

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 17th April, 2024

Morning Sitting

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

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Clerk, do we have quorum? Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

Hon. Senators, we expected three Cabinet Secretaries this morning. However, the Cabinet Secretary in charge of Interior and National Administration will not be with us this morning for purposes of responding to the Questions by the Senators for Kisumu, Meru, Turkana and Tana River counties.

Those are the Senators who had Questions relating to the Ministry of Interior and National Administration. Therefore, those Questions will be deferred.

Question No.001

INTER-COMMUNAL CLASHES IN SONDU TOWN

(Question deferred)

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Question No.002

CONSTRUCTION OF OFFICES FOR ADMINISTRATIVE
OFFICERS IN CHIAKARIGA SUB-COUNTY

(Question deferred)

Question No.038

STATUS OF INVESTIGATIONS INTO THE EXECUTION
OF MR. DANIEL MUTHIANI BERNARD

(Question deferred)

Question No.039

IMPACT OF CURFEW IN PARTS OF TURKANA COUNTY

(Question deferred)

Question No.043

RE-ESTABLISHMENT OF WEMA GSU
CAMP IN TANA RIVER COUNTY

(Question deferred)

We have the presence of two Cabinet Secretaries this morning; the Cabinet Secretary in charge of Defence and the Cabinet Secretary in charge of Health. We will proceed with the Question by the Senator for Nairobi and thereafter, we will take Questions by the Senator for Kisumu to the Cabinet Secretary for Health.

Clerk, confirm that the Cabinet Secretary for Defence is present.

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

Now, hon. Senators, I am informed that the Cabinet Secretary, Defence is present in the House. We shall proceed with Question No.028, being asked by the Senator of Nairobi, Sen. Edwin Sifuna.

Hon. Cabinet Secretary, welcome to the Senate. These are corridors that you are extremely familiar with, so I need not take time to explain to you how we go about conducting our business here.

Senator of Nairobi, you may now proceed to ask your Question.

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*Question No.028*RENOVATIONS AT UHURU PARK,
NAIROBI CITY COUNTY

Sen. Sifuna: Thank you, Mr. Speaker, Sir. We wanted to know from the Cabinet Secretary, Defence, two matters.

(1) Are the renovation works at Uhuru Park in Nairobi City, which was being undertaken by the Kenya Defence Forces (KDF), complete?

(2) Has the Park been handed back to the Nairobi City County Government and, if not, could the Cabinet Secretary provide a timeline for the same?

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

The Cabinet Secretary for Defence (Hon. Aden Duale): Thank you, Mr. Speaker, Sir, and hon. Senators. It is good to be back home. These corridors were my home for 17-and-a-half years and every time I come back to Parliament, I feel as if I am back home.

The Ministry of Defence was tasked with rehabilitation of the open spaces in both Uhuru and Central Parks of the County of Nairobi. This project began in March, 2022 and was jointly implemented with the Nairobi Metropolitan City Services then.

It should be noted that the quality of the Park facilities then had become dilapidated over time to the point where they were no longer functioning and that became a security issue.

Additionally, the monuments and the water features had been vandalized and stolen. This situation was exacerbated by the inadequate security, prompting the intervention by the national Government in March, 2022.

The objective of this project was to restore the glory of the Uhuru Park and Central Park by first rehabilitating the green spaces, restoring the monuments, improving the infrastructure and enhancing security through the fencing and installation of visitors' management system.

Mr. Speaker, Sir, the Senator for Nairobi sought from the Ministry of Defence two questions, and the first one was whether the renovation works at Uhuru Park in Nairobi City, which were being undertaken by our Ministry, were complete.

Yes, the construction works at Uhuru Park are practically complete as per the contract. However, we have only few pending works, less than eight per cent, which we have agreed on and we are signing a Memorandum of Understanding (MOU) with the County Government of Nairobi, so that they assure us that they will fix them in less than three weeks.

Mr. Speaker, Sir, one of them is the water connection. We have done a borehole, but completing the water connection from the borehole to the water tanks is what is remaining. We have been asking the Governor of Nairobi and the County to complete that.

The second one is that the drainage works at Central Park have been pending, and this is because we are waiting of the main drainage along Uhuru Highway to be

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undertaken by the Kenya National Highways Authority (KENHA). Discussions with KENHA have since been finalized and they have assured the Ministry of Defence that the storm water connection will be completed soon.

We have documentation to that effect that KENHA will man the Uhuru Highway and the Express Way must do their bit, so that we can connect our drainage system to the Uhuru Highway drainage system.

The second Question is on whether the Park has been handed over to the Nairobi County Government and if I could provide a timeline. I will be handing over that Park tomorrow morning.

(Applause)

Mr. Speaker, Sir, we were looking for time and talking to the Governor. He has now given us his availability and I assure this House that tomorrow, at 9.00 a.m., we are expecting the Governor and we will hand over.

(Applause)

Running parks is not our core mandate. This House knows that the Constitution provides that we protect the sovereignty and territorial integrity of our country. We only come to do one or two things when we are called upon by the national Government.

Tomorrow, I invite the Senator of Nairobi and the leadership of Nairobi. If he did not get the invitation, we will send an invitation. He should come and take over his Park, alongside the County Government of Nairobi.

(Applause)

Mr. Speaker, Sir, as mentioned earlier, the works at Uhuru Park have been completed as per the contract, with only minimal works remaining for the Central Park. However, the military in collaboration with the County Government of Nairobi has been allowing the public to use this facility on occasions and functions, including the inaugural Nairobi Festival of December, 2022, the launch of World Rally Championship (WRC) Safari Rally of June, 2023, the Community Health Promoters launch by the President in September, 2023, the Christmas and New Year festivities to citizens of Nairobi. The last one was the Private Security Regulatory Authority launch of guard force number, March, 2024, that was done barely a month ago.

The maintenance of the Park is, however, faced with challenges. For example, during last year's Christmas festivities, we opened Uhuru Park to the public, in consultation with the Governor of Nairobi. However, there was resultant damage to some of the structures we have done, including the aircraft we have stationed on the ground. That aircraft is supposed to be turned into a fast food court.

The good thing is that we told the governor that we are not going to hand over until that damage is rectified. We are happy to report that Nairobi County Government has rectified those facilities.

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Consequently, the Ministry is collaborating with the County Government of Nairobi to establish the management modalities for the parks before the official opening. The rehabilitation of the parks was geared towards enhancing visitors' experience by ensuring the parks meets globally accepted standards.

The works undertaken in the Parks include the following (what we have done since we took that project): Creation, improvement and sprucing up of green spaces, gardens and lawns, the introduction of control access points and enhanced security through gates and fences, setting up of container restaurants, mainly fast food, creation of a skating park, innovation of a culturally symbolic Nyatiti water feature for events, setting up of outdoor libraries and reading areas.

We expect that during lunchtime Kenyans can walk to that park to spend an hour. We have put benches there. We expect the Nairobi County Government to put Wi-Fi, so that people can have a one-hour break from conferences in the hotels around there. If you want to go and stretch your legs, you can just walk to the park and read your book, send emails and have a very good ambience environment.

We have also set up outdoor plazas and shelter gardens. We have done a creation of water cascade. We have built enough ablution facilities designated for both genders. We have improved and done additional walkways and jogging tracks.

Mr. Speaker, Sir, even this Parliament should have a Memorandum of Understanding (MOU) with the Nairobi County Government; that in the evening, Senators and MPs after the gym, those who want to walk can cross to Uhuru Park and walk or jog early in the morning because the air and the environment is welcoming. Of course, the cost of the project for both Uhuru and the Central Park was Kshs1.18 billion.

The Nairobi County Government in future must do two things: One, to sustain and maintain the standards. Our biggest fear is for this Park to go back to its old situation. We expect Nairobi County to have competent men and women and for people to learn from other countries on how parks are run.

Two, to allocate budget and funds for the proposed additional facilities which were not in the contract, but which we feel are very important. These works are estimated to be about Kshs550 million or less. There is a plan to do a dancing water fountain and CCTV installation, which is very key for security purposes. We want to do a pedestrian footbridge and maybe add more restaurants in the future and do a proper management office.

Mr. Speaker, Sir, to make sure that we help the Governor and the county, we have agreed that we will let our technical team stay with him for the next six to eight months. These are expert engineers, architects and landscapers from the Ministry of Defence who participated in this project.

We have asked the Governor that we do an MoU with him tomorrow that we leave the site within six months, to show him support in case there is a small problem during the transition. We told him that our team is to help them acclimatize. Already his people, the Nairobi County Government staff, are doing good work in terms of cleaning, cutting the grass and maintaining cleanliness.

During this transition period, we will supervise the Nairobi County Government to ensure that they complete the installation of the associated facilities to further enhance

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visitors' experience. This MoU will officially be signed tomorrow as we hand over the park to Nairobi County Government for opening to the public, I hope over the weekend.

We have installed a very good entrance gate management system and we expect that at least the Uhuru Park to be free to the public and maybe for Central Park, Nairobi County Government, with the stakeholders, can agree on what they can charge but, of course, very minimal.

We have made a provision in Central Park for a security police post. Globally, these parks must have security. We do not want our daughters, sons, family or citizens to be victims of insecurity when they are enjoying the ambiance of the Park.

There is a facility at the far end of Central Park, so we will ask the Inspector General of Police in consultation with the stakeholders and Nairobi County Government to provide a small police post.

Hon. Members, I would like to reaffirm that the Ministry of Defence is committed to ensuring that the parks are not only open to the public, but also adequately maintained by a very robust management team, and that should be provided by the county leadership of Nairobi.

Mr. Speaker, Sir, I want to assure the Senate and, indeed, the entire public that the Ministry of Defence is committed to fulfilling our obligations and ensuring that all the pending works within the Central Park are completed within the shortest time possible, and is also open to the public.

Thank you.

The Speaker (Hon. Kingi): Thank you, hon. Cabinet Secretary. Senator for Nairobi, Hon. Sifuna, do you have any supplementary questions?

Sen. Sifuna: Yes, indeed, Mr. Speaker, Sir. First, I thank the Cabinet Secretary for that comprehensive response. However, the Cabinet Secretary perhaps could advise his team that they should also be responding to correspondence from Senators. I did write to you in February and all these could have been responded to in writing.

I do not know what sort of correspondence management system you have at the Ministry of Defence, but it needs improvement. Number two, it is a terrible indictment on the capacity of the Nairobi County if the Ministry of Defence is doubting our ability to manage a park. It just breaks my heart to hear some of these things.

First, hon. Cabinet Secretary, I had the occasion to visit this Park in October, 2023. You have spoken about maintenance of monuments. I want to know the rationale for the demolition of the main pavilion where we used to address our supporters from because I believe that was also a monument that needed to be preserved.

Number two, you have spoken of a visitor's management system that has been developed by the Ministry. I want to know if that system will be managed by the Ministry or you will be handing it over to the Nairobi City County Government for further use.

It would have been nice if the House could have had sight of the sort of MoU that we expect to be signed tomorrow. I am a worried Senator given the reservations that have been expressed by the Cabinet Secretary on our capacity; that, in fact, these works have just been delayed by two things. The connection of water and improvement of drainage works is what has kept the people of Nairobi away from their Park for almost two years.

I want the Cabinet Secretary, if he can just tell us very briefly about the contents of that MoU. We understand that under the Constitution, if there is going to be a transfer of functions between county governments, there needs to be a solid agreement as to what that entails.

I thank you.

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

The Cabinet Secretary for Defence (Hon. Duale): Mr. Speaker, Sir, many years back, I was a founder member of the ODM Party.

(Applause)

I know the rank and file and supporters of ODM and many other political parties. That Park will never again be used by politicians to address rallies. It is out of bounds for that. This is because you rarely see a park---

(Laughter)

One of the reasons we removed is that those of us who are in the political class will look for another venue. I am sure even the Governor of Nairobi will not---

The provision is not there. I am sure it was the best place for popular parties like the Orange Democratic Movement (ODM) and others in Kenya Kwanza (KK). That is where they showed their might and raised the highest number. I, however, think there are many other open places to go to.

Secondly, I will provide the Memorandum of Understanding (MoU). It is just one page containing our existence to be there for six months for the transfer. We did not want to stay. Kenya Defence Forces (KDF) cannot stay in a place without anything. We have told the governor to sign for us. Our technical team will be with him to show him where the roads are.

As he transitions, we have something that will cover our officers. In fact, before the end of the day, because it is a public document, I will send the Senator a copy. So, if you see a serious issue, please, tell me before 9 O'clock tomorrow. We can postpone the meeting.

The entrance management system is part of what we are handing over. Everything will be handed over. He will manage the traffic; they will do everything. We will walk out of that place tomorrow. Just like any other person who hands over, we just said, 'give us an MoU and in six months, we will show you how to protect the Park, and how to do everything with your team.' After six months, we get out of it. So, it is everything, including the Park management system.

However, I want the Senator of Nairobi to help me, because this is his county. Please, tell the political class, those who want to do weddings and big functions, that they have a good place. You know our supporters. If they stay there for one hour, then the Park will go back to where it was before. So, let us keep our supporters and politics out of the Park.

Thank you.

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The Speaker (Hon. Kingi): Sen. Mungatana?

Sen. Mungatana, MGH: Mr. Speaker, Sir, I also want to---

(Sen. Kavindu Muthama stood in her place)

The Speaker (Hon. Kingi): Sen. Kavindu, you know what to do if you want to catch the Speaker's eye. So, just stay put.

Proceed, Sen. Mungatana.

Sen. Mungatana, MGH: Thank you, Mr. Speaker, Sir. I join my colleague in welcoming our former colleague to this place. Thank you for coming.

I am speaking and, in a way, raising a complaint as I ask this question. Is there a framework for invoking formal involvement of the military in civilian affairs? I ask this because it has been like the Cabinet Secretary, whether him or the previous administration, tended to favour Nairobi. We know that when the military gets involved, they do very good work. However, is there a way we can invoke them?

Right now, the Cabinet Secretary is my neighbour in Garissa-Tana River County. Between Madogo and the County of Garissa, that bridge in the highway has been mismanaged by the Kenya National Highways Authority (KeNHA). Why can the Cabinet Secretary not invoke his office to bring in the military to solve that problem?

I am asking him if there is a way he can come in there. On the other side, between Tana River and Lamu, KeNHA has not done a good job on that road too.

We know if the military comes in, they will resolve those problems. Both problems happened when the infrastructure was destroyed during the flooding. Is there a way that they can also distribute the military to help us in some of our counties and not just favour particular counties?

The Speaker (Hon. Kingi): I will allow Sen. Wambua to ask his question, so that the Cabinet Secretary can take the two together.

Sen. Wambua: Thank you, Mr. Speaker, Sir. My question is very closely related to what Sen. Mungatana has alluded to in his opening remarks.

Article 187 of the Constitution is very clear on the transfer of functions from one level of Government to another. One of the requirements of that Article is that when that transfer is going to take place, then arrangements shall be put in place to ensure that the resources necessary for the performance of the function or exercise of the power are transferred.

I want to know whether Article 187 of the Constitution was invoked in the transfer of this function from the County Government of Nairobi to the Ministry of Defence, and whether the County Government of Nairobi transferred the resources necessary for that function to the Ministry of Defence to undertake that function.

(Applause)

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

The Cabinet Secretary for Defence (Hon. Aden Duale): Mr. Speaker, let me start with my neighbour, Sen. Mungatana.

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I agree with him that Article 243(3) (b) of the Constitution provides for that. It allows KDF when called upon, particularly in an emergency like what is happening now in parts of Tana River, Garissa, and Lamu to come in and assist citizens. We did that during the El Nino.

In fact, today, we have heard that all the dams are overflowing. We expect, in the next four days, a lot of flooding in Garissa, Tana River and Lamu to be very specific. I agree with him.

Of course, in concurrence with the Commander-in-Chief, there are many things that we will do. Like in other countries, we are thinking of establishing a formal and a legally construction industrial company within KDF, where they can be sent to remote parts in secure regions, to construct roads, dams and build schools.

So, the Defence Council is working on that to make sure that we have a specific department on construction, just like in other countries, for example, the United States of America (USA) and Egypt. This is so that where contractors cannot reach because of the terrain or insecurity, the military have a wing that can do national projects.

We are going to work with the leadership of Garissa, Tana River and Lamu. We are working with them now in the Boni enclave to make sure that terrorists do not cross from Somalia into our country.

On the question by the Senator for Kitui, Sen. Wambua, Article 187 is very specific on transfer of functions. Whether it was done procedurally, or due process was not followed, it was done by the previous administration.

I want to assure you that Governor Sonko's issue on the creation of the Nairobi Metropolitan Service (NMS) and any other organ outside the Constitution will never be created under the administration led by Hon. William Ruto. That will never happen.

I came to office in September, 2022. We found the Park and our business was to make sure, as Senator Nairobi said, that we complete the Park and hand over.

As a former Member of Parliament (MP), this House has an obligation through its Committees, to go and find out why Article 187 was violated by the previous leadership. I do not think I can carry myself. I was not part and parcel of those who violated Article 187 in those days.

Thank you.

Sen. Miraj: Bw. Spika, nami pia namkaribisha Waziri. Kule Mombasa kuna Uhuru Gardens. Hapo awali, sehemu hiyo ilikuwa imenyakuliwa na mabwenyenye. Tunashukuru kwa sababu tulirejeshewa hatimiliki. Kama mwakilishi wa Mombasa, je, tunaweza kupata huduma kama zile zilizoko katika Kaunti ya Nairobi? Kunaweza kuwa na marekebisho ama ukarabati ili kurejesha nidhamu?

Kuna changamoto kubwa ambayo inatukabili kule Mombasa. Kuna jamii za watu wanaorandaranda ambazo zinaongeza idadi ya utovu wa usalama katika mji wetu. Labda tukipewa fursa, tunaomba mje pale mturekebishie ili kuwe na nidhamu kwa sababu imekuwa kero kwa wananchi wa Mombasa pale Uhuru Gardens na Makadara Grounds. Je, tunaweza kufanyiwa ukarabati wa bustani zetu?

Vile vile, ningependa kukuomba kwa sababu unahusika katika sekta ya usalama. Tafadhali mtafute mbinu ya kushirikiana na Gavana wetu wa Mombasa ili watu wapate makazi mazuri. Sitaki nieleweke vibaya kwamba tunataka kuwaondoa, lakini sio

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kusumbuliwa pale walipo. Wao kama wale wengine wanaorandaranda wana haki ya kupewa mahali pazuri pa kuishi.

Ninapendekeza hivi pia iwapo inawezekana. Kuna nyumba za bei nafuu ambazo zinapeanwa. Watu hao wapewe mahali pazuri pa kuishi kwa sababu ni kero na usalama unazidi kuzorota katika Mji wa Mombasa. Iwapo inawezekana, fikeni kule Mombasa mturekabishie bustani zetu ili tuwe na mandhari mazuri ya kujivinjari.

The Speaker (Hon. Kingi): Sen. Kavindu Muthama, you have the Floor.

Sen. Kavindu Muthama: Mr. Speaker, Sir, I would like to follow up on the question that was asked by Sen. Sifuna. The Cabinet Secretary said that the Park belongs to the citizens and only citizens can go there. I would like him to clarify if politicians are not citizens.

(Applause)

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

The Cabinet Secretary for Defence (Hon. Duale): Mr. Speaker, Sir, politicians are important citizens because they are leaders. What I meant is that they should not do their rallies and take their tools of trade and supporters to Uhuru Park.

That is why I said that even our Members and staff of Parliament have an opportunity to walk to the Park in the evening because it is well lit. They can do their jogging and walking because they are also citizens.

Sen. Kavindu Muthama, I did not mean that they will not be allowed. I said that rallies and meetings of our important citizens, who are also our leaders, will not take place there as it used to be.

They can go to Moi International Sports Centre in Kasarani once we finish renovating it because we are preparing for the Africa Cup of Nations (AFCON). During the last elections, we used to go to Nyayo National Stadium and Moi International Sports Centre in Kasarani, but now there are many other stadiums.

Bw. Spika, Kanuni za Kudumu zinasema kuwa kama swali limeulizwa kwa Kiswahili, ni vyema kujibiwa kwa Kiswahili. Nitajaribu kumjibu Seneta Mteule kutoka Kaunti ya Mombasa kwa Kiswahili.

Mpango huo unaweza kufanyika lakini sitaki ifanyike na kuhitilafiana na Katiba kama vile Seneta wa Kitui alivyofanya. Kuna namna ya kufanya. Gavana wa Mombasa anaweza kuuliza tushirikiane kurudisha uzuri wa Uhuru Gardens na Makadara Grounds.

Hatutaki watu ambao wataharibu Uhuru Park kama vile vijana wanaorandaranda. Hata wakienda pale, lazima wawe na nidhamu. Sitaki Uhuru Park iwe jinsi ilivyokuwa zamani.

Wanafaa kupewa nyumba za bei nafuu. Nadhani Waziri anayehusika na mambo ya ujenzi na nyumba atakuja hapa ili ajibu swali hilo kwa sababu nikiongea kuhusu mambo ya nyumba, nitakuwa namkosea mwenzangu heshima.

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

Sen. Chute: Mr. Speaker, Sir, let me take this opportunity first to congratulate our Cabinet Secretary who has served as a politician for many years and now a Cabinet Secretary.

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I also thank him and the Ministry of Defence for the good work they are doing. The Kenya Meat Commission (KMC) was before my Committee about two weeks ago. They are doing a good job because they are now making profits.

I also take this opportunity to thank you for what you have done at Sololo Level 4 Hospital and football stadiums in this country. However, there is flooding in North Horr and the roads are impassable.

The people of North Horr and Turkana are suffering. What can you do to help the people in those areas? We have military personnel in a place called Hidido in North Horr Constituency. Can you deploy the military to help the people in North Horr, Garsen and Turkana?

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

Sen. Dullo: Mr. Speaker, Sir, I would like to welcome our brother, the Cabinet Secretary for Defence.

Mr. Speaker, Sir, we have outstanding issues with the Cabinet Secretary and we have spoken several times about them, more specifically on matters of land. I believe no county has taken care of the interest of defence more than Isiolo because we have about four camps in Isiolo County.

I am unhappy or depressed when I hear other counties praising the Kenya Defence Forces (KDF) and benefiting from the fruits of KDF, yet Isiolo County, which is taking care of the KDF in many ways, has not benefited much. My question to the Cabinet Secretary is this; can we please resolve the outstanding issue?

Secondly, there are things that we appreciate the KDF for. More specifically, I would say something like a stadium, especially for the youth. We have a small stadium that has stuck because of several issues. They should put up a stadium for us because we have so many talents that are wasted in Isiolo due to drugs and many other challenges.

Please, Hon. Cabinet Secretary, I am pleading to you. Can we have something that we can appreciate the KDF for? In Isiolo, people are condemning the KDF because of land and many other things. If we get something nice put up there by the KDF in the interest of the people of Isiolo, the relationship will be good.

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

Sen. Cherarkey: Mr. Speaker, Sir, it is good to see the Majority Leader *emeritus* back. Mine is a quick question to follow up on what Sen. Dullo has said.

I wanted to find out the resolution on the issue of land around Recruits Training School (RTS) in Eldoret. There are people from Nandi under the name of Leseru Tebeson Farmers Society who have 3,500 acres owned by more than 500 members. I would like to know the status because the Cabinet Secretary mentioned the famous Chepsilonge.

He had that matter moved to court and litigated upon. They found out that 3500 acres rightfully belong to 500 members; the Leseru-Tebeson society led by one Mr. Chepsilonge.

In that resolution, what is the Cabinet Secretary doing to ensure unity and cohesion, as Sen. Dullo has mentioned? Mr. Speaker, Sir, there have been suspicious and mysterious deaths of youth around the barracks within Eldoret. What is the Cabinet Secretary and Kenya Army doing to ensure that matter is resolved?

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

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The Speaker (Hon. Kingi): What is your point of order, Sen. Mandago?

Sen. Cherarkey: Mr. Speaker, Sir, there is no provision in the law, that under a point of order you can ask for point of order. You should keep---

The Speaker (Hon. Kingi): I will invoke Standing Order No.1. Senator for Nandi County, kindly, can you yield.

Sen. Cherarkey: I finish my questions and thank you.

The Speaker (Hon. Kingi): Sen. Mandago, proceed.

Sen. Mandago: Mr. Speaker, Sir, under Standing Order No.105 on statement of facts. Is the Senator for Nandi County in order to allege that the matter has been resolved and confirm that the land belongs to one Mr. Chepsilonge? From this statement alone, it informs that these are invaders from Nandi County invading Uasin Gishu County.

(Laughter)

The Speaker (Hon. Kingi): Senator for Nandi County, he who alleges must prove. You have just made a statement that the matter has been resolved, but the Senator for Uasin Gishu has stated otherwise. Is it your position still that the matter was resolved?

Sen. Cherarkey: Mr. Speaker, Sir, he who alleges must prove. So, the Senator for Uasin Gishu must also prove it. I have facts. The Cabinet Secretary can answer on the final part of resolution and implementation. If you need the court documents, then kindly give me until next week Tuesday to table them.

The Speaker (Hon. Kingi): Very well.

Sen. Cherarkey: In future teach Sen. Mandago ---

The Speaker (Hon. Kingi): Senator for Nandi County, this is not a school where we teach---

Sen. Cherarkey: He said Nandis are--- Mr. Speaker Sir, can he withdraw his statement about us being invaders. We have never invaded anything. We only invade the kingdom of Heaven. We do not invade Uasin Gishu County.

The Speaker (Hon. Kingi): Senator for Nandi can you take your seat. Hon. Cabinet Secretary, you will proceed to respond to the question and leave the rest of the contributions.

Proceed.

The Cabinet Secretary for Defence (Hon. Duale): Thank you, Mr. Speaker, Sir. Senator for Marsabit County, yes, there is serious flooding and emergencies not only in Marsabit County, but also in many parts of our country. This morning, my colleagues, the Cabinet Secretary for Interior and National Administration and the rest of Government, is putting together an emergency response team that will be used during the El-Nino rains.

The Kenya Defence Forces (KDF) wherever they are, including the ones in Moi Airbase are ready. We shall use all our assets to help the people of North Horr.

Sen. Dullo, my sister from Isiolo County, on the Eldoret-Elan dispute; we have completed it. We have sorted the cartels and genuine land neighbour to the RTS. Isiolo

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County is next. In the next week, we shall speak with the Governor, leadership and yourself, and discuss what we can do also in terms of the stadium.

It is something we can agree on with the county government, using the little resources and ourselves. I thank all the county governments that host our troops and give us huge tracts of land from Mombasa, Isiolo, Laikipia, Garissa, Marsabit, Turkana and many more. We do this for the protection and defence of our territorial integrity.

Mr. Speaker, Sir, I will repeat this again. The people the Senator for Nandi County is talking about; Lesuru-Tebeson led by a man called Mr. Chepsilonge, are fraudsters and conmen, who are carrying and fishing around a fake title. I challenge them the same way I did. The Chairperson of the National Lands Commission (NLC), the Permanent Secretary (PS), and the Cabinet Secretary for Lands and Physical Planning have been waiting for them for the last two weeks to present their documents.

They have also enticed me - I can share the message with the leadership - that if I work with them, they shall give me 100 acres of land. I told them that where I come from, I can get 10,000 acres. The Senator for Kitui and Marsabit Counties can also relate to this. Where we come from, you cannot give us 100 acres, you can only give us 10,000 or 100,000 acres.

Mr. Speaker, Sir, those are fraudsters. Let me make it clear that the case is coming up on 2nd May, 2024. It has not been concluded. The legal teams of the NLC, Ministry of Lands and Physical Planning and Ministry of Defence are ready with all the documentation. I ask the Senator for Nandi County that if they are his clients, he should go back and tell them that the documents they have are fake, fraudulent and illegal. They cannot get free land on behalf of the people of Eldoret. He is a good lawyer, and he can advise his clients better.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Mumma.

(Sen. Cherarkey spoke off record)

Sen. Cherarkey: How can you say the matter is in court and they are fraudsters? It does not---

The Speaker (Hon. Kingi): May the Senator be heard in silence. Proceed, Sen. Mumma.

Sen. Mumma: Thank you, Mr. Speaker, Sir. I wish to welcome the Cabinet Secretary to Senate. *Karibu sana.* Bw. Cabinet Secretary---

(Sen. Cherarkey spoke off record)

Sen. Mumma: Sen. Cherarkey, please.

Sen. Cherarkey: No, you are not the Speaker.

Sen. Mumma: Mr. Speaker, Sir---

(Loud consultations)

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The Speaker (Hon. Kingi): Order, Senator for Nandi County.

Sen. Cherarkey: They are provoking me.

The Speaker (Hon. Kingi): In that provocation, you risk being sent out of the Chamber. Kindly stay calm.

Proceed, Sen. Mumma.

Sen. Mumma: Thank you, Mr. Speaker, Sir. First is to commend the Cabinet Secretary for the work that has been done and indicate that Kenya's devolution is consultative and cooperative one. It would gain a lot through cooperation between county governments and national Government on delivery of services.

Hon. Duale, it is good that you have been able to carry out some of the tasks as the Ministry of Defence. I wish to ask a key question about the ability to make policy on development projects for the Ministry. Uhuru Park is a historical site that belongs to all Kenyans. If you remember, the late Hon. (Prof.) Wangari Maathai led the country to defend it against the building of skyscrapers. It houses very historic places including the freedom corner.

It is the place where the mothers of the political detainees held the hunger strike. It is a historic space for this country. I find it difficult to agree when you are talking about a policy that will exclude political activity there, a policy that will bring restaurants in the Park. That is bringing back what hon. (Prof.) Maathai was fighting against.

What powers do you have to make the policy decisions because I hear you saying that this shall not happen here and this person will not go there. What powers do you have to do that? This is a space that should environmentally be made beautiful, but be accessible to every Kenyan including that *chokora*.

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

Sen. Onyonka: Mr. Speaker, Sir, I would like to echo what my colleagues have said. Hon. Duale is a man that I have been with in Parliament for a very long time. He is the only Cabinet Secretary who I gave accolades to when he was appointed because I believe in his capacity and capability, which will ensure he does a good job.

Cabinet Secretary, *karibu* and thank you.

I have two Questions. I am asking the first one because I happen to operate in---

The Speaker (Hon. Kingi): Sen. Onyonka, you can only ask one Question.

Sen. Onyonka: Thank you, Mr. Speaker, Sir. I will ask one question.

I happen to sit in the Committee on Finance and Budget. One of the issues that were brought to us is that Nairobi Metropolitan Services did not formally wind up as a corporation and did not clear out all the outstanding bills and payments that were supposed to be made for the people who worked on the projects and works, they initiated.

Does the Cabinet Secretary have the capacity to follow this matter and make sure that by the time he hands it over, he leaves a list of those individuals who need to be paid, those who have been paid, and the ones who have issues and challenges?

I heard the Cabinet Secretary say how he is going to observe the law and ensure nothing happens the way Nairobi Metropolitan Services was set, yet he knows that all the National Parks are devolved to county governments.

He is saying that the military is making the decision that Uhuru Park and Central Park cannot be occupied by politicians. He is, therefore, taking the powers of the Nairobi

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County Government, which should make the decision. As far as I am concerned, the Cabinet Secretary for Defence is breaking the same law he said he will not break.

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

Sen. Kathuri: Thank you, Mr. Speaker, Sir, for this opportunity to ask a supplementary question to the Cabinet Secretary for Defence.

I thank him because he does not shy away from coming to the Senate and the National Assembly like other Cabinet Secretaries. When I entered this Chamber, I thought I was in the National Assembly, where I served with him as the Majority Leader for 10 years with Sen. Maanzo, Sen. Osotsi, and the rest.

I also thank him for opening up the Ulinzi Complex on Lang'ata Road for Parliament. This is where we are practicing football that we love with the Senate Majority Leader. Tomorrow morning, I will be enjoying football in the stadium.

Hon. Cabinet Secretary, you have commissioned the Kenya Defence Forces (KDF) to cattle rustling-prone areas such as Pokot, Turkana and Baringo counties. We have barracks in Isiolo. However, when the cattle rustlers get cattle from Meru, they pass by the gate of KDF, 78 Tank Battalion in Isiolo with 1,000 of these cattle.

Why do you not give us the leeway that the KDF in Isiolo and the buffer zone between Isiolo and Meru protect the area as KDF? We are free to give you that land, so that KDF can practice whatever they want in that belt. This can prevent these rustlers from Samburu and Turkana from crossing to Meru.

We can give you that land in the area where the battalions are, so that you can act as a buffer between these people from Samburu crossing to Meru for cattle rustling. Since we are experiencing this problem, you could consider this immediately or a Cabinet Memo could be issued to deploy KDF to protect our people in Meru.

We are suffering. You are a pastoralist and understand the loss of raising 1,000 heads of cattle, only to be stolen in a day. This is the only thing I might ask.

You were my Majority Leader and I served you diligently as the Chairperson of the Committee on Special Funds; I was the best-performing Chairman. Consider my request as a friend.

(Laughter)

The Speaker (Hon. Kingi): Sen. Mandago, proceed.

Sen. Mandago: Thank you, Mr. Speaker, Sir. I would like to ask the Cabinet Secretary for Defence when the military will begin the completion process of the Kipchoge Keino Stadium in Eldoret that was handed over to them.

Thank you for dealing with the cartels.

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

The Cabinet Secretary for Defence (Hon. Duale): Thank you, Mr. Speaker, Sir. On the question by Sen. Mumma, I do not want to be misunderstood. If you visit the Freedom Corner today, you will see it is a different place. We have opened the area to the citizens who want to picket and light candles.

A decision was made in 2022 that to maintain the status of the Park for other functions, whether cultural and small group political events, they could use the Park.

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When they removed the big pavilion, the essence was that if the Park was to be maintained to a global standard like other parks that can be accessed by our citizens and visitors in Nairobi, we limit it to specific functions and not political rallies.

This is not a policy decision, but even the facility is not there anymore. We have reached this decision together with the Governor of Nairobi. We expected the residents of Nairobi and Kenyans to support us.

Sen. Sifuna, you should lead several Senators to go and see that facility. It is different, fenced and secure. We do not want to destroy it within one or two months. We want to give Kenyans the benefit of staying at home, visiting a mall, or going to the Park. During the day, Kenyans can walk and read a book, send an email, and hold small workshops and conferences.

Secondly, there are no restaurants. We have designed fast food courts, so that those who are in the Park with their children have something to pick. There are no restaurants in Uhuru Park.

I agree with Sen. Onyonka on the sentiments of the Committee on Finance and Budget. We have made sure that the contractors and people who worked on Uhuru and Central Parks have been paid. If anything is pending the Ministry of Defence is liaising with the National Treasury on how to pay them. Nobody will be left.

On the question raised by Sen. Kathuri, the Deputy Speaker, and my old friend and chairman. I agree with you. When the Senate Majority Leader wrote to me about the Ulinzi Sports Stadium, I asked the Senators to come early in the morning and jog with our soldiers led by the Chief of Defence Forces (CDF).

They jog between 5.00 a.m. and 6.00 a.m. You can do your practices and play, but if you want to jog with the soldiers for 10 kilometers be there at 5.00 a.m. You are very important as the leaders of this country and we want you to keep fit.

On the issue in Meru County, I agree with the Deputy Speaker. I asked my colleague, the Cabinet Secretary for Interior and National Administration, that he should add Meru County as a disturbed area.

We are dealing with six counties and Marsabit. He should add this small portion of Meru County into the disturbed area. However, the KDF Act does not allow us to walk out of the barracks and arrest one individual, forget about arresting the criminals with the 1,000 cows.

Even in our military installations, we have the military police who will arrest, and within 30 minutes, they must hand over the civilian to the National Police.

Nonetheless, I am sure I will have a discussion with you, so that we use Article 241(3) (c), where the Kenya Defence Forces (KDF) is called upon to assist the National Police Service (NPS) and the other security agencies to keep our country safe.

Sen. Mandago, we were ready to start the Kipchoge Keino Stadium, but the Ministry of Sports, Youth Affairs and Arts was dragging. We were doing three stadiums for Africa Cup of Nations (AFCON). We were doing the new Talanta Stadium, which is now in Jamhuri. We are refurbishing Nyayo and Kasarani stadia. Hon. Members in the Sports Committee can go to Kasarani. It is around 60 per cent done and we will complete it by October.

For Kipchoge Keino Stadium, I think we will start refurbishing it in the next one week. We have now gotten a go-ahead from the Cabinet Secretary for Sports, Youth Affairs and Arts and Sports Kenya. The problem was those two institutions. For us, we are just the implementing agency.

The user Ministry, the Ministry of Sports, Youth Affairs and Arts, took long in bringing the designs and formally handing it over to us. However, we told them last week that we have a timeline of June or July 2025 to complete the Kipchoge Keino Stadium and Nyayo Stadium. Therefore, we are on course.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Lomenen.

Sen. Lomenen: Thank you, Mr. Speaker, Sir. I thank the Cabinet Secretary for taking this opportunity to be here.

I want to ask our beloved Cabinet Secretary the reason there is a stalemate in the construction of the Lokichogio-Nakodok Road. I know this is because of the issue of insecurity from the Toposa of Southern Sudan. They have refused the construction of the road to be continued from Lokichogio to Nakodok, which is 11 kilometres.

I do appreciate the Government of Kenya because there is deployment of KDF in Nadapal. I also request the Cabinet Secretary to go ahead and deploy that KDF in Nakodok, which is our boundary between Southern Sudan and Kenya.

Finally, there is no KDF deployment between Uganda and Kenya on the zone of Nokiriyama, Loima and Turkana West Constituency. Therefore, that is why our pastoralists are most of the time harassed by the UDF of Uganda.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Cheruiyot.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I want to join my colleagues in appreciating the good work that the Cabinet Secretary for Defence is doing. I will be quick to ask a question, which I strongly feel if our colleague, Sen. Cheptumo, had been well, he would have asked. I know he has been unwell for the last few days. Therefore, I want to ask this on behalf of the children of Baringo where he comes from. As I speak today, more than 30 or 40 schools in the last count that I had, cannot go to school on account of insecurity.

The Cabinet Secretary sits in the National Security Council (NSC). Secondly, the Constitution has enabled him--- If you read Article 241(3)(c), the military personnel can be deployed to restore peace in any part of the country where there is disturbance, with the approval of the National Assembly. I have not seen such an approval. I am wondering what is it that it will take for the Cabinet Secretary to make this request to restore peace in that part of the country.

Since I know the Cabinet Secretary very well. He is my good friend and I do know where he comes from. If it was not for education, my good friend, the Cabinet Secretary, Hon. Duale, would have been in Dujis herding camels. Currently, he does not herd them for a living, but has them now as a luxury, like any well to do man would do from that part of the country.

If it was not for education, he would not have had the opportunity to be where he is in life. How can he possibly sit comfortably in the NSC knowing that there are more

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than 40 schools in Baringo County where children cannot go to school on account of insecurity?

Since the Constitution provides for their deployment in situations such as this, where it is becoming increasingly clear that other security organs, for one reason or the other, are not able to restore calm in that part of the country, what plan do they have to deploy KDF in area? Can he give us the assurance, as a House, that they will do so?

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. (Dr.) Oburu.

Sen. (Dr.) Oburu: Thank you, Mr. Speaker, Sir. I also want to thank the Cabinet Secretary for being very candid in answering the questions here. I want to first congratulate them for a very good work done in Kisumu Port. They have put up a very magnificent facility. However, this work was supposed to spread to other parts of the lake, so that the work is complete. Once you do one part of the lake, you need to transport goods from one point to the other.

We have other ports like Homa Bay, Asembo Bay, Mageta Island, Koyamo Island and Usenge beaches, which have not developed and yet, they were supposed to have been developed after the Kisumu Port.

Additionally, the transportation of goods from Mombasa through the Standard Gauge Railway (SGR) come to Naivasha and they are dumped there. Nonetheless, the railway gauge to Kisumu is very small. Therefore, it accommodates very few goods to the Port of Kisumu, thus inhibiting trade between Kenya, Tanzania and Uganda.

The KDF were doing a very good job, but it appears the work has stalled. Could the Cabinet Secretary tell us when they will resume this work and whether there are plans to complete all the ports that I have mentioned in that regard?

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Shakila Abdalla.

Sen. Shakila Abdalla: Asante, Bw. Spika. Kwanza ningependa kuchukua nafasi hii kumpongeza Waziri kwa utaalumu wake wa kujibu maswali.

Bw. Spika, nimeona ameguzia juu ya mambo ya ugaidi Lamu. Ningependa kumueleza kwamba kuna barabara ya Lamu-Kiunga ambayo haipitiki na inachangia pakubwa sana kwa kuwasaidia watu ilhali hiyo ndio barabara inayotumika na magaidi.

Mara nyingi utakuta wakaazi wa Kiunga wanatumia njia ya bahari kwa sababu ya ukosefu wa usalama wa barabara ya Kiunga kwenda Lamu. Naomba Mhe. Waziri, kama kuna uwezekano wa majeshi kwenda kuirekebisha ili ikupunguza ugaidi na kuimarisha usalamu katika Kaunti ya Lamu. Ninajua Bw. Waziri ni muhusika mkubwa katika Wizara yake juu ya usalama, hiyo barabara inachangia pakubwa na ninajua yeye anaelewa vizuri mambo ya ugaidi yanayotuathiri katika Kaunti yetu ya Lamu.

Bw. Spika, ingekuwa vyema kama Waziri angeweza kulijibu hili swali na atuhahakikishie kama kuna uwezekano wa majeshi kuja kurekebisha barabara hii ya Lamu-Kiunga.

Asante.

The Speaker (Hon. Kingi): Proceed, Sen. Maanzo.

Sen. Maanzo: Thank you, Mr. Speaker, Sir. Back to the question of the Senator for Nairobi, the military was also doing Uhuru Gardens in Langata. I would like the

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Cabinet Secretary to state whether it is completed and when is it likely to be completed and opened to the public.

Secondly, at Uhuru Park, there is a very big field, which was traditionally and for many years, designed to be occupied by many people. The churches would do their services or big rallies there. Similarly, political parties hold rallies.

As you have said, is it a decision of the Ministry or the City County to license people to hold either prayers or public meetings, bearing in mind that it is a huge piece of land that is designed to be occupied by thousands of people? How does his office come into that? Is it his decision or that of the County Government?

Finally, he has talked of 80 per cent to complete---

The Speaker (Hon. Kingi): Sen. Maanzo, you are only allowed to ask one question.

Sen. Maanzo: I thank you, Mr. Speaker, Sir.

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

The Cabinet Secretary for Defence (Hon. Duale): Mr. Speaker, Sir, I sat with the hon. Senator for Turkana County, Sen. Lomenen. The whole issue of that road not being complete is complex. A big mistake was done.

We must protect our borders. Due to insecurity, those who were building the road left the road somewhere, which is not our border with South Sudan. We are working on that as a multi-agency team. The Attorney-General of the Republic of Kenya is chairing that team. I am also a member. We will bring a very comprehensive report to both Houses.

Secondly, the KDF has made a very deliberate policy decision in the last five years. That, going forward, we will put our major installations of the Air Force, Navy in the Coast and different formation of the Kenyan Army along our borders.

I thank the leadership of Turkana County for giving us more than five locations. We now have an Air Force Forward Operating Base (FOB) in Lodwar Airport. We will do the same in Marsabit. We are engaging with them to build a number of camps.

We want to devolve our functions on our border with Uganda, Ethiopia, Somalia, Indian Ocean, South Sudan and Tanzania so that it becomes very easy to respond to security emergencies along the border.

We want to move from our traditional bases in Nakuru, Eldoret and Nairobi. We even want to shift our training camps to the North Rift, Turkana, West Pokot and Samburu. Those terrain are the best to train our soldiers. So, rest assured.

Sen. Cheruiyot, the matter of North Rift is very complicated. For us to use Article 241 (3)(c), if you look at the Constitution, it is the National Security Council to direct, in a resolution, that where it has reached, the military must take charge. When the provision of Article 241 (3) (c) is invoked, I will come to both Houses of the Legislature and seek their approval. I am ready and willing to do so.

Mr. Speaker, Sir, we are in a multi-agency team under Article 241(3)(b). I can assure hon. Members that we are working with our colleague in the Ministry of Interior and National Administration, Hon. (Prof.) Kithure Kindiki. We have reduced incidents of terror by about 85 per cent.

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As the President said, we are not doing very well. We must deal with the 15 per cent. We have a number of strategies that the Ministry of Interior and National Administration under Hon. (Prof.) Kithure Kindiki is putting in place in the next two months. If that will not work, I want to assure the Senate Majority Leader that Article 241 (3) (c) will be invoked, the way we did it in Mt. Elgon many years ago; we will go to that region.

I state categorically and decisively that in this administration, banditry will be a thing of the past. President William Ruto committed to this in his speech and in our manifesto.

I ask leaders from those counties that it cannot be business as usual. They need to work with us. We are now treating these bandits the way we treat Al-Shabaab in our dealings with them along the border of Kenya and Somalia.

Sen. (Dr.) Oburu, my senior, who inducted me to the Legislature many years ago, I thank you. We did a very good job in Kisumu. The shipyard is our flagship defence project and it is doing very well.

I want to thank Major General Otieno and his team for a good job done. We have now become a leader in shipbuilding in East and Central African Region and the whole of Africa.

We are doing some work now at Mbita in Homa Bay. We are working with Kenya Ports Authority (KPA) and Kenya Shipyard Limited (KSL) under the Ministry of Defence, but the problem is resources.

The traffic between Kenya and Uganda, Kenya and Rwanda and Kenya and Tanzania is picking up. We want to bring back the Independence Day of the first Government, where the lake was a very critical infrastructure in the movement of goods and services. We need to save our roads from these big trucks carrying fuel.

One of the ships that KSL has built carries about 16 million litres, which can move within 11 hours across the lake. This is better than trucks, which damage the road and cause accidents. We are doing a lot of work in the lake region. I take this opportunity to brief Sen. (Dr.) Oburu and the leadership of that region.

Sen. Shakila Abdalla, there are certain roads we have earmarked as security roads within Lamu and the North. We have even created a budget and said that the KDF is going to take charge of those. I have airstrips for our own operations and security roads.

I agree with you, we will put these roads to murrum standard. That will even help us in preventing terrorists not to use their weapon of choice, which is Improvised Explosive Devices (IED).

Mr. Speaker, Sir, I thank the entire leadership of Lamu County. Since we met, they are working with us and we have reduced the incidence of terror. Our team plus the Ministry of Interior and National Administration team and the National Police Service (NPS) have now secured the Lamu enclave.

We are making sure that we destroy even the terrorist infrastructure, not only in Kenya, but in their home base in Somalia where they hide. I am sure. We do not say it a lot, but the country has been fairly very peaceful. We have secured Nairobi and all other cities from any acts of terror.

Sen. Maanzo, this is a discussion. We have a choice. We cannot have our cake and eat it. Sen. Sifuna will agree with me that if we have to keep to a global standard, we allow those who want to use the Freedom Corner to go there peacefully or people to go and do socioeconomic activity in that park, or do three rallies, the park goes back to where it was.

Two years ago, I was a practitioner in the political class. I know our supporters. That is why I said I am a founding member of the ODM, particularly those parties that can raise numbers. You cannot control your numbers. So, please, let us work together. It is not about policy.

I ask the leadership of the Senate and the Senator for Nairobi City County, please, we want that beautiful place to be there for generations. That, people will say, when Sen. Sifuna was a Senator, the park was opened and many Senators of Nairobi will come back. So, let all of us have a discussion on this.

We have many other places. In fact, these days, the trend is you use the top of the vehicles. You do not need a podium. Very few politicians these days use a podium and sitting. It is a bit more costly. These days, you assemble the crowd and use your vehicle. Mine is just to make sure that the good work that the Ministry of Defence and the whole team in Nairobi City County have done, does not go to waste.

Mr. Speaker, Sir, I think I have answered that.

Sen. Shakila, we are working with you. It is our mandate and core duty. We are waiting for some resources from the Ministry of Roads and Transport. We really want to make sure that all the security roads and airstrips in our country are done, the way we have done the cutline for the Boni Forest.

During the El Niño, we realized that our airstrips are in a very bad shape and so we could not reach Kenyans. Therefore, in every remote part of our country, we will designate security roads to be built by the Ministry of Defence in collaboration with the Ministry of Interior and National Administration and the Ministry of Roads and Transport. We will also improve on our airstrips to enable us carry out operations such as evacuation of citizens when they are marooned by floods.

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, there was the issue of Uhuru Gardens.

The Cabinet Secretary for Defence (Hon. Aden Duale): Mr. Speaker, Sir, Uhuru Gardens is completely different from Uhuru Park and Central Park. We have completed about 85 per cent of Uhuru Gardens and the National Museum of Kenya (NMK). We have completed the Gallery of the first President. We have done the one for President Moi, President Kibaki and the military. We have also done the one on the history of Kenya. We are about 85 per cent done.

Very soon, dignitaries will start going to Uhuru Gardens and the NMK to lay wreaths at the tomb of the unknown soldiers, where we have inscribed the names of freedom fighters in our country. In fact, not soon, because we are already doing it.

We are now working with the NMK. I think we shall open it in four to five months. We have agreed that as we build more galleries, we will open the ones that we have now.

Mr. Speaker, Sir, with your permission, one day under your leadership, we are ready to take you round. It is good to see it rather than hear about it. If you ask us, we will make arrangements and our team will take you round. We are working with the NMK and other stakeholders to make sure that we finish the final touches.

The Speaker (Hon. Kingi): Lastly, Sen. Abass.

Sen. Abass: Mr. Speaker, Sir, I thank the Cabinet Secretary for showing that he is on top of things at his docket because the way he replies is wonderful and satisfactorily.

First and foremost, I thank him and his team. He really supported in delivering food and medicine to all the areas that had been submerged and people were rescued during the El Niño. I thank you on behalf of the people of Wajir.

Secondly, Bw. Cabinet Secretary, as you are aware, Wajir Forward Operating Base (FOB) is actually in the middle of municipalities. You are also privy to what happened sometimes back. There were two instances that were almost a disaster in waiting, but God forbid, nobody died. This was because of the maneuvers going on in the camp.

Wajir has huge land. It is 56,000 square kilometres and sparsely populated. There is no problem of land. We are more than willing to give the KDF other places because the camp is in the middle of the town. Is there any plan to relocate the camp from Wajir Town to other places in the county?

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

The Cabinet Secretary for Defence (Hon. Aden Duale): Mr. Speaker, Sir, I thank Sen. Abass. I do not think we have any intentions to relocate from Wajir International Airport. To us, Wajir International Airport is like Laikipia Airbase. We have a lot of our own internal operations. We also carry out operations and logistics in our neighbourhood on the war against terror.

We even work with our partners such as the Kenya Airport Authority (KAA) to allow the good people of Wajir access. We agreed that we will give them a designated section where the Ministry of Interior and National Administration, using the NPS, will man the checks. For now, people go through a lot of checks because they have to pass through our base. We have the Air Force FOB and other formations.

Secondly, we are asking our partners to invest heavily in Wajir International Airport, just the way we want to invest in Manda Airbase.

On the incident that happened, I apologise to the people of Wajir because it was not intentional. It was part of our training programmes. I assure the Senator that we sent an investigation team and they brought a report. It will never happen again.

We thank the leadership of Wajir, including the Member of Parliament (MP), the Senator, the Governor and the Woman Representative for working closely with us, not only in the incident, but in the whole spectrum of security. I also thank all the leaders from Lamu, Tana River, Garissa, Wajir, Mandera and Marsabit. They have been valuable working with both the Ministry of Interior and National Administration and the KDF to make sure that we are all have a responsibility to keep our country safe.

The Speaker (Hon. Kingi): Hon. Senators, that brings us to the end of the interaction session with the Cabinet Secretary for Defence.

Hon. Cabinet Secretary, thank you so much for availing yourself for purposes of responding to questions directed to your Ministry. You are now free to leave.

*(The Cabinet Secretary for Defence (Hon. Duale)
was ushered out of the Chamber)*

Hon. Senators, the next Question is by the Senator for Kisumu County directed to the Ministry of Health.

Clerk, could you usher in the Cabinet Secretary for Health, please?

*(The Cabinet Secretary for Health (Hon. Nakhumicha)
was ushered into the Chamber)*

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

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

The Deputy Speaker (Sen. Kathuri): We now have the Cabinet Secretary for Health to answer Question No.009 asked by the Senator for Kisumu County.

Madam Cabinet Secretary, welcome to the Senate. Thank you for availing yourself to come and interact with the Senate on this and other supplementary questions that might arise in the course of the discussion.

I ask the Senator for Kisumu County to ask his Question.

Question No.009

ALLEGED MEDICAL INSURANCE FRAUD

Sen. (Prof.) Tom Odhiambo Ojienda, SC: Mr. Deputy Speaker, Sir, Question No.009 that goes to the Cabinet Secretary for Health is framed in three parts.

(a) Could the Cabinet Secretary for Health confirm that there is widespread medical insurance fraud perpetrated by healthcare facilities in Kenya, particularly within the private health sector, through practices such as unnecessary medical tests, scans and incorrect diagnosis, aimed at unfairly generating revenue for the facilities?

(b) Has the Government conducted an inquiry into this matter, and if so, could the Cabinet Secretary table the report of its findings?

(c) What measures has the Government put in place to ensure accountability by healthcare facilities and to provide compensation to the victims of medical insurance fraud?

I thank you.

The Deputy Speaker (Sen. Kathuri): Madam Cabinet Secretary, kindly answer the questions.

The Cabinet Secretary for Health (Hon. Nakhumicha): Thank you, Mr. Deputy Speaker, Sir and Hon. Senators. It is always a pleasure to come to the Senate and apprise

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Senators on matters in the Ministry of Health. I am happy to respond to this Question raised by the Senator for Kisumu, Prof. Ojienda.

I also request that after I respond to the questions by Sen. (Prof.) Ojienda, please allow me to also apprise the House on the ongoing crisis we have at the Ministry of Health (MoH).

(Applause)

The Deputy Speaker (Sen. Kathuri): Hon. Cabinet Secretary, I give guidance that you first answer the Question and then I will give you an opportunity under Standing Order No.51 (c) to give that statement. We will first dispense off the Question by Sen. (Prof.) Ojienda, avoiding the matter of the strike and then after her statement, I will open the Floor to Senators to ask a few questions on that matter.

Proceed, Madam Cabinet Secretary.

The Cabinet Secretary for Health (Hon. Nakhumicha): Thank you, Mr. Deputy Speaker, Sir, and Members.

The question was that I confirm that there is widespread medical insurance fraud that is perpetuated by health facilities in Kenya, particularly within the private health sector, through practices such as unnecessary medical tests, scans and incorrect diagnoses aimed at unfairly generating revenue for facilities.

The issue of medical insurance fraud committed by health facilities in Kenya, including the private sector, is a serious concern that has received attention from the Ministry of Health regulatory authorities and enforcement agencies. There have been reported cases of facilities engaging in fraudulent practices to unfairly generate revenue, such as impersonations, raising fake claims for patients who never received any service, ordering unnecessary tests or procedures, providing incorrect diagnoses and inflating bills submitted to insurance providers.

These fraudulent activities not only harm patients by subjecting them to unnecessary medical interventions, but also lead to financial losses for insurance companies and undermine the integrity of the healthcare systems. Consequently, the MoH, the National Health Insurance Fund (NHIF) and the Kenya Medical Practitioners and Dentists Council (KMPDC) have taken action to address these issues, including suspending facilities found guilty of engaging in fraudulent practices.

Mr. Deputy Speaker, Sir, currently, the prevalence of medical fraud as per external actuarial analysis stands at 20 per cent. It is important for stakeholders, including insurance providers, regulatory bodies, investigative bodies and law enforcement agencies to collaborate and identify investigating and prosecuting individuals and facilities involved in insurance fraud.

By enforcing strict regulations, conducting thorough audits and promoting transparency and accountability in health care delivery, we can collectively work towards combating fraudulent activities and safeguarding the interests of patients and insurance beneficiaries.

The second question on whether the Government has conducted an inquiry into this matter, and if so, if the Cabinet Secretary could table the report of its findings, I wish to respond as follows:

I confirm that the MoH, NHIF and KMPDC have been actively addressing cases of medical fraud within the healthcare sector. Through joint efforts and investigations, several facilities have been identified and subsequently, suspended for engaging in fraudulent activities that compromise patient care and violate ethical standards.

I would like to note that authorities have taken steps to investigate and address instances of medical insurance fraud. Efforts have been made to scrutinize the practices of healthcare facilities, assess compliance with regulations, and hold to account those found to be involved in fraudulent schemes that are detrimental to both patients and insurance providers. There are ongoing investigations by the Ethics and Anti-Corruption Commission (EACC) and the Directorate of Criminal Investigations (DCI) involving 10 healthcare providers currently suspended by the NHIF Board.

Mr. Deputy Speaker, Sir, I have annexed the list in my response. We collectively strive to uphold the integrity of the healthcare systems and protect the welfare of patients and insurance beneficiaries. I encourage continued collaboration among stakeholders, effective enforcement of regulations and clear communication to promote trust and accountability in healthcare delivery.

The third question is on the measures the Government has put in place to ensure accountability by healthcare facilities and to provide compensation to the victims of medical insurance fraud. The Government of Kenya has implemented and is working on various measures to enhance accountability and combat medical fraud within healthcare facilities.

One of the efforts that the Government has put in place is the health facilities census and we did this last year in August. The Government conducted a comprehensive census of health facilities to create a database that facilitates the monitoring and regulation of healthcare facilities. This initiative aims to identify and verify facilities to ensure compliance with standards and detect any unauthorized fraudulent practices.

The second measure we have taken is the repealing of the NHIF Act, of 1998. The decision to repeal this Act and enactment of the Social Health Insurance Act of 2023 is a strategic move by the Government to strengthen regulatory frameworks and enhance oversight mechanisms within the healthcare sector. By enhancing the Social Health Insurance Act, the Government will introduce updated provisions that safeguard against fraudulent activities, improve transparency and enforce accountability measures for healthcare facilities and providers.

I thank you, Mr. Deputy Speaker, Sir, and Senators, because this House participated in the enactment of those laws during the process. The Ministry appreciates the Senate for the effort they put in.

We are in the process of procuring a smart digital system. The Government is in the process of acquiring this system designed to combat fraud activities. This signifies a proactive approach to addressing malpractices in healthcare delivery. The sophisticated digital system will streamline data management, facilitate real-time monitoring of healthcare transactions and employ advanced analytics to detect anomalies or

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irregularities that may indicate fraudulent behaviour. The system will be integrated with approved clinical guidelines to ensure patient management is standardised.

The fourth one, Mr. Deputy Speaker, Sir, is enhanced monitoring and enforcement. The Government has intensified efforts to monitor healthcare facilities and enforce compliance with regulations. Enhancement of oversight through frequent inspections, audits and performance of evaluations is going to enable regulatory bodies and the Social Health Authority to hold facilities accountable for adherence to ethical standards, quality care and financial transparency, thereby reducing the likelihood of fraudulent activities.

The fifth one is on creating public awareness and reporting mechanisms. The Government is also focused on raising public awareness about medical fraud and encouraging individuals to report any suspicious experiences of fraudulent practices in healthcare facilities. This will be done by promoting transparency, accountability and whistle-blower protection. The Government will empower the public to play an active role in combating fraud and ensuring accountability within the health sector.

Mr. Deputy Speaker, Sir, regarding the compensation of victims of medical fraud, the MoH and its agencies are not expected to compensate any victim of medical insurance fraud. However, the Insurance Regulatory Authority (IRA) may provide more details if there have been compensations to victims of medical insurance fraud.

Mr. Deputy Speaker, Sir, and Hon. Members, I submit.

Thank you.

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

Sen. (Prof.) Ojienda, do you have any supplementary questions? You have an opportunity to ask two. However, if you do not have and are satisfied, it is good enough.

Sen. (Prof.) Tom Odhiambo Ojienda, SC: Mr. Deputy Speaker, Sir, I am satisfied with the responses given. The only follow-up question would be for the Cabinet Secretary to explain to the House the intended processes that underline the implementation of the Social Health Insurance Act. Also, whether there are frameworks that have been put in place to ensure that the repeal of the National Health Insurance Fund (NHIF) Act 1998 will not affect the Kenyan population, those who have been beneficiaries of the framework or the processes under the Act.

The Deputy Speaker (Sen. Kathuri): Hon. Cabinet Secretary, you can answer that.

The Cabinet Secretary of Health (Hon. Nakhumicha): Thank you, Mr. Speaker, Sir, and Hon. Members. Indeed, the Ministry has a process for implementing the Social Health Insurance Act. For starters, the Ministry did gazette a transitional committee that has experts to ensure a seamless transition from NHIF to Social Health Authority. The committee has been sitting for the last three months. It has developed a roadmap on what needs to be done in terms of implementation.

Additionally, the Ministry worked on regulations for operationalising the Social Health Insurance Act. Indeed, the regulations were already approved and gazetted. So, we are in the process of finalising with the transitional committee to ensure that all matters are taken care of. I want to assure the House that one thing that the transitional committee

is ensuring is that Kenyans should not notice that there has been a change from NHIF to Social Health Authority.

The services that are being provided will continue until the time that the Social Health Authority takes over from NHIF. One of the things that they are doing is auditing the existing assets and liabilities, so that the Social Health Authority can take them over.

Mr. Deputy Speaker, Sir, and Hon. Members, I want to confirm that we have an ongoing process; we have a roadmap. The transitional committee is working. As a Cabinet Secretary, I meet with them every two weeks, so that I get apprised of the process. Our intention and plan is that from the 1st of July, we shall have completely moved to Social Health Authority.

Thank you.

The Deputy Speaker (Sen. Kathuri): Thank you.

As I guided, Hon. Senators, we shall stick to this particular question and not touch on the strike. We will allow the Cabinet Secretary to update the Senate and the country after this question. Proceed, if you have a different angle, Sen. Mumma.

Sen. Mumma: Thank you, Mr. Deputy Speaker, Sir, for the opportunity.

Welcome, Madam Cabinet Secretary, Hon. Nakhumicha, to the Senate. My question is related to the repeal of the NHIF Act. You have explained the good intentions and the plans you have in place to have a smooth transition to the new system.

Many Kenyans are still paying NHIF, but not receiving services. We have many Kenyans whose NHIF cards are not being honoured in many hospitals and are stranded. Are you aware of that? What are you doing about it?

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

The Cabinet Secretary of Health (Hon. Nakhumicha): Thank you, Hon. Deputy Speaker, Sir, and Sen. Mumma. Yes, I am aware that Kenyans are still paying NHIF. The intention is for payments to be continued and to ensure access to services.

Mr. Deputy Speaker, Sir, I would like to take responsibility that for sure, there has been disruption, but not a stoppage of services.

The disruption of services is because of the unpaid claims by NHIF to health facilities. This has been occasioned by a delay in Exchequer releases to NHIF. However, I want to confirm together with the Ministry that we have been having engagements with most of the facilities that are around the faith-based facilities.

We have had a meeting with the rural health providers and the private providers and committed that they should continue to provide services because the claims will be honoured.

Mr. Deputy Speaker, Sir, and Hon. Members, I would like to inform the House that due to the transition, it is natural that most of the facilities would be a little bit unsure whether their claims are going to be paid or not. Some are taking that drastic action of not providing services, but as a Ministry, we are continuing to engage them.

As I said earlier, one of the things that the transitional committee is doing is verifying the claims, assets and liabilities of NHIF. I want to assure facilities that there is no cause for alarm. They do not need to disrupt facilities. Once they have provided services and their claims have been verified and reconciled, they will be paid once resources are available.

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I submit.

The Deputy Speaker (Sen. Kathuri): Thank you. Proceed, Sen. Chute Mohammed.

Sen. Chute: Thank you very much, Mr. Deputy Speaker, Sir. Mine is not something like a question, but I want to express my gratitude towards the Cabinet Secretary.

I take this opportunity to thank the Cabinet Secretary and the team, specifically the Director General, on the support they have given us during the time we had sponsors from Lord Mahavir Swami Followers and Giants Group Twiga on prosthetic limbs provided by Narayan Seva Centre, based in Udaipur, India.

Mr. Deputy Speaker, Sir, we had camps in April and September 2023. We had another camp in January 2024 and the next one will be held in June 2024. To date, over 2,500 persons have benefited from the limbs that were provided by the organisation. The camps are in Nairobi, Meru, Mombasa, Kisumu and Kisii. This year, the organisation intends---

The Deputy Speaker (Sen. Kathuri): Sen. Chute, what is your question? I can hear you are reading a statement to appreciate the Ministry.

Sen. Chute: I want the people of Kenya to know that we appreciate what the Cabinet Secretary and these organisations are doing.

(Loud consultations)

Excuse me, can you protect me from these guys? The Deputy Speaker is asking a question.

The Deputy Speaker (Sen. Kathuri): Order, hon. Members!

You have an opportunity to make that statement later. Kindly, because of time, just ask the question.

Sen. Chute: Mr. Deputy Speaker, Sir, as I finish, I want Kenyans to know what the Cabinet Secretary and the team are doing. This is very important for me and many other Kenyans. Also, I hope and believe that the Cabinet Secretary is capable of solving the dispute between the doctors and her Ministry.

Thank you very much.

(Loud consultations)

The Deputy Speaker (Sen. Kathuri): Sen. Chute, I gave you some good guidance and you are still deviating from my advice. There was no question at all.

Proceed, Sen. Onyonka.

Sen. Onyonka: Thank you, Mr. Deputy Speaker, Sir.

First of all, I would like to say that Cabinet Secretary Nakhumicha is somebody I have known in my private life and I am happy to see her here.

Madam Cabinet Secretary, the question I am asking you is this: The National Insurance Health Fund (NHIF) Act has been repealed. You have several health facilities

and health centres all over the country. However, some of them have not been paid for the last three, five or whatever number of years.

What many of these Kenyans are asking is whether you have done an audit. This audit is meant to give you the list of the outfits, health facilities or companies that have been providing these health services to our people. If so, is it possible for you, for purposes of accountability and transparency, to give the list within the regions where these companies come from?

By the time you are transitioning to the social health authority and you are transitioning with a health care fund, my suggestion is that this would make it easy for these Kenyans. Many of them are complaining and saying how they have never been paid. Their property is being taken by auctioneers and many of them have been disenfranchised.

I hope the Cabinet Secretary will be able to look at it and give us an answer to that.

The Deputy Speaker (Sen. Kathuri): Okay, just let me get two more, then the Cabinet Secretary can respond.

Sen. Thangw'a: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): What is your point of order, Senator, for Kiambu County?

Sen. Thangw'a: Mr. Deputy Speaker, Sir, thank you for the opportunity.

I am rising on a point of order under Standing Order No.51(6) (c). You had indicated that you might give the Cabinet Secretary permission to give a statement on whatever is going on. Some of us have questions to ask. So, my question is seeking your indulgence, that you probably give the Cabinet Secretary this particular moment to give a statement. Probably, the questions that we want to ask are in that statement.

The Deputy Speaker (Sen. Kathuri): I give very clear guidance, Sen. Karungo. I want to give a few Senators chances to ask supplementary questions on the subject matter of this Question. Then, I will allow the Cabinet Secretary to make a statement.

I do not know whether you are the one who is in a hurry, the Cabinet Secretary, or myself. I am not ---

(Laughter)

Okay, Sen. Mandago Jackson.

Sen. Mandago: Thank you very much, Mr. Deputy Speaker, Sir. I would like to ask supplementary questions to the Cabinet Secretary regarding reimbursements of NHIF, particularly to public facilities. In this question, as a Committee, we visited Mbagathi Hospital. The defunct NHIF owes them a lot of money and they are unable to deliver service.

The other critical facility is the Nairobi Funeral Home, which has a generator that has not been working for two years. Reimbursements from NHIF would have sorted, including Isiolo Hospital.

So, we would like to know, in the transition period process, what is the department doing to make sure that the payments are being made? What is the Ministry

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itself, as a mother Ministry, doing to pay the debts they owe to the defunct NHIF, including State Department of Public Service, for WIBA amounting to millions of money, to make sure that those debts are paid before the new process begins?

Thank you, Mr. Deputy Speaker, Sir

The Deputy Speaker (Sen. Kathuri): Madam Cabinet Secretary, as you answer, that is a question that was asked by another Member. Hon. Senators, this is a very core question that is on the lips of many senators. So, maybe you give a comprehensive answer to that, so that we do not repeat it.

The Cabinet Secretary for Health (Hon. Nakhumicha): Thank you, Mr. Deputy Speaker, Sir. On the question that was asked by Sen. Onyonka, about the repealing of the NHIF Act, it is now clear that we are in the transition phase. Yes, as a Ministry, we acknowledge that there are claims dating back to three or five years, and even others that are longer than five years.

What we have done as a Ministry, and that is one of the reasons the new Act was put in place, we have claims that looked ridiculous. We have claims that on face value would not be validated. From the research that we did, we have claims that point to the first issue that I responded to, fraud in medical insurance.

So, what we have done is that the transitional Committee, one of the Terms of Reference (TORs) that they have, is to do a proper reconciliation of the claims. They have a subcommittee where we have received experts from the National Treasury. We have received a representative from the Office of the Auditor General (OAG) to verify those claims, so that they can be paid.

I assure the House that once the transitional committee has confirmed that a claim is legitimate for payment, it shall be taken over by the Social Health Authority (SHA). I also confirm that there is a special committee; the National Audit Committee, that was put in place by His Excellency the President. It is supposed to be looking into all pending bills. So, some huge bills then will be moved to the Special Audit Committee, chaired by the former Auditor General, Mr. Ouko, to look into the long outstanding pending bills. Some of those will be verified there.

Mr. Deputy Speaker, Sir, I want to assure the House that these claims, so long as are verified and reconciled, they will be taken over by SHA. Having said that, I also confirm that payment of claims is a continuous exercise. So, NHIF has been continuing to pay those claims that have been reconciled and verified. In the last year, a total of Kshs36 billion was paid out to claims.

The second question about reimbursement of claims to public facilities that has been asked by Sen. Mandago of Uasin Gishu, who is also the Chairperson of the Health Committee in the Senate, is that, indeed, it is true that many outstanding claims are yet to be paid to public facilities. These outstanding claims are not unique just to public facilities.

We even have faith-based facilities that have outstanding claims. We have private facilities that have outstanding claims. As a Ministry, this is a matter that we have brought to the Cabinet's attention because we see it standing in our way as a risk in the transition.

Following the bringing of this matter to the Cabinet, a discussion was held last week between my Ministry, the Ministry of National Treasury, chaired by His Excellency the President, and the National Treasury was asked to look for resources for us to start paying claims. I confirm that yesterday, my Principal Secretary (PS) in charge of Medical Services received information from the National Treasury that they are looking for Kshs5.5 billion to be released to the Ministry to start paying the outstanding claims.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Oburu Oginga.

We will go to the Statement at 11.45 a.m. So, let us have a few more Senators, then we go to the Statement from the Cabinet Secretary.

Sen. (Dr.) Oburu: Thank you, Mr. Deputy Speaker, Sir. I take this opportunity to welcome the Cabinet Secretary for Health to the Senate.

I hope in her statement she will tell us something about the strike of the doctors. However, my question is on the outgoing NHIF cards. These cards, when issued to beneficiaries, they are asked to specify the clinics and the hospitals where they wish to be treated. You specify two.

When you do so, supposing you are a civil servant, say a police officer, you are posted to Nairobi, your family is in the rural areas there, you have specified the hospital where they go. When you are in Nairobi here, you are only allowed to specify two. So, you specify those two are the dispensary and hospital where your family goes. It is very inconvenient.

I hope that the new system will address that, so that the cards allow you to access facilities of a certain class or standard and you can go anywhere in the country and access those facilities. You do not have to specify only two. I hope that will be addressed.

The Deputy Speaker (Sen. Kathuri): That is okay to the Cabinet Secretary. You respond after I give an opportunity to Sen. Mariam Omar.

Sen. Mariam Omar: Thank you, Mr. Speaker, for giving me the opportunity. My Question to the Cabinet Secretary is about the Edu-Afya Medical Programme under the Ministry of Education, which contracted the National Health Insurance Fund to offer medical services to students.

What is your intervention on this termination of the contract because many students get stuck when they are brought for medical treatment. So, as the Cabinet Secretary for Health, what is your intervention on that?

The Deputy Speaker (Sen. Kathuri): Sen. Sifuna, you are on intervention. Do you have a point of order or maybe you are queuing to contribute to another matter?

Sen. Sifuna: Mr. Deputy Speaker, Sir, I have a supplementary Question on the NHIF

The Deputy Speaker (Sen. Kathuri): Kindly, do it within one minute and then she can answer.

Sen. Sifuna: Mr. Deputy Speaker, Sir, I want to discourage the Cabinet Secretary from conflating and including other things in her answer to specific Questions.

The Question by Sen. Mandago was specific to money that is owed to public institutions. So, in her answer, when she goes around and includes religious institutions and so on, I think she is conflating issues.

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We want her to tell us, in Nairobi, the public---

The Deputy Speaker (Sen. Kathuri): Is that the same question you are asking now?

Sen. Sifuna: Mr. Deputy Speaker, Sir, the Question is this: The public institutions in Nairobi, our Level 4 hospitals in Nairobi, the four of them, are owed a cumulative Kshs700 million between *Linda Mama* and NHIF.

Since these are not covered by the questions of fraud that she spoke about in the private institutions, she needs to tell us when NHIF will be paying the public institutions, including the four Level 4 Hospitals in Nairobi. When will she be paying them? Do not tell us about the religious institutions.

The Deputy Speaker (Sen. Kathuri): Sen. Sifuna, I heard the Cabinet Secretary say that they now have Kshs5 billion on the wheel to pay these bills.

Sen. Sifuna: Mr. Deputy Speaker, Sir, that is a story---

The Deputy Speaker (Sen. Kathuri): I do not want us to continue---

Sen. Sifuna: Mr. Deputy Speaker, Sir, that is a story that included other institutions that have to go through the vetting and verification processes that she spoke about.

The Deputy Speaker (Sen. Kathuri): Sen. Sifuna, rest assured that Nairobi City County will be covered.

Sen. Sifuna: Mr. Deputy Speaker, why do you not allow them to come from the witness because you are not the Cabinet Secretary for Health?

The Deputy Speaker (Sen. Kathuri): Order, Sen. Sifuna.

Sen. Sifuna, you know we cannot have two Speakers at the same time. No, you cannot direct your questions to the Cabinet Secretary.

Nobody is special in this House. You should just abide by the laws of the debate and the Standing Orders, with a lot of respect.

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

The Deputy Speaker (Sen. Kathuri): Hon. Cabinet Secretary, you can proceed to respond to the three questions. Time is not on our side.

The Cabinet Secretary for Health (Hon. Nakhumicha): Thank you, Mr. Deputy Speaker, Sir, and Hon. Members. I would like to respond to the question asked by Sen. (Dr.) Oburu, regarding the NHIF card.

Indeed, it is true that the current NHIF card limits members and requires them to choose specific facilities where they will be attended to. That is one of the flaws that we took into consideration in coming up with the Social Health Authority Act. Under the Social Health Authority Act, this is no longer a requirement. A member is not required to choose a facility.

Further, we have gone ahead to do digitization of health services and health facilities. We are ensuring that all health facilities are integrated and this allows for the portability of patient data for ease of referral; that should a Kenyan wish to seek services from any health facility within the borders of the country, then they will find their data available in that health facility where they wish to be attended.

Furthermore, we have put facilities into a primary care network. This is to ensure that then services and proper referral of services are done. That a Kenyan can move from one level of service to the other one without limitation.

On the issue of Edu-Afia, I want to confirm that under the current Social Health Act, the Ministry has provided a base cover. This base cover is comprehensive with a benefit package that covers everyone.

We all have to agree that Edu-Afia was specific to students. These students come from families; they have parents, guardians and so on. Under the Edu-Afia, all these people are being covered. It did not make sense to have one small cover just covering the student.

We needed to have the parents and the guardian covered. That is why under the Social Health Authority Act, the cover is for the whole family. It does not discriminate and say, this is for a student, this is for *Linda Mama*. No, the cover is for *Mama*, student, *Baba* and for the whole *jamii*.

On the third question, which Hon. Sen. Sifuna has asked regarding the payment for Nairobi County, I would like to confirm that, as a Ministry, it concerns us about all health facilities. Public facilities, faith-based facilities, and private facilities, all have to be paid for by NHIF.

I confirm that NHIF has a process of payment that does not exclude other facilities, depending on where it belongs. It is a process that first requires that the claim is verified. Whether the claim is from a public facility, a private facility or faith-based, it has to be verified. Once verified and reconciled, then it goes to payment.

Mr. Deputy Speaker, Sir, I also confirm that as I had indicated earlier, we have had a delay of Exchequer that has given rise to the many huge bills that are being experienced across the country. I have gone ahead to confirm that, indeed, we have received confirmation from the National Treasury that resources are going to be released this week for pay, for payment of claims.

Mr. Deputy Speaker, Sir, I submit.

The Deputy Speaker (Sen. Kathuri): Sen. Faki, you have the Floor.

Sen. Faki: Asante, Bw. Naibu wa Spika. Langu ni kumuuliza Bi. Waziri kwamba kuna malimbikizi ya malipo kwa zahanati na vituo vya afya ambayo yameendelea kwa muda mrefu. Na majibu yake hayajaridhisha kwa sababu hajasema pesa zinazodaiwa ni ngapi na zitalipwa vipi.

Tumeona, wakati NHIF ilipokuwa inafanya kazi, malipo yalikuwa hayaendi na sasa tunatoka katika NHIF na kuenda kwa shirika jipya. Tunataka ueleze Seneti hii kwanza madeni ni pesa ngapi. Pili, una mipango gani ya kulipa madeni hayo?

Unaposema ya kwamba yatalipwa hayo ni mambo ya Alfulelaulela.

The Deputy Speaker (Sen. Kathuri): Sen. Orwoba, proceed.

Sen. Orwoba: Thank you, Mr. Deputy Speaker, Sir. My question is with regard to the Government Programme of *Linda Mama*.

I know that *Waziri* has clarified that there is a cover that takes care of the whole family. However, under *Linda Mama*, which was a programme initiated under the NHIF, issues on maternal health care were specified, for instance, complications after birth and things like that.

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Does this new cover that you are saying is the alternative of *Linda Mama* Programme still cater for the specific maternal health care issues that were being taken care of under *Linda Mama*?

The Kenya Kwanza Government signed a women's charter under which we had promised that we would be giving all mothers who have just given birth free sanitary towels and three or six months' worth of free disposable diapers.

I would have thought that this particular issue was supposed to be covered as well under *Linda Mama*, but it seems to have disappeared somewhere. Could we get a clarification on that as well?

I thank you.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Osotsi. The Cabinet Secretary shall answer those three questions, then, we go the Statements directly.

Sen. Osotsi: Thank you, Mr. Deputy Speaker, Sir. Mine is in relation to the third part of the Question, which talks about accountability by the health facilities. While I appreciate the response by the Cabinet Secretary, I would like know the list of the health facilities that have been suspended or terminated under the NHIF and reasons for the same.

I am asking because I have been made aware that there could have been some discrimination and unfair practices in this process. I have a specific case that has been brought to me by my constituent of a hospital by the name, Meswo Medical Services, NHIF Code No.00131152, where the audit was done in April, 2022 and the results indicated there was no problem.

A few months later, this hospital has been suspended from NHIF. This is a big investment; a Level 4 facility with over 86 beds owned by my constituent in Kapsabet Town. The complainant says there is no issue. It is a matter of unfair practices that were applied to her hospital. Can the Cabinet Secretary explain this scenario and respond to the issue that there may have been some unfair practices in suspending some of the facilities from NHIF?

The Deputy Speaker (Sen. Kathuri): Proceed, hon. Cabinet Secretary. Hon. Senators, when you ask a specific question in the manner that Sen. Osotsi has asked, the Cabinet Secretary may not have an answer for it right now. It would be better to raise a statement to support your argument and it can go to the committee for investigations. She will answer all the questions asked then we shall go to the statements.

The Cabinet Secretary for Health (Hon. Nakhumicha): Thank you, Mr. Deputy Speaker, Sir and Members. On the Question raised by Sen. Faki regarding the payment of claims, I confirm that the Ministry is seized of the figures. The total money owed to NHIF is Kshs30 billion. Out of this, Kshs22 billion is from Government institutions.

That is why I stand here confidently saying that having heard the discussion chaired by His Excellency the President, the National Treasury, and the Ministry of Health; there is a plan for release of resources. I have confirmed that we will receive resources this week and the Permanent Secretary (PS) got confirmation yesterday of the Kshs8.5 billion. This money will be put to prudent use of payment of claims.

On the second question from Sen. Orwoba regarding *Linda Mama*, as I had responded earlier, we had this initiative. However, for the benefit of the understanding of

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hon. Members, *Linda Mama* was taking care of ante-natal, delivery, post-natal care for only two visits after delivery. What we have now under the Social Health Insurance Fund (SHIF) is to take care of the family even after the ante-natal, delivery and post-natal care.

We all know that the people who end up in hospital most of the time are children under five years. You can imagine that *Linda Mama* was only paying up to two visits after delivery. However, under the SHIF, these people will be taken care of. I want to clarify also that where a family or an individual does not have capacity to pay and/or is vulnerable, the Government has committed to pay for insurance. The rest of Kenyans who have capacity to pay will pay according to their level of income.

On the question from Sen. Osotsi regarding the list of health facilities, in my response, we have provided an annexed list of the facilities that have been suspended. I also confirm that audit is a continuous exercise. Audit is based on a specific criteria. So, I doubt that it will go out looking for an individual. I would like to pick out on the facility that Sen. Osotsi has given and request my team to visit that specific facility, in order to verify what the issues are regarding that facility, so that we can provide a response to Sen. Osotsi.

I submit.

Sen. Orwoba: What about pads and diapers?

The Cabinet Secretary for Health (Hon. Nakhumicha): Mr. Deputy Speaker, Sir, and Members, on this issue, as a mother, I agree that those two are very important. However, as it is now, we do not have resources in the budget for those facilities. We are going to push for their provision. Should there be resources, I agree that those are items that should be provided. I also want to confirm that pads are being provided by the State Department of Gender and Affirmative Action. For the diapers, we can try and pick it up with the Ministry to acquire resources in order to avail them.

I submit.

The Deputy Speaker (Sen. Kathuri): Sen. Mariam Omar, you had another clarification because you felt that your Question was not answered adequately.

Proceed.

Sen. Mariam Omar: Mr. Deputy Speaker, Sir, my question is about those children who are stuck abroad. I know that the SHIF will take care of all households, but the contracts for EDU Kenya were terminated on 1st December, 2023. Since then up to date, the SHIF is inactive. What is the intervention now for the students who are stuck abroad and some who are also using the same scheme for treatment here in Kenya?

The Deputy Speaker (Sen. Kathuri): Sen. Mandago, proceed only for one minute.

Sen. Mandago: Mr. Deputy Speaker, Sir, you know this is a House of record. In her first response, the CS indicated that they were expecting Kshs5.5 billion from the National Treasury. In the second, she has indicated Kshs8.5 billion. Which is the correct figure that will be released from the National Treasury, so that we have it on record?

The Deputy Speaker (Sen. Kathuri): Sen. Wambua, proceed in less than 60 seconds.

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Sen. Wambua: Mr. Deputy Speaker, Sir, I do not know why that applies to me and not other people, but it is fine. The question that Sen. Orwoba asked is very important. It is actually a manifesto question. A Government is in office on the basis of a specific pledge to the women of this country. The Cabinet Secretary on the Floor of the Senate has said that perhaps the Government has moved away from the pledge. Is it the position that the Government has moved away from the pledge that was made to the women of Kenya and they can wait for pads and diapers from other sources?

I thank you.

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

The Cabinet Secretary for Health (Hon. Nakhumicha): Thank you, Mr. Deputy Speaker, Sir and Members. On the question raised by Sen. Mariam Omar regarding the students who are stranded, first of all, I want to confirm that the Ministry notified the Ministry of Education that EduAfya would come to an end. The Ministry of Education was supposed to inform its members of the end date of EduAfya. The reason there was an end date is because this was the end of a contract. It is expected that the Ministry of Education should have made alternative arrangements.

I have had a meeting with my colleague Cabinet Secretary for Education. We agreed that should they need the service to be covered, for those who are still in India, they need to write to the Ministry, so that they give an undertaking of payment of the premium, so that it can be covered.

So far, we have not received a letter of extension from the Ministry of Education. We have not received an undertaking from the National Health Insurance Fund (NHIF) to take care of those bills.

On the clarity raised by Sen. Mandago, I acknowledge that I spoke about Kshs5.5 billion and Kshs8.5 billion. I would like to clarify that Kshs5.5 billion will come from the National Treasury and Kshs3 billion will come from the NHIF reserves. We will have a total of Kshs8.5 billion to take care of the payment of claims.

On the last question and concern from Sen. Wambua, I would like to confirm that the Kenya Kwanza Government has not moved away from its manifesto. Implementation of a manifesto is a continuous exercise. This Government is in office for the next five years. We have a plan for the implementation of the Kenya Kwanza Manifesto.

I submit.

(Sen. Sifuna and Sen. Orwoba spoke off record)

(Loud consultations)

The Deputy Speaker (Sen. Kathuri): Thank you, Hon. Senators. Order, Senators! Order!

(Sen. Cherarkey spoke off record)

Sen. Cherarkey, you are out of order. Pursuant to Standing Order No.51 (6) (c), I would like to give the hon. Cabinet Secretary this opportunity to issue a statement on the doctors' strike.

Hon. Senators, you will have an opportunity to ask for any clarifications after she is done with the statement.

Sen. Veronica Maina, proceed.

Sen. Veronica Maina: Mr. Deputy Speaker, Sir, I request that you give us guidance on whether we will get a chance to ask supplementary questions regarding the question she has been answering.

The Deputy Speaker (Sen. Kathuri): There is no problem with that. However, since Senators have questions on the ongoing strike, let the Cabinet Secretary issue the statement then, you will still ask questions on NHIF.

Sen. Veronica Maina: Thank you, Mr. Deputy Speaker, Sir.

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

ONGOING INDUSTRIAL STRIKE BY DOCTORS,
CLINICAL AND LABORATORY OFFICERS

The Cabinet Secretary for Health (Hon. Nakhumicha): Thank you, Mr. Deputy Speaker, Sir. We are all aware of the ongoing crisis in the country.

On 6th March, 2024, the Kenya Medical Practitioners and Dentist Union (KMPDU) issued a seven-day strike notice of intended industrial action citing the failure of both the national and county governments in implementing the 2017 Collective Bargaining Agreement (CBA). The Union raised 19 issues in their notice. We had a meeting as a Ministry with the union to forestall the strike. However, what we agreed on, the union did not feel like it was adequate and they proceeded and commenced the strike on 13th March, 2024. Following that notice, the Kenyatta National Hospital (KNH) moved to court seeking stay orders against the industrial action to prevent interruption of services in health facilities which would endanger the lives, safety and health and Kenyans.

The Employment and Labour Relations Court on 15th March, 2024 ordered a whole of national approach be instituted towards resolving the instant long-running dispute in Kenya's health sector for the purpose of achieving a sustainable solution. The ongoing negotiations and reconciliation were to incorporate the Head of Public Service, the Cabinet Secretary for National Treasury, the Cabinet Secretary for Public Service, Cabinet Secretary for Labour and Social Protection, the Salaries and Remuneration Commission (SRC), the Public Service Commission (PSC), the Council of Governors (CoG), each of the 47 county governors, the Kenya Federation of Employers (KFE) and the Central Organization of Trade Unionist (COTU), all national referral hospitals and all the parties to the suit.

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

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

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The negotiation reconciliations seek to comprehensively address all grievances leading to the strike.

As part of its mandate, the whole nation committee has reviewed all the 19 issues raised in the notice of industrial action and classified them into priority areas. Six of the issues raised were classified to relate to the national Government, while nine of the issues were classified to relate to the county government. Four issues fell under concurrent mandates of both the two levels of Government.

As that process was ongoing, the Kenya Union of Clinical Officers on 25th March, 2024 issued a strike notice citing 10 demands. The Ministry went ahead to have a meeting with the Kenya Union of Clinical Officers (KUCO) to forestall the strike. Of the 10 demands from the KUCO, they narrowed down to two main demands. This is the failure of both levels of Government to obey a court order that directed the Government to finalize a CBA with the KUCO and register the CBA in court.

The second main demand was a failure to enhance the risk allowance paid to clinical officers. The Union wants the risk allowance to be increased from the current Kshs3,000 to Kshs15,000 per month. This will apply to all the clinical officers within the country. I would like to clarify that of the 14,000 clinical officers in the country, only 158 are in the purview of the national Government.

In the same breath, on the 26th March, 2024, the Kenya Union of Medical Laboratory Officers (KUMLO) issued a strike notice citing failure by the Government to formulate and sign a recognition agreement with the union. The second issue is a failure by the Government to confirm permanent and pensionable all Universal Health Care (UHC) staff, COVID-19 employees, UHC interns and National Tuberculosis and Lung Disease Programme (NTLD-P) fund employees. The other demands that were raised were all discussed by the Ministry of Health in a meeting with them.

The industrial action has had a significant impact on healthcare services. This has resulted in unavailability and delay in health service delivery amongst the Kenyans. It has compromised the quality of care and equally disrupted the referral system. This impact has the potential to contribute to catastrophic health expenditures and adverse health outcomes for the population.

Ultimately, the country stands to lose gains made in key health indicators including maternal health, Human Immunodeficiency Virus (HIV), TB, malaria and Non-Communicable Diseases (NCDs). From our checks, referral facilities and specialized outpatient services are significantly affected at 33 per cent and 25 per cent reduction in specialist and outpatient services. So, what has the Ministry done in terms of the crisis?

I confirm that the Ministry has categorized the crisis into three issues; short-term measures, which we are working on; medium-term measures and long-term measures. In the short-term measures, the Ministry has already posted interns in line with the Salaries and Remuneration Commission (SRC) advisory. A total of 1,270 diploma clinical officer interns have already been posted and reported. Posting letters for 1,210 medical officers, pharmacists and dental officer interns have been sent to respective interns and their names have been published in the newspaper to inform them of their places of posting. It is expected that they start reporting from 15th March, 2024. The posting letters of the next

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cadre of interns are ready, that is, the nursing officers with degrees and clinical officers with degrees. As I speak, a number have started picking them.

The Ministry has also requested for Kshs267 million for payment of postgraduate registrar fee arrears, which was an issue raised by the Kenya Medical Practitioners Pharmacists Dentist Union (KMPDU). It falls under the purview of the national Government. I want to confirm that the Ministry has received confirmation by the National Treasury to release Kshs200 million towards payment of postgraduate registrar fee arrears.

The Ministry has also requested the SRC to advise on the demand by the clinical officers' union to have their risk allowance increased. We understand that this is going to have an impact on the overall budget. That is why we have requested the SRC to give guidelines. Once the SRC gives guidelines, then the Ministry will be in a position to implement.

The Ministry has also requested the Public Service Commission (PSC) to review the clinical officers' career progression guidelines, so that this can be communicated to them.

Concerning medical laboratory officers, the Ministry has already written to the Association of Kenya Medical Laboratory Scientific Officers (AKMLSO), informing them of the criteria required for them to be recognized as a union. Once the medical laboratory officers have met the requirements of a union, the Ministry will work towards the recognition agreement that they are pursuing.

Regarding the midterm measures, the Ministry of Health is reviewing the internship policy to address aspects of the programme, including the need to transit to internship without any delay. What is happening is that some interns have been out for more than a year. That delays them from getting the license that they need to practice.

Consequently, the Ministry is working on a policy. Yesterday, we finalised internal stakeholders' validation. Next week we shall finalise external stakeholder validation. We will invite the Senate because that is something we think we can benefit from the wisdom of the Members during the external stakeholder validation.

The Ministry is also ready to negotiate on a new Collective Bargaining Agreement (CBA). This is because the other CBA with the KMPDU lapsed in 2021. According to the Ministry of Labour and Social Protection, once a CBA has lapsed, a new one comes to effect upon being signed.

On long-term measures, the Ministry is in the process of developing a human resource for health policy to address all aspects of human resource for health in the country, the entire spectrum of the value chain from production, supply, internship, regulation, employment, retention and distribution of stock density, skill mix and motivation, productivity and general management.

The Ministry is also in the process of fully operationalizing the Kenya Health Human Resource Advisory Council (KHHRAC) to enable it execute its mandate. This entails providing the necessary budget and finalization of HR instruments in order to obtain the necessary skills and capacities to execute its mandate.

Another measure is that conciliation meetings are ongoing as well as the whole of nation approach ordered by the court. The court case is actually up for mention today and

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the parties are expected to present the progress to the conciliation committee and World Organization of Family Doctors (WONCA). The court is also expected to determine whether the doctors' strike is protected or not.

I would like to inform Members of this House that the Ministry is doing its level best to ensure that the human resources for health matters are handled permanently. We seek your support.

One of the sticky issues is the internship, which arises because we now have many interns. Previously, we only had one university that used to train doctors; the University of Nairobi (UoN). At the moment, the country has eight universities training doctors.

Currently, we have over a thousand graduates from the universities. Internship centres and specialists have not increased, thus we remain with the same number. The Ministry is working on how to manage the process from the time one enters into university. How do we manage it, so that by the time they are coming out for internship, the Ministry is ready for them? The biggest question is: how do we ensure as a country that we actually provide employment to these doctors once they finish their internship? What stands between us, and that is, availability of resources.

Mr. Temporary Speaker, Sir, I submit.

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, we are now going to allow you to put questions to the Cabinet Secretary regarding the Statement.

In terms of time management, we have 45 minutes, but we have 12 or 13 Members who want to ask questions. There is a request that we first allow Members who have not asked any question this morning followed by those who have asked questions. We are going to proceed that way.

Hon. Senators, please, keep your questions short. Hon. Cabinet Secretary, I also urge you to keep your answers short and precise, so that we can manage the time and finish in good time.

The first question by Sen. Kavindu Muthama.

Sen. Kavindu Muthama: Mr. Temporary Speaker, Sir, my question starts from where we had stopped before on the statement by the Cabinet Secretary. First of all, I want to congratulate her because she is firm on her job. I congratulate you as a woman Cabinet Secretary.

My question to Madam Cabinet Secretary is about Bishop Kioko Catholic Hospital in Machakos. The Bishop called me three years ago, complaining to me that their monies have not been remitted by the National Hospital Insurance Fund (NHIF). This is something that worries many hospitals because they do not know their fate after the Social Health Insurance Fund (SHIF) takes over from the NHIF.

Madam Cabinet Secretary, you have told us that money has been released already. You need to give us the timeline, so that when we talk to them, we assure them about the timelines that they are going to get their monies.

My Governor has been complaining about remittances by the NHIF to hospitals in Machakos, and this issue cuts across the whole country. Therefore, kindly, give us timelines. As a mother and Cabinet Secretary, we request you to see how to end the doctors' strike because we are losing many people in this country. I am sure you have

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reached somewhere in terms of the negotiations. Could you tell us something about the timelines and when the doctors will go back to work to start working as usual?

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

Sen. Cherarkey: Mr. Temporary Speaker, Sir, just a follow up on the presentation of---

(Loud consultations)

The Temporary Speaker (Sen. Abdul Haji): Order, Senators. I have a list of Senators who have asked questions. Sen. Cherarkey *hayuko kwa hii orodha*. So, please allow us to proceed.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, allow me to proceed. I would like to ask a follow-up question on the doctors' strike.

Hon. Cabinet Secretary, since you said the Government is ready to hire 1,500 medical interns, how many have reported and what are the terms of engagement with the interns? We are being told they want about Kshs200,000, but you can afford to give them Kshs70,000 as stipend.

What are the terms, apart from the stipend that you are giving? How many people are on the strike? Is it medical doctors only or even morticians, anaesthesians and nurses? How many groups are on strike? It started as a doctor's strike over the internship programme and on the basis that there was an issue.

Madam Cabinet Secretary, update the House on the issue of the Collective Bargaining Agreement (CBA) between medical doctors and other cadres that we have discussed before.

I thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): Thank you. The third question will be asked by Sen. Shakila Abdalla.

Sen. Shakila Abdalla: Thank you, Mr. Speaker, Sir. I will be very brief. My question to the Cabinet Secretary is, what will be the fate of the National Health Insurance Fund (NHIF) staff after the disbandment of NHIF? She is saying they will be newly employed. Will they be paid their dues for the years they have been working? That part is silent from the Government.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): Madam Cabinet Secretary, you can answer the three questions.

The Cabinet Secretary for Health (Hon. Nakhumicha): Thank you, Mr. Temporary Speaker, Sir, and hon. Members. The question by Sen. Kavindu Muthama regarding Bishop Kioko is what I have responded to previously. That is the faith-based facility. Concerning the resources that we are receiving, as I said, we have received a letter from the National Treasury confirming that we are going to receive the monies. We are waiting to receive the money and we expect that it will hit our account this week.

The NHIF is already working to ensure that once we receive the money this week, from next week, payments should start going out to those claims that have been verified.

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Regarding the strike and a definite date as to when the doctors will go back to work, we are now in the process of negotiation. I am not able to confirm with certainty that by tomorrow they will be back to work. Of course, I would like that we conclude the negotiation in the shortest time possible. I would like, since the matter has been mentioned today by the Employment and Labour Relations Court, if the doctors can go back to work today, that would be the ideal situation for us as a country. However, we are going to put our best foot forward in this negotiation, so that we ensure that we go back to operations as soon as possible.

On the question raised by Sen. Cherarkey, first, I would like to confirm that the intern medical officers are not 1,500, but 1,210. This includes medical officers, pharmacists and dentists. However, after they went on strike, other cadres joined them; the clinical officers and medical laboratory officers. As we speak, we have the medical officers, clinical officers and laboratory officers on strike. However, I would also want to confirm that we have those doctors who have been patriotic enough and have continued to provide services. They are manning the emergency services and some of the facilities, ensuring continuity of service. We have put in place administrative measures to ensure that at least services are being provided in the health facilities.

The issue at hand is the offer that we have given. I confirm that the Ministry, having been constrained by the National Treasury, posts interns based on the available resources. The Ministry wrote to the Salaries and Remuneration Commission (SRC) for guidelines. The guideline we received from the SRC is that the interns ought to get a stipend and not remuneration. So, the stipend that was offered is Kshs70,000 and that is what we have offered. As I indicated, the letters have gone out to medical officers and we are going to begin taking stock from tomorrow in terms of those who have reported.

I also confirm that 1,270 clinical officers have reported to their duty stations. It was not just the stipend for doctors that was fixed, equally, the stipend for clinical officers was fixed. In the previous regulations, the clinical officers were earning Kshs15,000 as a stipend for internship. Under the new regulations and guidelines that have been given by the SRC, that has been enhanced to Kshs35,000. I confirm that those clinical officers have reported. Nursing and clinical officers with degree certificates have started collecting their letters and the stipend is Kshs50,000.

In terms of payment to the doctors, the conversation of healthcare financing has to be discussed not just by the Ministry of Health, but the whole Government. I believe that is the wisdom that the honourable Judge of the Employment and Labour Relations Court ordered; that a whole-of-nation approach is taken, so that we discuss. However, as a Ministry, we have not sat back. That is why we brought to this honourable House the four Acts. We have the Social Health Insurance Act, which in itself is supposed to enable us to collect resources and use them for providing healthcare services. One of the items that will be recovered by the resources from the Social Health Insurance Act is payment for all human resource for health officers across all cadres. I thank the nurses, doctors and all the cadres who have continued to provide services amid this crisis.

Mr. Temporary Speaker, Sir and Hon. Members.

I submit.

(Applause)

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

The next question will come from Sen. Munyi Mundingi.

Sen. Munyi Mundingi: Asante, Bw. Spika wa Muda. Swali langu ni kwa Waziri wa Afya. Waziri wa Afya, asante Sana. Mimi ni mmoja wa wale wanao unga mkono mawaziri na magavana wa kike wanaofanya kazi nzuri. Pongezi kwako.

(Applause)

Wizara ya Afya Kenya imegatuliwa katika serikali gatuji. Tunajua kaunti nyingi ziko na madeni. Umejaribu sana kulainisha Wizara ya Afya. Swali langu ni, tunajua kwamba jukumu la afya liko kwa serikali gatuji. Nashangaa sana kuwa wabunge wanofaa kutupatia pesa ili upatie serikali gatuji kupitia hapa, ndio wanaokushtumu wakisema uende nyumbani.

(Applause)

(Sen. Sifuna spoke off the record)

Wewe nyamaza. Kwanza kaunti yako iko na deni ya Kshs 90 billion. Nyamaza kwanza niulize swali. Ni Seneta wa Kaunti ya Embu anaongea. Hii si Azimio.

The Temporary Speaker (Sen. Abdul Haji): Sen. Munyi Mundingi, order!

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

The Temporary Speaker (Sen. Abdul Haji): What is your point of order, Sen. Sifuna.

Sen. Sifuna: Mr. Temporary Speaker, Sir, this is very embarrassing for this House. Our Standing Orders require that you put a question to the Cabinet Secretary. We are not here to worship the Cabinet Secretary. Ask a question. You cannot give us stories. If you want to give us stories, go and see her in the Ministry and give her those stories you are giving us here.

Mr. Temporary Speaker, Sir, please---

(Loud consultations)

The Temporary Speaker (Sen. Abdul Haji): Let us hear the Senator. Order, Senators. He is on a point of order. Let us hear him.

Sen. Sifuna: Mr Temporary Speaker, Sir, yes, I am on a point of order. We have very few minutes and this is a critical national discussion and debate. We are not here to kiss people's behinds. We are here to ask critical questions about the doctors' strike. Can you limit the contribution of the Senator to a question?

Sen. Cherarkey: On a point of order, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): Sen. Cherarkey, what is your point of order.

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Sen. Cherarkey: Mr. Temporary Speaker, Sir, I am standing under Standing Order Nos.121 and 122. If you have noticed, today since morning, the Senator for Nairobi City County has had a habit of shouting and demeaning Members.

(Sen. Kavindu Muthama consulted the Temporary Speaker)

Mr. Temporary Speaker, Sir, I request your attention, kindly. Have you noticed since morning, the Senator for Nairobi City County has been shouting, belittling and harassing Members across the aisle, especially from this side? You need to reign. It is becoming gross misconduct. He should be thrown out because under the Constitution, on freedom of speech, Sen. Munyi Mundigi has a right to ask a question that he wants.

Why would you allow Sen. Sifuna to use unparliamentary language by telling us that we are “kissing people’s behind”? We are not; our kisses are for somewhere else, we do not kiss anybody’s behind. We just say it as it is. He must withdraw the last statement of using unparliamentary language.

(Loud consultations)

The Temporary Speaker (Sen. Abdul Haji): Order, Members. Just wait.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, he must withdraw the unparliamentary language of telling us that we are kissing other people’s behind. We know what kisses are meant for and where to kiss. We cannot be told by Sen. Sifuna. Can you call him out of order?

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

The Temporary Speaker (Sen. Abdul Haji): Order, hon. Senators. Order, Sen. Cherarkey. Sen. Sifuna stood on a point of order that, Sen. Munyi Mundigi was wasting time with a long statement, instead of asking a question. I have to warn Sen. Munyi Mundigi. I made a ruling and I was very clear. When you are given an opportunity to ask a question, go straight to your question and make it short and precise.

(Loud consultations)

Hon. Senators: 121.

The Temporary Speaker (Sen. Abdul Haji): Can you stop directing the Chair? I do not need your assistance.

(Sen. Sifuna spoke off record)

Exactly, you are shouting across the aisle. Two wrongs do not make a right.

Sen. Sifuna, I urge you to withdraw ‘kissing’ whatever part of the body you had referred to and make it more parliamentary.

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Sen. Sifuna: Luckily for me, I have the full range of the English language. I will withdraw the statement of “kissing someone’s behind” which is exactly what is happening and replace it---

(Loud consultations)

I have withdrawn it.

(Loud consultations)

Sen. Sifuna: Mr. Temporary Speaker, Sir, can I continue?

The Temporary Speaker (Sen. Abdul Haji): Order! Proceed, Sen. Sifuna.

Sen. Sifuna: Mr. Temporary Speaker, Sir, if they do not listen to me, how will they hear when I am withdrawing it?

(Loud consultations)

The Temporary Speaker (Sen. Abdul Haji): Order, Senators. We cannot proceed like this, Senators.

Sen. Sifuna: How else am I supposed to withdraw? How many ways are there to withdraw other than the way that I am withdrawing? I will replace the phrase “kissing the behind” of the Cabinet Secretary, which is exactly what they are doing and replace it---

(Loud consultations)

The Temporary Speaker (Sen. Abdul Haji): Wait, let us hear him.

Sen. Sifuna: Replace it with “massaging” the Cabinet Secretary for health because that is what they are doing.

(Sen. Orwoba consulted loudly)

The Temporary Speaker (Sen. Abdul Haji): Sen. Orwoba, order!

(Loud consultations)

No, am not going to give any more points of order because we are not listening to each other.

Sen. Cherarkey, he withdrew.

(Loud consultations)

Order, Senators. Sen. Cherarkey, I will start by throwing you out.

I was listening, you were not listening. I will throw you out. We are not listening to each other. Sen. Cherarkey, you were not listening to Sen. Sifuna when he said he has withdrawn that statement. He has the right to replace it. It needs to make sense.

(Loud consultations)

Order!

Senators, do you want us to proceed?

(Sen. Cherarkey spoke off record)

Sen. Cherarkey, I am not engaging you in an exchange. I asked him to withdraw and he withdrew. Let us proceed. The issue was parliamentary language---

(Loud consultations)

One moment Members. I will not allow points of order if we are not engaging ourselves in a proper manner. Let us agree that if you have a point of order, press your intervention button, and I will give you the opportunity. However, shouting at each other across the aisle and at the Chair will not be entertained.

Sen. Gloria, what is your point of order?

Sen. Orwoba: Mr. Temporary Speaker, Sir, under Standing Order No.122 on Gross Disorderly Conduct (b), it says-

“A Senator commits an act of gross disorderly conduct if the Senator-

(b) declines to retract use of un-parliamentary language or declines to offer apologies, despite having been ordered to do so by the Speaker;”

Mr. Temporary Speaker, Sir, the reason I am bringing this to your attention is that, today, we have had Cabinet Secretaries coming in today and I have not heard this language being referenced to our Cabinet Secretary for Defence. However, when a woman comes here, we have the Senator of Nairobi City County starting to throw words and demean women leaders. What Sen. Sifuna is doing is belittling the women in this House and our women leaders. He must withdraw and apologize profusely.

(Sen. Sifuna spoke off record)

The Temporary Speaker (Sen. Abdul Haji): Sen. Sifuna, order.

Sen. Orwoba: This is because when you see women, you cannot be just thinking about sexual references, such as kissing peoples’ behinds. This is completely out of order. Sen. Sifuna must not only apologize to this House, but to the women of Nairobi and Kenya. We are tired. Apologize and withdraw.

(Applause)

(Several Senators spoke off record)

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The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, I want to put this matter to rest, so that we can continue to ask questions.

Order, Senators! As the Chair, I asked Sen. Sifuna to withdraw the statement he made about whatever he said--- about kissing the behind.

(Laughter)

Sen. Sifuna did exactly that. He withdrew and retracted that statement. He retracted it---

(Sen. Cherarkey spoke loudly)

Just a moment, Sen. Cherarkey. We cannot continue like this, seriously. Sen. Sifuna retracted that statement to my satisfaction as the Chair.

(Applause)

If you were going to make another point of order, which does not touch on the un-parliamentary language that Sifuna used, I would have listened to you. However, we are going about the same issue that was raised and withdrawn.

Senators, we put this matter to rest and go to the next question.

Sen. Cheruiyot?

(Loud consultations)

Order, Members. Sen. Munyi Mundigi, if you had used the opportunity I gave you to ask a question, you would have asked, but now you are overtaken.

Sen. (Prof.) Margaret Kamar.

Sen. (Prof.) Kamar: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity. I take the first opportunity---

(Several Senators consulted loudly)

Mr. Temporary Speaker, Sir, can I be heard in silence?

The Temporary Speaker (Sen. Abdul Haji): Sen. Sifuna, can we hear the Professor in silence? You are protected Senator, go ahead.

Sen. (Prof.) Kamar: Thank you, Mr. Temporary Speaker, Sir. I thank the Cabinet Secretary for the good response. I thank her for talking to the country and bringing some comfort. This is because we have all been concerned with what is going on.

Could the Cabinet Secretary assure us and the country that the current negotiations will not stop again? The striking doctors as we call them, reached a point when they said it is the Government that is on strike, not them. We witnessed at some

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point the negotiating side of the Government walking out. As long as the unions are here, negotiations must take place. Can we get an assurance from the Cabinet Secretary that there will be no walking out until this is done?

Secondly, the issue of risk allowance is something that has been on for many years. Why is it taking long and yet the Committee on the Rights of the Child (CRC) was part of the whole-of-the-nation approach committee? Why would it not have been discussed alongside that, so that we do not have this delay? The problem is that people have died. I think the Cabinet Secretary knows that people have died; people are suffering as we are talking. People have had to go for very expensive alternatives.

Why would we be dilly-dallying with an issue called risk allowance, which was done in the 1990s? It was not even in the year 2000, but before when this idea of risk allowance, which was going on in other countries other than Kenya, was negotiated. Why would it not be done? So, finally---

The Temporary Speaker (Sen. Abdul Haji): Senator, you have asked two questions.

Sen. (Prof.) Kamar: Thank you.

The Temporary Speaker (Sen. Abdul Haji): That is more than enough.

Proceed, Sen. Veronica Nduati.

Sen. Veronica Maina: Thank you, Mr. Temporary Speaker, Sir. You have put to rest the points of order. Otherwise, I would have advised my colleague, Sen. Sifuna, on the meaning of common parlance of the English language and how you cannot retract and then reinstate the statement in different words. I will now go straight to the questions to the honourable CS.

Hon. Cabinet Secretary, once again, welcome to the Senate. As you very well know, healthcare remains a critical pillar to the welfare of our nation. Ideally, it should enjoy budgetary priority in resource allocation.

Hon. Cabinet Secretary, Kenyans are very concerned about how prepared the Ministry is in managing the transition from the National Health Insurance Fund (NHIF) to the Social Health Security Fund (SHIF) without exposing and while avoiding any gaps that may expose the Kenyan population who require healthcare on a daily basis.

Number two, you know it is women who give birth. *Linda Mama* Programme seemed to have enjoyed a lot of popularity and it is a programme that was acclaimed and approved. Within the new SHIF framework, what is the Ministry doing to design a specific programme for *Linda Mama*? What is it doing for that woman who is pregnant, prenatal, labour and childbirth as well as postnatal care without limiting those visits to two or four, but to *Linda Mama* in as much as they require that postnatal care until the mother and the baby are both safe within the public hospitals that we have in Kenya?

The Temporary Speaker (Sen. Abdul Haji): The third question will be asked by Sen. Hamida Kibwana.

Sen. Kibwana: Thank you, Mr. Temporary Speaker, Sir.

Madam Cabinet Secretary, I have just been wondering; actually, the morgues are now full. The patients are not being attended to and they are dying. Does the Government realize that this is a matter of life and death? How long will this go on, seriously? Should

we continue losing lives just for the Government to take its time to honor the Collective Bargaining Agreement (CBA)? It really hurts.

Number two, we have also realized that interns are normally sent to work in facilities without supervision. This of course is a risk without any professionals being around. I am wondering because we are talking about deaths and interns who are unsupervised.

I do not know how this issue is going to be tackled, but, please, our people are dying, Madam Cabinet Secretary. Kindly, do something.

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

The Cabinet Secretary for Health (Hon. Nakhumicha): Thank you, Mr. Temporary Speaker, Sir.

I will begin with the question of Sen. (Prof.) Kamar that the KMPDU has alluded to the Government being on strike. They have explained that this is because the CBA was not implemented from 2017 to date. The CBA that was signed had several aspects. In my earlier submission, we have put those matters into the different areas that need to take responsibility. We have matters for the national Government, those that are cross-cutting and for county governments.

I want to confirm that of the six issues that pertain to the national Government, we have addressed them. The issue of post-graduate fee arrears has been addressed with the release of Kshs200 million from the National Treasury for payment. The issue of basic salary arrears within the CBA, for the doctors who work within the national Government, that aspect has been met. In fact, there is an overpayment. The Government is now asking, what do we do with the overpayment of the arrears to the doctors?

The issue of the CBA between KMPDU and KNH was awaiting concurrence from the SRC, which has already been done. The issue of the CBA between Moi Teaching Referral Hospital (MTRH) and KMPDU has already been finalized. It was a matter in court and a decision was already passed. Regarding the issue of the CBA between Kenyatta University Teaching and Research Hospital and KMPDU, the CBA is now ready. Kenyatta University Teaching and Referral Hospital has called the unions to go discuss and negotiate on the CBA. So, on matters about the national Government, progress has been made.

The only sticky issue is the stipend. I want to ask of this House, that as for that stipend, we are asking that if the interns, and should they accept that, then they open room for negotiation that the Government has offered. They have not come to the table to tell us that, no, we will not take that, we want this. That must be allowed to happen.

Sen. (Prof.) Kamar, on the issue of the Government walking out during the discussions, I was in that meeting and I confirm that the Government did not walk out. The meeting adjourned because we were following the orders of the judge from the court. The judge ordered that the doctors should suspend the strike for negotiations to proceed.

That is what we were asking of the doctors, that they suspend the strike and negotiations to proceed. I want to confirm to the House that negotiations will be good. Negotiations will be accelerated, if we have no people dying out of this strike. They will be accelerated if the doctors are at the bedside of the patients.

I want to clarify that on the issues raised by KMPDU, risk allowance does not arise. The people who raised the issue of risk allowance are the clinical officers. They are saying they want the risk allowance to be enhanced from Kshs3, 000 to Kshs15, 000 per month. That is a 500 per cent increase in the risk allowance. That is an issue of budget. Once we get SRC guidelines, if that is possible, then we put it in the budget for consideration. Once the National Assembly approves our budget and the exchequer is released, we shall meet that because we know that whatever they are doing is risky and, indeed, they deserve risk allowance. The issue is the movement from Kshs3,000 to Kshs15,000. That is a 500 per cent increase. If the SRC confirms that is in order, we will put measures in place for resources to be put together for that.

There is a question that was raised by Sen. Veronica Maina. Earlier on, I spoke about the transition from the NHIF to the SHIF. As a Ministry, we have done our best. That is why we put together a transition committee or committee of experts to guide the process. As I reported earlier, there is a roadmap. We meet every two weeks and we are satisfied with the progress that it is going to be a smooth transition. No patient will notice that there was a change. It should be a seamless transition.

On the issue of *Linda Mama*, I want to confirm that as a mother, and probably aspiring to get another child, maternal health is of importance to me. So, I do not want to preside over a situation where maternal health will not be covered in this country.

(Applause)

I want to confirm that according to the SHIF, reproductive health is one of the benefits package. In fact, it is an expanded package from what was there under *Linda Mama*. Let us not stick on *Linda Mama*. Let us be concerned about what is it that they were getting then and what they will get in the new one. I confirm that the benefits are expanded.

On the question raised by Sen. Hamida Kibwana regarding whether we know the situation, indeed, we know the situation. On a daily basis, we track how the situation looks like. We have developed a tool that is being filled by county governments. We have also developed another tool that is being filled by national referral hospitals, which we have 100 per cent control over.

For the weeks that the strike has progressed, I want to confirm that in our teaching and referral hospitals, Moi Teaching and Referral Hospital (MTRH) has recorded the highest increase in the number of medical officers who have gone back to work based on the administrative measures we have put in place.

We take responsibility that we have an issue at Kenyatta National Hospital (KNH) because the registrars have not gone back to work. Registrars are people who are doing their postgraduate training. We have Government-sponsored and privately-sponsored. Those are the people we are talking to, so that they get back to work and carry on with what they have been doing. As a Ministry, we understand the gravity of this matter. That is why on a daily basis, for the past three days, we have been having meetings until midnight to find a solution to this issue. As I have said, the solution will not just come from the Ministry of Health. It will be based on the whole-of-the-nation approach and the

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Ministry being able to implement what will have been agreed on. I have also said that we expect a ruling from the court. The mention is happening today. The judge, in his wisdom, ordered the doctors to suspend the strike.

I want to plead with the doctors. If they respect court orders and suspend the strike, they will create a good environment of being listened to. That will enable the Government to do something, so that we meet somewhere with them.

Regarding internship centres, I want to confirm that, as a Ministry, we have criteria that is used to determine what centres become internship centres. There must be existence of a specialist to supervise the interns. There must be the existence of equipment that the interns will use. There must be the existence of commodities for the interns to use.

That is why we are saying we want to take time and ensure that this matter is resolved for once. We have 85 internship centres in the country; 65 of them are in public hospitals. As a Ministry, we have at least ensured that the commodity aspect is taken care of. We are working on the equipment aspect. What was remaining is to ensure that there are specialists there to confirm that we have a number that can supervise the interns. I would like to say that this is a shared function. County governments have a responsibility to bring governors in this matter. Where the union has raised specific issues with them, we expect that governors should handle those issues. For issues that have been raised with the national Government, I have confirmed to this House that we have handled them.

Mr. Temporary Speaker, Sir, I submit.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Hon. Cabinet Secretary. Sen. Mbugua, you may proceed, but, please, be brief.

Sen. Mbugua: Thank you, Mr. Temporary Speaker, Sir. Hon. Cabinet Secretary, I have a simple question for you. Due to the importance and complex nature of this sector, do you think it is time this country starts a conversation of transferring the human resources of health from the county government and create a Health Service Commission (HSC), so that we can have order in this sector?

I thank you.

The Temporary Speaker (Sen. Abdul Haji): Proceed, Sen. Ogola.

Sen. Ogola: Thank you, Mr. Temporary Speaker, Sir. Hon. Cabinet Secretary, what is the fate of the Universal Health Coverage (UHC) staff whose contracts ended, taking into consideration that, as a nation, we are looking at achieving universal health coverage?

Concerning the strike, I would like to inform you that negotiations need goodwill from both parties. Even the language we use while negotiating is very important. I realised the Cabinet Secretary at some point was giving a statement that was running away from the whole challenge. You stated that a certain number belonged to the national Government. It was like stating that somebody else should be solving it. However, the buck stops with you and the Head of State.

I do not understand why, as a nation, it is so easy to give foreigners or other people good remuneration packages. I remember that sometime back, we engaged the Cuban doctors and a lot was given to them. Why is it difficult to attend to the doctors'

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needs when we could give the Cuban doctors a lot of leeway? You also said that they have not come to us---

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator. You can only ask one Question. Sen. Ogola, you have asked two questions.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator. Proceed, Sen. Gataya Mo Fire.

Sen. Gataya Mo Fire: Thank you, Mr. Temporary Speaker, Sir. My question is about Marimanti Level 4 Hospital in Tharaka-Nithi County. This is the only facility in the entire eastern part of the county that serves several catchments, including parts of Ukambani.

The hospital lacks some very essential machines, including the CT Scan, renal unit equipment and mammograms. Hon. Cabinet Secretary, what is the Ministry doing to make sure that this facility is equipped, so that we can give the required services to the people considering this is the only facility? Currently, we are about to graduate it to a Level 5 hospital and several nurses are taking rotational courses there.

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

The Cabinet Secretary for Health (Hon. Nakhumicha): Thank you, Mr. Temporary Speaker, Sir and Members. On the question raised by Sen. Mbugua on the creation of a Health Service Commission (HSC), I take note that this House is the defender of devolution. It is the House that is supposed to ringfence and take care of devolved functions. Having a HSC would be ideal, but it would be outside the mandate of the Ministry of Health. It would be a constitutional question. Since the conversation is ongoing and if everyone believes that is the direction to be taken, then as a Ministry we are happy that the process of having a HSC, through a constitutional process, is started so that it can be achieved.

On the issues raised by Sen. Ogola, I do understand her concern regarding the language of discussion. I take responsibility if I have sounded like I am not using the right language. At times, it becomes difficult when you want to give the real numbers. For example, when we speak of clinical officers, of the 14,000 in service, 158 belong to the national Government. That is under my ambit. That is to say that the conversation then needs to go beyond the Ministry of Health to the governors, so that they take care of the remainder balance of the clinical officers.

Regarding the Cuban doctors, I confirm that when we came into office, we looked at the contract there and it was not competitive or sustainable for the Government to continue with the programme. We terminated the programme of Cuban doctors and they went back to Cuba.

The Temporary Speaker (Sen. Abdul Haji): Cabinet Secretary, I will interrupt you. It is already 1.00 p.m. I will give you one minute to answer the question from Sen. Gataya Mo Fire, so that the House can rise.

The Cabinet Secretary for Health (Hon. Nakhumicha): Thank you, Mr. Temporary Speaker, Sir. On the question by Sen. Gataya Mo Fire, I confirm that I have personally been to Marimanti Level 4 Hospital. We visited the hospital to look at its needs. We had received a request from the Governor regarding the elevation of that

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facility. We agreed that we wanted to elevate and call it Level 5 for the same name. We have to ensure that it has the equipment, human resource for health and all other items required for its lifting. We are in discussion with the county government to see how we can support it to get the much-needed equipment, so that when it meets the criteria, it can be moved to Level 5.

I submit.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Cabinet Secretary for Health, for appearing today.

ADJOURNMENT

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, it is now 1.01 p.m. Having concluded the business for which I extended the hours of sitting pursuant to Standing Order No.34(2)(a), the Senate stands adjourned until today, Wednesday 17th April, 2024, at 2.30 p.m.

The Senate rose at 1.01p.m.