



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

THE HANSARD

Wednesday, 19th November 2025

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

Hon. Speaker: Serjeant-at-Arms, ring the Quorum Bell.

(The Quorum Bell was rung)

Order, Hon. Members. We now have quorum to proceed. I implore you to come to the Chamber early. We have lost a whole 13 minutes.

Clerk-at-the-Table, let us proceed.

MESSAGE

PASSAGE OF BILLS BY THE SENATE

Hon. Speaker: Hon. Members, pursuant to the provisions of Standing Order 41(4), I report to the House that I have received three Messages from the Senate regarding the passage of two National Assembly Bills and one Senate Bill as follows—

1. The Technopolis Bill (National Assembly Bill No.6 of 2024).
2. The Cooperatives Bill (National Assembly Bill No.7 of 2024).
3. The County Governments Additional Allocations (No.2) Bill (Senate Bill No.8 of 2025).

The First and Second Messages convey that on Wednesday, 12th November 2025, the Senate considered and passed the Technopolis Bill (National Assembly Bill No.6 of 2024) and the Cooperatives Bill (National Assembly Bill No.7 of 2024) with amendments. You may recall that the National Assembly considered and passed the Technopolis Bill, 2024 and the Cooperatives Bill, 2024 on 19th November 2024 and 3rd December 2024 respectively. Thereafter, I referred the two Bills to the Senate for consideration pursuant to the provisions of Article 110(4) of the Constitution. The Senate has now referred the said Bills back for reconsideration pursuant to Article 112(1) (b) of the Constitution. The National Assembly is, therefore, required to consider the Senate amendments to the two Bills.

In this regard, Honourable Members, I refer the Senate amendments to the Technopolis Bill (National Assembly Bill No.6 of 2024) to the Departmental Committee on Communication, Information and Innovation for consideration. With respect to the Cooperatives Bill (National Assembly Bill No.7 of 2024), the Senate Amendments stand committed to the Departmental Committee on Trade, Industry and Cooperatives.

To facilitate consideration of the Senate Amendments to the two Bills, the Clerk is directed to circulate the Schedule of Amendments to all Members and the relevant Committees as required by the Standing Orders. I urge the two Committees to prioritise the consideration of the Senate Amendments to the respective Bills and report to the House as soon as is practicable to enable the House to consider the amendments to the Bills.

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The Third Message from the Senate conveys that, on Wednesday, 12th November 2025, the Senate considered and agreed to the National Assembly amendments to the County Governments Additional Allocations (No.2) Bill (Senate Bill No.8 of 2025). You will recall that this House passed the said Bill on 30th September 2025, with amendments, following which I referred the Schedule of National Assembly Amendments to the Senate for consideration in accordance with Article 110(4) of the Constitution.

The approval of the National Assembly Amendments to the Bill by the Senate now concludes the bicameral consideration of the Bill in accordance with the provisions of Article 112 of the Constitution.

The House is accordingly informed.

Next Order.

PAPERS

Hon. Owen Baya (Kilifi North, UDA): Hon. Speaker, I beg to lay the following Papers on the Table:

1. The following Legal Notices and the Explanatory Memorandum from the Ministry of Energy and Petroleum:
 - (b) Legal Notice No.181 of 2025 relating to the Petroleum Development Levy (Amendment) Order, 2025;
 - (c) Legal Notice No.182 of 2025 relating to the Petroleum (Licensing of Petroleum Road Transportation Business) (No. 2) Regulations, 2025;
 - (d) Legal Notice No.183 of 2025 relating to the Petroleum (Business Licensing and Petroleum Logistics Facility Construction Permit) (No.2) Regulations, 2025;
 - (e) Legal Notice No.184 of 2025 relating to the Petroleum (Operation of Common User Petroleum facilities) Regulations, 2025;
 - (f) Legal Notice No.185 of 2025 relating to the Petroleum (Products Quality Management) (No.2) Regulations, 2025;
 - (g) Legal Notice No.186 of 2025 relating to the Petroleum (Lubricants Facility Construction and Business Licensing) (No.2) Regulations, 2025;
 - (h) Legal Notice No.187 of 2025 relating to the Petroleum (Information and Statistics) (No.2) Regulations, 2025;
 - (i) Legal Notice No.188 of 2025 relating to the Petroleum (Retail Dispensing Site Construction and Licensing) (No.2) Regulations, 2025; and
 - (j) Legal Notice No.189 of 2025 relating to the Petroleum (Liquefied Petroleum Gas) (No.2) Regulations, 2025.
2. Reports of the Auditor-General and financial statements for the year ended 30th June 2025 and the certificates therein, in respect of—
 - (a) Kenya Veterinary Board;
 - (b) Support to Water and Sanitation Services in Peri-Urban Area (KFW Loan No.BMZ 2013.6543.6) to the Athi Water Works Development Agency;
 - (c) Nairobi Water and Sanitation Project (Credit No.CKE113501H) to the Athi Water Works Development Agency;
 - (d) Universities Fund;
 - (e) Kenya Institute of Curriculum Development Mortgage and Car Loan Scheme;

- (f) TVET Curriculum Development, Assessment and Certification Council;
- (g) Kenya Digital Economy Acceleration Project (KDEAP) (Credit Nos. 7289-Ke and 7290-Ke) to the Information and Communications Technology Authority;
- (h) Centre for Mathematics, Science and Technology Education in Africa (CEMASTEA);
- (i) Kenya National Commission for UNESCO Mortgage and Car Loan Scheme;
- (j) National Youth Opportunities Towards Advancement (Nyota) Project (Credit No. IDA 7356) to the State Department for Youth Affairs and Creative Economy; and,
- (k) Independent Electoral and Boundaries Commission Staff Mortgage and Car Loan Scheme.

Hon. Speaker: Chairperson of Departmental Committee on Justice and Legal Affairs.
Hon. Udgoon, are you a Member of the Committee?

Hon. Amina Siyad (Garissa County, JP): Yes.

Hon. Speaker: Go ahead.

Hon. Amina Siyad (Garissa County, JP): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Justice and Legal Affairs on its consideration of the Penal Code (Amendment) Bill (National Assembly Bill No.53 of 2024)

Thank you, Hon. Speaker.

Hon. Speaker: Chairperson of the Departmental Committee on Trade, Industry and Cooperatives.

Hon. Marianne Kitany (Aldai, UDA): Hon. Speaker, I beg to lay the following Papers on the Table:

Reports of the Departmental Committee on Trade, Industry and Cooperatives on its inquiry into—

- (a) The alleged discrimination of local investors in the transport and logistics sector by multinational companies in Kenya.
- (b) The proposed sale of shares in East African Portland Cement PLC.

Thank you.

Hon. Speaker: Chairperson of the Constitutional Implementation Oversight Committee, Hon. Caroli.

Hon. Caroli Omondi (Suba South, ODM): Hon. Speaker, I beg to lay the following Paper on the Table:

Fourth Report of the Constitutional Implementation Oversight Committee on the status of implementation of the Constitution by—

- (a) Independent Electoral and Boundaries Commission.
- (b) Office of Data Protection Commissioner.

Thank you very much, Hon. Speaker.

Hon. Speaker: Chairperson of the Public Petitions Committee.

Hon. Muchangi Karembe (Runyenjes, UDA): Hon. Speaker, I beg to lay the following Papers on the Table:

Reports of the Public Petitions Committee on its consideration of—

- (a) Public Petition No.76 of 2023 by Mr Roberts Njunukha Wekesa regarding discrimination by the Teachers Service Commission on

career progression guidelines for special needs education teachers in Kenya.

- (b) Public Petition No.15 of 2024 by Hon. Vincent Musyoka regarding gazettlement of Mwala and Kalama sub-counties of Machakos County as hardship areas.
- (c) Public Petition No.20 of 2024 by Hon. Bernard Kitur regarding mismanagement of Nandi Teachers Sacco and ownership of Mwalimu Plaza building in Kapsabet Town.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. (Dr) Christine Ombaka.

Hon. (Dr) Christine Ombaka (Siaya County, ODM): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the National Assembly Delegation to the 69th Session of the Commission on the Status of Women, held in New York, USA, from 10th to 21st March 2025.

I was the Leader of the Delegation. Thank you.

Hon. Speaker: Next Order.

NOTICES OF MOTIONS

Hon. Speaker: Chair of Departmental Committee on Trade, Industry and Cooperatives.

ADOPTION OF REPORT ON ALLEGED DISCRIMINATION OF LOCAL INVESTORS IN THE TRANSPORT AND LOGISTICS SECTOR

Hon. Marianne Kitany (Aldai, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Trade, Industry and Cooperatives on its inquiry into the alleged discrimination of local investors in the transport and logistics sector by multinational companies in the country, laid on the Table of the House on Wednesday, 19th November 2025.

ADOPTION OF REPORT ON PROPOSED SALE OF SHARES OF EAST AFRICAN PORTLAND CEMENT

Hon. Marianne Kitany (Aldai, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Trade, Industry and Cooperatives on its inquiry into the proposed sale of shares of the East African Portland Cement PLC, laid on the Table of the House on Wednesday, 19th November 2025.

Hon. Speaker: Chairperson of Constitutional Implementation and Oversight Committee, Hon. Caroli.

ADOPTION OF FOURTH REPORT ON THE STATUS OF IMPLEMENTATION OF THE CONSTITUTION

Hon. Caroli Omondi (Suba South, ODM): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Fourth Report of the Constitutional Implementation and Oversight Committee, laid on the Table of the House on Wednesday, 19th November 2025, on the status of implementation of the Constitution by—

- (a) The Independent Electoral and Boundaries Commission
- (b) The Office of the Data Protection Commissioner.

Thank you very much, Hon. Speaker.

Hon. Speaker: Hon. Karembe of the Public Petitions Committee.

**ADOPTION OF REPORT ON DISCRIMINATION ON
CAREER PROGRESSION GUIDELINES FOR
SPECIAL NEEDS EDUCATION TEACHERS**

Hon. Muchangi Karembe (Runyenjes, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Public Petitions Committee on its consideration of Public Petition No.76 of 2023 regarding discrimination on career progression guidelines for special needs education teachers in Kenya, laid on the Table of the House on Wednesday, 19th November 2025.

**ADOPTION OF REPORT ON GAZETTEMENT OF
MWALA AND KALAMA SUB-COUNTIES AS
HARDSHIP AREAS**

Hon. Muchangi Karembe (Runyenjes, UDA): Secondly, Hon. Speaker, I beg to give notice of the following motion:

THAT, this House adopts the Report of the Public Petitions Committee on its consideration of Public Petition No.15 of 2024 regarding gazettlement of Mwala and Kalama sub-counties of Machakos County as hardship areas, laid on the Table of the House on Wednesday, 19th November 2025.

Thank you, Hon. Speaker.

QUESTIONS AND STATEMENTS

STATEMENT

Hon. Speaker: Leader of the Majority Party.

BUSINESS FOR WEEK OF 24TH – 28TH NOVEMBER 2025

Hon. Owen Baya (Kilifi North, UDA): Hon. Speaker, pursuant to the provisions of Standing Order 44(2) (a), I rise to give a Statement on behalf of the House Business Committee, which met yesterday, 18th November 2025 to prioritise business for consideration during the week.

As you had previously communicated, His Excellency the President is scheduled to deliver the 13th State of the Nation Address tomorrow, Thursday, 20th November 2025, in the National Assembly Chamber. In this regard, much of the business that will not have been concluded today will be deferred to next week. Notably, the Standing Orders provide for up to four sitting days for debate on the Exposition of Public Policy Contained in the Address of the President. It is, therefore, expected that debate on the President's Address will commence on

Tuesday, 25th November 2025. I urge Members to be present and actively participate during the debate.

The Leader of the Majority Party usually presents this Statement on Thursdays but we have to do it today because of the aforementioned President's Address to be delivered tomorrow.

Hon. Speaker, in accordance with the provisions of Standing Orders 42A (5) and (6), the Cabinet Secretary for Interior and National Administration is scheduled to appear before the House on the afternoon of Wednesday, 26th November 2025 to respond to the Questions hereunder. I hope the respective Members are present so that they know when they are scheduled to ask Questions.

1. Question No.085/2025 by the Member for Yatta, Hon. Robert Basil, regarding the omission of gazettlement of proposed administrative units in Yatta Sub-County.
2. Question No.086/2025 by the Member for Ndhiwa, Hon. Peters Owino, regarding harassment and cross-border challenges facing Kenyan fishermen in Lake Victoria.
3. Question No.088/2025 by the Member for Vihiga County, Hon. (Dr) Beatrice Adagala, regarding investigations and justice for the death of Ms Zeytun Kavaya.
4. Question No.089/2025 by the Member for Tharaka, Hon. George Murugara, regarding irregular allocation of police recruitment slots in Tharaka West Sub-County.
5. Question No.090/2025 by the Member for Turkana North, Hon. Ekwom Naibun, regarding police recruitment irregularities in Turkana North Constituency.

In conclusion, the House Business Committee will reconvene on Tuesday, 25th November 2025 to schedule business for the rest of that week.

I lay the Statement on the Table of the House.

(Hon. Owen Baya laid the document on the Table)

Hon. Speaker: Thank you, Hon. Baya. We still have Questions. We are expecting two Cabinet Secretaries. There are two approved Questions for the Prime Cabinet Secretary, who had indicated that he would come. If he is around, bring him to the Chamber. Hold on. The Serjeant-at-Arms can bring him. The Cabinet Secretary for Agriculture and Livestock is also supposed to be here to answer Questions. I have been told by the Clerk that a letter was sent to his Office, signed by a junior officer in the Ministry, and not the Cabinet Secretary himself or the Principal Secretary, indicating that he had prior engagements elsewhere, which were not described.

I should make my next statement when the Prime Cabinet Secretary is present because oversight of Cabinet Secretaries is part of his portfolio.

(A staff of the Prime Cabinet Secretary was ushered in)

Take your seat. Where is your Cabinet Secretary?

(The Prime Cabinet Secretary walked into the Chamber)

Welcome, Prime Cabinet Secretary. I was informing the Leader of the Majority Party that we are expecting you in the House to answer Questions and here you are, as beautifully as

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you should be. We were also expecting the Cabinet Secretary for Agriculture and Livestock but he is not here. A letter was sent to our Clerk signed by a junior officer in the Ministry. The letter is neither signed by the Cabinet Secretary nor the Principal Secretary and simply indicates that the Cabinet Secretary had prior arrangements elsewhere. That is unacceptable.

Under the Constitution, all Cabinet Secretaries are accountable to this House before anywhere else. They can be summoned at anytime and anywhere by the plenary or Committees of the House, even in Lodwar. The Cabinet Secretary has a duty to go and answer questions because that is what the Constitution provides. This House has a duty not only to legislate, but to also oversee the Executive and to appropriate resources for Departments of Government that we oversee. So, this House takes a very dim view of the casual response by the Cabinet Secretary for Agriculture and Livestock to an invite to appear before us.

If a Cabinet Secretary does not turn up upon being invited, the Constitution enjoins us to summon him or her. Any summons would carry consequences of a penal nature like those in the Judiciary. So, we advise you as the Prime Cabinet Secretary, whose portfolio includes parliamentary liaison, to inform Cabinet Secretaries that an invitation to appear before Parliament is not a joke. We invite you because Members of Parliament represent Kenyans and file Questions on their behalf in furtherance of their duty to hold the Executive accountable. Inform the Cabinet Secretary of the same. In the meantime, I will define certain sanctions against that Ministry, so that we wake up everybody in the Executive.

Yes, Leader of the Minority Party.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, I would just like to buttress your ruling. A tendency is creeping in where members of the Executive think that we bother them by inviting them to this House or Committees of the House. I have been receiving many complaints from Members that Principal Secretaries and Cabinet Secretaries do not appear before Committees when summoned. I recently called one Principal Secretary and he had the audacity to tell me that he may have to open an office in Parliament if he has to appear here every now and then. This House was created to hold the Executive accountable. That is why we are here. We do not have any other business in this country other than serving the interests of Kenyans. The Constitution is very clear in Articles 94, 95 and 96 that Parliament takes care of the interests of Kenyans. If you have no time to appear before Parliament, then you are in the wrong business. You are not supposed to be a Cabinet Secretary or a Principal Secretary.

The new Constitution enforced the principle of separation of powers. Members of the Executive now think that they are not answerable to the House because we are no longer under the old Constitution. Some notorious Cabinet Secretaries do not bother coming to the House. We will name them after we resume from consideration of the State of the Nation Address. Parliamentary business must be taken very seriously. They previously used to complain that they were being harassed and that Members would ask for “facilitation” but there is no longer anything like that. They are the ones refusing to appear before Parliament to answer Questions of concern to the people. So, your statement is timely and we must ensure that it is adhered to. Otherwise, there will be consequences.

Hon. Speaker: Yes, Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Speaker. We do not expect a Cabinet Secretary to defy a call to appear before Parliament. I also want to note that I saw the aforementioned Cabinet Secretary in the Senate this morning. His refusal to appear before the National Assembly is a slight against this House. Therefore, as you said, there will be consequences. We would like you to be very penal on the same so that Cabinet Secretaries know that they have a constitutional duty to come to Parliament to be overseen because this is the...

Hon. Speaker: In fact, it is not just a duty. The Constitution says that they are responsible to Parliament.

Hon. Owen Baya: (Kilifi North, UDA): Hon. Speaker, they must honour that responsibility. Therefore, we invite you to impose a huge penalty on them so that they do not ever again defy invites from this House. I also want to speak when the Prime Cabinet Secretary is here. We expect Cabinet Secretaries to do better than what they are doing now.

Many times, when our Committees invite them, or they bring Statements to the House through Committee Chairpersons, the Statements go back and forth because they do not give satisfactory responses to requested Statements. Let the Prime Cabinet Secretary inform them that we do not want somebody to just give a Statement because he wants to do away with the Statement. We want Statements that can actually stand the test of time. Many times, Chairpersons of Committees bring Statements which are signed by Cabinet Secretaries but the Statements are trashed for lack of content and significance in them. This is, therefore, important information that Cabinet Secretaries must consider.

Thank you.

Hon. Speaker: Hon. Karembe. What is it?

Hon. Muchangi Karembe (Runyenjes, UDA): Thank you, Hon. Speaker. I cannot wait for the sanctions. Today, I am very frustrated by the absence of one Cabinet Secretary whom I had anticipated would come. The absence of Cabinet Secretaries makes our work very difficult because we have to keep waiting for them until when they are available while, in every quarter, the country waits for reports to be submitted.

Hon. Speaker, the idea of sanctioning them is indeed timely. Do it right away.

Hon. Speaker: Hon. Ng'eno.

Hon. Johana Kipyegon (Emurua Dikirr, UDA): Thank you, Hon. Speaker. I also wish to reiterate that apart from Cabinet Secretaries appearing before this House, it should be made known that their appearance before Committees is fundamental. They should never abscond when they are asked to appear before Committees.

Secondly, I do not know if it is this House that should make a ruling. There is proper separation of powers, duties, functions and responsibilities. The Senate represents counties while the National Assembly represent the people. Sometimes I wonder why Cabinet Secretaries spend their time in the Senate yet they are not fully responsible to the Senate but to the National Assembly, just like governors are not responsible to the National Assembly.

Hon. Speaker: Your analogy is irrelevant. We do not care where else they go. This is the National Assembly and Cabinet Secretaries are responsible to this House. Whether it is Committee or Plenary, they carry the same importance, the same weight and the same value.

Hon. Johana Kipyegon (Emurua Dikirr, UDA): I am well guided, Hon. Speaker. That is why I am saying that they should not be giving excuses to the effect that they have been appearing at the Senate and maybe that is why they do not have time to appear before the National Assembly.

Thank you.

Hon. Speaker: Hon. Irene Mayaka, is it on the same matter? Make it quick. One minute.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Speaker. I also want to comment on the reason they give for not honouring invites from the National Assembly – that, they had other prior official engagements. It seems like they have a template that they all use because that is the same response all Cabinet Secretaries and Principal Secretaries give us every time we call them to appear before Committees. That needs to be taken as a very serious matter.

For example, in my Committee, we have always sent letters to the Cabinet Secretary for East Africa, Arid and Semi-Arid Lands and Regional Development, but we have never had an opportunity to meet the Cabinet Secretary. We always get apologies and yet we have an EAC Summit coming up. This matter needs to be taken very seriously.

Hon. Speaker: Any Committee that is having a frustration with a Cabinet Secretary should write to the Speaker. This House has dismissed a Deputy President. It can do the same to a Cabinet Secretary.

Hon. K' Oyoo.

Hon. James K'Oyoo (Muhoroni, ODM): Thank you very much, Hon. Speaker. I have come running because one of the issues that the Cabinet Secretary for Agriculture and Livestock Development was to react to is mine.

Hon. Speaker: The Cabinet Secretary is engaged elsewhere.

(An Hon. Member spoke off the record)

Hon. James K'Oyoo (Muhoroni, ODM): If he is in Muhoroni, he did not contact me. If he were to be there, I would have known. The issue that I put to him is that people are dying on the ground and I wanted him to come with a solution. We are not going to continue waiting in perpetuity.

Hon. Speaker: Point made. Prime Cabinet Secretary, you can hear the frustration of my Members. You know that the Department of Liaison lies in your office. We encourage you to whip these Cabinet Secretaries to respond to invitations. Otherwise, we will graduate invitations to summons and summons will be followed by sanctions and sanctions can be followed by something worse.

Let us now go to Questions to the Prime Cabinet Secretary. I Welcome, Hon. Mudavadi to answer the Questions.

We have two questions for you. I call upon the Member for Laikipia East, Hon. Sarah Korere, to ask Question 087/2025.

ORDINARY QUESTION

Question 087/2025

IDADI YA WAKENYA WANAOISHI TANZANIA

Hon. Sarah Korere (Laikipia North, JP): Mhe. Spika, je Mkuu wa Mawaziri aliye pia Waziri wa masuala ya Nje na Ughaibuni anaweza:

1. Kutoa ripoti kuhusu idadi ya rai wa Kenya waliosajiliwa na wasiosajiliwa, wanaoishi na kufanya kazi katika Jamhuri ya Muungano ya Tanzania kufikia tarehe 29 Oktoba 2025?
2. Kubainisha iwapo kuliripotiwa vifo vyovyote vya raia wa Kenya katika Jamhuri ya Muungano ya Tanzania kipindi cha uchaguzi uliofanyika tarehe 29 Oktoba 2025 na baadaye ikiwemo idadi ya vifo pamoja na hatua zilizochukuliwa kurudisha marehemu kwa jamii zao nchini Kenya?
3. Kutaja ni biashara ngapi za wakenya zimeathiriwa na ghasia katika kipindi cha uchaguzi katika Jamhuri ya Muungano ya Tanzania?
4. Kueleza hatua ambazo Wizara ya masuala ya Nje na Ughaibuni imechukua ikishirikiana na Serikali ya Jamhuri ya Muungano ya Tanzania, kutambua walipo Wakenya walioripotiwa kutoweka baada ya uchaguzi?

Hon. Speaker: Hon. Sarah, although your Question is in Kiswahili, the response I have received is in English. The Prime Cabinet Secretary will answer you in English. Is that all right?

Hon. Sarah Korere (Laikipia North, JP): Mhe. Spika ni sawa. Nakielewa Kimombo.

Hon. Speaker: Whoever is saying “No” should read the Constitution. There are several official languages – English, Kiswahili, Braille and Kenyan Sign Language.

Go ahead, Prime Cabinet Secretary.

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

First, let me acknowledge communication from you, Hon. Speaker, regarding the failure by several Cabinet Secretaries to respond appropriately to calls of the House. I will take up the matter. I am sure when we meet next time, there will be a record of better response. So, may I take this opportunity to apologise on their behalf and at the same time say that I will take up the necessary action.

Regarding the first aspect of the Question raised by Hon. Sarah Korere, which is on registration and presence of Kenyan citizens residing, working, studying or operating businesses in the United Republic of Tanzania as of 29th October 2025, I would like to respond as follows.

I wish to state the following based on the records maintained by the Kenya High Commission in Dar es Salaam, the Kenya Consulate in Arusha, official statistics provided by the Government of Tanzania and data from the Kenya High Commission and the Consulate.

Between 2021 and October 2025, a total of 766 Kenyan citizens physically registered with the Kenya High Commission in Dar es Salaam and the Kenya Consulate in Arusha. In addition, the Mission Online Registration Portal, which was very active between 2021 and June 2023, has so far recorded 276,186 Kenyan entries into Tanzania, covering both short-term and long-term stays.

Statistics from the United Republic of Tanzania from July 2023 to June 2024 are as follows. During the reporting period, the Government of Tanzania issued the following to Kenyan nationals: 448 students' gratis passes, 879 work permits, 370 registered business entities owned by Kenyans, and 1,806 residence permits for workers and self-employed Kenyans. This totals 3,503 Kenyan citizens documented as residing in or conducting socioeconomic activities in Tanzania during the period under review. That is from the Tanzanian records.

I wish to note that the high number of work and residence permits issued indicates growing labour mobility and expanding economic engagement by Kenyan citizens within Tanzania, presumably driven by the free movement of people and capital within the East African Community (EAC). This data shows a steady increase in cross-border economic integration consistent with the objectives and spirit of EAC.

The second aspect of her question concerns the deaths. I wish to respond as follows. On the reported deaths of Kenyan nationals during or after the elections of 29th October 2025 and the repatriation measures taken to date, and based on the information received from the Kenyan missions in Arusha and Dar es Salaam, there has been one confirmed death of a Kenyan national linked to the unrest surrounding the 29th October 2025. The deceased, Mr John Ongutu, a Kenyan teacher at Sky Schools in Kinondoni District, was shot dead on 29th October 2025 at approximately 7.00 p.m. in Goba Centre, Ubungo District area, Dar es Salaam.

I wish to point out that in response, the Kenya High Commission, with support from Sky Schools, conducted visits to government hospital mortuaries in Dar es Salaam to trace and identify the remains of Mr Ongutu. However, these efforts have so far been unsuccessful. The Kenya High Commission formally notified Tanzanian authorities through diplomatic channels and requested their assistance in locating the body. I personally wrote to the Minister for Foreign and East African Community Affairs of Tanzania to seek his urgent intervention. The Kenya High Commission remains in constant engagement with the Tanzanian authorities. However, the body of the late Mr Ongutu is yet to be traced, and we are following up accordingly. Once the body or the remains are found, the Embassy shall facilitate the repatriation.

The third aspect of the Hon. Member's question was on Kenyan-owned businesses affected by election-related violence. Hon. Speaker, I wish to respond as follows. The preliminary assessment by the Kenya High Commission and field officers indicates that no significant Kenyan-owned businesses reported incidents of damage, looting, or temporary closure during the election period. The Mission has only noted an incident at the Namanga One-Stop Border Post, where a tear gas canister thrown by Tanzanian security forces landed on the Kenyan side and struck the KRA cargo scanner area. The incident was reported through established channels, and additional security support was deployed from Kajiado. There was no major impact and no further related incidents.

The fourth aspect of the Hon. Member's question concerned measures being taken to locate Kenyans reported missing after the elections. I wish to respond as follows. There were no reported cases of missing Kenyan nationals following the unrest associated with the general elections in the United Republic of Tanzania. However, the Mission received reports of several Kenyans who had been arrested and detained in various locations across Tanzania. In response, the Kenya High Commission dispatched a team of officers to the respective police stations and immigration officers to verify their arrests, provide consular assistance, and engage local authorities.

Following the Government of Kenya's intervention through the High Commission, all but two of the detained Kenyans have since been released. The remaining two individuals are Mr Samuel Kagila and Stephen Ndungu Kimani, who are currently held at Arusha Central Police Station. The Mission remains actively engaged with Tanzanian authorities, and efforts are ongoing to secure their release. The Ministry has also sought assurances that the two Kenyans will be accorded full due process, including access to legal representation and timely production before a competent court.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Korere, umetosheka?

Hon. Sarah Korere (Laikipia North, JP): Mhe. Spika, sijatosheka kamili. Hii ni kwa sababu taarifa tunazozipata ni kuwa kuna baadhi ya Wakenya ambao hawajui walipo wapendwa wao. Kando na hilo, tunajua kwamba katika Taifa la Kenya na Jamhuri ya Muungano ya Tanzania, kuna mengi ambayo yanatushikanisha. Bali na binadamu, kuna viumbe vingine vya Kenya ambavyo vinapatikana Tanzania. Kwa hivyo, ni vyema wizara yetu husika iweze kuwajibika. Ninamshukuru Waziri kwa sababu ameonyesha kwamba wizara imewajibika, lakini waendelee kuwajibika zaidi ili tujue walipo Wakenya wote. Pia, ule uhusiano wa undugu baina ya nchi hizi mbili uendelee kuwepo hata baada ya uchaguzi wa nchi yoyote.

Hon. Speaker: Thank you. Hon. Tandaza.

Hon. Kassim Tandaza (Matuga, ANC): Asante, Mhe. Spika. Langu litakuwa fupi. Zanzibar ama Unguja ni sehemu ya Jamhuri ya Tanzania. Tunashangaa kwamba Wazanzibari wanapokuja Kenya, tunawapatia taratibu za kawaida kama ndugu zetu, lakini Mkenya anapoenda Zanzibar anahitajika kulipa takriban US\$ 44 kama bima, na haijalishi kama mtu anakaa siku moja au mbili. Ninapotoka, Tanzania na Zanzibar ni jirani na tuna familia kule. Kwa nini watutoze bima ya afya US\$ 44 ilhali wao wakija huku hawatozwi chochote? Asante.

Hon. Speaker: Yes, Hon. Mwenje.

Hon. Mark Mwenje (Embakasi West, JP): Thank you, Hon. Speaker. I have a question for the Cabinet Secretary. As you are aware, we had two Kenyans who were lost in Uganda, more notably a gentleman called Nicholas Oyoo, who is my constituent. This was due to political developments in Uganda, although the issue was resolved before I brought my statement.

We have a number of Kenyans who suffer in Uganda and in Tanzania for various reasons, including a matter raised by Hon. Korere, where people conducting businesses in those

countries are harassed. Some are even suspected of being involved in politics when they are simply conducting business. Yet, in reverse, here in Nairobi, particularly in my constituency, there are many undocumented Tanzanians conducting businesses, and our Government does nothing. We allow them to conduct businesses freely.

Is it time for the Ministry of Foreign and Diaspora Affairs to document all Tanzanians and Ugandans conducting businesses in Kenya? This information should be made public and shared with our neighbours so that they are aware that their citizens are also conducting businesses here, and understand what is at stake when they harass our citizens in their countries.

Thank you, Hon. Speaker.

Hon. Speaker: Yes, Hon. (Prof) Jaldesa.

Hon. (Prof) Guyo Jaldesa (Moyale, UPIA): Thank you, Hon. Speaker. I want to raise a question about five Kenyans who have been reported to be held in Russia and taken to the warfront in Ukraine. We have names of five Kenyans: Edwin Wafula, Howard Mutindi, Issah Halake, Peter Mureithi and Patrick Obonyo. Is the Cabinet Secretary aware of their situation? What steps have been taken to repatriate them safely back to Kenya?

Hon. Speaker: Hon. Okuome.

Hon. Adipo Okuome (Karachuonyo, ODM): Thank you, Hon. Speaker. Please permit me to say that a Kenyan is a Kenyan, whether they are within or outside the country. If a Kenyan is outside the country, particularly next door in Tanzania or Uganda, and something happens to them, as in the cases we are referring to, our Government must show serious concern. This will enable Kenyans, both inside and outside the country, to know that their Government cares about them. I hope the Prime Cabinet Secretary is taking note and will act.

Thank you, Hon. Speaker.

Hon. Speaker: You can answer those.

The Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs (Hon. Musalia Mudavadi): Thank you, Hon. Speaker. I will respond to the issues raised.

Hon. Speaker: Hon. Korere made a complementary statement that does not require a response.

(Hon. Sarah Korere spoke off the record)

Hon. Korere, you just complemented what he said—Chukua microphone.

Hon. Sarah Korere (Laikipia North, JP): Hon. Speaker, I stated that Kenyans are still missing. According to the Cabinet Secretary, there are no reports of missing Kenyans. However, people have reported that more Kenyans are unaccounted for, and their whereabouts are unknown. The Ministry should know where they are and reach out to their families, so that we have complete information on those reported missing.

The Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs (Hon. Musalia Mudavadi): Thank you, Hon. Speaker. I indicated in my statement that Mr Ongutu passed away, and we are trying to trace his remains. I also stated that other Kenyans had been held in police stations and had since been released. I also said that we are now left with two, and these are the ones we have records of.

I want to appeal to the Hon. Member and to everyone listening that, if any other Kenyans are missing, the mission in Dar es Salaam is ready to receive details. Equally, at the Ministry Headquarters here in Nairobi, we can obtain details to pursue the matter and establish whether they are in danger or facing any other issues. We are open to following up on that.

Regarding Zanzibar and the US\$42 claim for medical cover, the Government of Kenya has been reflecting on this matter. We have seen situations where people cross into Kenya to seek medical assistance in our hospitals without being charged for any insurance coverage.

This is an issue in Tanzania. The Government of Kenya is debating internally whether to provide insurance coverage for some visitors to Kenya. This will ensure that, in case they fall sick, the burden does not fall solely on the Kenyan taxpayer but is covered by insurance. That is something I just wanted to highlight. We have noted it and hope this can be balanced in the future.

Regarding the Kenyans who were in Uganda, Nicholas Oyoo and Njagi, I would like to state that they are happy and safe at home. The Government of Kenya engaged fully with the Government of Uganda to secure their release. We also know that many Kenyans travelling abroad do not register or inform the Kenyan embassy in the country they are going to. We stumble upon these issues when we are in a moment of distress. We encourage Kenyans travelling abroad to notify our embassies where we have missions that they are in that country, so that, in the event of any Save our Souls (SOS), the Government of Kenya can intervene.

Hon. Raphael Wanjala (Budalangi, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Hon. Wanjala, what is your point of order? Do you have a question?

Hon. Raphael Wanjala (Budalangi, ODM): It is a point of order. The Prime Cabinet Secretary is misleading the House. Some of us live along the lake border, and people move in and out when they are going fishing. They will not go to the island to fish and then move all the way to Kampala, where we have the embassy, to report. They are simply moving in and out of Kenya. Is he in order to suggest that we need to report to the Kampala office when we have only gone fishing?

Hon. Speaker: Go ahead and answer the question. Hon. Members, allow the Prime Cabinet Secretary to respond to the issues raised earlier. Hon. Oundo, I know you are tied to Hon. Wanjala on the issue of the lake and fishing. For those of you with problems, please allow him to finish answering the earlier questions first.

The Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs (Hon. Musalia Mudavadi): Thank you, Hon. Speaker. In certain instances, some Kenyans travelling do not even inform their own family members. We can only encourage that communication is important when moving between countries. However, regarding the East African Community, we are a regional bloc that allows free movement across the borders. When I said it is good to notify, I meant this applies only in exceptional circumstances. For normal trade, I agree with Hon. Wanjala that notification may not be necessary. However, if someone overstays in a country and issues arise that require intervention, notification is needed.

The other thing that I would want to pick up is the issue of Russia. I want to point out again that we are working with the Russian Government. Mr Mathuki, our ambassador in Moscow, is seized of the matter. We are trying to ensure that Kenyans who go there are not misled into entering a war they do not understand or into putting themselves in danger. President Ruto has engaged President Zelensky of Ukraine on Kenyans who may have been arrested or caught in this particular act of conflict and are now prisoners of war. So, the Government of Kenya is negotiating to secure the release of these Kenyans who went to the frontline.

We have since advised Kenyans to be very careful to avoid traps that could pose a danger to them. I want to re-emphasise that that is the responsibility of the Government of Kenya. The Government established the State Department for Diaspora Affairs to be more effective in assisting Kenyans living abroad. There was no State Department of Diaspora before. This is the first Government to set it up, and I can assure you that it is working day and night. It has a 24-hour call centre to track and address distress cases from Kenyans across the country.

Finally, we must, as a regional bloc within the East African Community, respect and work together as members of the East African Community. We should collectively move away from slipping into xenophobia, where we will start having unnecessary hostility against citizens

of other friendly countries. It is our duty and the duty of the East African Community Member States to make sure that we do not fall into a xenophobic situation.

Thank you.

Hon. Speaker: Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Speaker. First of all, allow me to continue with the debate initiated by my neighbour.

Hon. Speaker: This is Question time and not Debate time.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Fine, I will also ask some questions to the Prime Cabinet Secretary on the issue of families crossing the border. One, what efforts is the Government making to ensure that other friendly countries treat Kenyans the same way we treat them when they cross into our country?

Two, Prime Cabinet Secretary – through the Speaker – there have been a lot of cases where foreigners who run away from persecution and prosecution in their countries to seek refuge in Kenya are abducted and taken back to their countries for prosecution without following the due process of extradition. What measures is the Government taking to stop that unfriendly and unacceptable behaviour?

Thank you.

Hon. Speaker: Yes, Hon. Raso.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Speaker. Prime Cabinet Secretary, on the issues of the customs union, the common market, and the East African Charter, I believe that a Kenyan who moves to Uganda, Tanzania, Burundi, or Rwanda feels they are still within Kenya because those charters bind all East Africans. When we saw some of the responses you gave to the media recently, it seemed we were operating under different laws. If that is the case, then it simply means that the East African Charter that binds all of us is not working. Are we going to sign raft after raft of MOUs to safeguard the rights of Kenyan students, business people, and expatriates in different countries under the new laws? From what I see, we are operating with different systems and Kenyans in those countries are not safe. Can we get your response on that?

Thank you.

Hon. Speaker: Simply put, he is asking what happened to the protocol on the free movement of people, goods, and services in the East African Community. Is that right? Yes Hon. Junet.

Hon. Junet Mohamed (Suna East, ODM) Hon. Speaker, I want to ask a supplementary question on the recruitment taking place in Russia linked to the conflict between Russia and Ukraine. As the Prime Cabinet Secretary has said, the Government has made efforts to reach out to Russia and Ukraine on the same. However, it looks like there are criminal enterprises in our country that are luring people to go to Russia and fight in the war between Russia and Ukraine. Has the Government made any effort to bust those criminal enterprises that are attracting men and women to go to that war?

My second question is about the Foreign Ministry's policy. For example, on what is happening in the Middle East, it looks like we are in a state of confusion. Nobody knows the Government of Kenya's position on the situation in the Middle East. So, can the Prime Cabinet Secretary enlighten us on the Government's position on what is going on in the Middle East?

Hon. Speaker: Hon. Mule.

Hon. Stephen Mule (Matungulu, WDM): Thank you, Hon. Speaker. I want to ask a supplementary question to the Cabinet Secretary for Foreign Affairs regarding what Hon. Junet has just alluded to regarding the Government's policy. Recently, an airline carrying some Palestinians stopped over in Nairobi and later took them to South Africa. It is saddening that we have become a conduit for human trafficking. That does not augur very well when we have already ratified treaties to protect against human trafficking.

Regarding our citizens and neighbouring countries, it is high time we understood from the Cabinet Secretary what the Government is doing to ensure they continue to enjoy the tranquility of the East African Treaty on Free Movement. I can table the evidence of Kenyans who have been asked to produce documents to be in Tanzania or Uganda.

Lastly, there is a severe lack of oversight by the Ministry whenever Kenyans are held in various territories outside the country. In my constituency, we have had cases of young people going to seek jobs in the Middle East, only to pass away there by bad luck. Repatriating their bodies to Kenya can take close to six months. So, as a Ministry, what are you doing to protect Kenyans abroad? That is a fundamental question that the Cabinet Secretary should answer.

Last but not least, we need to be very clear...

Hon. Speaker: Order! You are joyriding on somebody else's Question and you are asking four questions. Actually, you are making a speech.

Hon. Stephen Mule (Matungulu, WDM): Hon. Speaker, I have one last question. I have just heard the Prime Cabinet Secretary talk about the two Kenyans who were held in Uganda, and he said the governments were fully engaged. We saw those Kenyans say their release came when the former President of this country, Uhuru Kenyatta, intervened. It is a shame.

Thank you.

Hon. Speaker: Order. If Kenya is engaged, it is involved. Even you can engage. Yes, Hon. Junet.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, I do not know whether you heard what the Member said, that the former President engaged the Ugandan Government to release Kenyans from there. He did that as who? He is an ordinary citizen who has retired, who is just doing his farming in Gatundu.

Lastly, this is the United Opposition's bad manners in Kenya. We need to train them. They give a speech in Parliament instead of asking a question.

Hon. Speaker: Let us have the very last, Hon. Wanjala. There is another question from Hon. Naisula. Let the Prime Cabinet Secretary finish this.

(Hon. Omar Mwinyi spoke off the record)

Who is that shouting? Hon. Shimbwa, after Hon. Wanjala, I will give you a minute.

Hon. Raphael Wanjala (Budalangi, ODM): Thank you, Hon. Speaker. Lake Victoria is a shared resource. All the water in Lake Victoria comes from Kenya, since all the rivers that flow into it are from Kenya, except River Kagera, which flows from Tanzania.

Hon. Speaker: River Kagera does not flow through Tanzania. It comes from Rwanda.

Hon. Raphael Wanjala (Budalangi, ODM): Yes. But it goes through Tanzania, then it comes to Uganda.

All fish are bred in Kenya because this is where we have the biggest swamps. But when Kenyans go to the lake to fish, the Ugandans and Tanzanians harass, extort, beat and jail them, and the Ministry of Foreign and Diaspora Affairs is silent. What action is the Cabinet Secretary going to take to negotiate with these countries? Lake Victoria is a shared resource for all of us, and we contribute to it by providing fish and water.

Secondly, could the Cabinet Secretary activate the communication department in his office so that, when a Kenyan is caught in another country, as happened with the Kenyans caught in Uganda, Kenyans are updated on what is happening, rather than keeping quiet? We know they are busy, but they should have a communication department to inform Kenyans regularly, as they did during COVID-19.

Hon. Speaker: Can you respond to those and then we will move on to the next question?

The Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs (Hon. Musalia Mudavadi): Thank you, Hon. Speaker. First, let me take up the issue of the Common Market Charter and the protocols. These protocols do exist, and they are in force. Sometimes they may not be properly adhered to, but they are in force. That is why we have regular conversations within the East African Community to take stock and improve how the Community runs and how its protocols are fully adhered to. However, Kenyans need to distinguish between the common market protocols and the constitutions of the various countries. These are eight sovereign states that are members of the East African Community, and each has a constitution; the provisions of each nation's constitution apply to that country. It is important for Kenyans, and for everybody, to appreciate that as we look at what is within the common market framework and the protocols, and we monitor their breaches and correct them, we urge people to respect the sovereignty of the states. This is very important as we move forward.

On the issue of extradition, if the Government of Kenya is going to extradite, there is a process that will be followed. I want to assure Kenyans that we have not had many, let alone massive cases of extradition. If there was a record, we would share that with you. If there is a specific case one wants to bring up, we can talk about that. The most recent case I can give you is that, in the context of dealing with illegal recruitment of unsuspecting Kenyans to the Russian front, the Government of Kenya extradited a person of Russian descent who was involved in what was prohibited in our view.

Not too long ago, even in Athi River, the authorities busted a ring which had 21 Kenyans who had been locked up in a place and were being prepared to be taken to the front line. The officers and security agencies were able to intercept the potential threat posed by 21 Kenyans who were heading to the front line. We are working closely with all agencies to ensure that this menace is dealt with.

There is an issue that has come up regarding our policy on the Middle East. This House passed Sessional Paper No.1 of 2025 on foreign policy. One of the things that came out clearly in that Sessional Paper is that Kenya supports a two-state solution to the Palestinian issue. This House endorsed that position, and it was in that Sessional Paper. That is Kenya's position, and Parliament approved it. We have not negated that position whatsoever.

The other thing I want to highlight concerns civil aviation. I would recommend that a special question be developed on the Kenyan civil aviation issue involving the plane that carried passengers who were then moved to another country. Kenya Civil Aviation Authority had a proper record and sight of that aircraft. I want to reassure you that Kenya does not get involved in any human trafficking. There are misleading reports that need to be corrected, and a proper question that focuses on them would enable the relevant ministry to respond specifically.

I also want to point out the issue of how we exploit our maritime resources and the problems with fishing. The Government of Kenya has established a department and a ministry that focus on this area. We have a competent Cabinet Secretary, in the name of Joho, who will focus in detail on ensuring fair and unfettered exploitation of our maritime resources.

Regarding the quick supplementary questions, I believe I have addressed all of them.

Hon. Speaker: Hon. Shimbwa? Hon. Caroli, I will not give you a chance. Hon. Shimbwa will be the last one. I want to go to the next one.

Hon. Omar Mwinyi (Changamwe, ODM): Thank you, Hon. Speaker. The Prime Cabinet Secretary replied to a question by Hon. Tandaza regarding the taxes levied by Tanzania. I believe we are all guided by the East African Community Common Charter.

Hon. Speaker: Ask a question.

Hon. Omar Mwinyi (Changamwe, ODM): The question is: why is one country behaving differently from the other countries in the arrangement of the East African Community?

Hon. Speaker: To be fair to the Prime Cabinet Secretary, Hon. Shimbwa, he answered that Question. Ask for further clarification, as he has already responded to your Question.

Hon. Omar Mwinyi (Changamwe, ODM): Yes. Of course, he did not answer correctly.

Hon. Speaker: Order, Hon. Shimbwa. Hon. Tandaza asked the Question, and he is not complaining. Why are you wailing louder than the bereaved? Ask him the Question.

Hon. Omar Mwinyi (Changamwe, ODM): Hon. Speaker, the East African Community rules and portfolios guide us. Why is one country allowed to breach the agreed protocols of other countries? Second is about the help desk. I have received complaints about workers in Saudi Arabia. They were demanding their rights, but have been incarcerated for almost two weeks now. How active is this desk? Are members of the public aware of this desk internally and, perhaps, externally?

Finally, Hon Speaker, allow...

Hon. Speaker: You are a joyrider. One question is enough. Okay, finish up.

Hon. Omar Mwinyi (Changamwe, ODM): Yes, Hon. Speaker. That is why I said, "If you may allow".

I was in Ethiopia recently and found that almost all the aeroplanes were Ethiopian Airlines. In Kenya, Mombasa has only four flights per day. Is the Ministry of Roads and Transport really working? He is also aware of our predicament and suffering as users of the airspace because he is the Prime Cabinet Secretary.

Hon. Speaker, I request that you allow the Prime Cabinet Secretary to assist with our predicament. Thank you.

(*Hon. Raphael Wanjala spoke off the record*)

Hon. Speaker: Hon. Wanjala, you are out of order.

Hon. Raphael Wanjala (Budalangi, ODM): Hon. Speaker, the Prime Cabinet Secretary did not answer my Question.

Hon. Speaker: He did.

Hon. Raphael Wanjala (Budalangi, ODM): No, he avoided it.

Hon. Speaker: Hon. Caroli.

Hon. Caroli Omondi (Suba South, ODM): Hon. Wanjala, do not beat me up.

Hon. Speaker: Hon. Caroli, you should help Hon. Wanjala listen.

Hon. Caroli Omondi (Suba South, ODM): Yes. Thank you, Hon. Speaker.

Could the Prime Cabinet Secretary inform the House what steps the Government has taken to address recent claims by Uganda that they want to overrun Kenya and take the Indian Ocean? That is, given their history of military adventurism in South Sudan, the Democratic Republic of Congo (DRC), Rwanda, Somalia, Burundi, and other parts of the region. Could he also assure Members of Parliament of their safety since we will be in Uganda for inter-parliamentary sports in about two weeks?

The Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs (Hon. Musalia Mudavadi): Thank you. Let me start with the Hon. Caroli's Question. I assure him that they will be safe when they go to Uganda for inter-parliamentary sports.

Hon. Speaker: There is no evidence to the contrary. I think Hon. Caroli is just engaged in comic relief.

The Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs (Hon. Musalia Mudavadi): Alright. Regarding the Indian Ocean, there are conventions and international obligations that deal with landlocked countries.

Hon. Speaker: And the African Union Constitutive Act.

The Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs (Hon. Musalia Mudavadi): Yes. The African Union Constitutive Act is one of such instruments.

I assure you that we will not go to war. Kenya has provided safe and free passage of goods from landlocked countries since time immemorial. We are not about to change that because it is not only our international obligation but it is also how we grow the ports in our country. I want to touch on the second issue I did not quite get; aviation travel in the country.

Hon. Speaker: Hon. Shimbwa asked three questions. One was by Hon. Tandaza regarding the levy to Zanzibar. The second was about the lack of adequate aerial services to Mombasa. Last was about the help desk at your Ministry for Kenyans in distress, internally and externally.

The Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs (Hon. Musalia Mudavadi): Good. Air transport is a private-sector-driven industry, driven by demand for services and commercial viability, especially in Kenya. It is left to the private sector to determine.

Now, international connections with other countries also call for further investment. We are discussing how Kenya Airways can be further supported to take a larger market share in regional and international flights. I know important decisions are about to be made on how to support Kenya Airways. I think the Cabinet Secretary responsible for transport will soon address this issue.

The help desk has been in place for quite some time. It is serving many Kenyans. I have personally visited the 24-hour emergency centre at the State Department for Diaspora Affairs. I can confirm it is functioning and active. Many young Kenyans are doing a good job of assisting Kenyans and families in distress. At an appropriate time and when he is free, I invite the Hon. Member to visit this centre to get first-hand feel of what it is doing.

We are very clear regarding tax, as you called it. Hon. Tandaza talked about insurance cover. We have mechanisms for negotiating within the East African Community in the event of any breaches. If a country introduces something that raises concerns with member states, it is addressed. Within that framework, we shall address the issues raised.

As I also mentioned, Kenya has been considering how to strengthen its health infrastructure, given the many visitors we receive. Unfortunately, some fall sick, and it behooves our nation to treat them, yet the Kenyan taxpayer funds the infrastructure. What happens when the others fail? This is why you sometimes have travel health insurance. Zanzibar is trying to cover its health component by imposing a levy.

These issues are being discussed within the East African Community. Hon. Speaker, I believe some of the issues that are coming through also relate to the next Question.

Hon. Speaker: There is a Question by Private Notice by Hon. Naisula Lesuuda.

QUESTION BY PRIVATE NOTICE

QPN 017/2025

RECRUITMENT AND LIVING CONDITIONS FOR KENYANS ABROAD

Hon. Naisula Lesuuda (Samburu West, Kanu): I rise to ask the Prime Cabinet Secretary the following Question:

Could the Prime Cabinet Secretary:

- (a) Clarify whether any senior government officials or their family members, directly or indirectly, own, control, or benefit from recruitment, training, or insurance companies involved in deploying Kenyan workers to the Gulf?
- (b) Provide the full terms of the current bilateral labour agreement with the Kingdom of Saudi Arabia, including negotiated wages, complaint handling mechanisms, emergency response obligations, and repatriation terms for Kenyan workers?
- (c) Explain the current capacity of the Kenyan Embassy in Riyadh and the consulate in Jeddah to respond to reports of abuse and to protect Kenyan workers in distress, including staffing, funding, safe house availability, and case resolution mechanisms.
- (d) Explain the criteria and specific oversight mechanisms applied in vetting agencies before they are granted recruitment licenses, and further explain the number of recruitment agency licenses that have been revoked in the last five years?
- (e) Provide the number of workers that have been repatriated due to abuse, medical emergencies or labour violations and the specific legal, psychosocial or financial support that has been provided?
- (f) Explain why the minimum wages of Kenyan domestic workers in the Gulf countries has not been renegotiated in line with regional benchmarks, such as the Philippines and Sri Lanka?

I thank you, Hon. Speaker

Hon. Speaker: Thank you.

The Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora

Affairs (Hon. Musalia Mudavadi): Thank you, Hon. Speaker. I beg to respond as follows. First, Kenyans migrating abroad must have travel insurance. I wish to state that no single insurance company has a monopoly covering Kenyans seeking jobs in the Gulf or any other country. Individuals and Kenyan private recruitment agencies are at liberty to choose their preferred insurance companies. As to whether there are details of family members who are directly involved, own or control, we have a list of 594 recruitment agencies. It would take quite a bit of time to go through that detail. As we speak, this Parliament appropriately passed the Conflict of Interest Bill and, if, through the process, anybody is found to be in conflict with what their role is, then appropriate action would be taken.

The second aspect is on the terms of the current bilateral labour agreements with the Kingdom of Saudi Arabia, including negotiated wages and complaint handling mechanisms, emergency responses and obligations. I wish to respond as follows. Kenya is at an advanced stage of negotiating with the Kingdom of Saudi Arabia for a new comprehensive agreement that will cover skilled and semi-skilled workers with significantly improved wages and conditions. Just this week, we received official communication on enhanced wage agreements for Kenyans employed in the Kingdom of Saudi Arabia.

The third aspect of the questions was to explain the current capacity of the Kenyan Embassy in Riyadh and the consulate in Jeddah to respond to the reports of abuse and how they protect Kenyan workers in distress. The number of Kenyans living and working in the Kingdom of Saudi Arabia has increased exponentially, now estimated at 350,000. To enhance consular services, we recently opened a consulate in Jeddah to augment the mission in Riyadh. We will also be seeking more budgetary support to expand the capacity of our mission to serve Kenyans better. The Government will be seeking funding for the establishment of a safe house for Kenyans in distress.

The fourth aspect of the question was to explain the criteria and oversight mechanisms applied in vetting agencies before they are granted recruitment licenses, and further explain the

number of recruitment agencies that have had their licenses revoked in the last five years. A multi-agency committee comprising the departments of Labour, Interior, Foreign Affairs, the Attorney-General, the National Police, National Intelligence Service (NIS) and the Director of Criminal Investigations (DCI) was set up. This committee vets all applications by recruitment agencies in line with Section 54(A) to 60 of the Labour Institutions Act of 2007 and the Private Employment Agencies Regulations of 2016.

The criteria include financial capability of a capital base of Ksh5 million, office space and facilities, educational qualifications of the directors and managers, a degree for the manager and a Form Four certificate for directors. Others are to make sure that the individuals have no criminal record. There must, at least, be one Kenyan director, and foreigners must have work permits. There are currently 594 recruitment agencies with valid licenses. The Government has, to date, deregistered over 600 other agencies on various grounds of malpractice.

The fifth aspect of the question was to provide the number of workers who have been repatriated due to abuse and other challenges. The number of distress cases handled from the Middle East from 2023 to date is 3,452.

Finally, the Member wanted us to explain why the minimum wages of Kenyan domestic workers have not been renegotiated in line with regional benchmarks such as the Philippines and Sri Lanka. The Bilateral Labour Agreement for Domestic Workers was signed in 2018, and it came into operation in 2019. In addition, a meeting held in February 2019 between the representatives of the Saudi manpower companies and Kenyan recruitment agencies agreed on a minimum salary of 850 Saudi riyals, which is about KSh30,000. However, from 1st October 2025, Saudi Arabia officially launched phase three of its wage protection system for domestic workers. Under this phase, all employers who hire two or more domestic workers are now required to transfer salaries through official digital channels via the MUSAND platform. This step reflects the Kingdom's strong commitment to safeguarding workers' rights and ensuring timely, transparent and secure salary payments. By January 2026, the system will become mandatory for all domestic workers in Saudi Arabia, regardless of the number of employees.

The WPS system for domestic workers is the first system of its kind, globally, to cover this category of workers. And this represents a landmark reform from the Kingdom of Saudi Arabia, so that it strengthens protection, promotes fair treatment and enhances trust between employers, workers and recruitment offices. This initiative will support our shared goals of ensuring the dignity, security and welfare of domestic workers, while further enforcing our collaboration.

Lastly, let me just reaffirm that our citizens are not merely migrating for work. They are being actively recruited worldwide because of their skills, resilience and work ethic. The Government celebrates this global recognition and will spare no effort in building robust systems, including bilateral agreements, real-time embassy interventions, verified recruitment and enforceable protections, so that every Kenyan who steps out to earn abroad, does so with the full backing and shield of the Government.

Hon. Speaker: Hon. Naisula.

Hon. Naisula Lesuuda (Samburu West, KANU): Thank you, Hon. Speaker and thank you, Prime Cabinet Secretary, for your response. I have two follow-up questions. Is it a coincidence that the Middle East is where we get most of the complaints about Kenyans being mistreated and not in any other parts of the world? I am sure some Kenyans go to work in other parts of the world. It is important that we get the full terms of the current Bilateral Labour Agreements. That is what I had asked for. Even if you are working on new ones, it is important that we see the older current version. Once the agreements are settled, we will avoid a lot of misinformation that is out there. It is important for the Prime Cabinet Secretary to be upfront

on some of these matters so that we can put them to rest. I am sure this is not the first time this question has been asked in this House.

(A Member spoke off the record)

Hon. Speaker: First, we will have Hon. Shakeel, Member for Kisumu East.

Hon. Shakeel Shabbir (Kisumu East, Independent): Thank you, Hon. Speaker. I am the Chairman of the African Parliamentarians Network against Corruption (APNAC). In the next meeting, we will be discussing the challenges migrant workers face. I would like the Prime Cabinet Secretary, Hon. Mudavadi, to confirm whether the United Arab Emirates (UAE) countries have banned the system that they used to sell workers who were on contracts; they would literally sell them, just like in the slave trade.

The system would not allow them to do anything else, not to forget that they had no say in the matter. I was told that those regulations were being revised. Can the Cabinet Secretary confirm if he is aware that the regulations are being changed, and that the defective and horrendous system is now being abolished?

Thank you.

Hon. Speaker: Hon. Tandaza.

Hon. Kassim Tandaza (Matuga, ANC): Asante, Mhe. Spika. Swali langu ni, kati ya wale watu 594 umeorodhesha, nina uhakika kuna Zawadi Jobs Abroad Limited na ThinkNorth Agencies Limited. Hao walikuja Kwale, Matuga, na wakasajili vijana 61 miezi minne iliyopita. Kisha, Wizara, kupitia Special Funds za Uwezo Fund, wakapeana pesa, wakachukuwa pesa na pasipoti zao. Miezi mine imeisha na mpaka sasa hawajapata habari zozote.

Vijana hawa 61, jana walikuwa ofisini wakipanga kuandamana leo ili waitishe pasipoti zao kwani kwa hicho kipindi, hawawezi kusafiri na hawajui kinachoendelea. Niliwaahidi kuwa leo Waziri atafika hapa, na pengine watapata majibu; ndio maana nazungumza kwa lugha ya Kiswali kwani wanansikiliza. Ni hatua gani ambazo Wizara itachukulia kampuni hizi mbili ili warejeshe pesa na pasipoti kwani nikama waliwatapeli hawa vijana?

Asante Mhe. Speaker.

Hon. Speaker: Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Speaker. I want to request the Prime Cabinet Secretary to clarify on two damaging articles that appeared in the *New York Times* in the course of this week: one reads, “*New York Times* reveals Kenyan official profiting from workers abuse in Saudi Arabia”; they named insurance companies, and the details are extensive. Allow me not to quote because I am not the author of the article.

Secondly, there is a similar article titled, “Kenya’s Key Export Used to Be Coffee. Now It’s Cheap Labour”, a very demeaning statement. I want the Prime Cabinet Secretary who doubles as the Cabinet Secretary for Foreign and Diaspora Affairs to clarify if there are any factual details about the two statements.

Thank you.

Hon. Speaker: Waziri.

The Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs (Hon. Musalia Mudavadi): Thank you, Hon. Speaker. Let me start with the issues raised by Hon. Oundo. First of all, I want to state that as a Government, we take great exception to the articles that were purveyed by the *New York Times*, and of course, just reproduced by one of the local dailies. We want to clearly state that Kenya is a responsible member of the international community. We do not engage in any human trafficking, nor does the President of this country or his Government engage in any slave trading. It is indeed unfortunate and irresponsible that that is the kind of communication that we see.

It is unfortunate that that kind of sensationalism was brought out. We should all treat that with the condemnation it deserves. Clearly, there are some defamatory issues that are raised in these articles. That will be a matter for a different aspect.

Now, let me address the specific issues that the articles raised. First of all, the data we have is very clear. Comparing the earnings of coffee and those of migrant workers is mischievous. The earnings of coffee, tea, and others are known. The statistics are there. The earnings are very high and they keep growing. For the *New York Times* to actually stoop too low and purvey a falsehood that migrant workers earn Kenya more money is not factual, and it is wrong.

Secondly, to address the issue that Hon. Shakeel has raised, as part of the reforms within the Kingdom of Saudi Arabia, they have moved away from the Kafala system. I think that is the clarification you sought. As we talk about improving the conditions, which our teams are negotiating, we are sure that in the course of next year, as we conclude the negotiation of these bilateral agreements, the earnings of Kenyan migrant workers are going to be in tandem and at par with other countries that had entered this specific area earlier.

Thirdly, I want to point out that Kenyan migrant workers are not the only migrant workers in the Kingdom of Saudi Arabia. We have even more migrant workers from countries like Sri Lanka, the Philippines, India, and Pakistan; some of them are in millions. Kenya is a very small component compared to some of these countries. Therefore, the perpetuation of a narrative that it is only Kenyans in distress is not the case, however, we will focus on Kenyans. We are going to work to improve the arrangements for them through bilateral agreements, not just in Saudi Arabia, but in all Gulf countries and even in other countries.

I request that we get a little more detail from the Hon. Member regarding the youth from Matuga so that these two companies can be put on the spotlight immediately by the Ministry and the Department for Diaspora Affairs, and if there are any criminal activities, the agencies that deal with the criminal aspects will step in. We want clean and fair play for young Kenyans who are seeking opportunities abroad.

Hon. Speaker, as to the labour agreement, I have no problem. Through your office, we can avail copies of the bilateral labour agreement so that it can be subjected to further scrutiny.

Hon. Speaker: You can forward it to my office. It will be circulated to the Members.

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

Hon. Speaker: We will end it here, Hon. Members, so that we go to the next business. Prime Cabinet Secretary, our engagement with you can end here. You are released to go back to your office to carry on with other duties. Please convey to your Cabinet colleagues to take this House seriously. We will sanction those who do not honour our invitations.

The Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs (Hon. Musalia Mudavadi): So instructed, Hon. Speaker. Thank you.

Hon. Speaker: Thank you. Next Order.

MOTION

RATIFICATION OF AGREEMENT BETWEEN KENYA AND UAE ON COMPREHENSIVE ECONOMIC PARTNERSHIP

THAT, this House adopts the Report of the Departmental Committee on Trade, Industry and Cooperatives on its consideration of the Comprehensive Economic Partnership Agreement between the Republic of Kenya and the United Arab Emirates, laid on the Table of the House on Thursday, 13th November 2025, and pursuant to the provisions of Section 8(4) of the Treaty Making and

Ratification Act (Cap.4D), approves the Ratification of the Comprehensive Economic Partnership Agreement between the Republic of Kenya and the United Arab Emirates subject to reservations of Article 13:33 (Protection of undisclosed test or other data for pharmaceutical products).

(Moved by Hon. Marianne Kitany on 18.11.2025)

(Resumption of debate interrupted on 18.11.2025)

Hon. Speaker: Order. Members on their feet, take your seats.

(Hon. (Dr) Ojiambo Oundo stood in the gangway)

Hon. Oundo, do not freeze. Take your seat. Hon. Members, our records show that an amendment was moved by Hon. (Dr) Nyikal. We will put a Question on it. If we carry it, then I will have the Motion as amended.

*(Question, that the words to be added
be added, put and agreed to)*

(Resumption of debate on Motion as amended)

That is now the Motion before the House. The debate continues. Hon. (Dr) Nyikal requested that I give him the first opportunity to speak to the Motion as amended. This Motion has one hour and 20 minutes to go. Hon. (Dr) Nyikal and everybody who debates now does on the Motion as amended. Clerk-at-the-Table, can you circulate that Motion to the Members?

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Speaker. Let me start by thanking Hon. Members for passing the amendment that we introduced on Article 2:13 of the Agreement. I do not know much about trade but I have faith, through the Report tabled by the Departmental Committee on Trade, Industry and Cooperatives. They have done due diligence on all the Articles, and therefore protected the interests of Kenya.

I only want to speak on the other amendment, Article 13.33 of the Agreement, which affects the use of health products and technologies. When we have these trade amendments, it is important to look at how health is affected. There is a temptation to look at all the health products and technologies as merely part of the goods that are being traded like the way you would trade maize, sugar and telephones. This is not so. If you are not careful, Articles that are very restrictive are introduced.

Article 13.33 of the Agreement introduces data exclusivity. This means that once a product is introduced in the country and our regulatory authority is given some data on that drug or health product technology, then nobody else can use it or introduce a similar product for five years.

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

[The Deputy Speaker (Hon. Gladys Boss) took the Chair]

Hon. Deputy Speaker, this extends the patent period. This means that even a drug that is out of patent is still protected by this. The most impactful aspect is that it then inhibits the introduction of generics. Normally, the branded molecules are very expensive. Once you have generics that are working and more cost effective, you cannot use them. There is evidence all

over the world that the cost of healthcare and drugs go up in countries that do that. Many countries disagree. I appreciate the work that was done by the Committee pulling out examples like South Africa which declined to sign an agreement that brought that aspect.

Nigeria is negotiating currently, but it is resistant to introduce data exclusivity. India does not contain that at all. In Colombia and the United States of America (USA) Food and Drug Administration (FDA), five-year data exclusivity resulted in a US\$400 million increase in the cost of drugs over a period of time. Countries like Colombia, USA, Jordan, Thailand and Netherlands have realised this.

Once again, I appreciate the Committee for looking into the Agreement and bringing reservations on Article 13.33. I appreciate the fact that we have also brought in reservations on Article 2:13. Therefore, we have protected our health sector from a possible high cost. For those who were not here, the one we have just done was worse because it was totally inhibiting our regulatory authority, the Pharmacy and Poisons Board, from taking action by introducing non-tariff barriers so that our whole regulatory authority is considered in its actions as a non-tariff barrier.

With those remarks, Hon. Deputy Speaker, I support the Motion as amended.

Hon. Deputy Speaker: Thank you. Member for Matungulu, Hon. Stephen Mule, has pressed the intervention button. He is not in the House. Hon. Shabbir.

Hon. Shakeel Shabbir (Kisumu East, Independent): Thank you, Hon. Deputy Speaker. I stand to support the Motion with the amendment that we have just passed. The Motion that was presented to the Departmental Committee on Trade, Industry and Cooperatives to ratify an agreement with the UAE had a little bit of mischief on drugs. I thank the House for agreeing to amend that particular element. If it was not done, and if we were not cautious enough, the price of drugs in this country would have doubled or tripled. We would be stuck for five years with certain brands, from other countries, which have already established themselves in the UAE so that they are not seen as western brands.

In this case, we would be bound to purchase from them. The cost of generic drugs for HIV/AIDS, diabetes that I suffer from, and prostate cancer is coming down. However, the cost of branded drugs is horrendously high. It is very important that we go through trade agreements with other countries using a tooth comb. Hidden in the pages of the agreements are very oppressive terms. I want to refer particularly to the trade agreement with Britain, which was to be ratified in the last Parliament. We had to stop its ratification, because it contained beet sugar which was going to affect our own sugar industries greatly.

I thank my brother Hon. Nyikal for flashing this issue out. I also thank the joint Committee that has been looking at the Agreement and the business caucus that brought the issue up. I also thank the Departmental Committee on Trade, Industry and Cooperatives for allowing us to make this particular amendment to protect the interest of the poor, especially now that we have difficulties on the question of medicines. SHA and KEMSA are trying to solve some of the difficulties. Corruption sometimes makes people to introduce certain detrimental clauses that bind the country at a later time. Luckily, we picked such clauses up. I support most of the clauses wholeheartedly.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Member for Ruaraka, do you want to contribute?

Hon. TJ Kajwang' (Ruaraka, ODM): No, Hon. Deputy Speaker. I am waiting to contribute to the next matter in the Order Paper.

Hon. Deputy Speaker: Member for Tetu.

Hon. Geoffrey Wandeto (Tetu, UDA): Hon. Deputy Speaker, I also do not wish to contribute to this matter. I am waiting to contribute to the next matter.

Hon. Deputy Speaker: Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Hon. Deputy Speaker, this Motion was comprehensively debated. What was the issue was the amendment. There has been a general agreement on it. Therefore, it is important that we move under Standing Order 95 and conclude debate on this matter and move to the next.

I thank you.

Hon. Deputy Speaker: Is that the mood of the House?

Hon. Owen Baya (Kilifi North, UDA): Yeah, it is the mood of the House.

(Question, that the Mover be called upon to reply, put and agreed to)

Hon. Deputy Speaker: Hon. Kitany, are you the Mover?

Hon. Marianne Kitany (Aldai, UDA): Yes, Hon. Deputy Speaker, I am the one who moved the Motion. If it is the mood of the House, I can reply.

Hon. Deputy Speaker, I beg to reply.

Hon. Deputy Speaker: Next Order.

BILL

Second Reading

THE JUDGES RETIREMENT BENEFITS BILL (National Assembly Bill No.27 of 2025)

Hon. Deputy Speaker: This is supposed to be moved by the Departmental Committee on Justice and Legal Affairs, but there seems to be a dispute. The Committee says the Bill belongs to the Leader of the Majority Party. Why do you not agree between yourselves?

*(Hon. Owen Baya consulted with
Hon. TJ Kajwang' and Hon. Marianne Kitany)*

Hon. Kajwang', why do you not let Hon. Owen Baya move the Bill then you will contribute? Thank you.

Proceed, Hon. Owen.

Hon. Owen Baya (Kilifi North, UDA): Hon. Deputy Speaker, thank you. It is important to note that this is a Bill by the Leader of the Majority Party. It is also important that I give an opportunity to Hon. Kajwang' to move the Bill then I will second it. The Committee has done a lot of work on the Bill and Hon. Kajwang' has a lot of experience on the matter. Therefore, I cede the Floor to Hon. Kajwang' to move the Bill.

Thank you.

Hon. TJ Kajwang' (Ruaraka, ODM): Thank you, Hon. Deputy Speaker. I thank the Deputy Leader of the Majority Party for the guidance. This is a very important Bill for the justice sector. We are discussing retirement of and pension scheme for judges. Ordinarily, this would be moved by the Leader of the Majority Party because he is the author of the Bill, but those of us in the Committee have interrogated the matter and feel that we need to put a few things on the Floor so that the Bill is debated on substance and content rather than from a perspective of passion.

In 1993, judges were formally removed from the Executive. All these years, there has been a move to start a superannuation scheme, which became the Superannuation Act. The

citation is the Public Service Superannuation Scheme Act, 2021. Since then, the public sector has enjoyed a fairly modern and robust pension system.

Hon. Deputy Speaker, I beg to move that the Judges Retirement Benefits Bill, 2025 be now read a Second Time. I was demonstrating that for more than two centuries, judges have ploughed the garden without any representative of a future retirement system. I have shown that the Public Service Superannuation Scheme Act provides retirement benefits for the public sector. This House has a retirement system, although we are still working around the pension. It is a big issue that some of us senior Members of the House are discussing. We are discussing the question of retirement in the profession we are in. The groups within this Act, (it is an Act with a very long retirement name), comprise people in the Prime Minister's office, President and Deputy President's offices. They all have modern superannuation systems on retirement.

Hon. Deputy Speaker, a judge's life is in the courts. You have worked in those corridors and there is no life other than the fact that they work in the courts. They do nothing else since they are not eligible for any contract, neither can they do anything for fees, just like you and I. By the way, you and I, are in this same situation. Nobody understands that we are not employable in any other aspect. However, the judges are in a more peculiar situation.

A judge works for, say 30 years and retires, say at 70. My retirement is usually every five years, and now I am just a few months from retirement, but I still will not have reached the age of 70. This person who works for 30 years and retires at 70, probably has a wife or husband who is his or her age mate. They are both 70 years, they go home and are unable to do anything except to rely on the old colonial pension act. This is the context that these judges are coming before us for legislation to design what is the Judges' Retirement Benefits Bill, 2025.

I will travel with you through the Bill, it is not a very difficult one. It just explains various provisions and in each of these provisions, the judges have what is a very reasonable proposal before us.

Part I is definitions and the scope of the Bill.

Part II is defined benefits with minimum qualifying service of 10 years. In other words, a judge who serves for 10 years becomes eligible under this Bill or Act, once it is passed and provisions prior to service recognition. More importantly, monthly pension payment pegged on emoluments and annual increases based on the consumer price index. Lastly, are additional non-pension benefits such as transport allowance, medical cover, diplomatic passports, loan access and so on.

Part III of the Bill proposes a Defined Contribution Scheme. This is very progressive. It is as progressive as the one which has been designed for this House by the Parliamentary Service Commission. It establishes the Judges' Retirement Benefits Fund and provides for a board of trustees and contribution rates. This allows judges to contribute and the employer to also contribute in turn. This is where the world over is turning to.

Part IV grants non-pension benefits such as medical insurance and privileges to judges and so on.

Part V handles the miscellaneous provisions, appeal rights, registration, protection, exemptions and transitional arrangements.

This Bill will exert a financial burden on the Exchequer, but, it is before us with concurrence of the National Treasury. We are not looking at it for the first time. It has been looked at by the National Treasury. When you look at all the financial arrangements, the burden that has been proposed is around Ksh253 million, with Ksh3.7 million annually going towards medical insurance and retired judges.

Looking at the importance of judges' work, the independence of the Judiciary, considering the distinguished career and service that judges give and that it is not every day a judge who has served for 10 years will be retiring. In fact, if you count it, probably around

three or so judges, within this period would retire. When you do the actuaries and computations, the one which is before us as the Parliamentary Service Commission is more expensive than what the judges are proposing.

We affirm our commitment to the constitutional principles of judicial independence through a dignified manner and retirement we are proposing for the judges. This thing is not being proposed as a matter of us giving judges a favour, but rather, we are distinguishing them for the service they have done to this nation. I encourage all of us who will contribute and persuade you that this is the right way to go. Of course, there are some subtle issues which need amendments, just like every other legislation would. However, the general affirmation that judges in this country have stayed for all these years since Independence without retirement promises is something that we need to look at.

Hon. Deputy Speaker, you know so many judges who retired, because you worked there. You meet them once in a while, either in the fora or supermarkets and sometimes you have to look down since this is a judge who did all he could, reached a senior age, but is unable to afford a taxi home or buy a newspaper in the morning just to keep him informed. Some are judges who have worked in all these stations and have gone around and now want to retire back in their rural homes, but at 70 years cannot bend to clean their houses just because we are unable to afford for them one compound labourer to help clean their houses.

These are judges that are so distinguished that we call for peer performance, mentorship and generally, for wisdom, and yet we pass them on the way and splash water on them because they are unable to afford how to get home. We, therefore, encourage mental instability amongst these seniors. We also make some of them who are younger fear what will become of them when they have finished service.

Magistrates have a very active and robust retirement programme set by legislation. The judges, registrars and all the people working in the Judiciary are benefiting from a system that has been packaged by this House. Yet the judges themselves, for some reason, have been ignored. I urge that we find this Bill positive and support the policies that have been outlined here.

I move and I ask my very good friend, Hon. Marianne to second. Thank you, very much.

Hon. Marianne Kitany (Aldai, UDA): Hon. Deputy Speaker, as I stand to second, allow me to make a few comments.

This Bill seeks to provide for the pension and other retirement benefits of judges of the Superior Court, in accordance with Standing Order 127(1). The Bill which was committed to the Departmental Committee of Justice and Legal Affairs for consideration, has also observed that the pension arrangement for the judges is currently prescribed under the Pensions Act CAP 189, just like Hon. TJ Kajwang' has mentioned. This came into operation in January 1946. In 2010, the government undertook pension reforms in the public sector, shifting the pension schemes from defined benefit schemes to defined contribution schemes.

The pension reforms were implemented through the enactment of the Public Service Superannuation Scheme Act CAP 189, which established the contributory scheme to provide retirement benefits to persons in the public service. However, this Act does not apply to persons appointed as judges. Additionally, the pension for the Chief Justice and the Deputy Chief Justice is regulated by the retirement benefits, just like the Deputy President's and designated state officers under CAP 197B. The implication of these reforms is that judges are the only state and public officers, whose pension is still governed by the Pensions Act, which is not responsive to the contemporary realities.

The Bill is guided by Article 160(4) of the Constitution, which requires that any pension reforms that affect judges should not vary the remuneration and benefits payable to a judge to their disadvantage.

This Article requires judges who are in the defined benefit scheme to remain in such a scheme or for the components of the scheme to be enhanced. The Pension Act provides for a defined benefit plan where the government, upon retirement of a judge, pays the retired judge a sum of money which is determined by the amount of salary, length of service, and fixed accrual rate. For this reason, the Bill provides that the judges who are in office at the commencement of this Act, shall retain the defined benefit plan in the payment of their retirement benefits.

There are some clauses that I can highlight here. Clause 9 provides that the pension, gratuity, and benefits shall be a charge on the Consolidated Fund. This is under Article 206(2)(c), which states that money may be withdrawn from the Consolidated Fund as a charge against the Fund authorised by the Constitution or an Act of Parliament. Clause 28 also provides a life insurance policy for each member, whose costs shall be met by the government. It also gives an opportunity for a member to make additional voluntary contributions to his or her retirement savings. Clause 34 provides that a member cannot withdraw the balance of their retirement savings, except for what is voluntarily contributed. The rest will be only available upon retirement.

Section 55 provides for additional benefits including a medical cover, a diplomatic passport, and access to government lodges when a judge has retired. This is because these are members of society who have really served this country, and deserve to be given those kinds of benefits.

For the judges who are appointed in offices after the commencement of this Act, the Bill provides that the judge shall derive their retirement benefits from contributions made by the judge and the government into the Judges Benefits Fund. This will be a transition to a defined contributory scheme. This is keeping with the policy shift communicated through the National Treasury Circular No. 18 of 2010, which seeks to ensure equity in sharing the cost of funding benefits between the employer and the employees in the public sector.

Therefore, the Bill largely seeks to grant judges a fair decent pension that assures them of a dignified life in retirement, in appreciation of their unique contributions in public service. It also seeks to maintain judicial independence by ensuring the financial security for judges upon retirement. The total amount per annum is estimated to be Ksh253 million, which is fairly modest considering the value they have given to society.

I second.

(Question proposed)

Hon. Deputy Speaker: Yes, Hon. Owen.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Deputy Speaker. I also take this opportunity to thank Hon. TJ Kajwang' for helping with moving this Bill.

As it stands, this Bill is a new frontier in the remuneration of judges in this country. It is a new ground to put our judges on a pedestal they deserve. The memorandum of the Bill says that this Bill has been in development since the late 1990s. This is when this Bill started its journey. We are now in 2025. That is approximately a whopping 30 plus years of developing a retirement package for judges. I think this is unacceptable. This Bill is long overdue. Judges in this country deserve more respect. You give more respect to individuals when you give them social security in old age after service.

One of the most significant things we must speak about is that a judge retires at 70 years. When a teacher or any other person retires at 60 years, they can still do something. They are not in active service. They can still engage in business. They can do consultancy. They can do many things and actually make their life better after retirement. But a judge retires 10 years later, at 70 years. That judge is famished in terms of energy, then you give them little money.

I do not want to call it peanuts, but they are given little money during their retirement. Yet this is when they actually require social security.

We, therefore, must support this Bill as Members of Parliament, because it marks a significant step towards realising the principle of the Constitution in respect of the Judiciary; its independence, and the remuneration and benefits of judges of the Superior Court. Actually, this is a constitutional principle. That for us to uphold the Judiciary's independence, it is important that we give them their own Act in terms of retirement benefits. Just as the Constitution of Kenya gave the principle of separation of powers; the Judiciary, the Executive, the Legislature, we cannot continue to lump together the judges with the Public Service Commission. They are not part of the Public Service Commission. They have their own Judiciary Service Commission (JSC), just like we have the Parliamentary Service Commission.

If Members of Parliament have their own retirement benefits Act, it is incumbent on us to ensure that the other Arm of Government also enjoys the same principles in their remuneration. That is why we are very glad as Members of the Majority Party to midwife this Bill by bringing it to the Chamber for debate and passage.

For too long, pension for judges has continued to be governed under the Pensions Act. This is something that we must move with speed to correct. Hon. Deputy Speaker, you served in the Judiciary and it was probably your vision as the Chief Registrar to one day see that judges have a Retirement Benefits Act that governs their pension. This is coming to pass when you are sitting in the Chair. I think it is a moment not just of pleasure but deep reflection for you, that eventually, the Bill has come to the Floor. You never know, but one day, Hon. Gladys Boss may end up on the Bench as a judge. When that happens, we want you to retire honourably.

I want to touch on a few salient provisions of this Bill. It is structured into five main parts, each addressing different categories of judges. One fundamental thing in the Bill, which Hon. TJ Kajwang' also spoke about, is that we are looking at judges currently in office to benefit from this Act. Secondly, we are looking at judges who will be appointed after the law commences.

Thirdly, which is very significant, we are looking at judges who retired after 27th August 2010, after promulgation of the Constitution. Those judges will also benefit in line with Article 167(1) of the Constitution. If a judge is retired, it is Christmas for them. If a judge is serving, this is party time for them. If a judge will be appointed, it would be birthday for them. It is all celebration for judges and it is for a good cause.

Part II of the Bill provides for judges serving at the time the law comes into effect. It retains the judges under the Defined Benefits Agreement, with the following qualifications:

1. A minimum qualifying term of 10 years.
2. Provisions for prior service recognition. If you served earlier, you will be recognised for that.
3. Monthly pension payments pegged to emoluments. At least you will be able to get something every month.
4. Indexed annual increments based on the consumer price index. I think this is one of the most fundamental things where there is an increment on pension.

It should not be lost to our eyes that when judges pension it, it would be pegged on an annual increment based on a consumer index.

(An Hon. Member spoke off the record)

I know you will never be a judge, and that is why you want to oppose the Bill. But for Hon. TJ Kajwang', Hon. Gladys Boss and I, who wants to become a lawyer very soon, this is a good thing. An increment is pegged on the consumer price index. My friend is an economist and he

served in the National Treasury for many years. He is well versed with financial issues. He is one of the people we call Treasury mandarin. They are known for killing careers of many people, because they are always thinking about money and not life.

I am a pseudo economist. One of the theories of motivation says that money is not a motivator for anything. Listen to me because I speak from a point of information and knowledge. Money is not a motivator, but the absence of money becomes a demotivator. I do not know whether you understand that. I want to educate my friend that the presence of money does not motivate you, but its absence demotivates you.

Hon. Julius Rutto (Kesses, UDA): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is your point of order, Hon. Rutto.

Hon. Julius Rutto (Kesses, UDA): Hon. Deputy Speaker, it is wrong to raise a point of order against my senior and leader. According to the procedure and rules of the House, contributions are addressed to the Speaker. I can see the Deputy Leader of the Majority Party addressing a colleague Member of Parliament. I find it to be out of order. Instead, contributions should be made to the Speaker.

Hon. Owen Baya (Kilifi North, UDA): You have made your point and I, thank you. It is okay to correct the leader, and I encourage you to do that.

Another important thing in the Bill is that it contains additional non-pension benefits such as transport allowance, medical cover, diplomatic passports and lounge access. These are fundamental new things. They are the items that you would find in the retirement package of presidents. We are now saying that retired judges of the superior courts are entitled to additional non-pension benefits such as transport allowance, medical cover, diplomatic passports and lounge access. I do not know whether it is myself and the Treasury mandarin seeing these things. They are fundamentally new provisions. It is only presidents who have access to such kind of pension benefits. I hope we will also look at the pension for Members of Parliament. If a judge retires, he has additional non-pension benefits such as transport allowance, which we do not get when we retire. They will also get a medical cover. We have to pay for our post-service medical cover. They will also get diplomatic passports and lounge access.

Hon. Deputy Speaker, give me two to three more minutes to finish. This is a good precedence because it will allow us to also get there one day. Part III of the Bill addresses pension for judges appointed after the commencement of the Constitution.

Hon. Deputy Speaker: Give him three more minutes.

Hon. Owen Baya (Kilifi North, UDA): These judges will be placed under a defined contribution scheme, aligning with the government's pension reform policy, which Hon. Kajwang' talked about.

Part IV of the Bill grants non-pension benefits such as medical insurance and privileges to judges who retired after 27th August 2010. This is fundamental because we see judges who retired after the commencement of the Constitution and what they do. Immediately we pass this Bill, the retired judges will be resurrected, because they will start enjoying things that they are not enjoying now. This is good. We are giving honour to senior citizens who have served the government and this country well.

Part V of the Bill is about miscellaneous provisions, including appeal rights, regulations making powers, protection of pension from attachment and exemption from the NSSF Act. It is important for a retired judge not to have their pension subjected to the NSSF Act. The part also provides for transitional arrangements. Annually, Ksh3.7 million goes towards medical premiums for retired judges. This is a ground-breaking law.

I want to speak to judges of this country. We have a good retirement package for judges. It is unprecedented, as my friend Hon. TJ Kajwang' said. As we prepare to give judges this kind of package, we want them to be diligent in their work. They will now know that the State will take care of them very well in post-retirement. This is a good thing for the country and

God. We only ask for more from a judge who sits for long hours and burning the midnight oil writing long judgements. It is said in the Bible that to whom much is given, much is expected.

Therefore, as we give judges this good retirement package, we expect more from them. Never again should we have a list of shame of judges. Never again should we have a situation where prominent lawyers do not want to become judges because they will die poor. It is high time we accentuated the position of being a judge or a justice in the country, so that the great minds that sit on the bar can join the bench, because after retirement there is Christmas.

I, thank you, Hon. Deputy Speaker. Never again should we have a situation where prominent lawyers do not want to become judges because they will die poor. It is time we accentuated the position of a judge or a justice in this country, so that great minds that have been admitted to the Bar can now join the Bench because after retirement, there is “Christmas”.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Ngusya.

Hon. Charles Nguna (Mwingi West, WDM): Hon. Deputy Speaker, I would like to request you to give the opportunity to the next person as I re-read the Bill.

Hon. Deputy Speaker: Hon. Caroli.

Hon. Caroli Omondi (Suba South, ODM): Thank you very much, Hon. Deputy Speaker.

I rise to support this long overdue Bill. We should have had it many years ago, given the transformation that we expect from our Judiciary. It is finally here. We should support it and acknowledge why we need it.

We should guarantee the financial security of our judges in retirement, not as a gift but as a way of protecting the institution and enhancing the independence of the Judiciary. An independent Judiciary is fundamental to the three Arms of Government. There are many principles around it. We all appreciate why we need an independent Judiciary. However, if we do not give the Judiciary financial autonomy, either in budgeting or in terms of salaries, benefits and pensions upon retirement, then we are not serious about having an independent Judiciary.

This Bill is quite innovative in some ways. I have noted some very interesting points. It stipulates that a judge will qualify for pension after 10 years of service. If a judge has not served for 10 years, he or she will get a gratuity. The Bill also stipulates that if you were a public servant or officer before joining the Judiciary, the 10-year requirement will not apply because you can build on your other years of public service.

Most interestingly, I have noted that the Bill allows a judge’s benefits to be shared equally amongst his or her surviving spouses in the event of death. That means that we are comfortable with polygamy in the Judiciary. However, that provision only applies to those spouses married before retirement. That is what I found interesting. If you are the spouse of a judge and you got married after retirement, you will not be entitled to his or her retirement benefits. I firmly believe that this provision will be challenged in court on grounds of discrimination. We need to interrogate that provision because that would be discriminatory to certain spouses. I do not know whether that provision was proposed by the members of the Bench themselves but we need to look at it.

The second thing that we should look at is the proposed Judges’ Retirement Benefits Fund, which is contributory and good.

Hon. TJ Kajwang’ (Ruaraka, ODM): On a point of information, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Caroli, do you wish to be informed?

Hon. Caroli Omondi (Suba South, ODM): I agree to be informed.

Hon. TJ Kajwang’ (Ruaraka, ODM): Someone who is looking for a partner over the age of 70 is called a gold-digger.

(*Loud consultations*)

Hon. Caroli Omondi (Suba South, ODM): Hon. Deputy Speaker, I do not agree with that simply because you can find love at any age, and you can lose your spouse at any age and look for company elsewhere. I do not agree with that.

We propose to establish the Judges' Retirement Benefits Fund, out of which, judges would be paid their pension. It will be contributory, which is very good. The Government will contribute 15 per cent to the Fund and judges will contribute the balance. I want to read Article 168 of the Constitution so that those who may not have a copy of their Constitution can appreciate it. It is not Article 168. It is Article 160(3), which states:

“160(3). The remuneration and benefits payable to or in respect of judges shall be a charge on the Consolidated Fund.”

We are now establishing the Judges' Retirement Benefits Fund. We will need some clarity on whether we need to amend Article 160 of the Constitution or to reconcile the two funds.

Article 168 of the Constitution stipulates the grounds for removal from office of judges. This Bill simply mentions that if a judge dies while in office, or retires voluntarily at 65 or 70 years of age, he or she would be entitled to their pension. What about those who will exit the Judiciary in a cloud of impropriety as anticipated by Article 168 of the Constitution on removal from office?

Article 168(1) states:

“168(1). A judge of a superior court may be removed from office only on the grounds of-

- (a) Inability to perform the functions of office arising from mental or physical incapacity;
- (b) A breach of a code of conduct prescribed for judges of the superior courts by an Act of Parliament;
- (c) Bankruptcy;
- (d) Incompetence; or
- (e) gross misconduct or misbehaviour.”

I have not seen a clause denying pension to those who have exited on those grounds. We need to debate that.

Looking at the non-financial benefits that a retired judge; he or she, together with the spouse, will get a medical cover, diplomatic passports and access to VIP lounges. However, a very important element of security is missing. We need to amend the Bill to provide judges with a lifetime security. If a judge has been dealing with criminals or ruthless politicians who constantly bay for his or her blood, such questionable individuals may wish to come for them in their retirement.

On the diplomatic passport, I must warn judges that holding one may sound very attractive, but you have to get a letter from the Government every time you want to travel, and that may not be very conducive when you are retired, and living in the village. It is up to them to determine if they will enjoy that.

I am very happy with this Bill. I will propose one or two amendments, but we need to support it to help preserve the independence of the Judiciary. I am concerned about the dates when the Bill will start to apply. The Bill states that it will apply to judges who are currently in service, those who retired after the promulgation of the Constitution of Kenya, 2010, or those who will be recruited after the passage of the Bill.

However, there is the case of justice Bernard Chunga who was hounded out of office without a tribunal. He has been experiencing challenges accessing his pension. What are we doing about that? We need to investigate because Justice Chunga was removed from office without a tribunal or due process. I am not sure whether he has been receiving his pension. There are also Justices Bosire and Omollo. We need to look at such cases to protect judges who

were hounded out of office due to political pressure. They had done nothing wrong. We need to see how to accommodate them by making amendments.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Irene Mayaka.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Deputy Speaker, for giving me the opportunity to also register my support for this very important Bill.

As has already been indicated, this Bill has been work in progress for 30 years. I am glad that this Parliament has the privilege of passing this very important Bill.

I am also speaking as a “learning” friend. Hon. Deputy Speaker, I know that you, Hon. Caroli and Hon. TJ Kajwang’ are learned friends, but for those of us who are “learning” friends, and who in future could also get these opportunities, this is a good piece of legislation because it highlights the lucrativeness of a judge’s position. Once a judge retires, they do not go home with nothing. They accrue certain benefits as a result of holding that office.

The Bill is a show of fairness and decency to people who have worked in very high offices as judges. It gives them a dignified life and demonstrates our appreciation for their service to the nation. It does not take away the independence of the Judiciary, but instead ensures that the Judiciary will continue in the same light. This is one of the things that will ensure the Judiciary continues in the same line of independence in discharging its duties and ensuring the profession has the nobility other professions have, by having a pension.

Hon. Deputy Speaker, I have looked keenly at some of the clauses that talk about the benefits that the judges have. In particular, Part Two speaks about pension and other benefits for the judges who are in office at the commencement of this Act. One of the things that really caught my eye is the factor of the spouse. It talks about a situation where a judge has one or more spouses. I also agree that it is discriminatory to limit a judge so that if they are not married at retirement and marry after, the spouse does not qualify.

At 75 years, a man or a woman is still very young. With the kind of food that people eat and the way they keep themselves well, those are very young people. They can still attract spouses.

We cannot call someone who has got a spouse a gold digger. That is not the right term. It is not even in the Oxford Dictionary. I just want to correct my senior on that. If a singular woman meets a 75-year-old man who loves and wants to marry her, there is nothing wrong with that. So, she should benefit as a normal spouse.

There are other important benefits that accrue to judges such as monthly transport allowance, medical cover, diplomatic passports and access to the government. My sister, Hon. Fatuma and I, have noted that parliamentarians do not have some of these benefits, yet out there, people accuse Parliamentarians of only thinking about themselves. This is a true demonstration that the 13th Parliament also thinks about other officers and ensures they are also accommodated.

Part Three speaks about benefits to judges who are appointed after the commencement of this Act, very expressively and especially, from clauses 24 to 64. They outline all the benefits they will get. I do not have any issues with that particular Part.

Where I have an issue, and it was mentioned, is the benefits that are accrued to judges who retired before the commencement of this Act. And in particular, the judges who retired after the promulgation of the Constitution in 2010. As the Committee has correctly observed, we only have six judges who retired within that period. I do not think it is very hard for us to ensure that the six judges and the judges that the Hon. Caroli Omondi talked about, are also accommodated for fairness. They will also see that there is dignity in the service they gave to this country and, in particular, those whose jobs were at risk because of the political atmosphere then. It would be very fair for us as a Parliament to take into consideration the six judges and the judges who were unfairly and discriminately removed.

Hon. Deputy Speaker, with those few remarks, I support this particular Bill. I urge fellow Members to also support it so that we give this as a beneficial reward to an independent arm of government which is the Judiciary so that they can feel that we also legislate on their behalf. I submit. Thank you.

Hon. Deputy Speaker: Hon. CPA Rutto.

Hon. Julius Rutto (Kesses, UDA): Thank you very much, Hon. Deputy Speaker. It is a great honour to participate in this great process or milestone that this National Assembly is taking to ensure that the Judiciary, an independent arm of the government, is accorded an equal opportunity to enjoy what other sectors or arms of governments are enjoying.

I have read the Report on this particular Bill and I have wondered because the pension scheme that exists at the Judiciary relies on the old Act of 1946. For sure, this is unfair. The other schemes for the other arms of government have been subjected to several amendments and reviews. In fact, they have grown from a defined benefit schemes to a contributory scheme for the obvious reasons that it carries more benefits beyond the pension. Therefore, I want to be counted on record that I am here today, to support this particular step and the direction that this National Assembly is taking to give this independent institution the fair treatment it deserves.

Hon. Deputy Speaker, someone had mentioned earlier that you served as the Chief Registrar of the Judiciary. Therefore, you understand more than all of us the trouble judicial officers go through to ensure justice is administered in this country.

Looking at the provisions of the Bill, I agree that it is way too low. And therefore, the earlier the better if we can fast-track this. However, there are a few issues of concern that I have noted.

The first one is an element in Part Two of the Bill that spells out the qualifications. There is also clause 3 that talks about judges who retired in accordance with Article 167 of the Constitution at any time after 27th August 2010, but before the commencement of this Act. I want to know the time limit because as we talk, we are 13 years after the promulgation of the Constitution. If a judge retired, for example, in 2012, I want to understand the computation or how to derive the benefits. This is because the person has already left service, has already been enjoying the retirement benefits or pension as far as the Act of 1946 is concerned. With the changes, I want to know because the retirement benefit fund that is to be created is a contributory, where the employer part contributes and the employee contribution is deducted from the payroll. I wish to understand this one because it sounds like application of the law retrogressively.

The other issue I have is in clauses 29 and 30 on the establishment of the Board of Trustees. I want to be persuaded by the promoters of this Bill because this is a pension scheme and a financial institution. The composition of the trustees is purely a preserve of judicial officers, except for one provision that gives the National Treasury Principal Secretary or an alternate to sit as a trustee in the board. I feel that we should professionalise this particular scheme. We agree judges have their duty and this is a unique scheme that focuses on the Judicial Service Commission (JSC) rather than the Public Service Commission (PSC). But there is nothing that takes out the principles of public finance and practices. We should bring on board people of experience to sit on that board. We should not have judges alone sitting on the board who have been addressing other judicial matters. When it comes to finance, how will they prosecute the issues there? I feel we still need to look at that and give an opportunity to people with the expertise and knowledge, especially on issues of pensions.

There are people who are trained specifically on issues of pension, actuarial management and deficit issues. We should find a way of having them so that we can qualify the trustees and ensure sustainability of this particular scheme would be attained. I am also keen to know the technical element in appointment of the manager of the board. Those are the

issues that I am looking at. Otherwise, I call upon all of us to rally behind and support the Bill so that we give honour this particular institution deserves.

Number two, we have been calling for continuous reforms of the Judiciary, and I think this is one that can be counted as part of the reforms so that we give confidence to our officers in the in the Judicial Service Commission, so that they can feel honoured while serving and discharging their duties. This is something that we must appreciate.

I support this Bill and ask all my colleague Members of Parliament to support it as a show of goodwill. Remember that all us serve the Republic of Kenya; they serve with the Judiciary while we serve in the Legislature. Hon. Deputy Speaker, we will get to a point where we also need to be understood by the other side and at times that lack of clear support on our end or their end, will help us communicate to each other better. It is good that we support this Bill as we also expect their support in future whenever there are other elements that we need to be supported from their side. We will also foster an atmosphere of understanding.

Thank you so much. I support the Bill.

Hon. Deputy Speaker: Thank you. Hon. Member for Kitui Rural.

Hon. David Mwalika (Kitui Rural, WDM): Thank you very much, Hon. Deputy Speaker.

From the outset, let me say this Bill is very innovative. I do not think we have had such an innovative Bill on pension like this one, whereby the proposal is to increase annually, the pension for Judges by the rate of inflation. If the inflation goes up by 5 per cent, then it is raised by another 5 per cent. They will also be provided with medical cover. As you know, when people retire, they end up developing various illnesses. They will also be provided with transport, a diplomatic passport and also access to lounges. However, someone may ask: "What about other pensioners in this country?" Indeed, there are many other pensioners and officers who will also retire. Will they receive similar benefits, and why are Judges being given special treatment compared to others?

Hon. Deputy Speaker, in this country, pensioners have really suffered because there are a lot of delays in paying them. Yesterday, we met with the Cabinet Secretary for the National Treasury to discuss a case concerning water organisations of this country. Eleven of them have not been able to pay 60 per cent of gratuity to the pensioners since 2018 and the pensioners are really suffering because they have not received all their dues. The reason given was that the schemes did not have enough money. We were wondering, if it was a contributory scheme, what happened to the money. Who took it? The pensioners contributed, the employers contributed but what went wrong? One thing which came out clearly is that most likely the government may not be adequately funding the schemes or the government institutions do not forward the money to the schemes. That is something which we need to look at. We need to reform the pension schemes in this country, and one of the proposals we are making is that we link the pension schemes with the salaries, with the payslip, so that when somebody is paid, the dues for pension go straight to the pension schemes.

Hon. Deputy Speaker, during the last Parliament, when we were looking at the pensions of former councillors, we found out that the schemes handling those pensioners are owed over Ksh10 billion by the government, leaving them unable to operate effectively due to severe financial shortfalls. The government therefore, first of all, needs to audit all the schemes to ascertain their viability so that when somebody is retiring, he gets his or her benefits immediately.

When you look at this Bill, Section 25 establishes the Retail Benefits Fund. Looking at the fund, I beg to ask who is funding it. Where is the money coming from? I heard somebody suggesting this money may come from the Consolidated Fund. Do we really need to get money from the Consolidated Fund to fund these schemes? Lately, we have established so many schemes that some of us in the financial sector are worried. If you have so many schemes, the

money which goes to the Consolidated Fund to finance essential services like health, education, and debts in this country is diminishing. We need to be very careful when suggesting the establishment of so many schemes. I hope this one will be contributory.

The other thing is Clause 29, which establishes the Judges' Retirement Fund Board of Trustees to operate the scheme. I was wondering, I thought the Judiciary already had a Judicial Pension Scheme which the judges could belong to. Do you want us to treat them differently? I also understand they are paid from the Consolidated Fund. The Bill is very good and innovative, and we should pass it, but with amendments to address the grey areas within the Bill.

With those few remarks, I support.

Hon. Deputy Speaker: Hon. Ngusya, when you are ready.

Hon. Charles Nguna (Mwingi West, WDM): Thank you, Hon. Deputy Speaker, for this opportunity to lend my voice to this Bill. From the onset, I support it because I have reviewed it quickly, and it is a well-crafted one.

I have looked at the issues of retirement before attaining the qualifying service. This is important. Some natural circumstances, like mental or physical incapacitation, can force us to retire early. Sometimes, when faced with this situation, we may not be able to access the benefits we are supposed to access. On that, I support that clause.

The other issue is, of course, the provision for spouses upon the death of a judge. In most cases, someone has served in an institution and dies before accessing the pension, leaving their spouses suffering, despite having worked. This is a very good provision to ensure our spouses are catered for upon the death of our judges.

I fully support the issue of pension in regards to children upon the judge's retirement. Then there is the issue of allocation of pensions to more than one spouse. Our Muslim brothers are allowed by their religion to marry more than one wife, with the majority having up to four. We must not discriminate. I believe we can allow this clause to pass without any issues, despite the concerns raised by Hon. Irene Mayaka, who is walking out.

The issue of non-pension benefits, specifically medical cover, is crucial. Most people, when they attain the age of 60 and above, face numerous health challenges, and it is time we start covering them. I am happy that we, as Parliamentarians, have also included this issue of medical cover, which is very important for the judges, the Members of Parliament, and their families who survive them.

Regarding the issue of transport allowance, most of the time when we retire, we travel to see friends, and sometimes we need money to travel and move around to age gracefully. I fully support it. We need to review the issue of the diplomatic passport. During the Third Reading, I will be coming up with an amendment. We do not need the provision of giving spouses of retired judges diplomatic passports. In my view, that is unnecessary and I will seek indulgence to delete that clause completely from the Bill.

Hon. Deputy Speaker, giving them access to Government lounges is very important. Some of these judges are famous and may have collided with some people while serving Kenyans and will therefore require additional security details. That proposed amendment is very important for them.

We need a Board of Trustees to manage these funds professionally so as to ensure that the money is safeguarded and disbursed on a timely basis. The establishment of the Board is a good procedure to safeguard the pension scheme and ensure that it is professionally run by qualified personnel.

The Bill is straightforward and should be supported. Passing this Bill will motivate judges to serve Kenyans diligently and encourage them to continue performing even better.

With those few remarks, I fully support the Bill with the amendments I have mentioned.

Hon. Deputy Speaker: Thank you.

Hon. Eve Obara (Kabondo Kasipul, ODM): Thank you very much, Hon. Deputy Speaker, for giving me this opportunity. At the onset, I stand to support the Bill. As my colleague has mentioned, this is being introduced after 30 years, and I believe it should have been done much earlier.

The Bill seeks to establish a Judges' Retirement Benefits Scheme to manage and administer the retirement benefits for judges in the Supreme Court, Court of Appeal and the High Court. It defines eligibility and entitlements under the retirement benefit scheme. It also provides for contribution by the Government and the judges themselves. It also sets out procedures for payment and management of the benefits. It is also clear on who is empowered to manage the scheme to avoid the possibility of administrative complexity. There is a clear outline for transitional provisions for judges who retire before the commencement of the Act, ensuring equitable treatment. The Bill also protects judicial independence by insulating benefits from political or administrative interference, that we have seen in other offices. I note that it is a defined contributory scheme and not a defined benefit scheme, which is to the advantage of the judges.

When this Bill is passed, I believe it will enhance judicial independence and morale through financial security. It will also promote transparency and accountability and provide a uniform and predictable framework for judicial retirement benefits. I also believe it will encourage and attract qualified judicial officers.

Hon. Deputy Speaker, we should, however, be alive to the fact that this Bill may promote similar demands from other arms of Government, which could increase financial pressure on the State. I also note that a significant fiscal allocation from the Exchequer may be required once this Bill is enacted. Therefore, a provision should be made to consider this when we are doing the next budget cycle.

Thank you very much. Once again, I support.

The Deputy Speaker (Hon. Gladys Boss): Thank you. The Member for Seme, Hon. Nyikal.

Hon (Dr) James Nyikal (Seme, ODM): Thank you for giving me this opportunity.

This is an extremely important Bill. In my mind, is the rationale. Much more important are the good details. It arises from the role of judges in a society. Justice is the basis for stability in any society. All conflicts in the world revolve around justice, even more than around resources. Judges are the guardians of justice. Therefore, their role in society is key.

For that, they need to be impartial, independent and always decide without fear or favour in their daily work. The use of the word "fear" there is more important than "favour". It means they are exposed to danger that arises from some of the decisions they make. Therefore, it is realised even in their daily work that they incur risks.

It is the one group of persons that need to strictly adhere to the conflict-of-interest principle. I have not even seen judges who have big businesses. I do not think it would work. If they had them, it probably would run against the ethics of their profession. The fear of poverty and penury in old age is the greatest threat to integrity in this country at all levels, leave alone for judges. Particularly for those who have been living well and holding high positions with many expectations from society.

If judges live as they do and work as they work, considering the positions they hold and their role in society, they should live a decent life at the end when they retire. Moreover, judges retire at 70 years of age. It is extremely hard to get into another line of profession or even pursue another major interest at this time. Therefore, what they go with is what will give them the kind of life we expect them to have.

It is generally agreed and pension experts will tell you that, at the very worst, you need at least 70 per cent of the income you had when working to live to maintain the lifestyle. That

is not easy to attain unless it is looked at. There are some very complex mathematics that are in the Bill. We will look at them.

It will be probably a little more than 70 per cent if you look at all the benefits. Health care is one of the greatest expenses people go through at this age. We need to look at that for judges or any person who retires. Currently, their pension levels are enumerated under an Act that does not provide this.

I support the Bill because it is contributory. I really call upon colleagues to pass it to an Act of Parliament. Both the employee, the judge in this case, and the employer contribute. Clause 9 goes further to provide the Consolidated Fund as the source of the employer's funds. I have no problem with the Consolidated Fund making a serious contribution to the welfare of people who have served their State.

Hon. Deputy Speaker, the Bill also establishes a Fund and the processes that manages it. I agree with Hon. Toroitich who said that its membership should go beyond the judges and get people who are experts in managing finances for the judges. The Bill also provides a healthcare scheme that takes care of judges' children and wives. I was rather happy when Hon. Irene indicated that at the age of 74, if there is somebody who wants to provide love, that is okay. I feel very encouraged about that.

(Laughter)

The Bill has looked at every aspect of a judge at the time of retirement. Clause 3 of the Bill takes care of judges in all circumstances: past and present. It means that even judges who are not in service now may benefit. If you look at the Bill carefully, even those who left service in dubious circumstances may get some sustenance when it becomes law. Therefore, I support the Bill. It is sad that it has taken 30 years for it to come to this stage. There is a tendency in this country to review remuneration for employees, particularly in public service, as a favour or a gift without taking into consideration the contributions that they have made to the society.

I support this Bill. There are a lot of details that we will look at. However, at this stage, the general structure and rationale of the Bill are commendable. We should pass it and then look at the details in the Committee of the whole House.

With those remarks, I support the Bill.

Hon. Deputy Speaker: Hon. Fatuma Full Network.

Hon. Fatuma Mohammed (Migori County, Independent): Thank you, Hon. Deputy Speaker for giving me this opportunity to contribute. I support the Judges Retirement Benefits Bill, 2025, but with two or three lines of reservations.

Clause 18(2) of the Bill says that the pension payable to a spouse shall not be paid if the deceased retired judge entered into the marital relationship after retirement. I feel this will be a disadvantage to the other spouse. How will you judge that a relationship started after retirement? Probably, they dated for 10 years and he decided to marry the day he retired. It will be a disadvantage to the other person. We have 107 male judges and 85 female judges. It is obvious that the most disadvantaged person here will be a female. This Clause should be looked into because it will be difficult to tell when exactly the relationship started. Probably, I was a girlfriend for 10 years and I did not want the public or my family to know that I was dating the late judge. If we marry two or three months later and you start counting from the day that we declare officially that we are married, I feel this Clause should be looked into.

In additional benefits, there is a medical cover for the retired judge and their spouse on the same terms as that enjoyed by serving judges. I am questioning it. Probably, we marry at 70 and we get a child. The judge then dies three, four or five years later. What happens to the child because it is indicated here that the medical cover is for the spouse only. If there is a child

who is under 18 years old, then he suffers in these circumstances. This matter should also be looked into. We should not just imagine that once you retire being 70 years old, then you are not capable of getting a baby. If you are a male, you can get a child up to 100 years plus. So, this Clause should be looked into. There is this part of giving judges access to Very Important Person (VIP) platform and VIP lounge which is perfect, but the security is a great concern. Many judges in office are targeted by criminals. Imagine a poor retired old judge with no security. If they go to the market, those they jailed for whatever reason may still be looking for them. They cannot defend themselves. Security should be a major thing, more than anything else.

A Member talked about at least providing one domestic worker. We have discussed that, after retirement, if he or she decides to marry, and if this provision is not amended and remains as such, then the elderly man or woman with arthritis may not be able to bend. Therefore, give them at least the benefit of one domestic worker. This would make their life a bit easier, considering they have served the country under very difficult circumstances.

As I sit down, I want to confirm once more that I support this amendment, and I pray for our judges that this Bill passes according to their wishes. We also pray for them that they continue serving our country in their respective positions.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Is there another Member who wants to contribute? Yes, Deputy Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Hon. Deputy Speaker, the debate is enriching and very important. This is one piece of legislation that I would request we give more Members an opportunity to contribute. I want to stand, therefore, on Standing Order 96, that we adjourn this debate, probably after the latecomer contributes. Let us not end this debate today, so that we can have another bite another day. You understand the significance of this.

Hon. Deputy Speaker: I will pose a question for adjournment after Hon. Chepkonga has contributed.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Deputy Speaker, we have suggested that Hon. Baya change his name to Hon. Mzuri. If he continues using his name, he may become like it. We want him to continue to be a good person.

I rise to support this Bill, which is indeed very important. It is important in the sense that we want to support the Judiciary. Hon. Deputy Speaker, you were once the Chief Registrar of the Judiciary and you did very important reforms there. When I was the Chairman of the Departmental Committee on Justice and Legal Affairs, you made many proposals which we supported, including uplifting the standards of the judges, particularly those of the Court of Appeal, who are still hanging around the courts but the courts are not as good as we wanted them to look.

Judges work under very difficult circumstances. In fact, all judges and magistrates hear unhappy cases. There is nobody who brings happy cases to them. They hear murder cases, theft cases, or cases where someone refuses to pay their debts. They do not hear things that bring people together or make people happy when a matter is concluded. This includes advocates, who also experience a lot of trauma. Sometimes the parties do not even understand. They appear before judges and imagine that, for example, because Hon. TJ and I are representing two different parties, being the defendant and the plaintiff, should be permanent enemies, like the parties are. When they see me going out for tea at Trattoria, they cannot understand and sometimes sack one of the lawyers. They ask, "How can you agree with that very crazy man? He said very bad things about me." Unknown to them, in our profession, that is how we are trained. We do not have enmity; we just have a job to do. Likewise, for the Judiciary, judges have a duty to discharge. They must make rulings. They must give judgments.

When judges give judgments, one party will always be unhappy. One party loses and another one wins. The unhappy party often takes it personally against the judge. This judge is expected to retire at some point. The judge has a police guard, a police driver and a Government vehicle. Suddenly, at the age of 70, the judge is supposed to retire. How do you tell this person to go home as they are? When I joined the National Youth Service, they used to tell us, "As you are". We did not even know what that meant. When judges retire, they are told to go as they are, yet that is not how they were when they joined the Judiciary. They joined while they were okay, but now leave with a lot of baggage. Many people have disagreed with them over the years and we now expect them not to be protected. In my view, some of the proposals are too modest.

During Third Reading, I will be persuading the Chairman of the Departmental Committee on Justice and Legal Affairs to move an amendment to provide a security officer for the lifetime of any individual who retires from the Judiciary. Secondly, I will be proposing that judges retire with their official Government vehicles so that they may continue to be driven. They must also enjoy their retirement. They have been unhappy for almost 70 years and are now being sent home without anything. Judges do not invest. They are told not to invest in anything but just rely on their salary. As you know, their salaries are modest. Together with Hon. TJ Kajwang' and others, we have struggled to increase their salaries. Hon. Caroli knows this from when he was the Chief of Staff of the former Prime Minister.

Everyone wanted to assist the judges, but we could not find a mechanism at that time. We now have an opportunity to assist them. Their retirement package should include a police officer, a security detail and a motor vehicle for life. The life expectancy in Kenya is not even 70 years but about 58 years. Do not worry if you are not there yet. We will pray for you to get there. I have seen Hon. Fatuma Full Network very worried about not reaching 58. We will pray that she does so that she understands what it feels to be a judge at the age of 70.

For somebody retiring at 70, having gone through many bad situations, you cannot expect that person to live to 94 years like the former President. If President Moi had no security and sufficient medical cover, he might not have lived long after retirement. He had fully maintained vehicles and security personnel wherever he went and he felt secure. You live longer when you have peace of mind. We want judges to live longer so that they can continue to talk to the young lawyers. In one of his rulings, I remember the late Justice Madan referring to an argument between a young and an old lawyer. The older lawyer wondered what the young one knew while the younger one wondered what the older one knew. Justice Madan intervened and told the older lawyer, "Please, respect the young lawyer because he has the benefit of recent learning, which you do not have. Certain laws have been changed since you were last in school. There are better ways of doing research and he is more conversant with them, including e-tools."

Two, the younger lawyer was told by Justice Madan to respect the old lawyer because he had the benefit of experience which he did not have. So, it was a draw. You know, everybody had to be respected one way or the other. The younger one was respected on account of his recent learning and the older one on account of his experience. So, we want that experience that these judges will have acquired over time. They should go round dispensing it. For example, they can come to the Centre for Parliamentary Studies and Training (CPST) to train some of us on various rulings, like those of Justice Lord Denning.

You know, we have our own Justice Lord Denning and we are told it is Justice Odunga. We do not want when Justice Odunga retires to just go to *nyalgunga*. You know, *nyalgunga* means home. I am not a luo, but I was told that is what it means. It means home. We do not want him to just go home and disappear there. We want him to come around. Just like what my former student youth leader, PLO Lumumba used to say, we must moil and toil. The fact that you have retired does not mean that you cannot moil and toil. We still want these judges to

continue to moil and toil and to mentor the younger generation so that they can be better lawyers and judges.

As you know, Hon. Deputy Speaker, you were part of those who came up with the Judicial Training Institute (JTI). We want to have some of these older judges being part-time lecturers in JTI so that they can help the new judges to make good rulings that will inspire the younger generation. You know, when we have such judges who are well-grounded in jurisprudence... These are fellows who should be mentoring the younger generation so that they can write better judgments than the older generation. Every younger generation must always be better than its older generation. They have better knowledge that they received from the older generation. If they add it to their recent learning, they will make better judges, lawyers and legislators. So, we do not need to fly to Toronto for purposes of being schooled on matters of jurisprudence of a country that we stay in. We do not want the jurisprudence of Canada. We are more interested in the jurisprudence of Kenya. We have a new Constitution that we need to hear from. We need to see people making earthquake decisions. I support.

I thank you.

(Question proposed)

(Question, that debate be now adjourned, put and agreed to)

(Debate adjourned)

Hon. Deputy Speaker: Next order.

MOTION

ADOPTION OF FIRST REPORT ON THE STATUS OF IMPLEMENTATION OF THE CONSTITUTION

THAT, this House adopts the First Report of the Constitutional Implementation Oversight Committee on the status of implementation of the Constitution by the following Independent Commissions, laid on the Table of the House on Tuesday, 12th November 2024 –

- (a) Kenya National Commission on Human Rights;
- (b) The National Land Commission; and
- (c) The National Gender and Equality Commission.

(Moved by Hon. Caroli Omondi on 12.11.2025 – Afternoon Sitting)

(Resumption of debate interrupted on 12.11.2025 – Afternoon Sitting)

Hon. Deputy Speaker: Is there anyone who would like to debate? Since there is no interest, I call upon the Mover to reply.

Hon. Caroli Omondi (Suba South, ODM): Thank you very much, Hon. Deputy Speaker.

I beg to reply. Let me begin by...

(Hon. TJ Kajwang' spoke off the record)

Sorry, I got destructed by Hon. TJ Kajwang'. Let me begin by reminding the House why we have Chapter 10 commissions and independent offices, which are commonly called the fourth arm of the state. We have 10 independent constitutional commissions and two independent offices, namely the Auditor-General and the Controller of Budget. Chapter 10 is the architecture of the accountability institutions in the Republic of Kenya. And why do we have them? So that we can understand what the challenges are and what the recommendations are.

They serve various purposes. One is to entrench constitutionalism, protect the sovereignty of the people, protect the interests of the people, ensure injustices to the people are remedied, promote national values and principles, and most importantly, ensure accountability and act as peacemakers between the citizens and the state and between the various state organs. By their very role, they have been given a character that requires them to be independent, in other words, not subject to the control of another entity.

They are supposed to be impartial. They are supposed to be specialised, and I emphasise specialised because we will deal with a particular challenge that undermines that characteristic of the independent commissions. In other words, they need to have a protected budget, the commissioners need to have security of tenure, and they need to be allowed to operate independently. Even the members who are appointed to those commissions must be impartial and must have the necessary skills to discharge their duties.

These commissions have the power to investigate and make binding decisions. If you look at our report and the contribution of the Members, various challenges have been identified, which I hope we will refer to the Committee on Implementation, to see how we can protect these Chapter 10 commissions. The first challenge is political interference by the political class in the operations of these independent commissions. A case in point is the National Dialogue Committee (NADCO) process. If you look at most of the recommendations that came out of the NADCO process, they are breaching the responsibilities of these independent commissions. For example, there is a recommendation by NADCO that we merge the National Gender and Equality Commission with the Kenya National Human Rights Commission and the National Cohesion and Integration Commission (NCIC). And you ask yourself, what expertise did NADCO have to make such a recommendation? This interferes with what was well thought out during the Bomas of Kenya and at the time of constitution-making. Most importantly, on the two-thirds gender rule, the formula for that should be the work of some of these constitutional commissions. But you find overreach by the political class in trying to solve those problems.

The second challenge is Executive overreach. Again, based on the NADCO report, you recently saw a recommendation by the Executive that victims of demonstrations be compensated, yet we have the Kenya National Human Rights Commission, which should deal with that particular issue. We need to address these matters. There are even more worrying examples of Executive capture of these commissions, especially on the appointment of the members who sit in them. You find a lot of political failures recycled through these commissions, members who do not necessarily have the requisite expertise to work in them. We need to deal with that issue.

The other challenge, the biggest one we highlighted, is the chronic underfunding of these institutions. If you look at Article 249(3) of the Constitution, it says that Parliament shall allocate adequate funds to enable each commission and independent office to perform its functions, and that the budget of each commission and independent office shall be a separate vote. The reality is that these independent constitutional offices and commissions have their budgets collapsed within the Executive in terms of sectoral working groups. They are not separated. When the fiscal space is designed and limited to a particular sector, we breach

Article 249(3) by limiting the resources that we can dedicate to these independent commissions.

It is our recommendation that the independent commissions be removed from the sector working groups. By their very nature, they are not supposed to be in sector working groups. They are supposed to be independent. They are accountability institutions that cannot be mixed with the same institutions they are supposed to hold accountable. We therefore recommend that the Committee on Implementation take up that matter with the National Treasury and see how to separate the vote and the budget-making processes of the independent commissions and independent offices, particularly the 10 under Chapter 15, the Auditor-General, and the Controller of Budget.

This House is also guilty of non-implementation of the recommendations of the commissions. We have not been very proactive, we have not been very supportive, and we need to call ourselves out and find a way of implementing the recommendations that have been made by these commissions to this House. I will be asking that we invite the Committee on Implementation to prepare a list of all the recommendations these Commissions have made to this House and the status of their implementation so that we clearly see how this House has also not done its work. There has also been inaction on our part, with very dire consequences.

The Independent Electoral and Boundaries Commission (IEBC) was supposed to review boundaries. This has not been done because of the inactivity of this House yet we are approaching elections. We cannot solely blame the IEBC. This House could not find a solution or a pathway. That is a failure on our part. We do not know how this will affect upcoming elections. Let us hope for the best because this matter was referred to the Supreme Court and later referred back to the Commission because it was not properly constituted. It is still pending out there.

I think Parliament needs to take a very proactive role in ensuring not only the independence and functional autonomy of these Commissions but also the implementation of the recommendations they make.

With those few remarks, I beg to reply. Thank you.

The Deputy Speaker: Thank you. I think we shall put the question in the next sitting.

(Putting of the question deferred)

Let us proceed to the next Motion. We will defer it if the Mover is not here. Deputy Leader of the Majority Party, do you want to move it on their behalf?

APPROVAL OF THE NATIONAL GREEN FISCAL INCENTIVES POLICY FRAMEWORK

Hon. Owen Baya (Kilifi North, UDA): Hon. Deputy Speaker, I was asked to move this Motion on the consideration of Sessional Paper No.5 of 2024 on the National Green Fiscal Incentives Policy Framework.

I beg to move the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Environment, Forestry and Mining on its consideration of the Sessional Paper No.5 of 2024 on the National Green Fiscal Incentives Policy Framework, laid on the Table of the House on Tuesday, 30th September 2025 and approves Sessional Paper No. 5 of 2024.

By way of introduction, the policy framework seeks to steer Kenya onto a low carbon climate resilient and green development pathway using fiscal and economic mechanisms. It aligns with the Climate Change Act of 2016, Kenya's Nationally Determined Contributions

(NDCs), and the National Climate Change Action Plans (NCCAPs). All guide the nation's climate action agenda.

The overarching goal of this policy is to provide a coherent suite of fiscal actions that will accelerate Kenya's transition to a low emissions economy, enhance climate resilience, and promote environmental sustainability while supporting inclusive green growth. Nine key principles guide the framework. They are predictability, cost effectiveness, polluter pays, coherence, consultation, inclusiveness, transparency, equity, and sustainability.

The principles ensure that fiscal interventions are transparent, fair and effective in addressing environmental challenges. The policy is a timely response to the realities of the global economy, where investors are shifting rapidly from carbon incentives to green investments and key technologies are experiencing cost reductions. The framework positions Kenya to remain competitive in this evolving landscape.

There are several salient provisions of the policy framework that I would like to speak about. The natural green fiscal incentive policy framework is structured into 11 thematic areas, each proposing targeted fiscal measures to promote green growth and sustainable development. The thematic areas that I would like to highlight include, first, disaster risk management, where we have fiscal tools such as flood control funds, crop and livestock insurance, and catastrophe bonds. I know my friend, Hon. Caroli, would be interested in catastrophe bonds.

Hon. Deputy Speaker: Hon. Caroli, are you aware of that?

Hon. Owen Baya (Kilifi North, UDA): Yes, he is. He is a learned man; he understands that. Second, regarding water and blue economy, we have incentives for water harvesting, sustainable fisheries, wetland restoration, and green port infrastructure. Third, regarding health and sanitation, we have support for disease surveillance systems, energy-efficient medical equipment, and organic pesticides. The Deputy Speaker has, for many years on this Floor, talked about organic pesticides, and she has waged a successful war. I do not know if she has been successful in fighting for organic pesticides, but at least she has done something about this.

Fourth, regarding agriculture and food security, we have fiscal incentives for climate-smart agriculture, post-harvest technologies, and livestock resilience. Fifth, regarding forestry, wildlife, and tourism, there are ecological fiscal transfers, payments for ecosystem services, and carbon offset integration. Sixth, regarding human settlement and infrastructure, we have incentives for green buildings and circular economy infrastructure.

Seventh, regarding renewable energy, we have the promotion of geothermal, solar, wind, and off-grid renewable energy while phasing out fossil fuel thermal plants. Eighth, regarding clean cooking, we celebrated the clean cooking week in Kilifi, and Her Excellency, the First Lady, presided over the event. This is part of the fiscal policy. Here we have incentives for clean fuel and zero rating of electric cookers. Ninth, regarding manufacturing, we have fiscal support for eco-labelling and resource-efficient production systems. Tenth, regarding transport, we have incentives for electric vehicles, e-mobility infrastructure, and biofuels. This country has made great strides towards electric vehicles. These days, we see a lot of e-mobility. I see many electric boda bodas out there.

Finally, regarding waste management, we have fiscal support for circular economy businesses and waste-to-energy initiatives. There was some initiative in Dandora that was supposed to take place on the waste-to-energy. This country is moving very fast. I know many counties are looking at opportunities in waste-to-energy initiatives, so that we can turn the waste that we have into energy, reduce biofuel uses and increase green energy consumption in this country.

The policy further proposes the establishment of a Kenya Green Investment Bank (KGIB) to mobilise public and private capital for climate action. The bank will de-risk green investments through blended finance solutions such as guarantees, concessional loans, and

credit enhancement. The KGIB will bridge financing gaps and catalyse large-scale investment in renewable energy, clean transport, climate-smart agriculture, and sustainable infrastructure. It will be a key driver in Kenya's transition to a green economy.

Hon. Deputy Speaker, in line with Article 118(1)(b) of the 2010 Constitution, the Committee invited public participation through media advertisement and our stakeholder consultation. The Stakeholders included the National Treasury, the Ministry of Environment, Climate Change and Forestry, the State Department for Forestry, and the Office of the Attorney-General. They all participated during the public participation phase to enrich the Policy.

The National Treasury emphasised that the Policy Framework is critical to mobilising climate finance through multiple sources, such as public, private, multilateral and bilateral agreements towards Kenya's Nationally Determined Contributions (NDCs) and the National Climate Change Action Plans (NCCAPs). They noted that green fiscal reforms will stimulate investment, correct environmental externalities, and generate additional revenue for the government. The talk that there is a lot of money in climate change has always been there, but as a country, we do not have a proper policy. We have a law on carbon emissions and carbon credits, but lack a proper policy that anchors climate financing.

The State Department for Forestry supported the Framework, welcoming tools such as Ecological Fiscal Transfers (EFTs) and Payments for Ecosystem Services (PES) to reward conservation efforts. They called for the institutionalisation of natural capital accounting to capture the economic and ecological value of Kenya's forests and ecosystem services.

The Office of the Attorney-General confirmed that the policy framework was developed in compliance with the Constitution and all relevant environmental laws and policies. Having participated fully in the interagency process led by the National Treasury. The Committee observed that the Policy Framework:

1. Promotes a comprehensive fiscal approach to green transitions.
2. Encourages private sector participation through mechanisms like EFTs and green bonds.

As I conclude, I would like the Member for Suba South to prepare to second this Policy. I know he has a lot of things to say. I will be glad to be seconded by him.

3. Introduces balanced incentives to guide sustainable investment.
4. Establish the Kenya Green Investment Bank as a catalyst for green finance.

I agree with the Committee recommendations that the House:

1. Adopts the Report on Sessional Paper No. 5 of 2024, the National Green Fiscal Incentives Policy Framework.
2. Resolves that all future legislation and regulations developed by ministers, departments, and agencies be guided by the provisions of this Framework.

This Policy Framework is a cornerstone of the Government's Bottom-up Economic Transformation Agenda (BETA) and reflects Kenya's unwavering commitment to sustainability, equity, and inclusive prosperity. It will enable our nation to harness green finance, create jobs, and protect the environment for future generations.

I, therefore, urge Members to support this Motion as it provides a sound fiscal and policy foundation for Kenya's green transformation. I would like to invite Hon. Caroli Omondi to second this Policy Framework. I thank you, Hon. Deputy Speaker.

Hon. Caroli Omondi (Suba South, ODM): Hon. Deputy Speaker, I was not intending to second, but I have been ambushed. I have some recommendations that I may have to make.

I rise to second the Motion on the National Green Fiscal Incentives Policy Framework. Mainstreaming fiscal incentives in our planning processes and budgetary processes, to protect the climate and implement climate action, is the right way to go. Kenya is at the forefront in

this particular area, not just as the host of the United Nations Environment Programme (UNEP), but also as a country that is endowed with a lot of resources.

Hon. Deputy Speaker, this is a good Policy Framework that highlights the government priorities and proposals in offering green fiscal incentives and also ensuring that government processes comply with the needs of climate change adaptation. I said that I was not supposed to second the Motion but I have some other ideas which will improve the National Green Fiscal Incentives Policy Framework, if I am allowed to say them.

One of the issues of concern to me in this Policy Framework is that I do not see strong provisions on how to stop misuse of resources dedicated to climate adaptation. For example, there is a project that has been implemented in this country called Mwananchi Gas Project marketed as Gas Yetu by the National Oil Corporation of Kenya. It was intended to help reduce respiratory diseases, enhance quality of life and reduce deforestation. The project involved supply of 6kg gas cylinders to members of the public at Ksh2,000 per cylinder and Ksh1,500 for refill of gas. The project estimate was about Ksh1.2 billion, but the implementation was characterised with a lot of difficulties as 60,000 houses were targeted. However, if you look at the audit report, there was poor accountability, some defective cylinders and logistical inefficiencies. About 79,057 gas cylinders supplied were faulty, while 149,733 cylinders could not be accounted for in that project. This Policy needs to address these challenges so that when there are government interventions to mainstream climate change adaptation, the resources are not misused.

The second point I would like to raise is misuse of fiscal incentives which is the thrust of this Policy. There will be tax waivers, concessional loans, interest rate rebates and subsidies to encourage people to adapt to climate change. Recently, I looked at Tax Expenditure Report by the Ministry of National Treasury and Economic Planning. It said that Kenya foregoes about Ksh510 billion—which is about 3.4 per cent of the Gross Domestic Product (GDP)—in terms of tax waivers, concessional loans, interest rates, subsidies and the rest. That amount of money is estimated to construct a new Nairobi Expressway. The impact of these waivers has not been quantified so that we can audit whether we have achieved the intended purposes. Therefore, this Policy can be improved to avoid misuse of these fiscal incentives in future.

Studies show that a lot of fiscal incentives favour the rich and burden the poor. This Policy can also be improved by having more paragraphs dealing with that particular question:

How can incentives here be used to improve the livelihoods of the poor, and not be benefits that accrue to the rich or sophisticated businessmen who can enhance their balance sheets?

Finally, I would like to suggest that we improve the National Green Fiscal Incentives Policy Framework by emphasising on building institutional capacity within the Ministry of National Treasury and Economic Planning, the Ministry of Environment and Forestry and the office of the Attorney-General to deal with climate action and adaptation issues. This is a very sophisticated area of both legal and environmental practice. Kenya does not have the skill set within the public service to deal with these issues. I have not seen a paragraph in this Policy dealing with that particular question of how to build institutional capacity to harness the benefits of international instruments that we have for climate adaptation and change.

With those remarks, I beg to second the Motion. Thank you, Hon. Deputy Speaker.

(*Question proposed*)

Hon. Deputy Speaker: Hon. Fatuma.

Hon. Fatuma Mohammed (Migori County, Independent): Thank you, Hon. Deputy Speaker, for the opportunity. I rise to support this good initiative from the Government. I will focus on one area that touches on the renewable energy—the promotion of geothermal, solar,

wind and off-grid power while phasing out our fossil fuel thermal plants. Renewable energy is the way to go because, currently, the world is suffering. We know that we need clean environment. Renewable energy is mostly found in sunlight, wind, water and heat from the earth. Kenya being a very hot country in our continent, would sustain renewable energy. On a short notice, I support this initiative.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you. Hon. Jane Kagiri.

Hon. Jane Kagiri (Laikipia County, UDA): Thank you, Hon. Deputy Speaker, for giving me the opportunity to support this Motion. I support the policy because of the many thematic areas that have been picked. Disaster risk management, water and blue economy, health and sanitation, agriculture and food security, and forestry, wildlife and tourism are the backbone of our economy. We should focus on incentives that would make sure these various thematic areas progress. My addition would be that the first thing we need to look at is the Key Performance Indicators (KPIs) we will use to measure the achievement of whatever we are targeting.

We also need to test our capacity and be sure that we will be able to measure and be transparent with whatever we intend to achieve. There should also be independent evaluation to ensure that we do not have cartels in the industry or the money-makers in something intended to benefit the whole country. We also have to set very clear objectives for us to achieve our goals. We should ensure that these incentives are used for what they were intended to and achieve whatever they are supposed to. We also need to choose the correct instruments that will guide us in checking whether the incentives are producing the targeted results.

Hon. Deputy Speaker, I submit and support.

Hon. Deputy Speaker: Mover, you can reply.

Hon. Owen Baya (Kilifi North, UDA): Thank you very much, Hon. Deputy Speaker. I thank every Member who has contributed to the debate on this Motion. This policy framework will help to anchor all laws related to the environment. It will also bring more money to the country through the use of the green energy.

Hon. Deputy Speaker, with those remarks I reply. Thank you.

Hon. Deputy Speaker: Thank you. Next Order.

**ADOPTION OF REPORT ON AUDITED ACCOUNTS FOR
THE JUDICIARY MORTGAGE SCHEME FUND
FOR FYs 2011/2012 TO 2021/2022**

THAT, this House adopts the Report of the Special Funds Accounts Committee on its consideration of the audited accounts for the Judiciary Mortgage Scheme Fund for the financial years 2011/2012 to 2021/2022, laid on the Table of the House on Tuesday, 5th August 2025.

Hon. Deputy Speaker: Chairperson of the Special Funds Accounts Committee.

Hon. Fatuma Mohammed (Migori County, Independent): Thank you once more, Hon. Deputy Speaker. I request you to defer the debate to a later date. Thank you.

Hon. Deputy Speaker: Thank you. The Motion is deferred to the next Sitting.

(Motion deferred)

Next Order.

APPROVAL OF THE NATIONAL POLICY ON LABOUR MIGRATION

THAT, this House adopts the Joint Report of the Departmental Committee on Labour and the Select Committee on Diaspora Affairs and Migrant Workers on the consideration of Sessional Paper No. 5 of 2023 on the National Policy on Labour Migration, laid on the Table of the House on Thursday, 9th October 2025, and approves Sessional Paper No. 5 of 2023 on the National Policy on Labour Migration.

Hon. Deputy Speaker: Chairperson, Departmental Committee on Labour. He is not here.

(*Motion deferred*)

Next order.

**ADOPTION OF FIFTH REPORT ON AUDITED ACCOUNTS FOR THE
COMMODITIES FUND FOR THE FINANCIAL YEARS
2018/2019 TO 2021/2022**

THAT, this House adopts the Fifth Report of the Special Funds Accounts Committee on its consideration of the Report of the Auditor-General on the Financial Statements for the Commodities Fund for the Financial Years 2018/2019, 2019/2020, 2020/2021 & 2021/2022, laid on the Table of the House on Thursday, 7th December 2023.

Hon. Deputy Speaker: Chairperson, Special Funds Account Committee.

Hon. Fatuma Mohammed (Migori County, Independent): Thank you, Hon. Deputy Speaker. I kindly request that you defer it to a later date. Thank you.

(*Motion deferred*)

Next Order.

**ADOPTION OF SIXTH REPORT ON AUDITED ACCOUNTS FOR THE STORES
AND SERVICES FUND AND THE OCCUPATIONAL SAFETY AND HEALTH
FUND FOR FINANCIAL YEARS 2020/2021 AND 2021/2022**

THAT, this House adopts the Sixth Report of the Special Funds Accounts Committee on its consideration of the Report of the Auditor-General on the Financial Statements for the Stores and Services Fund for Financial Years 2020/2021 & 2021/2022 and the Occupational Safety and Health Fund for the Financial Years 2020/2021 & 2021/2022, laid on the Table of the House on Thursday, 7th December 2023.

Hon. Deputy Speaker: Chairperson.

Hon. Fatuma Mohammed (Migori County, Independent): Thank you, Hon. Deputy Speaker. I kindly request that you defer it to a later date. Thank you.

(*Motion deferred*)

Next order.

**ADOPTION OF SEVENTH REPORT ON AUDITED ACCOUNTS FOR THE
LAND SETTLEMENT FUND AND THE RAILWAY DEVELOPMENT
FUND (HOLDING ACCOUNT)**

THAT, this House adopts the Seventh Report of the Special Funds Accounts Committee on its consideration of the Report of the Auditor-General on the Financial Statements for the Land Settlements Fund for the Financial Years 2020/2021 & 2021/2022 and the Railway Development Fund (Holding Account) for the Financial Years 2017/2018, 2018/2019, 2019/2020, 2020/2021 & 2021/2022, laid on the Table of the House on Thursday, 7th December 2023.

Hon. Deputy Speaker: Chairperson.

Hon. Fatuma Mohammed (Migori County, Independent): Thank you, Hon. Deputy Speaker. I kindly request that you defer it to a later date. Thank you.

(Motion deferred)

Next order which is the last one.

ADOPTION OF REPORT ON PUBLIC PETITION ON POLLUTION OF ATHI RIVER

THAT, this House adopts the Report of the Public Petitions Committee on its consideration of Public Petition No. 11 of 2022 regarding Pollution of River Athi, laid on the Table of the House on Thursday, 11th April 2024.

Hon. Deputy Speaker: Chairperson, Public Petitions Committee. He is not present. Is there any other Member from that Committee?

(Motion deferred)

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, the time being 6.52 p.m., the House stands adjourned until Thursday, 20th November 2025, at 2.30 p.m.

The House rose at 6.52 p.m.

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