffering to him and his dependents.

Hon. Temporary Speaker, it is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Labour on the following:

1. Provide a report on the reasons and circumstances that led to the unlawful and unfair dismissal of Mr Paul Wambua Ndambuki from the Kenya Revenue Authority on 22nd September 1999; and,
2. State when Mr Wambua will be paid his salary arrears and other benefits for the period he served and compensation for the emotional and financial harm he suffered due to his unlawful dismissal.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Joshua Kimilu, do you want to add to the Statement request?

Hon. Joshua Kimilu (Kaiti, WDM): Yes. Thank you, Hon. Temporary Speaker. Before I add, let me first correct you. In Kamba language, if you say Kiambaa, it means a big thing. The name is Kiamba. Hon. Susan is not a big thing. If you say that, it is like an abuse.

The Temporary Speaker (Hon. Peter Kaluma): I know her to be very big in the Catholic faith, so it was deliberate.

(Laughter)

Hon. Joshua Kimilu (Kaiti, WDM): Thank you, Hon. Temporary Speaker. I want to add to what my colleague has said because I know about Wambua's family. In fact, it is a family which deserves to be compensated, and the Committee should take it seriously. The other day, three weeks ago, I visited Hon. Suzanne, and Makueni and Kaiti constituencies border each other. We passed through the home of that family when I was travelling to a function, and they need serious attention. I request the Chair of the Committee to take this issue seriously. We need compensation for this family because it is their right. Let this matter be given attention. The Committee needs to do something even before they give a reply to this House.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Kiamba, are you looking at compensation or reinstatement?

Hon. Suzanne Kiamba (Makueni, WDM): Thank you. Mr Paul is over 75 old years now. He has suffered for the last, I do not know how many years. I do not expect him to be re-employed.

The Temporary Speaker (Hon. Peter Kaluma): Is Hon. Ken Chonga the Chair of the Departmental Committee on Labour? He is the Chair. The experts who took leadership a short while back have started absenting themselves from the House. Who will commit on behalf of the Chair of the Committee? Is that Hon. Dorice Donya? Do you serve in the Departmental Committee on Labour?

Hon. Dorice Donya (Kisii County, WDM): Yes. I have served there for the last two years, and I confirm that I will pass it to the Chair, so that we can bring a response in two weeks after recess.

The Temporary Speaker (Hon. Peter Kaluma): What is the magic about two weeks after recess? Can you give a response the first week after recess?

Hon. Dorice Donya (Kisii County, WDM): You have asked a very good question. Maybe we will sit during the first week and then make resolutions in the second week because we cannot have two sittings in a week. It is a mirage to have two in a week.

The Temporary Speaker (Hon. Peter Kaluma): Fine, within the first two weeks? Hon. Kiamba, two weeks?

Hon. Suzanne Kiamba (Makueni, WDM): I would really appreciate if that is taken seriously. I am not sure how long the man will wait. He is very sickly. He is a diabetes and hypertensive case. He has no responsible children to take care of him. I think any serious action would be appreciated.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Dorice Donya, deliver the message of the seriousness of this matter to the leadership and membership of the Committee.

Hon. Dorice Donya (Kisii County, WDM): Yes, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Within two weeks, there should be a very comprehensive report to the House for consideration.

We know what happens in some of these cases. Some Kenyans have been treated so badly in the civil service. We cannot allow it as a House that makes laws on fair treatment of all Kenyans. Bring a comprehensive report for the House's consideration within two weeks after the House comes from recess.

Question 6 is on the matter of resettlement of Tucha-Kiandogoro evictees, by Hon. Geoffrey Wandeto, who is the Member for Tetu Constituency

RESETTLEMENT OF TUCHA/KIANDOGORO EVICTEES

Hon. Geoffrey Wandeto (Tetu, UDA): Pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Lands regarding resettlement of Tucha/Kiandogoro Forest evictees in Tetu Constituency to Solio Ranch Village 3.

In 1988, the Government evicted people from the Aberdare Ranges Forest. That was part of forest conservation measures. Notably, 534 households were evicted from Tucha/Kiandogoro Forest. It is part of the lower Aberdare Ranges Forest. Upon eviction, the Government promised to settle the affected persons in Solio Ranch Village 3. However, other persons ended up as beneficiaries of the Solio Ranch Village 3 settlement plan, and that rendered the genuine Tucha/Kiandogoro Forest evictees vagrant in various parts of Nyeri County.

Although Solio Ranch Village 5 was identified as an alternative land to resettle them, no steps have been taken to conclude the process. In 2008, the Government resettled evictees from Kabaru, Naromoru and Hombe from Mt. Kenya Forest and Kabage and Zaina from Aberdare Ranges Forest except the Tucha/Kiandogoro Forest evictees.

In the vetting exercise undertaken in 2017, the 534 households were ascertained as genuine evictees, but they were not settled. The evictees were further vetted in 2020 by a multi-agency committee chaired by the County Commissioner with membership from the Ministry of Lands, Housing and Urban Development, National Lands Commission and the deputy county commissioners. The multi-agency committee also confirmed that the 534 households were evicted from Tucha/Kiandogoro Forest, hence deserving to be settled. However, the Government did not identify any available land to resettle the affected persons. Despite numerous follow-ups since then, including through a Petition No.48 of 2020 to the National Assembly, the process remains incomplete to date.

Hon. Temporary Speaker, it is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Lands on the following:

1. A report on the progress made on the settlement of 534 households that were vetted and ascertained as genuine evictees from Tucha/Kiandogoro Forest.

2. The circumstances under which undeserving persons were settled on Solio Ranch Village 3 instead of the Tucha/Kiandogoro Forest evictees, and the identities of the said beneficiaries.
3. The reasons for failure by the Government to settle the Tucha/Kiandogoro Forest evictees on Solio Ranch Village 5, despite them being ascertained as genuine evictees, and the steps being taken to resettle them, and the timeline for implementation of the plan.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Chairperson of the Departmental Committee on Lands. Who will speak on behalf of the Committee in their absence? Hon. Naomi Waqo, bear collective responsibility.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Temporary Speaker. It is unfortunate that most of our chairpersons are not around. However, I take the responsibility to pass the information and within the first two weeks after recess, a response will be given.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Wandeto, is it acceptable?

Hon. Geoffrey Wandeto (Tetu, UDA): That is acceptable, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): The response will be given two weeks after recess. Let us go to request for Statement No.7 by Hon. Dorice Donya, Member for Kisii County.

PLIGHT OF RETIRED TEACHERS WHO FOUNDED GUMICO

Hon. Dorice Donya (Kisii County, WDM): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Trade, Industry and Co-operatives regarding the plight of retired teachers who founded Gusii Mwalimu Investment Company Limited (GUMICO).

In 1974, these teachers contributed diligently, each offering Ksh20 a month, to establish GUMICO. By 1982, the company had been officially incorporated. Through their collective savings, they acquired four prime plots in Kisii Town, upon which they constructed Gusii Mwalimu House and Mwalimu International Hotel. Further, through a loan facility from Kenindia Assurance Company Limited, they procured 26,000 acres of land in Rumuruti, Laikipia County, with the vision of sub-dividing these among themselves for personal development. Despite their hard work and sacrifice, financial mismanagement, irregular dealings and alleged fraudulent activities led to the unauthorised take-over of GUMICO's assets.

It is reported that in 1990, the Gusii Mwalimu SACCO – which was originally a tenant in one of GUMICO's properties – unilaterally assumed control over the company's operations. By 1999, the company had been dissolved under circumstances that the original members vehemently disputed, citing irregular liquidation proceedings and lack of proper consultations or authorisation.

The teachers, now elderly and many ailing, have engaged in a protracted struggle for justice now spanning for decades. Despite having contributed over Ksh5 million towards legal processes, their petitions have been dismissed by the High Court and the Court of Appeal on grounds of being time-barred. They have since escalated the matter to the East African Court of Justice seeking regional intervention to no avail. The retirees have resorted to peaceful monthly demonstrations outside the Gusii Mwalimu SACCO premises seeking Government intervention and public support. Regrettably, their appeals to successive Government administrations, including the current leadership, have yet to bear fruit.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Trade, Industry and Cooperatives on the following:

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1. A forensic audit into the transactions involving GUMICO's properties and assets.
2. Measures taken by the Ministry to investigate and address the alleged irregular dissolution and take-over of Gusii Mwalimu Investment Company Limited.
3. Support mechanisms available to safeguard investments made by vulnerable groups such as retired teachers within the cooperative societies.
4. Legal and administrative assistance that can be extended to the affected retirees in seeking justice for compensation.

Hon. Temporary Speaker, I know you must have slept at the Mwalimu International Hotel in Kisii Town. That was the effort of these teachers. They were contributing Ksh20 a month. Now they are very old and at home, and no one is listening to them or willing to help. They come to Kisii Town every month trying to reclaim what is legally theirs. I hope that something will be done and justice will be granted to our elderly teachers.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Dorice Donya, thank you for revealing to the House that you dropped me off at the Mwalimu International Hotel at the break of the New Year when we hosted the President in Gusii. It would be unfortunate if that investment is out of the reach of the people who made it. I saw Hon. Kemei ask how Ksh20 in 1974 would result in such an investment. That was a lot of money back then. Hon. Mukunji.

Hon. Gitonga Mukunji (Manyatta, UDA): Thank you, Hon. Temporary Speaker. Since we came to this House, it is only the cabinet secretary who handles matters to do with cooperatives who has never appeared before us. I have questions waiting for him since 2022 to date. Many people in our communities have suffered due to the unscrupulous ways in which some investments were done by very hardworking teachers and farmers. Farmers in my constituency invested in real estate where they were saving Ksh20 to buy a plot in the town centre. They saved and got a plot right in the middle of this town, a building in Embu Town called EMKO and a lot of tracts of land. They do not know how those things ended in the wrong hands of people who were not investors those days.

I feel like this is an urgent matter. I want to propose that the Cabinet Secretary for Cooperatives be made to appear before this House to answer the Questions that have accumulated since we started this Government, that touch on the lives of farmers and teachers.

I agree with you that it is painful for retirees - people who have used a lot of their time to invest - not to get their returns at old age. I beg for your indulgence that it is important that the Cabinet Secretary appears before this House immediately we come from recess to answer those Questions. He is failing on his duty.

The Temporary Speaker (Hon. Peter Kaluma): Understood, Hon. Mukunji.

Hon. George Sunkuyia.

Hon. George Sunkuyia (Kajiado West, UDA): Thank you, Hon. Temporary Speaker. I want to add my voice on the issue that is before us. The Minister for Cooperatives has never appeared before this House. Many groups of teachers and farmers, as it has been said before, collected huge amounts of money. Many other groups collected money and bought land. However, they were taken to court by other small *bwenyenyas*. The *bwenyenyas* took their money and retirees are now following that money. Some of them come to towns to follow certain officials to get their money. So, this is a matter that needs to be urgently investigated. The Minister should be here so that those Questions are answered to save the retirees.

The Temporary Speaker (Hon. Peter Kaluma): Lastly, Hon. Beatrice Kemei.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity. I want to appreciate and congratulate my friend, Hon. Dorice. She made us happy yesterday when she said that we give men all that they need. So, on this matter, I am sure she is concerned about teachers because teachers give their all. I support her request for a Statement. For many years, women groups - *chamas* - have been collecting Ksh20

to Ksh100. Some of them have invested in posho mills and others in plots, especially in Kericho County. The posho mills have worked for many years and the proceeds have been translated to other properties. However, the plots of land that they acquired do not have title deeds and some of them have been grabbed because of that. Women in these groups at the moment are elderly and running around is a challenge for them.

So, as it has been said here, the Minister concerned should appear before this House to answer the Questions. We support the elderly people to get their rights.

The Temporary Speaker (Hon. Peter Kaluma): The concerns raised by Hon. Mukunji and Hon. Beatrice Kemei on the fact that the Minister has never appeared before the House have been noted. Where is the Chair of the Departmental Committee on Trade, Industry and Cooperatives? Who is undertaking this on behalf of the Committee? Again, it is Hon. Naomi Waqo. Bear the burden of collective responsibility

Hon. Naomi Waqo (Marsabit County, UDA): I take the undertaking, Hon. Temporary Speaker. I will make sure that as soon as we get back from recess, they will give their response. I am sure the chairs will obey that.

The Temporary Speaker (Hon. Peter Kaluma): How long after recess?

Hon. Naomi Waqo (Marsabit County, UDA): Our usual two weeks.

(Laughter)

The Temporary Speaker (Hon. Peter Kaluma): Two weeks, it is. Hon. Millie Odhiambo approves. Next is the response by the Departmental Committee on Administration and Internal Security to the Question previously raised by the Hon. Julius Sunkuli.

Hon. Njeri Maina (Kirinyaga County, UDA): On a point of order.

The Temporary Speaker (Hon. Peter Kaluma): What is out of order, Hon. Njeri Maina? What does 'Itungati' mean?

Hon. Njeri Maina (Kirinyaga County, UDA): Hon. Temporary Speaker, when you come to Wamunyor, I will explain to you what 'Itungati' means.

There is nothing out of order. We had requested to have some Statements. We have been faithfully in this House waiting to proceed.

The Temporary Speaker (Hon. Peter Kaluma): Proceed.

REQUEST FOR STATEMENTS

INCREASED INCIDENCES OF HUMAN TRAFFICKING IN KENYA

Hon. Njeri Maina (Kirinyaga County, UDA): Thank you, Hon. Temporary Speaker. I am requesting for a Statement regarding incidences of human trafficking in Kenya. Pursuant to provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairman of the Departmental Committee on Administration and Internal Security regarding the increasing incidences of human trafficking in Kenya.

The prevalence of human trafficking in Kenya has reached disturbing levels, posing a serious threat to national security and the safety and dignity of Kenyans, both within our borders and abroad. Many Kenyans, especially the youth, have been lured with promises of employment only to end up in forced labour, servitude or sexual exploitation in foreign countries. In some of the tragic instances, these ordeals have resulted in the loss of lives.

This growing crisis is fueled by socioeconomic challenges such as high unemployment rates, poverty and the high cost of living. Those conditions have pushed many Kenyans to pursue opportunities abroad out of desperation, rendering them easy targets for traffickers who take advantage of their vulnerable circumstances. The issue is further exacerbated by

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unscrupulous recruitment agencies that operate with impunity, facilitating trafficking under the guise of legal labour migration.

Unfortunately, such an environment seemingly makes the country a source, transit and destination for human traffickers. This is despite the elaborate counter-human trafficking legal frameworks, notably the United Nations (UN) Protocol to Prevent, Suppress and Punish Trafficking in Persons, also referred to as the Palermo Protocol, which Kenya ratified in 2005 and the Counter-Trafficking in Persons Act, Cap 61 of the Laws of Kenya. It is against this background that I request for a Statement from the Chairman of the Departmental Committee on Administration and Internal Security on the following:

1. Measures put in place by the Government to strengthen the enforcement and implementation of the Counter-Trafficking in Persons Act, including plans to address emerging gaps in legislation, policy and implementation.
2. Actions taken to safeguard Kenya's forest borders in order to curb the entry and exit of human traffickers and their victims.
3. The safeguards established to ensure the safety and well-being of Kenyans seeking employment opportunities abroad, including regulation of recruitment agencies, awareness campaigns and bilateral labour agreements to protect migrant workers from trafficking.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Let us have the Minority Whip.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. I also thank Hon. Njeri for bringing this Statement. I often feel proud when I hear statements like this because when I was a young person about her age many years ago, I sounded a warning about trafficking. At that time, I was not a Member of Parliament. Back in 2006, the UN Special Rapporteur on Violence Against Women had marked Kenya only as a transit point for the trafficking. I remember many people told me that I was just using that issue to secure funding from donors.

I conducted extensive research then and even visited several countries in the Middle East. I discovered that we should have nipped this issue in the bud. I sponsored the Counter-Trafficking in Persons Act, which serves as the main legal framework alongside the Palermo Protocol on trafficking in persons.

Hon. Temporary Speaker, my concern, which I hope the Committee will address—one that Hon. Njeri is also discussing—is the porous borders. Kenya is no longer just a transit point; we have now become both a source and destination for trafficking, including women from Asian countries. The last time I checked, many women were being trafficked in Kenya into the entertainment and sex industry. More worrisome is the fact that Kenyan women are being trafficked abroad for prostitution, sexual exploitation, and labour exploitation. Just a few years ago, this was a minor issue; we were just a transit point. Now, we are both a transit and source and destination, even with the law in place.

There is a problem, and we must deal with it seriously. What can they tell us about the gaps in the Act? Can they propose amendments if the law is deficient? Is it a matter of insufficient funding, or how can we tackle the issue of trafficking, especially against women? I recognise that men are also trafficked, but women are more frequently targeted.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Millie Odhiambo. Hon. Dido Raso, this request is directed to the Departmental Committee on Administration and Internal Security.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Temporary Speaker. I wish to thank Hon. Njeri for this request for a Statement. Last week, we engaged the Cabinet Secretary, Interior and National Security, and today, in passing, the Prime Cabinet Secretary

alluded to the issue of human trafficking and drugs, which are fairly related. Unfortunately, the majority of victims are young men and women.

In the past month, our news coverage about the Vietnam issue highlighted how young men and women are lured into these situations. This matter requires a comprehensive Government approach and deeper reflection from society. We must ensure that we do not allow our sons and daughters to wade into uncertain paths without knowing exactly where they are headed.

Hon. Temporary Speaker, we will respond to the House in the first week after the recess. Whether this issue pertains to legislation or not, I believe my colleague who raised it, being a lawyer, is fully aware of the lacuna in the law.

With those remarks, thank you very much, Hon. Temporary Speaker. We will respond in the first week once we are back from the recess.

The Temporary Speaker (Hon. Peter Kaluma): Did you say first week or second week?

Hon. Ali Raso (Saku, UDA): First week.

The Temporary Speaker (Hon. Peter Kaluma): Within the first week?

Hon. Ali Raso (Saku, UDA): Yes.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Njeri Maina is obviously satisfied. So, it shall be the first week after recess. Let us have Hon. Richard Yegon.

MURDER OF WESLEY KIPKEMOI BETT IN MAU FOREST

Hon. Richard Yegon (Bomet East, UDA): Thank you, Hon. Temporary Speaker.

Pursuant to the provisions of Standing Order Number 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the murder of Mr Wesley Kipkemoi Bett in Mau Forest.

Hon. Temporary Speaker, on 26th March 2025, Mr Wesley Kipkemoi Bett of Identification Card No.28309542, was reportedly missing in Bomet, only for him to be found dead in Mau Forest along Bomet-Nakuru Road on 30th March 2025. On observation, his body revealed visible injuries inflicted on the back of his head, spinal cord and legs. His body and vehicle were discovered by police, towed to Olenguruone Police Station and recorded under Occurrence Book (OB) No.08/30/3/2025.

Mr Wesley Kipkemoi's family is concerned about the timeliness and effectiveness of police action in addressing this distressing case. Additionally, there are concerns from the authorities that Ms Jackline Chepkirui, who was identified as the only passenger in Mr Wesley's vehicle, had been missing from her Bomet residence. This has raised a lot of questions about her whereabouts and whether law enforcement agencies have taken sufficient action to locate her to assist in the investigation.

It is against this background that I seek for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the following:

1. The steps taken by the security agencies on the matter of the murder of Mr Wesley Kipkemoi on 26th March 2025, including the action taken by the Bomet and Nakuru Police Stations to investigate the case.
2. The progress of the investigation into the circumstances surrounding Mr Wesley Kipkemoi's appearance and abandonment of his vehicle in Mau Forest, and whether forensic analysis was conducted at the scene.
3. A report on the whereabouts of Ms Jackline Chepkirui, a person of interest identified by the family of Mr Wesley Kipkemoi as the key suspect in the matter, and the findings of the police on her connections, if any, with the disappearance and the subsequent death of Mr Wesley Kipkemoi.

4. Establish whether the Mau Forest remains a safe route for travellers, and what security measures are being implemented to ensure the safety of road users.
5. The measures in place to support the families of missing persons during investigation, including coordination between different police stations and the role of forensic technology in identifying the tracking and movement of the potential suspect.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Dido Raso.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Temporary Speaker. This appears to be a classic case of homicide. That is why, as a Committee, we have been fighting to have the forensic laboratory up and running because if a murder takes place in an inhabited forest, it requires a scientific approach and a thorough investigation. Hon. Temporary Speaker, we will respond to the House during the second week after recess.

The Temporary Speaker (Hon. Peter Kaluma): Is the second week after recess satisfactory, Hon. Richard Yegon?

Hon. Richard Yegon (Bomet East, UDA): Confirmed, second week.

The Temporary Speaker (Hon. Peter Kaluma): Response to be delivered to the House within two weeks after recess.

Hon. Richard Yegon (Bomet East, UDA): Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Do we have any more requests for Statements that is already approved by the Speaker? None at all.

STATEMENT

The Temporary Speaker (Hon. Peter Kaluma): If not, then the response from the Departmental Committee on Administration and Internal Security on the matters raised by Hon. Julius Sunkuli can now be made.

Hon. Ali Raso (Saku, UDA): Thank you, Hon. Temporary Speaker. The Speaker directed that we give an interim report to this. It is the property of the House and we want to give a response.

The Temporary Speaker (Hon. Peter Kaluma): The Speaker invokes the powers donated to him by Standing Order 1. In normal cases, this would have been deferred or dropped, but because of the urgency and seriousness of this matter, we will allow Hon. Dido Raso to present the interim report.

LAND CLASHES IN KILGORIS CONSTITUENCY

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Temporary Speaker for indulging me.

The Member of Parliament for Kilgoris Constituency, Hon. Julius Sunkuli, requested for a Statement regarding the land clashes in Angata Barikoi. The Member particularly sought to be informed as follows:

1. A report on who authorised police to use live ammunition.
2. Why did the Land Registrar and surveyors go to survey the land?
3. Why did the Ministry retain police officers in Lolgorian Police Station beyond their useful period?

Hon. Temporary Speaker, I wish to state as follows on the report on who authorised police officers to use live ammunition against citizens: The Government regrets the events that happened in Narok County and wishes to condole with the families that lost their loved ones

during the unfortunate skirmishes on 28th April 2025. We pray for quick recovery for the injured.

The parcel of land known as Transmara Moyoi II located in Transmara South has long been the subject of protracted disputes both within the courts and through informal channels. The land in question measures approximately 6,325 acres. The ownership of the land was formerly registered under Angata Cooperative Society following an adjudication process that commenced in 1976. However, 88 land titles arising from a subsequent adjudication process in 1986, Angata Adjudicating Section was found to overlap with portions of Transmara Moyoi II. This overlap sparked a series of legal disputes which escalated to the Court of Appeal.

The matter was eventually withdrawn from court and resolved amicably through mutual consent among the litigants. The resolution is documented in a Court of Appeal ruling dated 24th October 2024. According to the ruling, approximately 1,500 acres were allocated to the Kipsigis Community comprising of about 624 individuals while the remaining portion, 4,825 acres was retained by the Angata Cooperative Society which comprises of members of the Maasai Community.

The settlement marked a significant milestone in addressing long standing tensions in the area paving the way for peace, hope and lasting tranquillity. The same ruling by the Court of Appeal directed the Registrar and County Surveyor to implement the terms of the concept within 30 days.

On 28th April 2025, during a planned demarcation of the land in question, a confrontation ensued between members of the public, land officers, and the police. In the process, five lives were unfortunately lost. Several people, including police and land officers, were injured, and six vehicles were torched. On the use of lethal and non-lethal force, police officers are guided by national laws, National Police Service Standing Orders, and international human rights standards. Generally, the use of force is expected to be proportional to the threat, necessary under the circumstances, and accountable under the law. No individual or institution explicitly authorises the use of live ammunition against an unarmed citizen. However, officers are trained and empowered to assess situations and respond appropriately in real time. Live ammunition is regarded as a last resort, only to be used when an officer or another individual faces an imminent threat to life or serious injury, and when non-lethal options have failed or are deemed insufficient to neutralise a lethal threat.

The Independent Policing Oversight Authority (IPOA) is currently investigating the incident, and any police officer found culpable will be dealt with in accordance with the law. As the investigation gets underway, we have taken administrative measures and deployed all police commanders in the sub-county, including the Sub-County Police Commander, the Sub-County Criminal Investigation Officer, and the Officer Commanding Station (OCS). We also transferred the Deputy County Commissioner.

The second issue is why the Land Registrar and surveyors went to survey land belonging to the people of Ang'ata without their consent. Based on the 24th October 2024 Court of Appeal ruling, the land demarcation activities scheduled to take place on 28th April 2025 by Government officials were lawful, legitimate, and grounded in due process.

On why the Ministry retain police officers in Lolgorian Station beyond their useful period, there is no officer who has been retained in the Lolgorian Police Station beyond their designated or useful period. All officers posted at Lolgorian Police Station have served for less than three years. All transfers and postings have been carried out in strict adherence to the stipulated National Police Service human resource policies and guidelines. Regular staff transfers are maintained to promote efficiency, minimise complacency, and ensure that officers gain diverse experience in different operational environments. Additionally, periodic reviews are conducted to assess the duration of service in each station, and necessary actions are taken

promptly to avoid overstay. The current staffing situation reflects a well-structured rotation system aligned with institutional objectives and public service best practice.

Lastly, we request members of the public to remain calm, maintain law and order, and encourage the parties involved to resolve the dispute amicably.

I submit.

The Temporary Speaker (Hon. Peter Kaluma): That Statement will be available to Hon. Julius Sunkuli and any Member who would want to go through it.

Next Order.

MOTION

RATIFICATION OF THE AGREEMENT ON FISHERIES SUBSIDIES

THAT, this House adopts the Report of the Departmental Committee on Blue Economy, Water and Irrigation on its consideration of the Agreement on Fisheries Subsidies, laid on the Table of the House on Thursday, 17th April 2025, and pursuant to the provisions of Section 8(4) of the Treaty Making and Ratification Act, 2012, approves the Ratification of the Agreement on Fisheries Subsidies.

The Temporary Speaker (Hon. Peter Kaluma): Where is the Mover? He is not in. That Motion appearing under Order No. 9 is stepped down.

(Motion deferred)

Hon. Naomi Waqo, are you the Mover of the Motion under Order No.9?

Mover of the Motion appearing as Order No.9, do you have a seconder?

Hon. Kangogo Bowen (Marakwet East, UDA): Yes.

The Temporary Speaker (Hon. Peter Kaluma): Unfortunately, you are coming after we have stepped it down for consideration by the House in future.

Next Order, which the Whip of the Minority Party is moving.

MOTION

RATIFICATION OF THE TREATY ESTABLISHING THE INTER-GOVERNMENTAL AUTHORITY ON DEVELOPMENT

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Yes, Hon. Temporary Speaker. I know some Members will be leaving, but I congratulate those who have stayed for this long. It is very rare.

I beg to move the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on its consideration of the Treaty Establishing the Inter-Governmental Authority on Development (IGAD), laid on the Table of the House on Tuesday, 1st April 2025, and pursuant to the provisions of Section 8(4) of the Treaty Making and Ratification Act, 2012, approves the Ratification of the Treaty establishing the Inter-Governmental Authority on Development.

I begin by stating plainly that this Treaty matters. It is not just for bureaucrats, diplomats or development partners. It is for pastoralists along our borders, traders moving goods across our highways, families in flood-prone areas, and our young people yearning for jobs in a

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connected Africa. The IGAD as we know it today was born from adversity. In the 1980s, devastating droughts, famines and ecological collapses pushed this region to the brink. That crisis gave rise to the Inter-Governmental Authority on Drought and Development (IGADD).

However, time showed that we needed more than a drought response. We needed a platform for dialogue, regional integration, and peace. That is how IGAD was reborn in 1996. This new Treaty adopted at the 14th Ordinary Summit in Djibouti in 2023 and signed by six Heads of State, including our President, His Excellency William Ruto, marks a shift. It transforms IGAD from a cooperation forum into a community of purpose with a legal personality and clear enforceable mandate.

It expands IGAD's scope and formally anchors sectors like health, education, infrastructure, climate change, and political governance alongside peace and security. This aligns perfectly with Kenya's Vision 2030 and our recently passed foreign policy and the African Union's Agenda 2063.

Our Committee did not take this task lightly. Guided by Article 118(1)(b) of the Constitution, Section 8 of the Treaty Making and Ratification Act, and Standing Order 170A, we undertook extensive consultations. We engaged IGAD's secretariat in Naivasha on 17th and 18th May 2024. We placed public notices in major newspapers calling for written submissions. We also sought advisory opinion and input from the Office of the Attorney-General. We received a formal submission from the Ministry of Foreign and Diaspora Affairs.

We found out certain things. One was on legal consistency. The Treaty does not require any changes to our Constitution or our laws. It aligns with our legal framework. There is no additional financial burden expected on the country. Implementation will be through existing structures and budgets. Kenya's contributions to IGAD remains unchanged.

Thirdly, on economic integration, the Treaty supports trade facilitation, shared infrastructure and regional value chains which are key pillars for the African Continental Free Trade Area (AfCFTA) and Kenya's regional trade ambitions.

On security and stability, Inter-Governmental Authority on Development's (IGAD) peace and security architecture - including early warning systems and mediation support - directly complement our regional priorities in Somalia, South Sudan, Ethiopia and beyond.

On dispute resolution mechanisms, the Treaty introduces a structured framework for resolving disputes among member States which strengthens trust and institutional resilience.

Hon. Temporary Speaker, on Kenya's regional standing, ratifying this Treaty consolidates Kenya's position as a regional anchor State, a diplomatic hub and a voice of reason in turbulent times. Let us be clear that this is not an academic exercise. When drought hits Turkana, conflict spills into Mandera or if a bridge collapses in Moyale, we realise just how connected our futures are. We can no longer afford to work in silos as sovereign States when our challenges and opportunities are regional.

In the words of Kwame Nkrumah: "The forces that unite us are greater than the imposed influences that divide us."

In the words of Julius Nyerere, he wisely said: "African unity is not an option; it is a necessity."

The Treaty brings us closer to that unity. It offers structure, strategy and solidarity. It is Kenya stepping forward to say we believe in our neighbours and stronger Eastern Africa. The Committee, therefore, recommends that the House adopts this Report and approves the ratification of the Treaty establishing IGAD.

I thank you, Hon. Temporary Speaker and Hon. Members. I now call upon Hon. Major (retired but not tired) Sheikh Abdullahi Bashir, our very able Vice-Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations - to second.

The Temporary Speaker (Hon. Peter Kaluma): I give this chance to Hon. Bashir, the Vice-Chairperson, Departmental Committee on Defence, Intelligence and Foreign Relations to second.

Hon. Major (Rtd) Abdullahi Sheikh (Mandera North, UDM): Thank you, Hon. Temporary Speaker. I rise to second the Motion on the approval of the Treaty establishing IGAD.

The Mover has explicitly explained why we need this Treaty. I am sure Kenya will benefit more than most of the member States. Remember IGAD comprises a number of countries, including Kenya, Djibouti, Ethiopia, Eritrea, Somalia, South Sudan, Sudan and Uganda. When you look at the congregation of those countries, you reckon that those are all our neighbours. The IGAD has been present in Kenya for a long time. In fact, a number of specialised units or offices are present in Kenya.

Remember, some time back the Executive Director's position was held by a Kenyan for two consecutive terms. So, we have actually benefited from the presence of IGAD here in the country and also at the headquarters in Djibouti. Remember all the specialised units that are available here mean employment to Kenyans and people from the region. Besides that, remember IGAD is currently involved in a number of activities. Peace and security are two of them. Currently, we have issues in Sudan, South Sudan and Democratic Republic of the Congo (DRC). The IGAD has stepped in to facilitate that.

Above all, remember Kenya is a regional hub in terms of diplomacy and economy. By pioneering and ensuring that we step forward to ratify this Treaty for IGAD, we will show that we lead by example. Remember there is an issue of "wait and see" aspect from most countries. If Kenya ratifies this Treaty, people will feel that this is the way to go. I do not want to talk so much about IGAD. We all know what it does, what it has been doing and what it is about to do. The only thing we should do is to give the Inter-Governmental Authority on Development (IGAD) a legal framework for it to leap forward so that Kenya can benefit more.

With those few remarks, I beg to second the Motion.

(Question proposed)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Dido Raso, Member for Saku and the Vice-Chairperson of the Departmental Committee on Administration National Security.

Hon. Ali Raso (Saku, UDA): Thank you, Hon. Temporary Speaker. When I read this Protocol, I thought there would be no debate about whether we would ratify the Treaty establishing the IGAD because we are part of the greater Horn of Africa. We are on the Indian Ocean rim. We occupy both a strategic and central position in this region, and that is why the IGAD is very important for us, both strategically and geo-strategically. Kenya, Uganda, Djibouti, Ethiopia, Somalia, Sudan, and South Sudan constitute the IGAD.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): What is out of order, Chief Whip of the Minority Party?

QUORUM

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Speaker, there is some very urgent and sad information that is coming through. I request that we adjourn the House. It is in relation to a Member. I do not want to say it because it is not yet public. I rise to indicate that we have no quorum.

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The Temporary Speaker (Hon. Peter Kaluma): Could you approach the Temporary Speaker?

*[Hon. Millie Odhiambo-Mabona consulted with the
Temporary Speaker (Hon. Peter Kaluma)]*

Hon. Millie has raised the issue of quorum. Could the Quorum Bell be rung for 10 minutes?

(Quorum Bell was rung)

ADJOURNMENT

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, the time being 8.58 p.m. this House stands adjourned until Tuesday, 27th May 2025, at 2.30 p.m.

The House rose at 8.58 p.m.

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