

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 6th August, 2019

*The House met at the Senate Chamber,
Parliament Buildings, at 2.30 p.m.*

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

PRAYER

COMMUNICATION FROM THE CHAIR

MEETING WITH CS OVER THE STATE OF PREPAREDNESS FOR THE 2019 NATIONAL POPULATION AND HOUSING CENSUS

The Deputy Speaker (Sen. (Prof.) Kindiki): Hon. Senators, as you are aware during the Senate Sitting on 16th July, 2019, Nominated Senator Sen. Victor Prengei, MP, requested for a statement from the Standing Committee on Finance and Budget on the state of preparedness for the 2019 National Population and Housing Census.

Following comments by Senators pursuant to Standing Order No.48 (3)(a), the Committee was directed to invite the Cabinet Secretary, National Treasury and Planning to the Senate, to address the matter.

The Chairperson of the Committee has informed me that the Committee shall hold a meeting with the said Cabinet Secretary tomorrow, Wednesday, 7th August, 2019, at 12:00 noon in the Mini Chamber, First Floor, County Hall, and Parliament Buildings. It is expected that the Cabinet Secretary will apprise the Senators on the matter and provide a comprehensive response to the issues raised including related issues as requested by Sen. Falhada Dekow on 31st July 2019.

I thank you.

Next Order.

PETITIONS

ALLEGED UNLAWFUL ACQUISITION AND DISPOSITION OF POKA GROUP RANCH LAND

The Deputy Speaker (Sen. (Prof.) Kindiki): Hon. Senators, I hereby report to the Senate that a Petition has been submitted through the Clerk by Mr. Jeremiah Lemako, a

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citizen of the Republic of Kenya and the Chairperson of the Poka Group Ranch in Kajiado County. As you are aware, Article 119(1) of the Constitution, states that:-

‘Every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.’

Hon. Senators, the salient issues raised by the said petition are:-

1. THAT, the Poka Group Ranch is made up of several Maasai Community families with an estimated 9,000 hectares of grazing land.
2. THAT, pursuant to the Land Group Representative Act which allow for the subdivision and individualization of the Group Rance, the members of the Poka Group Ranch subdivided the property amongst themselves setting aside 2,148 hectares as a holding ground, commonly known as Emali Holding Ground for the purposes of trade.
3. THAT, in 1980 the Olkejuado County Council privately and without consultations leased the property to Tana and Athi River Development Authority (TARDA) and in around June 2018, a group of people unknown to the Group Ranch members invaded a section of the land and fenced it.
4. THAT, this prompted officials of the Poka Ranch Group to conduct a search of the land and learnt that unlawful transaction and dealings had taken place. The results of the land indicated that the original LR. Kajiado/ Kaputei South/23 had been subdivided into two different parcels in 1995 as follows: -
 - a) Parcel LR. Kajiado/Kaputei South/46
 - b) Parcel LR. Kajiad/Kaputei South/47
5. THAT, the parcel LR Kajiado/Kaputei South/47 was further subdivided into three parcels. These are: -
 - a) Parcel LR Kajiado/Kaputei South/887
 - b) Parcel LR Kajaido/Kaputei South/888
 - c) Parcel LR Kajiado/Kaputei South/889
6. THAT, the Parcel LR Kajiado/Kaputei South/889 now measuring approximately 69.36 hectares was unlawfully transferred and is currently solely owned illegally owned by hon. David Ole Sakori, former MP, Kajiado Central
7. THAT, Parcel LR. Kajaido/Kaputei South/888 measuring 32.38 hectares was unlawfully transferred and currently jointly owned by hon. David Ole Sankori, and Mr. Walter Bernard Makundi Mukuria.
8. THAT, the search of Parcel LR Kajiado/Kaputei South/887 has been unsuccessful hence the ownership is unclear.
9. THAT, the Kajiado County Government has gone ahead to equally subdivide Parcel LR. Kajiado/Kaputei South/46 ad set aside 200 hectares for the construction of a market centre without participation of members of the Poka Group Ranch.
10. THAT, the Standard Gauge Railway passed through sections of the land in dispute and the community has since learnt of the compensation of Kshs40 million which has not been availed to the Poka Group Ranch Community.

The petitioners therefore pray that the Senate-

- i. Investigates the matter and intervenes with a view to ensuring that the land in its entirety measuring 2,148 hectares is transferred back to the Poka Group Ranch and that all the private land illegally issued be repossessed
- ii. Make appropriate recommendations on persons who may have unlawfully participated in the illegal transactions of the land and the misappropriation of the compensation for prosecution.

Hon. Senators, pursuant to Standing order No. 231, I shall now allow comments, observations or clarifications in relation to the Petition for not more than 30 minutes.

Kindly, proceed, Sen. Seneta to give brief observation not debate.

Sen. Seneta: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to comment on this petition.

I urge the Committee on Lands, environment and Natural Resources to do further investigations on the agricultural activities that TARDA is carrying outside the intentions of the holding ground that was set aside by the community.

The community should also find out the benefits of the activities by TARDA in the said land as well as why the county government fenced the said land and did other activities without participation of the said group ranch.

Mr. Deputy Speaker, Sir, land is a sensitive issue. The Committee should therefore thoroughly investigate the issues raised and come up with a report urgently on the said land.

The Deputy Speaker (Sen. (Prof.) Kindiki: Hon. Senators, we are making reference to the Supplementary Order Paper. I will allow a few more comments.

Sen. Wetangula: Mr. Deputy Speaker, Sir, I have listened to the petition before the House with a lot of interest. You will recall that when we brought the Constitution, 2010, we set up the National Land Commission (NLC) to deal with issues that this petition is raising; to remedy the injustices in the land holding and land tenure system as well as help the helpless people who have been dispossessed of land.

This Petition addresses one of those issues where group ranches which are in arid and semi-arid land (ASAL) areas, therefore, with very fragile ecosystems have been recklessly subdivided to a level that they have got no economic value to the members. It is worse to hear, mentioned, that some of the beneficiaries of these fraudulent transactions are former Members of Parliament representing the very people whose interest they are supposed to have protected.

Mr. Deputy Speaker, Sir, I want to urge the Committee - I believe the Committee on Lands, Environment and Natural Resources - that they have to look into this issue, but more importantly, make a profound Statement on the failings of the National Land Commission that transformed itself from a very noble Commission in the Constitution to a den of profiteers and fraudulent characters, who have been doing all manner of things that have nothing to do with what they were set up to do, so that the people in this country can be protected and ownership of land is respected and the land tenure system is made to benefit every Kenyan.

Land is a tool of production according to the Constitution and people who amass land and hold titles for purposes other than production should also be in focus.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you. Sen. Poghio, you are famed for brevity.

Sen. Poghio: Thank you, Mr. Deputy Speaker, Sir. Just to support the Petition, and I know that the National Lands Commission is not constituted. I think that they are in the process and I hope that Members of this Committee will want to understand the role of this National Land Commission and or omission to see what they did in order to dispossess---

(Loud Consultations)

Mr. Deputy Speaker, Sir, if I may ask you to protect us from people in that corner.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order! Proceed, Sen. Poghio.

Sen. Poghio: Thank you, Mr. Deputy Speaker, Sir. I hope that during the process, the Committee will delve deeper because this is just a small case that represents a bigger issue of pastoralists dispossessed of their land. So, I really want to agree that this Committee will probably spend time to understand the issues and move on to help this particular POKA Group Ranch.

You will find that many holding grounds in the country may be revisited using this particular Committee and, therefore, I would like the Committee to look deeper into this issue.

I support.

Sen. Pareno: Thank you, Mr. Deputy Speaker, Sir, for allowing me to make brief comments on this Petition.

I grew up in this *Kinya wa Poka* area where this land is situated. We know that it belongs to the community; the Poka Group Ranch, and for some time, we have been living in group ranches, and in fact, up to this moment, I live in a group ranch where the only thing we have is not title but beacon certificates.

Mr. Deputy Speaker, Sir, when these group ranches were sub-divided, the community was so careful to even create areas of common interest. It was so careful at the time of sub-division to give ease bends, pathways and shopping centres within their own group ranch, and create these holding grounds for their own mutual benefit. I heard you read from the Petition, that our leaders who were entrusted back in those days are the same ones that abused the trust that was given to them by the people.

How can a community hive off over 2,000 hectares of land to ensure that it is used? It is such a big land. In fact, Tana and Athi Rivers Development Authority (TARDA) is supposed to train and give breeds of bulls and other animals for domestic use and train people, but this land is no longer being used for this purpose. In fact, this land is now being guarded and sub-divided.

I ask the Committee that is going to be tasked with this matter to investigate the use by TARDA. What are they doing to benefit the community, because they are on leasehold? They should also investigate the leasehold because we are aware that it has expired and to also investigate what happened to the compensation when the Standard Gauge Railway (SGR) passed through the said land because a lot of money was paid out. To who was it paid, who received it and how we are going to recover this money for the benefit of the community?

So, I am speaking from a point of knowledge because I grew up there, I know what is happening there, and I pray that together with the petitioners, we be heard and that the issues which have been raised will be cleared.

The Deputy Speaker (Sen. (Prof.) Kindiki): Hon. Senators, pursuant to Standing Order No.232 (1), the Petition stands committed to the relevant Standing Committee for consideration. In this case, I direct that the Petition be committed to the Standing Committee on Lands, Environment and Natural Resources and in terms of Standing Order No.232 (2), the Committee is required in not more than 60 calendar days from the time of reading this prayer, which is today, to respond to the petitioner by way of a report addressed to the petitioner and laid on the Table of the Senate.

Thank you.

Senators, for those who have come a bit late, last week there was an important issue which was raised here about the oncoming census and the Speaker directed that the Committee on Finance and Budget procure the presence of the Cabinet Secretary in charge of Finance and National Planning. That has been done and the Committee shall be meeting the Cabinet Secretary tomorrow in the morning at the Mini Chamber, County Hall.

So, please, if you have issues around census, do not miss that occasion. Any other matter relating to that Ministry, please go and prosecute it there so that we also respect the other arms of Government; that when they are available to us, we maximize on what we want in terms of engagement. Let us meet tomorrow at the Mini Chamber, County Hall.

SILTATION OF LAKE MAGADI

Hon. Senators, we have another Petition, and, please, note that we are on the Supplementary Order Paper, which is already published online. The next Petition is by Sen. Mpaayei, whom I cannot see and, therefore, the item is deferred.

(Petition deferred)

NOTICES OF MOTION

FORMATION OF COMMUNITY FOREST ASSOCIATIONS

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senators. On Notices of Motion, we have Sen. Kasanga. Since she is not there, the Notice of Motion is deferred.

(Notice of Motion deferred)

LEGAL AND POLICY INTERVENTIONS FOR CAREGIVERS
OF PERSONS WITH PERMANENT MOTOR AND
NEUROLOGICAL DISORDERS

The Deputy Speaker (Sen. (Prof.) Kindiki): This is a notice by Sen. Omanga. Is she not here? The Notice of Motion is deferred.

(Notice of Motion deferred)

STATEMENTS

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Halake, request for Statements under Standing Order No.48 (1).

POOR STATE OF KENYAN EMBASSIES ABROAD

Sen. Halake: Thank you, Mr. Deputy Speaker, Sir. Pursuant to Standing Order No.48 (1), I rise to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations on the poor state of Kenyan embassies abroad.

In the Statement, the Committee should state:

- (1) The measures that have been put in place to improve the state of our embassies indicating whether there is any policy or continued plans to address the same.
- (2) Give reasons why taxpayers continue to shoulder exorbitant rents for Kenyan diplomats even where the country owns property because of lack of maintenance, despite the Kenyan Government having embassy properties that are supposed to house diplomats.
- (3) State the measures being put in place to streamline the services offered by the Kenyan embassies and the consulates abroad to ensure that Kenyans get efficient and timely services.

Mr. Deputy Speaker, Sir, there is need to do some sort of audit of our embassies and high commissions abroad. Why is intra-Africa communication not happening at all?

We were in Ethiopia a few months ago and what we saw was deplorable. The ambassador had to be literally rescued from her house because it had cracked and it could fall. It has not fallen yet but what we saw was pathetic. Members of the Committee on Information, Communication and Technology were there and we saw it. That is supposed to be our face abroad---

The Deputy Speaker (Sen. (Prof.) Kindiki): You are not debating but seeking for a statement. By now, you should be on your seat.

Sen. Halake: I should be, Mr. Deputy Speaker, Sir, but allow me to put it in context. Allow me just two minutes.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Halake, have you raised all the issues you wanted addressed by the Committee? A request for a statement should be in

question form. You should ask when something will be done or why something is the way it is, and then sit down.

Sen. Halake: I will sit down but just allow me to continue. In our embassies especially in African countries, our ambassadors have to literally go and write their own notes. So, could we be told why---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order! Before I interrupted you, you were almost there. I think you have already done the request for a statement.

Sen. Halake: Yes I have, but could I put it in context?

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. Halake. I will allow now more than two Senators to make comments beginning with Sen. Ochillo-Ayacko.

Sen. Ochillo-Ayacko: Thank you, Mr. Deputy Speaker, Sir, for allowing me to make a comment on this Statement.

Prior to coming to this House, I used to be the Chairperson of the African Commission on Nuclear Energy (AFCONE). We had offices in South Africa and Addis Ababa. I noticed that the ability of our embassies there to effectively serve us was limited because other than the rundown facilities that have been pointed out by my colleague, they were not funded. When the Committee brings us the information, it will be proper to also look at the state of funding or financial support given to our embassies, so that they do not just become mere vestige but can dispense the services that we expect of them.

I also visited Vienna when I served at the AFCONE and the state of our embassy was wanting. There was no funding and we could not hold meetings that would enable the nation to interact. So, the state of financial and technical support that includes the personnel is wanting. A status evaluation of what is happening would be appropriate for this House.

Sen. Dullo: Mr. Deputy Speaker, Sir, first, I wish to congratulate Sen. Halake for this Statement. I remember Sen. Kagwe brought a similar statement during the previous Parliament regarding offices we have in foreign countries. As she has said, most of the facilities are in pathetic situation.

The country is spending a lot of money on rent. I remember one of the things that was mentioned then was to look at the possibility of getting a mortgage, so the Government can own the offices instead of renting them which costs a lot of money. You can imagine Uganda has Uganda House in New York but a country like Kenya rents a building somewhere. That is embarrassing because we were there before them.

It will be good for the Committee to investigate the facilities that are rundown and the challenges faced by most of our embassies. They need to come up with a proper structure to ensure that those missions abroad are there for the interest of this country and not just for the sake of being there and doing nothing.

There are a lot of challenges such as issues of scholarships and agreements that are not implemented by various countries. It is high time we held the Ministry of Foreign Affairs and International Trade accountable in terms of what they are doing about our embassies abroad.

The Deputy Speaker (Sen. (Prof.) Kindiki): The next one is the Senator for Kwale County.

Sen. Boy: Asante, Bw. Naibu Spika, kunipa fursa hii. Kwanza, ninamshukuru sana Sen. Halake kwa kuleta hii taarifa hii kwa sababu niliandamana na Maseneta wa Kamati ya Habari, Mawasiliano na Teknolojia hadi Addis Ababa, Ethiopia. Nyumba na ofisi ya balozi wetu kule ni za aibu sana kwa Kenya. Taarifa hii imeletwa wakati mwafaka kwa sababu nilikuwa nasubiri iletwe ili niweze kuchangia.

Ofisi za kule Addis Ababa ziko kwenye shamba la karibu ekari 11. Nyumba ambayo balozi wetu alikuwa anakaa ilikuwa karibu kuanguka. Tuliingia ndani na tukastaajabu. Wafanyakazi wa kule walitumbia kuwa wamekuwa wakitoa malalamishi yao katika kila ofisi lakini hawajapata uzaidishi wowote. Kwa hivyo, naunga mkono taarifa hii iliyoletwa na Sen. Halake.

Kamati itakayoshughulikia taarifa hii inafaa kwenda Addis Ababa, Ethiopia, ili wajionee wenyewe. Huo si uwongo bali ni aibu.

The Deputy Speaker (Sen. (Prof.) Kindiki): Let us have the Senator for Embu County.

Sen. Ndwiga: Mr. Deputy Speaker, Sir, I wish to join my colleagues in congratulating Sen. Halake. Embassies and high commissions abroad are meant to be the face of this country. Indeed, like it has been said here, when you go to some embassies, you want to run away because the situation is pathetic. How can we expect the people in those nations to do what they are required to do for this country when they live in pathetic situations?

It is more than 50 years since we got our Independence and we are the only country that does not own property. Where we have property, it is dilapidated because we do not take care of it.

I wish to join my other colleagues in urging the Government that it is time we bought our own property out there. I wish to retract the statement that we should buy our properties because we have Kenya House in London and other places but all of them are dilapidated.

The Committee that will look into issues raised in this Statement should urge the Government to be serious. What will happen if journalists go to the Kenyan Embassy in Ethiopia and find it crumbling? What will they think about our country? That is where the African Union sits. It is a shame.

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well. We have to leave it there.

Sen. Wetangula, I will give you one minute because you once served as the Minister for Foreign Affairs. Is there anything that you want to inform the House?

Sen. Wetangula: Mr. Deputy Speaker, Sir, I want to support the distinguished lady. The problem with the Ministry of Foreign Affairs in this country is that it is grossly underfunded. At independence, Emperor Haile Selassie gave Kenya five acres of land next to State House in Addis Ababa and *Mzee* Kenyatta gave Ethiopia two-and-a-half acres of land next to State House in Nairobi. The Ethiopian Embassy in Nairobi is a magnificent place but our Embassy in Addis Ababa is a slum and that runs through in many places.

The question by the distinguished Senator is too broad. Some embassies are not too bad. Our Embassy in Uganda is very good. We have a building in Namibia that houses the United Nations and other distinguished tenants and it remits money to Kenya.

We should look out for embassies that are dilapidated rather than fishing through every embassy to bring an answer that is difficult to zero in on.

The Deputy Speaker (Sen. (Prof.) Kindiki): Our next Statement is by Sen. (Prof.) Kamar. She is requesting for a Statement under Standing Order No. 48(1).

THE STATE OF HEALTH FACILITIES IN
UASIN GISHU COUNTY

Sen. (Prof.) Kamar: Thank you, Mr. Deputy Speaker, Sir. Pursuant to Standing Order 48(1), I rise to seek a Statement from the Standing Committee on Health regarding the situation of health facilities in Uasin Gishu County.

In the Statement, the Committee should -

(1) Explain the nature of compensation given by the national Government to Uasin Gishu County following the conversion of the then Eldoret District Hospital to Moi Teaching and Referral Hospital (MTRH) as per the commitment made by the Minister for Health to Parliament in the year 2003 in which Ziwa Health Centre was identified for upgrading to a District Hospital.

(2) State whether the Ministry of Health has ever given any support to Ziwa Health Centre, which had been proposed for upgrading following the conversion of the then Eldoret District Hospital.

(3) State measures that the national Government will put in place to upgrade the six sub-county hospitals to Level 4 status so as to reduce the congestion at the MTRH which serves the huge population of Uasin Gishu County as well as the referral cases from the western region and beyond. Currently, MTRH has started to reject patients with minor illnesses.

I rest my case.

The Deputy Speaker (Sen. (Prof.) Kindiki): Do not rest it until you get the comments and the feedback.

Sen. Were: Thank you, Mr. Deputy Speaker, Sir. I wanted to contribute to the Statement on the embassies. However, I would also like to thank Sen. (Prof.) Kamar for this Statement and indicate that the Statement had come to this House in the form of a Petition. The Petition was looked into by the Committee on Health last year and the Report is ready. I do not know if it was shared with the Senator.

Sen. (Prof.) Kamar: Mr. Deputy Speaker, Sir, the Report was laid here on 24th last month. However, the arrival of the teaching and referral hospital has not been a blessing to the community around it. Instead, it has been a burden, because the District Hospital was not compensated hence Uasin Gishu residents have been left to flock MTRH with minor ailments which should be handled by a district hospital or Level 5 hospital.

The Deputy Speaker (Sen. (Prof.) Kindiki): What is the point, Sen. (Prof.) Kamar? Are you saying that the Report was not sufficient?

Sen. (Prof.) Kamar: Yes, Mr. Deputy Speaker, Sir. I want the Committee to go deeper. They should tell us if any compensation was done.

The Deputy Speaker (Sen. (Prof.) Kindiki): Noted. Could we hear from Sen. Shiyonga?

Sen. Shiyonga: Mr. Deputy Speaker, Sir, I wanted to talk on the embassies.

The Deputy Speaker (Sen. (Prof.) Kindiki): Okay. The embassy issue is now water under the bridge.

Sen. Poghio, do you also want to talk about the embassies?

Sen. Poghio: No, Mr. Deputy Speaker, Sir. I will advise that we make a fresh request when a different issue is being discussed.

I want to congratulate Sen. (Prof.) Kamar for pursuing something that is so close to her heart in her county though it also has implications on other counties. There are certain things that are specific to Uasin Gishu but MTRH is a regional and national referral hospital. Therefore, Uasin Gishu County does require a Level 3, 4 or 5 hospitals for its people.

As the Committee looks at this issue, they should set a precedent for the other counties. We will take advantage of that.

Sen. Wetangula: Mr. Deputy Speaker, Sir, MTRH serves almost all the counties in the western region starting from Turkana County to Migori County.

As the Committee looks into this issue, they should also find out about the hyped programme of building a brand new MTRH in Eldoret. That hospital was to cost of Kshs28 billion, and I understand that a foundation stone was laid at some point. What happened to that project? The talk at that point was that they were going to vacate the old district hospital and leave it for the county as they have a brand new MTRH in Eldoret. What happened to the Kshs28 billion that was budgeted for and talked about by the Jubilee Government? What are they going to do in future?

In the last year of the Kibaki Government, the Cabinet, where I served with Sen. (Prof.) Kamar, passed a resolution that 21 referral hospitals be built across the country. They were to be built in Kitale, Malindi and other places. Can the Committee ask the Ministry of Health to explain on what happened to that Cabinet resolution?

The Deputy Speaker (Sen. (Prof.) Kindiki): The Committee has heard. Thank you, very much. Could we hear from the Chairperson or the Vice Chairperson of the Committee on Health?

KUONDOLEWA UTOAJI VIBALI VYA USAFIRISHAJI
MIZIGO KUTOKA BANDARI YA MOMBASA.

Sen. Faki: Asante Bw. Naibu Spika, kwa kunipa fursa hii kuuliza Taarifa kuhusiana na utoaji wa vibali vya usafirishaji mizigo kutoka Bandari ya Mombasa kuja Mji wa Nairobi.

Nimesimama kuambatana na Kifungu cha 48(1) ya Kanuni za Bunge la Seneti kuomba Taarifa kutoka kwa Kamati ya Kudumu ya Barabara na Uchukuzi kuhusu utoaji wa vibali vya usafirishaji mizigo/shehena kutoka Bandari ya Mombasa na utoaji wa vibali vinavyohusiana na shehena hizo.

Kamati inafaa kutoa Taarifa kuhusu:-

- (1) Hatua ya Mamlaka ya Kitaifa ya Bandari (KPA), Shirika la Kitaifa la Reli na Mamlaka ya Ukusanyaji Ushuru kuhamisha utoaji wa vibali yaani clearance certificates za mizigo kutoka Bandari ya Mombasa hadi sehemu nyingine za nchi na nchi jirani.
 - (2) Iwapo Serikali imetathmini athari ya kuhamisha utoaji wa vibali hivyo vya kusafirisha mizigo hadi Nairobi kwa uchumi wa Kaunti ya Mombasa na kaunti jirani.
 - (3) Kueleza ni mikakati gani iliyowekwa na Serikali kutoa ajira mbadala kwa watakoathiriwa, hasa watakoapoteza ajira au namna ya kuvumbua riziki.
 - (4) Kueleza iwapo sera ya soko huru katika biashara imetupiliwa mbali na hasa shinikizo kutoka kwa Serikali kwamba wafanyibiashara wanapaswa kusafirisha shehena zao kwa kutumia reli.
 - (5) Iwapo hatua hiyo ya kuhamisha kituo cha kutoa vibali vya kusafirisha mizigo kutoka Bandari ya Mombasa inaweza kusimamishwa ili kutoa nafasi ya watu kushauriana kuhusiana na swala hilo.
- Asante, Bw. Naibu Spika.

Sen. Wambua: Thank you, Mr. Deputy Speaker, Sir, for this opportunity. I stand to support the Statement by the Senator for Mombasa County on the issuance of clearance certificates for containers from KPA in Mombasa to inland depots in Nairobi and elsewhere.

The intention to decentralise the issuance of clearance certificates from KPA in Mombasa could be noble. However, what needs to be done is what the Senator said in the last prayer in the Statement, that proper consultations be held so that we do not kill business at the port and take it elsewhere.

It would profit everyone in this country, the business people, importers and the general economy if consultations are held and decisions made as to what levels of clearance certificates would be issued at the point of entry and elsewhere in the inland container depots.

In line with recent and previous pronouncements by His Excellency the President, I would urge that we fast track the handling of containers especially the ones that have been brought to Nairobi. Before these decisions are made, all the stakeholders need to come together and have conversations around the issue of business and efficiency so that when the final decision is made, everyone is taken care of.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): Who else has not spoken today? Is it Sen. Shiyonga again? When you press the intervention button, you are not called and an item you wanted to participate in has lapsed, you switch off your request. Are you on this one?

Sen. Shiyonga: Yes, Mr. Deputy Speaker, Sir. I want to congratulate Sen. Faki for having sought this Statement. It is so sad when you hear that services have been transferred without the authority of the counties. As much as we have devolution in our country, we also need to empower these counties so that when they have any services which can benefit their people, it is important for consultations to take place and for stakeholders to be involved as my colleagues have said.

It is very unfortunate that this announcement came - and it needs to be effected immediately as from tomorrow - that clearance services to be moved from Mombasa to Nairobi. What is so special about Nairobi that this service should be brought here? This is happening at a time when we are looking at ways of decongesting Nairobi. Mombasa is very big and it can also handle this. This is going to cause unemployment to the people of Mombasa and bring down the economy of Mombasa.

I urge the Government to make efforts to do extensive consultations. This is because they are going to make the people of Mombasa to suffer. Currently, we are seeing that most of the youth in Mombasa being killed---

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you. You have made your point, Sen. Shiyonga.

Proceed, Sen. Kinyua.

Sen. Kinyua: Asante sana, Bw. Naibu Spika, kwa kunipa fursa hii. Nataka kuchukua fursa hii kuunga mkono Taarifa hii iliyoletwa na Seneta wa Mombasa. Ni ukweli mtupu kuwa tukiondoa hiyo shughuli ya watu kupewa vibali kutoka Mombasa na kuileta Nairobi, hii itafanya vijana wa sehemu ile kukosa kazi kwa sababu hii shughuli inatendeka Mombasa. Itasababisha vijana waliokuwa wakifanya ile kazi kuwa walalahoi. Kwa hivyo, ni vizuri wakati Serikali inapotarajia kufanya jambo lolote, izingatie jinsi inavyowaathiri watu wa sehemu ile.

Jambo lingine ni ya kwamba ikiwa tuna Kaunti 47, tunafaa tuzipatie zote kipaombele kwa sababu Mombasa ndipo kuna ziwa na mambo yote yanatendeka huko. Hata Kaunti ya Laikipia inafaa ipewe kipaombele kwa mambo ya mifugo badala ya kusema shughuli zote zitafanyika katika Mji wa Nairobi. Haja kubwa ya kuwa na kaunti ni kuleta huduma karibu na wananchi. Lakini ikiwa huduma zote zitaletwa Nairobi---

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you, Sen. Kinyua.

Lastly because of this issue is emanating from the Coast, I will give the Senator for Kwale a minute.

Sen. Boy: Asante sana, Bw. Naibu Spika. Nitachukua dakika moja tu. Kusema ukweli jambo hili ni shida kubwa sana. Wenye malori wanalia Mombasa, mabohari ni matupu. Hii shughuli ya kutoa vibali ikiondolewa huko Mombasa, wasafirishaji hawa watafanya kazi gani?

Naunga mkono taarifa hii iliyoletwa na Mhe. Faki. Ningehimiza kwamba ile Kamati ambayo itachunguza jambo hili ihakikishe kwamba usawa umetendeka. Sitaki kusema mengi kwa sababu umenipa dakika moja.

Asante, Bw. Naibu Spika.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you very much. Hon. Senators, I know this is an important issue. It is not just about Mombasa but the country. It is a major policy shift. I know all of us cannot be able to make observations and comments. However, I will give direction because I have taken note of the fact that that the debate could be a little bit complicated.

As the Chair, I need to listen to everybody because on one hand, there is an argument that it is even leading to transferring the delays from Mombasa to Nairobi. So the port is effective but now the business people are suffering from this side. There is also the argument KPA is making about their revenue; that it has gone up quite a bit. Going by

last year's statistics, KPA now appears to be the most profitable Government agency having registered nearly Kshs56 billion in profits.

The Committee should treat this matter slightly differently from the rest because the rest are under Standing Order No.47. Therefore, the Committee and the Senator may decide whether or not there is need for a formal report. However, on this one, I want to direct that there be a report. The Committee should, if possible, visit the port because this is a major policy issue. They should visit the port and listen to everyone including the owners of the cargo holding facilities.

They should also listen to the representatives of the people – the Senator and other leaders from that region – and give us a report. That report must be tabled here the first day after our August recess. It is so ordered. We have to move on, and that is the end of Statements.

Before we go to the next order, I direct that the Order on Notice of Motion be called out on the request of Sen. Omanga.

NOTICE OF MOTION

LEGAL AND POLICY INTERVENTIONS FOR CAREGIVERS OF PERSONS WITH PERMANENT MOTOR AND NEUROLOGICAL DISORDERS

Sen. Omanga: Thank you, Mr. Deputy Speaker, Sir. I beg to give notice of the following Motion:-

THAT, AWARE that cerebral palsy, down syndrome, autism and other permanent motor and neurological disorders are birth defects characterised by, among others, disturbances of sensation, perception, cognition, hearing loss, congenital heart defects, lower than average Intelligence Quotient (IQ), impairment in social interaction and rigid, repetitive behaviors;

COGNIZANT that persons born with these and other permanent motor and neurological disorders face considerable difficulties in the social and behavioral aspects of their lives, including discrimination, physical challenges, mental and emotional health issues, and problems with inclusion and social isolation;

ACKNOWLEDGING the critical role that parents and caregivers of persons with permanent motor and neurological disorders play in ensuring that they realize their potential to the fullest extent possible and that they have long, healthy, and satisfying lives;

RECOGNIZING that, in taking care of these persons, caregivers make considerable sacrifices in the pursuit of education, employment, investment, and other opportunities for their own advancement and, in some cases, spend the most productive years of their lives taking care of persons with these disorders;

NOTING that most caregivers lack the training, tools and psychological support required in taking care of persons with these permanent disorders, are often subjected to the same stigma as the persons they take care of and are exposed to stresses and pressure that have an adverse impact on their mental and physical wellbeing;

CONCERNED that, while a lot of progress has been made in taking care of other vulnerable and disadvantaged members of the society, equivalent efforts have not been made to recognize the important role that caregivers play, to create through policy and legislation, a conducive environment for the provision of adequate, safe and informed care to persons with these disorders;

NOW THEREFORE, the Senate resolves that the Ministry of Labour, Social Security and Services, together with the county governments, formulates a policy framework for the recognition, training, empowerment and protection for caregivers of persons with permanent motor and neurological disorders, including:

- a) provision of financial assistance and incentives to caregivers, including inclusion in the list of beneficiaries under the Inua Jamii Cash Transfer Programmes;
- b) provision of appropriate tax reliefs and exemptions to caregivers, equivalent to those advanced to other Persons with Disabilities (PWDs);
- c) exemption from taxes on goods and services required for the care and protection of persons with the disorders; and,
- d) provision of the specialized training, psychosocial and other support necessary to engage in income-generating activities for caregivers of persons with permanent motor and neurological disorders, including accessing the quota set aside in law for vulnerable groups for the supply of goods and services to Government entities.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you, Sen. Omanga.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM ST. ANNE'S ACADEMY
SCHOOL, TRANS-NZOIA COUNTY

The Deputy Speaker (Sen. (Prof.) Kindiki): Hon. Senators, we have visitors in the Public Gallery. These are students and teachers of St. Anne's Academy School, Trans-Nzoia County. They are welcome. On behalf of the Senate and on behalf of all of us, we tell them that they are welcome to see how the Senate of Kenya operates. Hopefully, they will be inspired, especially the students, to be here.

An hon. Senator: What about the teachers?

The Deputy Speaker (Sen. (Prof.) Kindiki): Even the teachers. Why not?
Thank you.

(Applause)

I cannot see the Senator for Trans Nzoia County here, but there is a neighbour.

An Hon. Member: He is here!

The Deputy Speaker (Sen. (Prof.) Kindiki): Has the Senator for Trans-Nzoia arrived?

Proceed, Sen. (Dr.) Mbito.

Sen. (Dr.) Mbito: Thank you very much, Mr. Deputy Speaker, Sir. Let me take this opportunity to invite students from my county. They should feel very welcome to visit us in Nairobi. It is unfortunate that I was not informed that they were coming, because I would have prepared something for them. Either way, we will be talking shortly after this. I hope that in the short time they will be here, they will learn and understand what we do in this House. I advise them to work hard and observe discipline, because the sky is the limit.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you. You can transact your county business after the Chamber, Sen. (Dr.) Mbito. You can discuss between yourselves and your constituents who should have informed the other, when and how; but not here.

Thank you, Sen. (Dr.) Mbito. I think he has welcomed the visitors on behalf of all of us. Let us, therefore, move on to the next Order.

BILLS

First Reading

THE ESTABLISHMENT OF CHILDREN'S HOMES BILL
(SENATE BILLS NO.12 OF 2019)

(Order for First Reading read - Read the First Time - and ordered to be referred to the relevant Senate Committee)

Next Order. Proceed, Sen. Dullo.

Second Reading

THE COUNTY HALL OF FAME BILL
(SENATE BILLS NO.39 OF 2018)

Sen. Dullo: Thank you, Mr. Deputy Speaker, Sir. I wish to move this Bill on behalf of the Senate Majority Leader, who is away on official duty. I believe this is clearly---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. Dullo! You have not moved the Bill. Move it and then debate it.

Sen. Dullo: Thank you, Mr. Deputy Speaker, Sir. I beg to move that The County Hall of Fame Bill (Senate Bills No.39 of 2018) be read a Second Time.

Mr. Deputy Speaker, Sir, I believe that this is a fairly straightforward Bill. This is because this House has debated it over and over again in terms of having a legal framework recognizing our heroes and heroines in this country.

Mr. Deputy Speaker, Sir, we have never had a structure in place at the county level. I know very well that most of our heroes in this country who have contributed to our country and counties have never been recognised. After most of them retire, they live in a horrible situation, and most of them do not even have a house to live in.

Mr. Deputy Speaker, Sir, after most of them have retired, they go through horrible situations. It is time to come up with a framework to recognize our heroes.

This Bill is a fairly straightforward. It is not a money Bill. It provides a framework for recognizing people who have put signatures in our country and for preserving our arts and culture. When you visit other countries in the world, you find that people preserve their cultures and artifacts. They also have portraits of people who have contributed to their country. Unfortunately, apart from the national level, we do not have such structures in our counties where we can recognize those individuals.

Mr. Deputy Speaker, Sir, the Bill also provides for capacity building on how to educate members of the public to serve as a source of information. For example, if you ask most of our school going children about our history, they might not understand the aspect of what we have preserved. It is also important to preserve documents about our history and deposit them in such places.

The Bill also provides for counties to erect a hall of fame within the county governments. This is not something new that will have financial implication on county governments. It is something that needs to be established with the available structures. It also provides for county governments to designate certain buildings for that purpose. It also provides for a County Executive Committee (CEC) Member of the department of culture to maintain that building and operate it within the legal framework that we have.

The Bill provides for county governments to come up with a committee that can sit and select heroes. The Committee is not only established for that purpose, it should also run the programme of recognizing the individuals who have contributed to our country. It also provides that the Committee should meet twice a year and look at persons to be identified as heroes within a particular county.

Clause 9 of the Bill provides for declaration of conflict of interest. For example, if a person sits in the Committee, they should not benefit from that process. Again, if a matter that appears before the Committee touches on a relative, they should declare their interests.

Mr. Deputy Speaker, Sir, in Clause 12, the Bill provides for the kind of people who should be appointed to serve in this Committee. They should be persons of integrity.

In Clause 13, the Bill provides for petition for the induction of a person in to the hall of fame. So, a person should petition the Committee on the matter that appears before it.

Issues of public participation are also provided for. The Committee, in its deliberations, should involve members of the public in terms of what it is doing and the

individuals to benefit from this particular process. It is mandatory for this to be done as per the provision of the Constitution so that people know who are appointed for those particular purposes. Once they have enlisted the individuals, the Bill provides for members of the public to give their views about the individuals that appear in the list. This is mandatory. They are not allowed to submit the list until it is subjected to public participation.

The Bill provides for the county assembly to come up with a legislation that will allow this process to be smooth. For example, at the county level, it is good to legalize and formalize the process of coming up with a County Hall of Fame Bill at that level so that things are done procedurally and covered within the law. The Bill provides for the Committee to keep and maintain a register so that if tomorrow there is a claim, it can be followed to make sure that things are done procedurally and within the law.

In Clause 16, the Bill provides for the procedure for removal of an individual whenever there is a complaint against them.

In Clause 20, the Bill provides for offences, for example, Clause 20 (a) states that:-

“A person who falsely represents himself or herself as having been inducted into a county hall of fame commits an offence and is liable on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment”.

Finally, Clause 21 provides that the Cabinet Secretary (CS) should provide regulations so that this particular legislation is implemented as provided for.

Mr. Deputy Speaker, Sir, I believe that this is an important document and legal framework that will recognize our elderly retirees, heroes and heroines who have contributed to this country. It will make sure that they live a better life. We normally have Madaraka Day or Mashujaa Day where these individuals are recognized. However, counties do not have proper structures to identify these individuals for purposes of that kind of recognition.

Mr. Deputy Speaker, Sir, I beg to move and request Sen. Sakaja to second this Bill.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you, Sen. Dullo.

Proceed, Sen. Sakaja.

Sen. Sakaja: Mr. Deputy Speaker, Sir, I beg to second that the Bill be read a second time. This is a very interesting Bill.

A few weeks ago when we were at the burial of the late Joe Kadenge, we wondered what would be the best way to honour such a man who has left an indelible mark in our sports in the country. Suggestions were made on renaming stadiums such as the City Stadium.

The other day, at the funeral service of the late hon. Ken Okoth, similar suggestions were made about renaming of the schools that he had developed. We clearly lack a framework through which the counties can honour and remember people who have left a mark at the county level for the different counties. If there was a hall of fame in Nairobi County, hon. Ken Okoth would be in that hall of fame. Similarly, the hall of fame in Vihiga County would have the late Joe Kadenge.

Mr. Deputy Speaker, Sir, there is another Bill on museums by Sen. (Dr.) Milgo which I wish would have been merged to this Bill at an early stage. The hall of fame can be a section of the museums at the county level. It would be great if each county can curate its history; talk about its culture and heritage. I am leading the Committee on Labour and Social Welfare accompanied by the Cabinet Secretary in charge Ministry of Sports, Culture and the Arts to the Kitale Museum to look at how we can encourage each and every county to have its own museum.

Mr. Deputy Speaker, Sir, we have enough heritage and history in each and every county. In as much as our counties might be similar, in different aspects, there are certain unique elements of a county's history, the people, culture and those who have contributed illustriously within those counties.

In my opinion, a lot of power has been given to the governors in this Bill in terms of selecting those who make it to the county hall of fame while it should be more consultative. We have seen very interesting honours being awarded recently even at the national level. Someone was awarded an honour because he was pictured eating *githeri* on the voting queue during the General Election. Others were also awarded honours just because of participating in certain political parties. There should be proper structures in awarding honours because they are important. A country that appreciates hard work and different contributions is one that encourages its youth and those getting into their profession to excel.

Mr. Deputy Speaker, Sir, there must be a better framework with respect to how the governors come in in terms of selecting those who go into the county hall of fame. Otherwise, governors will end up honouring all their friends on the hall of fame. In Nigeria, I saw somebody with a business card written 'Friend of the Governor' that in itself is a title that one can walk around with. We will need to ensure that the process of honouring individuals on the county hall of fame is consultative.

I am happy that in the proposed committee to oversee the awarding of the honours will be chaired by the clerk of the county assemblies who then forwards the names for honours.

Mr. Deputy Speaker, Sir, this is a good Bill. I hope that when it comes to public participation if it has not been done yet, I request the Mover consider how we can integrate this Bill with the County Museums Bill so that we do not end up with a county hall fame that is not within the museums. That will just be superfluous. It will be just enough for us to have one place where the culture and history of a county is curated and those who are making significant contribution are honoured.

I beg to support.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Sakaja, are you supporting or second?

You are not on record seconding the Bill. Kindly second the Bill for purposes of record.

Sen. Sakaja: Mr. Deputy Speaker, Sir, I beg to second.

(Question proposed)

The Deputy Speaker (Sen. (Prof.) Kindiki): Kindly, proceed, Sen. Wetangula.

Sen. Wetangula: Mr. Deputy Speaker, Sir, I support the idea of a county hall of fame. However, this is a very poorly drafted Bill. The Bill does not bring out what one expects to create a hall of fame for the reason that I will give.

I urge Sen. Dullo that in Clause 4, she obligates every county to have a hall of fame. Clause 4 should read, 'Each county shall establish a county hall of fame' not 'Each county may establish a county hall of fame.' That will ensure that each county has a hall of fame where the heroes and heroines of the county can be displayed in such halls.

Mr. Deputy Speaker, Sir, in Clause 5, the word 'may' should be replaced with 'shall' so that the county governor is obligated to do what he is supposed to do in accordance with the law.

Clause 6(d) states that 'two public officers nominated by the county public service board' should be part of the selection committee. I would like to add that the two nominees should be of either gender so that we have both a man and woman representative to balance the gender interests in the committee.

(Loud consultations)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Members!

Sen. Wetangula: Mr. Deputy Speaker, is my distinguished nephew conducting a *kamukunji*?

(Laughter)

Clause 8 states that the committee shall meet at least two times each year so that they do not spend too much public resources. Clause 10 states that the committee shall be served by a secretary from the department for culture. I hope that they will not be earning sitting allowances when they sit.

Looking at this Bill, when you establish a hall of fame, you are recognising people who have distinguished themselves by services, achievement in academia, athletics, football, farming and whatever field that they can be recognized so that they can be put in a hall of fame which may be in a museum, a county hall or whatever place that is designated in the county. The criteria for identifying such people is set out by this Bill but I do not agree that the governors of counties should be given such immense powers as outlined in the Bill including revoking somebody's conferment in the hall of fame.

Mr. Deputy Speaker, when a governor has that much power, he or she may wake up one day and instigate to remove your name from the hall of fame. In my opinion, once your name has been put in the hall of fame, it should remain there permanently. It should never be removed. There should be no reason for removal. Like Nelson Mandel said, 'There are no bad people because even bad people can be used as bad examples to make society better.' The governors should not be given authority to revoke the nomination and conferment of anybody in the hall of fame.

What is it that we are trying to achieve through this Bill? We have been crying that our heroes and heroines in this country are living in squalor. If it was not for the

generosity of the President and his friends, Joe Kadenge would have been buried as a pauper. Joe Kadenge lived in a city council house in Madaraka Estate all his life even with the fame that he brought to this country. There is a young man from Nandi by the name, Henry Rono, who broke five world records in athletics in two months yet he now washes cars in the USA. He lives as a pauper in a foreign land and so do many other people. Some of the people who fought for the Independence of this country died as paupers. The late Paul Ngei died a destitute after doing so much for this country.

We have great men like George Nthenge, Martin Shikuku and others who did so much for this country. Your name being recognized and written in a Hall of Fame is not enough because it can never help you. I would like to invite colleagues to read a book by Ferdinand Oyono from Cameroon, the book is called *The Old Man and the Medal*. You may have read in your literature, if you studied it, where an old man with a distinguished service in public service was conferred a medal and he retired. He went to his village. Every morning he would put on the medal and walk to the market to see if anybody recognized him or appreciated it. Nobody did.

He later started asking questions: What is the value of this medal? What do I do with it? It did not help him put food on his table. It could not give him healthcare or confer on him any rights or privileges. It was meaningless to him. This is what his Bill is creating. Ferdinand Oyono's old man was called *Mzee Meka*. He could go and stand in the market, upright with the medal on the chest and nobody noticed and appreciated it. That is what we are trying to create here.

Mr. Deputy Speaker, Sir, I would want Sen. Fatuma who moved the Bill to restructure it and confer some benefits to those who get these medals. In some cities, senior citizens who are recognized are given some very simple things such as parking rights where they can drive into the city centre and park without paying parking fees. When they go to places where they are queuing for services, that honour alone gives them the liberty to be served first before anybody else. They get some vouchers for food rations to go and pick some food from stores to feed themselves and their family. They can be subsidised or get free National Hospital Insurance Fund (NHIF) cards for medical care and many other things.

Mr. Deputy Speaker, Sir, there is no value in being given a medal or being written in a Hall of Fame the way this Bill is proposing. It is proposing that you just go to the county, people bring your name, it is accepted and it is written in a Hall of Fame. There you are. There is even no provision for conferment of that order of being in the Hall of Fame.

I would like to see a Bill that, not only recognizes talent and achievements, but also rewards talent and achievements. I would like to see a situation, for example, if you are a distinguished farmer and you are interred in the Hall of Fame, as long as you are still living and you are still farming, you are entitled to some subsidy beyond other farmers. They can even turn your farm into an example farm where they do carry out some research for people to come and see what you are doing and why you have entered the Hall of Fame.

Mr. Deputy Speaker, Sir, just giving people titles that mean nothing does not help the society. We live in a society where materialism has overrun everybody. Distinguished

and great scholars like the late Prof. Ali Mazrui, Prof. Ogot, Prof. Ngugi, Prof. Mirie and others in academia, unless they are industrious in other ways, their titles cannot generate or make money for them. That is why you as a professor, you probably came to this Senate to earn a decent living.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. Wetangula. Proceed.

Sen. Wetangula: Mr. Deputy Speaker, Sir, Prof. Bethwell Ogot has literally taught the whole of Kenya. When we recognize him and just write his name in a Hall of Fame is an assault on the integrity and dignity of those we are recognizing.

We must restructure this Bill seriously. When we go to the Committee Stage, I will invite Sen. Fatuma or whoever sent her to move the Bill, to bring a restructured Bill that tells us, for example, if we are recognizing a Pokot pastoralist, what do we confer on him, so that he can be an example to others and does not go to Kapenguria Market with his medal and stand there to see whether anybody recognizes or appreciates him?

That is what the Hall of Fame should be. That is what the heroes and heroines of the country should be. If we do not do so, this Bill will amount to nothing. In fact, the way the Bill is structured, we are simply giving governors an opportunity to hand pick their cronies and make them heroes and heroines and put them in the Hall of Fame. We must make it very difficult for anybody to sneak into the Hall of Fame. That way, then we say that once you get there, you cannot get out.

To now give the governor an opportunity that in case Sen. (Prof.) Kamar wants to become the Governor of Uasin Gishu, the governor can strike out her name from the Hall of Fame, that discretion is dangerous, because it is not based on reason, sense and merit. It is based on whims of an individual and you know how whimsy some of our governors are.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Wetangula, supposing you are a great athlete and eventually you are given the medal and the honour and your name is engraved in the Hall of Fame, then it is discovered that you used unauthorized substances to enhance your performance or closer to what, perhaps, might be relevant. You purport to be a professor, you say you have published whatever, you have these degrees and then it is discovered that you are actually a cheat; you plagiarized your thesis, why would it not be possible to strike off your name from the Hall of Fame?

Sen. Wetangula: Mr. Deputy Speaker, Sir, in very rare cases. If for example, you are a fake professor, you pretended to have published what you never published, taught in universities you have never visited and you are discovered, first, you must be prosecuted for fraud and upon conviction that then can make a case.

For you to be struck off the role of Hall of fame, it must have a judicial process or *quasi*-judicial process, which is not provided here. What is provided for here is that the governor can wake up and say Mwaura has become a nuisance, he wants to become a governor like me and then he strikes off your name from the Hall of Fame.

That kind of discretion should not be available to anybody in public life because people who hold positions of responsibility must be restrained by the law and procedures, so that when they want to do something, it must be within the law. Doping athletes must be dealt with in accordance with the law. In the Hall of Fame, you can also have bad

examples, the infamous this man was here, we have moved him this way, so that you see and say ignominy, sit here, fame and it also teaches us that *haramu hailali*.

Let me end here so that others can speak, but this Bill as currently structured is a bad Bill. It does not solve the problem. It does not help us establish halls of fame in the manner that they should be. I have seen Hall of Fame in countries like Belgium, Germany and others. People who have been recognized in those countries are people who carry distinction everywhere and that distinction confers on them benefits and honour not just a medal and a name on a hall.

Thank you, Mr. Deputy Speaker, Sir, I beg to give qualified support for the Bill.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is either you are for the Bill, with or without amendments or you are against it. Let us hear from the Professor of soil science.

(Sen. (Prof.) Kamar stood up at her place)

Sen. (Prof.) Kamar, you have not requested to speak.

Sen. (Prof.) Kamar: Mr. Deputy Speaker, Sir, I want to consult with you.

The Deputy Speaker (Sen. (Prof.) Kindiki): Hon. Senator, I am sorry because I misinterpreted your gesture. Let us hear from Sen. Ochillo-Ayacko.

Sen. Ochillo-Ayacko: Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to contribute to this Bill. Recognition and reward is important in all societies. It is one way of influencing current and future behaviour and ensuring that society entrenches value in how we conduct our affairs.

I support and congratulate the sponsor of this Bill. The spirit of this Bill is in tandem with decency and in line with modern societies. In modern societies, for example, we must recognise and acknowledge good conduct and behaviour. We must appreciate those who walked on earth on the right path and did some things for which they ought to be remembered. So, this Bill is wonderful in that context.

It is also a Bill that will give opportunity to counties to identify such persons, whoever they are, and immortalize what they did, so that people know that among them such good persons walked. This Bill is timely and good. It will remind counties where people live that they ought to be doing what is being done at the national level.

At the national level, that it is the practice which is also anchored in legislation that we recognise our heroes and award them whatever acknowledgments or medals. So, that behaviour must be devolved and inculcated in county leadership, so that those who may not get national recognition get county recognition and be remembered by those in the counties.

Despite that, this Bill as drafted has certain limitations which need fixing, so that we have a better version. For instance, as my senior brother, Sen. Wetangula said, the Bill does not consider any material or financial reward or recognition for the people who will be identified. We must appreciate that fame and resources should walk together. It does not look tidy to have a famous person who is impecunious going about looking for alms from those who have means.

As we strive to honour our famous and successful people, let the governors and county governments put in place a budgetary provision that will enable them meet certain

basic needs. It would be a contradiction or paradox to have fame and put on tatters. So, it is important to ensure that those who may not have been together with the famous who we intend to honour through this Bill are able to see fame in them and success and decency in the way they live. I totally agree with Sen. Wetangula that we must capture that. Otherwise, fame to those people may itself become a liability.

If you are famous and your name runs ahead of you and people visit your residence and find that you live in squalor, what will come out in news is not your achievement or fame, but the squalor in which you live. So, in order to minimise adverse focus and negative news that might arise from being famous, we must cushion those who will benefit from being named famous.

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

[The Temporary Speaker Sen. (Prof.) Kamar) in the Chair]

Madam Temporary Speaker, I hope you are already famous. When you retire to your County of Uasin Gishu, you should be both famous and supported to live a life of fame and decency. We would not want to talk about a professor who supervised many PhD holders and ran a wonderful university, but when we visit their abode, we find that they do not even have a pit latrine. We encourage that fame be supported both in terms of acknowledgement and provision for being famous. That is not asking too much.

Among the limitations I have recognised in this Bill is that we are just talking about a Hall of Fame. We should think beyond that. There are many other areas that are craving recognition. We must identify famous people who have done a lot to our societies. There should be provisions in this legislation on processes of how to name roads and schools after or for them, so that the names are not just in a register, but on activities that touch the lives of the people who live in the counties.

If you look at this Bill in its entirety, you will see that what is recommended here is entering their names in the register. It does not go beyond that and propose means or methods of identifying roads, institutions, buildings or streets for or after which they could be named because many people do not just go to halls to read. Many people like to reads names on the streets.

Madam Temporary Speaker, I am sorry to be using you as an example. However, I will be happy to visit Uasin Gishu County one day and walk on a road named after or for you. I know I will not be able to read in future. Therefore, I would not want to go into a small room to look for your name in some funny register. So, it will be better for this Bill to have provision for visibility once we recognise that you achieved a lot for us. That is another limitation I have identified. I hope that the Mover and the crafter of this Bill will expand the spirit of the Bill and explore the possibility of including how recognition can go beyond being included in a mere register.

Recognition should go together with being identified with institutions, roads and many big things, so that one is immortalized for those who may not have the time to go into a hall because of being busy doing their day-to-day activities and for those who plan. In fact, one of the lovely things on earth is for any of us, for instance, Sen. Mwaura who

is my good friend to find that his name is on a map of Thika. He would be pleased that when you look at the map and design of Thika Town, there is Mwaura Street or Mwaura Avenue. That is more interesting than trying to look for Mwaura in a small hall or some other place. The person running that hall might be out of mood and may not even show you that register.

If it is an avenue or a street, that is an open place. You could walk there with your children and meet with other people. Other people who are associated with that city or town may be proud that the person after whom this street is named is a person they associate with.

If you go to the State of Illinois in the USA, there is a town called Springfield where virtually every street is named after President Lincoln. You will find vehicles and buildings called Lincoln. Everything there, is named after Lincoln. When you are in that city called Springfield in Illinois you will know that once upon a time, there was a great person that was revered and lived in that place called Abraham Lincoln.

These are the kind of things we want our counties to do so that they think beyond the register and many things. There should be awards that are given for exemplary service. So, if perhaps, you are a distinguished public servant in that place - and there are many ways of recognizing exemplary public service - there would, probably, be an award that is called Sen. Wambua Award. That would motivate people to aspire to do what Sen. Wambua did. I believe Sen. Wambua is a great Senator. He has a long way to go, but he has also travelled far. I hope Kitui County will get an award and name it after Sen. Wambua so that public servants and aspirants in Kitui County will work towards that.

Madam Temporary Speaker, another limitation I recognized in this Bill, is that it confers upon a select Committee made up of the Clerk of the Assembly and some other people, the responsibility of identifying the people to be recognized.

The recommendation from this select committee is supposed to reach the governor. My understanding is that this may be a political process. If it is a political process, the straightjacket in which the Clerk's departments are always subjected to, may visit that department with too much tension. It would have been better if this Bill had indicated that after doing that, the names are tabled before the Assembly so that they can be sanitized politically. Hence when it is presented to the governor for gazettelement, the Assembly may have ventilated whatever political feeling require to be ventilated.

Madam Temporary Speaker, I loathe to imagine a situation where the conservative office of the Clerk is subjected to a very partisan debate. That debate should be carried out on the floor of the assembly so that when it goes to the office of the governor and office of the Clerk, these committee members are not subjected to the tough and partisan debate that only politicians can withstand. That is the limitation that the Mover of this Motion should had have in mind and try to deal with and protect the panel that will be selecting people to this position.

Madam Temporary Speaker, there is a further limitation that I recognized in this Bill and that is the limitation that confers upon the governor the authority to deregister or remove an inductee to this Hall of Fame due to certain misgivings. A situation may arise that is untenable that may make it desirable to remove somebody's name from that list. However, it is important to have a process of a hearing. This Bill does not provide for a

process through which a hearing can be carried out so that whatever allegation, presentations or representations that may be there, that may justify the removal of a person from the Hall of Fame can be heard objectively and be determined.

What this particular piece of legislation does is to confer that power upon the governor. It does not give a process through which the name can be removed or the honour can be taken away. When an honour has been conferred upon you, you acquire proprietary rights over it; it becomes a benefit. For somebody else to have the right to take a benefit from you without process, that would be a system that is undemocratic, unjust and unfair.

The Mover and author of this Motion should find a manner and a way of prescribing a mechanism that would create a process that is fair and transparent, when the issue of removal comes. I want to conclude by saying that the spirit of this Bill is wonderful. It is a step in the right direction. It has taken honour and recognition of heroes to the counties. It is proposing a process to be followed in conferring honour. That is the first and most important step.

Secondly, it is also giving governors and counties an opportunity to create heroes or to identify heroes at the grassroots level. That is a very important step. However, the shortcomings that I have mentioned – and I am sure my colleagues will mention other shortcomings - require urgent redress so that we have a perfect Bill.

With those very many remarks, I beg to support and hopefully get a few Members who will help us improve the Bill.

Thank you, Madam Temporary Speaker.

(Interruption of debate on Bill)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATIONS FROM VARIOUS SCHOOLS

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, I have a Communication to make. I would like to acknowledge the presence in the Public Gallery this afternoon of visiting students and teachers from the following schools;

- (1) St. Theresa Kabiego Primary School in Elgeyo-Marakwet County.
- (2) Kamelei Primary School in West Pokot County.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and on my own behalf, I wish them a fruitful visit.

Thank you.

(Applause)

(Resumption of debate on Bill)

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, for giving me this opportunity to support the Bill. Before I support it, I want to welcome the students from

Elgeyo-Marakwet and West Pokot counties. It is a very good experience for them to be in the House this afternoon. It is my hope that as they listen to our debates with regard to issues of national importance, they will pick something from our debates.

I am happy that we have girls among them who are learning from the House that women empowerment is possible. Yes, it is possible for women to be in leadership positions. Education is an equalizer. I am sure that as they continue with education, they will reach where we intend this nation to be.

I also want to congratulate their teachers and school administration for bringing them to Parliament to have a hands-on experience with regard to the reality that goes on with leadership.

I support this Bill because of its objectivity of connecting the past and the present. People who have done commendable things for their countries are always recognised. This Bill will help us recognise people who have self-actualised in their areas of specialisation. If you consider Maslow's hierarchy of needs, this Bill will help us recognise people who have reached level five. If the person to be recognised is in the field of academia, he should have exemplary behaviour. If he is a professor, he should have supervised a number of students or conducted a number of researches.

For someone in the arts or music industry to be recognised, he should have self-actualised and come up with innovations. This Bill will help us to recognise and reward talent. Other countries recognise their citizens' achievements. Wilma Rudolph, an American sprinter, was recognised by her country. She contracted polio at an early age, which led to her disability. However, she overcame the effects of polio. She went ahead to become the first American woman sprinter and was recognised by her country. That recognition was reflected in her lifestyle. She won three gold medals.

We, as a nation, need to recognise people who make us proud. The late Joe Kadenge who we recently buried is an example of someone who was never recognised in this country. When he died, many people had fond memories of what he had done for this nation. How did we appreciate him? There is need for appreciation and it should go beyond having one's name in the Hall of Fame. There should be indicators of that recognition which should go beyond the hero or heroine. Their children and grandchildren should also enjoy the benefits of the grandparent's hard work.

We also have the case of Conjestina. At the moment, I do not know where she is, yet she did us proud as a nation. She participated in boxing competitions and won gold at some point. This country was acknowledged because of her achievements. Unfortunately, her light went dim and nobody remembers that she did us proud. We need to recognise these people and help them live a meaningful life. The people in the Hall of Fame should inspire the youth to do something for our nation. The late Wangila also brought a number of medals to this country. He died before he was recognised. We need to recognise him posthumously. The boxers brought us glory, but they ended up suffering physically and mentally yet their win was not about themselves. These heroes should not wallow in poverty.

The late Kenneth Matiba should also be recognised because he fought for multiparty democracy in this country. We are enjoying democracy and freedom of speech because of him. There was a time when one could not speak freely, but that has since

changed because of his spirited fight against dictatorship in this country. In fact, Article 33 of our Constitution states that:

“Every person has the right to freedom of expression.”

Madam Temporary Speaker, Sir, names of Kenneth Matiba, Charles Rubia and others should be engraved in the Hall of Fame.

The county governments should consider having the Hall of Fame though they need to sieve the people who will make it to that list. We could also include names of some spiritual leaders in the County Hall of Fame, but not Pastor Ng’ang’a, Bishop Deya and other pastors who blackmail their followers for their selfish gains. Instead, we should acknowledge the spiritual leaders who have made genuine impact to our people.

There is need for the county governments to---

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

The Temporary Speaker (Sen. (Prof.) Kamar): What is your point of order, Sen. Wambua?

Sen. Wambua: Madam Temporary Speaker, I have listened to Sen. (Dr.) Musuruve and she has dropped names of people who have not applied to be included in any Hall of Fame. Is it in order for her to drop people’s names without bringing a substantive Motion to debate their characters on the Floor of this House?

The Temporary Speaker (Sen. (Prof.) Kamar): Senator, you can give a description, but do not mention the name of anyone. You might be asked to give more details, but we do not have time to do so.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker. We do at times get information from social media. Media is a form of---

The Temporary Speaker (Sen. (Prof.) Kamar): Order, hon. Senator! You are going to be in more trouble for saying that you use the social media to inform this House. Avoid that.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker. The people to be included in the Hall of Fame should have had tangible impact in our nation. This Bill should be supported for it will help us learn from others.

Madam Temporary Speaker, as I said, the Hall of Fame is supposed to have people who will inspire the society and the youth to have the desire to have an impact that will be acknowledged nationally.

Madam Temporary Speaker, when we are talking about the Hall of Fame, allow me to combine these two schools of thought; the Johari Window that talks about personality characteristics and the unknown potential. When we combine the unknown potential with level five of Maslow’s Hierarchy of Needs, you will find that most people have this, where nobody knows what they can really be. However, because they work hard and endeavour to leave an impact, they end up becoming exemplary so that the unknown potential becomes a shock to everyone. The unknown potential becomes pleasant to everyone and also in terms of self-actualization, it is possible to see what they have actually done.

Madam Temporary Speaker, there is also need for criteria when it comes to nominating persons who ought to be in the Hall of Fame. The criteria should, for example, be that someone should be an expert in that particular area. If it is in the music

industry, the person should be an expert in it. If it is in the academia, he should be exemplary in it. That way, when it comes to the person being in the Hall of Fame, it will not raise question marks. This is because people will see that, yes, this person deserves to be in that hall.

Madam Temporary Speaker, even though I have been requested not to name names, allow me to talk about hon. Matiba. Even when we say that he ought to be in the Hall of Fame, it is possible to learn what he did from the media. When we are talking about what people have done, the issue of innovation has to come in. People should be innovative enough to leave an impact in their areas of specialization. When we are talking of technology, people should look for visible ways of ensuring that they leave a legacy.

Madam Temporary Speaker, the Hall of Fame is not really about individuals. It is about the glory that the individuals have brought to the counties.

I support this Bill. If there are any shortcomings in it, they need to be addressed so that it sees the light of the day. I believe Senators will enrich it in their contribution because it is a good Bill for this country. We need to acknowledge our people who are doing well for this nation because they are our mentors and a source of inspiration to the youth of this country. We, as a country, need to recognise the best talent among our people.

Thank you, Madam Temporary Speaker, for giving me the opportunity. I beg to support the Bill.

Sen. Were: Thank you, Madam Temporary Speaker, for giving me the opportunity to support this Bill, which is long overdue, especially in the devolved system. As indicated earlier, this Bill will help establish a county hall of fame in each county, and provide a framework for the preservation of history, heritage and the culture of counties.

Madam Temporary Speaker, many Kenyans have brought glory and honour to the country, but they do not get recognised mainly because it is done at the national or central level. This process needs to be decentralized so that county governments can have an opportunity to recognize residents or citizens of their counties who have brought honour and glory, not only to that county, but also to the country. Such a system will help to instil values.

We keep on saying that we are developing the hardware of this country, yet we are not looking at the software of the country. Therefore, having such a system of recognizing people of outstanding, exceptional or illustrious behaviour in any profession or activity will help others to also aspire to get that award.

In hoping to get that award, we will be instilling certain values in the society. People will be looking at needs beyond themselves. They will be looking at what is good for my county and country. What can I do for my county and country? They will not concentrate on what the county or the country can do for them, because they are looking at some award. Unlike right now, where if you do good for yourself or for the county or country, then you are, probably, just doing it for God. Therefore, privately, people can do very bad things. By introducing this award, we will be able to tame some of the vices in our country, for example, crime and suicides. This is because people will always focus on

doing the right thing and what is good for humanity. They will not just focus on what is good for themselves, but for the county or country.

Madam Temporary Speaker, making this available at the county level will also make the process more participatory, unlike what it is right now. There was recognition of a gentleman we are calling the *githeri* man. That was done arbitrarily because there is no mechanism that we can question and present views to the appointing authority or the authority that decides who is to be awarded.

Madam Temporary Speaker, this Bill establishes a County Hall of Fame Selection Committee, which is very important. However, I would like to put an amendment that they should include one person of high standing in the community in that committee. That is a person the local community can identify with and say that, this is the person who gives credibility to that process. As it is, this committee is mainly a county government affair. It does not seem to involve the public other than the sittings that they will involve the public in. However, they need to have somebody of high standing from the community which will also improve the public participation process.

Madam Temporary Speaker, I would also like to join my colleagues in saying that we need to include an amendment to have benefits beyond just an award. This is because as we have been told, these awards are kept in people's houses. Nobody comes later to use them as an example, or to use these people as mentors for the upcoming generations.

Madam Temporary Speaker, I would also like to include that the framework that will be set up by the Members of County Assembly (MCAs) should look at recognitions that are for life, which are not temporary. This should be so that, for example, even the descendants of the people who have received these awards have something to be proud of, because the reward or the recognition is still visible for generations to come.

Madam Temporary Speaker, I join my colleagues in supporting this Bill with the various proposed amendments. I look forward to the passage of this Bill even in our sister House so that it can come to fruition.

Thank you, Madam Temporary Speaker.

Sen. Mwaura: Thank you, Madam Temporary Speaker. I rise to support this Bill. From the outset, the Bible is very clear that it is actually better to have a good name than to have riches. That is why it is important for us to honour great leaders and contributors to our society. In fact, of late when I am thinking about myself, I realized that some of the things that we take for granted are other people's legacies. That where we are, we are at a better place because someone made a sacrifice, so that we can be what we are today. That means that we need to know who these people are.

Madam Temporary Speaker, I remember one time I was somewhere in some park, next to the United Nations, and there were some veterans trying to protest about their rights from Vietnam to the United Nations. That park is called Ralph Bunche; I think some of us have been there. It made me wonder who this Ralph Bunche is. As much as at that point I was mispronouncing the name. I came to realise there is even a road in Nairobi named after this gentleman.

What I mean is that when we attach names to meaning, then we are awed by what they have been able to do. Recently I brought a Motion to recognize hon. Kenneth Stanley Njindo Matiba. I did this out of being moved by the way I could regale about the

history of this gentleman. The more I researched about him, I discovered what an inspiration he was beyond even my imagination.

It is, therefore, about time that we also cascaded this second tier of government that is the devolved government and just follow through so that we are able to see that although history is not destiny, we are proud of it. Sometimes when we get legislation from other jurisdictions, the problem of that copy and paste is that it does not recognise the reasons people may have made certain decisions and codified them into law so that they may guide their own behaviour. These kind of decisions are predicated upon the contribution of great men and women in those jurisdictions.

We cannot, for example, say that there is no history as Fukuyama had said that we had seen the end of history. History cannot come to an end because even if situations look similar at the end of the day, they are extremely different and the application of the very law so generated may not necessarily apply and may also provide us with different lessons.

Madam Temporary Speaker, when you look at this Bill, you realise that it is not well drafted, to be honest. I join Sen. Wetangula in noting this. It can benefit from our inputs here. To begin with, it seems to localise heroes to counties. I agree because if you look at the memorandum of objects, that is the aim. It is also true that we can have people who are honoured not only in their counties of origin, but nationally. Yes, it enables the governor and the County Executive Committee Member (CEC) and the Committee to make that determination. However, it should not be specifically that those who are honoured in a certain specific county can only be originating from there.

I know there is a deficit, especially around our political configuration where certain people may be seen to be heroes belonging to certain other people. I am very much alive to that fact. However, a hero is a hero. Sometimes it is not even the platform that they used or the issue that they used to champion, it is the significance of that particular issue. We can give an example of Abraham Lincoln. When he was fighting the South in the civil war, it looked as if he was fighting for the unification of America. However, in actual sense, he was fighting slavery and he paid a great price for that to make human beings equal despite their skin pigmentation.

Madam Temporary Speaker, at the same time, there is that element of moving a nation forward; that we honour heroes not just because of their own personal achievement, but they speak to us the language of progress. The book *Why Nations Fail* by Daron Acemoglu, they make that very clear. If you see jurisdictions where countries have become banana republics, it is because of having extractive economies which glorify the personal accumulation of wealth at the expense of the public good. I want to posit and say, that is exactly what our countries are.

Indeed, if somebody ever said that corruption is not a devolved function, it seems to be a shared function. If counties and their formations become extractive in nature, then we will just have a group of competing elites wanting to remove others so that they can come and extract from the same coffers.

I am encouraged because this Bill - much as it may not be necessarily very well drafted - seems to localise the history and heritage of a people within a county. There is a risk, because we have failed to implement the aspect that at least 30 per cent of those who

are employed in counties should come from other counties and or communities. In this case, if heroes are to be honoured, it may not just be under the aegis of ethnic bastions. This is something we need to look at.

Madam Temporary Speaker, we have the challenge of our country that I think this Bill seeks to address. This is because we seem to glorify those who are corrupt. After they have been able to pull down all the strings and limitations that may be provided within our judicial system, they end up occupying public office. In that case, they are glorified. There is no fame that you require than when people confer to you a public office to superintend over their public affairs. We see people who are involved in a corruption scandal, having a way of sanitizing themselves and eventually become office holders.

There is the issue of the Ekeza Sacco where the proprietors are now trying to sanitise themselves. It may not be a wonder that eventually they will come to be elected into public office. We knew about the National Youth Service (NYS) and the products of its scandal.

This Bill, maybe provides us with a modicum or surety that those who do good, their names may not be forgotten, because most of us will be forgotten soon after we die. You remember the case of the late Bob Collymore being replaced even before he was interred. I even see for my good friend, the late hon. Okoth, that there are seven candidates who want to inherit his position. Thank God there is a deputy governor in Bomet, at least there will be no by-election. If there were to be, you can imagine how many candidates it would have attracted.

Madam Temporary Speaker, people are forgotten very easily. Some people will be remembered after tens of years and others for hundreds. However, most of us, will be forgotten the moment we are gone. That does not mean that people do not do good things. I think when we remember people for the good they have done, you legitimize that same process. It makes the struggle worthwhile so that then you become a good role model for the future. Yes, there is urgency in the creation of this Bill.

Madam Temporary Speaker, there are some things I would also like to point out substantive to the Bill. One, in terms of the Hall of Fame we need to be careful because after the passage of this legislation, we will see counties putting budgets to put up these halls of fame. We know the shenanigans we went through with the issue of the governors' mansions in counties and county assemblies' offices. Let not this be another corruption avenue where people inflate the Bill simply because they would want to be seen to be honouring their heroes. It needs to be through my Committee on Finance and Budget so that we may have an elaborate mechanism at a point where within the life of this Twelfth Parliament and Third Senate, this becomes an item for expenditure that is well monitored.

Madam Temporary Speaker, I look at the Bill and find that the rigours of vetting is not there. We just have a committee that meets twice a year, receives memoranda or petitions, makes a determination, forwards to the governor and the governor decides who is a hero. That is not rigorous enough. There must be some tiers of approval before someone is considered a hero. Otherwise, anything goes. If you look at the manner we do public participation - you just hire your crowd who come and approve. Knowing very

well that people can buy their way into fame. We need to provide for a more rigorous way in which people may be vetted for purposes of being conferred with this honour. That is something I would ask that the drafters of the Bill consider even as we go to the Committee of the Whole.

Clause 12(B) enumerates the areas that may be considered for excellence, but I do not see politics. Clause 12(a) talks about leadership, but it is also deliberate to talk about politics. This is because politics is the art of the possible and organises society. Sometimes when we draft legislation; we are shy off our own selves. This is something that I would ask that it be included under some of the things that have been listed there as areas of excellence.

As other speakers have said, do not just put people in a Hall of Fame. Confer them the honour of being named after buildings, schools, hospitals and universities, like the case I brought to this House, of Kenneth Matiba for Murang'a University of Technology. We also have the hostels in our public universities named after people. For example, there is a hostel in my former university, Kenyatta University, which is named after former President Daniel Moi. It is important because when the name is out there, then it evokes more memories.

If you go to Ground Zero in New York, there are names of hundreds of people who died during that incident. However, you cannot keep on cramming all those names. Yes, they are there for posterity and the fountain is always flowing to reflect the tears of the people, but it does not make you realize who these people were; it is just a list of names. Therefore, it is very good when you confer these honours to various buildings and streets.

Madam Temporary Speaker, there was an argument in Nakuru County because Governor Lee Kinyanjui tried to name the streets after the local heroes like Koigi Wamwere. I was very happy because I honour that man. However, there were complaints that he is naming dilapidated roads and giving them the names of heroes. So be it, those roads will be repaired one day. This will ensure that you do not say that you were conferred more honour because a better road that is well-maintained was named after you.

It is not right to have the county governor making the final determination. In the same manner, we have distributed power in the presidency, where the president sometimes is given one name to appoint, the same should apply to governors. The role of the governor should just be ceremonial in terms of who is to be honoured. Why? This is because governors may decide to frustrate the honouring of certain people because they come from a family that was in competition with for power or they may have differed. A governor may be impartial as an individual in determining who is to be honoured, but need to leverage it. It needs to be a little bit clearer.

Madam Temporary Speaker, in Clause 14(7) of the Bill, that power given to county assemblies, in my opinion, should be resident in the main Bill. To me, we are delegating too much power to county assemblies. Let it be clear because it is about how petitions are received and how an application is made. Let that procedure be well stated so that the MCAs can customize it. Otherwise, do we want to have different categories from one county to another? Do we want to have a standard application of the same

procedure? This is for purposes of uniformity so that you do not find that somebody has been conferred with a lesser honour in county (a) against county (b).

I hope this Bill can also speak to the Heroes Act so that there is conformity because there seems to be confusion here. Is it about the Hall of Fame or honouring county heroes? We need to synchronize so that these two Bills can speak to each other because this appears to me, like a devolved version of the Heroes Act, yet the Heroes Act is quite elaborate.

The Nelson Mandela Art Museum in Port Elizabeth is a museum which only contains quotes by Nelson Mandela and Steve Biko. These quotes inspire people to achieve greatness. You do not just want to have a Hall of Fame for names. You also want to see those pronouncements. If you go to Beijing, you will find the Temple of Confucius; it contains statements and quotes. You will find quotes by Zhou and his wife Deng; the Prime Minister and Mao Zedong; these were people who were able to transform their country. It is about words and pictures; it is not just about names.

We would want to see some inspirational quotes in these Halls of Fame, for example, quotes from Martin Luther King Junior. That needs to be captured. We need to have pronouncements, statements and declarations that transformed the society.

Madam Temporary Speaker, when we come to the issue of revocation, how do you guide a governor on this? Even if one might have plagiarized a thesis, or is guilty of a misdemeanor or misconduct, let not the revocation be the decision of one individual to make. Let it also be properly regulated. That idea of just giving somebody a hearing because they are alive is not right. Even for those that are dead; the other day the students at Oxford who were sponsored by Rhodes scholarships, criticized the founder of that scholarship programme because of the atrocities he committed in Rhodesia. When they were asked, they said that when they got the scholarship, they did not sign due to lack of freedom of speech and expression.

When you honour corrupt people, this is a testament of how corrupt regimes and corruption can make somebody to buy their way into fame. I do not think there should be some form of revocation. Let it be a testament. For example, it was criminal to be in Mau Mau war yet that is what that brought us freedom. It was criminal to participate in the second liberation of this country yet that is why we enjoy our democracy.

If you go to Illinois in Chicago, you will find a whole street named after a well-known gangster, Al Capone. When they take you around they will tell you that was actually a thief. We need that history because history is not replete with good deeds. That is why, if you go to the UK today, people are trying to obliterate the history of colonialism. You heard the pronouncement made by the new Prime Minister Boris Johnson just to get into public office. We need to know, at these critical junctures how the world came to be. We sometimes learn more from failures, bad examples and from the good examples that we have.

This is a timely Bill. It argues the case for good leadership and best practices around management of public affairs and exposition of public policy. I wish to support and ask that we consider redrafting some of these provisions. Otherwise, it is in order to have it in place at this point and time.

The Temporary Speaker (Sen. (Prof.) Kamar): Let us have, Sen. Wambua.

Sen. Wambua: Thank you, Madam Temporary Speaker. I want to thank you for giving me an opportunity to also add my voice to this very important Bill. I want to state from the onset that I support.

It will be remembered that last week, the Senator of Vihiga County brought a Motion to the Floor of this House on recognition of military veterans. This dovetails well to this Bill that we are debating today.

Madam Temporary Speaker, before I go to the substance of this Bill, I take note that there is a provision in this Bill that we could honour our heroes and heroines posthumously, which is fine.

Madam Temporary Speaker, there is a man from my village who fought alongside the British troops in the Second World War in South East Asia in Burma, which is present day Myanmar. He fought, came back home and died a poor man, and nothing is said about him to date. If enacted into law, this Bill comes in to recognise the input and efforts of those people who died for the course of this nation.

Madam Temporary Speaker, I will speak to only three issues in this Bill. I will speak to the powers of the governor; the selection committee, and an omission on benefits for inductees. On the matter of county governors and their role assigned in this Bill, I fully associate myself with the sentiments and remarks of my colleagues, that perhaps we are assigning far too many powers and responsibilities on county governors.

The decision to designate a public building for purposes of erecting a County Hall of Fame, as captured in Clause 5 of this Bill, should be a matter left to a team and not the decision of one person. There is an issue that almost every speaker has spoken to; on the powers of the governor to remove a person from the County Hall of Fame. My plain reading of this Bill is that Clause 16(2) tries to cure that problem by defining the restrictions or conditions under which a governor will be advised. This is because the decision to remove a person from the Hall of Fame is not a personal decision, but one that is arrived at on advice. Perhaps, there is need to tweak the language and stiffen the conditions for removal.

Madam Temporary Speaker, once again, it will also not be good in public order to have a person who has contributed a lot to the wellbeing of society, the county and the country who, after that, becomes a repeat offender, is convicted by law and we still continue to celebrate them as a hero. Maybe there will be need to tighten the language around that condition. Even as we do so, it should not be easy to get into the County Hall of Fame. Similarly, it should not be easy to be removed from that list.

Madam Temporary Speaker, on the part of the select committee, as captured under Clause 6 of the Bill, it appears to me as more or less just an extension of a county government, who are the Executive and the Assembly. That is so, yet the roles that the committee should undertake go beyond the provisions of the county governments. I would rather see a situation where the selection committee brings on board other interest groups, not just as people who have brought petitions, but as participants in determining the petitions that are brought before the select committees.

Madam Temporary Speaker, you realise that the Chairperson of the County Public Service Board (CPSB) sits in the Selection Committee. The same CPSB also appoints two other public officers. Therefore, in total, the CPSB has influence of at least three

persons sitting in this committee. I personally would want to see an expansion on that committee, especially to take care of interests outside the purview of county governments. I am looking at the inclusion of, perhaps, the church and religious organisations; the County Chambers of Commerce and Industry; teachers unions and such interests that are properly established within the counties. That way, the decisions would get the buy-in of a wider population and interests.

Lastly, Madam Temporary Speaker, on the benefits, this has been properly canvassed. Recognition of people and the roles they play in the wellbeing of society, county and the country and your name entered in some register or some plaque is not enough. It would be good if the Mover and the drafters of this Bill would consider a clause on benefits to the persons whose names make it to the Hall of Fame.

I am persuaded to believe that such people, even as a basic recognition or reward, a model parading those people and acknowledging them during national public holidays, is important. As my colleagues said here, we could give them free express passes in public spaces like hospitals and public transport. We could also name schools and streets after them. This is because the whole idea is to immortalize, not just the persons, but their good deeds and contributions to society.

Madam Temporary Speaker, I saw an attempt by the Machakos County Government to erect sculptures of heroes from the community, including Paul Ngei, Mulu Mutisya and Muindi Mbingu. That is a move in the right direction. Once this Bill becomes law, every county should now take it upon themselves to recognise people who have not just made sacrifices, but also put the county before self.

Madam Temporary Speaker, speaking about those people, I always have in mind old people across my county. Most of them are long gone, but they donated pieces of land for the establishment of schools and churches. We need to recognize them posthumously. At the time they were donating these pieces of land, they did not have children of school going age. Therefore, they were not doing it for themselves, but for society and posterity.

Today, those people are long gone and the schools have no recognition of that contribution. These are the kind of people we need to recognize especially at this time when the trend is people not donating land for public use, but stealing public land for private use. Those people who have made those sacrifices of giving out their personal property for public good should be recognized.

With those remarks, I support.

Sen. Faki: Asante Bi. Spika wa Muda kwa kunipa fursa hii kuchangia Mswada huu wa ukumbi wa umaarufu yaani, *County Hall of Fame Bill*. Mswada huu umekuja wakati mwafaka ambao siku zilizopita tumepoteza watu kadhaa maarufu, wakiwemo Francis Kadenge ambaye alikuwa ni mchezaji mahiri wa mpira wa kandanda.

Bi. Spika wa Muda, tumeona katika Serikali Kuu kuna sheria ambayo inaangazia maswala ya ukumbi wa umaarufu. Tumeona pia wakati wa sherehe za kitaifa, wengi hupewa tuzo za kitaifa kupitia sheria hiyo.

Mswada huu utazipa nafasi serikali za kaunti kutoa tuzo kwa wale ambao wamebobeza katika nyanja tofauti. Itakuwa ni jambo kubwa sana kuweza kusaidia kuwatambua na vile vile kuwatuza kwa zile kazi zao nzuri wameweza kufanya.

Bi. Spika wa Muda, tumeona pia kwamba, katika uchaguzi wa wale ambao watapewa tuzo katika sherehe za kitaifa, kamati husika mara nyingi huangalia mambo kama michezo, utendakazi wa mtu katika ofisi na mengineyo. Haya yote yanachangia pakubwa katika kuchagua ni nani ataweza kupewa tuzo hii. Ninaona katika Mswada huu vigezo fulani ambavyo vimewekwa kuona kwamba wanaochaguliwa ni watu ambao wamebobeza katika fani mbali mbali.

Bi Spika wa Muda, swala langu kubwa ni kwamba ile kamati ya uchaguzi, yaani *selection committee*, ambayo imewekwa katika kifungu cha sita, wote ni wafanyikazi wa kaunti. Kwa hivyo, ni rahisi kwao kuhakikisha ya kwamba mawazo ya gavana yanatekelezwa kwa sababu wote ni wafanyakazi wa serikali za kaunti. Hivyo basi wote wana *allegiance* ya karibu kwa gavana. Kwa hivyo hawawezi kupinga maamuzi yake.

Ningependekeza hapa ya kwamba kamati hiyo iwe na watu zaidi kutoka nje, yaani wakaazi wa kaunti ile ambao hawahusiani na serikali ya kaunti kwa jambo lolote la kikazi ama kibiashara. Hii itaipa kamati ile uhuru wa kufanya mambo wanayotaka bila kushurutishwa na sehemu yeyote.

Ningependekeza pia kwamba kati ya wale ambao watakaa katika kamati hii, wawe wamehusika michezoni kwa muda mrefu na vile vile wafanyikazi wastaafu katika nyanja mbalimbali za kibiashara. Hii itasaidia pakubwa kuleta usawa na haki katika maamuzi ya kamati hiyo. Hii ni kwa sababu kamati hii ni muhimu kabisa katika kuamua ni nani anastahili kupewa fursa ya kuwa katika ukumbi wa umaarufu.

Bi. Spika wa Muda, tumeona pia ya kwamba katika Mswada huu gavana anapewa fursa ya kufutilia mbali mtu yeyote ambaye amepewa tuzo kama hiyo kwa sababu ya vigezo fulani. Ingekuwa bora kama sababu ambazo zinaweza kutumika kumpokonya mtu aliyepewa tuzo ziweze kutajwa hapa ili kusiwe na tashwishi kwamba haki imepatikana, wakati mtu amepokonywa ama amefutiliwa mbali ile tuzo ambayo amepewa

Bi. Spika wa muda, tukiiwacha wazi, sababu nyingi zinaweza kutumika kumpokonya mtu tuzo, kwa mfano mtu akipinga maamuzi fulani ya serikali ya kaunti na mengineyo. Inahakikisha kwamba mtu hapewi fursa ya kujitetea kabla ya kupokonywa tuzo ambayo amepewa.

Katika nyanja za michezo, wachezaji wengi wa taifa letu wanaishi katika hali ngumu hivi sasa. Ametajwa hapa mwanadada bondia Conjestina Achieng' ambaye alileta ufahari mkubwa na kuwatia motisha wasichana wengi kushiriki michezo. Mchezo ule mara nyingi unahusishwa na vijana wa kiume. Lakini, alitia motisha wengine wakaweza kushiriki mchezo ule na kwa sasa hali yake ya kiafya na kimaisha si nzuri. Hii ni kwa sababu hana kazi ama njia yoyote ya kuweza kupata pesa.

Ninafurahia kwamba serikali ya Kaunti ya Kisii imewatambua baadhi ya wachezaji wa zamani akiwemo Henry Motego ambaye ameajiriwa kama afisa wa michezo. Hapa Nairobi pia tunaona kwamba George Sunguti ameajiriwa kama afisa wa michezo kusaidia kuimarisha michezo katika kaunti.

Bi. Spika wa Muda, Mswada huu utasaidia pakubwa kuweza kutambua watu ambao wamebobeza katika fani mbali mbali katika kaunti zetu na vile vile kuwatuza. Pia kutakuwa na vigezo fulani ambavyo vinaweza kutumika kutoa tuzo zile. Tuzo haizifai kutolewa kiholela, kwa mfano kuwapa wafuasi wa karibu wa gavana. Hiyo itakuwa

imeondolewa, kwa sababu, sheria itakuwa inatoa mwongozo kamili kuhakikisha kwamba tuzo zile hazitolewi koholela na wanaopewa wanastahili.

Asante, Bi. Spika wa Muda.

[The Temporary Speaker, Sen. (Prof.) Kamar left the Chair]

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

Sen. (Prof.) Kamar: Thank you very much, Madam Temporary Speaker, for giving me an opportunity to contribute to this Bill. I support it because it will help us write our history well. Kenya has not gotten the history of our people right. Our children will know more about Vasco da Gama than they would know about the reforms that Sen. (Prof.) Ongeru introduced in the various Ministries that he went through.

Madam Temporary Speaker, our children will know the history of Europe more than the history of our own people. No wonder we have a lot of streets named after heroes that we never saw. Therefore, I support this Bill because we will be able to write our history in a better way, and our children will be more informed than ourselves.

As I was reading this, I remembered that when I was in the East Africa Legislative Assembly, I once attended the National Independence Day of Tanzania. I saw something that was extremely different from how we deal with our celebrations. The most important people during the celebrations in Tanzania are their past heroes. They will talk about Nyerere more than the sitting President. This is because they have written their history well and learnt to appreciate.

Madam Temporary Speaker, it is my hope that by having the County Hall of Fame, we will be able to recognize our people and be an appreciative society. This will ensure that we appreciate what people like Oloiptip and Ole Tipis did, as you know them from your county. This is because these are people who had a lot of impact in the history of this country. However, when you ask our children about them, they do not even know who they are and yet, we know the history of other countries more than ours.

Therefore, we believe that this will be an opportunity for us to research and know those whom we want to honour posthumously and at this time. We know that there are people who have made an impact in this country and nobody has remembered them.

In the Objects of this Bill, I like the fact that Clause 3 (a) talks about recognition, by counties, of persons who have made significant contributions to the county or country. This means that the hall of fame will be a national asset. For example, I expect Sen. Kasanga to be in a hall of fame in Turkana. If she has had an impact in architectural building, she should be recognized in Turkana because they have recognized a skill and a Kenyan. I hope that we will not limit ourselves to the counties that we come from. I would like to see people honoured more for what they did for the country.

Madam Temporary Speaker, Clause 12 talks about a person who may be inducted to the county hall of fame. Clause 12 (b) talks about a county or country, whereas Clause 12 (c) talks about a State or Public officer who has made an exemplary contribution to the betterment of the county government. I have a little problem with that. This is because a State officer may be a resident of Uasin Gishu County, but has an impact in Kitui.

Therefore, is it Kitui County alone that will recognize him or her or the people of Uasin Gishu will want to recognize the person as what Kenyans call ‘their person’? As we define a public or State officer, it is important to appreciate the person who has had an impact.

I persuade the Mover of the Bill, the Senate Majority Leader, that Clause 12 (d) should be-

“a person who has otherwise brought honour, glory and pride to a country or county.”

By doing that, we will allow for flow of recognition and recognize a person for an impact that we want to share as a country. It should be an impact that a person has done nationally, not necessarily because they come from a particular county. We need to recognize people who are not necessarily limited to the county. We need to spread it out and recognize people who have made an impact, whether or not they come from a particular county.

The reverse should also be done. If a person has made an impact nationally, they should be recognized. This will also nationalize us. For example, the minute Uasin Gishu County recognizes Sen. Pareno for the impact that she has made as the ODM chairperson of elections, it will recognize her as a person. That name should be processed the way they have articulated in the processing.

My plea is that we do not limit the hall of fame to only have names of people who come from a specific county. This is because within the counties, there are State officers and people who have had an impact.

I say this because we have people like Sen. (Dr.) Musuruve who have had a lot of impact in special schools in Uasin Gishu County. It is possible for a special school in Uasin Gishu to process her name for the hall of fame because she was able to launch books for the deaf in Uasin Gishu County. It was the first place that the books were launched. So, that should not limit us to say that somebody else has to look for her elsewhere. She has already had an impact. Therefore, I hope that we will freely recognize Kenyans who have had an impact. We can recognize a Kenyan for one item in Uasin Gishu County and the same person is recognized for something else elsewhere.

I also agree with what Sen. Mwaura said; that there has to be a story behind the person. We have to read about that person and what they have done to be inducted to the hall of fame. This should not be limited to the county because we want to recognize contribution. The Committee should not limit itself to the counties when they are searching, just the way universities do. They look for something they want to recognize a person for, and it does not matter whether or not that person is alive. They can even do it posthumously or recognize an international person. This is what the hall of fame should do.

I support the proposal that we should have an amendment for the county assembly to approve the persons. The importance of that approval is that the county that is recognizing the person will get to know about them. We know that our counties are progressing and very soon, they will be having live transmission of their proceedings, which will also be in the HANSARD. They will be able to describe and honour the person before the approvals are done. So, it is important that we do that. I also support

my colleagues who have said that it should not just be the hall of fame. Let us see those names out there and recognize them. We have many roads and buildings; let us recognize our people.

Madam Temporary Speaker, with those remarks, I support.

Sen. Kasanga: Thank you, Madam Temporary Speaker, for giving this opportunity to add my voice in support of this Bill. Anything that can add towards celebrating achievement and people who have contributed to our society is something that we have to support and approve.

We recently debated a Bill in this House on museums and houses of national heritage. This Bill reminds me of that. It brings the importance of leaving these stories for young people to know and understand where they come from and how their communities and environments have been shaped by these people that we want to celebrate in this Bill. So, it is something that I truly support.

I will speak on it a little bit more. The framework provides for the recognition by counties of persons who have made significant contribution to the county as well as the country, which is of great importance. Although we have national leaders who have contributed nationally, there are also those who contribute in a smaller way in the village, wards or counties and require their own level of recognition. Therefore, I appreciate the fact that we are looking at it from a county and national level.

Clause 5 states that:-

“A county governor may, for the purpose of Section 4-

- (a) erect a county hall site in such a manner as the county governor may consider appropriate; or
- (b) designate a permanent public site or public building or such a part of a permanent public building within the county that the county governor may consider appropriate to serve as the county hall of fame.

Again, just as we debated the houses of heritage, there can be a convergence at this point. We do not need a specific space allocated for this. Rather, it should become part of a museum or a house or national heritage. This is because we are telling a story of the past that has been created and affected the future persons. The Mover of this Bill should consider a convergence of some area in that sense.

When it comes to the Committee, its composition needs to include some special interest groups. The Mover should consider that. He has only accommodated for county assembly, county executive committees, chairpersons of County Public Service Boards and two public officers nominated by the county public service boards.

There should be a slight expansion or re-composition of this to include some special interest groups. Also, some of the people who are in this Hall of Fame can sit in this committee to help in vetting or coming up with the pre-requisite tasks that the Committee is supposed to have. This is because we need new blood in this composition that has been given here. An expansion of that, a consideration of special interest groups or persons who qualify to be in the county Hall of Fame can be considered to be part of the committee.

In the procedures given for the functions of the committee, I agree with the Mover of this Bill; that looks really good. The idea of disclosure is important to be added in the Bill. Many times we have a lot of conflict of interest. We have seen that in a lot of the issues that we have, where people fail to disclose conflict of interest. So, it is important that, that is included.

Madam Temporary Speaker, regarding the persons who may be inducted to the County Hall of Fame, the Bill has given a breakdown of the person who should be looked at. I agree that we should celebrate Kenyans. Let us not have a situation where we saw somebody like the *Githeri* Man being celebrated, and up to this day, we do not know how the decision to honour him came about or what impact he created for the environment around him. I like Clause 12 that sets out how a person can apply to propose somebody to the county Hall of Fame.

Regarding notification and public hearing, this is a section where I would like to laud the proposer of this Bill. This will increase the threshold. When you call people for public participation to give their own views on how that person has lived or the contributions he has made, we can be sure to see a better view of the person that we are talking about, and this can deter the cheats. Hopefully, as Kenyans become more politically aware and mature, we can cease to celebrate people for the sake of it. We can cease celebrating thieves, hooligans or sensational characters, and begin to celebrate those who actually make a contribution to the society. I like the idea of the notification, public hearing and involvement of the general population in vetting these people.

I want to agree with the Senators before me and believe that the county governor has been given too much power in this Bill. I do not think the county governor needs to be part of this. A select committee can make the final determinations of the committee that has been proposed to look into the petitions on who should be in the county Hall of Fame. Leaving the final word to the governor is giving him a little too much power. I believe he is a very busy man, and we have a lot of potential good leaders out there who can handle this task as it needs to be.

It would be good for it to be away from the county governor and the politics---

The Temporary Speaker (Sen. Paredo): I hope when you say “busy man” it involves both men and women.

Sen. Kasanga: Yes, Madam Temporary Speaker. It involves both man and woman. I am very sensitive to gender. When I say “him” it means a human being – both male and female.

If possible, I would like to strike out the sections in which the county governor is involved in the tasks that he has been given. The proposer should consider other methods that we can use to get the final determination of the person who has been proposed into the county Hall of Fame.

Madam Temporary Speaker, the idea of county assemblies enacting legislation is also good because that is for posterity. It is a system that is set in law in the counties and can see itself through time. I believe that is a good addition to the Bill.

Part 5, Clause 18 states as follows:-

“The select committee may receive historical items or artifacts donated to it for preservation in the county hall of fame.”

This is the convergence I was talking about earlier; that where we have historical buildings or museums within the counties as we debated in the Bill previously--- If these are set up, then this is an area where this Bill can find convergence. We do not need different houses to host artifacts and these halls of fame when we already have historical buildings and houses of heritage.

There are some areas for improvement in this Bill, but I support it. I support the idea that we can get to know the history of our people. We can get to hear the stories of people who have contributed most to our environment and shaped it. When we were debating the Motion by Sen. Mwaura on the late hon. Matiba, I was shocked to learn a lot of things that I never knew. What Sen. (Prof.) Kamar has said is true; that we learn more about Europe and our neighbours than we do of ourselves in our school education system.

In fact, last week I was in Uganda and visited the Kingdom of Buganda. I realized that we learnt about it school, yet I do not know, through history, the strides that the late hon. Matiba did to shape this country to where we are today. It is a democracy that we absolutely enjoy, and is the reason some of us have made it to this House of Parliament.

Madam Temporary Speaker, I support this Bill with amendments. I thank the proposer of the Bill for bringing it to this House. I pray that it will see the light of day when history is transmitted to our young people, so that they can understand where we are at today.

Thank you, Madam Temporary Speaker.

Sen. (Prof.) Ongeri: Thank you Madam Temporary Speaker for giving me the opportunity to also contribute to this very important Bill, which has been brought to the Floor.

The County Hall of Fame Bill is a belated Bill. This Bill should have come at the time when there was struggle for Independence. Unfortunately, the people who were recognized to get the Order of the Burning Spear from the Imperial British Government were those who were recommended by the chiefs, District Officers and the District Commissioners. Those were colonial DCs and DOs and, therefore, did not have a wider perspective other than owing allegiance to the government that they were serving.

This country has gone through a long transition. If you remember, at Independence we had eight provinces. Today we have 47 counties. It is quite easy that somebody from the obscure area of Turkana, Kisii, Nyamira or Wajir Counties would not be recognized for something that has not brought that individual man or woman to the forefront to be recognized for the Hall for Fame in given locations - either a sub-county or the county today.

If the past experience is anything to go by, I think we have learnt our lessons. I will give you an example. During the Olympics Games in Germany, the quartet made up of Julius Sang, Robert Ouko, Charles Asati and Munyoro Nyamau broke all norms. If you recollect in 1972, the manner in which they ran the 4 by 400m relay, it is rather obvious that by today they should be in the list of honour in this country. They broke all norms. They did not even think about themselves. What happened to these individuals? Ben Jipcho died and other people are languishing in poverty. They are very sick in hospitals, and yet we have not recognized people who brought honour and fame to Kenya, leave alone the counties where they come from.

We do not have to hustle about it, but think about posthumous recognition and create a hall of fame for past performers.

Let us have an example of my own uncle called Nyandika Maiyoro. He went running in Vancouver without shoes. When he was told that the six miles race had started, he asked where other runners were. He was told that was his race, but he did not understand English. He took off and recorded one of the best timings. He won bronze during the Commonwealth games.

We buried him the other day, and the only recognition he had was a house at Kisii Stadium that a colonial District Commissioner (DC) gave him. He used to live there but with no title deed for that land because it is part of the property of the stadium. We have had to insist that he must be considered for a house outside the stadium posthumously for his family. Therefore, when this Bill becomes an Act of Parliament, it will recognise such kind of heroes who performed well.

Naftali Temu is another person who brought glory to this country in Mexico in 1968. Europeans said that Africans run like monkeys, but that did not bother him. The other person is Ben Kogo. Those are the people who brought fame to this country. Naftali Temu won 10,000m in a record time. Henry Rono broke a spate of records. I was then the Chairman of Kenya Amateur Athletics Association. Up to today, most people do not know that that gentleman comes from Nakuru, and nobody has ever mentioned him in the annals of history in this country. These are people who went down fighting for this nation.

We also have the heroes who fought for our Independence. I used to live in my village called Gesusu. At that time we used to do Kenya African Preliminary Examination (KAPE), and I was preparing to go to Form One. A person drove through my home in Keroka and then went to Masimba and Gesusu. I was told that it was the late *Mzee* Jomo Kenyatta. Since there were many of us, many of our parents and grandparents who were involved in the *Mau Mau* liberation war used to manufacture guns in the homestead that I came from. When he left there, he was apprehended and taken to Kapenguria.

We have people like my late father, the late *Mzee* Moturi, another *mzee* who was the father of Silas Moturi. I have forgotten the other name because there were two Moturis; one from Gesabakwa and another one from Chibwobi. Those are people who fought and manufactured weapons for the liberation of this country. Today, nobody remembers anything about them, other than those of us who have carried the history with us and can tell the public what happened.

We ought to know that there are people who fought for this country, but have gone unrecognized. History will completely miss them out. Our young generation and the generation to come will not be in a position to know who they are. They include political leaders who heralded this country to full Independence, but we have not recognised them.

There are those who have distinguished themselves in agriculture. As you know, agriculture is a fully devolved function to county levels. There are people who made strides in improving on small-holding farms that we have today. Their sweat, mind and energy have gone into food production. In spite of that, the food they handle, whether it is

maize, wheat, rice or whatever, is wasted. Therefore, their effort is not recognised, and they are paid peanuts for their produce.

The people who have made discoveries or local inventions and innovations have not been recognised. Therefore, their efforts have gone to waste. What about our artists? I am talking about songwriters. If you remember the Kenyan tunes, the *sambas* and *rhumbas* of the African type, they were the most scintillating and captivating. When you got to the floor, you would get well if you were sick.

Today, we have got some acrobatic standings which have no meaning. They only end up breaking your bones or ribs if you happen to take a wrong direction. That is the culture we are perpetuating, instead of perpetuating a culture that gave us not only accuracy in what we perform, but also told us about the story of our people; where they came from and where they are going to. These are the kind of things we need to remember.

When I was the Minister for Technical Training and Applied Technology, I was amazed at the kind of skills and talent galore that we had in our people. No wonder if you walked on Biashara Street, Moi Avenue and River Road, they were occupied by foreigners who were doing retail businesses. As soon as we imparted skills, artisans who perfected their skill performances drove out all those who used to be on Tom Mboya Street and River Road, and they went to Industrial Area. Industrial development in this country came because the *Jua Kali* people took over. If you go to Gikomba Market and what have you, the items being produced there are as a result of the skills and knowledge that is inherent in our people.

I made a proposal that there are those who may not have gone to traditional schools or universities, but in their own specialization, they are master craftsmen. They did not have to go to the universities to get PhDs, but are master craftsmen. They can do an antiquity table for you, yet they are not being recognised and assimilated into our society. These kind of people find fame within the local area because they are known for their expertise.

There are those who used to make clothes using sewing machines. Nowadays, the machines make clothes according to the sizes that some of us cannot fit in. If you went to a local tailor and they took your measurements, they would give you a fitting that takes your body characteristics without missing anything. I appreciate science and technology and the rapidness of doing things, but we have people who do little embroideries.

The Maasai women who make embroideries have found fame in other places. We also have the *kiondo*. I tried to patent the *kiondo* that kikuyu women used to make, and before I realised, the Japanese Government had done a patent for synthetic *kiondos*. Therefore, we lost out on what I would call an intellectual property, which would have brought a lot of money to the poor women from the former Central Province in Mt. Kenya region, who were studiously doing the *kiondo* weaving.

The Koreans took the idea of the fans, beds and mattresses that we used to make from papyrus. These are things that could be improved on to get better things, yet those people are not recognised.

We have a broad spectrum of people who can be recognised in the Hall of Fame, instead of trying to cram about *sokolo kolo bangshai*. When I went to school, I was made

to believe that singing *sokolo kolo bangshai* meant that one knows English. That is nonsense. I did not know what *sokolo kolo bangshai* was all about, yet I was told to recite it left, right and centre. When I learnt it, I was told that I was learned, but I later realised that being learned had nothing to do with the *sokolo kolo bangshai* language. To be learned, I had to acquire and assimilate the knowledge, which would then propel me to the next level.

Africans used to perform cranial surgery. The surgeons in Kisii could operate an individual and even remove the haematoma. They used a furnace to burn the *panga*. As they did the infusion on the skull, the hotness of the *panga* would cut, but also cauterise the arteries and that stopped the bleeding. That is the same technology that is now being applied in our theatres. When a doctor wants to stop bleeding of a patient in the theatre, he cauterises him using electrical cauterisation method. The traditional surgeons knew how to do the same thing, but they are now gone.

Traditional birth attendants were also able to do a lot of things. If I get into history, I will give a lot of information. We should use this Bill to appreciate people who have done things from a historical perspective. We should also acknowledge people who have excelled in economic activities, sports, business, music, arts, journalism, academia and research. When this Bill becomes law, we should not use it to reward our friends.

I have a problem with the selection process. When considering people to be included in the Hall of Fame, we should consider heroism, sacrifice for this nation, bravery, patriotism, leadership for the defence of this nation or county and people who have contributed to the betterment of the country or county. People like Sen. Olekina who planted 100 million trees to save Mau Forest should appear in the Hall of Fame because he is creating and recreating the environment.

The selection committee is heavily weighted on the governor's side. Those who are here and are aspiring to be governors should not take this mantle. We should adopt the model that is used in the office of the President, where a committee gives recommendations on the people who should be given national honours. That will help us capture people of consequences to the county and national welfare. That is the only problem that I have with this Bill. We have to create regulations on how this process will be conducted when this Bill becomes an Act of Parliament.

I support this Bill. It is a good Bill that we should domesticate at the county level, and the national Government should take a cue from it. We should not just reward political successes, but people across board.

With those few remarks, I support.

Sen. Olekina: Thank you, Madam Temporary Speaker. I rise to make a few contributions to this timely Bill, which is intended to reward greatness. In America, the Hall of Fame is categorised in different fields and is used to reward legends. I have skimmed through this Bill and do not understand how one can reward legendary, when the county government administration and the public service board hold all the powers. How will they measure greatness?

The Bill is good but needs to change because we are not trying to reward politics. Instead, we want to reward legends in the sports field, business and other areas. We can also reward people who have contributed to our cultural heritage. We need to think about

what it means to be in the Hall of Fame. When I think of sports, I think of people like Michael Jordan. Michael Jordan had to retire from the game for him to be considered in the Hall of Fame.

The drafter of this Bill, who is the Senate Majority Leader, has a very good idea, although he has to change his desire of rewarding greatness. The select committee is poorly constituted. I would not recommend that we have the clerk of the county assembly as the chairperson. The county executive committee member responsible for culture and heritage should not be part of that committee and should not play a key role in the selection. The chairperson of the county public service board should also not play a key role. Can we expand it by giving details of how one will be nominated to be included in the Hall of Fame?

We have different talents in Kenya. In Maasailand, we have Rudisha, a champion in the 800 meters, Manangoi who is following suit and the Konchellas who left history. We need to think of people who can nominate them. It is those people who will tell us that so and so was great at this sport. That kind of information will help the person who wants to appear in the Hall of Fame later because they can then refer to what David Rudisha did when he was running 800 meters and broke several world records. That cannot be done by someone from the county public service board.

When coming up with this legislation, we need to know what we are trying to reward or who we are trying to make legendary. The Sponsor of this Bill should reconstitute the committee that will be receiving nominations of people who are to be considered in the Hall of Fame. It is good for the county government to construct a hall where they can put pictures of all the great men and women of that county. However, whoever select those who will be added in the Hall of Fame should be people in the specific fields.

If it is athletics, get someone from the Athletics Kenya, who knows everything and anything about sports. If it is in business, get someone from the Kenya National Chamber of Commerce and Industry to be part of that select committee. This is because he or she would be able to measure and say, “Ledama was great” or, “so and so was great in this field because he was able to break every record we set.”

Madam Temporary Speaker, the most important thing in terms of looking at the hall of fame is that we are recognising a special person. You have to be special to be considered for the hall of fame. All over the world, we remember people such as Nelson Mandela for the great things he did and the 27 years he spent in jail. There is a book I am reading on Nelson Mandela, where he used to write letters to the family. People remember that he stood firm and fought for something. That is endurance; it is not just about bringing in people and saying, “let us have two public officers nominated by the County Public Service Board.”

Madam Temporary Speaker, being considered a member of the hall of fame is not being considered a good politician, but as someone who has been able to pass and excel in their field. I, therefore, recommend that if we really want to reward greatness, the sponsor of this Bill must consider reconstituting the entire select committee, so that we can clearly reward greatness.

Madam Temporary Speaker, looking at the Clause 4 (2) on the purpose of the County Hall of Fame, it says:-

“To honour the achievements of persons who have made significant contribution to the county or the country.”

How do you determine this? You can only determine it by measuring all those people who have been part of that field. We do not want a situation where for you to be considered as an Elder of the Golden Heart (EGH) or maybe a Moran of the Golden Heart (MGH), you go and stand somewhere eating *githeri*. Before you realise it, your name has been considered and is being forwarded; that is not greatness. That is rewarding mediocrity. We have seen great leaders in this country; people who have sacrificed, and fought for the Independence of this country. They persevered, but we do not reward them.

Madam Temporary Speaker, it is just like our men and women in uniform who sacrifice, and by the time they leave, we forget about them. The Athletics Kenya currently no longer has an interest in those people who came and did well. It is the same for any other sport around the world. However, the moment we establish that hall of fame, they can now actually get to utilise the people who would be considered as hall of famers, because they can then nurture this talent. They can go to Kajiado or Narok and talk to the youth, and maybe even set up sports academies to nurture that talent. If it is business, they can talk about how they excelled, so that people can aspire to be like them or even greater than them.

Madam Temporary Speaker, when we devalue the achievements of an individual, then the only way that we can redeem ourselves is by ensuring that we reward, honour and use them. I would like to have a sitting with the Senate Majority Leader and maybe give him my reasons for amending this Bill. This is because I have attended many ceremonies where people are inducted into the hall of fame. When you hear what they have done for them to be considered as that, I am not so sure I would agree with my senior, the Professor. Sometimes I forget names, but it is the Senator for Kisii, who has just spoken. It is Sen. (Prof.) Ongeru. I remember the name when I say “Kisii.”

Madam Temporary Speaker, I do not really agree with him that we should reward people who are tailors. This is because when we think about it, this is a talent that one has acquired over time, but we still have not mastered it. There are people who, over time for years - from Italy and other countries – have mastered the art of tailoring and become master tailors. It is true that most people in Kenya would go to a tailor and get a suit. However, for you to be considered as having worn a proper suit, you must know where that fabric comes from and its weight. I am not so sure that our tailors in Kenya really take the time to determine such things, so long as it is fabric, *haiya!*

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

The Temporary Speaker (Sen. Pareno): What is your intervention, Sen. Mwaura?

Sen. Mwaura: Madam Temporary Speaker, pursuant to many Standing Orders, is it in order for Sen. Olekina to trivialise the contribution of Sen. (Prof.) Ongeru, when he was referring to local knowledge, rather than the mere act of a sewing machine? I thought he was trying to allude to the local knowledge of our people in terms of contributing to

our own science. He went ahead and gave many examples, including how to remove a hematoma. Is he in order?

The Temporary Speaker (Sen. Pareno): Sen. Olekina, you might wish to clarify whether you are trying to demean what the hon. Senator had canvassed in terms of the skill that we have in this country.

Sen. Olekina: Madam Temporary Speaker, if there is one Senator that I greatly admire and respect as my elder and mentor, it is none other than Sen. (Prof.) Ongeru. All I was trying to say is very clear. In this world, nowadays, people can utter certain words that can mean totally different. A good example is that the President of the Republic of Kenya today made some statement that left everyone in stitches. He said that his wife's brother's mother comes from Jamaica. We were all left wondering who these "wife's brother's mother" was. Is it his mother-in-law or does the First Lady come from a polygamous family? Sometimes it depends on how you understand what is uttered.

Madam Temporary Speaker, what I meant is that when we reward and consider celebrating talent, then we must have a way of measuring it. The example I gave about a suit, is that when you wear a suit made by a master tailor, that tailor would tell you that fabric weighs so much and comes from a particular type of cotton. He will completely break down for you what it took to make that suit. This is such that when you are walking on the streets and it rains, the suit does not spoil. Maybe the water will just touch it and run down; that is rewarding proper talent. We cannot equate that with someone like me, who learns to how to use a sewing machine; and then I say that because I have used it for 20 years, I must be put into the hall of fame.

In conclusion, Madam Temporary Speaker, I fully support the Bill, but with proper amendments. Let us not just come up with legislation to create room for people to just say, "Okay, I am going to pay so much to this county public service board member, so that I can be included in that hall of fame." We must do an audit of the skills that we think ought to be celebrated. We must look at the talents that we believe ought to be celebrated.

We have young men and women in this country who spend most of their time in the mountains preparing and are only remembered and celebrated during world championships. However, when you meet them in the streets, you will never be able to recognise who he or she is. These are young men and women who break world athletic records. We are a country of many talents, but have only excelled in certain fields, and athletics is one of them.

Madam Temporary Speaker, just having a blanket legislation that now compels county governments to set up halls of fame, will be room for abuse. We have to figure out what it is that we have in Marsabit County. Maybe in Marsabit County, we have men and women who have been able to develop that economy despite the challenges that are there. Maybe we have pastoralists who have been able to keep many cows and protect them during the drought season, and they help build that economy.

That is the kind of thing that we ought to reward and celebrate. We should not just ask county governments to set up the county hall of fame and bring in the clerk of the assembly. In other cases, the clerk of that assembly is not even someone from that

county. What will that clerk know about that county and the talent that is there? If you want to have continuity in these jobs, you need to have the local people.

Madam Temporary Speaker, I hope that the sponsor of this Bill will look at the HANSARD and amend the composition of the select committee. They should go round and put in elders who have been there, if it is culture. Nowadays, if you want to sell anything, not just in this country but in the world, you just wrap yourself in a Maasai *shuka* and say you are a Maasai elder.

(Laughter)

This is a fact. By the time you realise it, maybe you have awarded Sen. Mwaura for having worn a *shuka* and sold many Maasai artefacts. For that, you then say he should be in the hall of fame for creating more business, yet he does not even understand what *enkerena* is. We need to consider rewarding creativity and also people who have excelled in their field, and not open it up for political rewards.

In conclusion, the hall of fame should be made for special persons. Very few people in this country can be considered as special and worth being legends.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Pareno): Senator for Marsabit County, proceed.

Sen. (Eng.) Hargura: Thank you, Madam Temporary Speaker. I support this Bill from the outset. For the benefit of our future generations and also to recognise our past and current leaders who are contributing to the progress of the community in a positive way, we need to have a way of recognizing them. This is because it is human nature that once they are recognised, there is that possibility that they will put in more effort and others will also emulate them.

The sponsor of the Bill has looked into the issue of induction to the hall of fame. The Bill is inclusive in the sense that in Clause 14(8), it allows county assemblies to domesticate this Bill and identify issues, which they think are important for one to be recognised in that particular county. As has been said by my colleagues, different counties have different issues when they consider this issue of somebody who is exemplary and can be emulated by people from that county or the country in general.

For example, in Marsabit County, we have different communities and our main problem has been cohesion. We have been having internal issues amongst the communities. For example, somebody who can strive in that direction and bring the communities together should be considered because that is our main issue. Unlike other areas that would consider things like sports, in our area, those are the kind of things we need to consider.

Madam Temporary Speaker, in Loiyangalani on the shores of Lake Turkana, we have had different warring communities. These are the El Molo, Rendille, Turkana and Samburu. They decided to come together and form groups that actually practice and portray each other's culture, so that they all understand each other. For example, there is a women's group called the El Molo, Samburu, Rendille and Turkana (*ELMOSARETU*) that has been doing that. Through that effort, they came up with an annual function, which is called the Lake Turkana Cultural Festival, which now includes all the

communities in Marsabit County. That is mainly a women's group that is trying to bring cohesion.

Those kind of people can be recognised because they are doing something which, if taken further, will bring that county together and make the people of that county understand each other and move forward in development, instead of warring every time over the issue of pasture, water and boundaries.

In each county, there are different issues that need to be considered. Out of that small group, we now have a group of youth that goes by the name of Loiyangalani Stars. It has now been expanded to include the whole county. I know that they have been to France and India this year. I think they will be going to Turkey this month to display the culture of that community, but the main issue is cohesion. Those kinds of groups need to be recognised in that area because that is where the main problem is.

I am sure one needs to be recognised if they do something that improves the condition of that community; the living standards, cohesion, bringing development and so on. They need to consider that. For example, we have one of our doctors, Dr. Said Osman, who is an orthopedic surgeon based in the United States of America (USA). He comes from Moyale. He went to schools in those remote areas, but is now a pioneer in minimally invasive spinal surgery. Maybe Sen. (Prof.) Ongeru could confirm.

In that surgery, there is something called the "Osman Approach," which is attributed to that doctor who comes from a remote part of this country, and is now based in the USA. It is something that has been adopted throughout. Those are people who are exerting themselves to improve the condition of humanity, and we need to recognise them.

Madam Temporary Speaker, one important aspect of this Bill is public participation. If one is proposed to be included for induction into that hall of fame, that must be brought to the attention of the public. There must be a process of public participation and people need to give their comments on what they think about that person. That way, we will not have what has been referred to here as backdoor way of recognizing people by just applying to a small committee and even those do not deserve getting recognised.

If public participation is properly done at the county level, we will get the right people. If recognised, these people will positively affect the future of that county because the youth of that county will emulate them. Those who are interested in making sure that they improve the condition of their people will have somebody to emulate and see what those people have done. We have had cases like the unfortunate tragedy where we lost all our leaders during a plane crash. These people had tried to look for peace and see how they could come up with a way of bringing the communities together.

In Clause 17, the Bill says that once one has been included in the hall of fame, there is option for removal. Of course, it is human as facts may have been overlooked. It allows that recognition to be revised when new information comes up. That also acts as a check so that when people are involved in public life, then they should do it in such a way that they do not leave any skeletons in the closets, as they say. Once one is properly recognised, they will know that if there are any underhand issues, then there is a possibility of that recognition being revoked.

As my colleagues, I also have an issue with the responsibility given to the governor. Of course, there must be somebody to make decisions after the community has gone through. We also have to look at the powers given to the governor and see how they can be checked. However, if public participation is strengthened and the county assembly makes robust laws, it can be taken care of. At the end of the day, we will knock out the governor and the question will be: Who will be doing that? At the national level, it is the President. So, by the same reasoning, that is why the drafter of the Bill used the governor at the county level. Why not strengthen the other mechanisms to make sure that the governor ends up with little ceremonial decisions at the tail-end of the whole process, so that he or she does not have a lot of powers?

Madam Temporary Speaker, we should introduce an amendment to the select committee, which looks like a group of the arm of the county government. It has the county assembly, the executive and County Public Service Board (CPSB) that make the decision on who the other public officers are. They need to expand and include prominent persons within the county who do not need to be public officers, but by their standings and knowledge, will assist in making decisions that will improve the quality of people to be included in the hall of fame.

Madam Temporary Speaker, with those few amendments, I support the Bill.

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

The Temporary Speaker (Sen. Pareno): What is your point of order, Sen. Mwaura?

Sen. Mwaura: Madam Temporary Speaker, pursuant to Standing Order No. 105(1), I rise to move that the debate on The County Hall of Fame Bill (Senate Bills No.39 of 2018) be now adjourned.

The Temporary Speaker (Sen. Pareno): Who is your seconder?

Sen. Mwaura: Madam Temporary Speaker, I ask Sen. Kasanga to second.

Sen. Kasanga: Madam Temporary Speaker, I second.

(Question proposed)

The Temporary Speaker (Sen. Pareno): There being no interest, I note that this is not a matter that concerns counties. I, therefore, proceed to put the question.

*(Question that debate on the Bill be now
adjourned put and agreed to)*

(Debate on the Bill was adjourned)

Let us move to the next Order.

*Second Reading*THE CONSTITUTION OF KENYA (AMENDMENT) BILL,
(SENATE BILLS NO. 2 OF 2019)

The Temporary Speaker (Sen. Pareno): After consultation, we defer the matter to another date. Let us move to the next Order.

(Bill deferred)

*Second Reading*THE CONTROL OF STRAY DOGS BILL
(SENATE BILLS NO. 4 OF 2019)

The Temporary Speaker (Sen. Pareno): Similarly, I am told that there is an intention to withdraw this Bill by Sen. Seneta, who is not here. I, therefore, defer it to another date for purposes of that withdrawal by the Mover.

(Bill deferred)

ADJOURNMENT

The Temporary Speaker (Sen. Pareno): Hon. Senators, it is now 6.30 p.m., time to adjourn the House. The Senate, therefore, stands adjourned until tomorrow, Wednesday, 7th August, 2019, at 2.30 p.m.

The Senate rose at 6.30 p.m.