

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 11th October, 2023

Morning Sitting

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

[The Temporary Speaker (Sen. Wakili Sigei) in the Chair]

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

The Temporary Speaker (Sen. Wakili Sigei): Clerk, can you confirm whether we have quorum?

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

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

(The Quorum Bell was rung)

Serjeant-at-arms, we have quorum, so you can stop the Bell.

Hon. Members, we have quorum. Sen. Methu, Sen. Munyi Mundigi and Sen. (Dr.) Khalwale, take your seats.

Clerk, you may proceed to call the first Order.

The Chairperson Standing Committee on Health, there is a Paper to be laid; or any Member from that particular Committee can proceed to lay it if the chairperson is not present. I cannot see Sen. Mandago, the chairperson of Health Committee. Is there any Member from the Committee of Health? Sen. Okenyuri, please proceed.

PAPERS LAID**REPORT ON THE DIGITAL HEALTH BILL
(NATIONAL ASSEMBLY BILLS NO. 57 OF 2023)**

Sen. Okenyuri: Thank you, Mr. Temporary Speaker, Sir. I beg to lay the following Committee Reports on the Table of the Senate today, 11th October, 2023 -
Report of the Standing Committee on Health on the Digital Health Bill 2023, National Assembly Bills No. 57 of 2023.

**REPORT ON THE SOCIAL INSURANCE BILL
(NATIONAL ASSEMBLY BILLS NO.58 OF 2023)**

Report of the Standing Committee on Health on the Social Health Insurance Bill 2023, National Assembly Bills No. 58 of 2023.

On behalf of the chairperson, Standing Committee on Health, I lay the Papers.

(Sen. Okenyuri laid the documents on the Table)

The Temporary Speaker (Sen. Wakili Sigei): Next Order.

QUESTIONS AND STATEMENTS**QUESTIONS**

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, I do take note of the presence of the Cabinet Secretary (CS) for Interior and National Administration, Hon. (Prof.) Kindiki. Welcome to the Senate, Professor.

Hon. Members, for purposes of housekeeping, we have got quite a number of Questions. We have seven Questions for the Cabinet Secretary (CS) for Interior and National Administration, and two Questions for Hon. CS Namwamba. We, therefore, need to take guidance in terms of time management for purposes of ensuring that we deal with all the Questions. I direct that we will take not more than 20 minutes per Question, for all the nine Questions.

So, we will start with Hon. (Prof.) Kindiki. I also take note of the absence of Sen. Kinyua who had the first Question, Question No.11. I have not been notified of any designation to any Member to ask the Question. Therefore, we will start with the Question by the Senator for Marsabit County, Question No.25.

Senator for Marsabit County, Sen. Chute, you will go first, so that in the process of your Question, we will have Sen. Kinyua present.

Hon. (Prof.) Kindiki, you are a ranking Member of this House. So, I take this opportunity to appreciate you for honouring the summons to appear. I believe this is part and parcel of what you previously have taken this House through in terms of ensuring

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that we do serve the people of Kenya. You are welcome, feel free and feel at home. Take us through the Questions which I am sure you have already submitted a Report to the House. You will be cognizant of the direction given in terms of management of time as well as also the Senator who is going to be asking the Questions. Sen. Chute, proceed.

Sen. Chute: Thank you, Hon. Temporary Speaker, Sir. Let me congratulate and thank our able CS. I know you are doing a good job in this country. As the Senator from Marsabit County, I know you have done a lot for Marsabit County. Thank you, and *karibu* to this hon. House.

Mr. Temporary Speaker, Sir, I have Question No. 25 and No. 26. If you will allow me, I can read both.

Question No. 025

VACANT POSITIONS OF CHIEFS AND
ASSISTANT CHIEFS IN KENYA

(a) Could the Cabinet Secretary provide a per county schedule of vacancies in positions of chiefs and assistant chiefs in Kenya, indicating the period, the respective positions have been vacant as well as causes of the vacancies?

(b) What plans are in place to ensure the recruitment and deployment of chiefs and assistant chiefs to fill the vacant positions?

Question No. 026.

DELAY IN RECRUITMENT OF
NPRS IN MARSABIT COUNTY

(a) What has occasioned the delay in the recruitment---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Chute, please allow the Hon. CS to respond to each Question at the time. So, let him respond to the first Question, then you will go to the second Question.

Sen. Chute: Thank you.

The Temporary Speaker (Sen. Wakili Sigei): Hon. CS, you are welcome to respond to the first Question by Sen. Chute.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kindiki): Thank you, Mr. Temporary Speaker, Sir.

In response to Question No. 25 by the Senator for Marsabit County, we are not in a position to give the exact information the Senator is looking for, unless that Question is specific to a county. This is because, the vacancies for positions of chiefs and assistant chiefs occur on a daily basis for the reasons that I am going to provide.

As the House is aware, our country is divided into eight regions, 47 counties, 378 sub-counties, 982 divisions, 3055 locations and 9045 sub-locations. The circumstances through which locations and sub-locations, which is the subject matter of today's inquiry,

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fall vacant include; natural attrition through death which occurs continuously, dismissal from service once the procedures for dismissal are concluded, either by courts or through the Public Service Commission without dependency on appeal in any court within the country.

These positions also continuously fall vacant due to the promotion of the office holder to a higher office, resignation and re-designation of the office holder on request. Based on all these reasons that cause vacancies for chiefs and assistant chiefs, accurate data cannot be retrieved on the vacancies within counties, except if, for example, we are asked for a particular county at a particular date, in which case we can freeze the date and give the information.

Every day, we hire new chiefs, promote new chiefs and assistant chiefs, some are retiring, and others are being interviewed. That is why the first part of the question, unless it is time-bound and county-specific, is difficult to provide the data.

Having said that, it is the policy decision of this administration that all vacancies for chiefs and assistant chiefs will be filled within this financial year. No office of a location chief or a sub-location assistant chief should remain vacant. In the future, we will make sure that as soon as a vacancy is declared, we initiate the recruitment process immediately and fill the positions immediately.

Secondly, last year was an election year and that affected many of the processes. This is because ordinarily when you have elections, we pause some of these processes so that they are not interfered with by political processes. However, now that the election is behind us, we have decided that this financial year, all positions of chiefs and assistant chiefs countrywide are going to be filled, and those that will fall vacant will be filled immediately without any further delay.

Mr. Temporary Speaker, Sir, the reason there has been some delay in quite several positions being filled is because of last year's general election, which interfered with the procedures and processes which should have taken place last year. We are going to correct that position this year.

The process of filling the vacant positions is guided by the Scheme of Service for Chiefs and Assistant Chiefs and the Service Regulations. Once a unit falls vacant, the process of filling the same is commenced, and it includes the following steps-

- (a) the declaration of the vacant position;
- (b) advertisement of the vacant position;
- (c) interviewing of the applicants;
- (d) submission for appointments; and finally,
- (e) the appointment of the successful applicants.

This year, we undertake to make sure that all the pending appointments - where vacancies exist - will be filled within the financial year.

Mr. Temporary Speaker, Sir, I submit.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Professor, for your responses.

Sen. Chute, of course, is aware of the fact that you have the opportunity to ask a maximum of two more Supplementary Questions, which as per the Standing Orders are

supposed to be within the context of the earlier Question. Other Members, if they have Questions, can also get that opportunity.

I do not know whether Sen. Chute, you want to exercise that bit right now, or you allow other Members, if any, with any Supplementary Questions within this particular Question before you sum up with yours, if any.

Sen. Chute: Thank you, Mr. Temporary Speaker, Sir. I will allow my fellow Senators to ask Questions; mine will come at the end of our session. Please do not forget my last two Questions.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Chute, you cannot direct the Chair. The Chair knows what to do and when. I have in my dashboard Sen. (Dr.) Khalwale. Members, be cognizant of the directions that I gave earlier on about time. I will exercise that right when the time allocated for this particular Question is consumed fully.

Sen. (Dr.) Khalwale: Thank you, Mr. Temporary Speaker, Sir. I agree with the Cabinet Secretary that just to give a general answer for the whole country is ambiguous and yet we want to be specific.

Could the Cabinet Secretary help us? We have Locations and Sub-locations where the interviews have already been done, and some of them date as far back as six to eight months. Amongst them, we have the assistant chief of the Malinya Sub-location in Kakamega South, also called the Ikolomani Sub-county. There is also Shiseso in the same place, and many other such Sub-locations and Locations in Kakamega County, and I know it applies to the rest of the country.

Could you direct, in how many days, starting from today, the decision will be communicated to the successful applicants?

The Temporary Speaker (Sen. Wakili Sigei): Hon. CS, could you respond to that Question?

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kindiki): Mr. Temporary Speaker, Sir, I would commit to the specific locations that the Senator for Kakamega has asked, and all other Locations and Sub locations where interviews have taken place, the appointments will be done within a maximum of 90 days from now.

If, for a second, I can explain. One of the reasons it takes up some time after the interviews is for us to be able to get the security reports. Since the offices of chiefs and other administrators are sensitive, we normally we require a security report to come and be triangulated with the results of the interviews.

However, in 90 days, in all Locations and Sub locations where interviews have taken place, the appointments will have been done and the chiefs or assistant chiefs, as the case may be, will be in office.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Hon. CS. I will allow Sen. Mundigi to proceed.

Sen. Mundigi: Asante Bw. Spika. Bw. Waziri tunajua ya kwamba umefanya kazi nzuri sana. Miaka mingi, hatujawahi kuona waziri akifanya kazi kama ambayo wewe

umefanya. Tukiendelea hivyo, Serikali yetu ya Kenya Kwanza, kwa hiki kipindi cha miaka mitano, itaeendelea vizuri.

Hata wale watu ambao wanaendesha magari kwa barabara saa hii, sisi wenyewe tunafurahia na pia wezi wanakuogopa. Pia watu wale ambao walikuwa wanarusha mawe wanakuogopa kwa sababu ulisema ya kwamba hakutawahi kuwa na maandamano tena na sasa tunaendelea vizuri.

Swali langu ni kuhusu Turkana. Tulipotembea huko wakati wa Seneti Mashinani na kwa kipindi cha miaka mingi kule ni mambo ya vita tu. Sasa hiyo ndiyo njia na hata wale viongozi wanajificha pale.

Kaunti ya Turkana, kwa kipindi cha miaka kumi wamepewa billioni mia moja na thelathini na kaunti zingine kama Embu imepata bilioni sita kwa hivyo ni bilioni kama hamsini kwa miaka kumi. Hata hivyo, tulipoenda pale, hakukuwa na pesa iliyokuwa inaonekana lakini wanajificha kwa mambo ya *Security*.

Kwa uwerevu wako ninakuomba, pale sio nguvu itatumika, unaweza tumia huo uwerevu wako ambao unataka kutumia Kenya ndipo tuweze kuokoa watu wa Kaunti ya Turkana. Tunakuomba ikiwa inawezekana, utumie makanisa na viongozi uone kama inaweza kuokoa Kaunti ya Turkana.

Asante.

The Temporary Speaker (Sen. Wakili Sigei): Before I allow the Cabinet Secretary (CS) to respond, Sen. Munyi Mundigi, I had earlier indicated that when given an opportunity, we ask the Cabinet Secretary (CS) supplementary questions which are related to the main principal question that had been asked. I do not know whether the question you have asked is in any way related to the original question other than the fact that it goes to the CS. I will allow the Hon. CS to spare a moment to respond or comment on that question.

Hon. CS, please take the microphone.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kindiki): Mr. Temporary Speaker, Sir, I agree with the Senator for Embu County that while we have spent some time in kinetic operations, which is the use of force to try and secure peace in Turkana and other Counties that have similar insecurity issues, it is now the time for us to move into peacebuilding, which includes the use of stakeholders to build sustainable peace for Turkana County and other similarly situated counties.

At the same time, cabinet has approved a special program for counties which have suffered insecurity, especially in North Rift and Upper Eastern, so that we can also begin opening up those areas for development as a way of long term sustainability of the efforts that the kinetic operations have brought in these areas.

Therefore, I agree with the Senator that beyond the use of force, we need peace building and to open these areas for development as a way of sustaining the prevailing situation and permanently resolving insecurity in these areas.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Kisang', please proceed.

Sen. Kisang': Mr. Temporary Speaker, Sir, I wish to thank the CS. We have had insecurity for a while in Elgeyo-Marakwet County along Kerio Valley and with the intervention of the CS, peace is restored there.

My question is, I hope the locations and sub locations that the CS has promised that within 90 days they are going to advertise the positions will include units that were gazetted in 2017. Some areas have already advertised. Areas within Elgeyo-Marakwet County have close to about 15 units, locations and sub locations that were gazetted since 2017 and nothing has happened.

I hope you are going to promise us that within the 90 days, those units within that side of Elgeyo Marakwet County will be advertised.

The Temporary Speaker (Sen. Wakili Sigei): I will allow the CS to respond. Although I have got an additional three Members, after the CS responds to that particular question, I will ask Sen. Chute to ask his supplementary question considering the directions I gave earlier on.

I know Sen. Cheptumo, Sen. Murang’o and Sen. Mumma have got burning questions. The CS is still here for the next one and a half hours plus. Ensure that your question fits into the subsequent questions. I will prioritize you. However, so that we comply with the directives I gave, I will allow the CS and then shortly thereafter Sen. Chute to ask the supplementary question. Sen. Cheptumo, Sen. Mumma and Sen. Murang’o, I will prioritize you in the subsequent questions.

CS, please proceed.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kindiki): Mr. Temporary Speaker, Sir, it is true we have a number of administrative units in quite a significant number of counties which were gazetted in the past. They have not been operational mainly because of budgetary constraints. As an administration, we have made the decision to operationalise all administrative units being sub counties, divisions, locations and sub-locations that were already gazetted by past administrations.

Already I have made a commitment that the outstanding sub counties that have been operationalised will be operationalised within this financial year. The same will apply to divisions, locations and sub-locations. Priority will be given to areas that have suffered or are suffering acute insecurity.

In the long term, we will operationalise every administrative unit that has already been gazetted because it is a decision of government which had been done after public participation and we cannot go back on something that the public had already petitioned and government had acceded to.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Chute, if you have any supplementary question, I will allow you a maximum of two.

Sen. Chute: Mr. Temporary Speaker, Sir, if you will allow me, I want to give one of my questions to my neighbour here. I will not even ask a question. I want to tell our Hon. CS that there is this issue of Ileret Subcounty. I know the process is being fast tracked. When and how soon do you think Ileret will be announced or given the subcounty? The people of Ileret are anxiously waiting to get their subcounty for the first time in their life. Thank you for the hard work you are doing. We are impressed with what you are doing and we congratulate and support you 100 per cent.

The Temporary Speaker (Sen. Wakili Sigei): Hon. CS, respond to that supplementary question.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kindiki): Mr. Temporary Speaker, Sir, the issue of Ileret Sub-county was raised the last time I appeared before this House. Immediately I left the Chamber, I directed that the public participation, which is the requirement of the law, be done for the purpose of initiating the procedure of creating Ileret Sub-county, which is one of the most deserving cases that I know of. That process has already been completed. I commit to the House and to the Senator for Marsabit County that Ileret Sub-county will be operationalized within the next 60 days and there will be a Deputy County Commissioner (DCC) and heads of department in place.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cheptumo, please proceed.

Sen. Cheptumo: Mr. Temporary Speaker, Sir, as the chair of security in this House, allow me to sincerely thank our CS. I appreciate the efforts he is making to secure our country. CS, I assure you that the House will continue to give you the support.

However, the chiefs and assistant chiefs are the lowest unit of administration in our country. They played a critical role in terms of administration, peace and order and of society. Mr. CS, could you consider public participation in the recruitment of these officers? I am saying so because sometimes the chiefs or assistant chiefs we employ are people who sometimes are not able to discharge their functions well.

If the public is given a chance to participate in the recruitment process, we can have the best chiefs and assistant chiefs in the country. Would you consider as a matter of policy, perhaps as we proceed, that the public should be involved in assisting the ministry in the employment of chiefs and assistant chiefs? Just a policy issue, which in my view, can really help us to have the best administrators on the ground.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Cabinet Secretary, could you respond to that?

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kindiki): Mr. Temporary Speaker, Sir, the recruitment of chiefs and assistant chiefs is governed by the schemes of service which is administered by the Public Service Commission (PSC). While they are in service, we normally do continuous training and orientation so that the element of public interest is maintained. Nevertheless, in the future, we have no problem relooking at how the involvement of the public can enrich the process. Going forward, it is something that we are open to considering.

The Temporary Speaker (Sen. Wakili Sigei): Thank you very much, Hon. (Prof.) Kindiki.

Hon. Senators, that brings us to the close of Question No.25. I would like to invite Sen. Chute to proceed to ask the Cabinet Secretary Question No.26.

*Question No. 026*DELAY IN RECRUITMENT OF NPRS
IN MARSABIT COUNTY

Sen. Chute: Thank you, Mr. Temporary Speaker, Sir, once again. Question No. 26 is-

(a) What has occasioned the delay in the recruitment of the National Police Reservists (NPRs) in Marsabit County and the wider Northern frontier counties?

(b) Could the Cabinet Secretary indicate the plans in place to ensure prompt recruitment and deployment of NPRs and also state the projected timelines for the same?

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Chute. Proceed, Hon. (Prof.) Kindiki.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kindiki): Mr. Temporary Speaker, Sir, to answer to Question No.26 by the Senator for Marsabit County, I would like to inform the House as follows-

It is true that there has been a delay in the recruitment of NPR in Marsabit County. First, the reason for that delay is that at the time when the request was made by the leaders of Marsabit, we had exhausted the budget for last year. Therefore, we were unable to accommodate that request in the last financial year's budget.

Second, at the time when the request was made, many residents of Marsabit County had migrated because of the devastation of the drought that had affected this area among other arid and semi-arid areas of our country. Therefore, it was not practical to carry out the exercise.

I am happy to report that the budget issue has been resolved. Therefore, in this financial year, we can accommodate that request in a modest way. This is because we will give priority to the neediest parts of that county.

Now that normalcy has returned and residents are back in the county, that process should commence. I, therefore, plead with the Senator for Marsabit and the House to give us 30 days to report progress on the matter.

Mr. Temporary Speaker, Sir, in terms of the rest of the counties, the deployment of NPR is as follows-

In Samburu County, the Government has recruited 460 NPRs. They have already been trained and deployed since November 2022 to date. There has been an additional recruitment of 150 NPRs who were recruited but have not been trained or deployed, from the same county.

We have realized that the recruitment of NPRs has a bearing on the security of these regions. That explains why most parts of Samburu County have experienced some kind of stability among other reasons.

Mr. Temporary Speaker, Sir, in Elgeyo Marakwet County, the Government has recruited a total of 153 NPRs. We could not do the training because of budgetary constraints but we will train and deploy them this financial year.

In Baringo County, the Government has recruited 200 NPRs and they have been deployed accordingly.

In West Pokot County, the Government has recruited 205 NPRs but the process is not yet complete. The training and deployment has not been done. This financial year, we have been able to secure resources to complete that process.

In Turkana County, the Government has recruited 140 NPRs and they have been trained and deployed. There has been a further request for 400 which was put on hold in terms of training and deployment because of budgetary constraints.

Finally, in Laikipia County, the Government has recruited 419 NPRs. They have been trained, kitted and deployed. The significance security situation in Laikipia could be attributed significantly to the presence of NPRs. Therefore, we will expedite for the outstanding counties.

For the information of the House, we have also deployed NPRs in other parts where the operation is ongoing including Lamu. We are reviewing the numbers for Lamu and North Eastern this financial year.

I submit.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Hon. (Prof.) Kindiki, for the response.

Sen. Chute, will you also take the option of asking your supplementary question prior or after the Members who have Questions for the Cabinet Secretary?

Sen. Chute: Thank you, Mr. Temporary Speaker, Sir. I will ask one question now and another one later on.

Hon. Cabinet Secretary, what measures have you put in place to forensically identify ballistic bullets that are being tested when it comes to civilian firearms?

As you are aware, Firearms Licencing Board (FLB) are checking each gun that belongs to a civilian. They know by identifying what gun has released a bullet. What measures are you going to put in place so that guns for NPRs are also registered under the FLB? I think you understand what I am asking.

The Temporary Speaker (Sen. Wakili Sigei): Proceed, Hon. (Prof.) Kindiki.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kindiki): Mr. Temporary Speaker, Sir, we are strengthening our ballistic testing unit. As we speak, the FLB is carrying out a nationwide operation on firearms and ammunitions. If they have not reached your corner, they are on the way. We need, as a country, to mop out illegal firearms and misuse of firearms from our society if we have to secure our country.

Related to NPRs, the overwhelming majority of NPRs continue to do a great job in securing the communities where they have been deployed. However, during the past one year, we have identified two gaps. One, is on supervision of NPRs. Therefore, we are making arrangements to strengthen the supervision and oversight of NPRs so that the local officer commanding the station and other commanders of the National Police Service (NPS) can account for every firearm and ammunition that is in the hands of NPRs to avoid misuse. Going forward, we will tackle very stringently the issue of oversight over the guns that we issue to NPRs.

Lastly, we have had two or three isolated cases of misuse of firearms. They are few but the damage is devastating. We have made it clear that when NPRs misuse firearms, we shall disarm them immediately and prosecute them. We have already taken measures on three cases; one in Samburu and two in Elgeyo/Marakwet counties.

Unfortunately, it was discovered that a livestock raid took place and there was evidence that a gun assigned to a Police Reservist, had discharged the bullet that killed the victims of this crime. By and large, 99.99 per cent of NPRs are doing a great job every day.

As the House will realise, the raids have decreased and even in the unlikely event of a raid, the rates of recovery have increased. This includes this weekend when some livestock have been recovered in Isiolo County. They were stolen from Igembe on Friday. By Sunday, the entire herd of 81 livestock was recovered and returned to the owners.

To answer the question, we will increase supervision of NPRs and accountability of the firearms and the ammunition that they have. Secondly, we shall hold accountable and punish NPRs who misuse the firearms they are given because they will be spoiling the reputation of a very good asset for our national security.

I submit.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Hon. Cabinet Secretary, for that specific response.

Members, I will allow only four Members to ask Supplementary Questions because we need to keep time. I will start with Sen. (Dr.) Murango.

Sen. (Dr.) Murango: Asante, Bw. Spika wa Muda kwa kunipa hii nafasi. Kwanza, ninamshukuru Waziri kwa kazi nzuri anayofanya katika Idara ya Usalama. Unahitaji moyo, tajriba na weledi kukabili vishindo vya usalama nchini.

Katika majukumu ya kulinda usalama katika sehemu tofauti tofauti, mara nyingi maafisa wa polisi hutumwa katika eneo fulani. Kwa yamkini mwaka mmoja, Kirinyaga tumezika takriban watu nane walio chini ya umri wa miaka 27. Ningependa kuuliza Waziri; je, kuna uwezekano maafisa wanaotumwa ni makurutu, ambao hawana uzoefu wa kutosha kwa mazingira wanayopata na ndio maana wanapoteza maisha?

Wanapoteza maisha, je, fidia yoyote inalipwa? Na je, fidia inayolipwa ni ya kutosha familia zilizoathirika? Ninauliza hivi kwa sababu familia nyingi zilizo na watoto katika Idara ya Polisi, wengi hutarajia kusaidika kutoka kwa hiyo kazi ambayo watoto wao wanafanya.

Halafu zipo sehemu zenye vita kama vile Turkana na kwingineko ambako jamii tofauti zinazozana hasa kwa mipaka. Kuna uwezekano wa kuwekwa *buffer zone*? Ninazungumzia sehemu ambayo polisi watakata labda kwa kulima ili wakinge mapigano baina ya jamii mbili. Kukiwa na *buffer zone* katikati, hata kama itatumika kwa kilimo, niko na uhakika kwamba mashambulio yatapungua.

Asante, Bw. Spika wa Muda.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Murango. Hon. Cabinet Secretary, you may respond.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kindiki): Mr. Temporary Speaker, Sir, it is true that we have lost officers in the line of duty. Some of them were lost in counter-terrorism efforts, others in counter-banditry efforts and others in the fight against urban crime. Just yesterday, we lost an officer who was in the company of two other colleagues and they had cornered a dangerous armed thug. They managed to neutralise the thug but the thug shot three officers, one of whom succumbed yesterday. Last year, we lost 58 NPRs countrywide in all these dangerous operations.

As to the question of whether we send recruits to dangerous missions, the answer is no. We have reserved the deployment of officers in complicated security operations – including those that involve the fight against terror, banditry and other dangerous criminals – to Elite Units within the National Police Service (NPS).

Therefore, it is not about the age of the officer but the training of the officer that determines the deployment. You can have a very experienced officer who has no training to handle sophisticated crime. So, the age of the officer should not be the problem. You can have a 27-year-old who was recruited very early. After Kiganjo or Administration Police Training College (APTC), they are taken to serious counter-terrorism training. He could be 24 or 25 years but that is the best we have for that effort. So, the age should not be a worry.

What should worry us as a nation is the loss of our officers in the hands of criminals. I have committed on behalf of the Government, that we shall go out of our way to minimize casualties on our side. So far, in *Operesheni Maliza Uhalifu*, we have not had many casualties.

The solution is the Kshs25 billion Police Equipment Modernisation Programme, which has already been completed and deliveries have started trickling in. I assure the country that in the coming weeks and months, we will turn around the story around terror. It will be difficult, if not impossible, for criminals to fell down our officers. We will make it extremely difficult.

However, as it happens in war, casualties are part of the issue. However, going forward, we shall minimise them. We will use better equipment such as air equipment or air assets, personal protection equipment and also increase use of armed aerial vehicles, commonly known as drones. This will minimise physical contact. Going forward, we will turn around the story and we will have less officers being felled by the fire of terrorists and dangerous criminals.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Hon. Cabinet Secretary.

I would like to remind Members that I exercised my discretion on that question to allow the Cabinet Secretary to respond. Going forward, ask your Supplementary Question in the context of the original question, in order to facilitate quick and direct responses from the Cabinet Secretary. So, let us be cognizant of that directive.

Sen. Mumma, proceed.

Sen. Mumma: Thank you, Mr. Temporary Speaker, Sir, for the opportunity to ask the hon. Cabinet Secretary, (Prof.) Kithure Kindiki, a question. I welcome him to the Senate and congratulate him for the good work he is doing. We are hopeful in the country that with him in that office, we will have the proper and right approaches to internal security, and we can already see that happening in the way in which he operates.

My question is in the matter of the deployment of security officers, be they reservists, police, chiefs or sub-chiefs. We have seen him being accompanied by political leaders from the regions he visits to try bridge peace and deal with security issues. Why has the honourable Cabinet Secretary not used this approach we have seen him use in dealing with the matter of insecurity in Sondu?

I ask so because insecurity in Sondu has happened three times. It is a needless issue and we believe that if he involved national leaders on the ground, looked at the issue on deployment of police and local administration, then he will be able to address this issue much better. That region not only affects two communities, but also many other communities and counties.

Honourable Cabinet Secretary, when will you take leaders from the region with you to deal with that matter once and for all?

The Temporary Speaker (Sen. Wakili Sigei): Hon. Cabinet Secretary, give the answer to that question.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): Mr. Temporary Speaker, Sir, in response to that supplementary question, it is true that in some places we have been involving political leaders when appropriate, but we carefully do it after assessing the situation, so that we do not ask those we suspect are part of the problem to join us in order to look for a solution.

I am not imputing any motive around any leader in that area, but I know there have been many requests from the leadership of both counties, led by the Senate Majority Leader, that we must allow political leaders to sit down and help in the generation of a solution. I have had a similar request for the inter-clan conflict in Mandera, but we have requested the leaders to hold a bit until we do a little bit of homework before we call them in.

Yesterday, Mr. Temporary Speaker, Sir, I was in Sondu incognito and spent the day there. I agree with Sen. Mumma that it is a serious matter, but it can be resolved. It is not a complicated matter. Therefore, in the next two weeks, I will be requesting leaders from the two counties to help us, and by that time, we will have known who to invite or not.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, honourable Cabinet Secretary.

The Senate Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, is it because I have been mentioned? I hope that I will cut the stack that will be found worthy to appear before the meeting. I appreciate the honourable Cabinet Secretary for finding time to respond. As a Majority Leader *Emeritus* who used to sit on this chair

when I first came to this House, it is always good to have him back in the House responding to us.

The question I wanted to ask has been ably responded to after being asked by Sen. Mumma on the issue of the Sondu border. We feel that we need to put it behind our backs. I know it is something that is of concern to the two counties of Kericho and Kisumu. I will pass the opportunity to other Senators who may have questions.

Nonetheless, I celebrate the honourable Cabinet Secretary for the good work he is doing. It is reassuring to hear of the equipment he is procuring on behalf of our officers, the modernization programme they are carrying out to ensure that we mitigate and reduce to almost zero-loss of lives to police officers in the course of their duty. Many times, we only speak of loss of lives in reference to civilians, but we forget that police officers are also human beings. Many of them are our brothers, sisters, fathers and relatives.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, the Senate Majority Leader for your compliments and comments to the honourable Cabinet Secretary. Hon. Members, we have done 25 minutes on this Question, which is beyond the 20 minutes we had given.

Sen. Chute, your last and very short supplementary question, so that we close on this and move to the next question.

Sen. Chute: Thank you, Mr. Temporary Speaker, Sir. Allow me to agree with the honourable Cabinet Secretary on the National Police Reservists (NPRs) issue. They are doing a very good job. They also supplement heavily and greatly in helping police officers in the Northern and Upper Eastern part of Kenya.

However, I wanted to know from the honourable Cabinet Secretary the measures they have put in place to support the NPRs in insuring them on personal insurance and also giving them small tokens as salary, from Kshs15,000 to 20,000. I want to know if they have such kind of initiatives and how it is going to help our NPRs.

The Temporary Speaker (Sen. Wakili Sigei): Honourable Cabinet Secretary, kindly respond.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): Mr. Temporary Speaker, Sir, in response, I inform the House that NPRs continue to do a good job in securing their communities. At the moment, we give them a token of Kshs5,000 a month, which has been described as inadequate and we agree with that. However, because of budgetary constraints, we have not been able to review that allowance forward.

We are fighting to have it released timeously before we even think of reviewing it upwards, because at times, it takes two or three months before it is released. I am a great supporter of enhanced allowances for NPRs. We are also looking at permutations, to see whether this financial year, we can put NPRs on the National Health Insurance Fund (NHIF) medical cover in order to improve on their welfare.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Cabinet Secretary.

Hon. Members, that brings us to closure of Question No.26. I am going to call upon Sen. (Dr.) Murango to ask Question No.32.

Question No. 032

KIDNAPPINGS ALONG MAKUTANO-SAGANA HIGHWAY

The Temporary Speaker (Sen. Wakili Sigei): Proceed, Sen. (Dr.) Murango. We are running out of time.

Sen. (Dr.) Murango: Yes, Mr. Temporary Speaker, Sir. I am proceeding. I thank the Cabinet Secretary and will ask him one Question.

(a) Is the Cabinet Secretary aware of the kidnappings that have been happening along the Makutano–Sagana Highway in Kirinyaga County for the last two years, where 11 children have been reported missing without a trace?

(b) Could the Cabinet Secretary provide an update on the status of investigations into the cases which have been reported at Sagana, Kiamaciri and Wang’uru Police Stations?

(c) What measures is the Government taking to strengthen security in the area to end the kidnappings and bring to book the perpetrators of the heinous acts?

The Temporary Speaker (Sen. Wakili Sigei): Hon. Cabinet Secretary, proceed to respond to the Question by Sen. (Dr.) Murango?

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kindiki Kithure): Mr. Speaker, Sir, in response to Question No.032 by the Senator for Kirinyaga County, I would like to inform the House that in the last two years, which is a period for which he has asked for information, we have had six cases of missing persons, where reports have been made by their relatives that they have been abducted and the following six have been reported at Kerugoya, Mutito, Kagumo, and Kiamariri Police Stations since November, 2021.

They include the following:

(1) OB/25/23/01/2023 at Kerugoya Police Station: Susan Waithera, aged 15 years, left her mother at a salon to an unknown destination, but was reported to have resurfaced on 25th May, 2023.

(2) OB No.33/18/12/ 2022, which was reported at Mutito Police Station: Peter Mugo, aged 40 years. He left home to an unknown destination and was later found dead. From the examination, he was a victim of a fatal hit and run road traffic accident.

(3) OB No. 16/2023/11/22 was reported at Kagumo police station: Emily Wawira, 15 years old, left Kiarida Secondary School at about 17.00 hours, but did not arrive home. She came home two days later, although it was reported as an abduction.

(4) OB No. 25/25/07/2022 at Mutito Police Station: Ann Wangui aged 18 years left home to see a friend within Kerugoya Township, but failed to return home. She was later traced in Nairobi on 29th September, 2022 and escorted back home.

(5) OB No.21/28/ 8/2022 reported at Kerugoya Police Station: Mercy Wanjiru Irungu aged 17 years left home for Katheri Market to buy items but disappeared and was later traced in Nairobi and escorted back home.

(6) OB No. 12/ 09/ 11/ 2021 at Kiamashiri Police Station: Bless Ann Wangeci Maina went missing on her way back from school. The victim has never been traced to date and the case is still pending under investigations.

Mr. Temporary Speaker, Sir, the Government takes abduction very seriously and is therefore inviting any person who has information that can assist the police in the investigations to volunteer the same and the same will be treated with confidence, in order to bring accountability to the outstanding cases, which I have listed here and others across the country that fall in a similar category.

Mr. Temporary Speaker, Sir, the Government has employed the following measures to enhance security and bring to book the perpetrators of these abductions and disappearances: -

(1) We have intensified both foot and mobile patrols along the highway. We have increased the patrols along that highway.

(2) We have expedited the investigations into all the reported cases of missing persons.

(3) The police are working closely with members of the public to engage in the reporting of missing persons in time. In other words, we are investing in a better police-public relationship as the solution to ensuring that cases like these are investigated and culprits arrested because the public holds the key to successful investigations and arrests.

(4) Sensitizing communities on the importance of sharing intelligence and prompt reporting whenever there is an incident.

(5) We have revitalized community policing, the *Nyumba Kumi Initiative* in the area in order to enhance information sharing.

(6) Finally, members of the public are continuously being sensitized to be sensitive to security. We must sensitize our members to be conscious of their own security, not go to places unless they are sure about the environment and report suspicious persons likely to be criminals.

I submit, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Hon. Cabinet Secretary.

Sen. (Dr.) Murango, do you have any supplementary question?

Sen. (Dr.) Murango: Asante, Bw. Spika wa Muda. Kwa maswali ya ziada, nitauliza maswali mawili tu.

Waziri, mnamo Mwezi wa Februari mwaka huu, kuna ndugu wawili ambao waliuawawa kinyama pale na ukaleta taarifa katika hili Bunge. Kutoka wakati huo hatujasikia kulifanyika vipi.

Kwa hivyo, swali langu ni, je, wale ndugu wa damu waliouliwa, uchunguzi umefika wapi kwa sababu hatujasikia kutoka Februari kuhusu mambo ambayo yanafanyika?

Swali la mwisho, kwa sababu sitaki kukuuliza kuhusu mambo ya wizi wa ng'ombe ambao unaendelea Kirinyaga; kuna jambo lilifanyika kule Kirinyaga kuhusu kiongozi mwanamke wa Bunge la Kaunti ya Kirinyaga. Mwanamke huyo alishambuliwa na watu wanaojulikana na wengine ni wafanyikazi katika Kaunti ya Kirinyaga, kama

polisi wa manispa. Hata hivyo, kutoka siku hiyo, wale watu bado wanazurura kule na wanawakejeli viongozi kule.

Katika uchunguzi wa yale maneno kwa sababu ni mambo ya aibu, umefika wapi na tunatarajia lini kwamba hatua itachukuliwa dhidi ya wale watu?

Asante, Bw. Spika wa Muda.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Cabinet Secretary, could you respond to the supplementary questions?

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kindiki Kithure): Mr. Temporary Speaker, Sir, in response to the supplementary questions by Sen. (Dr.) Murango, I would like to request for seven days to file a written response.

One is on the status of investigations on the case of the two brothers that Sen. (Dr.) Murango is pursuing. I would plead that, that request be made in writing, so that I can have the names of the deceased in order for me go give a status report in seven days.

Two, with regards to the attack on the Women Representative for Kirinyaga, I would also plead for time to file a written response to the Senate within seven days.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Hon. Cabinet Secretary.

Sen. Dullo, you had requested to have a supplementary question. I want to ask you to proceed and ask the Cabinet Secretary the question.

Sen. Dullo: Thank you, Mr. Temporary Speaker, Sir. I will ask quick questions since I had requested earlier on the three questions.

Hon. Cabinet Secretary, congratulations for the good job. I know you are up to the task. We have served in this House together twice.

The first question is on the recruitment of the National Police Reservists (NPR) and chiefs. I know that the Principal Secretary (PS) is aware that there is too much politics around the recruitment of chiefs and NPRs within the counties. Is there a way the Cabinet Secretary can work it out to ensure that the recruitment of NPRs and chiefs are done a transparent manner, so that everybody can see the process is very transparent without politics? The people who are causing problems in these two processes are politicians. They should be locked out completely in order for the process to be transparent, so that the members of the public are satisfied. That is point one.

I know you are smiling and should be able to work out a strategy on that. Finally, is the issue of police who have overstayed in hardship areas. I have been in the security sector some time back and the policy has been that if you have served in hardship areas for five years, you should be posted to another area.

Nowadays police officers take even more than 10 years in those hardship areas. By then, they have familiarized themselves with the community and are not taking the work they are doing seriously. Could the Cabinet Secretary implement the policy on the five-year rule, so that the police officers in the hardship areas are transferred to other areas, while others are brought into those hardship areas?

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Dullo.

Hon. Cabinet Secretary, could you respond to those questions?

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kindiki): Mr. Temporary Speaker, Sir, it is true that there is a policy on how an officer should stay in one station. However, for a long time that policy has not been implemented.

It has now been decided that going forward, no officer who has served for more than three years should remain in the station they are serving. The signal went out two weeks ago the day when the taskforce on police reforms presented their progress report to the President. Now, it is part of the policy reforms we have initiated.

We have given the police command a maximum of 60 days to make sure that all officers countrywide who have stayed for more than three years must be transferred.

Secondly, on the question of involvement of politicians in the appointment of chiefs and assistant chiefs, I agree. I hope that the proposal by Sen. Dullo is in sync with the proposal by the Chairman of the Standing Committee on National Security, Defence and Foreign Relations.

The Senator for Baringo County, who is the Chair of the said Committee, recommended that there was need for public participation in hiring of chiefs. I do not think public involvement means meddling by politicians. It just means that politicians, just like everybody else, can give their views, but the decision remains with the Government.

I know what Sen. Dullo is pursuing is the actual meddling, where politicians want to decide who becomes chief. That is wrong. We should encourage public participation, including that of leaders because they also have views. However, perhaps the decision should involve more people.

Those are some of the policy proposals we are willing to look at. However, the three-year transfer is mandatory. In fact, the directive by the Government is that any officer after 60 days, who continues to resist for whatever reason and does not move to a new station, shall have their salary stopped.

It is that serious. Those handling sensitive operations are normally moved after one year. This is because kinetic work and operations they engage in are extremely demanding. After one year, we rotate them so that they can serve even if it is the same sensitive operation, but in a different station. However, for general police duties, in three years you must move. If you do not, then the salary is stopped.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, hon. Cabinet Secretary for those responses. Hon. Members, we will defer Questions Nos.11 and 12 in the absence of Sen. Kinyua.

Question No. 011

STATE OF SECURITY IN LAIKIPIA AND
THE WIDER NORTH RIFT REGION

(Question deferred)

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*Question No. 012*MEASURES PUT IN PLACE TO CURB
KETAMINE ABUSE*(Question deferred)*

Similarly, we are going to defer Question No.45, in the absence of Sen. Lomenen.

Question No. 045

SECURITY SITUATION IN TURKANA COUNTY

(Question deferred)

I ask Sen. Chute to proceed to ask Question No.54.

Question No. 054

TERRORISM FATALITIES SINCE 1998 BOMB BLAST

Sen. Chute: Thank you, Mr. Temporary Speaker, Sir. I will start with Question No.54.

(a) How many individuals have lost their lives as a result of terrorism attack in Kenya since the tragic bombing of the American Embassy in Nairobi City County by *Al Qaeda* terrorists in 1988?

(b) What measures has the Government put in place to boost counter-terrorism efforts and safeguard the lives and property of Kenyan citizens?

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Chute. *Waziri*, proceed to respond to the Question by the Senator.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kindiki): Mr. Temporary Speaker, Sir, in response to Question No.54 by the Senator for Marsabit County, I would like to inform the House that the 1998 bombing of the United States of America (USA) Embassy in Nairobi City County, which occurred on 7th August, 1998, at around 11.00 a.m., resulted in the death of 213 Kenyans and 12 citizens of the USA.

About 4,500 other persons were injured in various degrees. Our police agencies; the Directorate of Criminal Investigations (DCI) together with international agencies and American security agencies have been involved in investigations. In the consequence of which, several suspect arrests have been done in Kenya and outside Kenya.

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One of the main suspects was Harun Fazul who has never been arrested. The investigations reveal that this attack was perpetuated by a group calling themselves *Al Qaeda* and the planning was done in Khartoum, Sudan. The main planner was Mr. Harun Fazul, a citizen of the Republic of the Comoros, who had obtained a Kenya National Identification (ID) card fraudulently. His acquisition of the Kenyan ID had been facilitated by Government officials who were later charged in court.

Mr. Temporary Speaker, Sir, in the morning of the attack, Mr. Harun Fazul together with others, drove a Vehicle Borne Improvised Explosive Device (VBIED) into the USA Embassy causing the above mentioned fatalities and serious infrastructural damages. The motive of the attack was to hurt American interests in the region as they also attacked the American Embassy in Dar es Salaam, Tanzania. It was orchestrated by *Al Qaeda* terrorist organization led by Osama Bin Laden, who is now dead.

Mr. Temporary Speaker, Sir, since the 1998 US Embassy attack, approximately 500 lives have been lost through terror attacks in the country. This includes 213 fatalities (201 Kenyans and 12 Americans) of the 1998 attack; 67 people who died at the attack at West Gate Mall in 2014; the Garissa University attack in 2015 that led to the death of 148 persons, and the Dusit attack in 2019 in Nairobi that led to the death of 21 civilians and five suicide attackers. The other numbers are a collection of various civilians and members of the National Police Service and the Kenya Defence Forces who have died as a result of Improvised Explosive Devices (IED) attacks in the war against terror in North Eastern Kenya and Lamu County.

The following measures have been put in place to boost counter-terrorism efforts and safeguard the lives and property of Kenya citizens -

(1) Establishment of specialized units including:

(a) Anti-Terrorism Police Unit (ATPU), which continues to do a fantastic job in thwarting the threats of terror on a continuous basis. There is the National Counter Terrorism Centre for research, identification of terror threats and dealing with radicalization, which is the main recipe for terrorist and the breeding of terror. We also have the Joint Terrorism Task Force and Robust Financial Reporting Centre, whose mandate is to track inflows and outflows of financial resources into our financial system.

This has helped us detect finances destined to the financing of terrorism. We have apprehended some of those resources. There is also the Modern Coastguard under the Kenya Coastguard Services Act of 2015. Therefore, the Coastguard is helping us guard the Kenya territorial waters, especially the internal waters. They help us watch terror, which is transported by sea. There is the Trans National Organized Crime Unit at the DCI and Asset Recovery Agency. Resources frozen on suspicion of being destined to finance terror are seized and forfeited to the Asset Recovery Agency.

(b) Establishment of Personal Identification Secure Comparison and Evaluating System (PISCES) in immigration services, which has worked well. We are in the process of upgrading the PISCES with the modern Advanced Passenger Information (API)/Passenger Name Record system, including other upgrading that we want to do at the Jomo Kenyatta International Airport and other main points of entry to ensure that we

keep terror at bay. We can detect the movement of terrorists before they start their journey to Kenya. This is what API will do. At the moment, PISCES has helped us.

(c) Continuous training and deployment of specialized formed-up Police Units (Special Operations Group (SOG), QRU, GSU) at the Kenyan borders. Increasingly, we shall be using more of the same specialized units in the fight against hardcore banditry. This is what has helped us stabilize places like Baragoi, which were notorious for banditry for a long time. Going forward, the deployment of the specialized units will go a long way in eradicating banditry as we fight terror. We are of the opinion that the evolving forms of banditry are moving towards terrorism. We have registered successes in Baragoi and the area between Tiaty and Elgeyo-Marakwet. We will deploy these specialized units in the fight against chronic banditry.

We also have the Quick Response Unit (QRU), General Service Unit (GSU) and the Anti-Stock Theft Unit (ASTU). Generally, those are the measures.

(d) Since the enactment of the Security Laws (Amendment) Act of 2014, we have enhanced multi-agency collaboration for improved efficiency. The National Intelligence Service (NIS), National Police Service, and the Kenya Defence Forces and all national security organs, work together irrespective of their specialized mandate. They must share their competencies and work towards resolving the issue of terror in our borders. We are making good progress in terms of institutional arrangement.

The following are the legislative measures that have helped us to control the threat of terror:

(i) Proceeds of Crime and Anti-Money Laundering Act, which was last amended one month ago. Those amendments will have positive results in the fight against terror. Soon we will designate a number of organisations that we believe are suspected of financing terror. We will follow the legal procedures. We hope to do this in the next 30 to 60 days.

(ii) Prevention of Terrorism Act, 2012. This Act has helped us detain hardcore suspects of terror longer than necessary to process them within the law.

(iii) Security Laws (Amendment) Act, 2014.

(iv) Amendments to the Anti-Narcotics Act.

(v) Amendments to the Refugee Act.

(vi) Amendments to NGO's Act.

(v)•Amendments to the Firearm's Act, to control the proliferation of small arms and light weapons

(vi) Amendments to the Kenya Citizenship and Immigration Act. This makes it impossible for foreigners to infiltrate our country and cause terror.

We have also enhanced local and international collaboration and partnership through multi-agency taskforces, especially the Joint Terrorism Task Force. Of course, we have enhanced information sharing mechanisms, financial regulation by the Central Bank of Kenya (CBK), deployment of modern technology in policing, including the use of Integrated Command Centre (IC3), the increasing use of drones, especially now with the police equipment modernization programme and facial and motor vehicle recognition capabilities.

Mr. Temporary Speaker, Sir, the American fatalities and Kenyan employees of the United States of America (USA) Embassy affected by the bombing incident were compensated, while no such consideration was given to the other Kenyans.

I know that I will be appearing before a Committee set up by this House on this subject in the next few days. I should be spared because already this House is seized of the matter. I have already given them a date when I will appear for interrogation on this matter of Kenyans who were never compensated after the bombing in 1998.

As I finish, allow me to add one extra matter, which is not part of my written statement. It is our continuous engagement in the fight against terror, which poses an existential threat to our country. We have all seen what has happened in the Middle East. One small gap in the fight against terror can have devastating effects. Therefore, we are not leaving anything to chance.

We are concerned with the situation right now in North Eastern. I promise the country that I will spend more time in North Eastern in the coming days and weeks. This is because we must contain the situation that is evolving in that part of the country, the same with Lamu County.

I had promised to be in Lamu County from today, but I had to honour this House. I will appear again before many other Committees of the National Assembly tomorrow. So, I may have to postpone my journey for a while as I attend to these other obligations.

However, I can report to the country that we will fix the situation in Lamu. The terror that is being visited on the people of Lamu is unacceptable. Before the end of this week, in the next two days, the Ministry of Interior and National Administration will publish suspects that we consider to be the chief planners and those who bear the greatest responsibility in planning, financing and orchestrating the violence that has visited Lamu County in the recent weeks.

We will be calling on the people of Kenya to give us information. We will reward financial information that can help us apprehend those dangerous criminals. In the alternative, we will be giving notice to those criminals to surrender to the authorities; the nearest police station, military camp or Government office within a given timeframe. We are going to make that announcement before Friday.

In the alternative, if they do not surrender, we will look for them and we will find them. When we find them, we will do what we must.

Thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, very much, hon. Cabinet Secretary for your very elaborate answers.

Hon. Members, we are 14 minutes outside the time allocated for this particular question. That means we might have to lose out on the other business of the House.

From my dashboard, I have 10 requests. You will dislike the Chair today, but for good reasons. I will only allow Sen. Chute, if there is any burning supplementary question. For the rest of the Members, I am afraid that the discretion that I will take is to facilitate us to transact the other pending business of the House. I know we have very important questions for the Cabinet Secretary. He is available to us and the House to answer our questions today.

To save time, Sen. Chute, proceed if you have a burning supplementary question directed to the Cabinet Secretary. We shall close at that. I shall give directions once your question is responded to by the Cabinet Secretary.

Sen. Chute: Thank you, Mr. Temporary Speaker, Sir. I have two brief questions. One, I will give to Sen. Abdul Haji.

First of all, let me---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Chute, I have given directions. You cannot give out time. Ask your supplementary question.

Sen. Chute: Okay. First of all, I thank the Cabinet Secretary for the elaborate answers and for the new border post in Ileret.

Hon. Cabinet Secretary, last week, the Cabinet Secretary for Defence was before this House. He said that any soldier who is killed in the line of duty is paid Kshs4 million and USD50,000, if one dies outside this country.

If a police officer dies in the line of duty when in Kenya or outside, how much money---

The Cabinet Secretary for Defence said that within the first 30 days, they will be paid Kshs4 million. When it comes to a police officer, how much do you pay them within 30 days?

Cabinet Secretary, have you ever thought of employing uneducated *morans* and people in Northern Kenya and Upper Eastern as police officers? This is so that the banditry menace we have in those areas can be controlled and curtailed. If you have those plans, when are you going to execute them?

The Temporary Speaker (Sen. Wakili Sigei): Hon. Cabinet Secretary, kindly respond to those supplementary questions.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kindiki): Mr. Temporary Speaker, Sir, under the medical insurance scheme of the National Police Service (NPS), an officer who dies in the line of duty is entitled to a package that includes a one-off payment equivalent to eight years of gross salary. That also includes the funeral expenses. Therefore, those officers who die in the line of duty are well taken care of under the medical insurance scheme of the NPS.

What we are working on now is to go further and establish a benevolent fund for the families of police officers who die in the line of duty. This is because some of our best and most sophisticated officers in terms of combating dangerous criminals are fairly young. They have been trained abroad; we train them young.

We are going to graduate a few more next week. They have really helped us, but whenever they are unfortunately hurt by enemy fire, they leave very young families. Every second week of December every year, we commemorate the day when we respect our fallen officers.

I made a commitment last year that this year, I will be making announcements on the benevolent fund. Other than compensation for families, it can help us to have a revolving fund. From the end of this year to early next year, we want to put up a place where the families, the children, and the spouses of the fallen heroes can access

scholarships and medical care when their loved ones lose their lives while defending the country and the people of Kenya. On that front, we will be making that announcement.

Finally, on the question of recruiting police officers who may not fall within their qualifications, it is a proposal we are looking at because of the effort we have made in the fight against banditry and terror.

Some of the significant reasons for those gains are the specialised, trained officers, but also the NPRs, most of whom have not gone to higher school. They may have gone to school, but not attained higher levels of education, but done a fantastic job.

For difficult operations like North-eastern Kenya, the Boni Enclave, Upper Northern Rift areas, and Upper Eastern, it is a proposal we are entertaining on NPRs. We can also have police officers who may not have the academic qualifications to help us deal with very specific threats to our national security.

I thank you.

The Temporary Speaker (Sen. Wkili Sigei): Thank you very much, Honourable CS.

Hon. Members, I would like to ask you to permit me to end this question on that note and appreciate the Cabinet Secretary. I still have Members who need to ask questions. However, as I said, the CS is available to us. He is available to this House and has been committed not only today but even before, and he is going to take priority to attend to this House to respond to the questions.

Hon. CS, I must appreciate you for that, together with your team, and also for taking the time to be present today to respond to the questions from the Senate. On behalf of this House and the hon. Members, I would like to thank you and your team. I note that you were together with Beverly, whom I have worked with before. I must appreciate the good work that she did while she was based in Bomet.

Hon. CS, you are welcome once again in the near future to answer so many questions that Members have for your Ministry. I congratulate you on my part and I know the rest of the Members here have appreciated you.

We appreciate what you are doing in the Ministry, in supporting the House to deliver on its mandate to the people of Kenya and the world at large.

Thank you very much, Hon. CS.

With that, you are free to take leave from the House. We wish you a blessed day henceforth from here.

Thank you very much.

(Applause)

*(The CS for Interior and National Administration
(Hon. (Prof.) Kindiki) was ushered out of the Chamber)*

Hon. Members, we have the next set of questions for the Cabinet Secretary for Youth Affairs and Sports, Hon. Namwamba. He is being ushered in, so let us also be available.

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Sen. Chute and Sen. Cherarkey, I believe are the first people to ask their questions.

*(The Cabinet Secretary for Youth Affairs and Sports
(Hon. Namwamba) was ushered into the Chamber)*

Welcome CS, Hon. Ababu Namwamba to this House. We are sorry that we kept you for a little while, but it is because your colleague, Prof. Kindiki, was here to answer the questions that were also expected of him.

Thank you for honouring to appear today, and in a short while, I will call upon the Members who have questions to immediately take---

Hon. Members, I believe these are requests with regard to the previous questions, but then, there is an intervention.

What is your point of order, Sen. Cherarkey?

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, Sir. I do not know why the microphones are not working today.

The Temporary Speaker (Sen. Wakili Sigei): No, they are.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. Just on a point of order under Standing Order No.1. The Cabinet Secretary for Youth Affairs, Sports and the Arts did write a letter on 21st August, 2023, to the Speaker of the National Assembly and the Speaker of the Senate.

In that letter, he indicated that he wanted to ask us to answer the questions made by the National Assembly Majority Leader, Hon. Ichung'wah, and of course, he did badly by misspelling my name, "Hon Simon Cherarakey" I do not know who that is, but let me assume it is me.

It should be Samson Cherarkey, the Senator for Nandi County, whose statement proposed to cast aspersions on the Ministry of Youth Affairs, Sports and Arts.

It was copied to the Chief of Staff, Hon. Felix Kosgei, Senate Majority Leaders, Sen. Cheruiyot; National Assembly Majority Leader, Hon. Ichung'wah, Chairperson of the Senate Standing Committee on Labour and Social Welfare, Sen. Murgor; Chairperson, National Assembly Standing Committee on Sports, Hon. Wanyama, and of course, yours truly.

My question is, is it in order for the Cabinet Secretary to purport to direct the Senate to come and answer questions? I thought that there was a *modus operandi* on how Parliament operates.

This is the first time a Cabinet Secretary is directing you to come and answer questions. Is it in order? For neatness of engagement, will the CS withdraw this letter or do you want to stand by it? Our *modus operandi* is that we have mechanisms of invitation and engaging cabinet secretaries among others. Will it be in order that he withdraws this letter?

I thank you

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Cherarkey for asking about that letter.

I am also making inquiries as to whether it was submitted to the Office of the Speaker. However, Hon. CS, you are the originator of the letter. Do you want to comment on it now before the questions are asked, so that we deal with that intervention?

Sen. Chute: On a point of Order, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): What is your point of order, Senator?

Sen. Chute: Thank you, Mr. Temporary Speaker, Sir, for this opportunity. This is a question time, and it is supposed to be my question time now. Sen. Cherarkey is taking-- We do not have much time, you know.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Chute, I take note of that. It was an intervention, so you will get your time.

Sen. Chute: Thank you, very much.

The Temporary Speaker (Sen. Wakili Sigei): Hon. CS, can you respond to the point of intervention?

The Cabinet Secretary for Youth Affairs and Sports (Hon. Namwamba): Thank you, Mr. Temporary Speaker, Sir, and hon. Senators. The correspondence that the Hon. Sen. Cherarkey refers to indeed is from myself and my Ministry. It was a correspondence that was conveyed in good faith.

Just for purposes of disclosure, this correspondence did come up when I appeared before the National Assembly, and did indicate to the National Assembly that it was done in good faith and that I would have no problem at all in this House to similarly withdraw the same, if that is the direction of the House.

The Temporary Speaker (Sen. Wakili Sigei): Very well. So, the letter stands withdrawn.

Hon. CS, did I hear you well that you are withdrawing the letter from the record of this particular House?

The Cabinet Secretary for Youth Affairs and Sports (Hon. Namwamba): Mr. Temporary Speaker, Sir, you heard me right.

The Temporary Speaker (Sen. Wakili Sigei): So, we will then proceed to Question No.51.

The Senator for Marsabit, Sen. Chute, please proceed to ask the question to the Hon. CS.

Question No. 051

TENDER PROCESS IN CONSTRUCTION OF MARSABIT STADIUM

Sen. Chute: Mr. Temporary Speaker, Sir, I rise to ask Question No.051 to the Cabinet Secretary of Youth Affairs and Sports.

(a) Could the Cabinet Secretary furnish the Senate with information regarding the tender process for the construction of Marsabit Stadium, indicating the total number of

contractors that submitted the bids, who won the award and the total value of the award bid?

(b) Was the construction of Marsabit stadium a collaborative effort between the national Government and the County Government of Marsabit? If so, could the Cabinet Secretary provide details of the prospective financial contributions made by each government?

(c) Could the Cabinet Secretary provide an update on the status of construction of stadium and indicate the expected date of completion, as well as any significant milestones achieved in the project, so far?

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, before I allow the CS to respond as earlier on directed, we shall stand by the directives given so that we spend a maximum of 40 minutes on the questions to the Cabinet Secretary. We have got only two questions. So, I will still limit the number of Members and supplementary questions that will be asked. This limitation is because of the business that the House is expected to transact within the day.

Hon. Cabinet Secretary, in your response, kindly directly get us the answers to the questions the Hon. Member has requested today.

The Cabinet Secretary for Youth Affairs and Sports (Hon. Namwamba): Mr. Temporary Speaker, Sir, let me, first of all, appreciate the opportunity granted to our Ministry to come shed light on these issues. Right from the outset, let me quickly inform this House that Marsabit Stadium is one among a number of stadia that stalled about 3 or 4 years ago; in 2019 to be specific. The other stadia include Wote Stadium in Makueni County, Karatu Stadium in Kiambu County, Ruring'u Stadium in Nyeri County, Kipchoge Keino Stadium in Uasin Gishu County and Kamariny Stadium in Elgeyo/marakwet County.

We have done an assessment in the last one year that we have been in office and we did take note of a number of factors that could have contributed to the stalling of this particular stadium in Marsabit County alongside the others that I have mentioned. Those factors included difficulties; what we can call haphazard in coherent selection of projects, project prioritization, which had challenges and not taking time to ensure that as you prioritize the project, you actually have sufficient funds to finance it, as is the requirement.

Based on this assessment, the Ministry has made two important interventions which I would invite the House to take note of. One, we invited the Auditor-General to conduct an audit to empirically determine the cause for the stalling of these projects, given that a significant sum of money was spent on them. Indeed, I can confirm to this House that, that audit is going on. Marsabit Stadium, alongside these other stadia, are being audited. The progress report we have is that the audit should be concluding anytime soon.

Two, we took time to prepare a comprehensive sports infrastructure masterplan. I am pleased to inform this House that today, for the first time in the history of Kenya, the country now has a substantive, comprehensive, well thought out masterplan to guide the development of infrastructure in sports and the creative industry.

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We are convinced that within this masterplan, we should be able to complete Marsabit Stadium and the other stadia that have stalled because this masterplan has three pillars; sorting our international level stadia, making sure that our regional stadia are of the required standard and then investing heavily in community grounds, including academies.

Allow me to go to the specific question raised by Sen. Chute. We have information that has been supplied by Sports Kenya. Sports Kenya is the agency that is responsible for sports facilities in the country. The information we have is that this particular project was undertaken under the Public Procurement and Disposal Act 2015. It started with an advertisement inviting the tender. This advertisement was put on the website of Sports Kenya and then at the closure of the advertisement, assessment was done in accordance with that law.

We have provided the details of how the seven bidders were assessed. The seven bidders were Prestige Remote Land Arid Lands Construction Company Limited, Thimas Construction Company Limited, Construction Frontier Engineering, Banisa Limited and Parbats Yani Construction Limited. Upon assessment, a decision was taken by the Evaluation Committee that this project be awarded to the lowest bidder.

In this case, it was Banisa Limited who bid at Kshs295,236,215. Therefore, this project was awarded to Banisa Limited. From the information we have on record, it was in line with the Public Procurement and Disposal Act of 2015. That decision is on record.

With regard to the second question as to whether there was partnership between the County Government of Marsabit and the national Government, the answer is yes. The county government did have a share of the whole project and the investment was principally around the VIP pavilion, what is called in the project details as the western stand.

The national Government took responsibility for constructing the southern stand, athletics track, the football pitch, the ticketing booths, the underground water tank, the septic tank, driveways and walkways at that figure of Kshs295,236,215.

From the record, it is also indicated that from this period, there was a variation in the process of this project. This variation was apparently necessitated by the need to increase seating capacity and to finish the sub base of the athletics track using concrete rather than murram as initially projected in the project design. The result was that a variation then raised the project cost by Kshs71,767,000 occasioning the total budget cost to jump to Kshs367 million.

From the project records, this was characterized as phase one. This is the phase that the national Government then handled in partnership with the county government.

Phase two of this project has not commenced yet. The reason is that this project stalled in 2019. It remained in limbo from 2019 to 2022, when our administration came into office. We quickly looked at this project alongside the other projects that I have mentioned, including Karatu in Kiambu County, Wote in Makueni County, Kamariny in Elgeyo Marakwet County and Kipchoge Keino in Uasin Gishu County. We determined that it was important in public interest to subject these projects to a special audit and complete them in the context of a masterplan. So, the status today is that the project

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remains frozen until the audit is concluded and it will be completed in the context of the masterplan. The total cost to complete the whole project as designed was Kshs951,825,128.

Responding to Question (d) in terms of an update on status of construction and expected date of completion; I can report to this Hon. House that Sports Kenya, through the contractor Banisa Limited, undertook Phase One of this project. As I have already put on record, it included the southern stand, the track for athletics, synthetic tough, pitchways, driveways, pitch works, walkway, parking with murram, finished ticketing booths, powerhouse, underground water tanks, septic tank and Very Important Person (VIP) entrance.

It is reported from the project record that there was a failure with the borehole that had been sunk to supply water for watering the pitch. Apparently, a decision was then made by the Board of Sports Kenya that the grass pitch or what was initially planned as the grass pitch be subsequently be changed to an artificial football tough.

As I have already indicated, this project has been subjected by the Ministry itself to a special audit. That special audit as well as the sports and infrastructure masterplan that the Ministry has developed will guide completion of this project.

I have attached in my submissions and submitted the file to the House. The very last attachment is a letter from myself dated 11th January 2023. The reference is a request for a special audit of infrastructure projects and programmes at the Ministry of Youth Affairs, Sports and the Arts. I wrote that letter to the Auditor General and handed it to the Auditor General myself, in person. The purpose of that letter was to invite the Auditor General to look into a number of projects and programmes that had challenges and where we needed the office of the Auditor General to guide.

There is also a response from the office of the Auditor General dated 27th February 2023 in which the Auditor General acknowledges receiving my request. From that correspondence, the process of the special audit then commenced. We expect that process to conclude.

The ultimate goal is to meet the needs and expectations of this community by providing them with a modern and fully functional stadium facility, constructed within the tenets of value for money. We will continue to provide progress updates as soon as this special audit is concluded.

We have every intention as a Ministry to complete this particular stadium alongside other stalled projects that are on record here because public funds have already been expended.

In the context of our very robust and progressive transformative agenda under the bottom-up economic transformation agenda for sports and creative industry, we believe completing these facilities will be useful in realising the bottom-up economic transformation agenda.

I submit.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Hon. Cabinet Secretary, for that particular response to the Questions by Sen. Chute.

I have in my dashboard three requests by Sen. Kisang, Sen. Abass, and Sen. Dullo. I will ask ---

Majority Leader, what is your point of order?

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, apologies. Ordinarily, it is within your space to guide the House. However, I have noted in the morning that when you give Members an opportunity to seek supplementary questions, very few of them stick to supplementary questions related to the specific question.

If that is the tradition then, would it not be in order to allow the Senators that have first listed questions to complete on theirs? You can open the Floor after because ideally and by practice, it has been said that the Cabinet Secretary will respond to all the supplementary questions together. This will give priority to Senators who had questions on the Order Paper. I beg your indulgence, if you so agree.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Senate Majority Leader. Indeed, that is true, especially because of the business that is awaiting this House to transact today. I am aware there is another question by Sen. Cherarkey, which the Hon. Cabinet Secretary is also expected to respond to.

In that particular context, I will ask Sen. Cherarkey to ask his question so that once it is responded to, I go back to Sen. Chute to have his supplementary question as well as the rest of the Members whose requests have already been noted here.

Proceed, Sen. Cherarkey.

Question No. 053

TEAM KENYA'S PARTICIPATION IN THE WORLD
ATHLETICS CHAMPIONSHIP IN BUDAPEST

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, Sir, for that guidance. I rise to ask Question No.053 to the Cabinet Secretary of Youth Affairs and Sports.

(a) Could the Cabinet Secretary provide information on the facilitation of Team Kenya's participation in the World Athletics Championship in Budapest, particularly by the Sports, Arts and Social Development Fund, disclosing details of sponsorship agreements, athletes' selection and amounts expended in the purchase of uniforms and air tickets and paid as allowances and rewards to each participant?

(b) Could the Cabinet Secretary provide the details of the financial management, including the book of accounts for grants and subsidies, as well as the latest report on disbursements and procurement processes within the Sports, Arts and Social Development Fund?

(c) How is the leadership structure at the Fund established, and could the Cabinet Secretary explain the recruitment procedure of the Chief Executive Officer (CEO)?

(d) What actions has the Ministry taken to enhance compliance with legal and ethical standards at the Fund, specifically with regard to previously reported allegations of financial irregularities?

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The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Cherarkey, for your Question.

Hon. Cabinet Secretary, kindly respond to the Question then we will go back to the earlier question with the other supplementary questions. They will be the two Questions that you will have responded to.

Proceed.

The Cabinet Secretary for Youth Affairs and Sports (Hon. Ababu Namwamba): Thank you, Mr. Temporary Speaker, Sir. Hon. Senators, let me use this opportunity to applaud our team Kenya that represented the country in Budapest where they emerged as the best country in Africa and the fifth overall globally, which was exemplary performance and performance that has continued to improve, including the performance in Riga, and the latest one being the world record by Kelvin Kiptum in the Chigaco Marathon last weekend.

With regard to the Budapest assignment, let me break down the Questions into chewable little bits and start with the selection of team Kenya.

Team Kenya was selected to the World Athletic Championship through a public process called public selection which they normally call trials conducted by Athletics Kenya; the Federation responsible for athletics in the country. This was a public process conducted on July 7th and 8th, 2023. We were present for this process. I attended day one of the trials and the Principal Secretary (PS) for the State Department of Sports Engineer Peter Tum attended day two of the trials. So, we were quite involved and engaged in observing that process.

I also confirm to this hon. House that all the requirements with the Anti-Doping Agency of Kenya (ADAK) and the Athletics Integrity Unit (AIU); all those requirements about anti-doping were observed.

There was a selection panel that presided over this exercise. That panel consisted of officials mostly from Athletics Kenya. Mr. Paul Mutui was the Chairman. He is the Senior Vice-President of Athletics Kenya. There was also Mr. Barnabas Korir who is the officer responsible for Youth Development in Athletics Kenya, Patrick Sang a fine decorated coach in the athletics fraternity.

The team also included John Kimeto, Milcah Chemos who is an athletics legend in her own right, Kenneth Tanui, Chellot Kurgoi, Stephen Mwaniki and Fred Owundo. That was the team that presided over the selection.

I have also provided details on the requirements for selection. It is quite a long list. In the interest of time, I am conscious of your direction. We have, however, provided details there, including particular requirements that this selection applied in picking the team.

The criteria are detailed in segment two of my response and pretty much, it is normally a process that does not require the opening of any servers. It is open and on the track. The first two to cross the finish line are normally automatically selected. So, it is very clear.

There is also normally a process where you can qualify by posting impressive times through races that are keenly observed by Athletics Kenya as the body responsible. So, that is the whole process in brief.

I am just truncating my presentation to save on time. However, that in brief is the process that led to our Team Kenya which we then we prepared to go to Budapest. I can confirm to this House that the Team was presented to the Ministry after being selected. We had a major ceremony to hand them the national flag and formally flag them off at the Ministry Headquarters.

In terms of the financials and the budget expended on this assignment, we have provided a breakdown on page ten of our submission. We spent a total of Kshs147,299,127 on this assignment broken up as follows-

We spent Kshs36,697,296 on allowances for this team and all these allowances I can confirm to this House have been paid. We also had a homecoming ceremony when this team arrived back and it cost Kshs466,000.

The tickets for the team to fly to and from Budapest cost Kshs76,856,458. Accommodation expenses out of the country in Budapest cost Kshs11,679,381. We then had cash rewards amounting to Kshs21,600,000.

I will invite the hon. Senators to look at ---

(Sen. Cheruiyot gave the Cabinet Secretary a written note)

Thank you, Senator.

An attachment that we have provided on the Schedule of Cash Awards. I confirm to this House that one of the areas where the Ministry and the Government have done exceedingly well is to revise the whole reward scheme. Previously, the reward scheme had been extremely low and the payments unpredictable.

You may want to know, for example, that last August, we held a ceremony where we were clearing allowances and cash rewards owed to athletes going back to 11 years amounting to Kshs25 million. Meaning that for 11 years, an athlete who represented Kenya had been waiting for their allowances and cash awards. We were able to settle that in August.

Significantly, we also used that opportunity to reward some of our top legends and to improve the entire framework for rewards. So, the breakdown of that Kshs21,600,000 was applied according to the new scheme as follows-

We had three gold medals, two for Faith Kipyegon and one gold medal for Mary Moraa. We also had three silver medals for Emmanuel Wanyonyi, Beatrice Chepkoech, and Daniel Simiyu Ebenyo and four bronze medals won by Faith Cheroitich, Beatrice Chebet, Jacob Krop and Abraham Kibiwot.

Those are the areas where rewards were expended in terms of the rates in our new scheme, which I will come to shortly. The expenditure on this assignment all comes down to Kshs147 million. The Team returned after Budapest and was received by the Ministry at Jomo Kenyatta International Airport (JKIA).

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We had a ceremony to award these cash rewards. The ceremony was hosted at the Talanta Plaza offices of the Ministry. The ceremony was graced by His Excellency the President who presented these cash awards to the athletes as per the list that has been provided.

There was also a question on uniforms. It will be important for this House to note that as far as athletics is concerned, Athletics Kenya and the National Olympics Committee of Kenya; the two bodies that manage this space have an agreement with Nike as a branding partner.

It is that partner who normally kits Team Kenya in this kind of competitions. Therefore, the kitting is not something that we spend money on. It is done under the kitting agreement between the two federations and Nike.

We have provided two annexures, which I will refer the House to. Annexure One provides details on allowances and cash rewards and annexure two, which provides details on the tickets.

Mr. Temporary Speaker, Sir, let me emphasize how significant it is that when we came to the office, we made a transformative decision to revise the reward scheme for the entire sports ecosystem; raising rates for both allowances and cash rewards. Allowances have been tripled from Kshs1,000 to Kshs3,000 for when athletes are in local camps. After a team is selected, they go to local camps. Previously, they were getting paid Kshs1,000 a day, but we raised that to Kshs3,000 a day.

We also raised the rates from USD60 to USD200 while they are in competition and have travelled, like when they were in Budapest. This is a daily stipend to athletes. Those rates are already being applied.

We have also introduced a new cash award of Kshs5 million for breaking a world record. Previously, there was no provision whatsoever for breaking a world record. You broke a world record, you had some *mursik*, danced to some *isukuti* at JKIA and then you would go home.

Mr. Temporary Speaker, Sir, we currently have a new arrangement where every world record is rewarded with Kshs5 million. Faith Kipyegon and Kelvin Kiptum have already benefited from this new scheme. We also significantly raised rewards for medal winners to Kshs3 million for gold, Kshs2 million for silver and Kshs1 million for bronze, respectively.

Mr. Temporary Speaker, Sir, we have also introduced the *Hongera* awards which first rewarded legends going back to the 1960s and also settled Kshs25 million in cash rewards arrears going back 11 years ago. It was incredulous that athletes who competed for this country 11 years ago are still waiting for their allowances and I am glad to report to this House that we have settled that in full.

We have also opened a Hall of Fame to honour Kenya's sporting and creative greats. At the Talanta Plaza, you can walk through a Hall of Fame, right from greats like the late Wilson Kiprugut Arap Chumo, the first Kenyan to win an Olympics medal for this country, all the way to the current greats like Faith Kipyegon and Nelly Moraa. We believe it is a fitting legacy and honour to our athletes.

Mr. Temporary Speaker, Sir, I will go quickly to the question on the financial management, including the book of accounts for grants and subsidies as well as the latest report on disbursement and procurement processes within the Sports, Arts and Social Development Fund. I report to this House that over the last five years, this Fund has realized total revenues from betting activities because this is a betting levy, amounting to Kshs48 billion. In that period of five years, the Fund has disbursed Kshs41,793,444,631.

Of that disbursement, records indicate that the sports sector got 65 per cent, 30 per cent in the social development sector and five per cent to the arts and culture. Social development includes health care and education, among the areas the Fund has supported is the roll-out of the Universal Health Coverage (UHC) and the school feeding programmes in schools. Those are some of the social development interventions that the Fund has supported in that period.

Mr. Temporary Speaker, Sir, in the last Financial Year 2022/2023, the Fund had revenues of Kshs10,427,518,883. The Oversight Board which is the organ responsible for authorizing disbursement approved disbursement amounting to Kshs7,951,585,000 to various sectors, Kshs6.3 billion, Kshs1.2 billion to social development and Kshs324 million to the culture and arts sector.

We have annexed to these submissions, the audited financial statement for the Financial Year 2021/2022, which is marked as annexed 3 – summary of revenue and disbursements to various sectors from the year 2018/2019 to 2022/2023. All those are provided as annexures to these submissions as well. As far as procurement is concerned, this is done under the Public Procurement and Assets Disposal Act, 2015 and the Regulations thereunder of 2020.

[The Temporary Speaker (Sen. Wakili Sigei) left the Chair]

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

Mr. Temporary Speaker, Sir, I now will move to the leadership of the Fund. The management of this Fund is established under the Public Finance Management (PFM), Sports, Arts and Social Development Fund Regulations, 2018. The highest decision-making organ of the Fund is the Oversight Board which is constituted by the Principal Secretaries responsible for National Treasury and Economic Planning, National Treasury, Sports, the Arts, Health, Education, one person not being a public officer nominated by the Cabinet Secretary for Youth Affairs and Sports, another one nominated by the Cabinet Secretary for Health and the third nominated by the Cabinet Secretary for National Treasury and Economic Planning. The Chairperson is appointed from amongst the three independent board members.

Below that Board, you have the Chief Executive Officer (CEO), the administrator and the secretariat of the Fund. This is the team that does the day-to-day management of the Fund.

The recruitment of the CEO of the Fund is also contained in Regulation No.12(2) of the Legal Notice No.194. According to this Regulation, the CEO is appointed through

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a competitive process by the Board and this has to be done in consultation with the Public Service Commission (PSC). In accordance with this Regulation, the Oversight Board of the Fund advertised for the CEO position on 25th April and conducted a competitive recruitment process in consultation with PSC.

Mr. Temporary Speaker, Sir, the appointment of a substantive CEO was made in compliance of Regulation No.12(2) of the Public Finance Management (PFM), Sports, Arts and Social Development Fund Regulations, 2018. I can confirm to this House that this process was open, competitive, transparent, accountable and we believe that it gave the best officer we could find. We have provided details as annexures. There is a copy of the advert inviting applications for Kenyans to apply for this position.

Question No.53(d), on the measures that the Ministry has taken to enhance compliance and ethical standards of the Fund, specifically with regard to previously reported allegations of financial irregularities, I report to this House that we have taken some institutional measures. One of the challenges we found when we came to office a year ago was that the Board was not properly constituted, yet it bears the primary oversight responsibility.

We have moved with haste to make sure the Board is now fully constituted, has full membership and has a chair as required by the law and regulations. We also found a situation where the CEO had been in acting capacity for years, which is not good for performance, accountability, certainty and predictability. We now have a permanent Chief Executive Officer (CEO) who was competitively recruited. He can now focus all his attention on leading the management of the fund.

We have also gone out of our way to make sure that the fund is autonomous, transparent and accountable. We have had unfortunate scenarios in the past of attempts to interfere with the independence or autonomy of this fund. Now, the fund is functioning autonomously as it should be. The board is now streamlining the management and taking full responsibility as required by the law.

We have provided annexes 3 and 4. Annex 3 is a summary of revenues and disbursements to the various sectors, which I have mentioned. Annex 4 is an advertisement for the position of the CEO.

Let me just conclude by saying that the fund is ordinarily subjected to continuous internal audits and annual external audits by the Office of the Auditor-General. These audits look at the financial records and operations of the fund. They identify discrepancies, and irregularities and provide recommendations for intervention.

I assure this House that the Ministry will continue to ensure that audit queries that arise are subjected to oversight and action.

As the Cabinet Secretary, I will continue to take responsibility to ensure that the fund abides by the law and the regulations as expected of me.

I submit, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Cabinet Secretary. Senators, we are going to take supplementary questions. I would ask that you keep your questions very brief. Hon. Cabinet Secretary, when responding to these questions, kindly keep it brief and precise.

Proceed, Sen. Kisang.

Sen. Kisang: Thank you, Mr. Temporary Speaker, Sir. My supplementary question is to the Cabinet Secretary regarding Kamariny Stadium and Kipchoge Keino Stadium.

In his response earlier, he said that there is a special audit that is ongoing. I want to know how long this special audit will take. Secondly, when the audit is completed, is he promising this House that in the next financial year, he will allocate resources, so that all the stalled stadia will be restarted? We have waited for these particular stadia for long. It is close to 10 years. It has been on and off. It looks like nothing much is coming out.

The Temporary Speaker (Sen. Abdul Haji): Hon. Cabinet Secretary, you can respond.

The Cabinet Secretary for Youth Affairs and Sports (Hon. Ababu Namwamba): Mr. Temporary Speaker, Sir, I can confirm to the Hon. Senator that we are in constant touch with the Office of the Auditor-General. We have information, latest being this morning, that this audit is right at the tail end.

We expect that this audit should be concluded in no more than a month. We will be liaising. I must also admit to the House that the Office of the Auditor-General is an independent constitutional office that cannot be directed on timelines. However, we have impressed upon them.

If you look at my letter which I have attached, we requested for expedition to conclude it in good time. We hope it will be done in good time. As soon as it is concluded, we will be swinging into action immediately.

I confirm to the hon. Senator, that we have every plan and intention to complete all the stalled stadia. Indeed, when you look at the sports infrastructure masterplan that I have referenced, it sets three targets as follows-

(1) To return Kenya to international competitiveness by rejigging and improving our international facilities.

(2) To have quality regional stadia, starting with the stalled ones.

(3) To invest in community grounds that will also host community academies.

That is my guarantee, Mr. Temporary Speaker, Sir.

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

Sen. Abass: Thank you, Mr. Temporary Speaker, Sir. My question to the Hon. Cabinet Secretary is, what are his plans to construct stadia in my County Wajir and neighbouring counties, because there are no proper stadia? There are small ones that are not well done.

As you are aware, there are many unemployed youth. Sports is one of the things that nurture the talent of the youth. Of late, there are many youths who are taking drugs and are now being recruited in funny places like Al-Shabaab. The best way to keep them engaged is in sports. So, what plan does he have for these areas?

Two, I see that most of the time the stadia are neglected---

The Temporary Speaker (Sen. Abdul Haji): Sen. Abass, you are only allowed to ask one supplementary question.

Sen. Abass: It is the same question on the stadia issue. Kindly, let me finish. The stadia are not well managed in most places and they are neglected. So, are the stadia under the counties or his Ministry?

The most appropriate thing will be to engage some of these youths to take over the management of the stadia.

Finally, I want to thank you and your Ministry for recruiting the CEO, Hon. Noor Mohammed. Although he is unknown to me, but he is a qualified and well-schooled young man.

I want to tell my brother Sen. Cherarkey, that he is a stakeholder and he owns shares in the company.

(Laughter)

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

The Cabinet Secretary for Youth Affairs and Sports (Hon. Ababu Namwamba): Thank you, Mr. Temporary Speaker, Sir, and Sen. Abass.

I agree that in the distribution of sporting facilities, the North Eastern region of this country has not received its due consideration. That is why we have made the transformative decision to now develop infrastructure in the context of a masterplan. So that we do not do it at individual whim where a person decides this one will go to this corner.

We have done a masterplan that provides empirical logic as to why we would put a facility in Marsabit, Garissa or Mandera. In the context of that masterplan, the long wait by the North Eastern region for sporting facilities will definitely come to an end.

I assure you that through the Talanta Hela Programme, for instance, we have seen sporting activities in Wajir, Mandera and Garissa, greatly limited by facilities. It is something that we have already experienced. I want to assure Sen. Abass that this will receive due consideration.

With regard to the necessity to engage with young people, I agree with the Hon. Senator, that when youth are left unengaged, there is always the risk of using drugs, radicalization and many other challenges.

Mr. Temporary Speaker, Sir, that is why we are being very deliberate, intentional and structured in growing talents from the best. This is the reason behind our revolutionary Talanta Hela Initiative. All the counties of Kenya, including Mandera, Garissa, Wajir and that whole belt of the Northern region is fully incorporated in the Talanta Hela Programme.

Every part of this country has to get the opportunity to be part of development in sports. We are also happy that the very competitive, transparent and accountable process gave this country a fine young Kenyan man from that region, who we believe is up to the task to deliver in this position.

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

Sen. Dullo: Thank you, Mr. Temporary Speaker, Sir. Hon. Cabinet Secretary welcome to the Senate.

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First, I congratulate my competitor, Hon. Noor Mohammed who was against me in the last senatorial race. I am happy the Government has given him an opportunity to serve in the Fund.

Two, Sen. Abass has asked about the counties. In 2013, the Government of Kenya had promised to build stadia in most of the counties. If I may speak for Isiolo County, we have a very small stadium that is being constructed by the county government. In future, maybe the county or national Government should work together to come up with a better stadium. That way, they can complement each other and come up with a proper stadium that will serve Kenyans.

Finally, Mr. Temporary Speaker, Sir, if you allow and not cut me short, I have one more question on the second part. How are the projects to be financed by the Sports Fund identified?

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

The Cabinet Secretary for Youth Affairs and Sports (Hon. Ababu Namwamba): Thank you, Mr. Temporary Speaker, Sir, and Sen. Dullo. I confirm and admit that the promise of 2013 on sporting facilities was not fulfilled. That is a fact we cannot run away from. However, I confirm to this august House that we now have a new administration, leadership and Sheriff in town; with a new style of doing things. Our style is known as the bottom-up economic transformation agenda. It is focused on transforming the fortunes of every corner of this land, every blade of grass and grain of sand. This means that all the corners of this country are guaranteed investment in all sectors, including this sports sector.

I agree with Sen. Dullo that, indeed it shall be good. I urge the county leadership to work with the national Government in developing sporting facilities. This will ensure standardization.

I confirm to this House that we have been out there to look at some of the stalled facilities that were initiated by counties. For example; we went to look at the Bomet Stadium and the manner in which that project was conceived and deployed. I can tell you that it could have been done a lot better, if it had been done in partnership with the national Government in terms of standards.

We have taken an initiative to approach a number of counties. For instance, we have formally agreed with Kakamega County Government, in the completion of Bukhundu Stadium. We have agreed on a certain way of doing it and in a manner that meets the standards of the Confederation of African Football (CAF) and Fédération Internationale de Football Association (FIFA).

We have also done the same with the stadium in Ol Kalou and we are making an intervention in Bomet County. We are making intervention in areas we believe there will be better delivery when a county government works with the national Government. We should do better in Isiolo County in terms of what is going on with their stadium.

Thank you.

(Sen. Dullo spoke off record)

Sen. Dullo: What about the second part?

The Temporary Speaker (Sen. Abdul Haji): Cabinet Secretary, the Senator claims there was a second part to the Question.

The Cabinet Secretary for Youth Affairs and Sports (Hon. Ababu Namwamba): Yes, that is a significant part of the Question. It was on the logic and procedure on how we identify projects.

At the beginning of my response, I mentioned that we came into office and found stalled facilities all over the place, for instance, Wote in Makeni County, Kamariny in Elgeyo-Marakwet County, Marsabit County and others. One of the issues we noted right away was that there was no logic in the selection of some of these projects. That is why we now have a masterplan. The Sports Infrastructure Masterplan provides logic for each of these projects.

For example; There was a plan to construct an international stadium in Kamariny, Elgeyo-Marakwet County. Upon consultations and empirical logic, we realized no one will ever go to compete there because of the high altitude. It is a training place and not a competing one. We have now decided to construct an elite high altitude training centre instead of an international stadium.

We now have a frame that is logically conceived which we believe will fix this challenge and make sure every corner of Kenya is reached in a logical manner and not lost to the whims of individuals.

I submit.

The Temporary Speaker (Sen. Abdul Haji): Sen. (Prof.) Kamar, proceed.

Sen. (Prof.) Kamar: Thank you, Mr. Temporary Speaker, Sir for the opportunity. I thank the Cabinet Secretary for re-energizing the sector. We believe he will do well if he implements what he has presented before us today.

As I seek clarification on one statement he made, I congratulate Kelvin Kiptum, the new world marathon record breaker. The Cabinet Secretary already awarded him the Kshs5 million. We thank him for that. It has re-energised the whole sector. He is actually from the village I was born.

I wish to seek clarification. When you pay a world record breaker Kshs5 million, does he still get the gold award? Can you get the gold without being a world record breaker? It was not clear to me, whether when you break the record, you are given an additional award so that our youth can move to break these records because now these are two different awards. Is it still the same gold award or are you giving over and above that?

I congratulate Kelvin Kiptum.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator. I would like us to take the last two questions then you can answer all three. The last two Questions shall be asked by Sen. Cherarkey and Sen. Chute.

Sen. Chute proceed.

Sen. Chute: Thank you, Mr. Temporary Speaker, Sir. I have two Questions. I will ask one now and the other will come later on. I take this opportunity to thank our Cabinet Secretary for coming here today. I also thank him for the contributions he has

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made to this country, both as a politician and Cabinet Secretary. Similarly, I thank him for a successful bid for the Africa Cup of Nations (AFCON).

I also take this opportunity to join my fellow Senators, Sen. Abass and Sen. Dullo, in congratulating His Excellency our beloved President (Dr.) Samoei Ruto, for appointing our able Chief Executive Officer (CEO) to the Sports Fund. He is a sports fan and a young Senate aspirant who has worked for the Independent Electoral Boundaries Commission (IEBC) for many years. You will find this gentleman in the office from 6.00 a.m. to 11.00 p.m.

The Temporary Speaker (Sen. Abdul Haji): Sen. Chute, I expect you to ask a supplementary question.

Sen. Chute: Mr. Temporary Speaker, Sir, my question will be very short. The person I am talking about comes from Isiolo County. On behalf of the people of Marsabit and Isiolo counties, I congratulate him. Thank you for the good job you are doing.

My question is about Marsabit County Stadium. The Cabinet Secretary has said it very well, that he knows about it. I wish to know from the Cabinet Secretary, if he has gone to Marsabit to look at the collapsing structures. If he has not done so, can he tell us when he is going to visit Marsabit Stadium for a good report and also come to tell the country what has happened in that stadium?

Thank you.

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

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, Sir. Mine is very brief because I have one Question which I will ask later.

We have an annexure for a paid air ticket to Budapest, Hungary. It is an economy class ticket amounting to Kshs850,650. Cabinet Secretary, is it wise for people like Faith, Simiyu and Daniel to use economy class while yourself and the Principal Secretary use business class? The athletes should be on business class and your team in economy class because they are going to work and not relax.

Cabinet Secretary, our athletes should get enough leg room while travelling. On their way to the Olympic Village, they should get enough relaxation. The amount used by athletes in economy class was Kshs76,856,450. I would like to understand the logic behind getting our athletes to economy class instead of business class where they will get proper leg room.

I will engage the Committee on Labour and Social Welfare on the audited report on sports fund. There are questions within the Auditor General's report. The report does not look good. Basic accounting is not up to standards. I will ask my second question later.

The Temporary Speaker (Sen. Abdul Haji): Thank you. We will take one last question from the Senate Majority Leader, then the Cabinet Secretary will answer all the questions together.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Temporary Speaker, Sir, for this chance. I will be brief because time is far much spent. I congratulate the Cabinet Secretary for the work he is doing and the good things that have been noted by colleagues. Additionally, I have realized that several Senators have congratulated Mr.

Nuh Mohamed on his appointment to serve as Chief Executive Officer (CEO) Sports Fund. Mr. Nuh Mohamed was in charge of the Independent Electoral and Boundaries Commission (IEBC) team that oversaw my by-election back in 2015. I am happy for him. If he conducted the by-election successfully, I am sure he can do a good job at the Fund. I wish him well.

Cabinet Secretary, we go a long way back. I have no doubt about your capacity and passion for this Ministry. Nonetheless, I am worried about the time it has taken to resolve certain matters, which should be brought to this House. How much more time does he need to receive the following issues?

Number one, is the doping menace in our athletics. Has the Cabinet Secretary taken time to visit Uasin Gishu and Elgeyo-Marakwet counties, where the known drug peddlers who are misleading our young athletes have set up camp? Has he taken time to do a public *Kamukunji* and understand the people misleading our young people to take performance enhancement drugs that is leading to a ban.

This is a serious issue. Were it not for the last minute intervention of the President, Kenya was not supposed to be in the World Championship. Therefore, I am worried that the Cabinet Secretary and his team are taking longer in resolving this matter. If it is an amendment of the law we passed in this House in 2016 that is needed, I expect to see a legislative proposal. This is something that has the potential of embarrassing this country.

Lastly, is on the management of federations. Many of our federations pose a great challenge to the Ministry. I understand sports well. Apart from politics, the only other thing they are engaged in deeply is sports. I know the challenge we have with our federations. I wish to hear from the Cabinet Secretary on his plan on how to better manage and guide – because of international obligations that Kenya has signed on to with many other global bodies, his hands are tied on many aspects. However, there are issues he can resolve locally.

Athletics Kenya has not had an election for over a decade. Yet I see some of the people that have taken the Government to court, in the company of the Cabinet Secretary doing certain responsibilities. What is his plan in unlocking this challenge we have with our federations?

Thank you for your kind consideration, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): Cabinet Secretary, respond to the four questions.

The Cabinet Secretary for Youth Affairs and Sports (Hon. Ababu Namwamba): Thank you, Mr. Temporary Speaker, Sir. I will answer the questions in reverse order, starting with the question posed by the Senate Majority Leader. Doping is a matter of strategic national interest. When this administration came to office, one of the first crisis we had to confront was the real threat of Kenya being banned by the World Athletics because of a doping crisis that had reached unimaginable levels. I am glad that among our key success stories was engaging with World Athletics and the Athletics Integrity Unit(AIU), World Anti-Doping Agency (WADA) and we agreed on an intervention plan.

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Among the first measures we took was to host a multi-agency forum to agree on how to confront this plan. We agreed on specific intervention measures. One of the measures was to put in place a multi-agency team to lead the anti-doping effort, which we have done. We have put together a team led by a former elite athlete, Mr. Wesley Korir.

We also committed USD 5 million for the next five years to help propel that. We realized that the previous war against doping was disjointed. Efforts were not made to join dots. We now have a multi-agency team that brings together investigative bodies from the Directorate of Criminal Investigations (DCI), the National Intelligence Service (NIS), the Judiciary to deal with prosecution and the department of health. This is a team that can deal with the menace from prevention which is key – nabbing an athlete is not useful. What is useful is prevention. The significant investment has to be at the level of prevention and investigation.

I would like to inform the Senate Majority Leader that I visited a camp in Iten and one of the things I noted was that, it is possible for an athlete to run into trouble for taking drugs across the counter. You could walk to a chemist and buy a drug which may contain some elements that will ring bells and get you into trouble with the anti-doping bodies.

The Senate should have faith in the multi-agency team we have put in place. It might have taken time, but remember the magnitude of the crisis we inherited. It required a well thought out plan.

When the President of World Athletics Lord Sebastian Coe visited Kenya in January this year, he sympathized with us. This is why the World Athletics agreed with the plan we put on the table. I assure the Senate Majority Leader and this House that we will move with greater haste and roll out the programme that we have put together under this plan led by the multi-agency team. We will be more available. In addition, I would like to inform this House that there are investigations at advanced stages. For obvious reasons, I will not delve into details. I believe that we are in a good course in our anti-doping war. The mantra in the Ministry is, “zero tolerance to doping”.

If I were to pick the first challenge for this Ministry, it would be sports federations. This is across the whole sporting arena. We have had a big challenge in swimming. The last three months, we have spent so much time sorting out a swimming crisis going back seven years. We are on the verge of cracking that crisis in swimming. Football has had its challenges.

The Senate Majority Leader is right to say that him and I go a long time back. We have shared a lot of thoughts around the question of; how do we fix our football? How do we align, propel and deploy the full potential of our footballing talents? Therefore, we have put together a framework of engagement with federations.

I did call all federations to a forum and 69 turned up. We agreed on a number of irreducible minimums. Those minimums included transparency and accountability in the utilisation of resources placed at their disposal. It also includes governance because the biggest challenge in federations is governance. I can tell you that when you fix governance, it is amazing to see the results.

You can see what is happening in our rugby. We were able to sort out the leadership issues in rugby. Our rugby is actually coming back. Our Shujaa Team has just

beaten the rest of Africa to qualify for the Olympics next year. Therefore, if we fix the leadership in our federations, we will definitely perform better in sports.

I want to give this House my assurances that we are on to this. We have a roadmap on how we are going to sort out football and the rest of the federations. Let me also admit that among the greatest challenges that we face is litigation. Every time you make an effort, someone runs to court. A court issues an injunction. We have faced those injunctions. Athletics Kenya has injunctions running back almost 10 years. We are figuring out how to deal with this litigious environment or culture even as we fix our sports.

Let me move quickly to the question posed by Sen. Cherarkey. The travel by our athletes. This is a budgetary issue that cuts across the whole of the sporting arena. It is something that - definitely I can tell this hon. House - would not be beyond the Ministry to consider a review in the event that there is sufficient budgetary provision to provide our athletes with better travelling conditions.

Normally, we try to ensure that the athletes travel in good time so that they arrive at their destination in good time, they have sufficient time to relax, rest and train before competition. If I am hearing this House say that we want our sportsmen and sportswomen to travel in more comfortable conditions, then that is something which definitely, the Ministry will listen to and consider within the normal budgetary limits.

Mr. Temporary Speaker, Sir, quickly moving on to the question by Sen. (Prof.) Kamar, I confirm that the Kshs5 million reward to a world record breaker covers two terrains. There are competitions which do not involve what you may call classical podium finishes or classical finishes of gold and all that. An example is the city marathons such as the Chicago Marathon. Therefore, if you break a world record, we will give you your Kshs5 million.

Let us take the example of the Olympics which is an arena that also takes pride in the podium finish. You win gold and you also break the world record. Then what? The Kshs5 million is then treated as an enhanced reward, it covers both. Should you win multiple medals; I will give the example of Faith Kipyegon who won two gold medals in Budapest, then you are rewarded per gold medal. The reward that we have for every gold medal. For instance, our reward for a gold medal at that level is Kshs3 million. Faith was reward with Kshs6 million, Kshs3 million for each of the gold medal. That is how it has been structured.

However, this is a new policy that the Ministry has put in place. It would definitely be subject to input of the Senate. We will be willing to listen to how to make this scheme even better than what it is today.

I will now move on to the question by Sen. Chute. Senator, I appreciate you for the kind words. Just to tell this august House that indeed, we inherited a total mess in this sporting arena. We came to office and we found Kenya suspended by FIFA, a crisis with doping, crisis in swimming and handball. Everywhere you looked, you saw a crisis. I am glad that one year down the line, we can count milestones of success.

The other day, I sat back to listen to governors debating where the Africa Cup of Nations (AFCON) should be hosted. I said, wow, what a good debate. From a FIFA

suspension 11 months ago, we were not even talking football because the country was suspended. A short 11 months down the line, we are now contesting where AFCON should be held. It is a remarkable turnaround and success story.

It is good for us to commend the successes of our teams. Let us commend the team that put together the bid. I really commend His Excellency the President who was really the champion of this bid. It was the leadership of the President that rallied his regional colleagues; President Museveni in Uganda and President Samia Suluhu in Tanzania to come together and support this East Africa Pamoja Bid. I applaud our President and his colleagues in the region for that.

Let us also applaud our teams that have done well as we prepare for the Olympics. Our volley ball women team, Malkia Strikers have conquered Africa and will be at the Olympics. Our women Sevens Team; the Shujaa Team, have conquered Africa and they will be at the Olympics.

Our team in Riga, Latvia conquered the world and emerged top in the world. Our Budapest Team conquered the world and led Africa. Our football is back. Harambee Stars is making baby steps to come back. Next Monday, we will be playing Russia in Turkey. This will be the first time for a Kenyan National Football Team to play an A-List team in global football.

Perhaps, where I would invite this House to really commend is our women football. Our women football has really grown. I was with the Senator at Nyayo Stadium to watch our rising Harambee Starlets. Our girls put six goals past a very experienced Angolan team to literally qualify for the next round in the race to the World Cup under 20 championships.

Before that, the senior women team; the Harambee Starlets, did something that no Kenyan team has even done; to beat a Cameroonian team in a competitive game when they knocked out Cameroon in the qualifiers for the Women Africa Cup of Nations. We are now preparing this team to face the next round. We have a lot of faith that they will qualify for the competition.

Overall, our sports are at a good level. I believe that we are making good progress. I beseech this House to support the efforts we are rolling out under the bottom-up economic transformation agenda in this sector of sports.

Mr. Temporary Speaker, Sir, I submit.

The Temporary Speaker (Sen. Abdul Haji): Thank you very much Cabinet Secretary. At this point, we will give you leave. Thank you so much for answering all questions and for the good job that you are doing at the Ministry. We wish you all the best.

*(The CS for Youth Affairs and Sports
(Hon. Ababu Namwamba)
was ushered out of the Chamber)*

Hon. Senators; Questions No. 11 and 12 by Sen. Kinyua and Question No. 45 by Sen. Lomenen have been deferred.

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Next Order.

BILL

Second Reading

THE DIGITAL HEALTH BILL (NATIONAL ASSEMBLY BILLS NO. 57 OF 2023)

The Temporary Speaker (Sen. Abdul Haji): The Senate Majority Leader you may have the Floor. At this juncture, I will use Standing Order No. 34(2)(a) to extend the sitting of this Session by another 15 minutes so that you can be able to finish moving the Bill.

The Senate Majority Leader (Sen. Cheruiyot): That is good, Mr. Temporary Speaker, Sir. It will give me sufficient time to move, second, and maybe then one or two of our colleagues can contribute. I do not intend to be long on this. After all, I understand the interest of our colleagues.

Mr. Speaker, Sir, I beg to now move that the Digital Health Bill (National Assembly Bills No.57 of 2023) be read a Second Time.

Mr Temporary Speaker, this is a very important Bill or piece of legislation. Colleagues will recall that when you were in Turkana for Senate *Mashinani*, I did mention that there are four enabling Bills to Universal Health Care (UHC). This House successfully transacted two of them and completed them with amendments.

We fostered devolution by ensuring that many of those funds are locked up in our counties and agreements ensuring that county governments and the national Government relate and, respect each other.

This Bill is an addition to the other two; the one on Primary Health and the one on Community Health Promoters. This is about technology and the use of technology to enhance and make health easily and readily available to our citizens.

You do know, Mr. Temporary Speaker, for a fact that in many of the rural communities that we represent, if your mother or the caregiver, loses an exercise book--- in my village, they used to use the 32-page exercise book and in fact, it would be divided into two--- If a mother, for whatever reason, loses that particular book, the health records of that particular child disappears, and the next time she goes to the clinic, first she has to do the first five minutes of being given a tongue-lashing by the community nurse. Then they begin to build up the records.

Unfortunately, that story has not changed even as we become adults. As we speak well here in Nairobi, to many of the people that we represent in this House, the issue of their health records is something that they continue to struggle with.

Many communities are not able to keep the health records of their citizens, yet we know that we are living in the data age. This is a time upon which when you make data readily available, then it is a source of wealth.

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I know that this Bill is crucial, and I want to ask colleagues to take time and support this particular Bill because of the length of time that it has taken to be prepared, and the proposals that are therein, to ensure that our citizens can have their records kept in one interoperable system.

Sen. Lomenen, if your citizens come to Nairobi and visit a health centre that will be on this National Integrated Digital Health Information System (NIDHIS), they will access Turkana records while here in Nairobi; something that is done in many of our private hospitals, but unfortunately, it is not readily available to our citizens.

So, we are trying to make legislation to enable the ordinary villagers, the people that we represent in this House to come on to the civilized 21st Century and the practices that are therein. It is not anything new.

If you know about M-Tiba, it is a programme that is run by Safaricom and a few private entities; they do the same thing yet, it is to the exclusion of ordinary citizens.

Therefore, this Bill is very good. It elaborates propositions on how a comprehensive, Integrated Digital Health Information System can be rolled out, and includes a complete medical history; past diagnosis; medications that you have been given, and treatment plans.

Even these issues about litigation that you continue to see about misdiagnosis or patients that have been treated wrongly, will become things of the past, or at least, health authorities will be able to refer back to your file and establish whether you have been handled properly or you were not given the proper medication, what is the history?

This is something good; this is what we need for our country. This is what many citizens are yearning and dying for. With this kind of readily available information, even the cost of medical research will be brought down. There are big farmers that will make use of the information that is provided here in and guide them in terms of their research so that they are able to see why is it that people from a particular village in Kericho County are susceptible to a particular kind of strain of disease and they can release the proper medication.

For example, here in Kenya Medical Supplies Authority (KEMSA), county governments will not just be buying drugs with the hope that this or that is needed. Information will drive a fit for purpose system that ensures the information that is sent out to ordinary citizens is important.

Therefore, I celebrate and say that Kenya has made tremendous progress in efforts to progress in digital technology. We are the trendsetters in technology. In the space of finances, the rest of Africa, including the globe, come to learn of our practices. This is another area that we want to lead the world into appreciating and knowing comparatively with other countries that are of our standing.

I was listening to the British Broadcasting Corporation (BBC) yesterday while driving to work. I heard how people have made use of technology and systems such as this to ensure that all the kids in the country get immunization at the right date and at the right time. With the use of technology, they are able to remind ordinary mothers in the village sometimes because they have so many other things that they are dealing with and they do not remember the day of vaccination for the child.

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That technology makes it possible for community health programmes to send either a bus ticket or whatever means to mothers that have kids who on a particular day are supposed to be immunized and mothers that come from disadvantaged backgrounds. They know that when we analyse a particular lady, she may not be able to take her child for vaccination and they send them a bus ticket or something like that.

Therefore, the point I am making is that the world has made advances in medical technology. This is the step that we are trying to make. I urge colleagues to support this particular Bill. It has good provisions on how to set up this institution, the qualifications of the Chief Executive Officer (CEO), people who will run all those issues and fears that people have on safety of the data is all captured in the Bill.

Part of the Board that will oversee the operations of this body that we are creating to oversee the digital health platform includes officials; the data commissioner in person or a representative in writing, to ensure that your information is not abused. If there will be use of it, it is for the betterment of the people of Kenya to ensure that you have this information readily available.

Mr. Temporary Speaker, Sir, it is pretty much a straightforward Bill which I ask our colleagues to support so that we may be able to advance and take the country into the next level. There are various clauses in the Bill, about 60 of them, but many of them cover that particular space about what I have spoken about.

With those many remarks, I beg to move and request the Senator for Kakamega County, Sen. (Dr.) Khalwale, to second.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I thank the Leader of Majority for giving me the honour to second this very game changer of a Bill. I could not be a better choice. I am one of the few Members in this Senate and in the National Assembly who is an expert in the matter which is at the heart of this Bill. Drawing in support of this Motion, I ask colleagues to draw experiences from what the Government did to improve the education system. The so-called National Education Management Information System (NEMIS). It has revolutionized the management of national exams and monitoring of children as they move towards national exams. It creates a unique personal identification code that helps the child to be monitored as they move up the ladder. In this case, it is more critical because this Bill will speak to life-saving measures.

It might look simple but listen to this: A woman who has never gone to school (there are many in this country), probably a young mother, pregnant for the first time, has no idea why the nurse gave her an injection when she went for an antenatal clinic. All she cared about was probably because she had a cough or malaria. However, the injection she really needed was for securing the unborn child against tetanus at birth. It is called injection against tetanus, the TT vaccine.

Mr. Temporary Speaker, Sir, when this girl goes to the clinic, she gets a malaria injection. She is asked "Have you ever been to the clinic?" she says yes. She is then asked "Did you receive an injection?" she says yes. So, the subsequent nurse assumes that the injection she got at the time was against tetanus when actually it was for the treatment of malaria. So, this girl carries this baby for nine beautiful months, the child is delivered under difficult conditions but dies from tetanus.

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Now, with this Bill, all that the nurse would have needed is to key in the details of this mother and realize that the mother at that time did not get a tetanus injection. It is lifesaving. It also speaks to the life-threatening conditions of allergies. If at the first incidence, a patient, usually children, are exposed to drugs that cause allergic reactions, for example, sulphur, those reactions will be recorded and this child will be prohibited from being exposed to sulphur-containing medications.

When that record is on the computer, it means that every time this child appears before another medical person, it will be about keying in and the person will know that this child should not be given this kind of injection. That will have saved lives. Exposing a child can sometimes be fatal. Another advantage of this Bill is to save on wasteful expenditure. We will have consultations with specialists who are very hard to get. Doctors in this country are hard to come, not to mention the specialist. So, if a child has had an opportunity to be carried from Lwakhakha village in Sirisia, from Buyomboli Village in Ikolomani to Moi Teaching and Referral Hospital in Eldoret and they access a specialist, the opinion of that specialist must remain on paper. Should the child be presented before a junior medical practitioner, then they are already guided by a previous opinion of that specialist.

Mr. Temporary, Speaker, Sir, we have got illnesses that run through families. We call them hereditary diseases. Things like this include sickle cell anaemia and so forth. Once an opinion has been made, it will remain on the computer and will give the patients on subsequent visits an opportunity to get better management.

With those few remarks, this is a technical Bill, I urge all colleagues to trust me and the letter spirit of the Bill. We all should rally behind the Bill and pass it unamended.

With those many remarks, I second the Bill as moved by the Senate Majority Leader. Thank you, Mr. Temporary Speaker, Sir.

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

(Question proposed)

Senators can now make contributions.

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

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

Sen. Lomenen: Mr. Temporary Speaker, Sir, given the importance of this Bill, I seek guidance from you so that we limit the contribution time of the Members, maybe to between three and five minutes will be okay.

The Temporary Speaker (Sen. Abdul Haji): The Senate Majority Leader?

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, I know there will be intense interest by Members to contribute. So, as we did in the other Bills, we can keep it at five minutes so that as many Members get the chance to speak. I moved it in five minutes; it was seconded in five minutes too. I believe that will be good time.

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The Temporary Speaker (Sen. Abdul Haji): Thank you, the Senate Majority Leader.

(Question, that Members speaking to the Bill be limited to a maximum of five minutes, put and agreed to)

Proceed, Sen. Mandago.

Sen. Mandago: Mr. Temporary Speaker, Sir, thank you, for giving me the opportunity to contribute to this Digital Health Bill. First and foremost, I thank my Members of the Committee of Health, and stakeholders who were engaged extensively in this Bill, for adopting and passing it.

This nation is preparing to roll out the Universal Health Coverage (UHC). It is a program that has been on the desk of this Country for the last almost twenty years. However, we have not succeeded as a nation. I attribute past failures to a lack of consultations and engaging stakeholders; bringing on board the stakeholders and enabling legislation that will enable the Government to roll out UHC.

The Digital Health Bill is a very important Bill for the rollout of UHC. Knowing very well that as a nation we do not have sufficient senior staff in terms of consultancies at the highest level of medical level, there is a need to share these very limited resources. This Digital Health Bill therefore will provide a framework of sharing medical information between patients, consultants and doctors from all facilities all over the country. It is not just the Digital Health Bill that we are going to pass and the creation of the Digital Health Agency that will be established. There are other programmes that the Kenya Kwanza Administration is rolling out to facilitate this process. As you are aware, through the Ministry of Information, Communication Technology (ICT), the national Government is rolling out the National Fiber Super Highway across the nation. This 100,000 kilometre fiber is going to facilitate the creation and establishment of systems that can be used for diagnosis at health facilities and instructions to consultants who will probably be sitting anywhere in this country. We all know very well that the majority of consultants are in urban areas of this nation like in Nairobi, Eldoret, Nakuru and Kisumu. However, we have counties which have very few consultants by virtue of the areas they operate from and there is need for the citizenry in those counties to access this specialized service. This is how health is going to be revolutionized using the little resources we have in terms of human resources and enabling all Kenyans to access that.

Mr. Temporary Speaker, Sir, there are concerns that have been raised with regard to the Digital Health Bill (National Assembly Bills No.57 of 2023) on issues of protection of data. However, this Bill provides for access and for the first time, this access will have to be applied and authorized and it will be under the custody of data protection. Therefore, the worries of Kenyans of their health data being accessed will be addressed by that.

The Senate being protectors and promoters of devolution, the Digital Health Agency has a provision for a member to be appointed from the Council of Governors (COG) to take care of the interests of counties in that Board and to ensure that there is

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seamless integration of services from both county and national governments. We know very well that referral hospitals are a function of national Government and the other hospitals are a function of counties but if there is digital provision, there is going to be seamless interaction between the facilities at the county and national levels.

Mr. Temporary Speaker, Sir, this is what may provide an efficient referral platform for patients and we may not need to refer patients using an ambulance, transporting a critical patient all the way from West Pokot to Kenyatta National Hospital (KNH) or the Moi Teaching and Referral Hospital (MTRH), but we can quickly do a referral on the digital platform, get the results and the patient is attended to at that sub-county facility in any part of this country. These are the benefits this nation will have once we adopt this Bill.

Mr. Temporary Speaker, Sir, I know my time is up but I urge all my colleagues to support and pass this Bill so that we can roll out the Universal Health Coverage (UHC); and for the first time, any citizen of Kenya can get consultant services on a digital platform across the nation.

I support, Mr. Temporary Speaker, Sir.

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

Sen. Chute: Thank you, Mr. Temporary Speaker, Sir. I take this opportunity to stand here to support this Bill.

Marsabit, is a vast and an arid county. This Digital Health Bill is very important for Kenya. The nomadic way of living for Marsabit, Upper Eastern, North Eastern, Turkana and Samburu Counties makes us disadvantaged against the usual card-based health care. Our people travel all the way to a place called Yabelo and several cities in Ethiopia for medical care. It has become very expensive for families in Marsabit County in terms of medical bills. This Bill will make the people of Marsabit to have treatment in the nearest hospital available. It is also good for data protection.

Our people are mostly illiterate. They will come to you with some torn old papers and for healthcare doctors to even read those documents is very difficult. However, if you have data that subscribes to a particular patient, it will be kept and can be accessed from anywhere---

The Temporary Speaker (Sen. Abdul Haji): Sen. Chute, you will have a reminder of three minutes when this debate resumes.

ADJOURNMENT

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, it is now 1.15 p.m. and having directed a later interruption of business for the convenience of the Senate, pursuant to Standing Order No. 34(2)(a), the Senate stands adjourned until today, Wednesday, 11th October, 2023 at 2.30 p.m.

The Senate rose at 1.15 p.m.

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