

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Wednesday, 18<sup>th</sup> September, 2024

### Morning Sitting

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

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

### PRAYER

DETERMINATION OF QUORUM  
AT COMMENCEMENT OF SITTING

**The Deputy Speaker** (Sen. Kathuri): Clerk, do we have quorum?

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

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

*(The Quorum Bell was rung)*

We now have quorum and we can transact the business. Clerk, read out the first Order. Proceed, Senate Majority Leader.

### PAPERS LAID

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I beg to lay the following Papers on the Table of the Senate, today, Wednesday, 18<sup>th</sup> September 2024 –

THE EMPLOYMENT AND LABOUR RELATIONS COURT  
(PROCEDURE) RULES, LEGAL NOTICE NO.133 OF 2024

The Employment and Labour Relations Court (Procedure) Rules, Legal Notice No. 133 of 2024.

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REPORT OF COB ON ANNUAL NATIONAL GOVERNMENT  
BUDGET IMPLEMENTATION REVIEW FOR FY 2023/2024

Report of the Controller of Budget (CoB) on the Annual National Government Budget Implementation Review for Financial Year 2023/2024.

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

Report of the Auditor-General on the Financial Statements for the year ended 30<sup>th</sup> 2023 of the following -

Report of the Auditor-General on Financial Statements of Athi River Level 4 Hospital - County government of Machakos, for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Kalama Level 4 Hospital - County government of Machakos, for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Makindu Level 4 Hospital - County government of Makueni, for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Matiliku Sub-County Level 4 Hospital - County government of Makueni for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Makueni County Referral Level 5 Hospital – County government of Makueni for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Kibwezi Sub-County Level 4 Hospital - County government of Makueni for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Kisau Sub-County Level 4 Hospital - County government of Makueni for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Kalawa Level 4 Hospital - County government of Makueni for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Ikanga Sub-County Hospital - County government of Kitui for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Mutomo Level 4 Hospital - County government of Kitui for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Kauwi Sub-County Hospital - County government of Kitui for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Kyuso Level 4 Hospital - County government of Kitui for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Zombe Sub-County Level 4 Hospital - County government of Kitui for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Tseikuru Level 4 Hospital - County Government of Kitui for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Nuu Level 4 Hospital - County Government of Kitui for the year ended 30<sup>th</sup> June, 2023.

I thank you.

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

**The Deputy Speaker** (Sen. Kathuri): Next Order.

## QUESTIONS AND STATEMENTS

### QUESTIONS

**The Deputy Speaker** (Sen. Kathuri): Hon. Senators, we are expecting three Cabinet Secretaries this morning. The first one is the Cabinet Secretary for the National Treasury and Economic Planning. The other one is the Cabinet Secretary for Labor and Social Protection and the third one is the Cabinet Secretary for Roads and Transport.

I am informed that the Cabinet Secretary for Labour and Social Protection is around. I suggest we start with him. He has three Questions. The first one is Question No.026 by Sen. Wafula and the other one is Question No. 051 by Sen. Cherarkey. Both of them are not in the House.

The third Question is by Sen. Kavindu Muthama. I request that the Cabinet Secretary for Labor and Social Protection be ushered in to answer the Questions.

*(The Cabinet Secretary for Labour and Social Protection  
(Hon. (Dr) Alfred Mutua, EGH) was ushered into the Chamber)*

Hon. Senators, the three Cabinet Secretaries have very many Questions. Both the Cabinet Secretary for the National Treasury and Economic Planning and the Cabinet Secretary for Roads and Transport have several Questions. Therefore, we need to use our time properly so that we can be able to dispense of.

I have liaised with the Office of the Clerk and, so far, none of them has indicated that he is not appearing. However, we have decided to start with the one who is in this building; the Cabinet Secretary for Labor and Social Protection.

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

**The Deputy Speaker** (Sen. Kathuri): Yes, Sen. Sifuna, what is your point of order?

**Sen. Sifuna:** Mr. Deputy Speaker, Sir, I wanted to seek a clarification on whether the other Cabinet Secretaries have given any time indication of when we expect them to be here.

**The Deputy Speaker** (Sen. Kathuri): Sen. Sifuna, that is why I said that none of the Cabinet Secretaries has indicated through communication.

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

**The Deputy Speaker** (Sen. Kathuri): As we are discussing this, this is a letter from the Cabinet Secretary for the National Treasury and Economic Planning, requesting for rescheduling of appearance before the Senate.

When is this?

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

*(Interruption of Question Time)*

### COMMUNICATION FROM THE CHAIR

REQUEST FOR RESCHEDULING OF APPEARANCE BEFORE  
THE SENATE BY HON. CPA. JOHN MBADI NGÓNGO

**The Deputy Speaker** (Sen. Kathuri): Hon. Senators, the letter from the Cabinet Secretary for the National Treasury and Economic Planning, Hon. CPA John Mbadi Ng'ong'o, has just arrived. He has said he is not here because he is engaged in a critical meeting at the State House that requires his presence and attention.

He has not indicated when he will be appearing; he has just said that he looks forward to engaging our esteemed House at a later date. That is the letter. I am very truthful. I have read the content as it is. I give a few Senators a chance to interact with this communication.

Yes, Sen. Sifuna.

**Sen. Sifuna:** Mr. Deputy Speaker, Sir, in fact, that practice is something that you must not allow. There is no way a Cabinet Secretary can send a letter to you seated in the Chair this morning. I am very shocked.

We woke up very early in the morning to come and attend this session. The Question that I was supposed to put to hon. CPA John Mbadi, is a Question that is over a year old. It has taken him less than two weeks to become a proper Kenya Kwanza Cabinet Secretary who has no respect for this House. We cannot allow this. We want to engage with these Cabinet Secretaries. He cannot tell us---

I have heard in this House before people saying that when the late H.E Mwai Kibaki was President, if there was a matter before Parliament and another one before State House, the precedent was that you come and attend to the matters in the House first.

I tell hon. CPA. John Mbadi that this is totally unacceptable. He has to show respect for this House. In fact, it is worse that he was a Member of Parliament (MP). If he had just been plucked from the wilderness like some of the other people I see, maybe we would excuse him. However, he is an MP. Has he even finished two weeks? This is unacceptable. There should be respect for this House.

As of yesterday, there was already communication that he had confirmed he was going to come. Do these State House meetings just spring up on people like a surprise party? This is unacceptable. At the very minimum, he should have written yesterday and said he would not make it.

We also have other business to attend to. Hon. John Mbadi must be called to order. This is not the John Mbadi I knew. I do not know what they have done to him. He used to respect Parliament.

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*(Loud Consultations)*

**The Deputy Speaker** (Sen. Kathuri): Sorry, I thought that our visitors are not around. I give our guests 10 minutes to walk out of the Chamber so that we can do housekeeping. I have directed that our visitors; the Cabinet Secretary for Labour and Social Protection and his team, give this House 15 minutes to interact with this communication.

*[The Cabinet Secretary for Labour and Social Protection (Hon. Mutua) and his team were led out of the Chamber]*

**The Senate Majority Leader** (Sen. Cheruiyot): On a point of order, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kathuri): Yes, Senate Majority Leader.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I keep telling my friend, Sen. Sifuna, that if he wants to become a good legislator, he must not conflate issues.

The point he is raising is something that all of us on this side agree with. I have been on this Floor several times coming down heavily against Cabinet Secretaries when they failed to appear before this House.

However, when he wants to leave it on record that hon. John Mbadi has become a proper Kenya Kwanza Cabinet Secretary who has no respect for Parliament, I cannot allow him to do that. This is because he is disparaging a Cabinet Secretary, and while saying that, there is a Cabinet Secretary sitting here waiting to respond to Questions.

Is it in order for Sen. Sifuna to claim that a proper Kenya Kwanza Cabinet Secretary has no regard for Parliament? Can he table any fact to support his allegations? Otherwise, you reduce a very valid point to a partisan debate that is useless. We had a very valid conversation that we would have had about the presence of Cabinet Secretaries or otherwise. However, he now wants to distract us with sideshows.

**The Deputy Speaker** (Sen. Kathuri): Hon. Senators, let us not be emotional on this matter. This is a matter concerning the whole House. This is a bipartisan issue. Sen. Sifuna, maybe you can clear the record so that we can move nicely.

*(Sen. Sifuna spoke off record)*

I have asked him to clarify that bit.

**Sen. Sifuna:** Hon. Deputy Speaker, I do not know what other evidence the Senate Majority Leader would want tabled of disrespect to this House, other than the letter that has been brought to you while seated on the Chair.

The fact that he admits that we have engaged on this issue repeatedly is indicative of a tradition within the Kenya Kwanza Government that they disrespect this House all the time. We have dealt with this issue more than enough times. The Senate Majority Leader cannot gag me. You cannot gag me, hon. Cheruiyot.

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The disrespect is in that letter that has been brought this morning. We woke up here to do this job. Where is hon. Mbadi? You cannot defend Mbadi.

**The Deputy Speaker** (Hon. Kathuri): Have your seat, Sen. Sifuna. Proceed, Sen. Enock Wambua.

**Sen. Wambua:** Mr. Deputy Speaker, Sir, there are things you are saying that are difficult to implement. When you say people should not be emotional about this matter, it is difficult not to be emotional about what we have just witnessed.

It is also difficult to deal with a fact which is on record; that a Cabinet Secretary expected to appear before a House of Parliament is writing to the Speaker while the session is on, to say that he cannot appear. The reason given is that he is in the State House.

I will say two things and I will try to be not too emotional about it. The first one is on Article 132 of the Constitution on the functions of the President. The President is accountable to Parliament. Article 153 of the Constitution says that the Cabinet is accountable to Parliament.

Those two Articles read together, place the Parliament of the Republic of Kenya at such a position, that when you are required to appear before either a Committee of Parliament or a Plenary Sitting of Parliament, everything else must stop.

Mr. Deputy Speaker, Sir, this is just plain reading of the law. When I now see my brother and my very good friend, the Senator for Kericho, who is also the Senate Majority Leader, getting emotional and saying that Sen. Sifuna should be taught a lesson, I wonder who between Sen. Sifuna and the Cabinet Secretary for Treasury needs to be taught certain lessons.

*(Applause)*

Mr. Deputy Speaker, Sir, just allow me to finish. This is a serious matter. It is so serious that we need to test our own powers and privileges as Parliament. Let us put that to test.

You can order the Serjeant-at-Arms or the Inspector General of Police to present the Cabinet Secretary for National Treasury and Economic Planning here today, this morning. We cannot say that Parliament has been disregarded. Every time that we are disregarded, we permit those people that disregard the Senate to continue doing their things and doing bad manners.

Lastly, Sen. Cheruiyot should not feel bad when Sen. Sifuna says that the Cabinet Secretary for National Treasury and Economic Planning is learning bad manners.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Deputy Speaker, Sir. Just a minute, Sen. Wambua.

**The Deputy Speaker** (Hon. Kathuri): Thank you, Mr. Deputy Speaker, Sir. At the sitting of the Senate Business Committee (SBC) yesterday---

**The Deputy Speaker** (Hon. Kathuri): What is your point of order regarding what he is deliberating.

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, I thought you were giving me an opportunity because he had concluded.

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**The Deputy Speaker** (Hon. Kathuri): You are a very experienced Member. When you raise a point of order, you are standing on a point of order.

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, I am sorry, I thought Sen. Wambua had concluded. Then I will have my time if I am able to catch your eye.

**The Deputy Speaker** (Hon. Kathuri): Sen. Wambua, proceed to conclude in less than a minute.

**Sen. Wambua:** Mr. Deputy Speaker, Sir, you know, we defer to Sen. Khalwale, honestly. Surely, I was on my feet and he is a leader in this House. We are saying that you should order Masengeli to bring the Cabinet Secretary for National Treasury and Economic Planning here in this House. That is what I was saying.

When Sen. Sifuna says that the Cabinet Secretary for National Treasury and Economic Planning is learning bad manners and bad behavior from the Kenya Kwanza Administration, that is a statement of fact that this administration is very ill-mannered. That is what it is. This administration has refused many times to appear before this Senate.

We are also saying that when the Cabinet Secretary for National Treasury and Economic Planning was donated by the Orange Democratic Movement (ODM) to go and join the Government, they sent him there to go---

**The Deputy Speaker** (Hon. Kathuri): Sen. Wambua, you are bringing unnecessary anxiety

**Sen. Wambua:** Mr. Deputy Speaker, Sir, I am just finishing. Bear with me one minute.

**The Deputy Speaker** (Hon. Kathuri): There is a point of order. Let us listen to the point of order.

**Sen. Wambua:** What is the point of order on? What is out of order now? Mr. Deputy Speaker, Sir, just allow me to finish. I have only one minute.

*(Loud consultations)*

**The Deputy Speaker** (Hon. Kathuri): Yes, the Senate Majority Leader.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, you know I was willing to allow these cheap shots to pass but you have heard Sen. Wambua repeatedly refer to me in his statement, saying that I am defending the indefensible yet, I pointed out to Sen. Sifuna that what better evidence did he need that Kenya Kwanza Cabinet Secretaries respect this House other than the fact that while he was making his complaint, there was a Cabinet Minister seated here. Therefore, he cannot generalize.

Mr. Deputy Speaker, Sir, if you can protect me from the hecklers, I can make my point.

*(Loud consultations)*

**The Deputy Speaker** (Hon. Kathuri): Order, hon. Senators.

**The Senate Majority Leader** (Sen. Cheruiyot): What they are doing is heckling. It is not a statement of fact that what Sen. Wambua and Sen. Edwin Sifuna are stating

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that Kenya Kwanza Cabinet Secretaries do not honor summons to this House. I have demonstrated that there is one in the House this morning.

Therefore, if one Cabinet Secretary fails to appear, is it a statement of fact that Sen. Wambua is stating that Kenya Kwanza Cabinet Secretaries do not honor summons to this House?

Almost every Cabinet Secretary has come to this House more than 100 times and, first of all, the Minority side begun by boycotting this exercise. They never used to appear. Probably that is why they do not know that Cabinet Secretaries have been coming to this House.

*(Loud Consultations)*

**The Deputy Speaker** (Hon. Kathuri): Sen. Cheruiyot, let us make progress now and my 15 minutes are over. Can you conclude in 30 seconds, Sen. Wambua?

**Sen. Wambua:** Mr. Deputy Speaker, Sir, I will conclude. I was saying, that when the Cabinet Secretary for National Treasury and Economic Planning was donated by the ODM to Kenya Kwanza, I listened to the Azimio Leader saying that they were donated to go and teach those people how to do things. They were not supposed to go there and learn bad manners. They were supposed to go there and teach good manners. Therefore, he should be produced here in this House.

I thank you.

**The Deputy Speaker** (Hon. Kathuri): Thank you. Senator Joyce Korir.

**Sen. Korir:** Thank you, Mr. Deputy Speaker, Sir. I also want to rise---

*(Sen. Cheruiyot and Sen. Sifuna consulted loudly)*

**The Deputy Speaker** (Hon. Kathuri): Order, the Senate Majority Leader and Sen. Sifuna.

**Sen. Korir:** Mr. Deputy Speaker, Sir, allow me to also register my dissatisfaction in terms of the response by the Cabinet Secretary. The reason why we came this morning was because of the questions that we had, which affect members of the public and which we were expecting the Cabinet Secretary to respond to this morning.

I do not know whether we have the prescribed timeline when a Cabinet Secretary is supposed to respond on whether he is appearing or not. It is shocking that a letter is being brought to the House when the Questions are supposed to be responded to.

This puts the House in an awkward position and we need to set as a House, a timeframe within which they are supposed to respond because this is hurting. We came this morning expecting to get answers to the many Questions that we have and are being waited by Kenyans.

Mr. Deputy Speaker, Sir, I am one of the persons who is dissatisfied with that letter that has been written by the Cabinet Secretary this morning.

I thank you.

**The Deputy Speaker** (Hon. Kathuri): Sen. Fatuma Dullo.

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**Sen. Dullo:** Thank you, Mr. Deputy Speaker, Sir. I wish to join my colleagues in contributing to this matter. I will not say much because a lot has been said but this matter is not about a political party; it is about an individual member of the Cabinet who should take up his responsibilities.

I feel frustrated because nothing is happening in this House as far as summons or invitations are concerned. We either pack and go home or take our matter seriously because things are not going in the right direction.

I am going to make a Statement on the Floor of this House regarding the governor of Isiolo County, who has refused to appear before all the Committees of the House. He has even taken a Committee of the House to court.

Mr. Deputy Speaker, Sir, we have a mortuary in Isiolo County that has not been working for the last year. I brought a Statement to the Floor of this House earlier this year.

We should put our act together, otherwise, we will have no business sitting in this House. This matter must be taken seriously.

**The Deputy Speaker** (Sen. Kathuri): Sen. Munyi Mundigi, proceed.

**Sen. Munyi Mundigi:** Asante, Bw. Naibu Spika. Ningependa kukosoa Seneta wa Nairobi ambaye ni rafiki wangu. Waziri Mbadi sio wa Kenya Kwanza, hivi sasa Serikali ni ya muungano. Kwa hivyo, kupigia sisi kelele na kusema kuwa Waziri huyu ni wa Kenya Kwanza ni makosa makubwa.

Pili, wakati tulipitisha swala la Mawaziri kuja Bungeni kujibu maswali, ulikuwa nje na hukutuunga mkono. La mwisho, Waziri Mbadi amefanya makosa, angekuja ili tumuulize Maswali. Kuna pesa ya ushuru ambayo tunalipia wafanyikazi wetu. Pesa hii haijatufikia kwa kipindi cha miezi mitatu.

Waziri hajawezesha pesa za kaunti ya Embu kufika ili wafanyikazi wa kaunti walipwe. Tungemwuliza swali hili iwepo angewasili Bungeni. Na sio kaunti ya Embu pekee, ila kaunti 47. Waziri Mbadi alisema hakuna pesa na angefika hapa ili tumuulize maswali.

Naunga mkono kuwa Waziri Mbadi akuwe *summoned* aje Seneti kujibu maswali.

**The Deputy Speaker** (Sen. Kathuri): Thank you. Sen. Mumma, proceed.

**Sen. Mumma:** Thank you, Mr. Deputy Speaker, Sir, for the opportunity to speak. It is unacceptable for the Cabinet Secretary of the National Treasury and Economic Planning to elect to send a letter this morning. We are asking the Cabinet Secretary questions that have been moved for over six months.

We asked Cabinet Secretary Ndung'u these questions, and he kept ducking them. Now Cabinet Secretary Mbadi should take them. We expect him to come here and resolve these things.

Why do we have this Session if asking questions should take a year to answer? All of you are celebrating this session, indicating that it will be useful. Why do we have it when it takes a year for a Cabinet Secretary to respond? In this case, two Cabinet Secretaries running away from responsibility. We need to take this seriously, and it is bad manners. You can call it whatever Government you want to call it. It is your Government and it is bad manners.

**The Deputy Speaker** (Sen. Kathuri): Last but not least, Senator (Dr.) Murango.

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**Sen. (Dr.) Murango:** Asante sana, Bw. Naibu Spika, kwa kunipa nafasi hii kuchangia jambo hili. Kwanza, ni kuwa wakati ambapo tunakutana na Mawaziri, ni muhimu kujua kuwa tuna vitanda za kulala na mahali pa kwenda. Si eti huwa tumekaa bila kazi ya kufanya. Kumbuka Jumatano zote hakuna Kamati ambayo inakaa kuangalia jambo lingine kwa sababu tumetenga wakati muhimu kujadili maneno haya.

Wakati Waziri ameitwa na kukosa kuja tunaweza kumtetea, lakini si haki kwetu. Kama Sen. Munyi Mundigi alivyosema, pesa ya Embu imechelewa kwa muda wa miezi mitatu. Tungejua leo kama Waziri anajali maslahi ya watu wa Embu sio kutetea mwenye hakuja kujibu maswali.

Hii ni kusema kuwa, Waziri anaridhika na hali ilivyo katika kaunti zetu zote 47. Kwa hivyo, sisi pia tusiende chini na kukubali kuwa tutakuwa tunakaa chini kama watu hawana kazi. Tukiita Waziri na haji, tuwe na sheria ambayo itaashiria uajibikaji.

Kwa muda kumekuwa na madharau kwa Bunge la Seneti kutoka kwa Bunge la Kitaifa. Huu ukosefu wa adabu hautachukuliwa na Mawaziri. Tusiruhusu Mawaziri kutudharau wakati wanapoitwa kwenye Bunge hili.

**The Deputy Speaker** (Sen. Kathuri): Thank you, Sen. (Dr.) Murango and all those who have expressed their dissatisfaction. From where I sit---

*(Several Senators spoke off record)*

No, no, the time is over. I had allowed only 15 minutes.

*(Sen. Kavindu Muthama spoke off record)*

Order, Sen. Kavindu Muthama.

It is not in order to receive a letter from the Cabinet Secretary this morning. None of them had expressed that they would not come to this session this morning. However, it is not in order to receive a communication from the Cabinet Secretary when the session is on.

Therefore, Senators, we cannot be lamenting day-in, day-out. I would like to have a bipartisan approach to this issue. So that both sides can invoke Standing Order No.51D, which says that:

“The Senate may, where a Cabinet Secretary fails, without reasonable cause, to appear and respond to Questions under this part, move a Motion to censure the Cabinet Secretary.”

So, we should not just weep or cry; we have our explicit authority under Standing Order No.51(d).

Therefore, we should take that direction. In the last Session, of all the Cabinet Secretaries, only one Cabinet Secretary let this House down. I disagree with those who say Cabinet Secretaries do not appear.

However, the Cabinet Secretary of the National Treasury did not appear to answer Questions even in the last session. Therefore, this time, I request that both sides sit and agree on the way forward. This House belongs to all of us, not one side of the divide.

Therefore, let us approach these matters in a bipartisan way so that we can move our House forward. We have no other Senate in this Republic. We have 67 Senators who are in this House. If we fail, all of us will fail. If we succeed, all of us will have succeeded. Therefore, I now request that the Serjeant-at-Arms usher in the Cabinet Secretary for Labour and Social Protection.

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

**The Deputy Speaker** (Sen. Kathuri): I welcome you, Cabinet Secretary for Labour and Social Protection, so that you can answer these three Questions; one from the Senator for Machakos County.

The other Member who asked the other question is Sen. Cherarkey, who is around. We will start with Sen. Kavindu Muthama's Question. *Waziri, karibu sana katika Bunge la Seneti.*

**Sen. Kavindu Muthama:** Thank you, Mr. Deputy Speaker, Sir, for this opportunity to ask my question.

First, let me congratulate the Cabinet Secretary for Labour and Social Protection on his appearance here. He has also appeared before the committees several times.

However, before I ask my Question, I would like to say that the Cabinet Secretary of the National Treasury and Economic Planning has done wrong because there is no money in the counties. We have not paid our officers in the counties for the last three months because of non-release of funds from the Exchequer.

**The Deputy Speaker** (Sen. Kathuri): Sen. Kavindu Muthama, kindly proceed to ask your Question.

**Sen. Kavindu Muthama:** Mr. Deputy Speaker, Sir, I am coming to my Question, but I needed to say that.

**The Deputy Speaker** (Sen. Kathuri): Cabinet Secretary Alfred Mutua is not responsible for the National Treasury and Economic Planning. Proceed to ask your Question.

## QUESTIONS AND STATEMENTS

### *Question No.085*

#### IDENTIFICATION AND ENROLLMENT OF SURVIVING KENYAN VICTIMS OF THE 1998 USA EMBASSY BOMBING INTO SOCIAL ASSISTANCE PROGRAMMES

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**Sen. Kavindu Muthama:** Mr. Deputy Speaker, Sir, I know that. I was only commenting on what we were commenting on before. I am done and will now ask my Question. Thank you.

*(Sen. Sifuna consulted loudly)*

**Sen. Kavindu Muthama:** Let me ask my Question. Sen. Sifuna, please, do not disrupt me.

Could the Cabinet Secretary consider collaborating with a consortium of the 7th August, 1998 victims to identify and enroll surviving Kenyan victims of the 1998 bombing of the United States of America Embassy in Nairobi into the Social Assistance Program currently being implemented in the Ministry and by the Ministry?

**The Deputy Speaker** (Sen. Kathuri): Thank you. Proceed, Cabinet Secretary.

**The Cabinet Secretary for Labour and Social Protection** (Hon. (Dr.) Alfred Mutua): Good morning, Mr. Deputy Speaker, Sir. I am very happy to be here and thank you for the Question.

Before I start, I want to say that I am accompanied by my two Principal Secretaries, Principal Secretary, Mwadime of Labour and Principal Secretary, Motari of Social Protection and Mr. Kase, Senior Deputy Labour Commissioner and many other Chief Executive Officers (CEOs) and Managing Directors, NEA and others. We have come as a whole team.

To get to the Question, I would like to say the following: Yes, we are considering, and this is something that we are working on. The Ministry of Labour and Social Protection met with the officials of the victims of Tumaini 1998 on 18th October 2023.

During that meeting, it was noted that there was need for the leadership of the Tumaini 1998 Bomb Blast Victims, to provide a list of victims, setting their names, identification numbers, contacts and their unique needs to support them because we needed to identify those who are genuine 1998 bombing victims.

We also wanted to ensure that the process and eligibility criteria for selection into the Inua Jamii Programme, which requires certain exemptions to this group, enable them to be targeted and enrolled into the programme. Also, consider the children of the affected bombing victims into the Presidential Secondary School Bursary Programme.

In addition to this, the National Council for Persons with Disabilities held a meeting with the representatives of the survivors on Friday, 27th October 2023.

In the meeting, the team was taken through a detailed presentation of the Council's mandate and potential areas where the victims can be supported, including scholarships for disabled children, recommendations for tax waivers for Persons Living with Disabilities (PWDs) and provision of assistive devices, among others.

It is noteworthy to mention that no list of victims has been provided to my Ministry to confirm whether they meet the eligibility criteria for enrollment into the Inua Jamii Programme. I do not know where the failure is.

However, I think this is a very good Question by Sen. Kavindu. I congratulate her for her care about this issue because when I was the Minister for Foreign and Diaspora

Affairs, we were in a session where she brought up a similar question concerning these victims.

Let me repeat that we have not received any information or eligibility criteria for enrollment into the Inua Jamii Programme, and a list of victims we can onboard. The possibility of including the survivors in the Social Assistance Programme is very high.

The State Department for Social Protection and Senior Citizens Affairs within the Ministry of Labour and Social Protection implements three social assistance programmes. One is the Inua Jamii Programme, which targets older citizens aged over 70 years and above, poor households taking care of persons with severe disability, and orphans and vulnerable children.

When you look at the older persons, there is an older person's cash transfer. As you know, our President directed that before his salary and the salary of Cabinet Secretaries and Public servants are paid, the money is paid to our Inua Jamii recipients.

One must be above 70 years old and have a Kenyan national ID to qualify for the older person's cash transfer, and should have a caregiver with a valid Kenyan national identification card and must not be in any Government pension to avoid double paying.

Now when it comes to orphans and vulnerable children cash transfer programmes, any Kenyan household with any one or more of the older persons or children, orphans and vulnerable children aged between 0 and 17 years, or basically 0.1 and 17 years is a permanent member.

It also includes a household with a caregiver who is chronically ill and unable to perform his or her duties, and lastly a household not benefiting from similar social assistance programmes.

For both people, severe disability cash transfer programmes are meant for a poor household with a person with a severe disability who requires 24-hour care, a household not enrolled in a similar programme, and a beneficiary who is a Kenyan citizen.

I think Sen. Kavindu Muthama will agree with me, that for the victims of the 1998 National United States Embassy bombing survivors to be included, they should meet the criteria that have been presented above.

I would also like to point out that this case happened over 18 years now. If there are children who were affected or were left behind at that time, they are now over 18 years. Therefore, they do not qualify at this particular time for any of the programmes because they are above the limit of age given by the law.

I submit.

**The Deputy Speaker** (Sen. Kathuri): Sen. Kavindu, do you have any supplementary questions?

**Sen. Kavindu Muthama:** Yes, Mr. Deputy Speaker, Sir. I just want to follow up on where you stopped by saying zero to 17 years, and most of the victims are above those years.

Is it their fault that they did not get the care that they needed until they were above the years? What can be done for them to be compensated? I will follow up with the concerned people on the ID numbers and the clarification. I will also make sure that they will come back to you.

Even as we do that, can they also be registered in the cash transfer programmes, especially the PWDs who are completely unable to do anything for themselves? The majority of them are blind. Those should be included in the cash transfers even if they are not at the age of 70 years. The Ministry should also consider the children.

**The Cabinet Secretary for Labour and Social Protection** (Hon. (Dr.) Alfred Mutua): Thank you, Mr. Deputy Speaker, Sir. I want to give an emphatic, yes. It does not matter whether you got injured during the 1988 bomb blast, or you were injured afterwards. If you are severely disabled in our country, you deserve to be in this programme. It is not as comprehensive as it should be, and I will work on it.

On the second point, I agree with you that we need to get these teams together. I am directing my Principal Secretary not to wait, but to organize a meeting, to meet with the leadership, so that we can also be proactive and get the list, and working closely with you to enable this to be done. Whether you are below 70 years or above and you are disabled, you qualify automatically, and there is a criteria of how you are tested at the hospital, and qualify.

I wanted to add something that may be of interest to the House. Currently, most members, you are aware, people go in the morning to pick up their money from banks or agents. They wake up in the morning, get a *boda boda* or car and go a long distance, line up the whole day, waiting to receive their money, which is not fair.

His Excellency the President has been very clear about providing justice. You do not have somebody spending Kshs500 to go somewhere, spend another Kshs200 to eat, and then you are giving them Kshs2,000. Already the money is gone.

We want to roll out a programme so that by the 1<sup>st</sup> of December, 2024, we are going to ensure that now all the money will be transferred to the phones or designated M-Pesa or other accounts directly of the recipients so that they do not have to leave the comfort of their homes, spend their money, and wait for a whole day to receive the money. We have to be a caring people and we are going to ensure that that is implemented.

**The Deputy Speaker** (Sen. Kathuri): Thank you. Let us have a few other supplementary questions. However, let it only be one question. Sen. Mandago, proceed.

**Sen. Mandago:** Thank you, Mr. Deputy Speaker, Sir. I have one supplementary question for the Cabinet Secretary. During the 1998 Bomb Blast, there is an allegation that there were several staff who worked for Co-operative Bank, that were illegally dismissed following the injuries they sustained. Is the Ministry aware? What have they done about that matter?

On what the Cabinet Secretary has commented on the transfer of funds, I would like him to tell us why the Ministry is using banks, M-Pesa and other forms of payment and not the Postal Corporation, a Government entity that is mandated under the law to handle digital payments for the Government.

**The Deputy Speaker** (Sen. Kathuri): Yes, *Waziri*, proceed.

**The Cabinet Secretary for Labour and Social Protection** (Hon. Mutua): Thank you, Mr. Deputy Speaker, Sir. We are not aware of the issue of the staff who were working in the Co-operative Bank of Kenya in that building, that were let go. I have just

done a bit of consultation, maybe they wrote to us and the letter got lost somewhere. It is not in my office.

Hon. Senator, I would request that we have a conversation and see whether they are organized so that they can file a complaint with us and we shall follow up to make sure that they get their rights under the law. People should not just be dismissed without being compensated properly.

On the second question about the Postal Corporation, we carried tender processes whereby banks were on-boarded to transfer the monies and the contracts are coming to an end. Therefore, the Postal Corporation is welcome to participate in the next round, even as we move into a digital forum using the technological companies rather than just the banks.

I thank you.

**The Deputy Speaker** (Sen. Kathuri): Sen. Mumma proceed.

**Sen. Mumma:** Thank you, Mr. Deputy Speaker, Sir. I welcome the Cabinet Secretary.

My question is on the system that the Ministry has put in place to ensure equitable access to social protection. Given that the Constitution requires that all resources in Kenya are equitably accessed by those who need them, what mechanism do you have in place to ensure that the correct people are the ones receiving social protection in this country?

Secondly, where there might be deficiencies in the resource, we can still confirm that it is equitably distributed among those who need to access it.

Where can we get that register, as Members of Parliament (MPs) who carry out oversight to ensure that truly those who need to access social protection are the ones accessing it? I would like to know and access that resource.

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

**The Cabinet Secretary for Labour and Social Protection** (Hon. Mutua): Thank you, Mr. Deputy Speaker, Sir. In terms of equitable access to social protection, there is a system that has been working and we can always improve on it. We go to the ground using the Government system and we can identify those who deserve to be in the system in terms of age, disability and very poor vulnerable families. We put them on the list, they go through the criteria and they are onboarded.

When I served as the governor of Machakos County, the issue of older citizens never receiving their monies kept on coming all the time. It is an ongoing system of onboarding. In terms of providing the list to you, this House and the Parliament of Kenya passed a law on data protection that does not allow us to provide private information about people's names and where they are to you.

However, as MPs and Senators, if you have identified individuals in your county that you believe have been left out or not been covered, kindly send me that list and we shall double-check to see whether they have been covered. We will ensure that they are covered if they need to be. We cannot assume that we know everything on the ground.

Secondly, we also have cases that we are dealing with; this is whereby some of our older citizens pass on to glory and they are no longer here. Maybe their caregivers

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are still receiving some of the monies. We are working on streamlining the system to ensure that the money is not distributed so that it can go to other well-deserving Kenyans.

We will also need your help. If you identify somebody has passed away and that family tells you or you know that the caregiver is still receiving that money, inform us so that we can work together as one country supporting each other as members of Government.

I thank you.

**The Deputy Speaker** (Sen. Kathuri): The Senate Minority Leader, proceed.

**The Senate Minority Leader** (Sen. Madzayo): Asante, Bw. Naibu Spika. Ningetaka kumuuliza Waziri kama anaelewa kwamba wote waliopata majeraha na kuumia wakati wa kile kitendo cha ugaidi kwenye nyumba ya ubalozi wa Marekani walikuwa Wakenya na wananchi ya Kiamerika.

Je, Waziri ana habari kuwa wananchi wote wa Amerika walilipwa fidia, majeraha yao kuhudumiwa hospitalini na kuwa walitunzwa vizuri na nchi yao? Kwanza---

*(Sen. Kavindu Muthama consulted Sen. Onyonka)*

**The Deputy Speaker** (Sen. Kathuri): Sen. Kavindu Muthama nakuomba ulisikize swali hili kutoka kwa Kiongozi wa Walio Wachache vizuri. Hili swala ni la manufaa kwako.

**The Senate Minority Leader (Sen. Madzayo)**: Bw. Naibu Spika sijakupata.

**The Deputy Speaker** (Sen. Kathuri): Seneta, endelea na mchango wako.

**The Senate Minority Leader (Sen. Madzayo)**: Asante. Vile vile, nataka kuuliza; je ni juhudi gani ambazo yeye kama Waziri na Wizara yake ikiwa husika---? Nilikuwa Marekani na jambo hili lilinifuata sana. Zile pesa za kuwalipa wale Wakenya hazijapatikana. Ni juhudi gani Wizara yake inafanya kufikia hivi sasa kuona kwamba fidia hii kutokana na pesa ambazo zilitolewa na Serikali ya Marekani zimewafikia Wakenya hawa kwa sababu hawajazipokea?

**The Deputy Speaker** (Sen. Kathuri): Waziri, jibu swali hili. Unajua Kiswahili wakati mwingine kinapita.

**The Cabinet Secretary for Labour and Social Protection** (Hon. Mutua): Samahani, Bw. Naibu Spika. Shukran Sen. Madzayo kwa swali lako la kina kabisa. Kutokana na tukio hilo la ugaidi la mwaka wa 1998, wale walioumia walikuwa Wakenya na Wamarekani. Umesema kweli kuwa Marekani walioathiriwa walilipwa lakini Wakenya hawakulipwa. Hili ni swala ambalo nilifuatilia nikiwa Waziri wa Mambo ya Kigeni hata kwenye mikutano kadhaa tukiwa na Sen. Kavindu Muthama na wengine.

Najua ya kwamba hivi sasa, kuna kesi inayoendelea kule Marekani. Pia, kuna juhudi za Wizara ya Kigeni kuona kama inaweza kudhibitshwa na kupitishwa na Bunge la Marekani ili waweze kulipwa. Kwa hivi sasa, sina uhakika hiyo kesi imefika wapi.

Sen. Madzayo na Waheshimiwa, naomba mnipe nafasi niweze kumwandikia barua ndugu yangu, mhe. Musalia Mudavadi, ili aweze kutupa habari ili tuweze kufahamu mahali tumefika. Pia, nitalikaza na kuangalia vile tunaweza kujadiliana na wale walioumia ili tuweze kuwasaidia.

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Wakati wale ambao hawajapata pesa za Inua Jamii watakuja kumwona Katibu katika ofisi yangu, tutawatajia mambo kama hayo ili waweze kufuatilia kwa sababu ni haki yao. Damu iliyomwagika, iwe ya Mmarekani au Mkenya bado ni damu. Kama wengine walilipwa, mbona hatukulipwa? Kama kuna Wakenya walilipwa, tujue ni wangapi na ni akina nani ili tuweze kufuata haki ya wananchi wetu. Hiyo ndio kazi ya Serikali.

Asante sana, Mheshimiwa.

**The Deputy Speaker** (Sen. Kathuri): Sen. (Dr.) Murango, proceed.

**Sen. (Dr.) Murango:** Asante, Bw. Naibu Spika. Serikali yetu ndio huwa inasajili watu na kutupatia hati ya kuzaliwa, kitambulisho, pasipoti na hata hati ya kifo wakati mtu ameaga dunia. Inakuwaje hamuwezi kuchukua takwimu ambazo ziko katika mitambo yenu siku ya leo ili kujua mtu ambaye amefikisha miaka ya kulipwa pesa zake za uzee? Je, ni lazima mrudi tena mkitumia fedha za umma kwenda kusajili watu na mko na kila kitu?

Kwa sababu Serikali iko na kila kitu, ingekuwa rahisi mtu akitimiza ile miaka, mnachukua *account* yake na mnaanza kumtumia pesa zake moja kwa moja bila kusumbua wazee na vilema. Kwa nini kazi inafanyika hivyo? Ni nini hamna ya kufanya hiyo kazi ili iwe rahisi kwa kila mtu?

Swali la pili---

**The Deputy Speaker** (Sen. Kathuri): Ni moja tu, Sen. (D.) Murango.

**Sen. Murango:** Bw. Naibu Spika, nataka kuyashikanisha, ni laini moja.

**The Deputy Speaker** (Sen. Kathuri): Sen. Korir, naomba uulize swali lako kwa sababu haya maswali yanafana yote ili ajibu pamoja.

**Sen. Korir:** Thank you, Mr. Deputy Speaker, Sir. Allow me to ask the Cabinet Secretary; that this is an active case that Sen. Kavindu has been following up between this country and the United States of America (USA). I just want to know whether the Ministry has the exact number of the victims and their age brackets. If so, how many have benefited from any programmes that the country is running right now in terms of stipends to people living with disability and the vulnerable?

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

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

Sen. (Dr.) Murango ameuliza swali la kwanza vizuri sana kwamba, tuna hizi takwimu zote za kumtambua Mkenya. Vile tumefanya katika mkondo huu wa kidijitali ni tumeanza kuchukua hayo majina kutoka kwa Wizara ya Interior na National Administration na kuyaweka katika ratiba ambayo inafaa.

Tayari katika magazeti, umeona tumeongea kuhusu vijana wanaoitwa *enumerators*. Wanaenda chini kudhibitisha kama hao watu wako. Pengine wengine wameaga dunia ama walihama. Pengine mzee alikuwa anaishi kule Meru na watoto wake wako Nairobi au Mombasa, na wamehama kutoka Meru wamekuja Nairobi au Mombasa ama walienda nchi nyingine. Hawako tena upande huo.

Hii ni kudhibitisha tu ya kwamba wapo, ndio kwa mara moja, tunaweza kuwaongeza hao ambao wamefikisha miaka hiyo. Kwa hivyo, ni jambo ambalo tulianza hivi majuzi na tutaweza kulifanya liwe thabiti kabisa kwa siku zijazo.

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On the second question by Sen. Joyce Korir; yes, I agree with you that it is an active case. Unfortunately, the way it has worked for all those years, it was not being handled by my Ministry of Labour and Social protection. It was normally handled as a foreign affairs issue for a long time.

In terms of the number of victims because we are dealing with a foreign country, as I have said, it is now an issue that we are ready to onboard. We will be meeting the leadership of the victims to see how we can regularise what should have been done about 18 years ago.

Thank you.

**Sen. Korir:** On a point of order, Sir.

**The Deputy Speaker** (Sen. Kathuri): I will request---

*(Sen. Korir spoke off record)*

On the same question?

*(Sen. Korir spoke off record)*

30 seconds?

**Sen. Korir:** Thank you, Mr. Deputy Speaker, Sir. I thought when the Cabinet is meeting, they always discuss cross-cutting issues. This is a very serious issue. We are talking about a country that has paid its people while our people have not been paid because of the way we are handling issues and our data.

Is it true that the Ministries that we have in this country cannot coordinate to make sure that things are done the right way to an extent that as we speak today, the Ministry of Labour and Social Welfare has to go a long way looking for the list, yet in actual sense, we have the list with the Ministry of Foreign and Diaspora Affairs?

Can we get to know the exact number of the victims and what the country has done in terms of making sure that the issues of these people have been addressed?

**The Deputy Speaker** (Sen. Kathuri): Let me give some guidance; the Cabinet Secretary did not know that you will request for that list when he was coming. Maybe, you can give the Ministry some time to compile that data, then submit it to this House. I am afraid that where he sits now, he is unable to give the list now, but he can work on it.

Two, the Question by Sen. Kavindu is not on the compensation. It was specific on whether these people can be recruited into the on-going programmes such as Orphans and Vulnerable Children (OVC) and elderly people.

Sen. Kavindu, if you want a substantive answer, you ask a substantive question on compensation of the victims. I know the *ad hoc* Committee that you chair is handling this matter and, therefore, you decided to go the *ad hoc* Committee way. However, if you want that substantive answer, as the Cabinet Secretary said, he will consult the Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs to know the exact position.

Maybe, you should now do that substantive question to the Ministry of Foreign and Diaspora Affairs. Maybe that will solve all these issues.

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Sen. Kavindu, you had a second supplementary question, execute it then we can go to the next Question by Sen. Cherarkey.

**Sen. Kavindu Muthama:** Thank you, Mr. Deputy Speaker, Sir. Hon. Cabinet Secretary, what are you doing about those with severe disabilities who need 24-hour care, and are also eligible to be enrolled in the persons with severe disability programme?

Just a follow-up to the question that Sen. Mandago asked; hon. Cabinet Secretary, you say that you are not aware of the people who are working with the Cooperative Bank and Mwalimu Sacco, yet we had called the previous Cabinet Secretary to the *ad hoc* Committee. He came with his team, just like you are with your team today and we raised all these questions.

I believe, there is no vacuum in Government and so, you should be aware of that question because last year, we asked them that question. They should give you an update so that you can answer.

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

**The Cabinet Secretary for Labour and Social protection** (Hon. (Dr) Mutua): Thank you very much.

Sen. Kavindu, thank you for the question. I call upon this House and Kenyans, that if you know a Kenyan somewhere who has a disability, suffering and are not in this programme, please, let us and the chief know.

I will speak to my colleague, the Cabinet Secretary for Interior and National Administration so that guidance is given up the chain. Let them talk to their Members of County Assemblies (MCAs), Members of Parliament (MPs) or the Senator.

I can assure you that I will act immediately, because we are in this country. Some people cannot just suffer, as if they are the wretched of the earth while others are doing well.

Madam, I am well-guided about the question that was asked to my predecessors. I will follow up and provide as much information as I can. Thank you for that guidance.

Thank you.

**The Deputy Speaker** (Sen. Kathuri): Thank you. Let us go to the next Question No. 051.

**Sen. Cherarkey:** Thank you, Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order No.51C---

*(Sen. Korir spoke off record)*

**The Deputy Speaker** (Sen. Kathuri): Sen. Korir, I will give you the opportunity. Let him proceed.

**Sen. Cherarkey:** Mr. Deputy Speaker, Sir, I rise under Standing Order No.51C (6) which states as follows:

“A Cabinet Secretary—

(a) shall appear, in person, on the day on which the respective Question is listed for response;

(b) shall respond to the Question; and,

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(c) may, with the permission of the Speaker, make a statement on any other matter pertaining to the respective State Department.”

Mr. Deputy Speaker, Sir, I am standing under Standing Order No.51C (6) because I do not know what happens when a Cabinet Secretary comes with a half-baked or kindergarten-like answer, against the responses. In the response, he has indicated that they attached---

**The Deputy Speaker** (Sen. Kathuri): Sen. Cherarkey, avoid using unparliamentary language.

**Sen. Cherarkey:** Okay, he has come with an unsatisfactory answer because in the response I have received, there is no list attached. Also, I was not given the response within 24 hours that you have---

I want to register my displeasure by that response. However, let me ask the Question and then the Deputy Speaker and the Members will realize that no justice was done to this Question.

**The Deputy Speaker** (Sen. Kathuri): Ask your Question, then we will prosecute your issues.

#### *Question No.051*

#### ROLE OF NEA IN RECRUITMENT OF KENYANS SEEKING JOB OPPORTUNITIES ABROAD

**Sen. Cherarkey:** Mr. Deputy Speaker, Sir, I rise to ask Question No.051 to the Cabinet Secretary for Labor and Social Protection.

(a) What are the roles of the National Employment Authority (NEA) in the recruitment of Kenyans seeking job opportunities in foreign countries and could the Cabinet Secretary state the requirements to be met by a recruitment agency to be permitted to operate by NEA?

(b) Could the Cabinet Secretary provide a list of recruitment agencies cleared to operate by NEA and what steps are used to ensure that all companies registered under the National Employment Authority Integrated Management System (NEAMIS) are monitored and regulated?

(c) Could the Cabinet Secretary also provide a list of Kenyans who have successfully applied for jobs in the diaspora, following the numerous agreements between Kenya and German, among other nations, including the countries they are deployed to avoid misinformation?

(d) What is the status of the investigations into the operations of M/s Worth Start Africa Limited, an agency operated by one Pastor James Wanjohi, that reportedly defrauded Kenyans of over Kshs600 million with a promise to assist them secure jobs abroad? Could the Cabinet Secretary state the plans, if any, to compensate these victims?

I thank you.

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

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**The Cabinet Secretary for Labour and Social Protection** (Hon. (Dr.) Mutua):  
Thank you very much Sen. Cherarkey for your Question.

The role of the NEA in recruitment of Kenyans for jobs in the diaspora is well stated in our documents.

I will go through them quickly:

The role of NEA is to advice on the formulation of employment policies and strategies for national and county governments, facilitate the employment placement of job seekers internationally and facilitate the implementation of national policy on employment.

There is also a secretariat to the vetting committee; licensing and accreditation of private employment agencies; regulation of the activities of private employment agencies; collection, analysis and dissemination of labor market information; building the capacities of private employment agencies; sensitizing and advising job seekers, handling complaints from job seekers; promoting ethical recruitment and canceling the registrations of an employment agency that fails to observe the provisions of the existing laws and regulations.

The requirements to be met by a recruitment agency to be permitted to operate by NEA is in our website, which is [www.neaims.gov.ke](http://www.neaims.gov.ke). I have also listed them here for Sen. Cherarkey. There is an application letter for registration, a certified copy of the certificate of incorporation as a limited company, company articles and memorandum of association and company CR2 for the current year.

They must also have a minimum share capital of Kshs5 million, a copy of a county government license to show that you are operating legally, company tax compliance certificate for the current year, registered and fully equipped physical office with the prescribed sizes. A company director must also submit a copy of his or her or their identification cards, two passport size photos, current police clearance certificate, a valid work permit in case of any foreign director and certified academic certificates which must be certified by the Directorate of Quality Assurance at the Ministry of Education.

A company manager must also submit the following documents; a degree certificate in business-related field from college or university in Kenya that is also certified by the Quality Assurance Department at the Ministry of Education, an appointment letter to work for that company with clear terms and a copy of an ID.

Mr. Deputy Speaker, Sir, it is very clear that the process is heavy. You need to qualify and these are very many requirements. We need people who are in this industry and are valid people. We ask for all these documents including visiting the place where they work to ensure that it is not a briefcase company so to be given your document.

The second question was about vetting by the Ministerial Vetting Committee. An interministerial committee vets all private employment agencies seeking registration and renewal of licenses. It consists of the Ministry responsible for labor, immigration, internal security, foreign affairs, and the Attorney General (AG).

During vetting, the applications made by private employment are looked at and making the independent recommendations approval or non-approval is also deliberated. In other words, it is not enough for you just to provide the documents so that you qualify.

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We take you one step further. You may qualify on paper but in terms of national intelligence, are you a crook? Have you been barred somewhere else? Are you working with other people? We go further to ensure that the vetting weeds out the bad people. I have learned that out of the people vetted, about 30 to 40 per cent never qualify, even though they had the documents. It is a real operation to ensure that we get the best.

The Government here does its job. After approval, you pay a full registration fee. Then you have to be a member of a recognized association of Private Employment Agencies because we need somebody to keep on monitoring you so that when you go rogue, they can tell us.

The people engaging in foreign recruitment will then execute a Kshs1.5 million security bond to the bank. To add to this, I will be holding a follow-up meeting tomorrow with the recruitment agencies that recruit for people in Kenya and mostly overseas. We had a meeting about two-and-a-half to three weeks ago where we deliberated about how we can work together.

How do we cut the bureaucracy? How do we identify the crooks? Where is the problem? How do we reform NEA? How do we reform the National Training Institute (NTI)? How do we reform the Ministry of Labour and Social Protection to ensure that it is current in terms of the needs of the market?

We have therefore been holding meetings and even after this session, I will hold a meeting with my staff to deliberate on new regulations and new policies that we will announce tomorrow after we have had this public participation with the team to streamline this industry *ndio tuwatoe wakora* and ensure its efficiency.

The list of recruitment agencies cleared to operate by NEA can also be found in our [neamis.go.ke](http://neamis.go.ke). It is current. Some fall out every day, some are added every day. I can give you a list today and tomorrow, you will be asking how come this company is no longer in the list. It is alive. As we sit here, others are being on-boarded and others being removed. It even shows you the ones whose licenses have expired and are in the process of renewing.

Mr. Deputy Speaker, Sir, one of the things that I will announce tomorrow is about the duration time of renewals. The country has been crying that renewal every year does not work well. This is because by the time you organise people and take them abroad, your time is gone. We will look at how we can extend the time and make it easier for people to register and work within the system.

Question (c) was about the list of Kenyans who have successfully applied for jobs in the diaspora, including the countries they are deployed. We have attached a list and it is presented here. We hope that the list will grow now that we are trying to make this as efficient as possible as the Ministry of Labour and Social Protection.

The next question was on the status of the investigation into the operation of Ms Worth Start Africa Limited. This is a case being handled by the Directorate of Criminal Investigations (DCI). I will be holding a meeting with the senior leadership of the DCI. They told me that they are working with close to a thousand cases of Kenyans who have been defrauded and action will be taken.

Concerning the supplementary question that was asked by Sen. Cherarkey on whether the Ministry will compensate the victims, I would like to say that the Ministry

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does not engage in defrauding. However, if the person who defrauds is found guilty, he will be arrested and charged. If they are found guilty, part of the requirement will be for their assets to be taken and compensation done. They need to repay the money they stole from innocent Kenyans.

Thank you, Mr. Deputy Speaker, Sir. I submit.

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

**Sen. Cherarkey:** Mr. Deputy Speaker, Sir, it should go on record that the Cabinet Secretary is misleading the House. The list he is talking about that he has provided it through the secretariat, it is not there. Why is he playing with the minds of Kenyans?

We are serious people. We do not wake up to come and joke around. If the Cabinet Secretary cannot take his work seriously, he should be sanctioned because Kenyans are being conned daily by fake recruitment agencies.

I find it disrespectful to this House that a whole Cabinet Secretary, who is not new, can come before the Senate and mislead it, including people who have served in Cabinet like Sen. Onyonka who was an Assistant Minister. Is it fair? He must apologise to this House for misrepresenting facts.

Secondly---

**The Deputy Speaker** (Sen. Kathuri): Sen. Cherarkey, please have your seat.

*(Sen. Cherarkey resumed his seat)*

Hon. Senators, the secretariat is following up to check whether that list was attached or not. So, Sen. Cherarkey, before you make those allegations, let us first confirm. The Senate is a House of records. You should confirm first before you comment.

I would like him to confirm whether that list was attached. Your officers should also countercheck whether they did it. Meanwhile, you can ask your supplementary questions.

**Sen. Cherarkey:** Mr. Deputy Speaker, Sir, unless you strike it off from the HANSARD because, in his response, he said that he attached it. I hope the secretariat will strike out that part of the HANSARD, so that we do not mislead Kenyans.

I have one question so that I also allow other colleagues before I come again later. This is my first supplementary question. No wonder Kenyans are conned daily. If the Cabinet Secretary cannot provide a list of cleared recruitment agencies in the country, for example, by telling Kenyans to go to a website, how will somebody somewhere in Tala in Machakos know?

He should have tabled a list of all recruitment agencies, including those that have been blacklisted. Is it a hard thing to do? How will a grandmother somewhere in Wote in Makueni County where Mr. Kavuluka comes from know? Even my grandmother somewhere in Nandi or a person in Bomet should know how they can check on the website.

Mr. Deputy Speaker, Sir, no wonder many people, including those from Meru where you come from, are being conned. Could he table a list of agencies that have been

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cleared to do recruitment, those that have been blacklisted and those that are pending clearance? Only that way is when I will be satisfied with the response. Otherwise, if he does not table, we will be playing with the lives of Kenyans.

**The Deputy Speaker** (Sen. Kathuri): Sen. Cherarkey, you know the world went digital a long time ago. It is in that spirit that the Cabinet Secretary requested you to just click on the website and get the list. The world has gone digital in many things. Do you have a smartphone with you to check whether this website is working?

*(Sen. Cherarkey spoke off record)*

No, I have just asked you a question.

**Sen. Cherarkey:** Mr. Deputy Speaker, Sir, I thought I should go on record. This is not about Cherarkey, but about the ordinary Kenyans in Kibra who do not have smartphones. How many Kenyans have smartphones, including the people of Meru? It might be 1 per cent.

**The Deputy Speaker** (Sen. Kathuri): Sen. Cherarkey, this is your Question. I am just asking whether you attempted to click on the website. Did you try?

**Sen. Cherarkey:** Mr. Deputy Speaker, Sir, I am asking on behalf of Kenyans.

*(Sen. Onyonka spoke off record)*

**The Deputy Speaker** (Sen. Kathuri): Order, Sen. Onyonka.

**Sen. Cherarkey:** Mr. Deputy Speaker, Sir, it is the Cabinet Secretary to provide information. Even in Nandi, the number of people who can access smartphones across the county is less than 1 per cent. So, it is not fair to allow him to get away with that.

**The Deputy Speaker** (Sen. Kathuri): The Cabinet Secretary will answer your question. I was just asking you as a supplementary.

**Sen. Cherarkey:** Mr. Deputy Speaker, Sir, I can prove, but I did not get that information. When you go to the NEA website, no recruitment agency has been blacklisted or pending approval, or any that is functional, including First Choice Recruitment Agency.

We are asking these questions on behalf of Kenyans. I am not asking on behalf of Cherarkey, my family or my other interests.

**The Deputy Speaker** (Sen. Kathuri): Have your seat, Sen. Cherarkey. Do you not know that Kenyans would also like to know whether you can use the internet?

*Waziri*, please respond to the question.

**The Cabinet Secretary for Labour and Social Protection** (Hon. (Dr.) Alfred Mutua): Mr. Deputy Speaker, Sir, as far as I know, I signed the list which was attached and delivered to Parliament. We will follow up with my staff to see whether people did the right thing. I cannot say it is attached if it is not, but it was delivered. We will check. If there is any misnomer, my apologies, it will be given. However, I believe the list was provided because I looked at it, signed it myself and had it attached.

Secondly, I would like to talk about two issues. First, Kenyans apply for jobs, which are supposed to be full-time. If you apply for a job to go and work in India, Turkey, Saudi Arabia, or other countries, you do research about the job from wherever

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you are. You may not have a smartphone. The Gen Z who apply for jobs know how to access. They can talk to somebody with a smartphone and check.

What I want to tell Kenyans is this. Be very careful about recruitment agencies that come to your village and tell you they are recruiting and want to send you overseas and that you need to pay them some money to process your documents. That is why we have this list that is alive.

The list I gave you may have changed because applications are made everyday. In the words of the USA presidential candidate, Kamala Harris, we are not going back. We have to move forward with technology. We cannot continue going back on paper. We need to move with technology.

I do understand the challenges that we are facing. That is why the Government is rolling out the digital network that will encompass every village in our country where there are schools, so that we ensure that people are connected and you can log in for free and check.

I urge Kenyans to talk to their leaders such as Senators. I like the spirit that Sen. Cherarkey has in protecting his people. Talk to your Senator or Member of County Assembly (MCA) and tell them about a person who wants to recruit you and ask if they are genuine. We should double-check so that you are not conned.

I will work with the agencies because they are paid a commission, which should be about 90 per cent of the time. If possible, they should not charge a Kenyan any processing fee. They should absorb that as part of their cost, so that Kenyans are not defrauded by being told to pay a certain amount of money before they are taken overseas. *Unauza shamba ama gari* and put all your savings there, only to realise that the person was fake.

We want to get into a system whereby they can get access to financing, get their people all sorted and then they will be paid their fee. Therefore, it is a service they are providing. They do not need to charge Kenyan. We are working through that system to ensure that people get their rights.

I urge leaders in this country to also support us in ensuring we identify rogue ones and the best way is to go into the internet and look at that live link which keeps on changing every hour. This is to ensure that the person who maybe said they are there by a day or two, have been removed. Keep on checking before you engage and sign documents.

I submit.

**The Deputy Speaker** (Sen. Kathuri): Proceed, Sen. Mumma.

**Sen. Mumma:** Thank you, Mr. Speaker, Sir. My question to the Cabinet Secretary is to confirm whether the Government has appropriate bilateral agreements that have safeguarded the rights of all workers being recruited to go and work abroad.

In particular, noting that a number of very vulnerable workers have ended up abroad and come back in coffins. Consequently, most of those are not the kind of persons you seem to have in mind who go to a website or who has a smartphone that would do the research that you are thinking of.

Can we have copies of these bilateral agreements submitted to ensure that it has clauses that protects against malpractices, including retainment of passports and salaries

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of workers who go abroad for months on end in the name of paying for their air tickets and agency fees? I would want to see how the Government has protected them.

Finally, I want to know whether the Ministry has set aside a budget to sensitise those who cannot access websites and the lot that I am speaking about, by discussing these issues on radios, listing the genuine and the not genuine agents. This is the only way an ordinary desperate girl in the far-flung village in Ndori who wants to go and work in Saudi Arabia is able to know that they are being conned.

**The Deputy Speaker** (Sen. Kathuri): Thank you. Proceed, Hon. Cabinet Secretary.

**The Cabinet Secretary for Labour and Social Protection** (Hon. (Dr.) Mutua): Thank you, Madam Senator for that brilliant question. It is a very good question.

One of the things that we are doing and the reforms that I am bringing that I will be announcing tomorrow is a new way of training. We will ensure that anybody going, especially to some of these countries where these issues are under go a training.

During the training they will be empowered with the information about what their rights are. Your passport is yours and you should never give it to anybody else. If you give your passport maybe to the agent as they are processing, but they must give it back to you before you leave the country. Nobody should hold your passport or documents.

We will empower them on how to get in touch with Kenyan Government officials on how to protect for their rights, so that they are empowered. I will ensure that the system is streamlined that before anybody leaves our country to go get a job, he knows he can count on this country.

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

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

Madam Temporary Speaker, on the question about the budget sensitisation, I would like to say I am even going to take it a step further. We cannot be operating from Nairobi. Kenya is not Nairobi.

I am working on a programme to go and visit all the constituencies and counties. We will have meetings with agents, jobs, programmes of enlightening Kenyans and working with county governments.

Additionally, we will be working with the Members of Parliament (MPs) so that we empower Kenyans and give them the information. We will be able to communicate to media and vernacular stations and tell the stories that we are telling so that people are aware. I will even go a step further with the guidance given, whereby we are going to run adverts and communication programmes to empower Kenyans. Not only about the challenges they face, but also of the various opportunities.

Madam Temporary Speaker, I am currently looking at it this way. When I was on my way back from Germany, I met a number of Kenyans at an airport in the Middle East and they were working. Some were security guards and others were working in hospitality.

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When I was there, I met a Kenyan who was coming back and he said he works in that country as an engineer. Thus, the jobs we are talking about are not just the household jobs that people talk about. We are talking about a data bank of hundreds of thousands of jobs that we want to accumulate for journalists, doctors and nurses. We have a demand for nurses, but we realised that nurses do not even know that they are needed and we are working on all this.

There is a question I want to reply to and that is the issue of depositing all our agreements. I will ensure that this House has all those labour agreements, that you can also scrutinise them.

We are going a step further in our agreements. We are trying to ensure that our qualifications match those qualifications of those countries so that they do not have to go and retrain again. We want our job qualifications be accepted automatically.

We are also making sure that they are protected by immigration and interior governments over there from harassment and also from being deported without being heard. We are looking at all those rights as we have learnt our lesson over the last few years.

I am quite lucky and I thank the President for putting me in this docket because the experience I garnered as a Minister of Foreign and Diaspora Affairs is really coming in handy as these are not new things to me. Currently, I am in the right Ministry to correct all the problems that have been going on.

I submit.

**The Temporary Speaker** (Sen. Mumma): Proceed, Sen. Gataya Mo Fire.

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*(Sen. Gataya Mo Fire's microphone went off)*

**Sen. Gataya Mo Fire:** The microphone is defective. Sorry, it is working.

Madam Temporary Speaker, I want to revisit the very first question that the Cabinet Secretary was interrogating. The physically challenged people in some cultures face some cultural stigma such that they do not come out to register for benefits maybe in the Government. What initiative is the Ministry trying to undertake to make sure that these people are whipped into registering so that they can benefit from your Ministry?

Number two, we have seen very old people travel to far-flung places in search of these benefits. What is the Ministry doing to make sure that you devolve these services very close to the people who are supposed to benefit from those services?

I thank you.

**The Temporary Speaker** (Sen. Mumma): Hon. Cabinet Secretary, you can respond.

**The Cabinet Secretary for Labour and Social Protection** (Hon. (Dr.) Mutua): Thank you very much, Madam Temporary Speaker. I think the Hon. Senator has just walked in because we had already tackled this issue. Nonetheless, I will repeat myself.

We talked about the physically challenged and how we are bringing them all aboard. We have got teams on the ground and I requested you that if a MP knows somebody who is not in the system, not only the disabled, but also other vulnerable

children and the aged, to let me know. We will handle all the cases. We had a big discussion which lasted quite a while on that issue.

On the other one question about people of far-flung places, I already made an announcement right here and announced a new policy that from December 1<sup>st</sup>, we are going digital. They will get their money on their phone. We discussed that earlier before you came.

**The Temporary Speaker** (Sen. Mumma): Proceed, Sen. Onyonka. As Sen. Onyonka is speaking, I would request Sen. Wafula to come in so that we move on to the next Question.

*(Loud consultations)*

**Sen. Onyonka:** Thank you, Madam Temporary Speaker. Madam Temporary Speaker, I would like you to protect me because of my colleagues who seem to be consulting loudly.

**The Temporary Speaker** (Sen. Mumma): Order hon. Members. Can we hear Sen. Onyonka in silence, please?

**Sen. Onyonka:** Thank you. Hon. Cabinet Secretary, I am happy to see you here today because I know you as a friend of mine and somebody I have worked with before.

I will ask a very simple question. If you remember when I walked in, you had started talking about provision of information and brought in the data protection law. You said that it is not possible for you to avail information so that we can know who has received social protection money.

The reason I am bringing that is because the people of Kisii County that I represent, have been asking me to give them the names of the people from the wards all the way to the sub-counties.

How many people does the Kenyan Government provide finances or pay monthly stipend from all our wards and sub-counties? I believe that the law does not stop you. Essentially, the argument you are making is that you cannot disclose that information. I believe that is a clever way to try and justify why you cannot give us the names of the people who got jobs ever since the Government started signing the bilateral agreements.

We want that list because Kenyans have a bad habit when given such opportunity. We only share them with our tribes, friends and families. The list will show the equity, fairness and the distribution of those jobs you are giving out. I wanted to ask whether you can promise this House that you will provide that list, it will be genuine and honest.

Madam Temporary Speaker, I got confused because when I came in. There was a wonderful Question that Sen. Kavindu Muthama had raised. It was about Kenyans because it is a matter she has held personally. Do you not think that we are busy complaining as we sit in this House how the American Government has never compensated Kenyans who were injured from the bomb blast which took place?

The reality is, it is our responsibility as leadership in this country to make sure that this House can pronounce itself. When the Americans are busy in court trying to

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figure out this issue, as Kenyans, we need compensate our people who died and the people who were blown up during that bomb blast which took place in Nairobi.

I suggest you engage with the Prime Cabinet Secretary, hon. Musalia Mudavadi. We have been extremely irresponsible and casual the way we handle this matter.

Lastly, I want to ask the Cabinet Secretary---

**The Temporary Speaker** (Sen. Mumma): Hon. Senators, you are supposed to ask just one question.

**Sen. Onyonka:** Thank you, Madam Temporary Speaker. I will sit down.

**The Temporary Speaker** (Sen. Mumma): Hon. Cabinet Secretary, proceed.

**The Cabinet Secretary for Labour and Social Protection** (Hon. (Dr.) Alfred Mutua): Thank you very much, Sen. Onyonka for your question.

In terms of provision of information, we have with in our offices the payroll because it is important. I totally agree with you that we do not want ghost people being paid. We do not want people to say, “*huyu mtu analipwa, hatumfahamu ametoka wapi.*” I have no problem of any Member of Parliament, asking me to give him specific information.

I can give you that information so that we can double check and ensure that those people that have been listed are within your area. That can also help me identify some who have passed away and the others that have moved to other counties and are still being paid under the name of your county.

On the other question that you asked, we do not have a problem giving the names of Kenyans who have gone overseas on these jobs. We have the list. Usually, what happens is that we dispatch them here. Our job is to get them the job. They go overseas and we let the diaspora know because once they get into the plane and cross the Ethiopian border going north or Tanzania border going south, they become a diaspora issue, even as we follow up.

Madam Temporary Speaker, we are now keeping tabs to ensure we know where each Kenyan is and where they work. Any Kenyan who is in distress is important to us. I can also ask my senior and brother, hon. Musalia Mudavadi, to provide that information.

On the issue of our responsibility to also compensate, Parliament can engage on that and bring it up so that it can also be budgeted for and monies put aside for that form of compensation by the Kenyan Government with proper research. In the meantime, we will push for them to get their rights from the USA and other areas where they should be paid.

I submit.

**The Temporary Speaker** (Sen. Mumma): Sen. Cherarkey, ask your second supplemental question, please.

**Sen. Cherarkey:** Thank you, Madam Temporary Speaker. This is my final question to the Cabinet Secretary. There are ladies who have given birth in Saudi Arabia, popularly known as Kadamas and have stranded with children. They cannot come back to the country because there is perception that it is child trafficking, yet DNA has been done to confirm that it belongs to them. What is the Ministry doing through the State Department of Diaspora Affairs to ensure that they are able to come back home without having those restrictions from that country?

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I thank you.

**The Temporary Speaker** (Sen. Mumma): Cabinet Secretary, proceed.

**The Cabinet Secretary for Labour and Social Protection** (Hon. Alfred Mutua): Thank you very much. When I was in Saudi Arabia, I met families, including many single mothers with children born in Saudi Arabia. I engaged the Saudi Arabian Government.

They said that because of the issue of child trafficking, they cannot just allow a mother to just take a child and come home with it. This is because they realized that when a girl is coming home, another girl tells them: “*Chukua huyu mtoto upelekee mama yangu*”, but the child never reaches or it becomes a child trafficking programme.

We agreed that the mother undergoes a Deoxyribonucleic Acid (DNA) test with the child and they have instituted a DNA system. So, there is a verification that the child is yours and there is a permit is given for you to travel with that child and leave the country. They are basically protecting so that a mother does not wake up and say her child is missing. You will look for that child, *unakuta aliingia ndege na Mkenya ama Mganda*, or another person from another country like Nigeria, Tanzania or anywhere, *na ameenda na walisema ni mtoto wao*.

So, it is also protecting our children who are born in those countries so that the mother knows that my child, *ata akipatikana barabarani, hatatoroshwa apelekwe nchi nyingine akauzwe* because a DNA test will need to be done. So, we worked on that. We now have safe houses that are continuing being set up so that when a mother or child is in distress, they can go to there. There is an organized system to protect them.

Madam Temporary Speaker, with your permission, I believe that the documents that Sen. Cherarkey was asking about are already on your table. He had said that we had not tabled. They have been found within the system over here. I submit.

Thank you.

*(Sen. Cherarkey spoke off record)*

**The Cabinet Secretary for Labour and Social Protection** (Hon. (Dr.) Alfred Mutua): Madam Temporary Speaker, if I can answer that question that I overheard, is that---

**The Temporary Speaker** (Sen. Mumma): He wants to know how many children have come back

**The Cabinet Secretary for Labour and Social Protection** (Hon. (Dr.) Alfred Mutua): As I said, that is the forte of the State Department for Diaspora Affairs, which is under hon. Musalia Mudavadi. They are being processed overseas. The Ministry of Foreign and Diaspora Affairs is the one with the records. They would be in a better place to answer that question.

Thank you.

**Sen. Onyonka**: On a point of order, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Mumma): Sen. Onyonka, no, you cannot--- It is a point of order on what?

**Sen. Onyonka**: On the list provided.

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**The Temporary Speaker** (Sen. Mumma): Sen. Onyonka, I do not know how you would have a point of order on a list that we have not even discussed. Please, let us move on.

**Sen. Onyonka:** Madam Temporary Speaker, the list has been given. That is what I am saying. However, it does not have individual names; it has only numbers. There is no information on this document.

**The Temporary Speaker** (Sen. Mumma): Sen. Cherarkey, do you want to speak to the list quickly?

**Sen. Cherarkey:** Madam Temporary Speaker, when you table documents, you know very well that the Senate has the jurisdiction of the High Court. You are a senior counsel in this Republic.

The Cabinet Secretary said in his answer that he had attached a list but he has given us numbers. We do not know who these are. Can we get a detailed list of what my Question required? I will be grateful.

**The Temporary Speaker** (Sen. Mumma): Hon. Cabinet Secretary, we expect that you will submit the list as was expected in the Question. So, kindly ensure that that happens and please confirm that you will do that.

We are requesting that the list be provided in the proper format. A list is not just numbers. We, therefore, request that this should be submitted within the next two days.

Can we now move on to the next question by Senator Wakoli? Before he speaks, Sen. (Dr.) Khalwale?

**Sen. (Dr.) Khalwale:** Thank you, Madam Temporary Speaker. As you will notice on your list there, there are a lot of interventions from people who want to ask further supplementary questions.

Secondly, you have seen so far that the answers provided are not adequate. I plead that you consider stepping the question down so that the Minister can be given another opportunity to respond to these things. We have very serious matters on these bilateral agreements.

*(Applause)*

Madam Temporary Speaker, Kenyans remember that the African tribal chiefs were the ones who allowed slave trade to thrive. The reason was the people who were coming for our people wanted labour that was free. This time, they are also looking for cheap labour. We want to interrogate these things.

*(Applause)*

**The Temporary Speaker** (Sen. Mumma): Sen. (Dr.) Khalwale, you are prosecuting your point as you speak about procedure. There is nothing wrong with the procedure that we have. As Speakers, we manage time. We have another question and we have another Cabinet Secretary in the waiting room with eight questions.

I beg that we consider that we need to do this. We cannot step down the Question and assume that we just continue because of this Question. However, the next Question is actually to the same Cabinet Secretary.

Therefore, for those who will get a chance you will get an opportunity in your supplementary to prosecute the cases you wanted to prosecute.

Senator Wakoli, please.

*Question No.026*

PAYMENT OF TERMINAL BENEFITS TO FORMER  
EMPLOYEES OF PAN AFRICAN PAPER MILLS

**Sen. David Wakoli:** Madam Temporary Speaker, I beg to ask the Cabinet Secretary for Labour and Social Protection the following Question:-

(a) Could the Cabinet Secretary provide a status update on the payment of terminal dues to all former employees of the Pan African Paper Mills Company Limited in Webuye, who were in employment at the time the company was placed under receivership in March, 2009?

(b) Could the Cabinet Secretary explain the reasons for the delay in payment as well as the projected timelines for the same?

(c) What is the Government doing to expedite payment of terminal benefits to the former staff?

Thank you.

**The Temporary Speaker** (Sen. Mumma): Hon. Cabinet Secretary.

**The Cabinet Secretary for Labour and Social Protection** (Hon. Mutua): Thank you, Madam Temporary Speaker. I also thank you, Sen. David Wakoli, for your questions. My response is as follows.

Determination of employment contracts of employees on account of redundancy of the Pan Africa Paper Mills Company happened on 6<sup>th</sup> April, 2009, during the time the company was under receivership. In 2016, the ownership of the company changed when it was acquired by the Rai Group.

Upon reopening of the company, many of the employees who served under the previous management were hired by the new management to work in various capacities, which included the locals and where, for both outsource and core-establishment, got to a total of 479 employees. All the workers were terminated on account of redundancy by the receiver with effect from 6<sup>th</sup> of April 2009.

They received payment as provided under Section 311 of the Companies Act 2009, Cap 486 and which constituted full payment of the preferential element of the claims against the company for any arrears of pay holiday, pay or notice pay. For more information, there is an annexure that we have attached, dated 6<sup>th</sup> April, 2009, paragraph two and three.

The State Department of Industry in 2021, using documents from the receiver manager, the PricewaterCooper's Company, recommended payment of Kshs229 plus million as terminal benefits to former employees of the Pan-African Paper Mills

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Company Limited. That is also annexure 2. We have attached a letter from the Ministry in charge of Trade. That is for the first question.

On the second question on why there was delay on payments. The reason is as follows. The State Department for Industry, which was directed to pay, made a request for funds to the National Treasury in May, 2021 and October, 2023. In November, 2023, just a year ago, the National Treasury requested the State Department for Industry to prioritize these funds in this new financial year and the next financial year in the sector working groups.

Madam Temporary Speaker, due to the budget ceilings at the sector working group for financial year 2024/2025, the amount to be paid to the former employees could not be covered. That is also covered in annex 3 of the documents provided to us to give to you. That is why there has been a delay. So, we are expecting that they will be covered in the future and the Ministry of Trade can clarify further.

The third question was what the Government was doing to expedite payment of terminal benefits to the former staff? The response is that the Ministry of Investment, Trade and Industry, through the State Department of Industry, communicated to the National Treasury in December, 2023 appealing for additional funds to enable them to pay dues to former staff.

I would like to tell to Sen. Wakoli that this is a good and a timely question. As a result of this Question, this issue is now alive. We have talked to the Department of Trade. This file has moved up and I believe they are now working on it with the Treasury as well. It has now come up and it is not forgotten.

I submit.

**The Temporary Speaker** (Sen. Mumma): Sen. Wakoli, you have two more supplementary questions. Do you want to ask them now? Do you want to give an opportunity to other members first or do you want to ask one now and one later?

**Sen. Wafula:** Madam Temporary Speaker, I can give Members an opportunity to ask.

**The Temporary Speaker** (Sen. Mumma): Is Senator (Dr.) Murango there? Senator Mbugua.

**Sen. Mbugua:** Thank you, Madam Temporary Speaker. My question is related to Question No.51, which the Cabinet Secretary was addressing earlier. The CS informed us that one of the roles of the Ministry, through the National Employment Authority, is to facilitate employment and placement of job seekers internationally.

In the spirit of promoting equity and fairness, can he clearly tell this House and the country whether these jobs the Government is pursuing through the President, are being applied either through the Government or through agencies and the procedures to be applied? This is because the word out there is that some jobs are being gotten directly from the Government and others through agencies.

**The Temporary Speaker** (Sen. Mumma): Hon. Members, actually the Cabinet Secretary is supposed to be answering supplementary questions in respect of this other Question.

I can see Members had many questions on the earlier one, so I will allow a quick response to that.

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**The Cabinet Secretary for Labour and Social Protection** (Hon. (Dr.) Mutua): Thank you, Madam Temporary Speaker. It is good for the country to know that the system works this way.

There are jobs in many countries, but our people cannot work in those countries because we do not have a bilateral labour agreement that Kenyans can work in those countries unless a company employs them and they go through a process.

We signed the bilateral labour agreements to indicate to the other countries that Kenyans would be allowed to work in the jobs for which they want people to get visas.

So, if there are 100,000 jobs, Kenyans can compete within those 100,000 slots and others will go to other countries. However, the door has been opened for Kenyans because it is closed in many places where we cannot go. After all, there is no agreement between the countries.

The jobs are sourced in two ways; the main way is that governments in those countries are not the ones employing; it is companies. Companies work with agencies. So, a company will decide, "I want to get so many skilled nurses to come and work for my hospital." They normally look for an employment agency there that now comes to source them in Kenya. They can write to an agency in Kenya and ask whether they can get the workers via demand letters. They are called demand letters.

The demand letters will indicate that 500 nursing opportunities have been given to this company. Then the company writes to the National Employment Authority (NEA) about the order it has received.

Madam Temporary Speaker, normally, you let the employment agencies do their work. They are the ones who know how to do the interviewing processes, the identification, the follow up with the police for documents. That is their work and not the Government's to handhold people.

Number two, there are government-to-government jobs. Where the Government says, as a Government, they want to employ for a government institute. The Ministry of Labour and Social Protection now runs advertisements. It welcomes the Government agency in that country to come here and we provide for them, the Kenyans, to be interviewed by them. So, that becomes a government-to-government job placement. However, those are few and in between. The majority prefer to go through agencies because that is the style that is used all over the world.

Thank you.

**The Temporary Speaker** (Sen. Mumma): Sen. Wambua, proceed.

**Sen. Wambua:** Madam Temporary Speaker, before I ask my supplementary question, I will seek your guidance on how to proceed.

**The Temporary Speaker** (Sen. Mumma): Is your supplementary question on the earlier Question?

**Sen. Wambua:** Yes, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Mumma): Hon. Senators, I will allow one question since it is the same Cabinet Secretary. Most of the Members' questions seem to be around it. One brief question.

**Sen. Wambua:** Thank you, Madam Temporary Speaker. I will try to make it short.

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Thank you, Cabinet Secretary, for coming and for your responses to the questions from the Members.

I want to make reference to the response that the Cabinet Secretary gave us when we asked about the real numbers and the real people who have benefited from these jobs. The caliber of people getting these jobs, especially in the Middle East, and I know, Madam Temporary Speaker, you must have been at the airport at some point, you see the traffic of young people going to the Middle East for these jobs.

The other kind of people that you would refer to the internet to find out what is required and expected of them. I am just wondering whether there is no Government policy document regulating the placement of our young people in jobs outside the country. Whether they go there privately or through Government arrangements.

Is there a policy document in the same manner that a private school in Kenya will be regulated by the same policy that regulates public schools in Kenya? Is there a policy document that regulates the work environment for people outside this country?

I thank you.

**The Temporary Speaker** (Sen. Mumma): Cabinet Secretary, proceed.

**The Cabinet Secretary for Labour and Social Protection** (Hon. (Dr.) Alfred Mutua): Madam Temporary Speaker, job migration has been occurring in our countries since the JF Kennedy airlifts.

Kenyans are free to wake up today, go to the internet, find a job as an engineer at the National Aeronautics and Space Administration (NASA), and apply while they're in Kenya. They are interviewed, get the job, and leave the country to work abroad.

Normally, we ask Kenyans to tell us when they go overseas; they go as the diaspora. Some go to work, others go as students, finish studying and work. We cannot start telling Kenyans that they have to tell us exactly where they are going every time they go to the airport and demand an invasion of their rights.

I agree with a good Senator from Kitui County that it is important to have a good policy. This policy has to be anchored in law. Currently, we have a labour migration Bill that is alive. It is in the last stages and within the Bill, there are regulations and directions on how we need to handle people going overseas to work. The sourcing of the jobs, creating a data bank so that we know as they go overseas, and everything is done.

I have gone a step further with the National Employment Agency. We now require that any Kenyan hired through our agencies, which are the majority, get a letter from my Ministry that clears them. The letter says that the Ministry and the agency have reviewed the documents. We are tying in this letter with the immigration system. Once we give you that letter, we ensure your details are captured in the immigration system.

So, as you leave the country, when you present your passport and they scan it, the system immediately shows that this person is going away for employment. Some get the demand and the letters and do not leave the country. They change their minds. They get better jobs in the country, or they decide otherwise so that we will know exactly who is leaving the country, their full names and where they are going because the ticket details will be there. So that we can capture it and do not have to follow up.

The information is given to the diaspora, so even as they arrive in a particular country, the embassies know we have the following persons coming to work because we

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are interlinking the systems. We will announce this process tomorrow as part of the reforms we are undertaking.

**The Temporary Speaker** (Sen. Mumma): Hon. Senators, sorry to disappoint you. However, we must move back to the questioner to ask the supplementary questions because the next Cabinet Secretary has to come in.

Sen. Wafula, please, proceed.

**Sen. Wafula:** Madam Temporary Speaker, people are misbehaving in the House. We are not in an auction ring.

I want to ask my good sister to say something. I have delegated one of my supplementary questions and Madam Temporary Speaker has no option.

Senator.

**The Temporary Speaker** (Sen. Mumma): Sen. Wafula, you ask questions or sit down if you are done. I have disallowed the delegation.

**Sen. Wafula:** Madam Temporary Speaker, my question to the Cabinet Secretary is that since this matter has taken a long time, I recommend that we organize through your office and the State Department for Industry to have a clear roadmap on how we can handle this matter and set these people free. Thank you.

**The Temporary Speaker** (Sen. Mumma): Cabinet Secretary, proceed.

**The Cabinet Secretary for Labour and Social Protection** (Hon. (Dr.) Alfred Mutua): Thank you, Madam Temporary Speaker. I agree with Sen. Wafula. It is important and I want to give my undertaking that as soon as I get back to the office, I will write a letter to the Cabinet Secretary in charge of Trade and Investment and make a copy available to you for follow-up, urging that we put together a team to fast-track and monitor these issues. Otherwise, they can follow up on the site.

Thank you.

**The Temporary Speaker** (Sen. Mumma): Thank you so much, Cabinet Secretary for Labour and Social Services for staying with us long in this session. The Cabinet Secretary can now be escorted out and invite the Cabinet Secretary for Roads and Transport to come in.

*[The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir)] was ushered in]*

Hon. Senators, the Hon. Cabinet Secretary for Roads and Transport has come in. Therefore, we will move on to the next Question. The first Question is by Sen. Mo Fire.

#### *Question No.62*

#### COMPENSATION OF LANDOWNERS AFFECTED BY ROAD CONSTRUCTION IN THARAKA NITHI COUNTY

**Sen. Gataya Mo Fire:** Thank you, Madam Temporary Speaker. I rise to seek a response to the following:

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(a) Could the Cabinet Secretary provide a status update on the payment of compensation to the owners of the parcels of land acquired for the construction of St. Mary-Kinooro-Gianchuku-Mbogori Road in Tharaka Nithi County?

(b) Why has there been a delay in compensating some of the landowners? Could he state when the affected landowners will be paid?

(c) What measures has the Ministry put in place to guarantee timely compensation of individuals affected by the Road Construction Project in the future?

**The Temporary Speaker** (Sen. Mumma): Cabinet Secretary?

**The Cabinet Secretary for Roads and Transport** (Hon. Davis Chirchir): I would like to request, even as I respond to this specific Question by Sen. Mwenda, to give a background on an overarching challenge, which will kind of touch on all the seven questions, and then I will specifically respond to the Question by Sen. Mo Fire.

I know that all the seven questions for which we have prepared responses today relate to roads and touch on finances for roads. With your permission, I would like to share important---

**The Temporary Speaker** (Sen. Mumma): Just hold on. Technical team, what is happening with the microphone? Is it okay?

**The Cabinet Secretary for Roads and Transport** (Hon. Chirchir): Thank you. Madam Temporary Speaker, I would like to share important cross-cutting information affecting the road subsector. The information will likely be used during follow-up discussion and supplementary questions which may---

*(Technical Hitch)*

**Sen. Korir:** On a point of order, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Mumma): Technical team, what is happening? Why do we have an echo?

**The Cabinet Secretary for Roads and Transport** (Hon. Chirchir): Let us try again. Are we okay now?

**The Temporary Speaker** (Sen. Mumma): Technical team, are you doing something about this? Are we okay now? Proceed Cabinet Secretary.

**The Cabinet Secretary for Roads and Transport** (Hon. Chirchir): Sorry about that, Madam Temporary Speaker. I would request to share some important---

**The Temporary Speaker** (Sen. Mumma): The echo is still there. Serjeant-at-Arms can we do---

*(Technical Hitch)*

**The Temporary Speaker** (Sen. Mumma): Cabinet Secretary, can you just retreat for three minutes so that we can just get them to organize this?

**The Cabinet Secretary for Roads and Transport** (Hon. Chirchir): Thank you, Madam Temporary Speaker and hon. Members. I was giving background information. The information that I was requesting to share--- It seems we are not getting over it.

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*(Technical Hitch)*

**The Temporary Speaker** (Sen. Mumma): Cabinet Secretary, kindly take your seat as we try and sort it out.

*(Loud consultations)*

**The Temporary Speaker** (Sen. Mumma): Cabinet Secretary you can resume.

**The Cabinet Secretary for Roads and Transport** (Hon. Chirchir): Thank you, Madam Temporary Speaker and sorry about that. I would request to share some important cross-cutting information affecting the roads subsector.

The information will likely be useful during follow-up discussions, which may arise after the substantive answers given to each road-related Question. The information I will share is broadly categorized into two parts; namely, road maintenance and road development.

Allow me to start with road maintenance. The total value of public roads assets countrywide has been established by the road's subsector investment programme 2023/202---

**The Temporary Speaker** (Sen. Mumma): Hon. Cabinet Secretary, procedurally, are you responding to all the Questions or do you want to respond to the Senators' Question first?

The Standing Orders require that you respond to the Questions that have been asked. I appreciate what you are speaking about in general terms, but you have to make reference to say if you are responding to issues regarding this or that Question.

It would be good to have those Senators here so that we make reference to that. However, the Standing Orders require that you respond to each question as asked by the Senator.

Sen. Kinyua, proceed.

**Sen. Kinyua**: Thank you, Madam Temporary Speaker. I thought I heard the Cabinet Secretary say that he was laying a foundation so that he could answer the Question. I was following. Can we get it generally because all Questions are related? That is what I heard him say.

**The Temporary Speaker** (Sen. Mumma): Sen. Kinyua, you will let the Speaker guide in this session. Procedurally, the Standing Orders require that the Cabinet Secretary respond to each Question as raised by each Senator.

I am asking the Cabinet Secretary because he started generally to indicate whether his general remarks are intended to provide a cross-cutting response to specific Questions. Hopefully, we also have all Senators who are asking the Questions in the House. I would like you to allow the Cabinet Secretary to respond kindly.

**The Cabinet Secretary for Roads and Transport** (Hon. Chirchir): Thank you, Madam Temporary Speaker. I will respond to all the Questions specifically as they were put before the House this morning. However, I was giving background cross-cutting information so that I may not have to repeat every time for all the Questions.

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**The Temporary Speaker** (Sen. Mumma): So, what we are getting is that on broad information, the Cabinet Secretary is responding by first giving the general information that would inform all Questions. I will allow that. You will then move on to the specific Question by Sen. Gataya Mo Fire.

**The Cabinet Secretary for Roads and Transport** (Hon. Chirchir): Thank you, Madam Temporary Speaker. I was basically putting the fundamentals that the total value of the public road asset countrywide has been established by the road sector investment programme 2023-2027 to be at Kshs4 trillion today making it one of the biggest public investments in Kenya.

This massive investment in the road sector asset which has been built up painstakingly over the years has been diligently maintained, protected and preserved to ensure it preserves the citizens well while achieving maximum service life, Return on Investment (ROI) and value for money.

The road maintenance levy fund was established in 1993 to provide sustainable resource for the required road maintenance and has since been adjusted from time to time per needs. The last adjustment was in 2016, eight years ago, when the fuel levy was set at Kshs18 per litre.

However, by 2024, an unsustainably large financing gap had emerged between the cost of essential road maintenance and the resource collected from the Kshs18 levy.

Madam Temporary Speaker, Sir, by way of example, from the 2024/2025 Financial Year, the cost of essential road maintenance activities for national roads is Kshs157 billion. That is what we need annually. However, the anticipated fuel levy collection for the same financial year was only Kshs79 billion, leaving a deficit of Kshs78 billion.

The causes and drivers of this maintenance fund gap are grouped for convenience into three categories, namely, changes in the road network in terms of length, microeconomics factors and maintenance needs of the road network.

Allow me to briefly describe each of the causes in a little more detail. The contributions to the financing gap which are related to the changes in the road network include increasing the total road network length from 161,000 kilometres in 2016 to about 239,000 kilometers in 2024.

Growth in the length of paved road network by 47 per cent between 2016 and 2024, with 25,000 kilometres paved as of 2024. An ageing road network, the existence of a large backlog in road maintenance, including, own-Kenya Rural Roads Authority (KeRRA) paved roads which have lacked earmarked maintenance funding and are, therefore, referred, as you have heard many times, as orphaned roads.

Increased urbanisation and the need for more maintenance in the urban environment: Increased traffic growth and the climate change that we have all witnessed in the various *El Ninos* and droughts.

The contributors to the financing gap which are related to macroeconomics factors include stagnation of the road maintenance levy, like I have mentioned, at Kshs18 for the last eight years, a decline of road maintenance levy due to real-time value or due to inflation and yet, we do not have the inflationary build-up. Rising cost of road works over the time due to inflation.

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The contributor to the financing gap that is related to the maintenance need of the road network includes anticipated adverse trends in the roughness indices for the road network if the available resources for maintenance do not increase. Roughness index is a technical term used internationally within road sector and is a well-known measure of road condition.

Madam Temporary Speaker, because of the above-mentioned funding gap in road maintenance, my Ministry has not been able to perform all the required maintenance. Indeed, in the financial year just ended, the road agencies for the first time ever were forced to suspend award of a number of already tendered maintenance activities due to lack of budget.

Following from the above situation, a proposal for review of the Road Maintenance Levy by Kshs7 from Kshs18 to Kshs25 was formulated several months ago to partially fill the maintenance gap.

On Monday, 8<sup>th</sup> July, 2024, public participation was held countrywide to discuss the proposal for review of the Fuel Levy and from the views received, two themes stood out. Firstly, many Kenyans were worried that an increase in the levy might result in rising the cost of living. Secondly, most Kenyans expected, and indeed, require that the significant gains made in the condition and extent of the road network at great cost to Kenyans should not be allowed to fall into a state of disrepair and dilapidation for want of timely maintenance and resources.

Madam Temporary Speaker, this feedback from public participation was received more so in the context of recent events. The Ministry was able to revert and consult intensively and subsequently came up with a way forward that closely reflected the will and well-being of the people, including, their wish to be served by a properly functioning road network without increasing pump price for fuel and driving up the cost of living.

I would not be exaggerating to say that the recent adjustment in the Fuel Levy rates was a critical, vital and urgent step without which the heavy investment of recent years in building new roads would ultimately prove to be in vain.

As part of the drive to secure adequate road maintenance resources and direct them towards where they are most needed, the Ministry, through the appropriate channels and procedures, will be proposing consideration of a legislative adjustment, so that a certain portion of the Fuel Levy, which is earmarked for rural roads, can be ring-fenced and directly prioritised by KeRRA for maintenance of paved and other connector rural roads.

We believe that the proposed refinement to the management of Road Maintenance Fund for rural roads, should it find favour and approval through the relevant procedures, will be the key to a material improvement in the maintenance of particularly paved rural roads. That was on the maintenance.

Madam Temporary Speaker, on the development, in March this year, this distinguished House was apprised by my predecessor about the situation at the time with regard to the development vote.

It was reported that the pending bills on various projects as of 31<sup>st</sup> December, 2023, was at Kshs162 billion. The updated pending bills as of 30<sup>th</sup> June, 2024 stood at Kshs165 billion.

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The consequences of the road project funding gap, which have been well noted by Members of this House who are very well informed on the status of road projects in their respective regions, most projects funded under the development vote are progressing much slower than they ought to be and have significant payment arrears, which have built up from the year 2020 or even earlier.

While the now nullified Finance Bill, 2024 had put in place substantive measures to begin to remedy the situation, we are fully cognisant of the new realities and are working closely with the National Treasury to ensure that impactful budgetary allocations are retained going forward.

The main challenge with roads development is budget inadequacy. The average net Government of Kenya (GoK) development budget ceiling in recent years averaged Kshs55 billion. As of 30<sup>th</sup> June 2024, the outstanding commitments on contracted road projects amounted to approximately Kshs700 billion, including an outstanding bill portfolio, like I have mentioned, of Kshs165 billion.

Therefore, with the current average net GoK annual budget ceiling allocation of Kshs55 billion, the committed road projects would take approximately 15 years to complete. The low annual net GoK ceiling of Kshs55 billion also results in thin spread of budgetary allocation to projects, which results in various negative consequences.

Madam Temporary Speaker, thank you for allowing me to go through that background. I now wish to turn to the question raised by the Senator for Tharaka-Nithi, Sen. Mwenda Gathaya Mo Fire.

*(Sen. Gataya Mo Fire spoke off record)*

**Sen. Gataya Mo Fire:** My name is Gataya Mo Fire.

**The Cabinet Secretary for Roads & Transport** (Hon. Chirchir): Thank you for that clarification.

**The Temporary Speaker** (Sen. Mumma): Proceed Cabinet Secretary.

**The Cabinet Secretary for Roads & Transport** (Hon. Chirchir): I beg to respond. The total award for the compensation of the owners of the parcels of land acquired for construction of this particular road, St. Mary's, Kinoro/Kiyanjuku/Bogori Road was Kshs115,662,825.

The KeRRA received Kshs28,999,599 from the National Treasury and disbursed the money to the National Land Commission (NLC) on 12<sup>th</sup> October, 2023.

Madam Temporary Speaker, the Kshs28.9 million received for this specific road project was paid out on a priority basis, starting from kilometer zero where the road starts. This explains why some landowners have not been compensated while others have. However, the remaining balance of Kshs86.6 million will be paid to the remaining landowners as soon as the funds are received from the National Treasury.

Cognizant of my background statement, we will work closely with the National Treasury to ensure that we continue with the compensation as soon as budgetary provision and cash flow releases for the budget ceiling already provided is provided.

Like I have said, the Ministry will coordinate closely with the National Land Commission (NLC) to submit timely data of project-affected persons to the National Treasury to enable the planning of budgeted amounts for that compensation.

Thank you.

**The Temporary Speaker** (Sen. Mumma): Is there a Senator who has a follow-up question on the specific questions asked by Sen. Mo Fire? If not, Sen. Mo Fire, you may ask your supplementary questions to your Question.

**Sen. Gataya Mo Fire:** Madam Temporary Speaker, I have listened to the background which has been prosecuted by the Cabinet Secretary. That background has been with us for quite some time. "When funds will be available," is a very common phrase in the Government circles.

Those people have waited for decades. They have lost their land and there have been promises that money will be available at a particular time, but they are running out of patience. The Cabinet Secretary should state categorically when these people are likely to get their dues. They have marched to the relevant departments in the relevant ministries and the answer has been that they will be paid when money will be available.

Madam Temporary Speaker, that answer is not bankable. I cannot go back to the people to tell them that money will be paid when it will be available. I do not know what measures the Cabinet Secretary is taking to make sure that those people are compensated. Those are poor people, just commoners in the village. They have been waiting for that money for the last almost ten years or so.

It is important that the Cabinet Secretary comes out clearly to assure this House if there is any measure supposed to be put in place to expedite this process, for these people to get their dues as required.

**The Cabinet Secretary for Roads and Transport** (Hon. Chirchir): Thank you for the supplementary question. I take note of Sen. Mwenda's supplementary question and wish to confirm that we will pay attention and provide priority to the ongoing projects very importantly, when there is a budget ceiling and a budget that work together between the National Treasury, Parliament and the Ministry.

Having given the background of the 2024/2025 Finance Bill, which provided for a lot of these budgetary requirements, I confirm that we will closely pay attention particularly to the compensation to the project-affected persons. I gave the background on the Kshs7 road maintenance levy additional funds.

We are working on a framework to ensure that we deploy that prudently to address some of these challenges, particularly the project-affected persons. Even if we were to start the construction of the road, yet the project-affected persons on the corridor have not been compensated, it will all be in vain.

Let me confirm that I will pay attention to the ongoing projects, particularly the compensation of the project-affected persons as we work through the additional road maintenance levy.

We are working on a framework of securitization, and like I said during my confirmation hearing, we are seeing whether we can get bullet payment and sort out all the outstanding pending bills.

Thank you.

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**The Temporary Speaker** (Sen. Mumma): Sen. Mo Fire?

**Sen. Gataya Mo Fire:** I hope now that he is trying to learn the ropes in the Ministry, I will take his words seriously. Maybe I will remind him in the next three months or so. I will be visiting his office soon to make sure that those people are compensated. The matter has been out for almost two years. Those people have been waiting, trying to see whether their money is likely to be paid. I will be reminding the CS now and then to make sure that those people get their money.

Thank you.

**Sen. Thang'wa:** Madam Temporary Speaker, I seek your indulgence and advice. Looking at the questions being asked, they are somehow related. Instead of asking supplementary questions on each question, allow those who are listed here to ask all the questions, then we can later on come in with supplementary questions. I can see what Sen. Gataya has asked is almost the same with what Sen. (Dr.) Khalwale will ask. That way, we can have supplementary questions that are somehow combined.

**The Temporary Speaker** (Sen. Mumma): Thank you, Sen. Thang'wa. That is why I said we will only allow you to ask if you have one on that specific issue. I would like us to go through the questions, then we will allow the rest of the Members to ask the questions they have to the Cabinet Secretary.

Proceed, Deputy Speaker.

**Sen. Kathuri:** Madam Temporary Speaker, thank you for your guidance. I specifically have an issue on this particular road because it traverses Meru County.

**The Temporary Speaker** (Sen. Mumma): Proceed.

**Sen. Kathuri:** Thank you, Madam Temporary Speaker. My question is still on this same road. This section, St. Mary's, Kinoru is in Meru County. I am aware that the compensations have not been done. More importantly is the state of that road.

In Meru County where I come from, we are losing a lot of resource in roads. St. Mary's, Kinoru road is a paved road but very dilapidated; there is no maintenance on that road. There are a lot of potholes and lack of drainage on that section. Therefore, we are losing another very important resource from Chogoria, which is traversing almost six constituencies. From Chogoria, it passes through Maara constituency, South Imenti, Central Imenti up to North Imenti. This is Chogoria-Marimba-Meru Town Road.

Madam Temporary Speaker, that is the same problem but do not cut me short. This is very important and is right in my heart. I kindly request that as you look for resources, you may allocate some resources. I have canvassed this issue even with the Ministry, Kenya Rural Roads Authority (KERRA) and all these people. They are aware of that problem.

Hon. Cabinet Secretary, to some of us, getting home is a problem because the county governments are not working for us. So, even on roads leading to our villages, even to my house, I declare that two weeks ago, I paid some people. I hired a grader to do my road, as the Senator for Meru.

I used to do that when I was a Member of Parliament and people in the village are crying why a very senior Senator cannot do roads nowadays. I was forced to hire a grader to do that particular road to my house. This is on record because I have canvassed this issue in all the offices. They are aware of the problems we have in that county.

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Thank you.

**The Temporary Speaker** (Sen. Mumma): Cabinet Secretary, I suggest you note that down. Once we have finished the other questions, ensure to respond to Sen. Kathuri's question. Sen. (Dr.) Khalwale, are you ready?

**Sen. (Dr.) Khalwale:** Yes, Madam Temporary Speaker.

*Question No.065*

COMPENSATION OF LAND OWNERS WHO GRANTED WAYLEAVE  
FOR UPGRADING OF SIGALAGALA-BUTERE ROAD

**Sen. (Dr.) Khalwale:** Madam Temporary Speaker, I rise to ask Question No.65 on the Order Paper.

(a) Could the Cabinet Secretary provide a list of landowners who granted wayleave for the upgrading to bitumen standard of the Sigalagala-Butere Road and indicate the respective amounts due as compensation to each?

(b) Why has the Government not yet paid out compensation to the said individuals, years after the project was completed, and could the Cabinet Secretary indicate the timelines for the same?

**The Temporary Speaker** (Sen. Mumma): Cabinet Secretary, please, respond.

**The Cabinet Secretary for Roads and Transport** (Hon. Chirchir): Madam Temporary Speaker, allow me to go straight to the responses to those two questions.

I wish to state that 326 landowners were listed for acquisition under the Gazette Notice I have listed in response. That was No.10918 of 22<sup>nd</sup> December, 2020, for the project of upgrading Sigalagala-Musoli-Sabatia-Butere Road to bitumen standard.

The Notice detailed the individual identified or affected persons by the project and the indicative acreage size for acquisition. There is a copy of the Gazette Notice attached in the response.

The National Land Commission (NLC), which is mandated to determine individual entitlements in respect of land acquisition is yet to issue the schedule of awards for this project, but a lot of time has lapsed.

Madam Temporary Speaker, allow me to go back and find out why the NLC has not responded to date. I will follow up because since December 2020, which is the time we gazette, it is long.

Regarding the second question, as a Ministry, we empathize with the project-affected persons following the inordinate delay in processing their compensation. The delay is due to the extended duration required to process the matter in consultation with the NLC.

The Ministry, through Kenya Rural Roads Authority (KeRRA), has been in constant communication with the NLC on this matter. This began with the gazette of the affected parcels via the Gazette Notice of 7<sup>th</sup> July, 2017. That was No.6472, followed by a Gazette Notice No.10918, which I mentioned in the first question. That was on 22<sup>nd</sup> December, 2020. It published the corrections to the first notice and indicated dates for conducting inquiries by the NLC.

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The Ministry facilitated these processes in full and was thus awaiting issuance of award letters to the project-affected persons. The award schedule to KeRRA detailing compensation amounts informed provision of funds for the same.

The KeRRA sent reminders to the Commission via a letter dated 27<sup>th</sup> November, 2023, which I have made reference to. There was another letter dated 15<sup>th</sup> April, 2024, which I have also made reference to and it is annexed.

The NLC wrote to the Ministry on the subject in its correspondence via a letter of 21<sup>st</sup> September referenced as Annex 3. Regrettably, the letter indicated a decision by the Commission to recommend degazettement of the project due to non-completion of the acquisition process within 24 months, a letter that we have already appealed.

The Ministry appealed to the Commission via a letter of 26<sup>th</sup> April, 2024, to reconsider the decision to degazette the project and proceed to issue awards for the parcels cleared for payment as per the post-inquiry report, while the remainder of the parcels are duly processed in line with the recommendations of the report.

This appeal is in light of the distress caused by the project-affected persons by the extended delay in processing their compensation, consideration of time and public resources already spent, and the desire to finalise this process.

Further, it is worth considering the co-operation extended by the project-affected persons in allowing the full completion of the road project by 2021, much ahead of the processing of their dues. We are engaging with the Ministry of Lands, Public Works, Housing and Urban Development to intervene and facilitate the fast-tracking of the necessary processes to allow eventual compensation of the project-affected persons.

Upon issuance of the award---

*(Loud consultations)*

**The Temporary Speaker** (Sen. Mumma): Cabinet Secretary, kindly hold on.

Hon. Members, please, listen in silence. If you must consult, do not do it in loud tones, please.

**The Cabinet Secretary for Roads and Transport** (Hon. Chirchir): Madam Temporary Speaker, upon issuance of the awards, the Ministry shall prioritise settlement of this compensation at the first available opportunity, subject to availability of funds.

I wish to confirm that we have now received the award list from the NLC totaling Kshs50 million. We will work quickly and closely with the National Treasury on the budget line and start the compensation process in line with the due procedure of how to compensate.

Due to that appeal, the NLC has now cleared Kshs50 million. I want to confirm that it is just a budgetary and payment process. We will work closely with the NLC to clear this concern on this particular road.

I thank you.

**The Temporary Speaker** (Sen. Mumma): Sen. (Dr.) Khalwale, do you have any supplementary question?

**Sen. Dr.) Khalwale:** Madam Temporary Speaker, this Question does not warrant a supplementary question, but I would like to prick the Cabinet Secretary.

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Hon. Cabinet Secretary, the people you are talking about are not many. They are limited to only Shitoli, Mukomari, Shitochi, Shivakala, and Shibunname sub locations.

Hon. Cabinet Secretary, I am pricking by telling you that the Bottom-Up Economic Transformation Agenda (BETA) of the current Government was developed by you and I, among others. You and I are the founding members of the United Democratic Alliance (UDA). We had a vision of sorting out such small issues.

Now those people are dying one by one, including a distinguished politician called Mulama Itolondo. There was also a distinguished public servant called Zachariah Bukhala Shimechero who is also dead. Another one was a distinguished businessman called Elijah Shitoka, who is also dead, and many others.

Please, spare us. Kindly use this opportunity to invite me to your office on a specific date, whether it is for weeks or months, so that I come in order for you to sort me out, so that Kenyans feel part of the welfare of this nation.

**The Temporary Speaker** (Sen. Mumma): Cabinet Secretary, please, respond.

**The Cabinet Secretary for Roads and Transport** (Hon. Chirchir): Madam Temporary Speaker, after this session, I will identify a date for a cup of tea with the Senator. He has just asked for a date and I will do that sometime next week.

**The Temporary Speaker** (Sen. Mumma): That is okay.

Could we move to the question by Sen. (Dr.) Murango? You have three questions. You will ask one and let it be answered before you go to the next.

#### *Question No.066*

#### STATUS UPDATE OF UPGRADING ROADS TO BITUMEN STATUS IN KIRINYAGA COUNTY

**Sen. Dr. Murango:** Thank you, Madam Temporary Speaker.

(a) Could the Cabinet Secretary provide a status update on all ongoing projects by the national Government for upgrading roads in Kirinyaga County to bitumen standard?

(b) Why has there been a delay in the upgrade of Kimbimbi-Kanjinji-Togonye-Piai Road, Kagumo-Kiamaina-Gathuthuma Road and Piai-Njukiini-Kiamutugu-Karumandi-Kiamiciri Road, popularly known as Mucibi wa Gichugu, to bitumen standard, despite their importance in enhancing the economic potential of the region?

**The Temporary Speaker** (Sen. Mumma): Cabinet Secretary, you may respond to those questions.

**The Cabinet Secretary, Ministry of Roads and Transport** (Hon. Chirchir): Madam Temporary Speaker, I thank Sen. (Dr.) Murango, the Senator for Kirinyaga County, for those questions. Let me go straight to the responses.

The two projects are being implemented by the agency in the Ministry and are annexed in my response. The Ministry is aware of the economic significance of the two road projects. However, the delay in completion is due to the pending payments or to the respective contractors as stipulated in my response.

Let me deal with the first Muthiri-Kagio-Baricho, Geduya segments of that road, where we have a pending bill of Kshs107 million, almost Kshs108 million and where the status of the road is 64 per cent completed today.

I did check and should have provided you with this response, that there is a budgetary allocation from the current printed estimates of Kshs67 million. That will help us to expedite and work this road towards completion if we can get the contractor back to site, on account of payment of that Kshs 67 billion.

Since, it is 64 per cent, which is significantly work done, we will ensure that with the budget ceiling in the printed estimate of Kshs67.162 million, we will endeavour to ensure that we do provide the outstanding funds, so that this road can be completed.

Madam Temporary Speaker, more importantly, with my background information, I indicated that we are trying to do a bullet payment on a process we are working to raise funds to pay for all the pending bills. This not only for this road, but we can get the contractors on all roads in our counties to go back to work.

On the second Piai-Mbiri-Ngiriambu road, this is where Kirinyaga is amongst the 15 roads which have been fully funded through the China Africa Development Bank in the just concluded visit by His Excellency the President to China or Beijing during the Forum on China-Africa Cooperation (FOCAC) Summit. Therefore, this road is now fully funded and we will see works progressing without any further undue delay, and it will not rely on our National Treasury allocation.

**The Temporary Speaker** (Sen. Mumma): Sen. (Dr.) Murango, do you want to go to the next question or you have a supplementary question?

**Sen. (Dr.) Murango:** Asante sana Bi Spika wa Muda. Ningependa kumuuliza Waziri kama bajeti iliyoko ambayo amesema tayari kuna mgao wa kuweza kumaliza hizi barabara ziko katika ile bajeti ya Kshs17 milioni? Je, hizi barabara zimewekwa katika zile orodha ambazo zitakuwa zikilipiwa ili ziweze kuendelea? Hilo ndilo swali langu la ziada.

**The Temporary Speaker** (Sen. Mumma): Order, Sen. Murango. You will determine whether you want to ask your questions in English or Kiswahili as a supplementary question. That is the rule of the House.

**Sen. (Dr.) Murango:** Thank you, Madam Temporary Speaker. I wanted to ask the Cabinet Secretary if these roads are covered in the Kshs7 billion budget which is there for the roads, so that I can tell the people of Kirinyaga that this road will continue and when they will be completed.

**The Temporary Speaker** (Sen. Mumma): Proceed, Hon. Cabinet Secretary.

**The Cabinet Secretary for Roads and Transport** (Hon. Chirchir): Madam Temporary Speaker, I indicated that on the Mutithi-Kagio-Baricho Road, there is a budget ceiling in the printed estimates of Kshs67,162,149 independent estimates. Therefore, we can seek to get the contractor back to work on account of that pending bill of Kshs107 million.

I said that because the road is 64 per cent done, it is in the significant stage of finishing. Therefore, we will work very closely with the contractor and the Ministry has got my Principal Secretary (PS) and Director Generals (DGs) for the various agencies, to

ensure that some of these roads that are already 50 per cent and above done, are given priority.

On the second one, on Piai-Mbiri Road, I said it is fully funded, and therefore, the contractor will go to site on that road. I know it is 11 per cent complete, but there is full funding on that road now, having been taken by China Development Bank (CDB) with a full funding of about Kshs2 billion. Do I have the specific number somewhere? That road is fully funded, therefore, the contractor will go back to site and the road will not stop until completed because funds are fully provided for through that facility.

I thank you.

**The Temporary Speaker** (Sen. Mumma): Sen. (Dr.) Murango, do you want to go to the next Question?

*Question No.067*

PLANS TO UPGRADE WANG'URU AIRSTRIP AND POLICY  
MEASURES TO DEVELOP AIR TRANSPORT IN THE COUNTRY

**Sen. (Dr.) Murango:** Yes, Madam Temporary Speaker. My next and final Question is-

(a) Are there plans by the Government to upgrade Wang'uru Airstrip in Mwea Constituency, Kirinyaga County for use by, among others, horticulture and *miraa* farmers to transport their produce. If so, could the Cabinet Secretary state whether an allocation for that purpose has been made in the 2024/2025 financial year budget?

(b) Could the Cabinet Secretary outline the policy measures implemented by the Government to develop air transport in the country, particularly in Kirinyaga County?

(c) What steps has the Ministry taken to construct airstrips in all counties where there are none?

Thank you.

**The Temporary Speaker** (Sen. Mumma): Hon. Cabinet Secretary, proceed.

**The Cabinet Secretary for Roads and Transportation** (Hon. Chirchir): Madam Temporary Speaker, Wang'uru Thiba Airstrip is a cold sea aerodrome capable of handling aircrafts with passenger capacity of 13 and has two runways. We will recall that this is the airstrip that was used during the national celebrations last year.

The two runways are 12-30 and 07-25, measuring 790 by 18 metres and 670 by 18 metres respectively. The airstrip has an area of approximately 21.4 acres and is registered as parcel number Mwea Tebere B-139. Albeit that this facility is not within the management of Kenya Airports Authority (KAA), its upgrade to accommodate commercial flight has been planned in three phases as highlighted in my response, with the first phase having been completed by KAA at a cost of Kshs49.9 million.

*(Sen. Cherarkey consulted loudly)*

**The Temporary Speaker** (Sen. Mumma): Order, Sen. Cherarkey.

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**The Cabinet Secretary for Roads and Transportation** (Hon. Chirchir): It commenced on 27<sup>th</sup> September, 2021 and was completed on 16<sup>th</sup> December, 2021. The works involved site clearance, topsoil stripping, earthworks involving runway excavation, drainage works and all the works, including cutting of tall trees, relocation of overhead Kenya Power Company (KPC) lines on the final approach of the runway and preliminary items for mobilisation. That phase has been completed at a cost of Kshs49.9 million.

The proposed second phase will involve cement stabilisation on the gravel base layer using some of those high-capacity cements for the 2.5N or provision and placement of 35mm asphalt concrete type 1 on the runway and all the associated work, including drainage work, construction of line drainage using invert block drainage with side slabs or stone pitching on the sides.

The proposed Phase 3 will involve acquisition of additional 9.5 acres of land for the construction of the apron taxiway, car park, terminal building and offices. It will also involve the construction of apron taxiway and construction of passenger terminal building, offices, car parks and associated wastewater reticulation. The upgrading and rehabilitation works of this facility will be dependent on the allocation of funds.

*(Sen. Cherarkey and Sen. (Prof.) Tom Odhiambo  
Ojienda consulted loudly)*

**The Temporary Speaker** (Sen. Mumma): Order, Sen. Cherarkey and Sen. (Prof.) Tom Odhiambo Ojienda. Please, have some respect for the speaker.

**The Cabinet Secretary for Roads and Transportation** (Hon. Chirchir): However, because we have already started the works, we will pay attention as a Ministry and give priority to ensure that when the limited resources are being shared out, we do allocation and ensure we complete that work.

Madam Temporary Speaker, on the next question on air transport, this mode of transport is a vital component of our national infrastructure; significantly contributing to economic development, tourism and regional connectivity. As Kirinyaga County, just like other counties, seeks to enhance its economic prospects and improve accessibility, understanding the government's strategic plans and policies for air transport development is essential.

The Ministry, through its implementing agency, Kenya Airports Authority (KAA), is currently developing a policy on development, rehabilitation and maintenance of airstrips that will provide a framework for preventive maintenance, corrective maintenance and reconstruction works, including allocation of financial, human resource and technological applications in maintenance and repair activities.

In addition, it will also guide the respective coordination roles and responsibilities of the appropriate functional areas. On the issue of the steps the Ministry is taking to construct airstrips in all the counties, the Ministry of Roads and Transport, specifically the State Department of Transport, has undertaken several initiatives to construct and upgrade airstrips in various counties. Like I mentioned earlier, this is part of a broader effort to enhance connectivity, promote economic growth and improve access to emergency services.

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One of the key steps includes the allocation of substantial funds for airstrip development. For instance, the Ministry is investing some Kshs785 million to upgrade seven specific airstrips; the Migori Airstrip in Migori, Lanet Airstrip in Nakuru, Kitale Airstrip in Trans Nzoia, Angama Airstrip in Narok County, Isiolo Airstrip in Isiolo County, Kabunde Airstrip in Homa Bay and Malindi Airstrip in Kilifi. These upgrades are aimed at enabling these aerodromes to accommodate larger aircrafts, thereby boosting domestic air travel and tourism.

Furthermore, the Ministry has launched an initiative to construct new airstrips in counties that currently lack such infrastructure. This includes the construction and upgrading of 12 additional airstrips nationwide with notable projects like the Kerenga Airstrip in Kericho County and the recently reconstructed Matulo Airstrip in Bungoma County, which recently saw successful test landing.

The Ministry is also in the process of establishing an airstrip fund dedicated to the development and maintenance of airstrips across the country. This fund aims to ensure continuous improvement and sustainability of these airstrips to support local air travel and cargo handling capabilities. These efforts, reflect a comprehensive strategy to make air travel more accessible and efficient, supporting various sectors such as tourism, healthcare, commerce, and facilitating faster movement of people and goods across the country.

**The Temporary Speaker** (Sen. Mumma): Sen. (Dr.) Murango, do you have a supplementary question on that?

**Sen. (Dr.) Murango:** This is my final question, Madam Temporary Speaker. I want to ask the Cabinet Secretary what he is doing to make sure that the already constructed roads, which are less than three years old, are well-maintained. This is because some roads like Road 2A Kimande-Kianderi-Kangaita Road is already dilapidated in less than five years after constructing it.

**The Temporary Speaker** (Sen. Mumma): Hon. Cabinet Secretary.

**The Cabinet Secretary for Roads and Transport** (Hon. Chirchir): Thank you, Madam Temporary Speaker, for that supplementary question. Like I said earlier in my opening remarks, as soon as we unlock the challenge of pending bills - that is my priority agenda - we should be able to get all the contractors back on site. More importantly, the Kshs7 under the Act should go more into maintenance.

As I said, there are many orphan roads across the country today. It calls upon all of us to ask ourselves how we protect the Kshs4 trillion investment that I talked about because a stitch in time saves nine. Therefore, let me look at the particular road that the Senator mentioned and confirm the scope of maintenance by budgetary allocation.

More importantly, look at the bigger picture of ensuring that we do not have any orphan roads that do not have a location for maintenance.

Thank you.

**The Temporary Speaker** (Sen. Mumma): Hon. Senators, pursuant to Standing Order No.34, I wish to direct that the session be extended by 15 minutes to accommodate the questions. Thank you.

We now move on to Sen. Tobiko. Proceed to ask your questions.

*Question No.074*STATUS UPDATE ON CONSTRUCTION OF  
DAYSTAR UNIVERSITY JUNCTION-STONI ATHI ROAD

**Sen. Tobiko:** Thank you, Madam Temporary Speaker.

(a) Could the Cabinet Secretary provide a status update on the construction of the road off Mombasa Road from the Daystar University junction to Stoni Athi, stating the scope of works and indicating when the project will be completed?

(b) Could the Cabinet Secretary also provide a status update on the proposed tarmacking of the Ilasit-Rombo Taveta Road, Maasai Lodge-Tuala-Kitengela Road and Gataka-Ongata Rongai Road, all in Kajiado County, and outline any steps taken by the Ministry to fast-track the projects?

**The Cabinet Secretary for Roads and Transport** (Hon. Chirchir): Thank you, Madam Temporary Speaker. Sen. Tobiko, I wish to begin by saying that the project title is upgrading the road to a bitumen standard within the East African Portland Housing Scheme in Machakos County, Phase One. The road is 15 kilometers, and the physical progress of construction has been 86 per cent completed to date.

The detailed scope of the works included the site clearance for the whole of the road reserve, earthworks to formation level, construction of a 300 to 400-millimeter improved subgrade base, construction of a 150-millimeter neat sub-base on the carriageway, construction of a 150-millimeter cement-improved base on the carriageway, provision of 50-millimeter thick asphaltic concrete Type 1 as wearing course and 35 millimeters on shoulder where necessary. Construction of a triple box culvert, construction of a series of cross culverts, and construction of access culverts.

The project commenced on June 24, 2021, and the expected completion date is October this year. So, we need to mobilise resources to confirm that we can finish on that timeline.

Sen. Tobiko, we seem to be at the tail-end, and I will personally pay attention to the completion of that road, given the fact that we are at 86 per cent complete. Regarding the proposed tarmacking of Illasit-Rombo-Taveta Road, Kenya signed a commercial agreement in May 2019 with Sino Hydro, Annuity Road, Lot. No. 32.

The service provider for the development of this road under the road annuity contract of a 10-year finance designed, build, maintain, and transfer model. However, following concerns on affordability and value for money, the Government of Kenya recommended a review of the project's value for money, position, and consideration of possible restructuring options to enhance value for money.

This is affecting several roads across the country. To ensure that the project's affordability to the Government is obtained, the review is currently ongoing.

I was talking to my technical team, and under the road annuity programme, a road that would otherwise cost the Government Kshs65 million per kilometre on an EPC contract costs Kshs125 million on the road annuity programme. So, we are reviewing that very quickly, and we will then proceed.

However, the project for upgrading to bitumen standard and performance-based routine maintenance of Ongata-Gataka-Embulbul- Cooperative College-Karen-Matasia-Ongata-Rongai-Nazarene University- Rimpa Junction-Leswa Academy-Kahara Road, totaling 65 kilometres, again is 57 per cent complete today, with a total of 22 kilometer tarmac to date, and the remainder at various stages of construction.

The project has faced challenges in completion due to several fiscal distress following the accumulation of a significant amount of pending payments owed to the contractor, M/s China Civil Engineering Construction Corporation, which is currently owed Kshs135 million.

The Ministry has forwarded the cumulative pending payments to the National Treasury for funding consideration and has requested Parliament to consider substantially increasing the annual allocation to roads to facilitate the comprehensive settlement of pending bills resulting from ongoing stalled road projects.

From my initial statement, you will recall that I indicated that I am paying significant attention to the pending bills, so that we do not only unlock this road but all the pending bills, which have caused contractors to suspend works across the country. We should then be able to see rejuvenation or contractors back to work to ensure that all our roads are worked on as it were.

In the meantime, the contractor is under instructions to maintain the road ahead of the main works as situation to ensure that the road is motorable. I will pay more attention to this and I can also do a cup of tea with Sen. Tobiko to look at more details on what we need to do to ensure that even as we work on budgetary availability, the road is motorable accordingly.

**The Temporary Speaker** (Sen. Mumma): Sen. Tobiko, I believe your supplementary could happen during the tea. Do you have a supplementary question?

**Sen. Tobiko:** Madam Temporary Speaker, you know, the people of Kajiado would not have known what transpired during the tea session. So, it is good for me to go on record as far as the supplementary is concerned. I will then make a general comment about the response by the Cabinet Secretary

First, I am shocked and dismayed about the Illasit–Rombo-Taveta Road in Loitoktok. The HANSARD will bear me witness that his immediate predecessor who was here had promised this House that this road would start in March.

We can even go back to the records. The government seems to be then changing goalposts in terms of the issue of review he is talking about.

Madam Temporary Speaker, the ground is particularly sensitive on issues about this road. A rogue public servant has gone on record publicly to say that this road will never be constructed as long as the current Member of Parliament (MP) for Kajiado South, Hon. Parashina, is the MP. These utterances were made by the State House Comptroller. It seems like the Government is changing goalposts. This is very sad.

*(Sen. Mandago spoke off record)*

**Sen. Mandago:** On a point of order.

**The Temporary Speaker** (Sen. Mumma): There is a point of order, Sen. Tobiko.

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**Sen. Tobiko:** Madam Temporary Speaker, allow me to put my point across.

**The Temporary Speaker** (Sen. Mumma): Sen. Orwoba, what is your point of order?

**Sen. Orwoba:** Madam Temporary Speaker, in our Standing Orders we are prohibited from speaking or imputing improper motive to certain offices, including that of the State House Comptroller.

**The Temporary Speaker** (Sen. Mumma): Which Standing Order?

**Sen. Orwoba:** It is in the Standing Orders.

*(Laughter)*

**The Temporary Speaker** (Sen. Mumma): Sen. Tobiko, be guided that—

**Sen. Tobiko:** Madam Temporary Speaker, there are no sacred cows in this country. I do not know of any---

*(Sen. Mandago spoke off record)*

**Sen. Mandago:** On a point of order.

**The Temporary Speaker** (Sen. Mumma): Sen. Tobiko, allow me to guide you. Kindly go to your supplementary question. The Standing Orders do not allow you to go outside of that.

**Sen. Tobiko:** Yes, Madam Temporary Speaker. I also needed to---

**The Temporary Speaker** (Sen. Mumma): Sen. Mandago, what is your point of order?

**Sen. Mandago:** Madam Temporary Speaker, my point of order is on Standing Order No.105. We should be allowed to raise points of order. However, allowing people in this House to make allegations and leaving them on record without following the due requirements is becoming a dangerous precedent.

Sen. Tobiko has just mentioned the State House Comptroller. Is it in order for her to make that allegation? Unless she substantiates and brings evidence to this House, we should not allow this House to be used as a place where allegations are made. That is also what went on this morning and the Speaker did not allow points of order.

**The Temporary Speaker** (Sen. Mumma): Sen. Tobiko---

*(Loud consultations)*

**The Temporary Speaker** (Sen. Mumma): On a point of order, we have not even addressed that. Sen. Tobiko, you have made allegations about somebody who is not in this House to defend themselves. You may withdraw or provide information to substantiate what you have said at a later stage.

**Sen. Tobiko:** Madam Temporary Speaker, this will give me the best opportunity to provide evidence to this House. I am more than ready to bring that evidence.

**The Temporary Speaker** (Sen. Mumma): What is your point of order, Sen. Cherarkey?

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Sen. Tobiko just hold on.

**Sen. Cherarkey:** Madam Temporary Speaker, under Standing Order No.101, on contents of the speech, I did not hear Sen. Tobiko referring directly to the State House Controller by name or discussing their conduct. The threshold that somebody wants to bring that the conduct of this person is being discussed is below bar.

Madam Temporary Speaker, she did not discuss the conduct as per Standing Order No.101 on contents of speech.

**The Temporary Speaker** (Sen. Mumma): You are out of order.

**Sen. Cherarkey:** I am not out of order. These are the Standing Orders---

**The Temporary Speaker** (Sen. Mumma): You are trying to interpret---

**Sen. Orwoba:** Yes, and you are trying to---

**The Temporary Speaker** (Sen. Mumma): If you have a Standing Order you are trying to raise---

**Sen. Cherarkey:** I am trying to guide---

*(Loud consultations)*

**The Temporary Speaker** (Sen. Mumma): I am ruling you out of order. Kindly sit. What is your point of order, Sen. Wambua?

**Sen. Wambua:** Madam Temporary Speaker, every day is a learning opportunity for all of us. If we continue that way, we are going to make debate in this House too narrow.

**Sen. Orwoba:** Our Standing Orders---

**Sen. Wambua:** Madam Temporary Speaker, if I can just prosecute what I am saying, you can also benefit, Sen. Orwoba.

**The Temporary Speaker** (Sen. Mumma): Order, Sen. Orwoba. Can you allow Sen. Wambua to speak?

**Sen. Wambua:** To the extent that a name has just been dropped does not mean that the reputation of the person has been put into question.

Every time we debate here, we mention names and institutions. If we say that every time you mention a name, you should bring a substantive Motion, we will not move.

*(Applause)*

**Sen. Orwoba:** On a point of order, Madam Temporary Speaker.

**Sen. Wambua:** Before Sen. Gloria rises on her point of order, this matter was settled by yourself when Sen. Tobiko said that, in fact, by those Senators requiring a substantive Motion to be brought here, it actually gives an opportunity to Sen. Tobiko to bring a case against the State House Comptroller.

Let us facilitate debate---

**The Temporary Speaker** (Sen. Mumma): Sen. Kiio, you are actually discussing the issue.

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Sen. Tobiko, I ruled on this that on the matter that you touched, you will have opportunity to substantiate. It is not an issue of whether debate has been stopped.

*(Sen. Orwoba spoke off record)*

Order, Sen. Gloria. I have not given you any chance to speak. You are out of order and I will not take it anymore.

Proceed with your supplementary question.

**Sen. Tobiko:** Thank you, Madam Temporary Speaker, I am ready to produce that evidence.

On the issue on Masaai Lodge-Twala-Kitengela Road, I have not heard the response from the Cabinet Secretary. He has only talked about the Gataka Road.

On the first road, the one from Daystar University to Stoni Athi, what the Cabinet Secretary has indicated is that this road is in Machakos County. Yes, indeed it is, but it ends in the middle of nowhere.

So, my hope was that we will be told where this road was to end, the targeted population, facilities and centers, since it is at the border, that finally, we will have one road crossing Mombasa Road to Kajiado County.

That is what I expected to hear.

**The Temporary Speaker** (Sen. Mumma): Sen. Tobiko, you will provide your evidence by end of day tomorrow.

Cabinet Secretary, you may now respond.

**The Cabinet Secretary for Roads & Transport** (Hon. Chirchir): Thank you, Madam Temporary Speaker.

On the supplementary question on this particular section of road which touches Kajiado-Ilasit-Rombo-Taveta, I indicated that it is under the Road Annuity Programme that is being restructured to go under Engineering, Procurement and Construction (EPC).

I also gave the numbers, that it cost us an average of Kshs65 million to build a rural road against under EPC against the Finance, Designed, Built, Maintain and Transfer Annuity Programme, which cost the Government Kshs125 million.

A bit of time was taken in transferring this programme through the Attorney-General (AG) from the Annuity Programme to an EPC to avoid any legal challenges thereafter.

I confirm that the project is 86 per cent complete and it only 15 kilometers left, I will pay attention and ensure that we accelerate and finish not just this project, but most of those projects that are near completion. This is so that we do not have pending works all over the country, and yet the projects are at the tail-end of completion.

Madam Temporary Speaker, allow me to prosecute this over that cup of tea with Sen. Peris and ensure that we finish the movement of the road from Road Annuity Programme to Engineering, Procurement and Construction (EPC) and complete the 15km road, remaining 14 per cent. I confirm on record that I will pay attention to this.

Regarding this other road which seems to have skipped our attention, the Maasai Lodge-Tuala-Kitengela, since I do not have a well-thought-out response and it skipped

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our attention, allow me to resubmit the response on the status of the Maasai Lodge-Tuala-Kitengela Road in Kajiado County.

Thank you.

**The Temporary Speaker** (Sen. Mumma): That is okay.

Now we move on to Sen. (Prof.) Ojienda.

*Question No.061*

MAPPING AND RECONSTRUCTION OF TRANSPORT  
INFRASTRUCTURE AFFECTED BY APRIL/MAY, 2024 FLOODS

**Sen. (Prof.) Tom Odhiambo Ojienda, SC:** Thank you, Madam Temporary Speaker. I will proceed to ask Question No. 061 to the Cabinet Secretary for Roads and Transport.

(a) Is the Ministry currently undertaking real-time mapping of all roads, bridges and other transport infrastructure affected by the April/May 2024 unprecedented rains and floods and if so, could the Cabinet Secretary provide a list of all affected transport infrastructure across the country?

(b) What flood mitigation measures are required to bring each affected infrastructure to a state where it can withstand the rains and floods currently being witnessed in the country, and what are the budgetary implications for such improvements?

(c) Could the Cabinet Secretary outline the obligations of the National Government *vis-à-vis* those of the county governments regarding the reconstruction of each transport infrastructure affected by the floods?

(d) What long-term measures are being implemented to address the poor drainage systems throughout major cities and towns, ensuring that such occurrences do not repeat in the future, and what are the budgetary implications of these actions?

(e) What steps are being taken to compensate victims of past transport infrastructure engineering that resulted in the changes to the paths and courses of various rivers, Nairobi River in particular, hence the flooding of some homes and human settlements that naturally were not in the paths of those rivers?

**The Cabinet Secretary for Roads and Transport** (Hon. Chirchir): Thank you, Madam Temporary Speaker. Thank you, Professor.

Let me confirm that the Ministry through its road agencies is actively undertaking real-time monitoring and mapping of infrastructure affected by unusually heavy rains during the period April-May 24, as well as the *El Nino* rains of October-December 23, 2023.

This initiative aims to facilitate timely repair and reconstruction efforts. The detailed report on the observed damage to our transport infrastructure is presented together with my report and I hope the members can make reference to that.

The required mitigation measures vary depending on the structure and the type of road pavement. Road structures such as bridges and culverts are designed to handle abnormal flows over specific return periods without incurring damage. To carry out the

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necessary reinstatement works, comprehensive hydrological and hydraulic studies are conducted to inform the design of these structures.

Subsequently, the required works include the reinstatement of structures, enhancement of drainage systems, protection works, rebuilding and embankments, and the redesign of roads, pavement, and alignments. The proposed budget to facilitate these activities is also annexed.

Madam Temporary Speaker, according to the Fourth Schedule of the Constitution of Kenya on the Devolved Functions, the National Government is responsible for the construction and operation of national trunk roads. It sets standards for the construction and maintenance of roads by both the national Government and the county governments.

The county government is responsible for the construction and operation of county roads. From this, it is evident that the National Government ensures that national trunk roads meet the required standards for safety, durability, and resilience against natural disasters such as floods. In setting standards for counties, the national Government provides technical expertise, guidelines, and material construction methods and maintenance are practices to be followed by county government.

The county government, on the other hand, maintains roads and ensures that they are passable and safe for all users. Both levels of government must collaborate in assessing and planning the construction or reconstruction of infrastructure affected by floods and instituting flood mitigation measures.

On the issue of what the Ministry is currently doing, we are currently reviewing road design manuals to incorporate flood mitigation design principles and ensuring more resilient infrastructure capable of withstanding climate change challenges. The securing of waterways is ongoing to support this initiative.

The Ministry recognises its constitutional and legal obligation in executing road projects. During project conceptualization and implementation stages, stakeholder consultation and engagements are deliberately undertaken, where technical and economic feasibility outflows are designed to channel road drainage water to the nearest water course. Land acquisition and compensation are carried out whenever outflow way leaves are acquired.

River draining, which involves redirecting rivers during such works, is undertaken when necessary to improve the flow of rivers, which ordinarily falls within the riparian reserves. This is more on mitigation measures to ensure that design and redesigning of works can withstand weather challenges that we have lately seen.

I am aware that Sen. (Prof.) Tom Ojienda has been seeking to talk to me. Professor, I will be available so that we look at some of these designs together with our technical teams.

I thank you.

**The Temporary Speaker** (Sem. Mumma): Sen. (Prof.) Tom Ojienda, do you have a supplementary question?

**Sen. (Prof.) Tom Ojienda Odhiambo, SC:** Madam Temporary Speaker, I am satisfied with the response by the Cabinet Secretary. My supplementary questions will follow when I meet him.

**The Temporary Speaker** (Sem. Mumma): Next is Sen. Joe Nyutu.

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*Question No.080*LACK OF PROPER MARKINGS AND SIGNAGE  
ON KENOL-SAGANA-MARWA ROAD

**Sen. Joe Nyutu:** Madam Temporary Speaker, I just have three short questions for the Cabinet Secretary.

(a) Why are there no proper markings and signage on the Kenol-Sagana-Marwa Road near social amenities such as schools, and could the Cabinet Secretary state when such markings will be drawn and signage put up?

(b) Could the Cabinet Secretary state when the footbridge at Kenol Town will be completed and clarify whether there are plans to construct a footbridge near Komorori Primary School, to serve 1,700 pupils and teachers of the school, who currently have to walk for approximately a kilometre to cross the road?

(c) When will the construction of the said road be completed?

**Then Temporary Speaker** (Sen. Mumma): Cabinet Secretary, please, respond.

**The Cabinet Secretary for Roads and Transport** (Hon. Chirchir): Madam Temporary Speaker, I wish to state that the construction of Kenol-Sagana-Marwa Road is still ongoing in some sections and the final road marking will be done once the works are completed.

Currently, there are temporary markings on the final layer, where the traffic has been allowed to use. As soon as we sign off with the contractor, we should quickly finalise the marking. This is a safety issue. Therefore, we will pay attention to it.

Final road markings are in place for the following completed sections; Lot 1 is 48 kilometres for the entire road. Lot 2, which is a 17-kilometre section, has been taken over and, therefore, they are marking those areas. My technical team and the Ministry will undertake to ensure that the safety issues are immediately addressed because markings are the safety concern of the road users.

The construction of the footbridge at Kenol is currently 60 per cent completed with steel fabrication for the deck underway at the fabricator's yard. However, the footbridge near Komorori Primary School has faced delays due to pending land acquisition for the---

**The Temporary Speaker** (Sen. Mumma): Cabinet Secretary, this session has to end. The session is not over. There were a few more questions, but we could not get Members to ask. So, we will get in touch and reschedule another session with you.

**ADJOURNMENT**

**The Temporary Speaker** (Sen. Mumma): Hon. Senators, it is now 1.15 p.m. Having extended this Sitting by 15 minutes, the Senate stands adjourned until Wednesday, 18<sup>th</sup> September, 2024, at 2.30 p.m.

The Senate rose at 1.15 p.m.

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