

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 8th July, 2021

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

[The Speaker (Hon. Lusaka) in the Chair]

PRAYER

PETITION

ALLEGED CORRUPTION, LAND HISTORICAL INJUSTICES,
ABUSE OF HUMAN RIGHTS, FRAUDULENT USE OF OFFICE FOR
PERSONAL GAIN AND OPPRESSION OF INDIVIDUAL RIGHTS
IN BARINGO COUNTY

The Speaker (Hon. Lusaka): Hon. Senators, I hereby report to the Senate that a Petition has been submitted through the Clerk by Wilson Amge Arap Langat, a resident of Baringo County, concerning alleged corruption, land historical injustices, abuse of human rights, fraudulent use of office for personal gain and oppression of individual rights.

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 enacting, amending or repealing any legislation.”

Hon. Senators, the salient issues raised in the Petition are:-

That, Plot No. Baringo/Perkerra 101/178 was declared unfit for use *vide* a letter dated 12th December, 1968.

Further, a letter dated 16th December, 1968, stated that in case there was a buyer willing to buy the plot, they would be required to first clear the outstanding loan;

That, *vide* a letter dated 8th May, 1969, the settlement officer wrote a preliminary report for absentees and the name of Mr. Kapteberewo Kaibos was included for Plot No. Baringo/Pekerra101/178 as an absentee tenant, following which the director of settlement *vide* a letter dated 5th March, 1979 transferred the said plot to Mr. Wilson Amge Arap Langat, who had paid the outstanding loan for the plot;

That, in 1986, the sons of Mr. Kapteberewo Kaibos reclaimed the Plot No. Baringo/Pekerra101/178 stating that the said plot belonged to their Father. The case was heard at the District Officer’s (DO) office, and it was determined that the plot belonged to

Mr. Wilson Amge Arap Langat. However, the sons of Mr. Kapteberewo invaded the plot and proceeded to settle there.

That, in 1990, the High Court issued a judgment on Nakuru Case No. 164 that Mr. Wilson Amge Arap Langat was the rightful owner of the plot. After the said judgment, the sons of Mr. Kapteberewo Kaibos filed a case to challenge the judgment of the High Court.

The case was heard and orders were given for the dismissal of the case filed by Mr. Wilson Amge Arap Langat and cancellation and removal of his name as the owner of the Plot No. Baringo/Perkerra101/178.

That, Mr. Wilson Amge Arap Langat filed an appeal against the aforementioned judgment following which the case was heard and the court upheld that Mr. Kapteberewo Kaibos was the owner of the plot.

Not satisfied with the outcome, Mr. Wilson Amge Arap Langat filed a case against the settlement fund trustee. The case was heard and determined that the settlement fund trustee was to compensate Mr. Wilson Amge Arap Langat with another piece of land or repay him the money equivalent to the piece of land, Plot No. Baringo/Perkerra101/178.

That, the director of land adjudications and settlement of Nairobi stated that the judicial process had failed to resolve the dispute regarding Plot No. Baringo/Perkerra101/178 and, therefore, the dispute be resolved by the settlement fund trustee.

An official search dated 19th March, 2013, confirmed that Plot No. Baringo/Perkerra101/178 was under the settlement fund trustee.

That, on 30th January, 2018, Mr. Wilson Amge Arap Langat moved to court again and filed a case on the Plot No. Baringo/Perkerra101/178 and the case was heard. The court determined that there was no merit in the application and the case was dismissed; and

That, there appears to be a big problem in the court concerning the case of Plot No. Baringo/Pekerra101/178.

That, the Petitioner has made the best efforts to have this matter addressed by the relevant authorities all of which have failed to give a satisfactory response;

The petitioner therefore prays that the Senate investigates this matter with a view to ensuring that the dispute on Plot No. Baringo/Perkerra101/178 is resolved amicably and the justice prevails for Mr. Wilson Amge Arap Langat.

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.

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

The Speaker (Hon. Lusaka): What is your point of order?

Sen. Malalah: Mr. Speaker, Sir, I have listened keenly to the Petition. I want you to give direction as to whether it meets the threshold to be discussed in this House.

I have heard the contents of the Petition. It is a conflict between two people and it has already been adjudicated elsewhere. So, is this the right forum for us to adjudicate and officiate the matter?

I want us to look at the content of the Petition so that we know, moving forward, if this is the right platform for us to adjudicate it.

The Speaker (Hon. Lusaka): I hear you. However, all matters that come here are approved by the Speaker. Therefore, the fact that it is here, it means it met the threshold and that is why I approved it. I also go through these Petitions and all matters that come into my office.

Since I do not see any interest, hon. Senators, pursuant to Standing Order No. 232(1), the Petition should be committed to the relevant Standing Committee for its consideration.

In this case, I direct that the Petition be committed to the Standing Committee on Justice, Legal Affairs and Human Rights.

In terms of Standing Order No. 232(2), the Committee is required, in not more than 60 calendar days from the time of reading the Prayer, to respond to the petitioner by way of a Report addressed to the petitioner, and laid on the Table of the Senate.

I thank you.

Next Order.

PAPERS LAID

Is the Chairperson or any Member of the Committee on Health in the House?

Sen. Seneta: Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate, today Thursday, 8th July, 2021-

REPORT ON STALEMATE BETWEEN GOK AND USAID ON HIV/AIDS COMMODITIES

The Report of the Standing Committee on Health on the stalemate between the Government of Kenya and the United States Agency for International Development (USAID) on HIV/AIDS commodities.

REPORT ON THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILLS NO.28 OF 2020)

The Report of the Standing Committee on Health on the Mental Health (Amendment) Bill, Senate Bills No. 28 of 2020.

(Sen. Seneta laid the documents on the Table)

The Speaker (Hon. Lusaka): We move on to the next Order.

POINT OF ORDER

DELAY IN ISSUANCE OF STATEMENT ON THE PLIGHT OF FORMER COUNCILORS

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

The Speaker (Hon. Lusaka): What is your point of order, Sen. Wambua?

Sen. Wambua: Thank you, Mr. Speaker, Sir. Before we go to Statements, I sought a Statement more than two months ago on the issue of payments for former councillors.

The Committee on Labour and Social Welfare undertook to process the matter within 14 days. It is now two months down the line and I have not received any report and no processing has taken place.

I raise this matter because the plight of our former councillors is appalling. This House has to do something or be seen to be doing something about their plight.

If such a Statement can sit here for more than two months, we are seen to be irresponsible.

I want direction from you on how to proceed with that matter.

Sen. Kinyua: Asante Bw. Spika kwa kunipa fursa hii. Nakumbuka hilo jambo kuhusu madiwani. Tuliangazia jambo hilo na tukaandika ripoti ambayo ilisema ya kwamba madiwani wanapaswa kulipwa.

Kama vile Sen. Wambua alivyosema, Kamati ya Leba na Ustawi wa Jamii ilisema watachangamkia jambo hilo. Lakini, baada ya kulivalia njuga, hakuna jambo lolote limetendeka. Sijui kama madiwani hawafai kuwa wakilipwa pesa zao ama ni kwa nini jambo hilo linachukuliwa kiholela.

The Speaker (Hon. Lusaka): Let us have Sen. Wetangula and then, Sen. Mwaruma.

Sen. Wetangula: Mr. Speaker, Sir, that point raised by the distinguished Senator for Kitui is very pertinent. Prior to the Statement, we debated the matter of the plight of former councillors in the last Senate. We unanimously passed a resolution that a mechanism be undertaken to look after former councillors. Thereafter, budgets have come and gone; we never see any item on this issue.

When the Statement by Sen. Wambua was sought, we thought the Committee on Labour and Social Welfare would take up the matter. You directed that this be done in 14 days yet we have not seen any progress. This is a budget cycle that is in place for 2021/2022. If anything was to be done, this is the time. You have seen the former Vice Presidents and former Prime Minister have been paid their dues while councillors are languishing in abject poverty out there.

This House, as the defender of counties and their governments and their people, need to get to the bottom of this. As I end, I again bring to this House the clarion call that this House must reintroduce the Implementation Committee. If we had it, this matter need not come back to this Floor, it would only go to that committee to do the necessary follow up with the necessary departments of Government.

The Office of the Controller of Budget, the Parliamentary Budget Office and the Committee on Budget in the National Assembly should ensure that whatever we decide and pass here is not in vain, particularly, when it touches on the plight of Kenyans who have been in positions of leadership and have contributed so much to the wellbeing of this country.

Sen. Mwaruma: Mr. Speaker, Sir, I thank you for this opportunity. I want to report on the issue of former councillors. I was also going to bring a petition on the same issue but then as advised, there was a Motion by Sen. Nderitu, which we discussed here

and it was resolved that the former councillors should be given some remuneration in terms of one off payment of some money.

I would like to report here that on Wednesday this week, the Committee on Labour and Social Welfare, of which I am Vice Chairperson, met national Treasury officials and some other stakeholders. I request that you to give us some time because we gave them time to go and consult. Maybe two weeks, and then we come up with something comprehensive.

I also observe that what Sen. Wetangula is saying is very true; we require an implementation committee because, for instance, yesterday, the Chairperson for the Committee on Land, Environment and Natural Resources, Sen. Mwangi Githiomi produced 12 reports but the implementation part is really wanting – the people to follow up.

While we are following up on other reports, we need also a committee to follow up with the Ministries and line agencies to ensure that what is recommended in the reports is implemented.

I also agree with Sen. Wetangula that we need an implementation committee.

Sen. Malalah: Mr. Speaker, Sir, this matter on former councillors is serious because I have interacted with a number of them back at home. I must say that they are undergoing very difficult moments in their lives. Therefore, it is very important for this House, through your leadership, to give direction.

However, the big question is that we have an understanding pertaining to resolutions of this House. One, how binding is a Motion passed in this House? Is it a binding instrument that can compel the Executive to implement certain resolutions that we have proposed? Many a times we bring here Motions and Statements but upon passage of the same, they do not become action because most of the members of the Executive feel that they are not a binding instrument to compel them to implement the contents of the Motions and Statements.

Secondly, as my colleagues have suggested, it is important for this House to consider bringing back the Implementation Committee because we have seen most of the resolutions of this House not being followed up by the respective committees.

I have seen people working in contempt of resolutions of this House. An example is that recently, when the Committee on Agriculture, Livestock and Fisheries resolved and gave directions on the advertisement of bidders for Mumias Sugar Company, one of the governors, a reputable member of the society went to a function in Kakamega and said that the Senate has no powers to direct somebody who was summoned before the committee.

Therefore, moving forward, it is very important for us to ensure that we have ---

The Speaker (Hon. Lusaka): There is a point of order.

Sen. Malalah: Mr. Speaker, Sir, I am on a point of order.

The Speaker (Hon. Lusaka): Sorry, he is on is a point of order.

Sen. Malalah: Mr. Speaker, Sir, my good friend, Sen. Wetangula has been here long before. He knows that he cannot rise on a point of order when I am on a point of order.

The Speaker (Hon. Lusaka): You are saying he did not know ---

Sen. Malalah: Okay, now, you know, my distinguished uncle. As I finish, I was emphasizing the point that we need to have an Implementation Committee so that whatever we resolve in this House can be actionable and can be followed up. Failure to do that, then we shall be engaging in what we call an exercise in futility by passing resolutions which are not implemented.

The Speaker (Hon. Lusaka): Sen. Wetangula, do you still want to contribute?

Sen. Wetangula: It has passed.

The Speaker (Hon. Lusaka): Okay. Maybe just to respond to what Sen. Malalah is asking. It is found in Standing Order No. 215 – Reports and Senate Resolutions.

It says:

“The Clerk shall, within seven days of a resolution of the Senate or adoption of a report of a Select Committee, convey the resolution and where applicable, a copy of the report to the relevant Cabinet Secretary, Independent Commission or holder of an Independent Office under whose portfolio the implementation of the resolution falls”.

So, it is normally reported to the relevant agencies for implementation.

Yes, Sen. Wetangula.

Sen. Wetangula: Mr. Speaker, Sir, the distinguished Senator said what he said when he knows that even the impeachment motions that come to this House come as motions; we impeach governors and they go home. Therefore, the effect of a Motion and the resolution of this House can neither be impugned nor indicted by anybody.

In fact, the distinguished Senator for Isiolo can tell you that when we were carrying out the Managed Equipment Services (MES) investigations, one of the pillars that the Ministry of Health purported to stand on for studying MES was a resolution of this House on a Motion brought by the former Senator for Migori, Sen. (Dr.) Machage. That is what they said they acted on.

What we lack is a follow up mechanism by way of implementation; to follow up departments because a resolution of this House has a force of law like any other law that we can think of.

The Speaker (Hon. Lusaka): What is your point of information?

Sen. Kinyua: Mr. Speaker, Sir, I brought a Motion to this House regarding the councillors and the resolutions that were made in this House is that the former councillors are supposed to be paid Kshs30,000 per month and a honorarium of Kshs1.5 million. I do not know what the Committee on Labour and Social Welfare is again investigating.

I brought a Motion and I am just supporting what Sen. Wetangula is saying, that we need implementation because we can keep on doing recommendation after recommendation and if there is no implementation, then we would be doing---

The Speaker (Hon. Lusaka): Order! We need to make progress.

Let us have Sen. (Dr.) Zani.

Sen. (Dr.) Zani: Mr. Speaker, Sir, we feel what Sen. Malalah is talking about. When we work as legislators, we hope that something will come out of it yet we do not have a mechanism to make that happen.

On today’s Order Paper, we have the Parliamentary Powers and Privileges (Amendment) Bill, that tries to penalize a public officer as far as the identification of a

public officer, where that issue should go to and then a penalty for that public officer not following through.

At least so that at the end of the day whatever we do means something because we can stay here for so long and make so many resolutions. We have had the debate of the implementation committee, on and off but we have to find a mechanism that finally will work so that we can see the fruits of our labour in this House.

The Speaker (Hon. Lusaka): Order! Let us make progress. We have heard from the Vice Chairperson.

What is it, Sen. Seneta?

Sen. Seneta: Mr. Speaker, Sir, I just want to bring to your attention and to the attention of the House, that I undertook to collect signatures from Members here to request you to help us form the committee on implementation. A year down the line, you have not acted on my request.

I want to inform the House that there is an urgent importance of forming this committee, which I undertook to form through your office which you have not given a response.

The Speaker (Hon. Lusaka): Order! That is not information. In fact, you are imputing improper motives on the Speaker, which are very dangerous grounds but I want to respond as such.

The Vice Chairperson of the Committee on Labour and Social Welfare, if I heard him well, said that they have had a meeting with the National Treasury following up on what Sen. Nderitu was talking about on the implementation of what was recommended by the Senate.

I was going to direct that, because of the weight of this matter – when we also go home, former councillors ask us about their fate – we know that the Senate had done a good job. They have been wondering where this matter went.

I am directing that Committee, within the next 14 days, to bring a progress report on where the matter is with the National Treasury because we must now move with speed.

On this other matter on the implementation committee ---

Yes, Sen. Dullo.

Sen. Dullo: Mr. Speaker, before Sen. Kinyua, this House passed a Motion on the former councilors which was brought by Sen. (Prof.) Lonyangapuo.

I think there was a Bill - if I am not wrong, and maybe the Executive needs to look into that – that was prepared as a result of that but the National Assembly rejected it. They said that it was a Money Bill.

Maybe the Executive needs to follow up and get to know what is happening before the Committee on Labour and Social Welfare looks into that and maybe feed whatever information you get into what the Committee on Labour and Social Welfare is doing.

The Speaker (Hon. Lusaka): Okay. There seems to be a mix up but we will make a follow up because it is extremely urgent that we get a resolution.

On the matter of the Implementation Committee, the matter has been discussed by the relevant committee. It is a live matter. There were arguments for and against it.

I think we need to conclude the matter so that we move it forward because during the previous meeting, there are those who were for it. Others said it was not effective and that is why it was removed. Anyway, let me undertake to give feedback on that.

Let us go to the next Order.

STATEMENTS

EXPORT OF RAW BANANAS AND BROCCOLI TO SOUTH KOREA

Sen. Khaniri: Mr. Speaker, Sir, I thank you for giving me the Floor. I rise pursuant to the provisions of our Standing Order No.47 (1) to make a Statement on an issue of general topical concern regarding the boosting of exports of raw bananas and broccoli to South Korea.

Kenya is known for its agriculture and agricultural products all over the world, from exporting tea to coffee to avocados and many other products. In 2018, during the South Korea's Prime Minister Lee Nak-yeon's visit to Kenya, he realised this great potential in Kenya and expressed South Korea's interest to trade.

Prime Minister Lee Nak-yeon pledged to support key regions that produce broccoli and raw bananas in Kenya, especially due to the rapidly increasing demand of these items in his country South Korea. In his pledge, the Prime Minister stated that South Korea's Animal and Plant Quarantine Agency (APQA) would exempt raw bananas and broccoli from Kenya from undergoing the very stringent pest risk tests and measures.

The Pest Risk Analysis (PRA) strictly tests fruits, vegetables and plants for the presence of pests. This test usually leads to goods worth millions being destroyed, returned to the exporter or banned from the country in totality if they do not meet required standards. However, South Korea has waived these tests for Kenya and only required that the products be accompanied by phytosanitary plant health certificate issued by the Kenya Plant Health Inspectorate Service (KEPHIS).

Back in 2018 when South Korea expressed its interest by waiving these requirements, it was expected that production and export of the two products, that is unripe bananas and broccoli, would shoot. However, three years down the line, no major changes have been reported with regard to production or export. Even with the ease of entry into Korea market, exporters are yet to increase their sales to South Korea and production of the two still remain the same.

A very good opportunity has been presented to us. Getting our products to South Korea will not only do good for the farmers but also for Kenya's economic growth especially in this trying time of COVID-19. It will also greatly boost our foreign relations with other countries and maybe even present more and bigger opportunities for farmers and Kenya at large. That we are not scrambling to grab this opportunity is very baffling to me.

We are the leaders of this country. As leaders, we need to care for our people and our economic growth. I urge every one of us to lobby our counties, especially those that are known to produce bananas and broccoli, to dream bigger. We cannot only be producing bananas and broccoli for national consumption when there is high demand out there.

Farmers need to ramp up their production, produce high quality products and enter into international distribution. Let us not allow such opportunities to go to waste.

I thank you.

The Speaker (Hon. Lusaka): I want us to manage our time well because we have many Statements. I am sorry for the riders because today you will not ride on them.

Let us have the next Statement by Sen. Kasanga.

ACTIVITIES OF FP-ICGLR FOR 2020

Sen. Kasanga: Mr. Speaker, Sir, I rise pursuant to Standing Order No.47(1) to make a Statement on an issue of general topical concern namely, the activities of the Forum of Parliaments for Member States of the International Conference of the Great Lakes Region (FP-ICGLR) for 2020.

Kenya is a member of the FP-ICGLR. This Forum brings together the national parliaments of 12 ICGLR member states with a view to incorporating a parliamentary dimension in addressing the root causes of conflict as well as constraints to development in the Great Lakes Region (GLR).

The member states of the FP-ICGLR are Angola, Burundi, Kenya, Uganda, Central Africa Republic (CAR), Republic of Congo, Democratic Republic of Congo (DRC), Rwanda, Sudan, South Sudan, Tanzania and Zambia.

The Forum works through committees that comprise of; the Executive Committee; the Committee on Economic Development, Natural Resources and Regional Integration; the Committee on Women, Children and Vulnerable Persons; the Committee on Peace and Security; the Committee on Democracy and Good Governance; and, the Committee on Humanitarian and Social Issues.

During the 2020 Session, the Forum, like many other parliamentary organisations, was greatly affected by the effects of the prevailing COVID-19 global pandemic. However, the Forum was able to move above and beyond the challenges of the pandemic by utilizing technology to implement its programmes and activities.

Virtual meetings of the Forum's committees discussed, among others, the effects of the pandemic on peace and security in the region - the case of member states, the role of Parliament in promoting good governance, the impact of COVID-19 on economic development in the GLR, social challenges faced by households due to COVID-19, and focus on domestic violence.

During the 10th Ordinary Session of the Plenary Assembly of the FP-ICGLR held in Bujumbura from 4th to 7th December, 2019, the General Secretariat undertook an assessment on managing cross-border conflicts in the GLR. This is in accordance with Article 17 of the Pact on Security, Stability and Development, which provides that members states undertake to ensure lasting peace and security in the whole region of the Great Lakes.

The assessment noted that there were several causes of cross-border conflicts in the GLR which included the following: Improper distribution of natural resources, lack of effective management of natural resources, proliferation of small arms, ethnic divisions, political differences, transnational links and diffusion of violent conflicts, forced migration, and democratization and governance issues.

It was further noted that governments in the region had made great strides to promote peace and security in the region. Some of the measures taken by governments of the ICGLR member states include: Commitment by heads of states to creating a conducive environment for political and economic cooperation and signed agreements to end conflicts peacefully and to attain stability and development in line with the objectives of Peace, Security and Cooperation Framework; commitment by governments, regional and international actors to work together to reduce spread of arms as well as improve resource management to curb the cross-border conflicts; improvement of bilateral relations; enhancement of security cooperation; and, encouragement of citizens to voice their concerns over the cross-border conflicts and insecurity.

Parliaments of ICGLR member states are, therefore, urged to engage in legislative interventions, representative functions and effective oversight to foster stability and development if lasting peace is to be achieved in the GLR.

The other assessment that was done was on the role of parliament in promoting good governance in the GLR in line with the FP-ICGLR mission to facilitate effective engagement of parliaments in the implementation of the Pact Plans through its Committee on Democracy and Good Governance. Good governance is about participation; equity and inclusiveness; rule of law; separation of powers; free, independent and responsible media; government legitimacy; accountability; transparency and limiting the distorting effect of money in politics.

The assessment noted that member states faced several challenges in trying to practice good governance such as political parties being dominated by the elite, some of whom care less about the local citizens, weak institutional co-operation, lack of civic competence among citizens and lack of resources to implement strategic and action plans.

National parliaments as one of the key institutions in a democratic system of governance are urged to play the critical role of promoting good governance. They can ensure that governments and member states of the ICGLR that are constituted by people, of the people, and for the people actively engaged in the development and implementation of laws, policies and practices that promote good governance respond to the growing public desire for greater involvement, information, accountability and better service delivery to the people of the GLR, engage better with citizens of the region in decision-making process, ensure that they have programmes that connect them with the citizens at the grassroots level and promote and strengthen oversight role of the executive.

In conclusion, the 11th Ordinary Session of the Plenary Assembly of the Forum took place virtually on 7th May, 2021. At the event, the Rt. Hon. Speaker of the Senate, Sen. Kenneth Lusaka, EGH, MP, was nominated to be the President of the FP-ICGLR and will hold the position for a period of one year as per the Forum's Accord.

I take this opportunity to congratulate our Speaker and, by extension, the Senate for election to the position.

I thank you.

The Speaker (Hon. Lusaka): Thank you so much. I do not know whether Senators were following. You have not acknowledged that I am the President of the FP-ICGLR.

The next Statement by Sen Loitiptip is deferred.

MARITIME BORDER DISPUTE IN THE INDIAN
OCEAN BETWEEN KENYA AND SOMALIA

(Statement deferred)

The ones for Sen. Kang'ata are also deferred because he is absent.

CANCELLATION OF TENDER FOR SUPPLY, DELIVERY,
INSTALLATION AND COMMISSIONING OF ERP
AND CLAIMS MANAGEMENT SYSTEMS

USE OF KPA AS COLLATERAL TO M/S CHINA
EXIM BANK IN FINANCING SGR

(Statements deferred)

Let us have Sen. (Dr.) Ali request his Statement.

SUSPENSION OF FLIGHTS BETWEEN KENYA AND SOMALIA

Sen. (Dr.) Ali: Mr. Speaker, Sir, I have many stories. I cannot read this one because I was to ask several questions but let me see what I can do.

Mr. Speaker, Sir, I rise pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding suspension of flights between Kenya and Somalia. It has now been opened but it has caused a lot of harm.

In the Statement, the committee should-

(1) Provide justification, if any, for the suspension, by the Kenya Government, of flights to and from Somalia.

(2) Explain if the Government has put in place measures to mitigate the losses the Kenya aviation industry is incurring on daily basis as a result of the suspension.

Mr. Speaker, Sir, this has been happening several times. It happened in 2020 and also recently for about four months. Nearly 4 million Somalis travel to and from Somalia and all over the world. Nairobi used to be the hub. The airlines from Nairobi used to transfer them but now Uganda Airlines, RwandAir, Ethiopian, Turkish Airlines and Qatar Airways are benefiting while local businesses here which are mainly private are literally dying.

In 2017, the airlines industry in Kenya created over 130,000 jobs in supply chains, 58,000 jobs in employee spending and 410 jobs in tourism. Currently, the industry directly supports over 35,000 people. However, whenever we have a kneejerk reaction and the airspace is closed within two hours, many people lose jobs. People are really suffering.

I urge the committee to look into these issues. If at all an issue arises, then the Government should give the industry some time.

The Speaker (Hon. Lusaka): Sen. Faki, I can see you have several Statements.

Sen. Faki: Mr. Speaker, Sir, allow me to read all of them at once.

ALLEGED SUSPENSION OF FERRY SERVICES
TO PEDESTRIANS IN MOMBASA COUNTY

Sen. Faki: Mr. Speaker, Sir, I rise pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on Roads and Transportation on the suspension of ferry services to pedestrians. In the statement, the Committee should explain: -

- i) The reason or reasons for the suspension of ferry services to pedestrians in Mombasa County from 4.00 am to 8.00 a.m. in the morning and from 4.00 p.m. to 8.00 pm in the evening daily.
- ii) State whether public participation was conducted before the decision to suspend the service was made.
- iii) Explain what the Government is doing about the resultant condition at the ferry for the whole day regardless of the pick hours and in view of the current outbreak of COVID-19 pandemic.

KUCHELEWESHA KWA ULIPAJI WA MISHAHARA WA
WAFANYIKWAZI WA SHIRIKA LA POSTA NCHINI

Sen. Faki: Bw. Spika, nimesimama kuambatana na Kanuni ya 48(1) za Kanuni a Kudumu za Bunge la Seneti ya Kenya kuomba kauli kutoka kwa Kamati ya Habari, Masailiano na Teknologia kuhusu kucheleweshwa kwa ulipaji wa mishahara ya wafanyikazi wa Shirika la Posta nchini.

Katika Kauli hiyo Kamati hiyo inapaswa:

- i) Kueleza sababu za shirika hilo kuchelewa mara kwa mara kulipa mishahara ya wafanyikazi wake.
- ii) Kueleza sababu za shirika hilo kuchelewa kulipa kodi, pesa za huduma ya afya, pesa za uzeeni na mikopo ya wafanyikazi ilhali wanadaiwa na vyama vya Ushirika (SACCO) pamoja na benki za kibinafsi.
- iii) Kueleza hali ya kifedha ya shirika hilo ikifikiriwa kwamba wafanyikazi wake huenda wakakosa ajira iwapo shirika litafilisika.

STATUS OF MAMA NGINA WATERFRONT

Sen. Faki: Mr. Speaker, Sir, I rise pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on Trade, Tourism and Industrialization on the current status of the Mama Ngina Waterfront in Mombasa County.

In the Statement, the Committee should:

- i) State who is currently managing the Mama Ngina Waterfront.
- ii) State the reason why the facility has not been handed over to county government of Mombasa yet tourism is a devolved function.

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- iii) State why there have been frequent closures of the facility to the extent of denying residents access to the water front at the Mama Ngina Drive which is a public road yet there is no gazette notice stopping people accessing the said road.

I thank you.

The Speaker (Hon. Lusaka): The next Statement is by Sen. Wetangula. Kindly proceed.

ALLEGED MYSTERIOUS DISAPPEARANCES
AND KILLINGS IN KENYA

Sen. Wetangula: Mr. Speaker, Sir, I filed this Statement on 3rd June. However, it has come late because of the recess that we had.

I rise pursuant to Standing Order No.48 (1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the recent mysterious disappearances and killings in Kenya.

In the Statement, the Committee should:

- i) Provide a status report on the investigations surrounding the recent mysterious disappearance and death of Mr. Bashir Mohammed, who is reported to have been last seen in Kilimani, Nairobi County on Thursday, 13th May 2021 only for his body to be discovered in River Nyamindi in Kirinyaga County as well as the bodies of Brian Oduori, Jack Anyango, Elijah Obuong and Benjamin Imbai who were reportedly kidnapped in Kitengela Township on Monday 19th April 2021 and whose bodies were later found in Rivers Mathioya and Mukangai situated in Murang'a County.
- ii) Explain the measures taken by the Government to stop the now rampant kidnappings and killings of innocent Kenyans.
- iii) Explain the steps taken by the Government in ensuring that water bodies in which the bodies of the victims were found are clean and measures put in place to prevent the dumping of bodies in rivers.

Mr. Speaker, Sir, of late, people have been disappearing in Nairobi and its environs who are curiously found in the rivers within Murang'a County, Kirinyaga and other rivers in Thika. The bodies are normally dumped in fresh water bodies, which are used by the citizens of this country for domestic and animal use.

Yesterday, Mr. Achola, an engineer who is a friend of mine called to report to me that his 10 years old daughter by the name Millicent Akinyi Achola, disappeared at 1.00 p.m. from their home in Mihango Estate, Eastland.

It is now more than 24 hours and the child has not been found. Nothing has been heard of the child but I hope and pray that the body of the child will not be found after the abductors killing and dumping her in whatever place they may have been doing.

I would like to acknowledge that I reported this particular case to the Director of the Directorate of Criminal Investigations (DCI), Mr. Kinoti and he assured me that he is sending a squad to Mihango to investigate the disappearance of the Grade Four child who disappeared from her parents' house and nobody knows where she is.

I want an assurance from the State that the duty to protect the lives and properties of innocent Kenyans is sacrosanct. We cannot have people disappearing only for their mutilated bodies to be found stuffed in sacks and dumped in rivers yet there are no arrests or prosecutions.

I thank you.

The Speaker (Hon. Lusaka): The next Statement is by Sen. Were.
Kindly proceed, Sen. Were.

ALLEGED CHANGE OF OWNERSHIP STATUS
OF GENERAL KAGO FUNERAL HOME

Sen. Were: Mr. Speaker, Sir, I rise pursuant to Standing Order No.48(1) to request for a Statement from the Standing Committee on Health regarding the alleged change of ownership status of the General Kago Funeral Home in Kiambu County.

In the Statement, the Committee should:

- i) Establish the current ownership status of the General Kago Funeral Home which has been under the administration of the Kiambu County Government.
- ii) Outline the procedures which were followed in the change of ownership if any and the circumstances surrounding the change.
- iii) The Committee should determine the current status of the registration of the parcel of land which the facility occupies.
- iv) The Committee should state how the current ownership, control and management of the facility has impacted the lives of the people of Kiambu and its environs given that several counties were being served by the said funeral home when it was under the operation of the county government of Kiambu.

I thank you.

The Speaker (Hon. Lusaka): The next statement is by Sen. Kwamboka.

STATUS OF TREATMENT EQUIPMENT AND FACILITIES
AT MBAGATHI REFERRAL HOSPITAL

Sen. Kwamboka is not in the Chamber. The Statement is, therefore, deferred.
(Statement deferred)

The next Statement is by Sen. Omanga.

ALLEGED ILLEGAL PAYMENT OF LEGAL FEES TO
OUTSOURCED LAW FIRMS BY NAIROBI CITY COUNTY

Sen. Omanga is not in the Chamber. The Statement is deferred.

(Statement deferred)

The next Statement is by Sen. Mwaruma.

DELAY IN CONSTRUCTION AND RELOCATION OF
VOI GIRLS' SECONDARY SCHOOL

Sen. Mwaruma: Mr. Speaker, Sir, I thank you for this opportunity. I rise pursuant to Standing Order No.48 (1) to seek a Statement from the Standing Committee on Education regarding the delay in construction and relocation of Voi Girls' Secondary School, in Taita Taveta County, which is in the process of being relocated to a new site due to the construction of the SGR by the Kenya Railway Corporation.

In the Statement, the Committee should:

- i) Indicate the status of construction of Voi Girls Secondary School at the new site in Vindo Area of Voi.
- ii) Explain the reasons for the delay in completion of the project.
- iii) State the expected date of completion of the project.
- iv) State the projected cost of the project and indicate the amount paid so far.

I thank you.

The Speaker (Hon. Lusaka): Let us now move to Statements under Standing Order No.51 (1) (a)

STATE OF MUMIAS SUGAR COMPANY LIMITED
AND ITS IMPENDING TAKEOVER

Is the Chairperson of the Committee on Agriculture in the House or any Member of the Committee? If none of the Members of that Committee is available, the Statement is deferred.

(Statement deferred)

Let us move to Statements under Standing Order No.51 (1)(b).

ACTIVITIES OF THE COMMITTEE ON HEALTH

The Chairperson of the Committee on Health is not in the House. The Statement is, therefore, deferred

(Statement deferred)

Next statement.

ACTIVITIES OF THE COMMITTEE ON LABOUR AND SOCIAL WELFARE

The Chairperson of the Committee on Labour and Social Welfare requested to issue the statement next week. The Statement is deferred.

(Statement deferred)

Next Statement.

ACTIVITIES OF THE COMMITTEE ON LAND, ENVIRONMENT
AND NATURAL RESOURCES

Sen. Mwangi: Mr. Speaker, Sir, I rise pursuant to Standing Order No.51 (1) (b) to make a Statement on the activities of the Senate Standing Committee on Lands, Environment and Natural Resources for the period commencing 10th February to 7th July, 2021.

During the period under review, our Committee held a total of 45 sittings, considered two Bills, 15 Petitions and three Statements. The Committee also held five engagements with stakeholders to respond to the Petitions, Statements and a Committee inquiry and further requested for written submissions from members of the general public on the two Bills.

Mr. Speaker, Sir, in respect of Bills, the following Bills were considered; the Wildlife Conservation and Management (Amendment) Bill (Senate Bills No. 30 of 2020) and the Natural Resources (Benefit Sharing) Bill, Senate Bills No. 25 of 2020;

On the aforementioned Bills, views were collected from the public by the Committee and the Report on the Wildlife Conservation and Management (Amendment) Bill (Senate Bills No. 30 of 2020) was already tabled in the Senate.

For the Natural Resources (Benefit Sharing) Bill, Senate Bills No. 25 of 2020 is currently awaiting adoption by the Committee and shall be ready for tabling in the House in the forthcoming week.

Regarding Statements; three Statements were sought, by Sen. Judith Pareno, on human-wildlife conflict in Kajiado County. Another one was sought by Sen. Moses Otieno Kajwang', on dredging and sand harvesting activities around Takawiri Island in Lake Victoria.

The other Statement requested by Sen. Aaron Cheruiyot, on the construction of the Koru-Soin Dam in Kericho and Kisumu Counties. The Committee has since met the Ministry of Tourism and Wildlife on the Statement by Sen. Judith Pareno, met the Cabinet Secretary, Ministry of Water, Sanitation and Irrigation on the Statement by Sen. Aaron Cheruiyot, and is awaiting a response from the Ministry of Environment and Forestry on the Statement by Sen. Moses Otieno Kajwang'.

With regard to Petitions, the Committee has one of the most critical mandates that directly affect the citizens; that is Land and Environment matters. Yesterday, the Committee tabled 12 Petition Reports, leaving a balance of three Petitions that are being finalized by the Committee and will be tabled in due course.

There are four other Petitions that are also before the Committee, that were committed to be handled jointly with other Committees that the Committee will now prioritize for its completion now that a bulk of the Petitions have been completed by the Committee.

There are four other Petitions before the Committee that are to be handled jointly with other Committees that the Committee will now prioritize for completion now that a bulk of the Petitions have been completed by the Committee.

Mr. Speaker, Sir, in respect to county visits in the period under review, the Committee's scheduled county visits were slightly hampered by the Coronavirus Disease (COVID-19) pandemic.

However, in May and June 2021, the Committee was able to conduct a site visit in Taita Taveta County on the 26th and 27th of March 2021.

The visit was to-

- (1) The residents of Mkamenyi village in Voi, a sub-county of Taita Taveta County on the alleged encroachment of land belonging to Mkamenyi residents by Voi Point Ltd. in Taita Taveta County.
- (2) Resident of Msambweni village in Voi sub-county of Taita Taveta County on the alleged impending evictions of Msambweni residents by a private company.
- (3) The residents of Mwakitau in Mwatate sub-county, Taita Taveta County, on the Petition on Mwakitau ownership dispute between Mwakitau residents and Isanga Iwichi Group Ranch.
- (4) The representatives of Machungwani squatters on the Petition on the delayed alleged adjudication and settlement of squatters on Machungwani land in Taita Taveta County after expiry of the lease.

Mr. Speaker, Sir the Committee conducted another site visit on 28th May 2021 to Thwake Dam, Makueni County, following a Petition by the Makueni County Assembly, Committee on Environment and Climate Change on the adverse effects of rock blasting by the contractors of Thwake Dam.

The Committee also conducted another county visit to Mombasa and Kwale counties on 19th and 20th February 2021 respectively.

The visits were to-

- (1) The Wajomvi community on a Petition on the alleged historical land injustices involving plot No. 162/V/NCR1070.
- (2) Kwale County following a request through the Office of the Speaker by Sen. Boy on the eviction of residents from plot Ref. 4572 situated in Diani, Kwale County.
- (3) Residents residing next to the Ukunda Airstrip following the eviction notice against them.

[The Speaker (Hon. Lusaka) left the Chair]

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

Madam Deputy Speaker, the Committee would like to highlight the following areas that will form part of its business for the next quarter.

- (1) Clear the pending four Petitions.
- (2) Engage relevant stakeholders on the matter of climate change that is now a global challenge.
- (3) Engage the National Treasury and other stakeholders on the matter of mining, royalties and the status of disbursements to communities.

I beg to stop at that point.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. (Dr.) Zani, did you ask to speak on this?

(Sen. (Dr.) Zani spoke off record)

Senators, I note that there was no riding today.

Sen. Seneta, on behalf of the Chairperson of the Standing Committee on Health.

ACTIVITIES OF THE COMMITTEE ON HEALTH

Sen. Seneta: Thank you, Madam Deputy Speaker. This is a Statement on the Activities of the Standing Committee on Health for the period 1st February 2021 to 31st April 2021. I am reading on behalf of the Chairperson.

I rise pursuant to Standing Order No.51 (1) (a) of the Senate Standing Orders to make a Statement relating to the activities of the Standing Committee on Health for the period under review.

On Bills, the Committee considered two Bills during the time of review as indicated below-

The Community Health Service Bill (Senate Bills No. 34 of 2020) which was sponsored by Sen. (Dr.) Zani. It was read for the First Time on the Floor of the Senate on 4th March 2021.

Following this, it was committed to the Standing Committee on Health for consideration and facilitation of public participation in accordance to Standing Order Nos.140 (1) and 141 (5). The Committee has concluded its consideration of the Community Health Services Bill and has adopted its report at the Committee Stage amendments for tabling.

The Mental Health (Amendment) Bill (Senate Bills No. 28 of 2020) which was sponsored by Sen. Kasanga and was read the First Time in the Senate. Following this, it was committed to the Standing Committee on Health for consideration and facilitation of public participation in accordance to Standing Order Nos.140 (1) and 141 (5).

The Committee has concluded its consideration of the Mental Health (Amendment) Bill and has adopted its report with the Committee Stage amendments.

Madam Deputy Speaker, on Statements, the Committee has considered and concluded two Senators' requests for Statements during the period under review as follows-

- (1) A Statement sought by Sen. Were on the state of affairs at the Busia County Referral Hospital.
- (2) A Statement sought by Sen. Omogeni on the death of Ms. Martha Kemunto at the Nyamira County Referral Hospital.

The Committee held meetings with key stakeholders in relation to the Statements including the relevant county government in the meeting, which the Senator was present.

Further, the Committee sought for and concluded the Statements from the Ministry of Health on the following-

- (1) Status of the national COVID-19 vaccine rollout
- (2) Allergic stalemate between the Government of Kenya and United States Agency for International Development (USAID) on HIV/AIDS commodities;
- (3) Emergency authorization for the importation and distribution of the Russian manufactured Sputnik COVID-19 vaccine in Kenya; and
- (4) Cancellation of licenses to private sector entities in the importation, distribution and administration of COVID-19 vaccines into Kenya.

Madam Deputy Speaker, in relation to the mentioned above Statements, the Committee also held consultative meetings with the key and relevant stakeholders.

The Ministry of National Treasury and Planning, Council of Governors (CoG), Pharmacies and Poisons Board (PPB), health workers and representative groups, union and professional associations and private sector representatives were also included.

In addition, the Committee is due to commence its consideration of pending request for Statements from Senators as follows:

- (a) Statement by Sen. Kwamboka on the status of funds allocated to county government as donation by the international community to aid in the fight against the COVID-19 pandemic;
- (b) Statement by Sen. Omanga on the availability of Intensive Care Unit (ICU) facilities countrywide to handle patients with severe COVID-19 symptoms and other critical illnesses;
- (c) Statement by Sen. Iman on underreported cases of medical negligence and malpractices;
- (d) Statement by Sen. Cherargei on non-remittance of statutory deductions from the staff of the county government of Nandi County to the National Hospital Insurance Fund (NHIF) by the County Government of Nandi;

On Petitions, the Committee has prioritized the following Petitions for consideration during the Fifth Session-

- (a) A Petition on the allergic double taxation of pharmacies in Kenya by Mr. Collins A. Omollo;
- (b) A Petition by Ms. Marion Juma and others on challenges faced by patients suffering from multiple and Neuromyelitis Optica (NMO);
- (c) A Petition by Mr. Steven Obudho on proposed amendments and additional provisions to the Cancer Prevention and Control (Amendment) Bill, 2019; and
- (d) A special audit report on the utilization of COVID-19 funds by the counties.

Madam Deputy Speaker, in relation to the special audit report by the Office of the Auditor-General on the utilization of COVID-19 funds by the county government, the Committee met with the following county governments during the period in question, Murang'a, Kisumu, Busia, Kajiado, Kitui, Vihiga, Kisii, Wajir, Isiolo and Kiambu Counties.

To note, at the time of reading this, the Committee has since received submissions from all 47 county governments as well as the Nairobi Metropolitan Services (NMS). Further, the Committee has considered and is preparing a report for 19 county governments for tabling of which it was tabled. The Committee is scheduled to undertake a retreat within the month of July 2021 to consider and write the remaining reports.

Madam Deputy Speaker, on other queries, the Committee also concluded its investigation on alleged irregularities at Kenya Medical Supplies Authority (KEMSA) and has tabled its report. Further, the Committee has initiated and partially considered investigation into the following-

1. Alleged procurement irregularities by NHIF in the provision of comprehensive group life last expenses, enhanced work injury benefits and group personal accident insurance cover for 101,483 civil servants and National Youth Service (NYS) employees at a contract sum of Kshs6,331,036,782.
2. Performance of counties in the health function, the Committee has held consultative meetings with key stakeholders including the Office of the Auditor General and civil society groups led by the International Budget Partnership.

In relation to the same, *vide* letter dated 15th June, 2020, a request was sent to the Auditor-General's Office for a performance audit of the health functions in the ten specified counties within three months as follows, Trans Nzoia, Wajir, Nyamira, Narok, Baringo, Busia, Kisumu, Taita Taveta, Makueni and Murang'a Counties.

Madam Deputy Speaker, key areas of interest to the Committee with regard to the performance audits include procurement of health products and technologies, development projects in the health sector in the selected counties and utilization of conditional grants from the national Government particularly conditional grants for Level Five hospitals and user fee.

On county visits, the Committee has not undertaken county visits during the period under review.

In conclusion, I wish to thank your office and that of the Clerk of the Senate for the support accorded to the Committee in undertaking its work. I also wish to thank the Members of the Committee for their commitment.

Thank you.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. Hon. Senators, we go back to the Chairperson of the Standing Committee on Labour and Social Welfare to make a Statement relating to the activities of the Committee. Sen. Sakaja, proceed.

ACTIVITIES OF THE COMMITTEE ON LABOUR AND SOCIAL WELFARE

Sen. Sakaja: Thank you, Madam Deputy Speaker. I know earlier on, the Committee had requested to do this next week because of the ongoing work. However, based on the question asked earlier, it makes sense just to give an update of that and all the other issues.

I rise pursuant to Standing Order No. 51 (1) (b) to make a Statement on the activities of the Standing Committee on Labour and Social Welfare for the period commencing 1st January, 2021 to 30th June, 2021.

During this period, the Committee held a total of 34 sittings and 36 sittings now, considered two Bills and four Statements.

Madam Deputy Speaker, the Committee also held five different engagement meetings with various stakeholders and public hearing forums on two Bills. We have considered additionally a legislative proposal by Sen. Cherargei on the Employment

(Amendment) Bill 2021, which we have approved and we have submitted our recommendations and comments to the Speaker.

In respect of Bills, we have considered the Persons with Disability (Amendment) Bill 2020 and the County Hall of Fame Bill No. 9 of 2021. We have also held stakeholder engagements and public hearings on all the mentioned Bills. The Committee has concluded on the Bills and will be tabling the reports on these Bills.

Madam Deputy Speaker, we have had four Statements that were committed to us and reported on two Statements under Standing Order No. 51 (1) (a).

The first one was on Inua Jamii Cash Transfer Programs where we invited all Senators to receive details of the status of this cash transfer to elderly persons and orphans and windows in the different counties.

We gave a tribute to the late Benjamin Ayimba who was a rugby player, captain and coach who we laid to rest and may God rest his soul in peace.

There are four Statements that have been committed to this Committee under Standing Order No. 48 (1). The first one is the Status of the Kenya Scouting Association (KSA) by Sen. Were, who is a former scout like me. The second one is delays in payment of Work Injury Benefits and Other Related Compensations to Staff from County Government by Sen. (Dr.) Ali. He sometimes forgets to tell you how we have intervened severally in his county, including on payments of people who the former governor was not paying.

On the national Government interventions to cushion Persons with Developmental Disabilities in line with the Big Four Agenda on Universal Health Cover (UHC) by Sen. (Dr.) Mwaura, the Committee has been following up. This question has been asked I think under Statements - the matter of payment of one-off honorarium and pension to former councilors which was brought as a Statement and Senate resolution. In fact, it is a resolution that has been resolved twice by this House.

Yesterday, we met the former councilors under the auspices of the National Councilors Forum led by Dr. Gitau, a former councilor. The previous week together with Sen. Mwangi, we met the leadership of the forum that included the former deputy mayor of Nairobi hon. Lawrence Ngacha, former deputy mayor, hon. Ali Mwanzo, former councilor Nobert Oduori of Highridge and a number of others. They brought those issues.

The National Treasury wrote to us asking for postponement. When those resolutions were passed, a taskforce was set up between the National Treasury and the Ministry of Devolution and ASAL which before was the Ministry of Local Government depending on how you look at it. They said they would be giving us the findings of the taskforce.

I know the Chair has directed that we give a progress report in two weeks time. However, I had asked you to waive that direction because we do not want to give a progress report. We want to give a final one after next week. This is because we are having the last meeting with the National Treasury on this matter.

The Senate has resolved on it and we do not want to be taken round in circles and being told there is a taskforce. We want to see whether there is goodwill. We will resolve and give a final report because former councilors all over the country - as Members have said - are asking about this matter.

It is not fair for us to allow any prevarication by the national Government on the matter. They should tell us if they are going pay it or not. We will then see what further action to take because it is a resolution of Parliament.

Madam Deputy Speaker, we also had an inquiry based on a Statement by Sen. Dullo on the dismissal of workers by Ewaso Ng'iro North Development Authority. We have had several meetings on this matter. Sen. Dullo has also attended a few of those meetings. We will be tabling our report. We have as well listened to Ewaso Ng'iro, staff members, Sen. Dullo and the Ministry led by the CS Mr. Adan Mohamed and have enough material to give a final report.

We, as a Committee, had an opportunity to conduct a study visit to the Kingdom of Saudi Arabia as well as the United Arab Emirates (UAE) on the matter of labour migration which is another very secretive issue. While we were there, we met mega recruitment agencies that recruit people from around the world. We also met Kenyans working in the two countries, the Ministry of Labour in Saudi Arabic and our Kenyan Mission. We are finalizing the matter because it is not straightforward.

We found a lacuna in the law of labour migration. This morning, my Committee has met the Ministry of Labour, the Kenya Association of Professional Employment and the Association of Skilled Labour Migrations. We have raised the issues and concerns that we have seen on both aspects of labour and welfare.

In Saudi Arabia, we have more than 88,000 Kenyans working. This is a country has 13 million non-Saudis working. They have a huge preference for Kenyans. We also had some negative cases maybe around 100. One case is one too many. However, we want to handle it in a manner that once secures Kenyans, increases the capacity for labour migration, but does not jeopardize the jobs for the other 88,000 who are okay.

Madam Deputy Speaker, Saudi Arabia is now number three in terms of remittances to this country. It is a cocktail of hits and misses. We want to correct those issues. I have just discussed with the Cabinet Secretary for Foreign Affairs just an hour ago. Next Wednesday, they will to join us together with the National Employment Authority and the mega recruiters from Saudi.

We will have a virtual meeting so that we can clear all the pending issues and ensure those Kenyans who might feel they are stuck elsewhere can come back home. However, we have proper, predictable and accountable labour migration framework where whoever choses to leave this country to go work can be accounted for at all times. It might have taken long, but it is a very complex issue with a lot of potential to go wrong if not handled properly.

Pursuant to Standing Order 215(2), my Committee is currently following up on the implementation of the resolution I said earlier on the honorarium for former councilors and we shall be giving a report by next week.

On the registration of PWDs, the law as it is currently constituted does not take into cognizance the advancements after the Constitution of Kenya, 2010. There are certain people who need to register persons, but do not take into cognizance that we are in a devolved system where this registration can be done at the county level. Many people miss out because before it was done by the Director of Medical services. Now we have 47 directors across the country. They do not have to do it in Nairobi.

In the next six months, our Committee is focusing on the following issues:

We are currently looking at creative industry. It is a huge economic frontier for our country. We have a lot of talent, but it is not being well managed. If one looks at a country such as Nigeria, the second biggest employer is Nollywood and the creative sector. However, in Kenya, our artists are languishing in poverty, especially now during COVID-19 pandemic.

The day before yesterday, we met the creative sector group which comprises of musicians, filmmakers, artist, sculptors, playwrights and the entire scope of creative sector. We also had the Ministry of Sport, Culture and Heritage together with the entire leadership. We had the Kenya Film Commission, Kenya Film Classification Board and the Kenya Copyright Board. It was a very long meeting from 9.30 a.m. to 2.00 p.m.

In that meeting, we were able to raise all the issues around the sector and then categorize them in terms of what to deal with first. Next Tuesday, we will be meeting the Attorney General (AG), the Kenya Corporate Board, the Communication Authority of Kenya (CAK) and the Media Owners Association.

I do not know if Senators will be shocked or they expect this, but they will be interested to learn that our broadcasting houses right now owe musicians and content producers Kshs500 million in unpaid royalties. These broadcasting houses are not paying for content by Kenyans and yet they are showing us Alejandro, Mexican Soap Operas and Nigerian Music which they are paying for. They are getting advertisement revenue.

We want to unlock this to make sure we rectify this situation and make sure our artists are able to get their dues. We also want to look at the institutions that collect on behalf of the artists, including Music Copyright Society of Kenya) MCSK), Public Relations Society of Kenya (PRSK) and Camp.

There was a forensic audit that the President asked for during the funeral of the late John Demathew from Gatanga. In the course of our meeting yesterday, we spoke to the Director of Criminal Investigations (DCI) who has shared his final report. Heads are going to roll because those who have been eating and pilfering money meant for our young musicians and artists cannot go scotch free. This is ongoing and the final meeting will be held next week. We shall also give a final report. Even levies and charges being charged by different county governments that are curtailing the creative sector, can stop.

We are also inquiring into and looking at the sports sector which is doing well in many respects.

Madam Deputy Speaker, I am just from State House where I joined the President to flag off the Olympics Teams this afternoon. In many different federations and other sporting areas, we are bringing together the federations, coaches and player associations to look at how we can straighten, especially the key sports that we have in this country.

You realise we have a Sports, Arts and Development Fund which runs into billions of shillings. Of course, a huge percent of that has gone to Universal Health Coverage (UHC), yet it was ideally meant for sports and arts more than anything else. We are inquiring into that and we have met the leadership of the Sports, Arts and Development Fund. We will give a report to this Senate.

We have also planned county visits in August, 2021. We plan to go to Bomet, Kisii, Nyamira and Kericho counties to investigate issues affecting workers in the tea sector. We also intend to visit Isiolo County.

(Sen. Olekina spoke off record)

Madam Deputy Speaker, I hear a request. Sen. Olekina, on our way to Kisii and Nyamira counties, we can pass by Narok County. Not just pass by because I know we have many labour issues in our counties.

When we go to these places, we bring together labour committees in counties and listen to the issues of workers around that area. We also look at sporting facilities because my Committee has a very wide mandate as you might notice.

The Committee will be conducting public participation on the Heritage and Museums Bill (Senate Bills No. 22 of 2021). That is in the next few days. We are getting into the last phase since we have less than 400 days to the next election. We want to ensure that we address all aspects in our mandate.

We have prioritized the welfare of children during this period. You will remember the Nakuru County matter that we have been dealing with. We promised to follow up the implementation of the recommendations with respect to street children. Nakuru County was awarded a Charter, which the Senate passed.

Last weekend, I was in Nakuru County and the people there are very grateful to the Senate for passing the resolution. However, that also means that they need to strengthen systems.

As you are aware, children are the backbone of society and their health and well-being reflects the wealth and state of the nation. There have been various concerns about kidnappings and mistreatment of children in various institutions.

We plan to hold meetings with relevant stakeholders, including those based in counties, to look into these matters. My county is heavily affected by this issue. Those who are most vulnerable are the orphans and those in institutions like rehabilitation centres and children's homes. We are also looking into matters of child trafficking and school feeding programs in our learning institutions.

Madam Deputy Speaker, I will invite Senators to receive a presentation on some of the school feeding initiatives that are happening. In partnership with the National Assembly, we will sponsor the National School Feeding Programme Bill. For those who are interested, I would love to show them what is already going on in Nairobi City County.

Together with my Members of Parliament (MPs), we have set up a few kitchens. I have done one in Dagoretti South and another that is being set up in Umoja. There is another one that will take care of around 15 facilities coming up in Lang'ata Constituency. That changes everything. When children are hungry, nothing will go to their brain. We need to ensure the national Government provides the funding required to support organizations like Food for Education that go a long way to ensure our children feed in school.

We are aware and I am grateful that the Chairperson on Education is also a member of my Committee. We have discussed this and they have extensively dealt with this school feeding programme issue especially the Early Childhood Development (ECD) centres. However, we realise the nutritional value of the programs and cascading them up to the secondary school level is extremely important. As much as primary and secondary education is not devolved, it is not something that we can ignore.

Madam Deputy Speaker, as I conclude, I thank my Committee Members led by the Vice-Chairperson, Sen. Mwaruma, for having been very active. I also thank Sen. (Dr.) Milgo, Sen. Madzayo, Sen. Kwamboka and Sen. Mwangi. I also thank my former Committee Members and friends like Sen. Were and Sen. Omanga, who likes talking to my Committee. My Committee is very hardworking and I always have a quorum of nine Members because they all attend meetings.

In fact, yesterday when Sen. Mwangi was being given accolades, I forgot to say that despite the huge task he has in the Committee on Land, Environment and Natural Resources, many times he comes on board to Chair the meetings of the Committee on Labour and Social Welfare. He does an amazing job. I think he should get the title of 'super Chair'.

I also thank my staff led by Ms. Mwanate Shaaban and a new Clerk Assistant called Mr. Kibet. My entire team, including the Serjeant-At-Arms have been very supportive. That is why we have been able to achieve what we have.

Thank you.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. I must add that we congratulate you and your team, particularly on the handling of employees in Dubai and the United Arab Emirates (UAE).

We happened to go as a delegation to the Consulate in Dubai and they mentioned that they have a lot of confidence in what Sen. Sakaja is doing. They are very hopeful that we will finally have a solution, which I think will be a landmark in this region.

I had to mention that because you have done a great job. We thank all the Committee Chairpersons for the reports they have given.

I hear there was no riding on anything today but I can see Sen. Were. I think she has been made to wish to appreciate something. I am giving you two minutes.

Sen. Were: Thank you, Madam Deputy Speaker. Two minutes is even long. I just want to appreciate the Committee and the Chairperson who is hardworking.

However, there are two of my Statements that have not been handled conclusively by this Committee. He did not mention them. I know how hard Sen. Sakaja works and I know he will handle this.

One of the issues is the frustrations that pensioners go through at the Pensions Department, which has not been touched at all. The other one is on the Trade Unions Emergency Fund, which you have touched on. However, the Committee and I were not satisfied. You took it back but it has not come back to me to a satisfactory level. If you could just look at those two issues and get back to me.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you. Two minutes for Sen. (Dr.) Milgo.

Sen. (Dr.) Milgo: Thank you, Madam Deputy Speaker. I rise to congratulate my Chairperson, Sen. Sakaja, for the report he has given. I am a member of that Committee. I congratulate him because of the labour issues that we have seriously handled. When time comes to close business in this House, one of the Committee that shall stand is the Committee on Labour and Social Welfare and, of course, the Committee on Education.

May I challenge other Senators on the fact that Sen. Sakaja has delved into feeding programmes of ECD centres. I wish to encourage other Senators to benchmark what Sen. Sakaja is doing.

As the Committee on Education, we have been trying to standardize ECD centres across the country. We borrowed a lot from what Sen. Sakaja is doing. I wish to encourage other Senators to borrow that. This is because if we feed children, they will develop well and we will guard their great talents for the future.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you. Finally, Sen. Olekina for two minutes.

Sen. Olekina: Thank you, Madam Deputy Speaker. I, too, congratulate my colleague, Sen. Sakaja, and his Committee for the good job they have done. This is particularly on the issue revolving around the former councilors.

Last week, I met some of the leadership of the former councilors in Kajiado, Narok and Samburu counties. When you look at these people and the amount of time they gave to this country, you wonder why sometimes we become so insensitive. We do not recognize people when they serve the nation. This issue of former councilors is very dear to me. I will join and support Sen. Sakaja to ensure these individuals are given their send off package.

It is a bit defeating when this Senate passes a resolution and it is not implemented.

I think we need to be able to push hard for the implementation of all resolutions that we pass here because whatever is happening to those former councilors will also happen to us if we let it go on like that.

I know the issue of the Transition Authority was rushed such that these good men and women who served this nation for many years were not really given what they deserved but we should not look back at what happened; we should now try and correct it.

Thank you, Madam Temporary Speaker.

The Deputy Speaker (Sen.) (Prof.) Kamar: The next Statement is pursuant to Standing Order No. 52(1) by the Senate Majority Leader who will issue a Statement on the Business of the Senate for the week commencing Tuesday, 13th July, 2021.

Sen. Dullo: Madam Deputy Speaker, before I read this Statement I wish to thank the Committee on Labour. I know there were a lot of praises pouring from Senators to the Committee of Labour and the chairperson; I agree with them. There is also my Statement which I brought to the Committee. I would request, if it is allowed, Sen. Sakaja the matter of Ewaso Nyiro is a very sensitive matter. There are people who have already been laid off, who have worked for that institution for more than 10 years. I would pray, if the Committee can make one visit to that institution and solve the problem that members of staff are facing. I actually requested this of the Committee when I appeared before them.

BUSINESS FOR THE WEEK COMMENCING

TUESDAY, 13TH JULY, 2021

Madam Deputy Speaker, pursuant to Standing Order No. 52(1), I hereby present to the Senate the business of the House for the week commencing Tuesday, 13th July, 2021.

Before I proceed with the Statement, allow me to take this opportunity welcome hon. Senators back from the June, 2021 recess. I trust that you are well and have had an opportunity to interact with your constituents, family and friends.

Madam Deputy Speaker, on Tuesday, 7th July, 2021, the Senate Business Committee considered and approved tentative business for Tuesday, 13th July, 2021. The Senate will consider Bills at the Second Reading Stage and Motions on reports of various Standing Committees as contained in the programme of Senate Business.

The Senate will also continue with the consideration of the Bills, Motions and Petitions for Senators that will not have been concluded in today's Order Paper.

On Wednesday, 14th July, 2021, the Senate will continue with business that will not be concluded on Tuesday, 13th July, 2021, and any other business scheduled by the Senate Business Committee, while on Thursday, 15th July, 2021, the Senate will continue with the business that will not have been concluded on Wednesday, 14th July, 2021, and any other business.

As the House is aware, the Senate has been in the process of republishing Bills in line with the judgement of the High Court in constitutional petition No. 284 of 2019. As at now, a total of 58 Bills have been published. Out of the 58 Bills, 21 are undergoing concurrence pursuant to Article 110(3). Thirty are at the Second Reading Stage considering the nine Bills that were Read a First Time on Tuesday upon their maturity and the three Bills are at the Committee of the Whole Stage. One Bill was referred to the National Assembly while three Bills have been assented to.

Hon. Senators will note that in today's Order Paper, there are several Bills scheduled for Second Reading under Order No.8 to 14 and at Orders No. 18 and 19. Further, there are three Bills scheduled for Committee of Whole Stage at Orders No.15, 16 and 17.

Further, hon. Senators will note that at Order No.20 and 24 in today's Order Paper are Motions on the reports of the Standing Committees which require a resolution of the Senate. As mentioned earlier, more Bills and Motions are scheduled for next week.

I urge the responsible Senators and respective Senate Committee chairpersons to avail themselves during debate in order to allow for smooth transition to the next stage of the aforementioned business.

I take this opportunity to applaud committees for their efforts in processing Statements and Petitions referred to them. I particularly commend the Standing Committee of Lands, Environment and Natural Resources under the chairmanship of Sen. Mwangi Githiomi for processing and tabling 12 reports yesterday on Petitions referred to

the Committee. This brings the number of Petitions before the Standing Committee to five from an overall high for only Standing Committee of 41.

However, there still remains a high number of Petitions pending conclusion in the Senate with some Standing Committees not having tabled a report on a Petition yet. I urge respective Standing Committees to expedite consideration of the pending Petitions and table reports as required under Standing Order No.232(2).

Allow me, in conclusion, to thank all Senators for the dedication and commitment they have continued to exhibit in their work in service to the people of Kenya.

I thank you and hereby lay the Statement on the Table of the Senate.

(Sen. Dullo laid the documents on the Table)

The Deputy Speaker (Sen.) (Prof.) Kamar: Thank you for that Statement.

Next Order.

BILLS

Second Reading

THE COMMUNITY HEALTH SERVICES BILL

(SENATE BILLS NO. 34 OF 2020)

Hon. Senators, for the convenience of the House, we defer Order No. 8.

(Bill deferred)

Next Order.

Second Reading

THE INVESTMENT PROMOTION (AMENDMENT) BILL

(SENATE BILLS NO. 2 OF 2021)

*(Sen. (Dr.) Milgo on 7.7.2021)**(Resumption of Debate interrupted on 7.7.2021)*

The Deputy Speaker (Sen.) (Prof.) Kamar: Sen. (Dr.) Milgo, you had started moving and you had not concluded. So, we expect you to complete your moving now. You have 55 minutes.

Sen. (Dr.) Milgo: Thank you, Madam Deputy Speaker. Before the rise of the House yesterday, I had already started on the Investment Promotion (Amendment) Bill (Senate Bills No.2 of 2021) and I was talking about investments in Kenya.

I was saying that Kenya is a country that is strategically placed in East and Central Africa, has good infrastructure and high-skilled labour. Right now we have got 47 counties where investments can be done.

The very reason why I thought of amending this Bill is because many of the issues that are affecting investments, majorly rotate around strategies, opportunities and challenges.

Investors will normally look at opportunities availed. In addition to that, the challenges that they are likely to face. Investors will also most likely look at effective and efficient database to provide information of investment opportunities as well as sectors targeted for investment. For example, Kenya is one place to have a lot of investors coming on board. We have the Big Four Agenda, Vision 2030 and 17 SDG programmes. We also have Agenda 2063 that is speaking to issues inclusive and economic road to spur economies in African countries and the issues of the economic bloc that is on board right now.

The issue of network and challenges on best practices as well as timely and accurate data and information gathered apart from this, investors will look at policies affecting investments and streamline administrative procedures especially when it comes to dialogue and issues of legal activities.

Madam Deputy Speaker, apart from these Petitions on land use, you realize that we already lost many investments with Tanzania because there is a challenge when it comes to issues of land in our country. It is expensive, and even getting it is a challenge. That is why we lose investors. Apart from that, there is lack of proper promotion of agencies and investments promotion performance despite the fact that these were laid out in this Bill.

The legal mandate affecting investments and laws that are covered in this has been a challenge apart from the tax regime that is a major challenge to our country. Yesterday, many of our Senators spoke about taxes that are already suffocating our country in every area. I think that investors are looking out for tax waivers, cost benefit incentives and very many other issues before they can invest in any country.

Faced with these economic issues, as I said, there are very many investment fronts in our country. We only need laws that are going to speak to issues on investment so that it goes along with economists. This Bill tries to bring on board the counties which I said are the new investment fronts. If there will be many investments in the counties, without any doubt this shall create employment. Our youth will have many business opportunities and it will raise the standards of living.

Madam Deputy Speaker, this Bill seeks to amend the Investment Promotion Act, to ensure the participation of county governments in the promotion of trade in the country. The Bill also seeks to include the participation of county governments in the formulation and implementation of policies and strategies formulated by the Kenya Investments Authority (KIA), to attract both foreign and local investors in the counties.

The Bill further seeks to streamline the management of the authority by outlining the specific qualifications for appointment of board members and their tenure of office. The constitution of the office of the Managing-Director (MD) has also been enhanced.

The major amendment to this Bill was in Clause 14. Clauses 1, 2 and 3 are majorly definition of terms. They change the word “Minister” to “Cabinet Secretary,” redefine the meaning of the word “board,” and define what we mean by “Council of Governors” (CoG) and County Public Service Board (CPSB), because these are new terms. A major amendment comes in Clause 3, where we amend and clarify additional information that is required to be put in writing.

Clause 4 was also amended to ensure that we reduce the members of the board, which did not have members of the county government. Many of the Principal Secretaries (PSs) that were in this board did not represent the county governments’ interests. This Bill has amended this to ensure that the PS of Devolution, who is charged with issues of county governments, is brought on the board. The board shall include two members of opposite gender, that is male and female, who have the interest of the counties.

Clause 5 has set out the qualifications of the board members. It recognizes the fact that they need to have a degree and must have five years’ experience in areas related to their fields, apart from the normal ethics.

Clause 6 speaks to the terms of office of the said board members, which is four years. It used to be three years, but this Bill says that they can have four years in office, which can be renewed once.

Clause 7 has also been amended to speak to the conduct of the members and how they can vacate office. It rotates around the issues of absence, integrity and declaring interest on any issue that comes on board.

Clause 8 was deleted, and Clause 9 was amended to speak to the issues of remuneration of the board members that are paid by the authority. The board members should be paid as stipulated by the Salaries and Remuneration Commission (SRC).

There is also an amendment to Clause 23 (1) and 23 (2) (a) to specify the recruitment of the Managing Director (MD). It shows the qualifications, which include, having a Master's degree, have seven years' experience and any other integrity issue.

Clause 12 (23A) reduces the MDs term from eight years to five years, after which they are eligible for reappointment. Earlier on, the MD would stay in office for eight years, but it has now reduced to five years.

In the first Bill, the work of the MD was not clearly spelt out and, therefore, this Bill enhances and shows the functions of the MD as follows-

- (1) Funding the authority.
- (2) Implementation of policies.
- (3) Ensuring that programs are implemented.
- (4) Ensuring that that there is a strategic plan for the authority.

Clause 12 (23C) shows the conditions for the termination of service for the MD, rotating around misconduct, neglect of duty and removal of office on the basis of any other condition such as sickness.

Clause 13 (24 (1) speaks on the staff of the authority. The authority is being strengthened to ensure the type of staff that are employed and conditions for employing the said staff. In the first Bill, there was no specificity in terms of appointment. It said "it may" but this Bill specifies the staff that should go to the authority.

Clause 14 (25) (1) is amended to further outline the conditions for protection of persons that are working for the authority. The first Bill declared that these people are protected from being taken liable for any damage caused when they are rendering service for the authority.

We added a new Clause, 14 (25) (2) that says that in the course of providing services to the authority, they shall also be liable to pay for compensation of damages to any person for any injury to the person or loss by staff in the exercise of their functions. That is a new addition to the Bill.

Part Four speaks to the National Investment Council (NIC). Clause 15 states that Section 26 was amended to replace the word "local authority" with "devolution". Clause 26 (b) is amended to reduce the number of persons appointed to the NIC from 12 to eight, to pave way for four members of opposite gender from the CoG to also consider interest to the county governments.

Clause 16 (26A) speaks to the nature of the NIC members to bring on board gender equity, consider Persons with Disabilities (PWD), the youth and the marginalized, because it is going to be a very important council.

The National Investment Council (NIC) is under clauses 16 to 26 (b). It stipulates the fact that this NIC should be consulting with the county governments now that we are bringing on board the county governments in terms of investments. Then Clause 26 (c) is

creating the County Investment Unit (CIU). As I said earlier, this Bill is majorly trying to bring on board the new front of investment which is the county government.

Madam Deputy Speaker, this CIU is under Clause 26 (c) (2) and it is speaking to how to appoint the members of the CIU to include the Chief Officer. It even stipulates the staff who should be appointed to that CIU.

Clause 26 (d) is setting off the functions of these CIU to facilitate investments in the county by formulating policies in line with the National Investment Authority (NIA) policies. Apart from this, it is to promote investment activities in the county and advise the NIC on investment projects. Right now, we know that there are very many activities going on in the county. This CIU should advise the NIA constantly so that we invite investors.

It is speaking to the issues of engaging the community when it comes to investments in the counties and inform them about the potential investors. Subsection (g) of that clause is speaking to the fact that this unit should work closely with the NIA so that we have a smooth linkage. As I introduced this Bill earlier, I was talking about the lack of linkages for investments. That is the reason why investment in our country is having a challenge.

Madam Deputy Speaker, as I end, I encourage the Committee on Tourism and Trade to enhance this Bill by inviting other people to add to this. By the time we come to the Third Reading, we shall have enhanced this Bill even better. I thank you and submit and request Sen. (Dr.) Zani to second.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. Sen. (Dr.) Zani, proceed.

Sen. (Dr.) Zani: Thank you, Madam Deputy Speaker. I wish to second this amendment Bill. I start by congratulating Sen. (Dr.) Milgo. This Bill has been with us for quite some time and she has been very passionate always checking where is this Bill and when is it coming to the Floor of the House. That shows the level of dedication that she has had to this important subject.

There is no country especially a third world country that will industrialize and develop without investment. It is given for all the counties and the right environment has to be put in place to catapult that investment so that people reap. If we are talking about economic microfinancing, where is it going to come from? It is going to come from investment, people believing in an economy and people wanting to work and make that the economy works effectively. This is for people to move the agenda.

Madam Deputy Speaker, many times we have talked about own source revenue especially for counties. This is an area which is important because counties need to invest. This Bill contextualizes the issue of devolution. It is an amendment Bill but it touches on the fact that now we are in a devolved system. Therefore, certain things need

to change to bring the counties on board and understand how these counties are going to work.

It gives a redesigning of structures that will help this to happen. I think this is key. It introduces different players and components, for example, a more strengthened board, the NIC, and an authority. Looking through the scheme of all these structures have been put into place, it brings into fore the issue of bringing the counties in place which is very important. It also brings in the various Principal Secretaries (PSs) in the different Government ministries thus introducing a multi-agency approach to this. I think that is very key.

Madam Deputy Speaker, some countries have gotten it right quickly. One of those is Singapore which we keep referring to. They came and got our policy paper from us right after independence and they have been using that model. They have made transformation within the various economies.

Somebody will ask themselves how this can be done and how these investments can be improved. The Bill addresses this by giving ideas on how to do this. For example, an increase in foreign exchange either through exports and import substitution. This is based within the counties. They are the ones who will grow different products and food for this export market. Indeed, likewise, it is going to create employment and more labor then the investment is going to spill over.

Madam Deputy Speaker, utilization of domestic raw materials, supplies and services. What do people have on the ground and how can they manufacture it? This would include issues like value addition. It would include how to progress factories. Some people have started cottage factories that are effective.

Adoption of value addition in the processing of local natural and agricultural resources. We all know of the story of coffee and how we are able to export our coffee. However, we export it sometimes without value addition and other countries take it up. They are able to make so much money as a result of that. It is high time we get to a point where we can maximally utilize what is coming out of these counties.

Madam Deputy Speaker, indeed both Sen. (Dr.) Milgo and I sit in the Committee on Education. We have been looking at how the Technical and Vocational Education and Training (TVET) centers are working. One of the issues we are trying to infuse in terms of training is; are you looking at counties that can bring up specific ideas, issues or resources? If it is Kericho County, for example, what can we do with our tea? If it is coastal counties, what can we do with our blue economy?

Lastly, utilization, promotion, development and implementation of Information and Communication Technology (ICT) and all these are key. Any other factor that the authority considers. If I look at the constitution of the board of authority, what strikes me is that is that a composition of the multiagency approach so that we have all these people together. This then creates the ability for coordination that is important. We have the PSs in the ministries. We have ministries of finance, trade and industries, agriculture, lands,

local authorities and planning. Then we have the board of authority which shall consist of the chair, managing director and secretary.

The strength of this Amendment Bill is to make sure that any exercise towards investment ends up being successful. We have made sure that we do not have bottlenecks which will make it difficult to move to the next stage. This includes addressing of licenses and how they are given out.

We have the Chief Executive of the export processing zones. We also have the executive of the Export Promotion Council with six members appointed by the CS. We have a person who shall be appointed as the chairperson of this Board. Any person who will be appointed to this board will have to be somebody who that has already shown he know how to do the work.

For this Bill to be well aligned within our devolution evolution scheme, we need to look at certain categories and terminologies. For example, we are looking at amending Minister to CS making it in vogue with what we are using now.

There is also the definition of the council which the National Investment Council, including the Council of Governors (CoG), the County Executive Committee Member (CECM), the County Public Service Board (CPSB) and the Managing Director (MD). There is a proposal of how this will be put into place. There are the rights and responsibilities of the MD. The first part of this Bill is putting the terminologies together.

The second is that the principal Act is amended by inserting the section about the board. There is also the sort of person the board should have, the qualifications and levels of knowledge. There is also what to do when the chair resigns, when a person fails to declare interest and when somebody dies.

Clause 9 is about payment for the members of the board which is very important as per the Salaries and Remuneration Commission (SRC).

Clause 11 gives specific processes and responsibilities of the board. The strength is in giving responsibilities of the board that can be carried through effectively. These include being responsible for the day to day management, how to manage funds and properties. We automatically then expect a penalty clause which says what will happen when things are not done as per the requirement.

The board will oversee and coordinate the implementation of the policies, programmes and objectives of the Authority which will probably broadened because that will also involve those that will come from within the counties.

Clause 23B (e) says-

“cause to be prepared for the approval of the Board—

(i) the strategic plan and annual plan of the Authority;

The strategic plan must be a multifaceted one that will also include what is coming in the annual budget from the counties. The board will also perform such other duties as may be assigned to the MD by the board. We have a more strengthened board with very clear deliverables that are expect from them.

In Clause 23C, we have the conditions under which termination can take place. More important is the introduction of devolution. This is because the principal Act was enacted before devolution. Therefore, it is very important to bring the whole idea devolution into legislation.

It also introduces various very key people. There will be eight persons who will help at the various levels, especially at the CoG and how they will bring in their interests from the counties. There is an elaborate process on how to do that. We have consultation that can happen within the county governments. This includes the authority to delve and handle a deal with the CEC.

It is very difficult to have any legislation without the CEC Members featuring at the county level. The CEC finally might not be able to make the key recommendations at the level of the Authority's meeting where the CS will be present or even the members of the CoG. However, that input from the beginning is very key.

We can give figures about how we expect this investment to help us move forward as a country. The key is seriousness in enabling people to come and put forth the level of investment that is needed. The Authority shall consult the CEC members in the respective counties. Consortiums can be held for the CEC members from the various counties to bring them together so that they can have strategies for doing this.

The Committee on Education chaired by Sen. (Dr.) Milgo has been working on ring-fencing of funds, specifically for TIVET and ECDEs. The same concept can be added here that funds have to be ring-fenced and CEC members together with the CoG can allocate specific funds to catapult investment within counties.

Clause 26D is about the CEC members, what they are meant to do and how they to infuse within the Authority to make investment work better within the counties.

Clause 26C D (f) says:

Facilitate community engagement and review of potential investment projects and obtain local endorsement for any county-based government incentives;

This is a bottom-up approach. Without this approach, the investment will seem to be imposed and it will not work on the ground. The idea of engaging, reviewing and putting together county based government initiatives and getting the people involved is very important.

Lastly, Clause 26 D (g) says:

Work closely with the Authority to provide effective investor aftercare and support the Authority in facilitating reinvestment and upgrading of current investments.”

Most the times when investors make a decision to invest in a particular project in a county, they will always start with reconnaissance. After that, they figure out if that investment is viable; if they will get back what they have put in. Aftercare and support become very critical. If there is something that needs to be addressed such as machines or coordination systems that are not working very well, they need that support. The Authority with the support of the CEC members will be able to do so.

A very important issue put in here is an investment certificate that authorizes one and gives one a mandate. I do not want to use the word ‘phony’, but we do not have a situation where somebody else comes in between and interest. Sometimes when people have started an idea that is working so well, there are other people who want to come and get a deviation of it and then everything collapses. There should be authentication of persons to know who should be there.

Local investors should be encouraged. Definition of a local investor is given and how they can come to the fore and do what is expected therein.

The establishment of these institutions starting with the board, the council and the Authority and how they should run I think is the big strength of this Bill, especially under devolution. The idea of entrenching investment within the counties and under devolution will catapult investment in this country and better development for the future.

I am sure the Committee of Tourism, Trade and Industrialization will fastrack it. We will also be able to get public participation. We will hear what people are saying and how we can infuse their ideas into this Bill so that we address one of the things that many developing countries have a problem with.

We already know we have a problem of borrowing. Sometimes we are borrowing whereas we could invest a little bit more. We have a big force of youth who are looking for these opportunities. We can unleash it for employment and give people the services they so desire.

Madam Temporary Speaker, I beg to second. Congratulations, Sen. (Dr.) Milgo. We are looking forward to this Bill becoming an Act.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator.

(Question proposed)

Hon. Senators, I see an intervention from Sen. (Dr.) Milgo.

Sen. (Dr.) Milgo: Thank you, Madam Deputy Speaker. I beg to move that pursuant to Standing Order No.105(1), the debate be now adjourned.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Sen. (Dr.) Milgo.

(Question proposed)

(Question put and agreed to)

(Debate on the Bill was adjourned)

Next Order.

Second Reading

THE COFFEE BILL

(SENATE BILLS NO.22 OF 2020)

Hon. Senators, Sen. (Dr.) Ali is not in at the moment. We defer it.
It is Order No.10.

(Sen. Ndwiga entered the Chamber)

The Chairperson of the Committee on Agriculture, Livestock and Fisheries has just walked in. Please come forward.

(Sen. Ndwiga consulted the Chair)

Hon. Senators, I have been informed by the Chairman that the Committee is not ready today. We defer it.

(Bill deferred)

Next Order.

Second Reading

THE HEALTH (AMENDMENT) BILL
(SENATE BILLS NO.26 OF 2020)

Hon. Senators, this is the one I had referred to earlier. The sponsor of the Bill is Sen. (Dr.) Ali. He is not in the House at the moment. We defer it.

(Bill deferred)

Second Reading

THE BASIC EDUCATION (AMENDMENT) BILL
(SENATE BILL NO.4 OF 2021)

Hon. Senators, the sponsor of the Bill, Sen. Kwamboka is not in the House. We defer it.

(Bill deferred)

Next Order.

Second Reading

THE COUNTY LICENSING (UNIFORM PROCEDURES) BILL
(SENATE BILL NO.32 OF 2020)

Hon. Senators, again, the sponsor of the Bill, Sen. Chebeni, is not in the House. The Bill is deferred.

(Bill deferred)

Next Order.

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*Second Reading*THE SALARIES AND REMUNERATION COMMISSION
(AMENDMENT) BILL (SENATE BILLS NO.31 OF 2020)

Hon. Senators the Chairperson of the Committee on Finance and Budget is not the House. Therefore, we defer it.

(Bill deferred)

Next Order.

COMMITTEE OF THE WHOLE

Hon. Members, I would like to defer Order Nos.15, 16 and 17 that are supposed to proceed to the Committee of the Whole for the convenience of the House.

THE MENTAL HEALTH (AMENDMENT) BILL
(SENATE BILLS NO.28 OF 2020)THE COOPERATIVE SOCIETIES (AMENDMENT) BILL
(SENATE BILLS NO.11 OF 2020)THE WILDLIFE CONSERVATION (AMENDMENT) BILL
(SENATE BILLS NO.30 OF 2020)

(Committee of the Whole deferred)

BILLS*Second Reading*THE PARLIAMENTARY POWERS AND PRIVILEGES
(AMENDMENT) BILL (SENATE BILLS NO.33 OF 2020)

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, the Mover of the amendment is Sen. (Dr.) Zani.

Sen. (Dr.) Zani: Thank you, Madam Deputy Speaker. I beg to move that the Parliamentary Powers and Privileges (Amendment) Bill (Senate Bills No.33 of 2020) be read a Second Time.

This afternoon, the House has been rout with a topic about what happens with our Motions, Statements and Committee reports when we have projected and worked on them. That is at both the Committee and Plenary levels and even Motions brought by individuals where we make very strong resolutions.

Some Members, for example, said when it comes to these issues, maybe we need to reactivate the Implementation Committee. How do we move forward? We have the Executive, Legislature and the Judiciary. We know our most important responsibility is oversight, but have we done what is meant to be done?

Most times when these Motions, Statements and various outputs come from us as legislators, we expect certain changes. When we have done legislative amendments like we have done this afternoon, it is different because when an Act now comes into being, then certain actions, reactions and outputs will automatically come in the context of legislative agenda and work. It is law and, therefore, it will be followed.

Madam Deputy Speaker, apart from laws, we have Motions, Statements and Committee proceedings. Every other day, you find Members coming to the Floor of this House to give these. This afternoon, we had Sen. Malalah, Sen. Olekina and several Members speak to it.

What happens when the Motions go out? Maybe they go to the relevant Ministries and then land on an officer's desk, and therein lies the disconnect. We do not know which officer is handling the matter or how far the implementation process has gone. Neither do we know whether the implementation process has started and stopped, whether it is about to start or started and ceased and will be reactivated after some time. Therein lies the lacuna.

This amendment Bill tries to impose a statutory obligation on public officers to provide feedback to Parliament on its resolutions and recommendations that have been given through various Committees and processes they have engaged. Not only does that feedback need to be given, but needs to be given in a timely, more organised fashion and according to this amendment Bill.

This Bill proposes a penalty clause of not more than Kshs500,000 or a jail term of not more than six months or both in case that does not happen. That Parliament can follow through this specific obligation, or action is required from this particular Ministry.

Madam Deputy Speaker, you will know that many times, even within Committee when we are probing Statements or seeking our Statements to be addressed by various Ministries, sometimes you find the clerks have to follow up to find out where it has gone and who is addressing it.

The overarching responsibility lies with the Cabinet Secretary, but most of the time a lot of engagement is done. I remember as part of the strategy some people were saying we engage specific officers. Yes, sometimes we get the feedback. However, most of the time, it is delayed and it takes a lot of time.

For us to be able to engage and ensure that this sort of situation is addressed, we must come up with oversight mechanisms that Parliament to able to monitor actions of the Executive and other independent officers. This will give us a sense of progress and ensure accountability.

I know for many people when they finish their term, there is a feeling of "What have I achieved? I brought this Motion or Statement; what happened? What is the follow up? How did it really work?" It gives a sense of accountability, transparency and responsibility for the Members of Parliament and, at the same time, also for the members in the other arms of Government.

It then allows Parliament the necessary democratic governance that is anchored on the fundamental principle that Parliament represents the will of the people and exercises their sovereignty. We are looking at this as a responsibility, almost a right, brought on the governors, on the Senators, on agencies to ensure that this happens as expected.

We also have the issue of very important aspects like, for example, policy, the use of time and resources. In many of these reports that we give, parliamentary committee reports contain important policy recommendations and perspectives. These need to be enhanced not only just within Government offices, but also independent of these constitutional commissions and the Executive. Therefore, feedback mechanism is very important.

It will take some time initially, but I am sure when a line of engagement is developed and we know that there is a particular officer dealing with a specific issue, then they can give feedback at the right time.

Most of the time, we tend to rely on our Standing Orders even when we are interacting with other organs, external to Parliament. We have our Standing Orders that tell us exactly what to do within our legislative framework, but these do not apply to the other institutions. That is the lacuna that this particular amendment is trying to fill.

We can rely on our Standing Orders here, but externally we can have another mechanism. This structured mechanism will help to give greater consideration to the issues that are being raised and I think that is very key.

We have various clauses that are added, but the main addition comes just immediately after Part 6. This introduces a Part 6(a) which specifically indicates how reports should be handled; reports on action taken on parliamentary resolutions.

We have the idea at 23(a) of the responsible officer, meaning the relevant officer who has that responsibility to enact and make sure that the resolution is tabled and finally a report is given.

At 23(b) we give the Clerk of the relevant House a time frame for action. So, within seven days of a resolution of the House or the tabling of the report of a committee convey the resolution or a copy of the report to the responsible officer. So, within seven days that should have happened.

Once that has happened, the resolution or the recommendation that that committee has given should also be able to come back. The responsible officer shall submit a status report. This is very key and mandatory.

The report can give three specific conditions: The action that has been taken, where there has not been any action, resolution or recommendation of the report and the reason for such inaction. I think the report containing these specific formulations will be very important. For example, if it has not been implemented, why and when that will be implemented. Therefore, a report through a formal process will give us the meat to bite to ensure that this information comes on board.

The committee can increase the days. For example, after they have got the report the relevant committee can say we are giving you this timeline and these specifications that need to be done and this will be communicated to the legislators.

Clause 23(c) gives the penalty clause and I had already alluded to that. This will be very key in ensuring that this provision is put in place. This also allows for a

consolidated report. For example, if there are very many issues that have gone to a specific public officer, then that particular officer who is responsible can have a consolidated report for all these issues and present that consolidated report.

The whole idea is really just to create a structure for feedback so that, at the end of the day, we have where to follow up from and by giving a specification on how it should be handled then that helps us to be able to move forward. That is the main part about the collaboration.

This amendment Bill also moves on to address something which I think we have experienced in this House recently where we had a Member who, at that time, he was not served, but he was arrested while on his way to Parliament. This amendment clause seeks to reinforce the immunity of the Member of Parliament, especially when they are within the precincts of the House. This has been brought about from the ruling of both the Mboya and the Attorney-General's High Court's resolution or a specific sentencing that was done that enabled this provision to be put into place.

The High Court, Justice J.M. Mativo and Apollo Mboya versus the Attorney-General and two others in 2018, the High Court declared the provision unconstitutional to the extent that it received service to the process.

This particular amendment Bill amends this provision to allow that Members have their immunity when they are within the House. It also protects the members of staff within Parliament. For example, the legal officers cannot be taken in if it is in the line of their duty. That is the other amendment that is also included in this. For example, within the precincts of Parliament while the House is sitting the jurisdiction shall be served, or executed that no process issued by any court in the exercise of its civil jurisdiction shall be served or executed within the precincts of Parliament while the House is sitting, or through the Speaker or any member of staff unless it relates to the attachment of the Member's salary, or the subject matter relates to the Member exercising their personal duty within that specific scope that is allowed. However, civil court processes should not be done in the precincts of Parliament to allow parliamentarians to do the work that they are expected to do.

When this played out, this was already a provision that had already been taken into consideration within this particular Bill. Moving towards the end all this will allow Parliament to conduct its business where it is meant to allow the law to take its business and they will be able to sort out what needs to be happening within the House.

Parliament is authorized to receive services on behalf of either House of Parliament or the Parliamentary Service Commission (PSC), but they will not be culpable because of that reception, because they have specific responsibilities within the House.

Madam Deputy Speaker, this is the second time we are going through this Bill. This Bill had gone up to the National Assembly and it is one of the laws that is coming up after the court ruling on concurrence. I remember hearing that the National Assembly also contributed to the Amendment Bill and they were positive about it. They thought that it is something important that will help the work of legislators.

We will have another debate in this House and hear how Members will discuss it. It is good that we already had a preamble on this, this afternoon. All we are trying to do is make our parliamentary work more productive and visible, and make oversight more productive by introducing legislation for other players that we will work with to do their

bid so that we can enhance the legislative agenda and other agendas, including oversight, which are very important.

I beg to move and request Sen (Dr.) Milgo to second.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. (Dr.) Milgo, please second.

Sen. (Dr.) Milgo: Madam Deputy Speaker, I wish to second this Bill brought by Sen. (Dr.) Zani. Let me, first of all, thank her for bringing such a great Bill. Very many of us have been complaining and requesting for an Implementation Committee because there is so much work that has been done by this House since we started in 2017. Some of the work has been collecting dust.

We have had several Motions, Statements and Committee proceedings. In fact, on a quarterly basis, we have committees presenting the work that they have done. Yesterday we listened to the Chairperson of the Committee on Land, Environment and Natural Resources and he brought out several pertinent issues on land that speak on land injustices.

We also listened to the Report by the Committee on Health that spoke on COVID-19 funds and what is going on in the counties. We listened to the Committee on Labour and Social Welfare, which I am part of, that has done a lot of work when it comes to labour matters. The Committee on Education has also done so much work. Our major challenge is implementation.

Madam Deputy Speaker, this has been so much of a challenge, and that is why every now and then we bring to the Floor the fact that we need an Implementation Committee so that we could have an avenue to follow up. You have heard many Senators wondering what happened.

We have repeated several Statements. Sometimes we bring Statements, and while people are still awaiting implementation, they realize that nothing is going on. We have had people bringing Statements and Petitions to this House, but because of lack of implementation, they are taken to the National Assembly. After the National Assembly, they rotate. Our people have been rotating from both Houses trying to find solutions because of lack of implementation.

Madam Deputy Speaker, Clause 23C of this Bill specifies the statutory obligations of the particular officers in terms of fines or penalties up to the tune of Kshs500,000, failure to which a person can be jailed for six months.

Apart from that, Clause 23D gives powers to the Speaker to direct the concerned people to bring resolutions to the House. This provides various avenues through which we shall call for implementation of those Motions, Statements and the work done by Committees of this House.

Clause 23E speaks on the avenues through which Parliament can get information from public officers. I love part 7, which specifies that Parliamentarians represent the will of the people. The reason why I say our people have suffered is lack of implementation by officers who are paid using taxpayers' money but they fail to follow up.

Many of our Senators have complained here. Sometimes we call on board Cabinet Secretaries (CSs) and other officers to come to our committees and they fail to appear. Sometimes they appear, listen to what we present, take it up, then that is the end of the story. It ends with listening and that is all. I think that it is high time that such a Bill

should come up. It could not have come at a better time. I thank Sen. (Dr.) Zani for bringing this to the Floor. I do not think this one will be business as usual.

Madam Deputy Speaker, despite the fact that our Standing Orders state what should happen with the work that the Committees have done, even though some try they have not done it in a timely manner. This Bill speaks to the issues of being accountable and ensuring implementation in a timely manner so that we do not wait.

As I stand here, I remember that in my first term as the Chair of the Committee on Education, we had a school that suffered lack of registration. Immediately, I took that up because I was still new in town. I imagined that it would be done as a matter of urgency. To date, nobody has ever acted on that school. It has very nice structures. It was only waiting registration or any further advice so that we do not waste public funds by putting up very fine structures then nobody makes good use of them.

This Bill has gone further to speak to issues of immunity of Members of Parliament (MPs) as well as the staff. Although we were not able to prove whether Sen. Linturi was arrested after entering the precincts of Parliament, that issue almost caused commotion in this House. We were challenged. Some of us who were still new MPs wondered where immunity ends and where starts. This Bill will go a long way to remind Members that earlier on, we have been having such immunity, but it will serve as a reminder that MPs and staff should enjoy immunity.

Madam Deputy Speaker, such a Bill can never be over emphasized because it is going to enhance the work that we have been doing as Parliament. We, as Senators, have stood here and said that people have a lot of faith in us. In a short while, nobody will have faith in the Senate because we are doing so many things and nobody is implementing them. I think that if implementation will be done based on the action that this Bill will bring on board. This House will remain in high standing and the one preferred to receive Petitions, and so on, and so forth.

Madam Deputy Speaker, if this Bill goes through, I do not think we will come here again to ask for an Implementation Committee because we shall refer people to look at the Bill.

With that contribution, I wish to second the Parliamentary Powers and Privileges (Amendment) Bill 2020. I once again thank Sen. (Dr.) Zani for doing such a great job and bringing up such a wonderful Bill.

Thank you, Madam Deputy Speaker. I second.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, hon. Senators.

(Question proposed)

The Deputy Speaker (Sen. (Prof.) Kamar): I see an intervention from Sen. (Dr.) Zani.

Sen. (Dr.) Zani: Thank you, Madam Deputy Speaker. I beg to move that pursuant to Standing Order No.105 (1), that debate be now adjourned.

(Question proposed)

(Question put and agreed to)

(Debate on the Bill was adjourned)

The Deputy Speaker (Sen. (Prof.) Kamar): Next Order. The Mover again is Sen. (Dr.) Zani. Please move.

Second Reading

THE NATIONAL FLAG, EMBLEMS AND NAMES

(AMENDMENT) BILL (SENATE BILLS NO. 36 OF 2020)

Sen. (Dr.) Zani: Madam Deputy Speaker, thank you. I beg to move that the National Flag, Emblems and Names (Amendment) Bill 2020 be read a Second Time.

Most of us remember with a lot of nostalgia when we were in primary school. At the beginning of the assembly, we would sing the National Anthem. That is one of the most important symbols of unity within a country. We would also have a loyalty pledge. Not a single person did not know how to recite the National Anthem.

Sometime back when we had a programme for scholarship, we went for a function and everybody was identified by his/her national anthem. When everybody was sitting, suddenly your national anthem would go up on screen. This fellow would be introduced and there were a lot of emotions. I think one or two countries were left out and those fellows were not happy at all.

Madam Deputy Speaker, we all value our National Anthem. We take it close to heart and embrace what it says. It helps us to build our nation and it is important. The need for this amendment occurred when it was brought to our attention some time back that one of the countries - I will not mention the name - there was a song that had been introduced and the enchantment was like this one of the national anthem.

Immediately it becomes important to make sure that the copyright beyond the 50 years is still protected. The period for copyright up to 50 years is coming to an end and that is already well-established in law. However, before that, anybody can come up with something very close and take it and copyright it.

Madam Deputy Speaker, among the Agiriama Community, we have the *vigango* which are like statues which are important. There is a time these were taken away to another country. It has been a long battle in between to get them back into the country. They have come back to the country now.

Cultures are cultures and are diverse. In some culture, people look at other person's cultures and enjoy some of the things. We have had so many things taken over and copyrighted. If we think about our Maasai *shuka*, have we protected that? If we look at the *kiondo*, have we protected that? If we look at some of the cultures and languages, ~~have we protected that?~~

Madam Deputy Speaker, for example, in Dubai, they have an Arabian night where people eat at night and they feast. This is something very specific to that culture. It is possible for other people to also take it and make it their own.

This is a very short amendment. It just wants to make sure that we protect what is Kenyan, especially where copyrights might hitch on some exclusivity or to the level it might not be clear to say that this is protected for posterity. This is protected in an open-ended way. Some time when these copyright's time for deadline come, people are not aware. If you have a copyright in place and then the 50 years come and elapses, we do not know.

Madam Deputy Speaker, it is the same issue we have for land. We have seen issues of land where you have a title that is being held as community land for 99 years. After 99 years because when these laws are put into place, it seems like such a long time. When the time comes after 99 years, what is meant to happen, public participation? Somebody can go and pick some people in the community.

They come and do public participation and extend the lease for another 99 years whereas this was time maybe to give back the land to the community. Most of the time you might have very many laws all running at the same time, it might become difficult for us to distinguish and know what needs to happen at a particular time.

On a clause by clause, this is a three clause Bill that ensures that this whole consideration is put into place. It aims to amend the National Flag, Emblems and Names Act Cap 99 Laws of Kenya to ensure the national anthem is safeguarded. The National Flag, Emblems and Names Act Cap 99 Laws of Kenya was enacted in 1963 among other laws. It prevents the improper use of the national flag and certain emblems, names, words and likeness for professional and commercial purposes and to prohibit the display of certain flags.

Madam Deputy Speaker, on the other hand, we have the Copyright Act No. 12 of 2001 that makes provision for copyright in literacy, musical, artistic works, audio visuals, sound recording and other broadcasting. In Section 25 of the Copyright Act, 2001, it provides copyright in works of the Government and international bodies.

The Bill, therefore, seeks to amend The National Flags, Emblems and Names Act and Copyright Act to safeguard the national anthem from abuse upon the expiry of 50 years. The Bill seeks to ensure that the national anthem copyright is vested within the Government.

Madam Deputy Speaker, this becomes critical because the Copyright Act provides copyright in works of government, musical and everything. However, there can be a contradiction, especially where the Copyright Act only gives a specific timeframe for this to happen. We want this to be opened up so that it is in entirety.

Looking briefly clause by clause; we have Clause 1 which gives what the amendment Bill is all about. At Clause 3(a), copyright in a national anthem, other national symbols and any works or music related to National Assembly or national symbols eligible for copyright shall vest within the government and for a long-term period.

Madam Deputy Speaker, notwithstanding the provision of this Act, copyright in the national anthem and other national symbols shall be subject to the National Flags, Emblems and Names Act.

This very short amendment Bill just hopes to strengthen and contextualize the issue of copyright and make sure, especially with the national anthem and instances where we have seen attempts coming close to the national anthem in terms of copying the music. It is so that this is stopped in its entirety and the two laws enables this to happen effectively.

Madam Deputy Speaker, I beg to move and request Sen. (Dr.) Milgo to second.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you. Sen. (Dr.) Milgo, proceed.

Sen. (Dr.) Milgo: Thank you, Madam Deputy Speaker, for giving me this chance to second this Bill.

I thank Sen. (Dr.) Zani for doing such a great job. In fact, as she was presenting it, I was wondering what came to her mind to the extent that she thought about speaking to issues of copyright. The issues of copyright are a challenge.

As she was speaking to those issues, I was thinking about some of the emblems that were taken away from our country by colonialists. Recently in Nandi County, Mr. Samoei emblems that were taken away were brought back and there was great celebration. We also celebrated some emblems that were used by a revered Mogenik.

When we look at copyright, we have seen flags that are almost close to our national flag. Sen. (Dr.) Zani was talking about people trying to copy our National Anthem, I thought that would be a challenge.

Recently when we had the Constitution (Amendment) Bill 2020, I heard Sen. Orenge when he was talking about basic structure saying the Constitution can be amended safe for the name of Kenya and our National Anthem which is a like a prayer. Part of it says: "Oh God of all creation---" Justice be our shield and defender---

I got excited and looked at our National Anthem. In my mind, I said the person who came up with it did well. There is need to ensure there is a copyright so that nobody will mess up with it or steal it from us so that it remain intact and be appreciated by the future generation it was coined on a godly basis.

Madam Deputy Speaker, when it comes to copyright we have been speaking about talents. Our artists have been complaining so much. One takes a lot of energy to compose a wonderful music or art work. Sen. (Dr.) Zani talked about *kiondos* and Maasai *shuka*. I was with her in Dubai and got a surprise that somebody was trying to imitate the Maasai regalia.

We have been gaining a lot through tourisms because when people come to Kenya, they want to see Maasai and learn a bit of their culture. We are very grateful to the Maasai because even those who have gone to school maintain their attire. We have seen Sen. Olekina dressing in Maasai regalia. It has been maintained for a very long time and it is very attractive such that even other communities are embracing it.

Narok County neighbours my Bomet County. We normally borrow their regalia for special ceremonies. This shows that our cultural attire is very important. There is every reason for copyrighting these items.

New Section 3A is speaking to copyright of National Anthem, other material such as symbols such as music to ensure they are protected and nobody will take them away from us.

Clause 3 that amends Section 25 is still speaking to copyright. It is now proposed to be amended to ensure we have a provision that protects these items so that come the future we will not be worried. Anything can happen as we have seen many things being taken away. In my county, we share the tea estates with Kericho County. Recently the 99 land lease expired. I hope it will not be renewed so that our children benefit from these tea estates in their lifetime.

It is my prayer that as a matter of urgency, this Bill will be assented to so that we have protection of these things. It will remain the basic structure of our country.

I beg to second.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator.

(Question proposed)

I can see an intervention from Sen. (Dr.) Zani.

Sen. (Dr.) Zani: Thank you, Madam Deputy Speaker. I beg to move pursuant to Standing Order No.105, that debate be now adjourned.

(Question proposed)

(Question put and agreed to)

(Debate on the Bill was adjourned)

Hon. Senators, Order No.20 is deferred to facilitate the Chairperson to come and present it.

MOTIONS

ADOPTION OF REPORT ON THE OPERATIONALIZATION OF NATIONAL CONSTRUCTION AUTHORITY (DEFECTS LIABILITY) REGULATIONS, 2020

THAT, the Senate adopts the report of the Standing Committee on Roads and Transportation on its inquiry into the operationalization of the National Construction Authority (Defects Liability) Regulations, laid on the Table of the Senate on Thursday, 24th September, 2020.

(Motion deferred)

Orders No. 21, 22, 23 and 24 are also deferred.

ADOPTION OF REPORT ON ALLEGED NEGLIGENCE OF KNH IN MEDICAL CASE OF LATE. (PROF.) KEN WALIBORA

THAT, the Senate adopts the Report of the Standing Committee on Health on the alleged negligence by the Kenyatta National Hospital in the medical case

of the late (Prof.) Ken Walibora, prior to his death, laid on the Table of the Senate on Tuesday, 30th March, 2021.

(Motion deferred)

ADOPTION OF REPORT ON ALLEGED IRREGULARITIES
BY KEMSA

THAT, the Senate adopts the Report of the Standing Committee on Health on inquiry into allegations regarding irregularities in the procurement of various pharmaceutical equipment and products by the Kenya Medical Supplies Authority (KEMSA), laid on the Table of the Senate on Tuesday, 30th March, 2021.

(Motion deferred)

ADOPTION OF FIRST PROGRESS REPORT ON COVID-19
PANDEMIC SITUATION IN KENYA

THAT, the Senate adopts the First Progress Report of the Standing Committee on Health on the Covid-19 pandemic situation in Kenya, laid on the Table of the Senate on Tuesday, 30th March, 2021.

(Motion deferred)

ADOPTION OF REPORT ON THE IMPASSE ON THE BUDGETARY
ESTIMATES FOR KIRINYAGA COUNTY 2020/21

THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations on the impasse on the budgetary estimates for Financial Year 2020/2021 for Kirinyaga County, between the County Executive and the County Assembly, laid on the Table of the Senate on Tuesday, 25th May, 2021.

(Motion deferred)

ADJOURNMENT

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, there being no other business, it is now time to adjourn the House. The Senate, therefore, stands adjourned until Tuesday, 13th July, 2021, at 2.30 p.m.

The Senate rose at 5.39 p.m.

