

Approved for tabling.

PARLIAMENT
OF KENYA
LIBRARY

REPUBLIC OF KENYA



KENYA NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – THIRD SESSION - 2015

DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND
NATIONAL SECURITY REPORT ON THE CONSIDERATION OF A
PETITION REGARDING UTILIZATION OF FUNDS MEANT TO
COMPENSATE INTERNALLY DISPLACED PERSONS
IN KISII COUNTY

CLERK'S CHAMBERS,
PARLIAMENT BUILDINGS,
NAIROBI

APRIL, 2015

But
SNA
30/4/15
Paper Laid
By Hon A. Kammenya
Chair, DC-Admin
of Nat. Security
(Hws. 30.4.15
Attention)
MW



TABLE OF CONTENTS

1.0	PREFACE.....	2
2.0	BACKGROUND.....	6
3.0	SUBMISSIONS.....	7
3.1	MEETING WITH THE PETITIONERS.....	7
3.2	MEETING WITH THE CABINE SECRETARY FOR DEVOLUTION AND PLANNING.....	7
3.3	SUBMISSIONS BY THE MINISTRY OF INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT.....	10
4.0	FINDINGS AND OBSERVATIONS.....	11
4.0	RECOMMENDATIONS.....	12

APPINDICES

APPINDIX I-SUBMISSIONS BY THE CABINET SECRETARY FOR DEVOLUTION AND
PLANNING

APPINDIX II - CORRESPONDENCE

APPINDIX III - SUBMISSIONS BY THE MINISTRY OF INTERIOR AND COORDINATION
OF NATIONAL GOVERNMENT

1.0 PREFACE

The Departmental Committee on Administration and National Security was constituted pursuant to the provisions of Standing Order No. 216(1) of the National Assembly and has executed its mandate, in accordance with the provisions of the said Standing Order.

1.1 Committee Mandate

The Committee is mandated to:-

- (a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments; and,*
- (b) investigate and inquire into all matters relating to the assigned Ministries and departments as it may deem necessary, and as may be referred to it by the House...*

1.2 Committee Membership

The following are the Members of the Committee:-

1. Hon. Asman Kamama, MGH, OGW, MP - Chairperson
2. Hon. Alois M. Lentoimaga, MP – Vice Chairperson
3. Hon. Ababu Namwamba, EGH, MP
4. Hon. Joseph Lekuton, MP
5. Hon. Alice Wahome, MP
6. Hon. Zakayo K. Cheruiyot, MP
7. Hon. Timothy W. Wetangula, MP
8. Hon. Patrick Ole Ntutu, MP
9. Hon. Ali Isaack Shaaban, MP
10. Hon. Samuel Moroto, MP
11. Hon. Humphrey Njuguna, MP
12. Hon. Francis K. Mwangangi, MP
13. Hon. Rashid J. Bedzimba, MP
14. Hon. David Gikaria, MP
15. Hon. Mohamed Shidiye, MP
16. Hon. Jane Machira, MP
17. Hon. Ibrahim Abdi Saney, MP
18. Hon. Joseph O. Ndiege, MP
19. Hon. (Maj. Rtd.) John K. Waluke, MP
20. Hon. Wanjiku Muhia, MP
21. Hon. Akuja Protus Ewesit, MP

22. Hon. Joseph M. Kahangara, MP
23. Hon. Ahmed Abdikadir Ore, MP
24. Hon. Grace Kiptui, MP
25. Hon. George Theuri, MP
26. Hon. Regina Nthambi Muia, MP
27. Hon. James Bett, MP
28. Bernard Shinali, MP

1.3 CONSIDERATION OF THE PETITION

Mr. Speaker,

The petition by the *Gusii IDPS Fraternity* forum on the utilization of funds meant to compensate Internally Displaced persons in Kisii County was presented to the National Assembly in June, 2014, pursuant to Article 119 of the Constitution, which provides that every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation and Standing Order 220(1) which provides for the submission of a petition to the House.

The petitioners prayed that:

- i) That the National Assembly investigates alleged misappropriation of Kshs.55 million disbursed to Government officers to compensate Internally Displaced persons in Kisii County.

The petition was referred to the Committee on Administration and National Security on 17th June, 2014, Pursuant to the provisions of Standing Order 227 (2).

The Committee held a meeting with the petitioners on 21st August 2014. The purpose for this meeting was to give audience to the petitioners and establish ways on how best their prayers could be answered and articulated. The Committee also held a meeting with the Cabinet Secretary for Interior and Coordination of National Government and the Cabinet Secretary for Devolution and Planning.

The Committee established that the then Ministry of Special Programmes had disbursed Kshs.181,200,000 to the Deputy County Commissioners in the two Counties to pay Kshs. 10,000 to each of the 18, 120 IDPs as start-up capital. An additional Kshs, 8,025,000 was disbursed to pay 321 IDPs, to cater for reconstruction of burnt houses, each IDP was supposed to receive kshs.25, 000.

The Committee was further informed that the Deputy County Commissioners are yet to account for Kshs. 22,260,000 disbursed to them for payment of start-up capital of Kshs. 10,000 to 2,226 IDPs and that letters had been written to them to submit the returns and that the Ministry of Devolution Planning was still waiting for their responses.

The Committee also established that 12 out of the 83 petitioners had been paid Kshs. 10,000 each. This was according to a list of 12,205 presented to the Committee by Cabinet Secretary for Devolution and Planning, showing the names of IDPs in Kisii and Nyamira Counties who had been compensated.

1.4 ACKNOWLEDGEMENT

Mr. Speaker, Sir,

The Committee is thankful to the Office of the Speaker and the Clerk of the National Assembly for facilitating the Committee to achieve its mandate.

After consideration of the petition, the Committee recommended that the Auditor General conducts a special audit and submits to the National Assembly an advisory report on the utilization of funds meant for Internally Displaced Persons start-up capital and reconstruction of burnt houses disbursed to Deputy County Commissioners in Kisii and Nyamira Counties. The Committee also recommended that the Government should urgently compensate genuine Internally Displaced Persons (IDPs) after the Auditor General concludes an audit of the disbursed funds.

Mr. Speaker,

On behalf of the Members of the Departmental Committee on Administration and National Security, I beg to table the report of the Committee on its consideration of a petition by the *Gusii IDPs Fraternity* forum on the utilization of funds meant to compensate Internally Displaced persons in Kisii County pursuant to Standing Order 227(2).

Signed.....

Hon. Asman Kamama, MGH, OGW MP

Chairperson, Committee on Administration and National Security

Date..... 30/04/2015 .

2.0 BACKGROUND

The contested 2007 presidential elections led to protests that degenerated into widespread violence where more than 1,133 Kenyans lost their lives. The post election violence displaced almost 600,000 people into temporary camps, with an equal number seeking refuge with friends and relatives. Massive destruction of property was also witnessed leading to economic shutdown in parts of the country mainly in the expansive Rift Valley. The education sector, health sector and other important government functions were also interfered with by the large-scale displacement of professionals.

The Government established the National Humanitarian Fund through legal notice No 11 Of 2008. This was followed by the appointment of the advisory board .This constituted the first framework upon which resettlement of IDPs was based. The fund was meant to ensure that persons affected by the violence were resettled and assisted to restart their basic livelihood. However there have been numerous complaints regarding the implementation of Government initiatives to resettle and compensate the Internally Displaced Persons.

There is concern that funds meant for compensation IDPs have not been fully accounted for with reports of alleged misappropriation of the funds through fraud. The Ministry of Devolution and Planning indicated that only IDPs 15,160 out of 18,120 targeted beneficiaries in Kisii and Nyamira Counties were confirmed to have been paid. The Government needs to ensure that all the funds meant to assist IDPS are fully accounted for by officers involved in the exercise. Officers found culpable for misappropriation and fraud should be prosecuted.

3.0 SUBMISSIONS

3.1 MEETING WITH PETITIONERS

During the meeting the petitioners alleged that payment of Internally Displaced Persons Funds was effected using cards instead of a register of IDPs. This would have led to fraud and misappropriation of the funds thus denying genuine IDPs access to the funds.

The petitioners stated that the Gusii IDP fraternity had 23,000 registered members. The Committee requested for documents to confirm the group membership and registration status but the documents were not available. The Committee observed that, in the absence of a membership register, it was clear not whether the petitioners represented the interests of all registered IDPs in Kisii County.

3.2 MEETING WITH THE CABINET SECRETARY FOR DEVOLUTION AND PLANNING

The Committee held a meeting with the Cabinet Secretary and was informed that the 2007/2008 Post Election Violence IDPs were profiled into three main categories:

1. 70,000 IDP households who agreed to voluntarily return to their farms through Rudi Nyumbani Operation;
2. 8,754 households who formed Self Help Groups that were profiled by the Ministry before the set deadline of 30th December 2008. These IDPs were resettled in Government procured land with the exception of 817 households among them that were paid Kshs.400,000 each in lieu of land settlement; and
3. 165,846 households were categorized as integrated IDPs living among the various communities in the country who were paid Kshs.10, 000 as start-up capital.

The Committee further established that IDPs in Kisii and Nyamira Counties were categorized under Integrated IDPs and those profiled were 17,385. The then Ministry of Special Programmes had disbursed Kshs.181,200,000 to the Deputy County Commissioners in the two Counties to pay Kshs. 10,000 to each of the 18, 120 IDPs as start-up capital. An additional Kshs, 8,025,000 was disbursed to pay 321 IDPs, to cater for reconstruction of

burnt houses, each IDP was supposed to receive kshs.25, 000. The Committee was further informed that the Deputy County Commissioners are yet to account for Kshs.22, 260,000 disbursed to them for payment of start-up capital of Kshs. 10,000 to 2,226 IDPs and that letters had been written to them to submit the returns and that the Ministry of Devolution Planning was still waiting for their responses. The unaccounted for funds are indicated as per the table here below:-

Table 1: Unaccounted Funds for Kisii IDPS payment of Kshs 10,000

	District	CHQ No.	Date	No. of House Holds	Amount unaccounted (Kshs)
1	Kisii Central	A614589	9/8/12	545	5,450,000
2	Kisii South	A726526	14/11/12	24	240,000
		A614852	10/8/12	204	2,040,000
4	Kisii	A726982	30/4/13	177	1,770,000
5	Manga	A614588	9/8/12	331	3,310,000
6	Masaba	1726523	19/12/12	104	1,040,000
		A726981	30/4/13	98	980,000
8	Nyamira	A 726525	19/12/12	107	1,070,000
9	Gucha	A614851	15/8/12	636	6,360,000
Totals				2,226	22,260,00

Source: Documents availed to the Committee by the Ministry of Devolution and Planning.

The Committee also established that 12 out of the 83 petitioners had been paid Kshs. 10,000 each as compensation. This was according to a list of 12,205 presented to the Committee by the Cabinet Secretary for Devolution and Planning, showing the names of

IDPs in Kisii and Nyamira Counties who had been compensated. The 12 petitioners are listed in the table below:

Table 2: List of petitioners paid Kshs. 10,000 each

	NAMES	ID. NO	NO. ON THE PETITION LIST	NO. ON THE MINISTRY OF DEVOLUTION AND PLANNING PAYMENT BOOKLET
1	Hellen Nyaboke Charana	1213679	68	126
2	Keremensia Juma	3007925	74	2092
3	Elizabeth Bwari Sangara	4111892	70	2172
4	Martha Nyaboke Moindi	4111960	81	2173
5	John Masese Moiruruki	7631320	19	11479
6	Rusia Nyaboke Otiso	8131614	82	2661
7	Julius Moindi Nyambane	8162897	69	2672
8	Henry Nyabuto Obara	8578393	21	11503
9	Jane Kerubo Onchuru	10783976	73	2906
10	Josephine Kwamboka Onganga	12605772	85	3129
11	Silvanus Atambo	0340634	80	1475
12	Justin John Ontita	0412339	86	1505

Source: Records submitted to the Committee by the Ministry of Devolution and Planning.

The Committee further established that the Government decided to limit its resettlement programme to benefit IDPs registered by 31st December 2008 and rejected any further claims from the districts beyond the deadline. The Government also rejected claims by

persons or groups claiming to have been profiled in any other way than those existing in the database.

In April 2012, the then Minister for Special Programmes sent a team of officers to Kisii and Nyamira Counties to vet the list of IDPs presented to the Ministry. Only profiling forms for complaints from Kisii South, Nyamira North and Manga were submitted to the Vetting teams. No forms for Gucha South and Masaba Districts were submitted. Out of the 14,074 names submitted for vetting and verification only 414 were found to be eligible for consideration.

3.3 Submissions by the Ministry of Interior and Coordination of National Government

The Committee wrote to Principal Secretary for Interior seeking clarification on the following issues:-

- (i) The assertion by the Cabinet Secretary for Devolution and Planning that Deputy County Commissioners in Kisii and Nyamira Counties are yet to account for Kshs. 22,260,000 disbursed to them for payment of start-up capital of Kshs 10,000 each to 2,226 IDPs; and
- (ii) The claim that the Ministry of Devolution and Planning had requested the Deputy County Commissioners in Kisii and Nyamira Counties to submit returns for the unaccounted funds but the officers have not responded.

The Ministry of Interior and Coordination of National Government in a rejoinder submitted returns for the larger Gucha District in Kisii Country that include the present Sameta Nyamache and Kenya Sub-counties. The submitted returns indicated the following:-

- (i) Gucha District Received Kshs 13,430,000 for the compensation of Internally Displaced Persons.
- (ii) A register of 1263 beneficiaries who were reported to have received Kshs 10,000 each as compensation was submitted to the Committee.
- (iii) An official receipt No. 9767200 indicating that Kshs 1,320, 000,000 unspent funds had been returned to the then Ministry of State for Special Programmes on 7th March 2013.

4.0 OBSERVATIONS, FINDINGS AND CONCLUSIONS OF THE COMMITTEE

1. The Government, through then Minister for Special Programmes, disbursed Kshs. 181,200,000 to Deputy County Commissioners Kisii and Nyamira Counties to pay 18,120 IDPs, each IDP was supposed to receive Kshs.10, 000 as start-up capital. An additional Kshs, 8,025,000 was disbursed to facilitate the reconstruction of burnt houses.
2. There were plausible allegations that Deputy County Commissioners in Kisii and Nyamira Counties had not accounted for Kshs. 22,260,000 disbursed to them for payment of start-up capital to 2,226 IDPs.
3. The then Minister for Special Programmes sent a team of officers to Kisii County and Nyamira Counties to vet the list of IDPs presented to the Ministry. Only profiling forms for complaints from Kisii South, Nyamira North and Manga were submitted to the Vetting team.
4. Documents submitted to the Committee by the Cabinet Secretary for Devolution and Planning indicated that 12 out of the 83 petitioners had been paid Kshs. 10,000 each.
5. No documents to confirm the membership and registration status of the *Gusii IDP Fraternity* were availed to the Committee. The absence of a membership register and registration documents made it difficult for the Committee to determine whether the petitioners represented the interests of all registered IDPS in Kisii County.
6. The Ministry of Interior and Coordination of National Government failed to provide adequate clarification on the assertion by the Cabinet Secretary for Devolution and Planning that Deputy County Commissioners in Kisii and Nyamira Counties are yet to account for Kshs. 22,260,000 disbursed to them for payment of start-up capital of Kshs 10,000 each to 2,226 IDPs; and had not submit returns for the unaccounted funds.

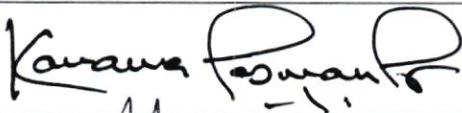

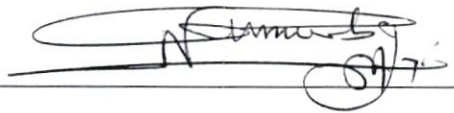

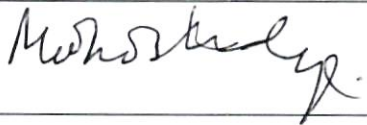
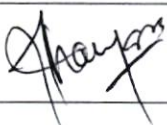


5.0 RECOMMENDATION

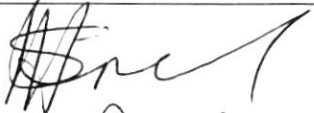
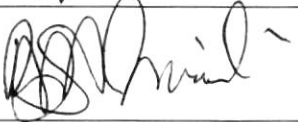

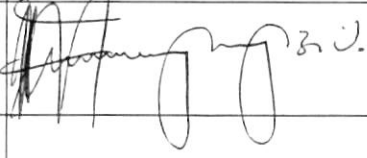
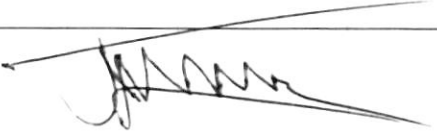


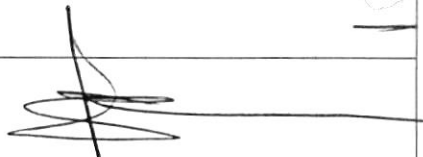

Having considered the petition by *Gusii IDPS Fraternity* forum on the utilization of funds meant to compensate Internally Displaced persons in Kisii County. The Committee recommends that:-

- (i) The Auditor General conducts a special audit and submits to the National Assembly an advisory report on the utilization of funds meant for Internally Displaced Persons (IDPs) start-up capital and reconstruction of burnt houses disbursed to Deputy County Commissioners in Kisii and Nyamira Counties, within ninety days.
- (ii) The Government should urgently compensate genuine Internally Displaced Persons (IDPs) after the Auditor General concludes an audit of the disbursed funds.

THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND
NATIONAL SECURITY

ADOPTION OF REPORT ON THE CONSIDERATION OF A PETITION
REGARDING UTILIZATION OF FUNDS MEANT TO COMPENSATE
INTERNALLY DISPLACED PERSONS IN KISII COUNTY

S/NO.	NAME	SIGNATURE
1.	The Hon. Kamama Asman, MGH,OGW,MP – Chairperson	
2.	The Hon. Alois M. Lentoimaga, MP – Vice-Chairperson	
3.	The Hon. Ababu Namwamba, EGH, MP	
4.	The Hon. Alice Wahome, MP	
5.	The Hon. Joseph Lekuton, MP	
6.	The Hon. Mohamed Shidiye, MP	
7.	The Hon. Jane Machira, MP	
8.	The Hon. Joseph Kahangara, MP	
9.	The Hon. Zakayo K. Cheruiyot, MP	
10.	The Hon. James Bett, MP	
11.	The Hon. Patrick Ole Ntutu, MP	
12.	The Hon. Shaaban Ali Isaack, MP	
13.	The Hon. Grace Kiptui, MP	

14.	The Hon. Samuel Moroto, MP	
15.	The Hon. Benard Shinali, MP	
16.	The Hon. Humphrey Njuguna, MP	
17.	The Hon. Francis K. Mwangangi, MP	
18.	The Hon. Rashid J. Bedzimba, MP	
19.	The Hon. Ibrahim Abdi Saney, MP	
20.	The Hon. Joseph O. Ndiege, MP	
21.	The Hon. Regina Nthambi Muia, MP	
22.	The Hon. (Maj. Rtd.) John K. Waluke, MP	
23.	The Hon. Akuja Protus Ewesit, MP	
24.	The Hon. Ahmed Abdikadir Ore, MP	
25.	The Hon. David Gikaria, MP	
26.	The Hon. Timothy W. Wetangula, MP	
27.	The Hon. Wanjiku Muhia, MP	
28.	The Hon. George Theuri, MP	

REPUBLIC OF KENYA



THE PRESIDENCY
MINISTRY OF DEVOLUTION AND PLANNING

Fax No.: 020 343654
Telephone: 020 2227411 Ext. 22232
Web: www.devolutionplanning.go.ke
Email: csdevolution.planning@kenya.go.ke

Office of the Cabinet Secretary
P.O. Box 30005
NAIROBI
KENYA

Ref. No: MDP/1/1/106

15th September, 2014

Mr. Justin N. Bundi, CBS
Clerk of the National Assembly
Parliament Buildings
NAIROBI

Dear *Clark,*

**RE: INVITATION TO APPEAR BEFORE THE DEPARTMENTAL COMMITTEE ON
ADMINISTRATION AND NATIONAL SECURITY**

Reference is made to your letter Ref NA/DC.A/ANS/2014 (134) dated 9th September 2014 rescheduling the meeting with the Committee from the 11th September 2014 to 16th September 2014.

Please find enclosed the statement that I will be presenting before the Committee on the said date.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Anne Waiguru'.

**ANNE WAIGURU, OGW
CABINET SECRETARY**

REPUBLIC OF KENYA



**THE PRESIDENCY
MINISTRY OF DEVOLUTION AND PLANNING**

**RESPONSES TO A PETITION BEFORE THE DEPARTMENTAL COMMITTEE ON
ADMINISTRATION AND NATIONAL SECURITY**

This response is made pursuant to a letter from the Departmental Committee on Administration and National Security in relation to petitions referred to the Committee for consideration. From the letter, I understand the matter to respond to are:-

1. The persons who benefitted from the funds meant to compensate Gusii Internally Displaced Persons Fraternity and
2. Why the Gusii IDPs were never compensated from the IDPs allocation as alleged in the petition
3. Respond to the Queries raised thereof.

Hon. Chairman I wish to respond as follows:-

Issue No. 1

(a) The persons who benefitted from the funds meant to compensate Gusii Internally Displaced Persons Fraternity

Following the post-election violence of 2007/8, the Government on 30th January 2008 established the National Humanitarian Fund through Legal Notice No. 11 of 2008. This was followed by the appointment of the advisory board through Legal Notice No. 1038 of 15th February 2008 to:-

- determine the persons who were adversely affected by the violence;
- resettle persons displaced by PEV;
- replace basic household effects destroyed during the PEV;
- enable the victims restart their basic livelihood;
- reconstruct basic housing; and
- rehabilitate community utilities, and institutions destroyed during the violence.

This constituted the first framework in Kenya upon which resettlement of IDPs was based.

It is this Board that determined how the IDPs were to be settled.

During the 2007 Post Election Violence (PEV) – 663,921 individuals (composed of 245,416 households) were profiled as displaced within the country. At the height of the violence, 350,000 IDPs sought refuge in 118 camps while 313,921 IDPs were integrated among various communities in the country.

Given that IDPs were faced with different situations and needs the 245,416 IDP households that had been profiled were grouped into four main categories:

- (i) The 70,000 IDP households (or 350,000 individuals) who agreed to voluntarily returned to their farms through Rudi Nyumbani operation;
- (ii) The 8,754 households (including 2,574 Turkana IDPs) who formed Self Help Group that were profiled by the Ministry before the set deadline of 30th December 2008. These IDPs were resettled in Government procured land with the exception of 817 households among them that were paid Kshs. 400,000 each in lieu land settlement.
- (iii) All the other IDPs numbering 165,846 households were categorized as integrated IDP living among the various communities in the country. The integrated IDPs were paid Kshs. 10,000 as start-up capital.

The Gusii IDPs were categorized under Integrated IDPs and those profiled were 17,385 (KNBS 10,457 and 6,928 from Provincial administration) after duplicates were later removed.

The Ministry has disbursed Kshs.181, 200, 000 to the Deputy County Commissioners (DCs) to pay 18,120 IDPs Kshs. 10,000 each as start-up capital. See Tables 1(a)(i) and (ii) below. An additional Kshs.8,025,000 was disbursed to pay 321 IDPs Kshs. 25,000 each for reconstruction of burnt houses as shown in table 1(b) (i) an (ii) below.

Table 1 (a)(i) Disbursement of Funds for Payment of Kshs. 10,000 to IDPs

KISII COUNTY IDP's PAYMENT(KSH.10,000)				
PAYEE - D.C	CHQ NO	A.I.E NO	NO OF H.H	AMOUNT(KSHS)
GUCHA	EFT 22.03.12	418024	1351	13,510,000
KISII CENTRAL	001133	447017	1235	12,350,000
KISII CENTRAL	000170		58	580,000
KISII CENTRAL	000170	TRANSP.KSHS 58,000		
KISII CENTRAL	EFT- 19/11/2010	447981	3242	32,420,000
KISII CENTRAL	EFT- 05/11/09	423328	72	720,000
KISII CENTRAL	EFT-23-04-12	614594	3675	36,750,000
KISII SOUTH	000527	376351	808	8,080,000
MASABA	000543	447028	1362	13,620,000
MASABA	000244	376816	80	800,000
KISII CENTRAL	EFT 07.08.12	614589	545	5,450,000
KISII SOUTH	EFT 10.08.12	614852	204	2,040,000
TOTAL		12,632 IDPs		126,320,000

Table 1 (a)(ii) Disbursement of Funds for Payment of Kshs. 10,000 to IDPs

NYAMIRA COUNTY IDP's PAYMENT(KSH.10,000)				
PAYEE - D.C	CHQ NO	A.I.E NO	NO OF H.H	AMOUNT(KSHS)
BORABU	000529	447046	605	6,050,000
NYAMIRA	000240	376817	67	670,000
NYAMIRA	EFT- 02/02/2011	410186	1	10,000
NYAMIRA (EKERONYO CAMP)	000570	376448	1	10,000
NYAMIRA	000590	447026	3538	35,380,000
NYAMIRA	EFT 04.04.12	418026	54	540,000
MANGA	000544	447029	622	6,220,000
MANGA	001062	411288	107	1,070,000
MANGA	EFT 22.03.12	418031	493	4,930,000
TOTAL		5,488 IDPs		54,880,000

**Table 2 (a) (i) Disbursement of Funds for Payment of Kshs. 25,000 to IDPs
KISII COUNTY IDP's PAYMENT(KSHS 25,000)**

PAYEE - D.C	CHQ NO	A.I.E NO	NO OF... H.H	AMOUNT
KISII SOUTH	EFT-12/01/2010	423319	96	2,400,000
KISII SOUTH	EFT 19-03-12	418033	13	325,000
TOTAL	109 IDPS			2,725,000

Table 2 (b) (ii) Disbursement of Funds for Payment of Kshs. 25,000 to IDPs

NYAMIRA COUNTY IDP's PAYMENT(KSHS 25,000)				
PAYEE - D.C	CHQ NO	A.I.E NO	NO OF H.H	AMOUNT
BORABU	EFT-30/11/09	423318	192	4,800,000
NYAMIRA	EFT-27/12/09	439941	20	500,000
TOTAL	212 IDPS			5,300,000

Despite these efforts the DCs are yet to account for Kshs. 22,260,000 disbursed to them for payment of start-up capital of Kshs. 10,000 to 2,226 Kisii IDPs. It therefore means that it is only 15,160 IDPs that are confirmed to have been paid and but payment to 2,225 cannot be confirmed until we receive returns from the DCs.

The normal practice is for the Ministry to send funded Authority to Incur Expenditure (AIEs) to the DCs with an approved register of the IDPs to be paid. Once the DC has finalized payment, they file returns indicating how many IDPs were paid, how many were not paid and reasons for non-payment if any. They also return copies of the GOK support payment form duly signed by the recipient to show who was paid and that they signed for the payment. It is these returns which enable the Ministry to update the records of those who have been paid. Any disbursement not supported by returns is considered unaccounted fund.

Non-payment to IDPs is normally due to various reasons that includes lack on necessary documents such as ID card or death of beneficiary where the beneficiary is deceased, non-availability of the beneficiary for one reason or another or differences in particulars among others.

In Gusii case the unaccounted funds are shown in Table 3 below:-

Table 3: Unaccounted Funds for Kisii IDPs payment of Kshs. 10,000

	Sub-County	Account No.	Date	IDPs No.	Amount Kshs.
1	Borabu				
2	Kisii Central	A614589	9/8/12	545	5,450,000
3	Kisii South	A726526	14/11/12	24	240,000
		A614852	10/8/12	204	2,040,000
	Kisii	A726982	30/4/13	177	1,770,000
4	Manga	A614588	9/8/12	331	3,310,000
5	Masaba	1726523	19/12/12	104	1,040,000
		A726981	30/4/13	98	980,000
6	Nyamira	A726525	19/12/12	107	1,070,000
7	Gucha	A614851	15/8/12	636	6,360,000
				2,226	22,260,000

Letters have been written to the DCs to make the returns and we are still waiting for the responses.

Issue No. 2

Why the Gusii IDPs were never compensated from the IDPs allocation as alleged in the petition.

From the above analysis therefore, out of the total number of IDPs profiled among the Gusii IDPs, 15,160 have been paid and accounted for while 2,226 IDPs have not been accounted for and hence cannot be said to have been paid despite the fact that money was disbursed to the DCs for the purpose. Attached is a list of names for 12,205 that have been paid. The balance of the list is being updated from the returns received.

As demonstrated above, the Gusii IDPs were categorized as integrated IDPs and were paid as per the approved provision. This is demonstrated through the amounts disbursed and the payments made which are supported by returns from the DCs.

However, my Ministry is aware that some of the Gusii people have been complaining claiming that they were left out of the IDPs compensation exercise.

In April 2012, the then Minister for Special Programmes Hon. Murugi, accompanied by Members of Parliament, DCs and local leaders held a meeting in the Regional Coordinator's office in Kisii with the objective of sorting out the complaints. However they were unable to resolve the matter and had to send a team of officers to do the vetting of the lists that were being presented.

However what eventually came out of the vetting and verification exercise was that very few cases were genuine. The results of the analysis are shown in Table 4 below:-

Table 4: Summary of Analysis of lists forwarded by the Gusii IDPs alleging to have been left out.

	District	No. of names submitted	No. not found in our registers	No. lacking ID No.	No. sharing ID No.	No. duplicated	No. already paid	No. in other registers	No. eligible for pay
1	Kisii south	1,920	1,576	2	79	148	75	16	24
2	Gucha South	4,009	3,385	5	118	223	181	59	38
3	Nyamira North	3,930	3,495	-	8	21	294	5	107
4	Masaba	1,776	1,550	11	22	28	60	1	104
5	Manga	2,439	2,039	12	34	105	177	6	54
	Total	14,074	12,045	42	261	525	787	87	327

Out of the 14,074 names submitted for vetting and verification only 414 were found to be eligible for consideration. The rest were dubiously attempting to seek recognition through means demonstrated below.

Only "profiling Forms" for the complainants from Kisii South, Nyamira North and Manga Districts were submitted by the DC to the vetting team. No forms for Gucha South and Masaba were submitted.

The "profiling forms" submitted were checked and found to have a lot of anomalies as follows:-

- (a) The forms from Kisii South were not the forms used by the Kenya National Bureau of Statistics for profiling of the IDPs and were not fully filled.
- (b) The Forms from Manga Districts though duplicates of those used in profiling in 2008 were not signed. This was a requirement during profiling.
- (c) The forms from Nyamira North had the following issues:-
 - (i) Some had dates indicating that the persons were profiled before June 2008 whereas the profiling exercise took place between June and August, 2008.
 - (ii) Some of the forms indicated that the persons were profiled in 2012.

(iii) Others were not fully filled.

The Vetting teams recommended the following:-

1. 'The Government should not entertain any claim by any person or groups of persons claiming to have been profiled in any way other than those existing in the database. The government should reject claims presented after the 31st December 2008 registration deadline by various Districts'.
2. "The Government to update the records of those paid to ensure they tally with the existing number in the database".
3. "In the absence of any list and supporting profiling forms to prove that the IDPs were profiled within the stipulated period and registers submitted by 31st December 2008, the Government should reject any further claims from the districts".
4. "The Government should investigate where the profiling forms in their possession emanated from and by whom, with a view to ensuring that such activities do not occur in other areas".
5. "The Government should investigate where the profiling books in Nyamira North district came from and why they are in their possession since they should have been surrendered at the end of the profiling exercise in July 2008".

Action taken

The following actions were taken following these recommendations:-

- i. It was noted that there was an attempt to defraud the Government, an attempt that was prevented through the vetting exercise.
- ii. The National Humanitarian Board only approved payment for the 414 who were found to be eligible for payment.
- iii. The Government decided to limit its resettlement program to only those registered by 31st December 2008 and rejected any further claims from the districts beyond this deadline.
- iv. The Government rejected all claims by persons or groups of persons claiming to have been profiled in any way other than those existing in the database.



- v. In addition, the State Department of Devolution, Directorate of Special programmes has been updating those IDPs who have been paid against its IDP data base on a continuous basis.

Arising from these actions, there has been continued pressure to include the rejected IDPs in the resettlement programme. This has never been possible especially after realizing that there were fraudulent attempts to penetrate the profiling system for personal gains.

It is worth noting that profiling of IDPs was done at two levels:-

- (i) By the DCs at the district levels and
- (ii) By the Kenya National Bureau of Statistics who were contracted by the Ministry to undertake National IDPs census.

Any IDP claiming to have been missed in the registration exercise at the two levels is being economic with the truth.

This is clearly demonstrated by the fact that those who were attempting to be recognized were more than those who were actually profiled and paid. That could not have been a true reflection of any omission and surpasses any justifiable degree of error.



**ANNE WAIGURU, OGW
CABINET SECRETARY**

REPUBLIC OF KENYA



Telegraphic Address

'Bunge', Nairobi
Tel. +254-020-221 291
Fax: +254-020-243694
E-mail: clerk@parliament.go.ke
When replying please quote

Clerk's Chambers
National Assembly
Parliament Buildings
P.O. Box 41842 -00100
NAIROBI, Kenya

NA/DC.A/ANS/2015/ (11)

17th March, 2015

Amb. Monica Juma, MBS

Principal Secretary,
Ministry of Interior and Coordination of National Government,
Harambee House,
NAIROBI

Dear

PETITION ON UTILIZATION OF FUNDS FOR COMPENSATION OF INTERNALLY DISPLACED PERSONS IN KISII COUNTY

The Departmental Committee on Administration and National Security is constituted under Standing Order 216(1) and is mandated to, inter-alia, "*consider petitions referred to it*"

The Committee has been considering a petition by the 'Gusii IDPs Fraternity' on alleged misuse of funds meant to compensate internally displaced persons in Kisii County. During a meeting with the Cabinet Secretary for devolution and planning the following issues emerged, that:-

- (i) Deputy County Commissioners in Kisii and Nyamira Counties are yet to account for Kshs. 22,260,000 disbursed to them for payment of start-up capital of Kshs. 10,000 each to 2,226 IDPs; and
- (ii) The Ministry of Devolution and Planning had requested the Deputy County Commissioners in Kisii and Nyamira Counties to submit returns for the unaccounted funds but the officers have not responded.

The Committee seeks clarification by the State Department of Interior on the above issues before submitting a report to the House. A report on the above matter should be submitted to the Committee on or before 24th March, 2015.

A copy of the petition and submissions made to the Committee by the Cabinet Secretary for Devolution and Planning are herewith attached for your attention.

Yours

JUSTIN BUNDI, CBS
CLERK OF THE NATIONAL ASSEMBLY

Copy to:

Hon. Major General (Rtd) Joseph Nkaisery
Cabinet Secretary,
Ministry of Interior and Coordination of National Government,
Harambee House,
NAIROBI



24



OFFICE OF THE PRESIDENT

Telegraphic address: "Rais"
Telephone: Nairobi 2227411
When replying please quote

MINISTRY OF INTERIOR
AND CO-ORDINATION
OF
NATIONAL GOVERNMENT

P.O. Box 30510-00100
Nairobi

Ref. No. **OP PA. 1/29**
and date

8th April 15
20.....

Clerk of the National Assembly
Parliament Buildings
NAIROBI

RE: PETITION ON UTILIZATION OF FUNDS FOR COMPENSATION OF INTERNALLY DISPLACED PERSONS IN KISII COUNTY

Your letter ref. NA/DC.A/ANS/2015/ (11) dated 17th March 2015 refers.

Forwarded herewith please find the summary for the payments of Internally Displaced Persons in Kisii and Nyamira counties. The accompanying returns for Kisii County are also enclosed while those of Nyamira County will be availed to you once they are received from the County Commissioner.


J. W. ARUNGU, EBS
FOR: PRINCIPLE SECRETARY/INTERIOR

Copy to;

COUNTY COMMISSIONER
KISII

COUNTY COMMISSIONER
NYAMIRA

Handwritten marks or scribbles in the top right corner.

Handwritten marks or scribbles in the upper center.

Handwritten marks or scribbles on the left side.

A single curved line or scribble in the middle left area.

A small circular mark or stamp on the right edge.

A second small circular mark or stamp on the right edge.

AS/S Wangui

REPUBLIC OF KENYA



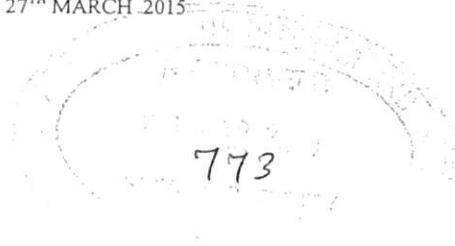
THE PRESIDENCY MINISTRY OF INTERIOR AND CO-ORDINATION OF NATIONAL GOVERNMENT

Telegrams "DCC'S OFFICE"; GUCHA
Telephone (058) 4131024/4131028
Fax No.0208028787
Email: dcgucha@yahoo.com
When replying please quote

The Deputy County Commissioner
Gucha Sub County
P.O.BOX 2
OGEMBO

Date: 27TH MARCH 2015

Ref: 2K/1/VOL.I/57



**THE PRINCIPAL SECRETARY
MINISTRY OF INTERIOR AND
CO-ORDINATION OF NATIONAL GOVERNMENT
P O BOX 30510
NAIROBI**

Attn: MARY NJENGA

**RE: PETITION ON UTILIZATION OF FUNDS FOR
COMPENSATION OF IDPS IN KISII COUNTY**

Reference is made to a letter NO.NA/DC-A/ANS/2015/(11) dated 17th March 2015 addressed to the Principal Secretary, Interior regarding the above subject matter.

Enclosed herein please find returns for the payments made in Gucha for FY2011/2012 and 2012/2013. Note that we have in several occasions submitted the said returns.

**MBOGAI M. RIOBA
DEPUTY COUNTY COMMISSIONER
GUCHA SUB COUNTY**

ORIGINAL

REPUBLIC OF KENYA

F.O. 91

STATE FOR SPECIAL PROGRAMMES IFMIS

70467

DATE: 22/03/12

NO: 467

32/3/12

District Commissioner

AUTHORITY TO INCUR EXPENDITURE

To be completed in Quadruplicate (4 copies)

A 418024

Gucha District
P.O. Box 2
OGEMBO

OP/SP.3/424/2011-2012
A.I.E. Ref. No.
From Permanent Secretary
Special Programmes
P O Box 40213 -00100
NAIROBI

Your reference _____

Our reference NHF /A.I.E/52/2011-2012

You are hereby authorized to incur expenditure during the financial year _____ amounting to KSh. 13,510,000/= (Amount in words) **Thirteen Million, Five Hundred & Ten Thousand Only**

as detailed below in accordance with the Government Financial Regulations. 2. The serial number of this Authority must be quoted on all vouchers as the authority for expenditure against the item(s) specified. Please ensure that this authority is recorded in the Vote Book and that the expenditure which you incur does not exceed the amount authorized. You will be held personally responsible if you incur expenditure without proper authority or in excess of the amounts allocated to you.

Name T. M. MOCHA Signature [Signature]
Designation SECRETARY/NATIONAL Date 21/3/12

Vote	Sub-Head	Item	Account Chargeable	Description of Work or Service	Allocation KSh.
	687	0000	2640502	Payment of GoK support to DC Gucha For 1351 Households Register Gucha 1	13,510,000/=
					13,510,000/=

AC.No.4-687-6050-2640502

Certified recorded in Master Vote Book/AC. No. _____ Folio No. _____

Name Charles Kodour Signature [Signature]
Asst. Acct. General
Designation _____ Date 21/03/2012

Distribution: Original to A.I.E. holder, Duplicate to District Treasury, Triplicate to Accountant-General (P.M.G.), Treasury and Quadruplicate to Head of Accounting Unit (V.B.C.).

AUTHORITY TO INCUR EXPENDITURE

To be completed in Quadruplicate (4 copies)

18-502052

A 418002

Process
18/4/2012
13/4/12

A.I.E. Ref. No. OP/SP.3/424/2011-2012

To District Commissioner
Gucha District

From Permanent Secretary
Special Programmes
P O Box 40213 -00100
NAIROBI

Your reference

Our reference NHF/A.I.E/67/2011-2012

You are hereby authorized to incur expenditure during the financial year amounting to KSh. 270,200/= (Amount in words) Two Hundred and Seventy Thousand Two hundred only as detailed below in accordance with the Government Financial Regulations.

2. The serial number of this Authority must be quoted on all vouchers as the authority for expenditure against the item(s) specified. Please ensure that this authority is recorded in the Vote Book and that the expenditure which you incur does not exceed the amount authorized. You will be held personally responsible if you incur expenditure without proper authority or in excess of the amounts allocated to you.

Name T. M. MOCHA, HSC
Designation SECRETARY/NATIONAL
HUMANITARIAN FUND

Signature [Signature]
Date 13/4/12

Vote	Sub-Head	Item	Account Chargeable	Description of Work or Service	Allocation KSh.
DEP.4	687	0000	2640502	Funds for Payment of O&M Expenses As approved Under Minute ABHF 7/1.9 of 1 st September 2008	270,200/=
				AC.No.4-687-6050-2640502	270,200/=

ACCT
[Signature]
30/04/12

Certificate recorded in Master Vote Book/AC. No. _____ Folio No. _____

Name Charles Kodour
Designation Asst. Acct. General

Signature [Signature]
Date 16/04/2012

Distribution: Original to A.I.E. holder, Duplicate to District Treasury, Triplicate to Accountant-General (P.M.G.), Treasury and Quadruplicate to Head of Accounting Unit (V.B.C.).

MINISTRY OF O.O.P A.I.E AND FUNDING RETURNS FOR IDPDS – 2011/2012

<u>MINISTRY</u>	<u>TOTAL A.I.E</u>	<u>EXEPENDITURE (POST PAYMENT SUMMARY</u>	<u>EXEPENDITURE (POST PAYMENT SUMMARY</u>	<u>CASH BALANCE</u>	<u>UNSPENT A.I.E</u>
O.O.P- Payment of GOK sup DC Gucha for 1351 Househd Register Gucha 1	13,510,000	13,420,000	13,420,000	90,000	90,000
Funds for Payment of O&m Expenses As approved under Minute ABHF 7/1.9 of 1 st September 2008	270,200	270,200	270,200	NIL	NIL

[Signature]
30/01/13
DISTRICT ACCOUNTANT
DISTRICT
DISTRICT ACCOUNTANT

[Signature]
31/01/13
DISTRICT INTERNAL AUDITOR
DISTRICT
GUCHA
BOX 2, GULMBO

[Signature]
31/01/13
A.I.E HOLDER

DISTRICT COMMISSIONER
GUCHA

