

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Wednesday, 4<sup>th</sup> October, 2023

### Morning Sitting

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

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

### PRAYER

DETERMINATION OF QUORUM  
AT COMMENCEMENT OF SITTING

**The Temporary Speaker** (Sen. Veronica Maina): Clerk, do we have quorum?

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

**The Temporary Speaker** (Sen. Veronica Maina): Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

*(The Quorum Bell was rung)*

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Senators, please, take your seats. We now have a quorum. Sen. Dullo, take your seat, please. We now have the numbers and we can proceed with the business of the day.

So, I will invite the Clerk to call out the order of the day.

### QUESTIONS AND STATEMENTS

#### QUESTIONS

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Senators, today we were expecting three Cabinet Secretaries to respond to four questions. We were expecting the Cabinet Secretary for Youth Affairs, Arts and Sports. The Cabinet Secretary has sent a regret to the Senate. He is out of the country on official duties.

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These questions will be deferred to next Wednesday.

*Question No. 051*

THE TENDER PROCESS AND CONSTRUCTION  
OF MARSABIT STADIUM

*(Question deferred)*

*Question No.0 53*

FACILITATION OF TEAM KENYA IN WORLD  
ATHLETICS IN BUDAPEST

*(Question deferred)*

### **POINT OF ORDER**

FAILURE BY CABINET SECRETARIES TO APPEAR BEFORE THE SENATE

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

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

**Sen. Cherarkey:** Madam Temporary Speaker, I have heard that the Cabinet Secretary for Youth Affairs, Sports and the Arts, has sent an apology. As such, I request your guidance on two issues under Standing Order No.1.

One, there were allegations that the Cabinet Secretary had written to you and your counterpart in the National Assembly, requesting to appear to answer questions specifically to the Majority Leader of the National Assembly, Hon. Ichungwa and Sen. Cherarkey. I need your direction on that letter.

The practice In jurisdictions all over the world is that no one directs or even requests to appear before Parliament. So, I will request that you inform the House on the status of that letter and whether it originated from the Cabinet Secretary

Finally, we amended the Senate Standing Orders as a result of an engagement with the President. He requested that we let the Cabinet Secretaries appear before Parliament and answer questions. There is chaos in the Ministry of Youth Affairs, Sports and the Arts. If you remember, the said Cabinet Secretary was well aware of his appearance to the House today, unless you confirm otherwise.

Madam Temporary Speaker, sports is in chaos. Look at football, volleyball and athletics. You saw an athlete by the name of Ng'eno being attacked by a dog in Argentina. Neither the Kenyan Ambassador in Argentina nor the Cabinet Secretary for Youth Affairs, Sports and the Arts has issued a protest note against the attack. There is a problem with our sports.

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Last time, we censured the Cabinet Secretary for Health for continuously avoiding appearing before the House. I request your direction to let the Cabinet Secretary for Youth Affairs, Sports and the Arts, be summoned to appear before this House. We cannot continue to raise issues---

I have seen my brother, Sen. Chute, had a question concerning the construction of Marsabit County Stadium. I am also asking about athletics and volleyball among other agenda concerning sports in this country.

I woke up at 5:00 a.m. to practice like a night runner for this sitting, only to appear in the morning and be told that the Cabinet Secretary was traveling abroad.

Madam Temporary Speaker, I request the House leadership led by the Senate Majority Leader and the former Majority Leader in the National Assembly, Cabinet Secretary, Hon. Aden Duale, who is present here, to advise Cabinet Secretaries that Parliament does not exist in vain. Maybe we can get Hon. Duale enough camel milk as a way of encouraging him in the mentorship programmes.

Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Sen. Cherarkey. Before I grant you the point of order, Sen. Cherarkey, it is good you practice before coming to the House. However, you are cautioned against practicing like a night runner lest those issues arise during the day after the night running.

**Sen. (Dr) Khalwale:** On a point of order, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Veronica Maina): What is your point of order, Sen. (Dr) Khalwale?

**Sen. (Dr) Khalwale:** Madam Temporary Speaker, I very well understand the concerns of the Senator for Nandi County. However, the communication that explained that the Cabinet Secretary for Youth Affairs, Sports and the Arts was unable to make it this morning, was not in your possession as the Speaker this morning. You were guided by the decision of the Senate Business Committee (SBC).

Whereas the Senator is free to say all the things that he said, if the SBC was satisfied and allowed the Cabinet Secretary to be absent today, I think the Senator for Nandi County is overreaching himself when he uses that opportunity to prosecute his concerns.

Let it be on record that the Cabinet Secretary for Youth Affairs, Sports and the Arts is properly absent from the House. Therefore, he will have an opportunity to appear before the House. Let the media not send the impression that this House is summoning the Minister. In SBC, the Minister requested that he be allowed to come next week on Wednesday. Nothing out of these wild allegations. Ministers have responsibilities beyond appearing before the House. If the SBC is satisfied, it grants.

Thank you, Madam Temporary Speaker.

**Sen. Thang'wa:** On a point of order, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Veronica Maina): What is your point of order, Sen. Thang'wa?

**Sen. Thang'wa:** Madam Temporary Speaker, I have had an opportunity to work with the Chinese Government. They run their Government in such a way that there is

always forgiveness for first-time offenders. If you break the law, they will tell you to agree that you did so and you are pardoned. Thereafter, they file it just the way they used to do in our high schools. When you break the law again, they will pull your file and take necessary remedies.

Therefore, I think the Cabinet Secretary is in order. This is the first time we are inviting him to appear before this House. When somebody says he is unable to appear before the House because of either reason, including sickness or family issues being the first time, I do not think we should be very harsh to the Cabinet Secretary.

We should instead congratulate him in the sense that this country is going to host the Africa Cup of Nations (AFCON). That is a big thing that has never happened in this country. It is history in the making. So, we should not try to summon the good Cabinet Secretary. Let us just give him that opportunity and hope that he does not repeat the mistake. We are told a mistake is not a mistake, it becomes a mistake when you repeat it.

Madam Temporary Speaker, let us just agree with the fact that he requested the Senate to indulge him not to appear today but to appear next Wednesday. If he does not appear next Wednesday, then we can have this discussion.

Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Veronica Maina): Proceed, Senate Majority Leader, Sen. Cheruiyot.

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Madam Temporary Speaker, for this chance. This is a very straightforward matter. If I listened to Sen. Cherarkey well, he had two issues in his Statement.

First, is the content of the letter that the Cabinet Secretary wrote to this House. You are a Member of the Senate Business Committee (SBC) and you know that in the SBC, we had very serious concerns about the tone and the language that he used in his letter.

I want to assure Sen. Cherarkey that when the Cabinet Secretary, Hon. Ababu Namwamba, finally appears before the Senate, before he responds to any Question, we will first take him on regarding the contents of that letter. So, that is a separate topic.

I do not have a problem with his failure to appear today because he wrote in good time and said that he is out of the country. When we sat down as the SBC, we agreed to grant him the opportunity to appear next week.

The only other problem I have is that there is an increasing habit by our Cabinet Secretaries, where when they are invited to appear before the House, they use very junior officers to respond to us and tell us that they will not be appearing.

What is so difficult for a Cabinet Secretary to go through his letter from Parliament and respond to us? When we write, we do not write to their principal secretaries or the chief administrators in their Ministries. We write to them.

I agree with Sen. Cherarkey that CS Adan Duale, a long serving legislator of great repute, has a lot of mentorship to do in the Cabinet. He needs to mentor many of his colleagues, not necessarily this Cabinet Secretary that we are talking about, whose letter to us I can see has been responded to by the Principal Secretary. That is still not satisfactory. However, there are others who do even worse.

I saw a letter last week from a Cabinet Secretary telling us of their non-appearance from someone called a chief--- I cannot even remember the title. Tell them that we shall no longer be accepting such letters. If you cannot plan your diary and sit down in front of your desk and draft a letter to Parliament to respond to us to say that you cannot appear before the House because of certain reasons, it shows that you do not even have the presence of mind to know that you are supposed to appear before the House. How busy can somebody be not to find time to respond to letters from Parliament?

Therefore, that will serve as a warning to Cabinet Secretaries who are beginning to gain very bad traits in their service to this country.

With those remarks, I beg to agree with colleagues who are saying that since the Cabinet Secretary notified us in good time that he shall not be available due to work commitments, then we can excuse him. However, as Sen. Thang'wa said, next week, Wednesday, God willing, we shall be here at 9.30 a.m. to see if he will appear.

I thank you.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, hon. Senators. I will only allow one more.

Proceed, Sen. Cheptumo.

**Sen. Cheptumo:** Thank you, Madam Temporary Speaker. What has been raised by Members is a very important concern. You recall, three weeks ago when one of the Ministers was supposed to appear here, Members in this House expressed their concerns. I recall we requested the Speaker to issue a Communication from this House expressing the concern of Members because of the failure of Cabinet Secretaries to appear before this House.

Madam Temporary Speaker, I want to agree with the other Members. It is the Head of State who requested this House to amend the Standing Orders of this House and the other House so that Cabinet Secretaries will be able to appear before the House.

As much as the SBC will have the discretion, rightly so, to determine the contents of a letter from the Cabinet Secretary and agree, I think we should also apply that power selectively so that in future, it should not be granted easily.

I am happy that the Senate Majority Leader spoke about the contents of the letter; it was convincing and we agreed with it. However, it is a big concern that the Head of State himself has directed that Cabinet Secretary should appear here.

So, the Cabinet Secretary for Youth Affairs, Sports and Arts may have his way today but that right should be applied in a selective manner.

I also agree with the Senate Majority Leader and Sen. Cherarkey that in this House today, we have a very able Cabinet Secretary for Defence and I am his Chair in this House. I served with Hon. Adan Duale for the first time when he was the Assistant Minister for Livestock. I was the Deputy Minister for Justice and Constitutional Affairs. Later, I served as the Chairperson of the Justice, Legal Affairs and Human Rights Committee (JLAC) when he was the Majority Leader for all the time.

So, I agree that Hon. Adan Duale has a responsibility. Sometimes, your colleagues may not understand what it means, that this is a House of debate and procedure. This is the assembly of the nationally elected leaders of this country. The

Senate takes care of the interests of the county governments and the interest of the counties.

I appreciate the fact that Members are raising a serious concern. I believe that this House should assert itself so that the Cabinet Secretaries should be able to take seriously their work and ensure they appear as and when they are called upon.

Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Sen. Cheptumo.

I welcome to the House the Cabinet Secretary for Defence, who is here today on his first appearance to the Senate. Hon. Adan Duale, Karibu Sana. You will be making your presentation in a few minutes after we have had presentations from Senators on the pending issues from the Cabinet Secretaries who have not appeared for this sitting today.

I will give a final chance to Sen. Wafula, and then I will give directions on this matter and we proceed.

**Sen. Wafula:** Thank you, Madam Temporary Speaker, for this auspicious opportunity to speak about what my colleague Senators have ably articulated. I am perturbed by the way this discussion is taking course. Our dear Cabinet Secretary for Youth Affairs, Sports and the Arts has ably given his reasons why he is not able to appear here.

However, I am worried by the way my colleagues are talking about the tone, the texture and the temperature of the response. We are not in a choir festival to test the tones of letters. We are dealing with a Cabinet Secretary, who leads a Ministry and is not a departmental head. He is not a captain of volleyball, rugby, or in charge of golf. He is a Cabinet Secretary. We must give our Cabinet Secretary ample time to prepare and give us facts about the Ministry that he leads.

We are not preparing this Senate to be a lynching platform where Hon. Cabinet Secretaries will be coming here trembling, sweating and expecting a scenario like that of Barnabas in the Scripture. We want this House to address and handle Cabinet Secretaries in the Executive in a decent manner to allow Kenyans not to crucify people yet they are innocent.

Madam Temporary Speaker, on behalf of my good Cabinet Secretary Hon. Ababu Namwamba, I stand in the gap and hold brief for him; that he will come, articulate his position, make clear what is not clear and execute what the President gave him to execute.

So, the Senate Majority Leader---

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Wakoli resume your set. What is your point of order, Sen. Dullo?

**Sen. Wafula:** I am on a point of order.

*(Loud consultations)*

**The Temporary Speaker** (Sen. Veronica Maina): No, he is not on a point of order but he is contributing. Sen. Dullo, let Sen. Wafula finish his contribution.

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**Sen. Wafula:** Madam Temporary Speaker, I appreciate that the good Cabinet Secretary, Hon. Aden Duale, is here and is being congratulated but allow me to defend the one who is not here, considering you persecute and crucify the person who is not before you. That is the rule of the game.

I request that we allow the hon. Cabinet Secretary to come in next week and execute this matter that Sen. Cherarkey is passionate about night and day – running, in order for our sportsmen and women of this country to harvest from their good talent. I thank you.

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Senators, you will allow us to close this matter after one contribution from Sen. Munyi Mundigi and then I will give directions.

*(Loud consultations)*

Can he be heard in silence please?

**Sen. Munyi Mundigi:** Asante, Bi. Spika wa Muda. Sen. Cherarkey ni rafiki yangu lakini leo sijakubaliana na yeye. Haiwezi kuwa kila kitu anasema, lazima tuunge mkono.

*(Applause)*

Waziri ni kijana mfanyikazi na tunajua yale yote anatenda yote. Kwa barua yake amesema yuko kazi nje ya nchi na amekubali kuja Jumatano ijayo. Saa hizi tunapigana hapa juu ya kitu kidogo lakini tunafaa tuunge mkono ile barua ya Waziri.

Bi. Spika wa Muda, pia ninaunga mkono Waziri wa Ulinzi. Amekuwa mfanyi kazi hapa Bungeni na atafanya kazi nzuri ya ulinzi hapa nchini.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Munyi Mundigi, resume your seat. Sen. Dullo, I had given you a chance and then took it away. Please, take only one minute.

**Sen. Dullo:** Madam Temporary Speaker, I will only take one minute. Firstly, I agree with the issues raised by various Senators but I am sorry to say that it is unbelievable that when matters come on the Floor of this House, Members defend one of their own.

There was a reason why this House and the President agreed to change the Standing Orders. It is wrong for Senators to stand on the Floor of this House and hold brief for Cabinet Secretaries who are meant to appear here before us. They should take the cue from our brother, hon. Aden Duale, who understands the importance of Parliament and is here.

Therefore, if a Cabinet Secretary is summoned to the House, it is not right for Members to stand on the Floor of the House and defend them, yet they are the ones who cry saying that Cabinet Secretaries refuse to appear before their committees and the House. We should refrain from defending Cabinet Secretaries when they are meant to discharge their responsibilities.

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Madam Temporary Speaker, we can understand when they are out of the country but they must plan their diaries. I thank you.

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Senators, we have now closed that matter. I will give directions regarding this matter and we are proceeding on.

Firstly, an objection was raised by Sen. Cherarkey to the letter that was addressed to this Parliament. This matter was considered by the Senate Business Committee (SBC) and the weight of this letter was a subject of discussion before them. The Cabinet Secretary who had requested that the matter be rescheduled to Wednesday, 11<sup>th</sup> October, was granted that leeway, that being his first request to the Senate.

However, and notably, Senate addresses the letters to the Cabinet Secretaries. It is only proper procedure and the right protocol for the Cabinet Secretary to respond to every correspondent that is done to them. It should be a personal responsibility to the Cabinet Secretaries to respond to that mail so that they pay regard to the Senate House.

Therefore, we will ask the Cabinet Secretaries to be responding personally to the Senate because those letters are addressed to them and in any event, they take responsibility for the Questions that have been directed to their desks and offices.

The Cabinet Secretary for Youth Affairs, Sports and the Arts had been summoned to respond to Question No.51, which was brought to the House by the Senator for Marsabit County, Sen. Chute, and also to respond to Question No.53 in the order of the Questions that are brought to this Senate by the Senator for Nandi County, Sen. Cherarkey. The summons he was requested to obey was in respect of those two Questions and not to respond to Sen. Cherarkey.

Therefore, the Cabinet Secretary was in order to respond and write to Parliament through the letter that was sent by the Ministry of Youth Affairs, Sports and the Arts, which was signed by the Principal Secretary, Mr. Peter K. Tum. That is why we are directing that, in future correspondence, Cabinet Secretaries should sign letters to the Senate and address the Speaker or the Clerk in order of the protocol that is required under the Standing Orders.

With that, hon. Senators, I want to bring forth the Communication in respect of another Question that was supposed to be asked by Sen. Murango, who unfortunately is not present. I do not know how he was going to prosecute that Question. This was raised by the Cabinet Secretary for Public Service, Gender and Affirmative Action, hon. Aisha Jumwa, who has sent a letter to the Clerk of Senate, requesting to be allowed to have this Question rescheduled to another day, on account that she has proceeded on medical leave from 3<sup>rd</sup> October to 14<sup>th</sup> October.

She has sent her sincere apologies for not being able to appear before the Senate in person. Once, again, the letter from her Ministry is signed by the Principal Secretary and the same directions we have given on who should write correspondence in respect to the Questions raised by Senators should be in line with the directions that I have just given.



*Question No. 041*

## CATEGORIZATION OF HARDSHIP AREAS IN THE COUNTRY

*(Question deferred)*

Hon. Senators, with that, we can move on to the next Question because we have a Cabinet Secretary for the Ministry of Defence, hon. Aden Duale, who has appeared before the House. We are grateful that you made time to come to the House and I will now call upon Sen. Chute to prosecute his Question to the Cabinet Secretary.

*Question No. 055*NUMBER OF INJURIES AND FATALITIES OF SECURITY  
PERSONNEL SERVING IN AMISOM

**Sen. Chute:** Thank you, Madam Temporary Speaker. I take this opportunity to congratulate our Cabinet Secretary for the Ministry of Defence for coming here today and also, I thank him for the service he has given this country, both as a legislator and a Minister. I have three Questions. I will start with the first one.

(a) Could the Cabinet Secretary state the number of security personnel who have been injured or have lost their lives while serving in Somalia as part of the African Union Mission to Somalia (AMISOM) and also highlight the Government's policies, regarding compensation, support and welfare packages for the families of the security personnel?

(b) What benefits and strategic advantages has Kenya accrued from her participation in AMISOM?

(c) Are there plans for the withdrawal of Kenya troops from the African Union Mission in Somalia (AMISOM) and, if so, could the Cabinet Secretary indicate the timeline for such a withdrawal?

Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Sen. Chute. I will now invite the Cabinet Secretary, Hon. Aden Duale, to come and prosecute this question.

We have already received the response you sent to Parliament. We would ask you to just go through it, not word for word. You can give an explanation to all those questions and maybe the Senators will have other questions that they need you to clarify on; issues that may not be clear from the response you give.

**The Cabinet Secretary for Defence** (Hon. Aden Duale): Thank you, Madam Temporary Speaker. Before I answer, I want to thank the third Senate for giving me an opportunity to respond to questions raised by the people's representative today.

I have a lot of respect for the Houses of Parliament and for the leaders who are elected by the people of Kenya, to represent them. At any given time, I will always submit myself to the Committees of Parliament of both Houses and to the plenary. That is

a commitment I have made. In the last year, I have not missed any session. I am sure the Chair of the Defence Committee of this House will testify.

I will pass the message to the Cabinet as I have done before. I think the two important organs that the Cabinet Secretaries must comply with, in my opinion as a former legislator are, cabinet meetings and summons to the House. I think the only excuse is where a summons coincides with a cabinet meeting, then the House has always agreed.

Madam Temporary Speaker, I am before this House to answer Question No.055 (a), (b) and (c). To start with, my answer to Question No. 055 (a) is this - Defence and security operations are conducted primarily to fulfil the national security objectives of our country and our region.

Such operations result in unintended consequences, which include injury, fatalities, damage and destruction of equipment and sometimes death.

It is against this background that the Kenyan Defence Forces (KDF) personnel who are serving under the African Union Transition Mission in Somalia (ATMIS) now and previously under AMISOM, have either been injured or paid the ultimate price while they are executing their number one mandate of securing the Republic of Kenya and its citizens, and number two, participating in regional security and stability.

Madam Temporary Speaker, conscious of the fact that battle casualties are a reality whose statistics should not serve to glorify our enemies, but to honour and pay tribute to the individuals and collective acts of courage and sacrifice our men and women in uniform go through in defense of our nation. I request your Indulgence that I avoid tabling or giving statistics on those injuries and casualties to be made public. Our biggest worry is that this will be used as a propoganda tool by our enemies and more so, by the various forms of terror and terrorists in our region and in our country.

Secondly, of course, when we complete our mission, when the history of our country and that of KDF contribution in the stabilisation of the region and more so in Somalia is made, then there will be visible and invisible outcomes that bring to light the real value of the sacrifices made by Kenyans in pursuit of regional peace and security.

I am sure the Committee of this House and even this House in their oversight role of KDF, when they visit our camps, will have an opportunity to see plagues and memorial parks with the names of those who lost their lives in their line of duty and the honour they are given not only in the mission in Somalia but in other missions since KDF was formed.

Therefore, that is the preserve of the Kenya Defence Forces Act and what the National Security Act within our Constitution prescribes.

So, in a nutshell, KDF and Kenyans have over the years suffered causalities including loss of lives both before and after KDF integration into the AMISOM, now the ATMIS.

While the exact number of injuries and fatalities cannot be publicly disclosed due to security considerations, we assure the House that every incident is properly documented and families promptly informed.

Secondly, regarding compensation, support and welfare for the afflicted service personnel and their survivors; the Government through KDF is fully committed to ensuring that both the injured personnel and their families who lose their loved ones are well taken care of.

The following are the various forms that are documented which can be found as a support policy and system in place to help the families who lose their loved ones or who are injured –

(1) We have a very robust compensation policy within KDF and families who have lost their loved ones are entitled to a compensation package that includes financial support which is promptly disbursed within a week or two.

In this regard, Section 245 (10) of the Kenya Defence Forces Act, which Parliament in its wisdom enacted in 2012, obligates the Government and more so the Ministry of Defence and KDF to compensate members of the KDF who lose their lives or suffer disabilities while undertaking military duties or training.

Therefore, the Defence Council in 2018 promulgated a policy framework through Defence Forces Standing Instructions to prescribe both the general welfare structures and programmes for service personnel and their dependants. That is Standing Instructions No.1 of 2018.

(2) There is facilitative support to families and pursuant to this Defence Council and the Defence Forces Standing Instructions No.1 of 2018, there is a place for widows, orphans and dependants which focuses on how we can help the widows and dependants who are left behind and the service personnel living with disability that they got it during either training or combat.

This document provides a comprehensive policy framework that guides the KDF service and commanders on their responsibility to support the affected individuals. So, it binds the KDF and our commanders to their core responsibility to support the affected individuals and their families.

Above all, we have counselling and Psychological Support that we give. The Kenya Defence Forces (KDF) offers comprehensive counselling and psychological support services to assist Service personnel and families to cope with loss and grief. Additionally, the KDF has established a comprehensive network of Welfare Centres which are managed by trained social workers and counsellors.

One of the best wellness centres in the region - the Committee and this House can visit - is at Lang'ata Barracks on your way to Ngong' and Karen. You will find officers, service men and personnel who were injured either in training and combat within or without our country. We promote restorative welfare programmes to support both serving and retired personnel along with their families.

We develop psychological support programmes for current and retired service personnel, their families, and the families of deceased Service personnel. We have a very robust team known as the Veterans Department with the KDF. Even the CDF who retired to the lowest rank have a robust insurance policy. They are part and parcel of the KDF family.

We ensure expedient delivery of terminal benefits and compensation to service personnel and their beneficiaries. Above all, we conduct post-burial visits to monitor the state and welfare of families of deceased service personnel. Finally, we coordinate social rehabilitation for physically and mentally disabled service personnel, among other responsibilities.

Madam Temporary Speaker, our policies are continuously reviewed and updated to address any emerging needs of the families. We ensure families receive the much-needed support and care from an eternally grateful nation.

The second Question was; what benefits and strategic advantage has Kenya accrued from her participation in African Union Mission in Somalia (AMISOM)? AMISOM is moribund, so we shall just talk of Kenya's achievement from our participation in African Union Transition Mission in Somalia (ATMIS).

Article 241(1) of the Constitution of Kenya, 2010, establishes the Kenya Defence Forces, with Sub Article (3) delineating the mandate as – a defence force and protection of the sovereignty and territorial integrity of the Republic of Kenya, as well as protecting the citizens of Kenya against land, air, and sea-based threats. These are matters of paramount national interest for the Ministry of Defence and Kenya.

Therefore, our involvement in AMISOM, now ATMIS, has been two-fold. One, is our commitment to national security. The journey and history of how we ended up in Somalia was primarily because our national security interest was threatened by al-Shabab and other terror groups who have found haven and a base within Somalia and the Horn of Africa.

Our involvement under ATMIS was primarily to protect our national security interest. Secondly, we have a cardinal and moral responsibility to participate in regional peace, security and stability. Kenya is an anchor state. It is first among equals in this region. We have a moral, security and economic duty to protect our economic interest. We aim to participate and be a leader in the maintenance of regional peace, security and stability.

To this end, a number of benefits and strategic advantage both for Kenya and the Horn of Africa region are highlighted. They are the main reason we are there.

First, we are primarily in Somalia to combat al-Shabab terror groups in order to stabilize Somalia and by extension to make sure our region is safe and secure. We have contributed to the reduction of terrorism infrastructure within our borders and the region.

The KDF are part of the Africa Union (AU) and the United Nations Security Council initiative in Somalia. The troop contributing countries are Kenya, Uganda, Ethiopia, Burundi and Djibouti. Out of these five countries, only Ethiopia and Kenya who share a boarder with Somalia.

We share over 800 Kilometers (Km) stretch of unmanned boarder with Somalia. Our national security interest obligates us to stabilize Somalia so that the borderline we have with Somalia can be safe and secure.

Insecurity and socio-economic challenges preceded Kenya's intervention in Somalia. It might be recalled that the tourism sector in the coastal region was dying while

the passage of commerce in the Indian Ocean was heavily impacted by the sea piracy. This is what led us all to Somalia in 2012.

Tourists were being hijacked at the coastal region. We can remember the incident that happened in Lamu County. The Port of Mombasa is the gateway to East Africa. It serves a number of counties. There are ships that were docking in that region from the whole West Indian Ocean were affected by the Somali sea piracy that was going on.

The incursion of al-Shabab in Kenya by radicalizing, recruiting and arming them to come and kill innocent citizens of our country was one of the reasons that impacted the national security of our country and made us go to Somalia.

Secondly, with other troop contributing countries - that I mentioned - we are forced to participate in the peace, security and stability of Somalia and the Greater Horn of Africa. The Kenyan troops serving under ATMIS are in two sectors; sector two and six.

Sector Two has their operational base in Dhobley in Lower Juba. Our troops have deliberately taken that sector because it borders the Republic of Kenya. That is the sector we created both inside and outside a buffer zone to make sure there are no elements of terror or its affiliates that can cross into our country.

Today, we have a serious deployment in the Boni enclave in Lamu County area because we want to protect our country and its citizens together with the economy. For us to achieve sustainable economic growth, security must be fixed.

Our efforts in Somalia have fostered regional stability. A more stable and secure Somalia is critical for peace and development in the East African, Horn of Africa and beyond. From 2012, when AMISOM and ATMIS took over, there is serious and critical resemblance of a stable government in Somalia today.

The Somali Government has established and generated enough force. You can see its presence at the forefront with the Somali National Forces combating terror. Five or 10 years ago, that was not the case. I am sure with AMISOM, ATMIS, our international partners together with us securing our borders; the days of al-Shabab in Somalia and our region are coming to an end. I give my commitment to this House.

Involvement in the Somali peace efforts have facilitated the delivery of humanitarian aid hence alleviating the plight of thousands of Somalis, enabled many refugees and internally displaced people to return home. Above all, there has been progress in the restoration of state institution in Somalia.

Key United Nation agencies use our ports to supply humanitarian assistance to Somalia. One of the achievements of ATMIS and Kenya Defence Forces was to open up the main supply routes. Making sure that the affected civilians within the Somali nation access the UN and humanitarian assistance free of disruption by the terror group.

On the diplomatic front, our participation has strengthened Kenya's diplomatic ties with other Troop Contributing Countries (TCCs), Somalia, as well as international partners.

By operating in a multinational setting like in Kosovo, Yugoslavia, Namibia, Rwanda, Somalia and our police are going to Haiti; it gives us invaluable experience and understanding. Also, creates a better training and doctrine for our forces.

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By fostering peace and stability in Somalia, we are also contributing to the achievement of regional and global developmental goals, including the African Union Agenda 2063, which aims to silence the guns, a major challenge in the Horn of Africa; and, attainment of the Sustainable Development Goals (SDGs).

Madam Temporary Speaker, the last question was on whether there are plans for withdrawal of Kenyan troops from ATMIS. If so, could the Cabinet Secretary indicate the timelines for such withdrawal?

There are no Kenya Defence Forces in Somalia, KDF serve under ATMIS, through the African Union and Peace Security Council and with the approval of the United Nations Security Council.

The decision for Kenyan troops to exit from Somalia is dependent on several factors, including the progress of the ATMIS mandate and the prevailing security and political conditions in Somalia. Our commitment has always been towards the realization of peace, stability, and sustainable development in Somalia for the benefit of Kenya and the region.

The ATMIS mandate is guided by the African Union. KDF serve under ATMIS. This mandate is guided by two arms; that is the African Union and the United Nations Security Council resolutions, focusing on reducing the threat posed by al-Shabaab and other armed groups, enabling the handover of security responsibilities to the Somali Security Forces (SSF), and assisting in creating a secure environment for the political process at all levels in Somalia.

In the meantime, I would like to report that under the guidance of the United Nations Security Council, there is an ongoing ATMIS drawdown strategy, which aims to gradually transfer security responsibilities to the SSF under the Somalia Transition Plan. Kenya, alongside other troop contributing countries and international partners, is actively engaged in supporting SSF capacity-building to ensure smooth transition.

Already, there is drawdown of troops beginning April last year which will end in December of 2024. The last troops are supposed to leave Somalia in 2024 as per the African Union and United Nations Security Council Resolution and plan. Phase one of the drawdown has been completed where a total of 2,000 ATMIS forces have exited, with Kenya drawing down 400 troops by June 2023, Uganda drawing down 400, Ethiopia drawing down 400 and 600 troops from Burundi. Also, Djibouti drew down 150 troops.

We were strategic on which Forward Operating Bases (FOBs) to close. We wanted to make sure that when we exit from the FOB al-Shabaab do not take over. We exited from an FOB on the Wajir-Somalia border. It was about 7 kilometres distance from our base inside Kenya in Wajir County. We monitor the FOB we have closed as part of the drawdown to make sure al-Shabaab do not occupy. We have told the Somali Security Forces to occupy. Our interest is to make sure al-Shabaab are not our neighbours within seven kilometres of our border

Subsequently, Phase 2 of the drawdown was initially planned to end on 30 September 2023. We are supposed to withdraw 600 troops. However, this has been technically paused while awaiting AU and UN decision on a request made by the Federal Government of Somalia (FCS) request for a three-months extension. This is because the

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Somali Government and security forces have been engaging in a serious war with al-Shabaab in the central part of Somalia. The Somalia Government has asked for a pause. This decision for the three months extension will only succeed if the AU and the UN Security Council give approval. We are waiting for the approval. We support the decision of the Somali Federal Government.

This notwithstanding, the TCCs are prepared to drawdown 3,000 troops. Of which, Kenya will drawdown 754 troops. We still have other officers in different categories like the police who are serving under ATMIS.

Finally, Phase 3 will commence on 1<sup>st</sup> October, 2023 through to 30<sup>th</sup> June 2024, where a total of 4,000 troops will be drawn down. Phase 4 of the drawdown signifies the final exit and will take place from 1<sup>st</sup> July, 2024 to 31<sup>st</sup> December, 2024. During this Phase, all the remaining ATMIS troops will exit from Somalia. If there is a change, then the decision does not lie with the Government of Kenya, but with the AU and UN Security Council in consultation with the ATMIS partners, AU and the UN, the Federal Government of Somalia and more importantly, with due consideration for Kenya's national interest.

Let me make it very clear to the House that we went there to protect our national security interest. Our exit will again depend on the national security interests of our country.

The discussion for post ATMIS exit is critical for the KDF and the Government of President William Ruto. If we feel that we have enough troops at the border, both KDF and other security agents, our many security sectors, including our intelligence, are working around the corner. However, we will discuss and analyse the post ATMIS drawdown and withdrawal keeping in mind the national security interest of our country.

Madam Temporary Speaker, as I conclude, the Ministry of Defence assures this House that any decision made for KDF to exit from Somalia should be in the best interest of the Republic of Kenya as far as our national security interest is concerned.

That is what I have for this House. I am ready to engage the representative of the people in other supplementary questions.

I thank you.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Hon. Cabinet Secretary, for that response.

Hon Senators, we have concluded the formal response that had been done to the Senate. We now proceed with the supplementary questions.

Sen. Chute, do you want to prosecute your two questions now or you want to prosecute one now and the second one after all the Senators?

**Sen. Chute:** Thank you, Madam Temporary Speaker. I will ask my first question now and the other one towards the end of this session.

First of all, I thank the Cabinet Secretary for a comprehensive and well-thought-out answer. The Cabinet Secretary said that Kenya and Ethiopia share a border with Somalia. We do not have Ethiopian defence force or army inside Somalia. They were very clever. It is very expensive for a neighbouring country to go into Somalia because

the communities that live on the border that we share are the same; they are relatives and friends.

Cabinet Secretary, since you also come from the same community, is it not good advice for Kenya to withdraw? I am not talking about ATMIS, but our KDF. Is it not prudent for our defence forces to be guarding our border rather than being in Somalia? This is because being in Somalia is creating problems for us. As I speak, Mogadishu is safer today than North Eastern; Mandera, Garissa, Wajir and even Tana River counties.

What advice would the Cabinet Secretary give to the President in order to withdraw our defence forces from Somalia back into our border?

**The Temporary Speaker** (Sen. Veronica Maina): Cabinet Secretary, you can respond to that question.

*(The Cabinet Secretary's microphone was not working)*

Technical team and clerk, please assist.

**The Cabinet Secretary for Defence** (Hon. Aden Duale): Madam Temporary Speaker, I would like to correct this notion that Mogadishu is safer than Garissa, Lamu and Tana River counties. That statement is false.

In the last 24 hours, there have been incidents that have happened in Mogadishu. I want the Senator to be factual and honest about the numbers he is giving. In fact, our border and other regions of Somalia that we occupy, including Kismayu and the whole of the southern part, are now safer than Mogadishu.

Number two, I have given a breakdown. We are not in Somalia. It is not the KDF. It is not the instruction of the Commander-in-Chief of Defence Forces, His Excellency, President William Ruto, that our troops are in Somalia. Our troops are part and parcel of the AU Transition Force.

I have given the drawdown beginning June of this year. Let me speak for 4,000 plus KDF soldiers. The last soldier will leave on 31<sup>st</sup> December, 2024. This includes Ethiopia, Uganda, and Burundi. The gradual withdrawal will start in July.

So, it is not me to advise. It is a function of the AU and the UN Security Council. The case is different just like our troops serving in the Democratic Republic of Congo (DRC). They are there as part of the East African Regional Force. They have a mandate of three months ending in December.

Kenya is a huge economic block in DRC. Our banks are there and the Port of Mombasa depends on that area. If in December that mandate is not extended and we feel that we have achieved regional security and peace of the Great Lakes' Region and our economic interest in that part of the world, our troops will come back on 1<sup>st</sup> January from DRC. However, the troops in Somalia are under the AU and UN structure.

Our border is secured. From Kiunga to BP 1 in Mandera, we have more than 18 forward operating bases. We are building more camps in Marsabit County. We have also expanded the Wajir International Airport for more air surveillance; not only in our country, but in the region. That is what our Air Force uses. We have 24/7 surveillance by our navy on the Western Indian Ocean with Somalia. No ship carrying anything can enter

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particular the sector that we man. We man both the sea, land, and air that borders our country. The other sectors are manned by our colleague troop-contributing countries.

Madam Temporary Speaker, I have given a plan for our exit. Above all, as we exit, we are also looking at the capacity of the Somali security forces which is better than maybe 15 or 20 years ago.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Cabinet Secretary. Sen. Cherarkey, you may have the Floor. Remember to ask only one question.

**Sen. Cherarkey:** Madam Temporary Speaker, I thank the Cabinet Secretary, Hon. Aden Duale for appearing and answering questions. Mine is only one.

For the Kenyan troops that are participating in UN/AU missions across the world, either through wet or dry lease; how much money has been reimbursed by the UN/AU to Kenya over the last five years?

I heard him mention the approval of the United Nations (UN) Security Council on participation of our ever-courageous police officers in Haiti. I wish to know whether the KDF will be part of it.

**The Temporary Speaker** (Sen. Veronica Maina): Proceed, Cabinet Secretary.

**The Cabinet Secretary for Defence** (Hon. Aden Duale): Thank you, Madam Temporary Speaker. To respond to the question by the Senator for Nandi County, Kenya has participated in peace keeping missions since time immemorial. It is very sad that at one time, we were country number four in peacekeeping mission, but we are now at number 41. That is why we have made a deliberate attempt particularly under this administration, to make sure that we regain our position and do better. Rwanda, which was behind us, is now at number three in peacekeeping mission.

I thank Parliament for the passage of the Peace Fund three months ago. Its passage was very critical. We are now in the process of putting the implementation structure.

The Senator also asked how much we have received from the ATMIS for as reimbursement for the last five years. We received roughly Kshs500 million every year. That is around Kshs2.5 billion in five years. This is part of the reason we brought the Peace Fund. The money goes to the National Treasury and not to the Ministry of Defence.

We have now made a deliberate attempt to pass through the Cabinet because we want the Peace Fund to be domiciled at the Ministry of Defence. We will use that money to modernise and buy more equipment for our security forces without putting more pressure on the Exchequer.

**The Temporary Speaker** (Sen. Veronica Maina): I believe you are satisfied with that response.

Proceed, Sen. (Dr.) Khalwale.

**Sen. (Dr.) Khalwale:** Thank you, Madam Temporary Speaker. Allow me to congratulate the Cabinet Secretary. He is one of the Cabinet Secretaries who take our calls and call us.

Hon. Cabinet Secretary, before I ask you my question, allow me to invite you to the provisions of Article 35 of the Constitution, specifically Article 1(a), which gives

every Kenyan the right of access to information in the custody of the Government. Can you please balance this with our age-old tradition in Parliament, where you are free to ask the Speaker to allow you to table that information in camera? I invite you.

Having done so, allow me to ask you my question. Haiti is 12,119 kilometres away. It takes 13 hours of flying to reach Haiti and the cheapest flight is Kshs220,700. You have justified our presence in regional missions by attributing it to the need for us to be part of securing peace, security and stability of our region. Given the statistics on how far away Haiti is, could you tell us the benefits and intended consequences that the Government hopes to achieve by taking our troops to Haiti?

**The Temporary Speaker** (Sen. Veronica Maina): Proceed, Cabinet Secretary.

**The Cabinet Secretary for Defence** (Hon. Aden Duale): Madam Temporary Speaker, with a lot of respect to my colleague, I refer him to the Ministry of Interior and Coordination of National Government. I am calling him colleague because I found him in this same Chamber when I came to Parliament. There used to be a library next door, but I do not know whether it is still there because it has been many years.

Please, take time, invite Hon. (Prof.) Kindiki, give him the statistics of the distance, how many flights go there and the hours. That is not my domain. I am sure the House has the powers, using the Standing Orders, to invite him even this afternoon.

*(Applause)*

On the first question, yes, Article 35 of the Constitution allows you to get and provide any information to any citizen. However, that Article must be interpreted with certain responsibility. If you read the chapter on the organs of the National Security Council and even KDF – and you being a very seasoned medical doctor – I am sure sometimes you do not provide your patients’ data to all and sundry.

This is a Plenary and there is certain information which the custodian is the National Security Council. Hon. (Dr.) Khalwale, I cannot share. However, if you want me to share, the venue will not even be Parliament, but Ministry of Defence headquarters because we even have to take charge of the room where we want to share.

*(Laughter)*

I invite you using the Standing Orders to come to the Ministry of Defence headquarters. You will be ushered in and the generals will share with you some of the privileged data. I am sure from where you seat as the Majority Whip and as a seasoned leader in this country, you also want to protect our country and our national security.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. (Dr.) Khalwale, it is apparent that the responses being in the domain of the security sector, are unique and have a different perspective. I also guide the Senators that we had initially agreed that the supplementary questions that you raise, should be connected to the questions that are before the Floor of the House.

I am not blind to the fact that the questions on Haiti are matters of national importance and have raised concerns. Nonetheless, Sen. (Dr.) Khalwale, you are guided to raise questions that are relevant to the Ministry and give the statistics you have given very effectively this morning.

Proceed, Sen. Mbugua.

**Sen. Mbugua:** Thank you, Madam Temporary Speaker. Allow me to also congratulate the Hon. Cabinet Secretary for being a towering figure in the stability of our country.

Mr. Cabinet Secretary, during our visit to Turkana County on Senate Mashinani, it occurred to us in our engagement with the security apparatus that the porous borders of Uganda, South Sudan and Ethiopia are guarded by the defence forces of those particular countries, but not guarded on the Kenyan side. I would want you to tell this House why that is happening, as well as apprising this House on the successes and challenges that your docket has had in solving the problems of Lamu County.

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

**The Cabinet Secretary for Defence** (Hon. Aden Duale): Madam Temporary Speaker, we are devolving KDF bases from our historical positions. We now have two sites in West Pokot County and four in Turkana County. We are also in Marsabit and Mandera counties. We are building more bases and more training bases mainly along our boarder as part of protecting the territorial integrity of our country.

For the first time at the Lodwar Airstrip, we have a forward operating base being operated by our Kenya Air Force (KAF). The KAF is already in Lodwar, Turkana County. We are building a big base there. I thank the former and current governors of Turkana for availing the land. We also have three more bases in Turkana because it is a vast county.

Madam Temporary Speaker, we have learnt from cattle rustling and banditry in North Rift that Tiaty, Baringo, West Pokot and Turkana have enough land for even training. We might shift the training bases of the KDF and the police closer to that terrain because it good for training.

Lamu is now under operation. However, I do not want to speak about it in the Plenary. The Committee on National Security and Foreign Relations could invite me in-camera. I was not ready for this question.

I had also informed the National Assembly Chairperson of the Committee on Defence, Intelligence and Foreign Relations that I can only speak about Lamu and our war with Al-Shabaab in-camera.

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

**Sen. Abdul Haji:** Thank you, Madam Temporary Speaker. I first commend and congratulate the Cabinet Secretary for the Ministry of Defence for the good work he has done since his appointment. I am not only saying this because he comes from Garissa County and I am his Senator, but it is obvious that he is doing a good job in a very sensitive Ministry. I appreciate the detailed answer he has given the House.

Any officer who dies in the line of duty is one too many and the country has to appreciate the work they do. Theirs is the ultimate sacrifice when they die in the line of duty. That is what they can give in fighting for this country and they are our unsung heroes. May God rest the souls of the ones we have lost in peace.

Madam Temporary Speaker, the Kenyan Army has been in Somalia for five years. As the Cabinet Secretary has explained, they are in their second phase of withdrawing from Somalia, but the Federal Government of Somalia has requested they extend their time. In the period of the five years that they have been in Somalia, have they undertaken social development programmes in the areas they have served within the military-civil engagement that has helped them to win the minds and hearts of the community in Somalia?

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

**The Cabinet Secretary for Defence** (Hon. Aden Duale): Thank you, Madam Temporary Speaker. I also confirm that I have one of the best Senators. The people of Garissa and I, have full confidence in this Senator who replaced our father and elder who also sat in this House. May *Allah* take him to *Jannah*.

Sen. Abdul Haji has asked a very fundamental question. We do it in our country and outside. I thank Parliament because it always allocates certain resources to the KDF for their civic duty. We are, therefore, involved in the construction of dams, building of boreholes and providing medical camps. We give out water during the drought season wherever our bases are located.

The Senator will agree with me, especially in Garissa when we experienced drought recently that our bases gave water and the same applies to the areas in the Arid and Semi-Arid Lands (ASAL) region. We also have an element we call key leadership engagement. The Senators for Garissa and Samburu counties will agree with me on this one. We still have key leadership engagements even in areas where we go for peace and security

Madam Temporary Speaker, in Somalia, one of our operating bases is in a place called Dhobley. In the ATMIS and the KDF Twitter handle, you will find that we provide maternal healthcare and surgery in their biggest hospital. This week in those Twitter handles, you will find a lady being discharged in a wheelchair and who was in our hospital for about three months in Dhobley. That is what we do. We also provide water and health facilities.

I visited one of our forward operating bases in Wajir with Members of Parliament (MPs) in our campaigns to communities to help us in the war against terror and the al Shabaab. The base commander told us that our forces there had adult men, but when communities go to them with paediatric cases or pregnant mothers, they have no medicine to treat them. Therefore, we made a deliberate policy at the KDF that we must provide all types of medicine wherever our doctors and nurses are, especially in the most remote parts of the country and inside Somalia. So that if we get a lactating mother, a pregnant woman or one who has complications in child bearing, the right medication is available.

That is our duty and that is why everywhere we go, we do not only use kinetic force, but we blend it with the socio-economic development.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Cabinet Secretary. Sen. Mungatana.

**Sen. Mungatana MGH:** Madam Temporary Speaker, every time in Tana River, I attend a funeral of a member of the KDF, there are very elaborate ceremonies that follow. We thank the Ministry of Defence for what they do because it is a reflection of the discipline and arrangements that are there.

The question I have for the Cabinet Secretary is if he can disclose the amount they give to each member of the family. That one is not a matter of national importance or a secret. He should tell us that apart from the flag, the salute, the nice songs they sing and all the ceremonies, how much money does the widow get on that particular date?

I know that the armed forces regulations have a way they calculate death gratuities for their personnel and officers. That may be something they do over a period of time and the Minister should tell us. However, when they come to bury, what do they give? We need to know that because it is sad that we are always mesmerized by those ceremonies. In Tana River, for example, many of us go to see what is happening there because of what they do.

Madam Temporary Speaker, Kenyans needs to know the amount given on the date of the burial of your son, husband or daughter die, apart from the death gratuity.

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

**The Cabinet Secretary for Defence** (Hon. Aden Duale): Madam Temporary Speaker, this is not something to hide and so, I will just indicate the figure we give on or before 30 days.

An officer serving within our country gets Kshs4 million above his pension which has a component called, death gratuity. However, if the officer is serving in ATMIS, like in Somalia, apart from that Kshs4 million, the African Union (AU) and the United Nations (UN) give the family of that officer US\$50,000.

If Sen. Mungatana feels that there is anyone from Tana River County who did not receive this money, I am ready and willing to engage him at the Defence Headquarters.

However, there is a problem. The problem is where families do not agree. On a light touch, even in my life in Parliament here, there are colleagues of mine like Sen. (Dr.) Khalwale and Sen. Mungatana, who we served with them in the 10<sup>th</sup> Parliament, some died and up to today they cannot get their gratuity because of family disputes and people have moved to courts.

So, just like here, even in defence, we get a few cases where because of the family dispute, the money becomes inaccessible. However, Kshs4 million is within the first three weeks. If he is serving under the (ATMIS)---

Madam Temporary Speaker, I want to urge Sen. (Dr.) Khalwale on a light note, that by the time he goes to heaven, he should not leave us with a lot of problems. Make a good disclosure which we can work on.

*(Laughter)*

We normally pay Kshs4 million within our country, but if it is outside our country like ATMIS in Somalia, we pay Kshs4 million plus the African Union (AU) and the United Nation (UN) pays US\$50 ,000.

I agree with you. We give decent, respectable burials, particularly for the KDF officers.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Hon. Cabinet Secretary. On the issue of family disputes, it appears like Sen. (Dr.) Khalwale, has some leads towards those disputes.

Though tempted, let me allow Sen. Murgor, to present the question. Otherwise, you would have answered to that.

**Sen. Murgor:** Thank you very much, Madam Temporary Speaker. I am glad I am not like Sen. (Dr.) Khalwale who has more than three. I have only one and there will be no dispute there.

*(Laughter)*

**The Temporary Speaker** (Sen. Veronica Maina): You have only one what?

**Sen. Murgor:** Hon. Cabinet Secretary, I am very thankful for the elaborate explanations that you gave and I agree with you totally. If we should defend this country effectively, we must engage the enemy from far.

For instance, if you see how the Cheetah fights her enemies or his enemies, they lead the attacking enemy away from the cubs. They do not allow them to come near the cubs. So, in defence of our country, we should engage the enemy from far.

I have a question, however, from some of the visits you have made. You have assured the nation and the Defence Department that we will buy equipment that will detect the bombs and whatever these people bury in the ground so that as our military operatives move around and operate, they will be safer than it is now.

You have done effective work in keeping them away. However, when it comes to these bombs and so on, they seem to take the day. So, how is that going to be? I am not a prophet, but we will be with these people along the border even after we move back from Somalia. We will still engage them at the border because these are evil-driven people and maybe they are connected with terrorists. So, we will still be with them. So, how can you give us an assurance on that?

I thank you.

**The Temporary Speaker** (Sen. Veronica Maina): Proceed, the Hon. Cabinet Secretary.

**The Cabinet Secretary for Defence** (Hon. Aden Duale): Thank you, Senator for West Pokot County. I totally agree with you.

I want to inform the House that we have completely destroyed the capability and the infrastructure of Al-Shabaab. Their only weapon of choice is the Improvised Explosive Devices (IEDs).

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You have rightly said it and that is why you see in Lamu and parts of Northern Kenya, they come in and walk in twos or three, put an IED and target our security forces and sometimes our citizens suffer.

I want to assure this House and the country that under the leadership of the President and our Commander-in-Chief, the Ministry of Interior and the National Police Service have heavily invested through the support of the budget from Parliament in buying armoured vehicles; Armoured Personnel Carriers (APCs) that will protect our troops from the IEDs and to make sure that using our intelligence and other technologies we can easily find IEDs.

In fact, now we can tell that there is an IED which has been planted on that road, particularly in the Lamu enclaves and then we tell our officers not to move in vehicles and to go and detonate that IED.

Nonetheless, by December and January, under the support of the Commander-in-Chief and this administration, we are investing heavily both in interior and defence to make sure that we have the right equipment and arms for our security forces both inside and outside Somalia.

There are two things that the Cabinet Secretary for Interior (Hon. (Prof.) Kindiki and I want to assure this House: That the Government will deal with all the criminals and banditry in the north rift.

Yesterday the Cabinet approved the shared national security strategy for north rift where now apart from fighting the criminals, we want to invest in the social-economic development of those regions. We want to build schools, open up those areas, build dams and security sector under the implementation of the NSC. We will be there for the long haul.

The problem with the successive Governments was that they were going there for two months and the leaders would call the former President saying, come out. However, no leader will ever call the Commander-in-Chief.

Now I am sure the leaders are also very happy. About 85 per cent of the north rift is now pacified. We have only about 15 per cent. We want to remove the kinetic operation and deal with social-economic development of our people. They must be part and parcel of the Kenyan agenda.

So, we are investing heavily in the modernization of our security forces, from intelligence to the police, to the other special groups and to the KDF.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Hon. Cabinet Secretary. Proceed, Sen. Mandago.

**Sen. Mandago:** Thank you very much, Madam Temporary Speaker. First, let me take this opportunity to thank the Cabinet Secretary for appearing before this Committee.

I had comments regarding the Cabinet Secretary, Hon. Ababu Namwamba, following the comments of the Senator for Bungoma, but since Madam Temporary Speaker you ruled, let me not speak on the matter.

I would like to ask the Cabinet Secretary for Defence, in his response under counselling and psychological support, his response No. 2 was that they have centres that

are tasked with developing psychological support programmes for current and retired service personnel, their families and families of the deceased services personnel.

Hon. Cabinet Secretary, I would like to ask you a question about your officers that we lost in 2016 on whether the people who are responsible have really visited to offer any support since then.

I will give you a case of Corporal Leonard Tata Daniel; Service No. 73046 who was part of the officers that we lost in Somali. The widow happens to be from my county. From 2016, she has not received a phone call, an SMS or a visit.

So, I would like to know whether the person who is in charge is sleeping on the job or whether they are telling the Cabinet Secretary they have visited and they have not visited.

Hon. Cabinet Secretary, for your information my county buried not less than 15 officers during that period of time. I have only given an example because I was able to get in touch with the family.

As that is checked together with that, what happened to the boundary wall? Was it a wall or a trench at the boundary of Somalia? Is it complete and how much did it cost?

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Mandago, how many questions are you asking? I have guided you.

**Sen. Mandago:** Madam Temporary Speaker, it is one question, but it looks like it has appendages.

**The Temporary Speaker** (Sen. Veronica Maina): This has been aggregated into six different issues.

Cabinet Secretary, kindly proceed.

**The Cabinet Secretary for Defence** (Hon. Duale): Madam Temporary Speaker, allow me to start with the last one. Sen. Mandago, you need to file a question to ask about the boundary wall. The supposed wall was not a boundary wall; it was a conduit for stealing public resources. You cannot build a 700-kilometer wall along the border. They constructed about a 10-kilometer wall, but that is one of the ills of the previous administration. You have the oversight role; you can ask them. Some of them are still around and you can call and ask about the wall. When I start building a wall, I shall be ready to answer.

Secondly, we are very sorry. It is not only Somalia, but since Independence. You can find all their names in memorial parks in our camps. There are many men and women in uniform who sacrificed their lives for our national security interest. However, with this particular officer, we offer our condolences to the family.

I was asked a question in the National Assembly on a pension claim by an officer. When I came to answer and gave evidence, the hon. Member realized that the person was lying to him and that he had gotten his pension.

Give us the name so that I can check with the head of our medical team and the other welfare on whether they have visited them. If they have not, I assure you that, in the next two weeks, they shall visit. I am very sorry if that was not done, but I shall check. Before I leave, I will get the name of the widow. We have a very robust insurance



policy not only for widows, but veterans who retire. The Houses of Parliament have passed this.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Cabinet Secretary. Proceed Sen. (Dr.) Lelegwe Ltumbesi.

**Sen. (Dr.) Lelegwe Ltumbesi:** Thank you, Madam Temporary Speaker. I join my colleagues in appreciating the presence and response of the Cabinet Secretary. Based on what he has highlighted, the high demand for the Kenya Defence Forces (KDF) to protect our territorial integrity, I proceed to ask a supplementary question that is connected to the substantive question as asked by Sen. Chute.

Cabinet Secretary, what is the reasoning behind the deployment of KDF to address the current insecurity within our borders, particularly the cattle rustling menace in our country despite the reported lack of success in their efforts? Should they not prioritise and focus on protecting our national integrity in Somalia; a service that is urgently needed in our nation, rather than engaging in our borders for a business that can be dealt with other security agencies of security within our country?

I thank you.

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

**The Cabinet Secretary for Defence** (Hon. Duale): Madam Temporary Speaker, I thought the good Senator for Samburu County would thank the KDF for bringing stability to the six counties of the North Rift, including Samburu. We are in Samburu and the North Rift courtesy of a provision of law.

Article 241(3) (c), states that -

“The Defence Forces may be deployed to restore peace in any part of Kenya affected by unrest or instability only with the approval of the National Assembly”.

Article 241(3)(b) states -

“They shall assist and cooperate with other authorities in situations of emergency or disaster and report to the National Assembly whenever deployed in such situations”.

Currently, we are in the North Rift region courtesy of Article 241(3) (b). If the situation requires that we need to go there ourselves, we shall go to the National Assembly using that Article. I am sure the great Senator comes from that place. It has experienced cattle rustling and banditry since time immemorial in President Kenyatta’s, Moi’s, Kibaki’s and Uhuru’s governments. The time has come to allow the citizens of the region to become part and parcel of the Kenyan development agenda.

Their children must go to school, their women must do business in all the trading centres, roads must be passable, criminals must be dealt with and above all those four counties must benefit from the budget and the national development of this country. Today, I am happy to report that we have dealt with and silenced the guns. We are helping communities. Yesterday, under the direction of the President and Commander in Chief, we approved the ‘Curb Memo’ that Hon. (Prof.) Kindiki and I have initiated and passed by the National Security Council (NSC) before coming to the Cabinet. This was to make sure that as we dealt with the kinetic forces, we could bring socio-economic development.

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The people must get an education in boarding schools where all community children can go, build more dams and boreholes, operationalise health centres and ask the Ministry of Interior to create all the sub-counties and locations that are in areas with no Government presence; open up about 13 to 14 security roads, so that people can move and above all, establish permanent police and military camps to address insecurity and for quick reaction.

Some of those counties are along our borders with South Sudan, Ethiopia and Uganda. We need to make sure that we take less time and protect the territorial integrity that we share with other countries. We have a meeting with the leadership of Samburu, Laikipia and Baringo counties next week. We shall listen and agree with the leaders. Now that we have silenced the guns, they can tell us what more we need to do. From there, we shall go to the ground, the same way we did in other counties and talk to the people.

We have reached the stage of engaging the leadership at a strategic level. Leaders and communities are very important. Without them, we can neither fight terror nor bring development. We shall engage you next week.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you.

Senate Majority Leader, proceed.

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Madam Temporary Speaker. I join the rest of my colleagues in appreciating the Cabinet Secretary for his appearance. Secondly, I commend him for grasping issues in his Ministry. Listening to him, you would think he has served in the military. However, since I know him and his family well, I suspect there are tips he gets from his lovely wife who is a daughter of a general.

Probably, that is where he has gotten all these tips about the things happening in this sector. I had serious concerns about the issues happening in Lamu County. I have heard the Cabinet Secretary responding and he has satisfied me. We are just two or three months' shy of December. He has promised that they have made budgetary provisions for equipment that will help our military officers who are serving in Lamu County and many such areas. It was increasingly troubling to see our soldiers die because of the activities of *Al Shabaab* in that area.

The last comment I will make is softer, which is on behalf of Parliament. Parliament does not have many facilities, some of which we may want to use. The Cabinet Secretary has served as a Parliamentarian and knows that on many occasions, we have to seek the assistance of other Government agencies with regard to facilities, where Members can train and do other social support activities to help them with their work. Particularly, there is preparation for the annual East African Legislative Assembly games and because of lack of stadia, for example, Nyayo Stadium remains unavailable particularly for Members of the football team.

We have tried to seek the intervention of the Ministry of Defence and the Ministry of Interior and National Administration. While his colleague at the Ministry of Interior and National Administration has been gracious and on many occasions Bunge Football Team is allowed to play at the police stadium, we have never received such reciprocated

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support from the military, yet I know that they have good playing facilities along Lang'ata Road. Will the Cabinet Secretary be gracious to permit the Bunge Football Team, because he served here and understands the importance of those games to Members?

He can give an undertaking and find ways of helping us. He can choose to respond directly or later. This is not something related directly to the country; it is more related to us parliamentarians.

**The Cabinet Secretary for Defence** (Hon. Duale): Thank you, Madam Temporary Speaker. Allow me to go on record that I campaigned for the Senate Majority Leader in his first election to the Senate. He is one of the few leaders who grew on the ladder fast. He must be blessed; he also does his job well.

On the Ulinzi Sports Complex, the Speaker needs to write to us. You cannot just walk into a military installation. This stadium is next to Lang'ata Barracks. However, Parliament is a key institution. It is a good facility, which is one of the best. I will urge Senators to use the tracks early in the morning to run and play. There are many other corporates who go to the complex. We are ready to facilitate Parliament.

I do not want to go into the operations in Lamu County. The country will be shocked by the number of terrors attacks we foil every day. We are doing whatever it takes. We will not spare any resources or human capital. Under the direction of our Commander in Chief who wants the country to get the right economic growth and development, security is a top priority of this administration.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Hon. Cabinet Secretary. The Senators will applaud you for that indulgence on the use of stadium.

Sen. Wafula, proceed.

**Sen. Wafula:** Asante, Bi. Spika wa Muda kwa nafasi hii. Nashukuru Waziri kwa majibu ambayo ametupa. Kwa mustakabali na uajibikaji wa Serikali na mawaziri katika Baraza la Mawaziri, ni yapi ambayo mlizingitia kuafiki kwamba askari wa nchi ya Kenya watapelekwa Haiti na sio Jeshi letu?

La pili, ni mfumo, kanuni ama sheria ipi mtakayotumia kuwachagua ama kuwapata vikosi vya vijana wetu shupavu ambao wataenda kuhudumia nchi hii kwenye nchi ya kigeni, kuhakikisha kwamba malengo ya kimataifa yanaafikiwa?

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Cabinet Secretary, proceed to respond.

**The Cabinet Secretary for Defence** (Hon. Duale): Madam Temporary Speaker, that is a good question, but Inspector General, Mr. Koome, and Cabinet Secretary, Hon. Kindiki should be here to answer that question. The Security Council has approved. Parliament has a role in this, my good governor, whom I congratulate for replacing my leader and friend, the Speaker of the National Assembly.

Now that the Security Council has approved, you can file questions on the mechanisms and procedures. I do not want to take the responsibility of my colleague, the Cabinet Secretary for Interior and National Administration.

*[The Temporary Speaker (Sen. Veronica Maina) left the Chair]*

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

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Thang’wa, proceed.

**Sen. Thang’wa:** Thank you, Mr. Temporary Speaker, Sir. The Cabinet Secretary is referring to my colleague as ‘the governor.’ He is the Senator for Bungoma County. However, he may have a vision.

Last week, the Senate was in Turkana County for Senate *Mashinani*. We visited different areas and listened to people. I am not a Member of the Committee on Agriculture, but I joined them in their trip to Katilu Irrigation Scheme. We went there to see the first intake from River Turkwel. We were accompanied by an entourage of police officers. We were told that the area was where the neighbours from Pokot would come and attack the people of Turkana.

The people there said that they would wish for Kenya Defence Forces (KDF) to be stationed there to serve as a buffer zone between the Pokot and the Turkana. I am happy with your statement that you will integrate them in community projects. They do not go there and camp, but get land and use it for irrigation. They are capable of irrigating about two million acres, but only have 2,000 acres under irrigation.

We can use KDF to provide security and food security in this country. If they were put there as a buffer zone between the Pokot and Turkana, there are acres of land where local communities can cultivate. They were giving the suggestion that for locals to proceed from Turkana to Pokot, they go through a KDF camp.

I had time to reflect and as a nation, we need to think about what we need to do for the neighbours. We realized that Turkanas and communities in Laikipia and the Samburus complain of the Pokot attacks. Something needs to be done. Nonetheless, my question was on creation of a buffer zone.

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Cabinet Secretary, proceed to respond.

**The Cabinet Secretary for Defence** (Hon. Duale): Thank you, Mr. Temporary Speaker, Sir. Senator for Kiambu, I apologise. I meant ‘Senator for Bungoma County.’ There are a number of fundamentals to consider. You only talked to the Turkanas; next time, talk to the Pokots, Samburus; people in Laikipia and Baringo. Everybody has his story to tell. The KDF should not create buffer zones between communities. Our buffer zones should be along our borders; the air, the land and the sea. We protect our country.

In this area where you went, do not worry. We will deal with Turkana, Pokot, Samburu, Elgeyo-Marakwet, Tiaty and Baringo criminals. We have dealt with them now. They have felt the weight of KDF and other multiagency teams.

They know that in this administration, they have to choose something else to do. Their historical business of cattle rustling, killing and maiming women and children will not happen under President William Ruto as the Commander in Chief of the Armed Forces. It is good that you have heard it.

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We have a number of small Forward Operating Bases (FOBs) in those areas. Today, if you go to the Kolowa Bridge, Tot in Elgeyo-Marakwet and Baringo, communities are crossing through and everything is going on well. Let us be assured.

Just as the Ministry of Interior and Coordination of National Government is dealing with *chang'aa* brewers, drug dealers, criminals and *wash-wash* in other parts of the country, the story of bandits and criminals in the North Rift and the Northern part of Kenya will be a thing of the past.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, hon. Cabinet Secretary for that particular response.

The Senator of Turkana County, Sen. Lomenen, you may have the Floor.

**Sen. Lomenen:** Thank you, Mr. Temporary Speaker, Sir, for this opportunity. First and foremost, I thank the Cabinet Secretary, Hon. Duale. He is my close friend, but I have missed him in this Chamber for so long because I have been having several questions for him. I know he has been so busy.

Going straight to the point, Turkana County is 77,000 square kilometers. It borders Ethiopia in the area of Kibish, Southern Sudan at Nadapal and Uganda at Lokiriana. Something that is so unique that the Cabinet Secretary is supposed to know is that Pokots are dual citizens. They fight in both Kenya and Uganda. How do you treat them? When they ambush the Turkanas in Kenya, they hide themselves and their weapons in Uganda.

As we talk now, the KDF is not in Uganda. I am also sure it is not located in Ethiopia. It is only located in Southern Sudan at Nadapal. It is my observation that those who are there are very few.

Our citizens from Loima in Turkana County have been mostly harassed by the Ugandan Peoples Defence Forces (UPDF). Even as we talk now, there are people who are imprisoned just because of taking their livestock to Uganda.

You know very well there is the East Africa Treaty which we signed. Citizens for partner states such as Kenya are supposed to enjoy this grazing fields and waters. As we talk right now, there are not supposed to step there in whichever means they will use. The livestock and the people at Lokiriana are suffering.

Mr. Temporary Speaker, Sir, I will need clarification from the Cabinet Secretary responsible why the KDF is not in Uganda, Ethiopia, between West Pokot Uganda, as my colleague Senator said. You should not treat West Pokot as Kenyans only, they are external. They fall both in Uganda and Kenya. Therefore, when they do something, you do not treat them as Kenyans, but differently.

Thank you.

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Cabinet Secretary, please respond to the Senator of Turkana County.

**The Cabinet Secretary for Defence** (Hon. Aden Duale): Thank you, Mr. Temporary Speaker, Sir. The Senator of Turkana County was my friend and colleague in the National Assembly. I apologise here today that at some point in time, we had very unkind words with him on the Senate.

Little did he know that he will come and sit in the Senate and little did I know that I will come and answer questions before the Senate. For me, this is how the world is a roundabout. I apologise for the very many unkind remarks I made against the Senate when I was in the National Assembly.

First, I can only speak for Pokots who are Kenyans. Secondly, I agree with you and thank the County Government and the leadership of Turkana. We now have bases in Turkana County, which we are going to build, including our air force in Lodwar town.

All these are geared to make sure that our people and our country is safe from any incursion from our neighbours. We have very good diplomatic relations with Uganda, Ethiopia and Southern Sudan. These are governments that we deal with everyday to solve any issues concerning our people.

However, on the insecurity and cattle rusting, we have agreed with UPDF that they will deal with banditry on their side and on our side. That is why I am saying that bandits have nowhere to hide. They cannot cross whether they are Turkanas.

I do not want to brand any community as criminals. Criminals are just criminals. They have no place to hide even across the borders in Sudan and Ethiopia. We are talking to those governments and colleagues.

I assure you that there will be bases in all those three borders. Already, we have the one in Southern Sudan. We are going to increase them. We have even brought the Airforce to Lodwar Airport. That is why we are moving from the central area of Kenya and go to the borders to safeguard our people, including the great people of Turkana.

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

Sen. Lemaltian, you had initially made a request.

**Sen. Lemaltian:** Thank you, Mr. Temporary Speaker, Sir. I wanted to ask the hon. Cabinet Secretary, who is our leader from the Northern Kenya why they cannot deploy people who understand the terrain well into these regions, especially the locals as one of the ways to curb insecurity and deal with these bandits. This is because I think Samburu's and Turkanas understand their territory very well. They are the best people to bring peace among themselves.

Thank you.

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Cabinet Secretary, please respond.

**The Cabinet Secretary for Defence** (Hon. Aden Duale): Mr. Temporary Speaker, Sir, I had an incident in Elgeyo-Marakwet and the Cabinet Secretary, hon. Murkomen, and other leaders were with me. In KDF, we do not have communities. We do not have Turkanas and Samburus. We have the KDF under the leadership of the Commander-in-Chief of the Defence Forces.

I think I used to hear that story when I was a Member of Parliament (MP) where you say, "remove this Officer-in-Charge of Station (OCS) because he comes from that community. That does not work in KDF. They are Kenyans and they know the terrain. It is not only Samburus who will know the terrain, we have very good officers in Samburu. In fact, the Major General in charge of training policy and operations at KDF

Headquarters is from Samburu; a very decorated respectable general. However, he is a Kenyan General. He can go anywhere.

I assure our Senator not to worry. Every officer in the rank and file of the KDF knows the terrain and they are Kenyans. We do not want to discriminate them. We want them to work in any part of our country and region, both East African and the Horn of Africa.

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

Hon. Members, that brings us to the close of questions to the Hon. Cabinet Secretary. I appreciate him for his versed knowledge and commitment to the Ministry.

I confirm to him that his apology to the House for the comments he previously made in the other House is accepted. We acknowledge the fact that you have committed to honour and respect both Houses of Parliament.

We will welcome you once again to answer Questions. I know that there are many Hon. Senators who would want to ask questions and supplementary questions. Since you have taken your time today to respond to this one, we will welcome you once again in another session.

We look forward to your responses on what is relevant to your Ministry.

With that, Hon. Cabinet Secretary, you are discharged with appreciation from the Chair and the House.

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

Hon. Senators, we need to call the next order of business.  
Proceed, Clerk.

## BILL

### *Second Reading*

#### THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL (NATIONAL ASSEMBLY BILLS NO.23 OF 2023)

*(Sen. (Dr.) Khalwale on 3.10.2023)*

*(Resumption of debate interrupted on 3.10.2023)*

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Senators, this is a Bill that we had yesterday. We adjourned the House when Sen. Mandago was on the Floor. He had 17 minutes remaining to conclude his contribution in support of the Bill that was moved yesterday by the Majority Whip.

Sen. Mandago, are you ready to proceed?

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*(Sen. Mandago spoke off record)*

Take the microphone.

**Sen. Mandago:** Mr. Temporary Speaker, Sir, as I stated yesterday before my time was up, I support the County Government's Additional Allocation Bill. This will add close to Kshs56 billion to counties, which will aid in making sure that services are delivered to citizens.

However, I had reservations about some of the programmes. I concur with Sen. Mungatana of Tana River County that there are programmes that are designed and conceptualized by Ministries in a manner that befits the geographical location where the Cabinet Secretary comes from.

You would find that a programme costing Kshs10 billion, Kshs15 billion or kshs20 billion is being designed for three, five or eight counties, as opposed to putting into consideration equity that we are supposed to guarantee for all the counties.

Therefore, even as we support this Bill, going forward, it would be prudent for some of those programmes to be reviewed to make sure that there is equity and that they cover all populations in the country without discriminating. Otherwise, it would mean that if you are from a county where the Cabinet Secretary does not come from, you will be here supporting additional allocation, but allocation will be skewed towards particular regions.

I agree with my brother, Sen. Mungatana, that there is need to review the planning and budgeting processes at the National Treasury. It cannot be that a county will benefit from eight programmes conceptualized by the national Government, while other counties get zero or a portion of one of the programmes. The work of this House is to protect devolution to ensure there is equity.

The principal purpose of devolution, in its inception, was to deal with the deliberate marginalization of some regions, to make sure there is equity. That way, this country is developed across the nation in a fair and equitable manner. Therefore, the lives of Kenyans, regardless of which corner they come from, is equally improved and have fair living standards.

Mr. Temporary Speaker, Sir, we were in Turkana for Senate *Mashinani*. I know that my colleagues in other Committees have painted the performance of Turkana otherwise.

I also want to challenge and say that counties that were privileged before devolution, like Uasin Gishu, my own county, where we have tarmac, Nyeri where they have provincial headquarters, Mombasa and Nairobi, will never understand where devolution has brought some of those counties. That is why we are keen on making sure that these allocations are equitable.

People must understand that before devolution, in the 77,000 square kilometres of Turkana, we only had two hospitals in Lodwar Town and Lokichogio. Some of these Senators do not understand that to travel from Lodwar, the County Headquarters of Turkana to the furthest border of Turkana and Ethiopia, you would travel another 500

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kilometres with no good road. Today, as we speak, we have ward hospitals in all the 30 wards of Turkana County.

Therefore, I urge my colleagues that whenever we visit counties, seeing a structure or visiting a place is not sufficient to make conclusions and cast aspersions on county performance until we get proper documentation and the report of the Auditor-General.

These funds need equity and proper protection. As we pass these additional allocations, we have successful programmes at county levels that are donor-driven, for example, the Kenya Urban Support programme and Kenya Informal Settlement Improvement programmes. As a Senate, we shall need to further ring-fence these funds for particular activities.

Since these are additional allocations, we do not expect that these funds will be used for recurrent expenses that are not related to the development budget. This is because there is a general misconception in terms of accounting that all the funds in counties classified as recurrent expenditure are wasteful.

That is why I have always called for the Kenya Accounting Standards Board (KASB) to review the classification of Government accounts in this country. This is because there are recurrent expenditures that are development in nature.

For example, funds for running a county, the procurement of non-pharmaceutical drugs, training and fuel for county-owned machines for grading a road, are all treated as recurrent expenditure. However, that is not wasteful expenditure. That is why there is need for reclassification.

As these funds go down to counties, we need to make them specific. They should not be used for any recurrent expenditure that is not development-related.

Mr. Temporary Speaker, Sir, when we do that, we shall realize quicker development and more services to the citizens of our counties. This will be tailor-made to answer specific problems that counties are going through.

Mr. Temporary Speaker, Sir, if you go to the Kenya Urban Support Program (KUSP), you will see that most urban centres' and county headquarters' roads in this country were greatly improved when KUSP was running. That money was strictly designed for improvement of infrastructure around county headquarters and major urban centres.

As I contribute to this Motion, my County, Uasin Gishu will be receiving an additional one billion shillings. We would want to see an increase in service delivery following this new allocation. The additional allocation confirms that there are still more resources at the national Government level that are meant for devolved functions, but are still held by the national Government.

Mr. Temporary Speaker, this is one route the Senate can take to make sure that we increase allocation to counties, even for functions that are shared or concurrent between counties and national governments. As we continue with these additional allocations, we shall also review other funds that had been set aside under these conditional allocations.

For example, I believe that counties are yet to get value for money for the managed equipment that was paid for. I want to be on record and say that those

contractors who were contracted on managed equipment should not rest until they make sure they supply all the equipment they were contracted to supply to our counties. Further, if there is any allegation that a county was not ready to receive that equipment and they paid for it, that equipment should be supplied, taken to the Ministry of Health (MOH) and the Ministry should donate to any county or a national facility that is ready to use them.

However, there is no way suppliers should go away with Kenyan funds without supplying. It is equivalent to paying for oxygen. You cannot have a field day, yet you did not manufacture or supply, they were not inspected and received and funds have been paid.

Mr. Temporary Speaker, Sir, on the allocation for maintenance under the Kshs5.8 billion, which is under the managed equipment, I urge the MOH that even if there is a need to maintain that equipment, the cost of maintenance of the equipment that was not supplied should be deducted from that whole figure. The cost of that contract should be anything less than the Kshs5.8 billion. This is because you cannot service what you never supplied.

It cannot be that, that figure is based on the overall expectation that a supplier was supposed to deliver all this equipment; they failed to deliver part of that equipment and they are paid again the total sum figure of maintenance of that equipment. That will be unfair to the citizens of this country and we would expect the MOH to make sure that they are only paying for services that have been consumed.

Mr. Temporary Speaker, Sir, I still agree with the framers and the designers of the programme that the managed equipment was and is still a good programme. It only needs to be properly engineered and made to provide value for money for whatever we are doing.

Part of the funds in the additional allocations is a grant from the Danish International Development Agency in Kenya (DANIDA). The grant from DANIDA has been supporting our facilities and is a good example of a fund that has helped improve health in counties. This is the first programme that supported facilities directly at the facility level; that counties were required to receive the money and send to the health facilities, so that any shortcomings of budgetary provisions from counties, would be catered for by these funds.

Mr. Temporary Speaker, Sir, that is why I thank this honourable House for passing the Facilities Improvement Financing Bill. This Bill is going to revolutionize health management and empower the community and facilities in order for them to discharge services to *wananchi*, so that when the Universal Health Coverage (UHC) package is rolled out and facilities will be adequately prepared now that there is legislation. We are also encouraging the national Government and other development partners to now send funds directly to the facilities, so that the decision making and the turnaround time it takes on the provision of non-pharma, pharmaceuticals or any other items that need to be procured is shortened; and that funds are available at facilities and citizens do not have to go to any facility and get referred to any other facility, other than where it is necessary to have a referral.

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I request the National Treasury to expedite on disbursement once this Bill is passed. I have no doubt in mind, looking at the demonstration and the commitment of the national Government in releasing funds to counties. I have said before that present-time governors are very fortunate since they have timely release of resources. I am sure these additional allocations will be released on time, so that counties can utilize them and that no businessmen or suppliers of goods and services will have to lose their businesses. Kenyans as well will not lose their jobs on account of businesses getting closed and, in the end, those doing business and those receiving services, will have a reason to celebrate this administration.

I thank you, Mr. Temporary Speaker.

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

Sen. Thang'wa.

**Sen. Thang'wa:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to support the County Government Additional Allocations Bill, 2023. Kiambu County is receiving an additional allocation of Kshs1.2 billion, which is 2 per cent of the whole additional allocation of Kshs56 billion that is going to all the counties.

I am happy that the Senate is working hard to make sure that these monies are channelled to the counties that we represent. The Kenya Kwanza Administration gives out on a timely basis without being late, even for a day. Every 15<sup>th</sup> of every month, each county receives its share. I can give an example. On 15<sup>th</sup> July, Kiambu County received Kshs1 billion. On 15<sup>th</sup> August, it received Kshs978 million and on 15<sup>th</sup> September it received Kshs1 billion. Within the next 11 days, it received another Kshs978 million.

Mr. Temporary Speaker, Sir, that is what we had passed previously. However, today, we are coming to pass and approve this Bill to make sure that Kiambu gets an additional allocation of Kshs1.2 billion. Now that Senate has done its part by making sure that counties have gotten their monies, it needs to take this a notch higher. We cannot be working hard to send money to the counties, yet governors do not utilize those monies sent to their counties.

*(Applause)*

They are unable to commit. I can say here without blinking that the County Government of Kiambu at the close of Financial Year (FY) 2022/2023, they were unable to spend Kshs3 billion. It disappeared. We were unable to commit and the Governor was unable to spend it, and yet, he had pending bills of Kshs5.2 billion.

Mr. Temporary Speaker, Sir, I do not know what to call that if not incompetence. The Senate should say that if you are unable to spend monies that have been sent to you, then that should be calculated as incompetence. You are not able to work, yet we are working hard to send money to counties, while some counties are crying they do not have money for the governors not to spend that money.

Mr. Temporary Speaker, Sir, I am really happy that within this additional allocation. I have seen Kshs250 million going to the county aggregated industrial park. I was beginning to worry why we do not have one in Kiambu County. This is because it

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was launched in Busia, Kakamega, Bungoma, Mombasa, Narok, and in all the Azimio governors' areas.

I was wondering if it was governors from my side of Kenya Kwanza that were not embracing this. However, at least we see there is money for the county aggregated industrial park for Kiambu County. So, there is no reason that the Cabinet Secretary for Trade, Investment and Industry should not come to Kiambu County very soon to launch this.

Mr. Temporary Speaker, Sir, out of Kshs1.2 billion, Kshs160 million is for fertilizer subsidy. Kiambu County is an agricultural zone. As we await these monies, we would want to urge the county government to come up with a good structure of giving out this fertilizer. Some of them are using this fertilizer as a campaign tool, giving fertilizer to somebody who does not even have land. They can only put fertilizer on their flowers that are just in their corridors because they do not have land.

So, I think the county government should come clear and come out with a very nice framework to make sure that this fertilizer gets to those who deserve. That is the coffee, tea farmers, any other crop and so on.

Mr. Temporary Speaker, Sir, in the Second Schedule of the Bill, counties are receiving money from the court fines. If you break the county legislation, you are taken to court. Whatever fine you find from breaking a county legislation, that money is reverted back to that county.

I can tell that Kiambu County is receiving Kshs5 million from court fines, of which I would want to caution my people just to adhere to the county laws. I would not be happy to know that my people are being fined, so that this money can now be channelled to development. I tell my people to follow the laws of the counties.

However, I have noted other counties who are receiving a bigger allocation from the court fines are Mombasa, which is receiving Kshs13 million; Machakos, Kshs14 million; and Nairobi City County, Kshs70 million.

The question, is it that the people of Nairobi City County break the law more than other counties; or is it that the other people from other counties who are not accustomed to the county legislation when they come here, they are fined?

I think this is something the Committee on Devolution should check to see whether we have the best county legislation in Nairobi City County and other counties. This is because economic times are not so good for our people, so that we do not find our people just like that.

Mr. Temporary Speaker, Sir, Kiambu County is receiving Kshs500 million, that is a half a billion, from the development partners, that is World Bank. This is going to so many different projects.

However, I have an interest in one called National Agriculture and Rural Inclusive Growth Project (NARIGP). NARIGP is giving Kiambu Kshs150 million.

I am bringing this issue and that is what I am saying, if governors are unable to use these funds to where they are supposed to be used, I think we should mark that as a sign of incompetence.

Kiambu County was about to lose Kshs114 million from the previous financial year. This is because the county government executive was unable to procure some ESP machinery for Limuru Dairy in Kiambu County, that the World Bank had given that county almost two years ago. Now, because of procurement issues and the need that somebody needed a kickback, they were taken round and round. If it were not for my intervention and that of the Member of Parliament (MP) for Limuru, Kiambu County would have lost this amount.

The intervention was to write to the World Bank to channel this money directly to the Limuru Dairy. Since the County Government is unable to provide such needed equipment for Limuru Dairy that is serving about 200,000 farmers. It is not just Limuru, but also Gatundu, Kabete and even Githunguri where I come from.

So, right now we have another Kshs150 million. I would want to urge the Governor of Kiambu County and his Government, to use this money. We are working very hard. As the Senator for Kiambu County, I am working very hard to make sure that this money goes to the county. However, if this money cannot be spent or used the way it is supposed to be used, then I believe someone is sleeping on the job.

The Fourth Schedule is additional conditional grants and Kiambu County is benefiting from Kshs149 million of livestock value chain support. I believe we have no reason not to work for the people of Kenya and Kiambu.

Mr. Temporary Speaker, Sir, I have to speak on behalf of the people of Kiambu because the monies are at the county. It is a high time and I know you will support me or agree with me when I say, we even need to disorganize the way we oversight governors.

Governors come to the County Public Accounts Committee (CPAC) and we have to wait for audited report. With the oversight function, we do not have to be waiting for the auditor's report. The report I am giving now is enough to make CPAC invite a governor. We do not have to wait for a governor to mismanage a county, then we question him a year later. Today, we are questioning governors of the previous governors.

So, if we do have proper regional CPACs--- I am saying regional because I do understand the problem of Kiambu County. I have a lot of respect for the Chair of CPAC who is Sen. M. Kajwang', who is a friend of my Governor. They were together here. I am not saying anything but what I am saying is, if that Committee had Chairs from Mt. Kenya and it was chaired by the Senators for Mt. Kenya like five or six of us, we will be able to understand that we are not only fighting for our neighbours; but also for ourselves.

I cannot feel comfortable having a Senator from far away. We were asking a question here on why we are taking the police to Haiti. How many thousands of kilometres, Sen. (Dr.). Khalwale?

**Sen. (Dr.) Khalwale:** 12,000 kilometres.

**Sen. Thang'wa:** Yes, 12, 000 kilometres and we are questioning that and yet I am tasking a Senator who is 7,000 kilometres from me, to take care of my county.

I believe it is a high time we check on our Standing Orders to make sure that I am given an opportunity to oversight my county. It is sad to see money going back to the coffers and the governor is not working. I then have to wait for a whole year to ask a question that I could have asked when it happened, because we are seeing it happening.

Most monies going to counties are for development and of course recurrent and there will be money that will go to the health facilities. I asked on the Floor of this House about money deducted from employees of a county government for the National Health Insurance Fund (NHIF) was withdrawn and taken to a private entity.

Mr. Temporary Speaker, Sir, we are talking about Universal Health Care (UHC) here. The Government is providing the best in NHIF but here you have a governor who wants to get out of NHIF and go to a private entity. On why he would do that, your guess is as good as mine. However, it has been months since I brought that Statement here and the governor has not been summoned. We have not received any response and here I am.

That is why we need to form oversight Committees or CPAC or CPAIC that are regional. With that, we can fight for our people collectively. If today I have not received any information one year down the line, what does that tell us and here we are sending money to counties?

Most World Bank grants and loans are project based. They do not send money blindly. That is why sometimes you see projects funded by the World Bank are paid on time and are thoroughly done. I would urge whenever the National Treasury is bringing this Bill that the itemized projects to be done by the World Bank be listed so that when they say they are giving Kshs150 million for NARIGP, I should be told what is going to happen to enable us to follow up with our governors.

As I conclude, Kiambu County owes contractors and other over Kshs5 billion as pending bills. I use this opportunity because I am working on an amendment of the Public Finance Management (PFM) Act that will help cure the issue of pending bills. We have pending bills because when governors are passing their budgets, they over project their own-source revenues.

In Financial Year 2022/2023, Kiambu County said they would collect Kshs3 billion, but they collected Kshs2.1billion. There was a deficit yet they had already earmarked and committed the Kshs3 billion. Can you imagine as we speak today, the current budget for Kiambu County 2023/2024 on own-source revenue is projected at Kshs7 billion? If you could not collect Kshs3 billion, how are you going to collect Kshs7 billion?

They are going to over commit this Kshs7 billion in projects and then they shall collect Kshs3 billion. Another deficit of Kshs4 billion shall occur plus the previous Kshs5 billion that will make almost Kshs10 billion. Maybe the incoming governors in 2027 shall not work, but just pay pending bills. That is why I want to bring this amendment to the House so that when you are over projecting your own-source revenue you can only do so to a certain percentage of the previous collection.

If Kiambu County had collected Kshs2 billion, you can only over-project maybe 20 per cent higher that will be Kshs2 billion plus Kshs200 million. This way we shall make sure that counties are transparent. If at all you collect more, you can always do a supplementary budget.

As a Senate this is the time, we stand with each other. The same way you are a Senator representing interest of your counties, hear me out because my county is burning and we are losing money in Kiambu County. Assist me to make sure that the people of

Kiambu are well represented and the money is prudently used to make sure services are rendered to them.

Otherwise, we shall be coming here every day because somebody has a few friends. Sen. Chimera, brought a Bill here to bar former governors from running for Senate seats. You should add a clause in it saying that even those governors who have friends in the Senate should not contest because their friends in this House are protecting them. It is high time we listened to one another and fight for our counties.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Temporary Speaker, Sir.

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

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, I hate to interrupt my young colleague, but did you hear him say that there are Senators here who are protecting governors who are corrupt? I rise under Standing Order No. 105 to request that he substantiate because I am definitely not one of those Senators protecting crooked, thieving and stealing governors that he now has to substantiate.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Thang'wa, kindly substantiate on that particular allegation. It is a grave one for that matter particularly with regard to Members who are sitting in this House.

**Sen. Thang'wa:** Mr. Temporary Speaker, Sir, there is an English saying that goes; if it walks like a duck, quacks like a duck, then it is a duck. My county Governor was supposed to appear in the County Public Investments and Special Funds Committee (CPISFC) by March this year. It was extended to July and now it has been extended to this month. I do not know whether there will be another extension.

I do not want to insinuate anything. I urge that we help the people of Kiambu County because I would not want my Governor to be brought here the same way the people of Meru County brought Hon. Kawira Mwangaza because I know his file is not as good---

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Thang'wa, do you want to be informed by Sen. Osotsi?

**Sen. Thang'wa:** Yes, he is my Chairperson in the CPISFC. He can inform me.

**The Temporary Speaker** (Sen. Wakili Sigei): Very well. Proceed Sen. Osotsi.

**Sen. Osotsi:** Mr. Temporary Speaker, Sir, my good friend the Senator for Kiambu County knows the problem that we have with his Governor appearing before our accountability Committee. He is a distinguished Member of my Committee, CPISFC and we have a similar problem with the Governor of Kiambu County appearing before us. We have had to postpone three times because documents were not in the prescribed format. We got to a point whereby we had to summon him to appear before us. I just wanted to inform him that there is something, particularly wrong with the Governor of Kiambu County.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Thang'wa, can you conclude as you substantiate the issue as was raised by---

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker---

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. (Dr.) Khalwale, I have not given you the opportunity.

Proceed, Sen. Thang'wa.

**Sen. Thang'wa:** Sen. (Dr.) Khalwale, did you want to inform me? Okay. Thank you, Mr. Temporary Speaker, Sir, and Hon. Chair because---

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. (Dr.) Khalwale, do you have an intervention?

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

**The Temporary Speaker** (Sen. Wakili Sigei): What is it?

**Sen. (Dr.) Khalwale:** Thank you, Mr. Temporary Speaker, Sir, for your indulgence. The issue raised by the Chair of CPISFC and by the Senator for Kiambu County who is also a Member of CPISFC is monumental. They need to make a formal submission to the House so that this House can assist them. I remember in the 11<sup>th</sup> Parliament, the former Governor for Kakamega County applied the same tactics and never appeared before this House.

Thank God that his file has now been handed over to the Directorate of Criminal Investigations (DCI). It was handed over by the Ethic and Anti-Corruption Commission (EACC) yesterday. Let us not wait for the people of Kiambu County to lose money only for us to do post-mortems 10 years later. Could this Senate afford CPISFC the opportunity to prosecute the Governor of Kiambu County if, indeed, he is doing these things?

**Sen. Osotsi:** It is a bunch of operatives.

**The Temporary Speaker** (Sen. Wakili Sigei): I believe what the chairperson of the committee was saying when he made specific reference to a particular problem is that they must have a solution to that effect. I do not know, but take cue from the comments by Sen. (Dr.) Khalwale and also what has been raised by Sen. Thang'wa. As you conclude Senator on your comments, see to that.

**Sen. Thang'wa:** Thank you, Mr. Temporary Speaker, Sir. I thank my Chair for CPISFC because he is a very able Chair and we always discuss these issues. He understands how sometimes I become angry at the Committee. He actually was about to fine my Governor Kshs500,000 for skipping a sitting. It took my indulgence to implore on him not to fine my Governor Kshs500,000 because I believe we give them a chance.

However, if somebody is not learning; and that is why Sen. (Dr.) Khalwale is saying it is time to crack the whip and invite those governors. If we have to change our Standing Orders to have governors come and stand here the same way the Cabinet Secretaries are doing, we can do that. Actually, it is more important than anything to have a governor appear here. We should not only wait for them only when they are impeached or removed.

I want to urge my Governor to work with people. I would not want him to go the "Kawira way" and be brought here because I cannot guarantee his return.

I thank you.

**The Temporary Speaker** (Sen. Wakili Sigei): Senate Majority Leader, proceed.



**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Mr. Temporary Speaker, Sir, for the chance to contribute to the County Government Additional Allocations Bill (National Assembly Bills No. 23 of 2023). This is an important Bill in the sense that it is a child of the Senate. Those who have served long enough in the Budget and Finance Committee know that before there was something called ‘the condition and unconditional grants’.

Many county governments would additionally receive resources through various schemes and policies of the national Government without due regard to any procedure and reference to any Committee of the Senate.

At the Budget and Finance Committee, we began to raise the concerns about the increasing number of allocations that were being sent to county governments, initially they were in small amounts of Kshs2 billion or Kshs3 billion.

Subsequently, when we realized the figures were growing over and above tens of billions, as a Senate, we raised the concerns about the need to have a formula and establish mechanisms through which any additional funds that go to our counties are determined. Also, the assurance thereof that there is no systemic process in which other counties are being marginalized.

This House serves to protect the interests of counties and their governments. After years of haggling about this conversation, the Committee on Budget and Finance developed this mechanism. First, the formula through which you make the determination of what is condition or what is unconditional and the spread-out of how each county benefit. The same will be evident in the Bill.

If you read through the First, Second and Third Schedules, you will see counties that do not have minerals. However, I do not believe that there are counties that do not have minerals. I will refer to them as counties that have not exploited their mineral activities and, therefore, do not benefit under the Third Schedule in the mineral collections. I listened to the Senator who contributed before me speak on the issue of fines.

This Bill is a brainchild of the Senate, after rigorous work and thoughts of colleague Senators on what we need to do. Having a determined formula and ways in which you send additional resources to our counties. I am happy and proud that this House has made a significant contribution in entrenching and furthering devolution. This is one of the great tenets of why this House exist.

The Bill before us, sets out the formula and determination of the proceeds of loans and grants from development partners and other programmes that the national Government is running in collaboration with the county Government.

I must commend this administration for one thing that most people do not appreciate and celebrate. This administration has finally unlocked the constitutional dictates of Article 189 of the Constitution on the cooperation between counties and the national Government. Many are the times that there were programmes being run – like the leased medical equipment, which is part of the funds that are on this schedule – where decisions on procurement, allocation, determination of who deserves what were concluded in Nairobi with minimal or no regard to our county government.

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Take a look at the fertilizer subsidy programme and the coordination and agreement in the schedules. I hear many people argue that they see resources remain at the Ministry of Agriculture. If we continue the way this Bill is structured, soon such conversations will be of the past. Much as you want to centralise certain things on policy, despite the fact that many people, especially our colleagues from the minority side may not like to see any coin remain with the national Government for obvious reasons. Would it make sense for each county to be left on their own to import their own fertilizer? Or you would rather centralise it, have standards and determination of what is due.

If you read through the schedule, based on the 2019 censuses, each farming household unit per county is listed and there is a weight to it. This weight is the factor which informs the bags of fertilizer due to a particular county and the resources follows the same. If it was left to be procured, it will be costly for the simple reason of the economies of scale. It makes more sense to place a more significant order. This is a no brainer.

Mr. Temporary Speaker, Sir, I like the spirit of cooperation between national and county governments in the Bill where it makes it more affordable. It actually gives better advantage to the people we represent. Sometimes we tend to blur the lines and forget that there is only one taxpayer who does not have two pockets from which he pays one to the county and another to the national Government. When they pay taxes they expect that 'we' that serve in Parliament, will have the financial discipline to determine for them what is the best and prudent ways to get services closer to them.

I like the proposals in the Bill of including the reporting mechanisms put in place. This is a new model of drafting our Bills which I want Members to take note and be cognizant of, especially Members that serve in Committees. Many times we consider Bills and we give huge responsibilities to Cabinet Secretaries without demanding that they come back to this House with a reporting mechanism on how they are executing those responsibilities that we have given unto them.

I like the fact that this Bill proposes that in the 15<sup>th</sup> of each month this House will be furnished with reports of how much resources under this Bill have been sent to our counties. This is an important tenet.

There is a good culture that is long lost in this House and I have drafted a letter to the Controller of Budget on this. I feel as Senators, we are not making the best use of that office. Previously, when you went to the Senators lounge you would find a huge pile of books on expenditure and Exchequer releases to our counties. This culture has since disappeared.

Hardly do you ever find those books. Many colleagues would struggle to tell you the last disbursement that went to their counties. Yet these are figures and statistics that will help you appreciate whether your governor is being prudent with the resources that you fight so hard to ensure they go to our counties.

We should interact and invite the Controller of Budget (CoB) to this House, so that we take her to task on various issues happening in our counties. You can control financial propriety in our counties, including who gets paid, for what services at what time, using the office of the CoB. Then we are not just reduced to morticians of waiting

for the results from the Auditor General at the end of a financial year to say what happened. We want our reports promptly and nothing stops her.

When we eventually meet her, we will demand that she does not have to bring those long expensive copies. Our Government is talking about austerity measures to save on cost. Send me the statement of the county Government operations to my *WhatsApp*. I have no business demanding that it be in a hard copy. I am the only Senator of Kericho after all. They know me and my phone number. Let me have that report in a prompt manner without any due consideration to Government protocols so that I know the amount being released and how it is spent.

Two days ago, at the National Dialogue Committee (NDC), I took to task the Council of Governors (CoG) who appeared before us. I have another report that I will be sharing with Members in the next two weeks. Hon. Members, do you know that all our 47 county governments are in violation of Schedule 25 of our Regulations on Expenditure? There is not a single county that is spending more than 20 per cent on development. All of them spend about 15 per cent and we are just seated here as Senators.

I have invited the CoB. I have told her that she must appear before a Committee of the Whole of the entire Senate. Senators want to know why she is allowing counties to spend over and above legislative determinations that have already been made; the 70/30 principle. That principle was put there for a reason.

We know very well that the easiest way with which you can pilfer resources is through recurrent expenditures. This is because there are small things like fuel, printing, paying so and so and all these funny programmes that county governors are running. You find a governor running with mattresses, chicken and whatnot under recurrent vote saying they have brought this donation. That is why none of them is at 35 per cent. Very few are above 25 per cent. Most of them and sadly, for your information Senators, are below 20 per cent.

This is a worrying trend that we must begin to question as Senate. We must demand from the CoB and ask, what is it that my county Kericho, your county Sen. Osotsi and the rest, determine? Let your governor appear before us and file a recovery plan. I believe the reason why, for example, the national Government is in the financial and debt distress that we find ourselves in as a country is because of managing our resources the way counties are beginning to operate. People imagine that as long as this is Government, somehow money will always be found. They do not want to run it prudently knowing that resources are finite. That somehow, they must have an end.

Sen. Thang'wa has just spoken about how many of our counties continuously inflate their own source revenue with the simple motivation of growing their development budget. This is so that at the end of it, they can procure, take the 10 per cent and never pay those contractors. There is absolutely nobody in their right mind right now in this county who can seek to be a county contractor unless the governor is their relative. Otherwise, any ordinary contractor knows, that the minute you conclude that job, you begin even a more difficult one of trying to get paid. Many times, they will never be paid. People have been auctioned.

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Mr. Temporary Speaker, Sir, as a Senate, these are the things that we need to interact with and rise above. I believe our job is not just legislating, passing laws and such beautiful pieces of legislation. We must follow like a good Chief Executive Officer (CEO). Some time back, I said that a Senator is like the Chairman of a board and the Governor is the CEO. Oversight responsibility is on us to ensure that your governor presents the financial report of how the company, otherwise known as a county government, performed in that particular year. How did they use the resources that were sent to them? How much brought services proximate to the people?

Take time to read through and understand, what your governor is doing. Where are these resources disappearing to? Why is it that when you move around the county, the despondency levels are at an all-time high? People still speaking about the lack of basic amenities such as drugs in our facilities, all the roads that were built between 2013 and now, none is being maintained. We will soon get to a point where our people will give up and say that they thought this was coming to save them, it is even worse than when things were centralised at the national Government.

Mr. Temporary Speaker, Sir, I hope at that session, when we interact with the CoB, we will send a notice so that all the Senators can appear during that particular meeting. In fact, my proposal is to let it be a Committee of the Whole so that we share our frustration and disappointment with that particular office. Including the difficulties of why many counties are not able to access the resources sent to them sometimes. I have listened to governors who say that the reason why many governors are able to access those resources in an easy manner, is that they part with something. Those who do not give are frustrated and have to wait for months and services are delayed. They know that the minute you pay, then nobody asks you.

It is a demand of us as a Senate that when a county government presents, for example, its list of suppliers and people to be paid for services that they have offered, there shall be no alteration. If there is to be an alteration, then it is with the authority of the CoB. Therefore, I look forward to that particular meeting.

Mr. Temporary Speaker, Sir, I celebrate the spirit and ingenuity that is in this particular Bill and the various programmes and proposals. Members, take time to read and understand.

We need to put an end to, for example, this issue of the five counties that we began in the first term when Sen. (Dr.) Khalwale was in the Senate, we served with him in that particular Committee when he allocated resources for five counties that never had district headquarters to build their county headquarters. He went on leave for a good five years, he is back and we are still giving resources to those five counties.

We need to bring this and many other programmes that are listed here to a close because it does not make financial sense for us to continue to disburse the same.

Mr. Temporary Speaker, Sir, lastly, as I said, I like the fact that each segregated category points you out to the performance of your county. I believe every part of this country has something they can mine. If you have not exploited your mining potential, then do not expect anything on Schedule Three. That is why if you go to Schedule Three

of the Bill under minerals, almost 20 counties; mine included, are on zero. What can you be given if you have not made any contribution?

I expected Kwale County to lead. Sen. Chimera is here. He will look out for us on what has been the contribution to mining activities. Sen. (Dr.) Khalwale, challenge your people. I saw in Cabinet yesterday that they allowed artisan miners to continue to ply their trade. You know those people who come with a *karai* and shake water and say there is gold. I do not know what gold is called in Luhya. We must move our people from that kind of mining practice and see what possibilities we have.

I know they had closed the issue of issuing mining licenses, but I saw in the dispatch of Cabinet yesterday because it has since been opened. I am sure if Sen. (Dr.) Khalwale was to exploit that potential, there will be a bigger contribution to their column under Kakamega than what is there now.

I support this Bill and hope that we can conclude it speedily so that these resources can be released to our counties.

Mr. Temporary Speaker, Sir, with those many remarks, I thank you.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you so much, the Senate Majority Leader for your contribution. I can confirm that the House will definitely support the requirements that you have requested in the Committee of the Whole.

Sen. Osotsi, you may have the Floor.

**Sen. Osotsi:** Thank you, Mr. Temporary Speaker, Sir, for the opportunity to also express my views on this very important Bill. From the onset, this is a good Bill. I agree with the Senate Majority Leader that one of the most fundamental things done by this Senate is to come up with this Bill. Before that, money used to be sent to the counties; the additional allocations, without a proper legislative framework. In most cases, the Senate did not know that money had been sent to our counties.

Mr. Temporary Speaker, Sir, with the introduction of this Bill, we have been able to monitor all the monies that are sent to our counties outside the shareable revenue that we pass every year. The additional allocation has three components. That is a share of the national Government, sharable revenue, loans from development partners and grants. These are the monies that are sent after we pass the sharable revenue that goes to the counties. This is significant amounts of money. I recommend that after this very important step that this Senate has done, the next aspect is how we oversight the usage of this money.

Mr. Temporary Speaker, Sir, I know my colleagues have talked about committee interventions, but it is high time that Senate considered coming up with a special committee on accountability of additional allocation. I am saying that because I know County Public Accounts Committee (CPAC) and County Public Investment and Special Funds Committee (CPISFC) are quite busy with the other aspects of accountability.

We need a special accountability committee on the issue of additional allocation so that this committee will be there to look at how these monies are utilized. It will also monitor projects on the ground because this particular Bill has come to us without the specific projects, especially for this donor money.

It is important - and I agree with the Sen of Kiambu County - that maybe in the next Bill that will come to us, we would like to see, for example, that if it supports agricultural sector, the specific projects that we are approving. When these monies go to the ground, it ends up in projects that are sometimes are not even there. They are hot air.

It is important that we have a special accountability committee on additional allocation. This is so that we enhance our oversight and ensure that all the funds that are sent to our counties outside the sharable revenue are equally monitored and properly oversighted.

I have gone through the Bill and have some reservation. I know that we are putting in money towards aggregated industrial park. We have seen the Cabinet Secretary for Investment, Trade and Industry, Hon. Kuria, aggressively moving around the country and launching these parks. However, when you look at the Schedule that has been provided, only 18 counties have been given the Kshs250 million.

My county is not included among the 18. The County of Kakamega where my big brother Sen. (Dr.) Khalwale is the Senator, has nothing, but the Cabinet Secretary is launching these things. He will be in Vihiga launching the industrial park on Friday. What is he launching when there is no money or budget for it?

Mr. Temporary Speaker, Sir, if we decided we want to give Kshs250 million to counties, we should have done that to all the counties. If not ready, we delay until the next year. What criteria was used in this idea of only listing 18 counties and leaving out the others? I do not understand the hurry that hon. Kuria is in by launching these things.

They are launching in my own county on Friday and there is no public participation or intervention by the County Assembly. What is he coming to launch?

Still on industrial park, the arrangement is that the national Government gives Kshs250 million and the county contributes Kshs250 million. Many counties will have a problem raising these monies. I know my county has budgetary issues. We may not be able to raise Kshs250 million at a go.

It also requires the intervention and the approval by the County Assembly. So, I am seeing in this Bill, another Kshs250 million has been allocated to a donor fund called the National Agriculture Value Chain Development Project (NAVCDP). Basically, this is the money that is going towards supporting value chain initiative in our counties.

I urge this Senate to be very careful because some of the counties will end up using that Kshs250 million towards these industrial park projects. This money is meant to be used in those industrial parks for value addition and not capital expenditure. That is an area that we need to notice.

On the issue of mineral royalties, there is no clear criteria defined in this Bill on how these royalties were given. My county is getting zero yet I see a lot of mineral activities. We have artisans, but also big companies which are prospecting gold in Kakamega and Vihiga counties.

Some of them pretend they are prospecting yet they are mining. We have ended up getting zero. Kakamega County is only getting Kshs16,000 yet there is a lot of gold activity happening there.

That is why I agree with Sen. Mandago. We will not sit here and pass these things, which are manipulated by relevant Cabinet Secretaries to favour their region. If you look at the allocation to the Coast, it is almost a quarter of what has been allocated to the entire country. I know there is a lot of minerals in Kwale and Taita Taveta counties, but there is no justification of giving one county Kshs3 billion and zero to Western.

Where is this gold that is mined taken? How do you tell us that we have zero royalties? Next time, the committee that handles this Bill must ask for the criteria that has been used to allocate this money.

Mr. Temporary Speaker, Sir, I like the way the fertilizer subsidies allocation has been done. There is a criterion of how they are allocating. We want the same to be applied to mineral royalties and not in just telling us that here is the schedule. There is no criteria that has been defined.

I have talked about the itemized projects and my friend Sen. Karungo Thang'wa has also alluded to this. It is important for us to know the projects that are being funded. We have this project called National Agricultural and Rural Inclusive Growth Project (NARIGP). That is a cash cow. Every year, we give money to that project. However, when you go on the ground, there are no projects.

Hon. Members in this House, including myself, we have raised statements on this issue of NARIGP. It is important for this Senate to have a proper inquiry on how these funds are utilized on the ground. Some groups are fake, they even collude with county officials and banks to draw money on these projects yet there is nothing on the ground.

Sen. Karungo Thang'wa has talked about timely disbursement of funds. I agree that this regime has been able to ensure that the money has been sent to our counties before conclusion of the year. Practically that money does not reach the counties in time because of the bureaucracies at the office of the CoB at National Treasury, Integrated Financial Management Information Systems (IFMIS). So, you find that two months later counties are still chasing that money.

I agree with Senate Majority Leader that it is high time that this House held a serious engagement with the CoB because a lot of things are happening at that office.

**The Temporary Speaker** (Sen. (Wakili Sigei): Sen. Osotsi, it is one o'clock, you will have an additional eight minutes to continue with your contribution when we resume in the afternoon.

## ADJOURNMENT

Hon. Senators, it is now 1.00 p.m., time to adjourn the Senate. This House, therefore, stands adjourned until today Wednesday 4<sup>th</sup> October, 2023 at 2.30 p.m.

The Senate rose at 1.00 p.m.