

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 17th February, 2022

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

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

PRAYER

PAPERS LAID

REPORTS ON FINANCIAL STATEMENTS OF VARIOUS COUNTY EXECUTIVES/ ASSEMBLIES

The Temporary Speaker (Sen. Pareno): The Majority Leader, Sen. Poghisio, you may have the Floor.

The Majority Leader (Sen. Poghisio): Thank you, Madam Temporary Speaker; I beg to lay the following Papers on the Table of the Senate today, 17th February, 2022-

Report of the Auditor General on the financial statement of County Assembly of Narok for the year ended 30th June, 2020.

Report of the Auditor General on the financial statement of County Executive of Kiambu for the year ended 30th June, 2020.

Report of the Auditor General on the financial statement of County Assembly of Kiambu for the year ended 30th June, 2020.

Report of the Auditor General on the financial statement of Kiambu County Emergency Fund for the year ended 30th June, 2020.

Report of the Auditor General on the financial statement of County Executive of Bomet for the year ended 30th June, 2020.

Report of the Auditor General on the financial statement of County Assembly of Bomet for the year ended 30th June, 2020.

Report of the Auditor General on the financial statement of County Executive of Nairobi for the year ended 30th June, 2020.

Report of the Auditor General on the financial statement of Kajiado County Education Bursary Fund for the year ended 30th June, 2019.

Report of the Auditor General on the financial statement of Laikipia County Bursary Fund for the year ended 30th June, 2020.

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Report of the Auditor General on the financial statement of Laikipia County Enterprise Fund for the year ended 30th June, 2020.

Report of the Auditor General on the financial statement of Laikipia County Co-operative Fund for the year ended 30th June, 2020.

Report of the Auditor General on the financial statement of Vihiga County Executive Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2020.

Report of the Auditor General on the financial statement of County Executive of Vihiga for the year ended 30th June, 2020.

Report of the Auditor General on the financial statement of County Assembly of Vihiga for the year ended 30th June, 2020.

Report of the Auditor General on the financial statement of County Executive of Meru for the year ended 30th June, 2020.

Report of the Auditor General on the financial statement of County Assembly of Meru for the year ended 30th June, 2020.

Report of the Auditor General on the financial statement of County Executive of Lamu for the year ended 30th June, 2020.

Report of the Auditor General on the financial statement of County Assembly of Lamu for the year ended 30th June, 2020.

Report of the Auditor General on the financial statement of County Executive of Makueni for the year ended 30th June, 2020.

Report of the Auditor General on the financial statement of County Assembly of Makueni for the year ended 30th June, 2020.

Report of the Auditor General on the financial statement of County Executive of Kitui for the year ended 30th June, 2020.

Report of the Auditor General on the financial statement of County Assembly of Kitui for the year ended 30th June, 2020.

Report of the Auditor General on the financial statement of County Executive of Machakos for the year ended 30th June, 2020.

Report of the Auditor General on the financial statement of County Assembly of Machakos for the year ended 30th June, 2020.

Report of the Auditor General on the financial statement of County Executive of Mandera for the year ended 30th June, 2020.

Report of the Auditor General on the financial statement of County Assembly of Mandera for the year ended 30th June, 2020.

Report of the Auditor General on the financial statement of County Executive of Marsabit for the year ended 30th June, 2020.

Report of the Auditor General on the financial statement of County Executive of Bungoma for the year ended 30th June, 2020.

Report of the Auditor General on the financial statement of County Assembly of Bungoma for the year ended 30th June, 2020.

Thank you.

(Sen Poghiso laid the documents on the Table)

The Temporary Speaker (Sen. Pareno): Next Order.

STATEMENTS

WORLD RADIO DAY

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker. I rise pursuant to Standing Order No.47 (1) to make a Statement on an issue of general topical concern that is the World Radio Day.

Madam Temporary Speaker, as proclaimed in 2011 by the member States of the United Nations Educational, Scientific and Cultural Organization (UNESCO), and adopted by the United Nations General Assembly (UNGA) in 2012, as an international day, February 13 became World Radio Day (WRD).

According to UNESCO, radio is a strong and powerful medium for celebrating humanity in all its diversity and constitutes a platform for democratic discourse.

Madam Temporary Speaker, the theme for world radio day 2022 is 'Radio and Trust'. This theme has been divided into three sub-themes namely - Trust radio journalism, trust and accessibility and trust and viability of radio stations.

During this era of digitization, it is certainly the case that although radio is a source of information in providing real-time information, it is slowly losing its place. It has the ability to cross borders and has become valuable where reliable news is scarce due to its affordability. This unique ability to reach the widest audience means local radios play a very significant role in ensuring that local communities access information at their doorsteps.

Madam Temporary Speaker, it is notable that vernacular radio stations have been critical in disseminating climate information, which has helped the citizenry make informed decisions about climate change interventions. Mobile surveying platform Geo Poll, has revealed in its recent research, that *Radio Citizen*, owned by Royal media services was the most listened to station in Kenya. *Radio Maisha* and *Radio Jambo*, which broadcast in Kiwahili came in second and third respectively.

The most popular English radio station was *Classic 105* followed by *Kiss FM*. As we celebrate the world radio day, I urge Kenyans to celebrate the lives of legendary Kenyans who played a significant role in the industry, who have since departed.

Madam Temporary Speaker, I celebrate the late veteran columnist and radio producer Joseph Killu Nzau, formerly *Voice of Kenya* (VOK), a columnist with *Taiifa Leo* (*Wazee Hukumbuka*) and *Radio Deutsche Welle Köln West Germany* who recently passed on at the age of 94 years. Also Veteran journalist Gladys Erude, the legendary radio personality who died at the age of 70 years.

Muhsin Badi, who died at the age of 67; *ex-Kameme FM* presenter, Jedidah Wambui who died in the US in December 2021; Mwema Ndunda a radio presenter from Ukambani region who died at a very young age, having gained a lot of popularity and followers, before his life came to an abrupt end; and, Jacob Maunda, a committed veteran who died at the age of 62 years, among others.

Madam Temporary Speaker, as we celebrate the World Radio Day, I call upon the national and county governments to support community radio stations. I urge radio stations to be keen and vigilant in disseminating non-discriminative messages of national interest and value, love, and peace as the country gears for the electioneering period.

Media is the gatekeeper and should always endeavor to disseminate uniting messages. It is the center that holds the society in information dissemination.

Happy belated World Radio Day to everyone!

The Temporary Speaker (Sen. Pareno): I will allow a few comments. Proceed Sen. Kassanga.

Sen. Kasanga: Thank you, Madam Temporary Speaker. I want to thank and congratulate, Sen. (Dr.) Musuruve, for this Statement. I did not know we had a World Radio Day until today. Thank you for giving us that information.

From time immemorial, radio has been one of the most effective means of communication. Ever since it was discovered, it has been key in sending information to human beings. According to Sen. (Dr.) Musuruve, we are celebrating humanity and progress in democracy. This theme ought to be internalized by us as Kenyans.

In Africa, we can see the positive and negative impacts of radio. It has been used negatively, during political seasons and advancing certain political agendas that I do not need to mention. We have seen the damage radio can do. As we speak of World Radio Day, we have to put a spotlight on journalism. Responsible journalism comes to the fore especially now that we are going into active politics.

Let us also mention that right now, we are celebrating our vernacular stations. Every tribe now has a radio station that speaks its language. Whereas we can say we are balkanizing ourselves into our tribal cocoons or promoting negative tribalism, the flip side of it presents so many positives. It is a more effective method of having a conversation with our people in the language that they understand. Beyond this, it helps celebrate our heritage. This is something this House has spoken to. We need to always celebrate our heritage.

The vernacular stations are giving our young people a platform to produce content that celebrates our heritage. The content finds a platform where they can contribute to the economy. They get paid for the content they create. In this sense, we are expanding the space in which our young people can participate in the arts as well.

Back at home in Ukambani, just like any other tribe, we love our local music. These days, it is the in-thing. You do not go to a rally and play a song from other parts of Africa. You play what is created by the stars within our communities. We have created serious stars within our communities. This is because radio promotes them. We have to celebrate in this context.

Another issue we have to speak to is messaging. We are finding ourselves increasingly having to use radio to reach every corner of our country with the message we want to disseminate. This includes Government organisations like the Independent Electoral and Boundaries Commission (IEBC) and the Registrar of Political Parties *et cetera*. They can only send messages to Kenyans through radio as it is the most widely used method of reaching them.

One issue I will speak to even in my Statement today is the fact that we are not using means such as radio to advance the course of giving information on issues like mental health. Mental health has become a serious issue. There is the feeling that we are not doing enough as a nation in creating awareness and fighting stigma by telling Kenyans where they can get access. Radio is a means and a tool that is easily accessible and less costly for Government to use send out this information the same they would use it for issues of voting, *et cetera*.

The same avenue can be used to create the required awareness to help tackle the rising mental health issues. The same avenue was used to fight HIV/AIDS in the 1980s and 1990s. A government can use these mechanisms. Thank you, again Sen. (Dr.) Musuruve for that Statement.

As I wind up, let us call for responsible journalism in the radio industry. In this election period, let us not use radio in any negative way that will affect the lives of citizens. Let us all be conscious of that. As we go out to send our messages as leaders, let us not use radio in any negative way.

The Temporary Speaker (Sen. Pareno): Just a reminder, let us make short comments only.

Proceed, Senate Majority Leader.

The Senate Majority Leader (Sen. Poghisio): Madam Temporary Speaker, I would like to congratulate Sen. (Dr.) Musuruve for reminding us about the World Radio Day and Sen. Kasanga for speaking for all of us all the time.

It is fortunate that the World Radio Day was pronounced in 2012 when I was the Cabinet Secretary for Information, Communication and Technology. In 2011, the UNESCO set aside 13th February as the World Radio Day. Much as the Statement comes four days later, it is important for us to remember that radio has come a long way.

During our time, we did not have access to radio. Radios were found in very few homes. Those were probably well-to-do homes. Today, radios are everywhere, including in the devices we hold in our hands. Since then, we have had shortwave (SW) radio frequencies to what we now call Frequency Modulation (FM) radio stations, which are very popular and have allowed every community to have a radio station. Sen. Kasanga was right that every community now has a vernacular radio station.

I would like to use this opportunity to join the international community in recognizing radio. This year's theme is "Radio and Trust". The theme is very important, especially for us because we will have elections this year. Electioneering period is a moment for all of us to be cautious not to allow radio to be used and misused. I call upon the Media Council of Kenya (MCK) and all those responsible to keep an eye especially on vernacular radio stations because they can be used and misused.

Madam Temporary Speaker, let me take this opportunity to thank and wish all people a happy World Radio Day. I think it should be a season because the day passed.

I thank you.

The Temporary Speaker (Sen. Pareno): Sen. Sakaja, proceed.

Sen. Sakaja: Madam Temporary Speaker, this is a good Statement. I did not know there is a World Radio Day. For many of us, every day is a world radio day

because radio is the most effective way through which we get to our people and listen to them too.

In some of our counties that are extremely expansive in terms of population, for instance, Nairobi City County, which has 4.9 million people and 2.9 million voters, the only way you can get to them is through radio. You cannot do enough roadshows on trucks or meet them in town halls. You need radio. I really acknowledge the role they play, not just in terms of information, but also entertainment. That is the only point I want to make.

As of today, media houses owe our musicians Kshs0.5 billion in unpaid royalties. The creative sector is a serious economic frontier. We have many young people who take time in studios because of the talent they have. They produce songs, which rotate and there is a rate card. But for the past two or three years, media houses have not been paying them royalties.

Madam Temporary Speaker, this is something we must talk about. That is all that musicians depend on; the work of their hands. Media houses are quick to get money for advertising from their sponsors but they do not relay it back to the artists. I support the media completely, but there are certain things that we must talk about.

If you look at many of our journalists today in radio and television stations and the people out here in our media centre, many of them were put on half pay and it has not gone back despite the pandemic easing. The only thing I would urge our media houses and the Communications Authority of Kenya (CAK) is to find a way of breaking down the money, even if it is in different instalments, so that we can spur the economy.

For a song to be produced, a producer, an artist, a sound technician, an engineer and many other people are involved and their families depend on that one song. Even as we enjoy it, let us remember that artists require something to reflect.

In many countries, the creative sector is the biggest employer. In Nigeria, the second highest employer is Nollywood after agriculture. This is because the Government has invested in the creative sector. In Bollywood in India, they have also invested.

I urge our media houses that we should have 60 per cent local content on our radio and television stations. I know this was a pledge by the Jubilee Party when it was still The National Alliance (TNA). I hope those who are running for presidency will remember. Let us not just use our artists as tokens.

Our radio stations must play Kenyan music. In fact, in Nigeria, for them to create that huge economy in the creative industry, during the watershed period, which is between 7.00 a.m. and 9.00 p.m., the local content quarter is 90 per cent.

When they began, people were wondering where they would get the music and shows from. It spurred people to go and produce music and act. Right now they are exporting--- The richest people you can find there, apart from the oil barons, are musicians and actors. We can do the same in this country.

Let it not be because it is easier not to pay royalties for foreign music and that is why the moment you wake up, what you hear is music from the USA or Nigeria. When you switch on your television, you watch Alejandro or Mexican soap operas, yet our young people are just idle. Right now when you go to the Kenya National Theatre

(KNT), you will find many of them there with guitars. That is why many of them are getting into drugs.

I am a supporter of media and media freedom. Even as we applaud radio, let us see how to partner and balance in terms of how they make sure that our artistes and the creative sector and economy get the value for the work they are doing.

Madam Temporary Speaker, I want to wish everyone in that sector a happy World Radio Day.

I thank you.

The Temporary Speaker (Sen. Pareno): Sen. Faki, proceed.

Sen. Faki: Asante, Bi. Spika wa Muda, kwa kunipa fursa hii pia kuitilia nguvu *Statement* iliyoletwa na Sen. (Dr.) Musuruve kuhusu kusherehekea kwa Siku ya Redio Ulimwenguni.

Redio husikilizwa mahali pengi haswa humu nchini na ulimwenguni kwa jumla. Hapo awali, the *Kenya Broadcasting Corporation (KBC)* ndio ilikuwa stesheni ya radio pekee. Watu wengi walipenda kusikiliza the *British Broadcasting Corporation (BBC)*, hususan habari za saa moja usiku na saa moja asubuhi ambapo tulikuwa tunapata ripoti za Kenya ambazo redio za Kenya hazikuzungumzia. Kwa hivyo, redio imetumika pakubwa kutoa habari na vile vile kuelimisha watu.

Jana Sen. M. Kajwang' alizungumzia kipindi cha shule katika miaka ya sabini ambacho kilikuwa kinaanza na wimbo; "Nilipokuwa kijana, nilicheza na masomo." Wengi tulikuwa tunasoma wakati wa vipindi kama vile ambavyo vililetwa ili kuelimisha jamii kwa jumla na vile vile wanafunzi shuleni.

Redio imechangia sana katika kuleta maendeleo, muamko mpya, kuelimisha watu na vile vile starehe kwa sababu wengi wanapata burudani. Ukiwa kazini, unaweza kufungua redio yako wakati wa saa nne mpaka saa sita na kusikiliza nyimbo za burudani. Kwa hivyo, redio inasaidia sana katika mchakato wa maendeleo, siasa na maisha kwa jumla.

Bi. Spika wa Muda, wenzangu waliotangulia wamezungumza kuhusu kutumika vibaya kwa redio. Ni kweli hapo awali redio imewahi kutumika vibaya. Hatungependa kurejea pale wakati huu ambapo tunaelekea katika kipindi cha uchaguzi ambao utafanyika tarehe nane, mwezi wa nane, mwaka huu.

Bi. Spika wa Muda, ni lazima chombo cha redio kitiliwe nguvu. Tumeona ya kwamba wasanii wengi wanaweza kutumia redio hizi ili kuleta sanaa zao, watu wajue na kuweza kuzinunua; yaani kupeleka sokoni sanaa zao. Lakini wengi hawalipwi.

Utapata kwamba wale ambao wameweza kutunga nyimbo zao na mashairi yao na yakaweza kucheza katika redio hizi kwa sasa wanahangaika katika umaskini. Hawa wasanii wanatumia talanta zao kuleta nyimbo kama hizi ambazo watu wanaskiza kwa wingi; nyimbo zinachezwa kwa wingi katika redio na sehemu zingine lakini hawapati mapato kulingana na zile sanaa ambazo wameweza kufanya.

Kwa hivyo, tunapoangalia maswala haya, tunapoadhinisha siku hii, ni wakati mwafaka wa kuweza kutafakari ni vipi tutaweza kusaidia talanta nyingi ambazo ziko katika kila jamii hivi sasa nchini Kenya. Ukienda kila mahali kwa sasa kama wewe ni mwanasiasa utatungiwa wimbo wa jamii ile ambayo unawakilisha au jamii ile ambayo ungependa kuwatumikia katika Bunge la Kaunti au Bunge la Kitaifa, Seneti ama ata Rais.

Talanta hii iko katika kila jamii na hivi sasa tumeona kwamba kuna redio nyingi za kitamaduni ama *vernacular radios* ambazo zinachukuwa fursa kubwa ya kuweza kuelimisha jamii katika maeneo yake. Lakini ningependa kuonya kwamba hizi redio za kitamaduni zisitumike kuchochea wananchi hususan wakati huu wa sasa ambao tunakwenda katika kura. Kwa sababu hiyo itavunja umoja wa nchi ambao sisi sote tunapigania tuwe na Kenya moja, tuwe watu wamoja ili sote tuweze kusonga mbele kimaendeleo. Kuliko kukigawanya nchi kikabila, sisi tuko kabila fulani, sehemu fulani, kwa hivyo sehemu hii haturuhusu mtu mwingine wa kabila nyingine kuja kusimama katika eneo letu na mambo kama hayo.

Kwa hivyo, tupate fursa kwamba ile *Media Council* iwe macho hususan wakati huu wa sasa ambapo tunakwenda kwenye kura, kuhakikisha ya kwamba hizi redio za kienyeji hazitumiki vibaya katika mchakato wa kura.

Asante Bi Spika wa Muda, kwa kunipa fursa hii.

Sen. Shiyonga: Thank you, Madam Temporary Speaker, for giving me this opportunity to support the Statement raised by Sen. (Dr.) Musuruve on the World Radio Day. It is good that she has reminded some of us. I am in the category of people who did not know that today is World Radio Day. It is good to bring such a Statement to this House in honor of us celebrating the World Radio Day.

The Temporary Speaker (Sen. Pareno): Senator, World Radio Day is not today. Her Statement just came in a bit late. The world radio day was on 13th February.

Sen. Shiyonga: Thank you, Madam Temporary Speaker. It is good that we are all informed of its importance. World Radio Day is a very important day for us to celebrate and to honor it for what it has done to enable us to use that medium. We use that medium of communication to reach the most important and local people at the grassroots level.

Radio is not only a medium of communication but it also grows talent of our youth and the community. Most of us discover those small and vibrant talents from individuals through listening to radio. Let us continue celebrating radio stations as a medium of communication. It is important to note that even us as legislators, we use radio mostly to reach our electorate, to educate them and to communicate with them. Radio enables us to reach those citizens.

Radio is very important especially during this digital era such that when I want to listen to radio I do not need to go to my home to listen to it. It has gone further into implementing the same through cell phones. You can switch on your phone, look for the radio station that you want and to listen to without delay. It is a very important gadget that enables us to get information in real time without any delay.

I want to appreciate Sen. (Dr.) Musuruve for reminding us and making us realize that World Radio Day is celebrated. It has a unique ability to reach the widest audience in the Republic of Kenya and across the world; every one listens to radio. If I want to listen to my favourite radio channel from any corner of the world and the wavelength allows it, I can be able to listen to what is happening in my community and country. I am able to be updated through this medium.

I join you in celebrating the World Radio Day. It is good that we recognize it as Kenyans and it is also recognized internationally.

I support the Statement.

Sen. Cherargei: Thank you, Madam Temporary Speaker, for this opportunity. Media freedom has come a long way. Part of the well-celebrated 2010 Constitution is media freedom that is enshrined under Articles 34 and 35 of the Constitution of Kenya.

Radio plays a critical role and now they have gone online. It is digital; you can listen in. I agree it has more coverage than individuals. All of us in the political arena appreciate the fact that radio is a more useful tool because it can be used to disseminate information.

Therefore, I want to thank and appreciate Sen. (Dr.) Musuruve.

Yesterday, I was reading an article called 'The Whispers' by this famous journalist who died in 2003 called Wahome Mutahi. Way back in late 1980s, he was arrested by the then Government because it was against media freedom. He used to use satire to critique the Government of the day and pass the message to the people.

Media by and large is very critical, more so the radio. The radio stations that we have nowadays have a lot of media freedom. We have vernacular stations. I do not know whether it will increase issues of tribal aspirations. Nowadays we have *Ghetto Radio* station that speaks street language. We have the mainstream radio stations that have always been there.

As we approach the general elections, we request that Commission Authority of Kenya (CAK) to be on the lookout to ensure nobody uses radio to spread hate or incite Kenyans against each other. Radio stations should play a critical role by ensuring that they call out Kenyans to vote and participate in their civic duty and also to remain peaceful.

Secondly is on the aspect of our artists. About 60 or 70 per cent of the radio programs we have depend largely on the music. I agree with my brother when he said that at least 60 per cent should be local content. When you switch on the radio or watch television, you either have to listen to foreign music or watch foreign Mexican soap operas or Nigerian movies but there is no local content. The only way to create opportunities and ensure young people are engaged, is by coming up with 60 per cent local content.

I know that media practitioners be it in radio stations, television and online networks will ask where they will get the 60 per cent local content to air. Where will they get the local telenovelas? There is a television channel called Maisha Magic East on Digital Satellite Television (DSTV). It broadcasts local content mostly although it also airs Eastern African movies. This is what we should encourage so that young people who go to Kenya Cinema to practice and studios to record their music can benefit.

It is unfortunate that when you want to listen to music and turn on the television or radio, the music that you are likely to hear is from either Europe, America, Nigeria or Tanzania, our neighbors, who have good music. Kenyan music can be improved. Most people listen to *bongo flava* when we have Kenyan music genres like *genge* and *ghetto*. I know Sen. Ngugi is familiar with this because most likely on Fridays he listens to these genres when he is on 'raverend'.

It is possible to have 60 per cent local content on radio. I thank Sen. (Dr.) Musuruve and wish her a happy belated World Radio Day. She has been an active Member of this Parliament. I wish her well in the upcoming election where she might run

for the position of Member of Parliament (MP) for Lugari Constituency. I agree that we must protect media freedom.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Pareno): Sen. Seneta, proceed.

Sen. Seneta: Thank you, Madam Temporary Speaker for giving me a chance to congratulate my friend, Sen. (Dr.) Musuruve, for reminding us the important world Radio Day.

For many years, radio has been used as an affordable way to access information. Growing up, many of our parents did not have televisions. However, they used to get a lot of information from radio. Radio has remained relevant as a medium of getting information.

Radio should give the public right, relevant and important information, especially on issues of social and economic growth of the communities. Radio should air programmes that can assist our youth and communities on how to grow their economy using the bottom-up economic model. I wish radio could provide people with information in programmes that can grow them.

Radio remains an affordable way of getting information rather than cellphones where you need to have airtime and charge your phone using electricity and that is another expensive way of sustaining your medium of communication. Radio has been affordable for the community. We can build radio and make it more creative and relevant in terms of helping Kenyans and the world to grow social ideas.

At times, I listen to radio programmes in the morning when I am preparing to get out of the house. Some of them have eroded our social fabric by criticizing marriage and every societal norm instead of passing important information and instilling social values to our young generation. This can be done by putting emphasis on social and family life, education, agriculture and all other means of production in the country.

Therefore, radio as a way or medium of communication, should improve its content and be creative. I wish Sen. (Dr.) Musuruve well. She has been an active Member of this House in terms of reminding us to celebrate other institutions.

Thank you.

The Temporary Speaker (Sen. Pareno): We move to the next Statement by Sen. Halake. The Senator is not present, and therefore, the Statement is dropped.

CYBER-CRIME AND DATA INSECURITY IN THE COUNTRY

(Statement dropped)

We will move to Statements pursuant to Standing Order 48(1).

Sen. Ngugi, proceed.

STATUS OF THE KENYA ENGINEERING TECHNOLOGY REGISTRATION BOARD

Sen. Ngugi: Mr. Speaker, Sir, I rise, pursuant to Standing Order 48(1), to seek a Statement from the Standing Committee on Education regarding the status of the Kenya Engineering Technology Registration Board (KETRB).

In the Statement, the Committee should -

(1) State the reason(s) for non-reconstitution of the KETRB more than two years after the term of the first Board ended on 24th October, 2019.

(2) Elucidate on when a new Board will be appointed to enable execution of its mandate as outlined in Section 5 of the Engineering Technology Act, 2016.

(3) Explain the rationale behind placing the said Board under the Ministry of Education, whereas other similar boards which regulate professionals who work in conjunction with KETRB, such as the Engineers Board of Kenya (EBK), Kenya Roads Board (KRB) and the Board of Registration of Architects & Quantity Surveyors (BORAQS) are all under the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works.

(4) Outline the measures put in place by the Ministry of Education, if any, to ensure that the activities of KETRB are funded by the Government in order to ease the burden on members and effectively regulate the practice of engineering technology in the country.

The Temporary Speaker (Sen. Pareno): I will now invite short comments for three minutes.

Sen. (Dr.) Musuruve, proceed.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker. I thank Sen. Ngugi for coming up with this Statement. Engineering is a specialized course that does not need stop. I am aware that there are a number of universities that offer engineering courses, which is a salient course in this country. As the Board is being reconstituted, there is need to ensure that it is composed of women. There is need to interrogate the number of women on the board.

Recently, we celebrated the World Women Science Day. The world has moved towards encouraging women to do engineering courses.

As we talk about funding on engineering, there is need for the Government to encourage women to take up engineering courses and even fund them. Such women should also be assured of employment once they complete their courses. This will attract more women to Science, Technology, Engineering and Math (STEM) subjects.

I support this Statement. When it comes to the Committee on Education, I assure the Senator that we will do our best to ensure that a gender sensitive board is constituted.

The Temporary Speaker (Sen. Pareno): Proceed, Sen. Cherargei.

Sen. Cherargei: Madam Temporary Speaker, I support the Statement by Sen. Ngugi. I thank him for standing with ‘hustlers’ because I know most young people really need this certification.

I want to emphasize that most of the professional bodies are regulated under the specific ministries. When the Cabinet Secretary (CS) for Education appears, he should tell the Senate why this was taken under the Ministry of Education. This is because, naturally, professional bodies are managed under specific ministries.

He has highlighted the Kenya Roads Board (KRB) among other agencies that are under the parent Ministry. I emphasize that it should be re-looked at. I do not know whether it was because of policy.

Finally, Government agencies are funded by taxpayers and can form grounds of impeachment. How can the Board not be reconstituted for two years? It seems like the CS – he is called Prof. Magoha or somebody – or the Ministry of Education needs---

(Sen. Farhiya spoke off record)

I do not know what is wrong with the Deputy Senate Majority Whip. I am only emphasising dereliction of duty. He must be answerable. We resource and finance those Government agencies to function. This is our money. These are legislative functions that have been put in place.

I hope Sen. Ngugi will be invited when the CS appears before the Committee on Education.

The Temporary Speaker (Sen. Pareno): Sen. Farhiya, you have an intervention?

Sen. Cherargei: Madam Temporary Speaker, we can ensure that---

The Temporary Speaker (Sen. Pareno): Order, Sen. Cherargei!

Sen. Cherargei: Madam Temporary Speaker, since my time up, I support.

The Temporary Speaker (Sen. Pareno): Order, Sen. Cherargei! Sen. Farhiya has something to say.

Sen. Farhiya: On a point of order, Madam Temporary Speaker. Is it in order for Sen. Cherargei to belittle a CS, who is old enough to be his father and a very respectable professor in this country? Sen. Cherargei should have some respect for his elders. We can criticize people, but let us be more respectful.

(Loud consultations)

The Temporary Speaker (Sen. Pareno): Proceed, Sen. Sakaja.

Sen. Sakaja: Madam Temporary Speaker, I do not think we should use this privilege to speak in a disdainful manner about people who are not in this House.

My former Vice Chancellor (VC) and good friend, Prof. Magoha, is a very respectable man. I worked very closely with him when I was a student leader at the University. He has done a lot in education.

In as much as there could be a question as to why this has not been done, we should not impute improper motive or try to belittle someone of that stature. Prof. Magoha is a great Kenyan. I think that statement should be withdrawn.

That is not the tone or language of the Senate. The Senate is a respectable House. The reason the CSs always comes to the Senate when called – at least to my Committee – is because they know that issues are dealt with respectfully.

I would ask my colleague in *Kenya Kwanza* that that is not the vibe that we want because that is not the language. Please, withdraw and apologise to Prof. Magoha. However, he should come and give us answers.

Madam Temporary Speaker, I also have something to say on that. Can I proceed?

The Temporary Speaker (Sen. Pareno): Sen. Cherargei, I want to hear from you regarding the concerns by the Senators.

Sen. Cherargei: Madam Temporary Speaker, my statement is being taken out of context. I asked why the CS is in dereliction of duty for the last two years, yet he should have formed the Board. I did not speak in a disrespectful manner.

I do not know why the Deputy Senate Majority Whip is excited. Even if you have to show the Government that you are doing your job, you do not need to behave in a manner likely to suggest---

I just questioned the dereliction of duty. My colleague in *Kenya Kwanza* and incoming Governor of Nairobi City County has put it very well that Prof. Magoha is an efficient man, but on this, there is dereliction of duty. It has been two years, yet they have not formed the Board. It is my opinion that, that is dereliction of duty and it was made in bad faith.

(Loud consultations)

The Temporary Speaker (Sen. Pareno): Sen. Cherargei, it is how you described him and not the duties you are talking about. I heard you right and the HANSARD will reflect it. You said: "I do not know what he is called or something." You need to apologize to a senior member of this country and give him the correct title.

Sen. Cherargei: Madam Temporary Speaker, I apologize to Kenyans. We are judicially aware that Prof. Magoha was the CS for Ministry of Education as at the last time we were in Government. I hope he is still the one. I apologise if I misled the House that he is not the CS.

The Temporary Speaker (Sen. Pareno): Proceed, Senate Majority Leader.

The Senate Majority Leader (Sen. Poghio): Madam Temporary Speaker, if the Chair allows Sen. Cherargei to be selective on how he apologizes, he is apologising on something different. He should have actually withdrawn the statement about Prof. Magoha.

Madam Temporary Speaker, did you also hear how the Senator for Nandi County spoke about the distinguished Deputy Senate Majority Whip; that she is trying to impress somebody with what she said? That is unfair. Sen. Cherargei, in his final year, should be getting more serious than he is.

I count on you, Madam Temporary Speaker, to make sure he is held accountable to some of his wits and words.

On that note, I am now going to give my Statement.

The Temporary Speaker (Sen. Pareno): Sen. Poghio, you have raised another issue about the Deputy Senate Majority Whip. Sen. Cherargei, you need to respect Members of this House as well as those out there. If you have to talk about the CS, Prof. Magoha, then you have to make a substantive Motion to that effect.

If you are talking about the Deputy Senate Majority Whip in that manner, then you also need to withdraw.

Sen. Cherargei: Madam Temporary Speaker, I withdraw on the part where I used the name "Prof. Magoha".

On the second part about the Deputy Senate Majority Whip, when I say, “to impress someone,” it could mean impressing Kenyans, who she is working for. She could also be impressing the people where she comes from, voters or the Senate Majority Leader. I do not think that is an offence. When you work, you impress your voters. I made it in good faith. It shows that she is working.

I do not need to withdraw that, but on the part of Prof. Magoha, I withdraw and apologise unreservedly.

(Loud Consultations)

The Temporary Speaker (Sen. Pareno): Proceed, Senate Majority Leader. Senate Majority Leader, I thought you were going to comment on the Statement by Sen. Ngugi.

Let us move to Sen. M. Kajwang’.

Sen. M. Kajwang’: Madam Temporary Speaker, I rise to support the Statement by Sen. Ngugi. He is a Senator who has taken his role very naturally and quickly. I pray that even in the next Senate, Sen. Ngugi will get an opportunity to at least serve some five years on behalf of the young people of Kenya.

I have just been reflecting on why engineering technologists require a different legal framework from other engineers. I know that many of us are debating or contributing to this without fully understanding who engineering technologists are. The definition of Engineering Technologist in Engineering Technologist Act is the most convoluted you find in any Act of Parliament.

It is a definition that is one paragraph that has almost 96 words. So, this definition was definitely done by an engineer who did not have skills to make things or life easy.

I support Sen. Githua’s proposal that we find ways of placing engineering technologists under the same ministry where the other engineers are regulated. I do not think that engineering technologists are any lesser than engineers. Everyone has got unique skills and responsibilities. You cannot say that a civil engineer is so important that a plumber or a mason should not be regulated by the same body.

If I was to be asked - and I have seen engineers like Sen. (Eng.) Maina have come in - I would perhaps say that the Engineers Board and the Act that provides for the Engineers Board should be the same Act that provides for engineering technologists. I know that the professionals have got reasons for this. I do hope that when the good Prof. Magoha comes to the House, Sen. Cherargei will be civil and allow him to explain why this Board has not been constituted.

I support.

The Temporary Speaker (Sen. Pareno): Sen. (Dr.) Mwaura online.

Sen. (Dr.) Mwaura: Madam Temporary Speaker, I think it is very important for us to support this ---

The Temporary Speaker (Sen. Pareno): Sen. (Dr.) Mwaura.

Sen. (Dr.) Mwaura: Yes, I can hear you.

The Temporary Speaker (Sen. Pareno): We cannot hear you.

Sen. (Dr.) Mwaura: Madam Temporary Speaker I can hear you.

The Temporary Speaker (Sen. Pareno): Your volume.

Sen. (Dr.) Mwaura: My volume is high. Can you hear me now Madam Speaker?

The Temporary Speaker (Sen. Pareno): That is better.

Sen. (Dr.) Mwaura: There seems to be a clear difference between the classification of real engineers and the engineering technologists. The Bill that was passed in the 11th Parliament concerning their own registration in terms of the operationalization, I do not think---

The Temporary Speaker (Sen. Pareno): I do not know what is happening to your volume. We cannot hear you clearly.

Sen. (Dr.) Mwaura: Okay then, Madam Temporary Speaker, but I cannot do much from my end. I thought I am audible enough.

The Temporary Speaker (Sen. Pareno): We are seeing part of your face. Okay, now that is better, but we need to hear you.

Sen. (Dr.) Mwaura: I support---

The Temporary Speaker (Sen. Pareno): Yes, Senator there is a point of order from the Senate Majority Leader.

The Senate Majority Leader (Sen.) Poghiso: Madam Temporary Speaker, I do not know what is happening. Where is Sen. (Dr.) Mwaura? Yesterday, he was ruled out of order by the Chair by the way he was dressed. He has not changed much about his hat. We would like to see him fully, so you can determine if he is properly dressed and rule if it is in order. That hat was refused yesterday and he was asked to go back and dress appropriately. Maybe you can do the same.

The Temporary Speaker (Sen. Pareno): Sen. (Dr.) Mwaura, have you heard the intervention by Senate Majority Leader on your dressed code?

Sen. (Dr.) Mwaura: Madam Temporary Speaker, I am properly dressed. I have my hat on and I do not think there is any prescription for what kind of hat I am supposed to be wearing because this one is supposed to protect me from the sun and the light. I really do not know whether the Senate Majority Leader's point of order is in order because I am properly dressed.

This was the same thing that happened to me yesterday. I was ready to prosecute the Persons with Disabilities Bill, but had to wait for the whole day and I was not able to prosecute it on account of the hat that I was wearing. Surely, this is not fair.

The Temporary Speaker (Sen. Pareno): Just hold on, Sen. (Dr.) Mwaura, be online. I need to look at my Standing Orders on this one.

Sen. (Dr.) Mwaura: I need to say clearly that there is discrimination between the so-called real engineers and the technologists. The CS needs to come and clarify exactly in terms of qualifications and what need to be done so that they can be at par. Even in terms of qualifications, there can be some kind of aggravated hierarchy in terms of ---

The Temporary Speaker (Sen. Pareno): Order, Sen. (Dr.) Mwaura, I cannot hear you.

Sen. (Dr.) Mwaura: Madam Temporary Speaker, can you hear me now?

The Temporary Speaker (Sen. Pareno): Just hold on, Sen. (Dr.) Mwaura.

Sen. (Dr.) Mwaura: I was saying that because of that, then it is important that this Statement be properly canvassed.

The Temporary Speaker (Sen. Pareno): Sen. (Dr.) Mwaura, can you hear me? I need to rule as to whether you are properly dressed before this House, so, just hold. I need to move to the next person as I make a ruling on whether you are properly dressed.

Sen. (Dr.) Mwaura: Madam Temporary Speaker, this is not really fair at all. I have explained myself as to why I wear this hat because of the light---

The Temporary Speaker (Sen. Pareno): You have explained and I need to make a ruling on that. There is an objection.

Sen. Kasanga, please, proceed.

Sen. Kasanga: Thank you, Madam Temporary Speaker. I thank Sen. Ngugi for this Statement and representing our young people out there in the built environment profession. Our professionals need to realize that they have people here in Parliament to fight for them.

Many times, we do not take it seriously when we are in the professional field. We live in a bubble and do not realize that we need to know who is in Parliament and who can help us. It is good that Sen. Ngugi has brought this Statement.

I was just sharing this with the Senator for Homa Bay. I do not know why he did not want to acknowledge that we were discussing this and trying to figure out who engineering technologists are. We got the information that the diplomas and certificates in our country form the majority of our young people post-secondary school education and they need to be supported. This is the body of professionals and young people who support the other professionals.

(Loud consultations)

Madam Temporary Speaker, please, I need some protection from a lot of noise.

The Temporary Speaker (Sen. Pareno): Proceed, Sen. Kasanga.

Sen. Kasanga: These young people with certificates and diplomas form the majority of post-secondary education students and they need to be supported. It is shocking that our students of engineering technologies have finished their studies in diploma and certificates and are still hanging out there because they cannot get jobs for lack of certification and the requirements that they need for them to be able to secure a job.

The Temporary Speaker (Sen. Pareno): Order, Sen. Kasanga. Let us hear from Sen. Sakaja on intervention.

Sen. Sakaja: Madam Temporary Speaker, I have tried to tolerate this, but it is too difficult. Sen. M. Kajwang' is too close to Sen. Kasanga. I do not mind the gentlemen here, but we have Covid-19 rules. The seats are marked "sit here." Is Sen. M. Kajwang' in order to be that close?

He is really distracting Sen. Kasanga. In fact, she is not usually smiling like this; she is too enthusiastic.

Madam Temporary Speaker, please, we need order. Please, rule. The gentlemen on my left are okay, but that is not the case on the other side.

The Temporary Speaker (Sen. Pareno): Sen. Sakaja, you are being discriminative because there are three gentlemen seated next to each other. However, you

have only singled out Sen. Kasanga. Covid-19 rules apply to all of us. So, let us all abide by the rules.

Yes, Sen. Poghio, proceed.

The Senate Majority Leader (Sen. Poghio): Madam Temporary Speaker, just to get back to the point of Sen. (Dr.) Mwaura. If it may help, that you have a special exemption---

The Temporary Speaker (Sen. Pareno): I am yet to rule on that.

The Senate Majority Leader (Sen. Poghio): Madam Temporary Speaker, now that we understand his situation, it is like he was somewhere campaigning in the sun. He stopped by the roadside to make his comments and we heard vehicles and ambulances.

Given your capacity and power, some of these things can be exempted; I understand. I am not raising the issue out of order, but because there is a dress code. However, since you have the powers to rule, you can do that.

The Temporary Speaker (Sen. Pareno): Let me conclude on that, so that we go back to Sen. Kasanga's.

Having looked at the rules, if Sen. (Dr.) Mwaura was dressed like that in this House, then we would have ruled him out of order for not being properly dressed. However, Sen. (Dr.) Mwaura is out there in the sun, and we understand his condition, which is albinism. He is, therefore, properly dressed for purposes of outdoor dressing in the sun. If he was in here, it would have been something different.

We need to appreciate that he has explained why he is dressed in that manner. So, he is properly dressed.

(Applause)

I will be asking Sen. (Dr.) Mwaura to come back after Sen. Kasanga has finished, so that we can hear him.

Sen. (Dr.) Mwaura, please, adjust your volume, so that when you come back, we will be able to hear you.

Sen. Kasanga, please, proceed.

Sen. Kasanga: Thank you, Madam Temporary Speaker. I was just winding up my comments on Sen. Ngugi's Statement.

Our young people who are post-secondary school education doing their diplomas and certificates need to be supported. This is because they are a large population of post-secondary school education students.

Before I sit down, I invite the good Senator of Nairobi City County. If at all he wants to join us here to caucus, he does not have to be worried or anything like that. He is welcome to join us.

The Temporary Speaker (Sen. Pareno): Sen. Sakaja may as well now make his comments on the Statement.

Sen. Sakaja: Madam Temporary Speaker, Sen. Kasanga's invitation is noted. My dismay is also on record, but Sen. M. Kajwang' will have to move. I will not join when he is still there. It will not work.

I want to thank my mentee, Sen. Ngugi Githua, for the work he is doing and being a voice of the people he is representing.

I was first nominated to Parliament to represent the youth. There is a blessing when you speak for those who are vulnerable and for our generation.

I want to say two things. First, it is unfortunate when the Government puts unnecessary hurdles to our young people. We are dealing with a huge problem of unemployment. It is the greatest challenge in this country. The biggest threat to our security, as it is, is not *Al-Shabaab* or terrorists, but unemployed and disillusioned young people who are out there and are not seeing a Government that is going out of its way pro-actively to help them find jobs.

If for two years anybody with that qualification cannot get a certificate, it means they cannot get hired or job opportunities. When I led my Committee to the Middle East, the Kingdom of Saudi Arabia and the United Arabs Emirates (UAE), they told us they love Kenyans.

There are 88,000 Kenyans working there. Unfortunately, some have gone through a lot of harrowing experiences in domestic work. They have been asking Kenya for a Bilateral Labour Agreement (BLA) on skilled workers.

They want engineers, doctors, cobblers, masons and electricians, because they are building a new city. In that new city, the potential for jobs is another one million people, and they prefer Kenyans.

Our Government has been dragging its feet on signing the BLA between Kenya and Saudi Arabia, yet we cannot provide jobs here. We are a country that is seen as a labour exporter.

This country does not have oil. The experiment that happened in Turkana has not yielded much. We do not have gold. Our biggest resource is not under the ground; it is above the ground; it is our people.

To show that a Government is sluggish or unwilling to facilitate these people who have gone to school, paid fees and done everything, but cannot get accreditation, is extremely unfortunate. I hope when my friend and former Vice Chancellor (VC), Prof. Magoha, comes, he can explain that.

Madam Temporary Speaker, we have asked these questions. That matter was supposed to be under Cabinet Secretary (CS) Macharia because he is the one who deals with that sector. I do not know how it was moved, Sen. Ngugi Githua.

There is something that is sitting on CS Macharias' table. I have tried to communicate to him today, and he told me to talk to his PS. We brought the issue of digital taxi workers, *Uber* and *Bolt*. We agreed on regulations because there is a minimum amount that should be set in terms of the fees. These people are complaining that they are suffering. I know that they will soon go on strike if we do not have those regulations passed.

Madam Temporary Speaker, I know that you know about this issue. You were recently called by a colleague who was asking where this matter has reached.

The Committee on Delegated Legislation must tell us where these regulations have reached. What is the Ministry engaging consultants for? We just need to agree on a pricing formula that takes into account fuel, wear and tear, carwash and all these other variables.

The Automobile Association (AA) of Kenya has been fighting this thing from 2015. It already has a template. The APP companies have a problem with the commission. Immediately you enter an *Uber*, 25 per cent goes to the Netherlands, but the drivers who I spoke to today said that they can leave that commission, but agree on a minimum pricing formula.

If they set a good rate, you will take a taxi from here to the airport and pay Kshs600 in traffic, yet you know the cost of fuel. But they say that when one company sets a good rate that is good for the customer and for the drivers, the other company now lowers their rate, and it is a race to the bottom. These people are suffering.

Madam Temporary Speaker, please, ask the Committee on Delegated Legislation to tell us where these regulations are. They need to be gazetted within the week. These are young people and 'hustlers' who are hustling.

Sen. Kang'ata, you know. I know of a friend, who is now your competitor, who sent an *Uber* to Murang'a and it was Kshs1200. What is that? The reason we have so many accidents on the road is that they are driving for 24 hours because they cannot pay their loans. A total of 4,000 of these taxis were being auctioned last year in January. Those who went to take them from the auction were going to put them back to do *Uber* business.

Please, it is a matter of national importance and urgency that CS Macharia and our Committee on Delegated Legislation need to address.

(Sen. Kang'ata consulted loudly)

The Temporary Speaker (Sen. Pareno): I sit in the Committee on Delegated Legislation and I am aware that the Chair is aware of the concerns. He is not here now, but I am sure he will take it up and report back. Being a Member of that Committee, I will follow up.

Sen. (Prof.) Ongeru proceed.

Sen. Kang'ata, you have not requested to speak. Can you do the necessary so that I give you a chance to speak?

Sen. (Prof.) Ongeru: Thank you, Madam Temporary Speaker, for giving me this opportunity to add to what Sen. Ngugi Githua has brought to our attention in this Senate.

One of the things that I have noticed is the non-establishment of the board for Kenya Engineering Technology Registration Board. In the professional categories, these are the people who have post-secondary education and some of them may have been post Kenya Certificate of Primary Education (KCPE) and went through the middle level colleges, particularly the institute of technology and also the other polytechnics that have been established in the earlier years when I was the Minister for Science and Applied Technology.

One of the reasons these boards were established is because I realized majority of young Kenyans had attained a certain cadre of professional training. They were not graduates but they had acquired certificates. Therefore, we needed to grade them at a particular level and regulate them as well. That is why the boards were set up after the Act came to being.

For instance, in the Ministry of Health, we have technologists who are health technicians, laboratory technicians, pharmacology technologists and many others who had not reached the graduate level but through the skill upgrading and vocational and technical training, institutions have acquired a certain level of standards to be certified, so that they can practice and work under a profession and a particular board of management.

This is what has happened to this Board. I believe this was an off-shoot of the original Kenya Polytechnic which I turned into the Technical University of Kenya (TUK). I am not surprised that it is domiciled under the Ministry of Education because originally, the Kenya Polytechnic was under the same Ministry. I am the one who ensured it becomes a university.

What is important is that these people must be regulated. If they practise unregulated, they become a disaster to the society. I think that is the main point that Sen. Ngugi is bringing to our attention, that regulation is critical. If you get a quack practising as a technologist with no certification and is also unqualified, then we are in danger. That is why this Board must be in place.

I thank you, Madam Temporary Speaker, for the attention.

Sen. (Dr.) Mwaura: Madam Temporary Speaker, I join my colleagues in expressing my concerns about the fact that this Bill---

The Temporary Speaker (Sen. Pareno): We cannot see your face. Please increase your volume.

Sen. (Dr.) Mwaura: Can you hear me now, Madam Temporary Speaker? It is true that regulation is important.

The Temporary Speaker (Sen. Pareno): Senator, did you hear the ruling we made on dressing?

Sen. (Dr.) Mwaura: Yes, Madam Temporary Speaker, I heard the ruling and I thank you.

The Temporary Speaker (Sen. Pareno): Then proceed.

Sen. (Dr.) Mwaura: The Mover of the Bill is Sen. Ngugi who is also my namesake. Interestingly, he was nominated to replace Isaac in the Senate and now we are two Isaacs.

This is a good move because young people are being discriminated. It becomes a big problem for you to work as an engineer because of certification. There are also some kind of cartels in the engineering profession because they do not want their field to be populated.

On a construction site, people who do the work are technologists. Ask any Senator here and they will tell you that. They are more practical, are not theorists and can deliver work at a much lower cost. However, there is the issue of payment and undercutting but it does not preclude the fact that an engineering firm can get all the works and have technologists do the job. Those are the politics around it.

If I am not wrong, the former Women Representative for Bomet is the one who sponsored this Bill. It is long overdue that we need regulations in place. The Cabinet Secretary in charge needs to be summoned to come and explain why this has not been done with regard to empowering young people.

We all know that this country belongs to the young people. They are the majority and the ones hustling out there. They are the ones doing the donkey work. When you look at other professions like law, it is the same thing. The older lawyers do not want to have young entrants who are highly underpaid.

Madam Temporary Speaker, these regulations are going to operationalize the Act and ensure that we have more people on board. This will help the country in the long-run because we have sub-standard buildings collapsing and people losing property and lives. Therefore, this will bring into the ambit all the people who are seen as quacks to be superintendent.

I support and I congratulate Sen. Ngugi for bringing this issue at hand. That is what the special seats in Parliament, in this case the Senate, are supposed to represent, so that the young people can feel they are represented.

Madam Temporary Speaker, there are so many other Bills that have been passed by this House but are still lying on shelves as life has not been breathed into them. Maybe we need to ask the procedure of legislation, so that we do not have to wait for regulations for a Bill to take effect. As long as it has been assented to, it needs to take effect immediately and the regulations follow.

I support.

The Temporary Speaker (Sen. Pareno): Sen. (Dr.) Milgo, you have three minutes.

Sen. (Dr.) Milgo: Thank you, Madam Temporary Speaker, for the chance to support this Statement. Firstly, I thank Sen. Ngugi for bringing this Statement. It is an important Statement that will come to my committee and I know we will get to the bottom of the matter.

The critical issue in this Statement is the fact that re-constitution of the Board is long overdue. This particular Board was domiciled in the Ministry of Education because there were many people offering courses in technology across the country just like the teaching profession.

There were private colleges training teachers but when it came to registration by the Teachers Service Commission (TSC), it was said that those teachers were not qualified. People trained in technology were many because many colleges had come up to train technologists and engineers at different levels yet some of them were not up to standard. For that reason, the Ministry of Education had to ensure this particular Board is under it, so that they can maintain standards and ascertain quality so that before offering certifications, the students are deemed to be trained well.

We have had a number of structures collapsing after construction. Some of those buildings go up to five-storeys but collapse and injure people. Such buildings are done by unqualified people who got their certificates from questionable institutions.

Madam Temporary Speaker, before this Board is reconstituted, we need clear regulations to ensure that people who will be registered are qualified, so that they carry out work as per the required standards.

Otherwise, considering this Statement will be brought to my committee, we will do proper research and bring a proper report to this House.

I support.

The Temporary Speaker (Sen. Pareno): Let us move to the next Statement by Sen. Kasanga.

Sen. Kasanga: Madam Temporary Speaker, allow me a few minutes before I read my Statement. Today, we were supposed to have a meeting with the Committee on Health on a Statement I raised in June, 2021, whose report had finally come.

If we have had the meeting today, I would have had to drop the Statement because the issues I will raise here are similar to what I had raised last year. However, the Statement went unanswered for long. Whereas we were supposed to have a meeting with the Cabinet Secretary today, he did not show up and there was no excuse.

I want to register my frustration because we are dealing with mental health issues in the country. These are things that are supposed to be taken seriously, considering we have been having this conversation in this House from 2018.

The Government is fully seized of the situation in the country. Kenyans right now are suffering mentally. The suicide cases have increased exponentially and yet we are still having boardroom conversations. The Cabinet Secretary does not even appear before the Committee to answer and give progress on mental health interventions to our people in the counties and at national level.

Madam Temporary Speaker, it is very frustrating but will go ahead and read this Statement in the hope that we can get faster answers and Kenyans can get faster relief when it comes to matters, mental health.

PROVISION OF MENTAL HEALTH AND PSYCHOSOCIAL SERVICES IN THE COUNTY

Madam Temporary Speaker, I rise Pursuant to Standing Order No. 48(1) to seek a Statement from the Standing Committee on Health regarding the provision of mental health and psychosocial services in the counties. In the Statement the Committee should address the following: -

(1) Explain the status of provision of mental health and psychosocial services to Kenyans across the country given the allegations that those seeking healthcare across the country are a staggering one quarter have mental health conditions.

(2) Outline the measures that other 46 counties have put in place if any, to ensure that there is communication and creation of awareness regarding county health facilities that offer mental health and psychosocial support services, including informing the public where to seek those services akin to the Nairobi Metropolitan Services publication of 32 health facilities offering these services in the Nairobi City County facilities.

I thank you.

The Temporary Speaker (Sen. Pareno): I will allow short comments from only two Senators because our time for Statements is over. If we could have Sen. Kang'ata who shall be followed by Sen. (Prof.) Onger. Three minutes each because we need to move to the next agenda.

Sen. Kang'ata: Madam Temporary Speaker, I rise to support the Statement by Sen. Kasanga. Kenya has a major health crisis. The counties are not investing sufficiently on matters health. I strongly believe that counties should be properly resourced to ensure

for instance that we have more level five hospitals. I come from Murang'a County and we have only one level five hospital for a population of about 1 million Kenyans. When you look at that hospital, it was established 50 years ago.

It is time that Murang'a County had a new level five hospital so that we ensure the growing population health needs are well catered for including mental health issues.

When you go to Murang'a Level Five hospital, it has one ward that deals with mental health. I strongly believe that if we were to expand those services by establishment of a new level five hospital, preferably at highly urbanized region like Kenol Town, it will definitely be able to serve better the entire Murang'a County and also the people adjoining Kenol Town.

Madam Temporary Speaker, mental is a major concern particularly, when you look at the young people who are currently abusing drugs. There is also the genetic element of it where people get that condition for no fault of their own.

Therefore, it is time we increased the number of professionals who can definitely help us remedy the problem of mental health. The bottom line is youth unemployment and youth losing hope which we would definitely be able to cater for if we were to create more job opportunities so that we reduce instances of mental illness.

I therefore rise to support the proposed Statement but also in particular urge governors to put more resources in establishment of more healthcare and also good payment and remuneration of our health service workers. These include doctors, nurses and other paramedics.

Madam Temporary Speaker, we have the Abuja Declaration which says that at least 15 percent of the entire country's Gross Domestic Products (GDP) should be channeled towards health. Currently, we are doing about 6 percent or 7 percent which is way below the Abuja Declaration. We are happy that we passed the National Hospital Insurance Fund (NHIF) amendment which can increase the health coverage.

I thank you.

Sen. (Prof.) Ongeri: Thank you, Madam Temporary Speaker. This is a very important Statement that has been brought by Sen. Kasanga and I think I must define this position.

Mental health of psychosocial support does not require that you become domiciled in a hospital bed. That is the concept that we must demystify. All we are saying is that these are all positive social development attitudes when you are able to visit your doctor or health worker in a clinic and have a dialogue with that individual. You are able to develop the relational ability between a doctor, nurse, and psychologist with the patient who comes to seek social stability, social support. It does even extend to the spiritual support. It is so critical at that moment.

What we are really looking for is that county governments, including the health services they run, should do what we call extension work services similar to agricultural extension workers who go to villages and homes to teach people how to grow foods.

We should also have health workers who go to homes, villages and health clinic to teach individuals on how to have social stability, mental stability and the right attitude in life.

There are many challenges facing our young people today particularly, in this era of COVID-19. They are many questions that our young people are asking. In the absence of information, they are derailed.

That is how you develop mental disorders that need not be developed because these are preventable disorders. All we need to do is to promote the habit and the ability to dialogue with these individuals at the village, dispensary, and clinic level.

You will then be able to restore their confidence and ability to cope with the hardships of life. We are missing that point when we do not do so. No wonder then when they left unattended these will then progress into pathological issues that become very difficult to deal with.

Depression is one of the conditions that we see, that if you do not take care of it in the early stages it will get worse. There are various types of depression: Endogenous depression and exogenous depression. Then you have a difficult situation of people who cannot be managed when that could have been prevented at a very early stage.

Madam Temporary Speaker, this is a relevant question and the Ministry of Health must wake up to be able to address this matter. This is one of those promotive and preventive healthcare systems in the mental area and not only in the medical area.

I support the Statement.

The Temporary Speaker (Sen. Pareno): Sen. Sakaja you are the last one to comment on this. You have three minutes.

Sen. Sakaja: Thank you, Madam Temporary Speaker. Sen. Kasanga continues to distinguish herself as a champion for mental health awareness. We passed her Bill. There is no other legislator in the history of this country who has really stood for that sector as she has. She has enlightened us. She did a book and we said it is okay not to be okay.

I note that she has congratulated Nairobi City County. I know the County is trying but actually in those 32 facilities we do not have enough staff who are offering those services.

The Nairobi Metropolitan Services (NMS) has built many hospitals and I am glad we have the physical facilities but in terms of staffing: Clinical psychologists, therapists and counselors there is a gap that needs to be met.

Madam Temporary Speaker, when you called me, I was talking to some of my doctors. They have told me that it is not true that all these facilities are giving these services. They have said that there is no psychiatrist or psychologist employed under the Nairobi Metropolitan Services (NMS). I have spoken to the County Public Service Board (CPSB) and told them that one of the challenges that we had, following Sen. 'Dr.' Kasanga's interventions, I went to visit Dr. Frank Njenga's Chiromo Lane Medical Centre, where I found some of the critical care specialists being trained. Many of the specialists are in the private sector.

They said that the scheme of service under the CPSB in the counties have not acknowledged or recognized careers of psychiatrists, psychiatric nurses and clinical psychologists. Counties need to do that so that they can be put in the pay roll. I am told that we have very few psychiatrist nurses. Currently, we have very few counsellors. I urge the NMS and county governments that in as much as they have made good steps – I always acknowledge the good they have done and being cooperative in many respects –

let them now recognize all these cadres that are required and fully staff them throughout our hospitals.

We have a lot of issues with mental health even within Parliament; especially for leaders. People used to shy away from going to see a counsellor because it was thought that you were mad if you did that. However, that is not the case. When these services were introduced in our medical scheme because our colleague in the last Parliament needed to get that support, it became the highest consultancy that is being utilized by the Members of Parliament. It is not dentists or ophthalmologists whose services are more sought after. It is the mental health services.

We should not shy away about mental health. We should encourage access to mental health services especially to young people particularly men. Ladies have a good support system like *chamas* where they talk to each other. When men go through mental health issues, they do not talk about it to anyone. People get into alcoholism and drugs. I always tell young men not to be shy. To talk to someone when they are not okay.

Thank you for this statement. We shall keep on pushing it. I assure you that when I will be elected the Governor of Nairobi, I will make sure that every facility has provision of these services. *Inshalla!* God willing.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Pareno): We now move to statements pursuant to Standing Order 52(1).

The Senate Majority Leader, kindly proceed.

The Senate Majority Leader (Sen. Poghisio): Madam Temporary Speaker, I thank you for giving me this opportunity. I congratulate Sen. Kasanga for being consistent on the mental health issues. Congratulations!

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 22ND FEBRUARY, 2022

Pursuant to Standing Order 52(1), I hereby present to the Senate, the business of the Senate for the week commencing Tuesday, 22nd February, 2022.

On Tuesday, 22nd February, 2022, the Senate Business Committee will meet to consider and approve the business for the week. On that day, subject to approval by the Committee, the Senate will consider business that will not be concluded from today's Order Paper as well as business indicated in the Notice Paper that has been annexed to the Order Paper for today.

On Wednesday, 23rd February, and on Thursday, 24th February, 2022, the Senate will consider business that will not be concluded on Tuesday 22nd and Wednesday, 23rd February, 2022, respectively, and any other business scheduled for the Senate Business Committee, including Petitions and Statements.

There are eight (8) Bills due for the Committee of the Whole---

(Loud consultations)

Madam Temporary, Speaker, am I protected?

The Temporary Speaker (Sen. Pareno): We seem to be having a meeting within the Session. Sen. Sakaja, Sen. (Eng.) Maina, Sen. Kasanga and the leader of that meeting, Sen. Kang'ata, Order!

The Senate Majority Leader, you are protected

The Senate Majority Leader (Sen. Poghio): Thank you, Madam Temporary Speaker.

There are eight Bills due for the Committee of the Whole stage and 21 Bills due for Second Reading. There are six Bills for which debate has been concluded at Second Reading and are now due for division have been scheduled in today's Order Paper, as well as three Bills at the Committee of the Whole stage that are also awaiting division. I urge honourable Senators to be available in the House to enable the Senate to undertake the divisions on these Bills.

On the matter of debate on the other Bills, they will be allocated slots in the Weekly Program of Senate Business that is circulated every Friday, and accordingly scheduled in the Order Paper for that day. I urge respective Movers to be available in the Senate whenever such business is scheduled in the Order Paper. I take this opportunity to remind all Honourable Senators of the directive of the Speaker to strictly adhere to provisions of Standing Order 59 (3).

As you may be aware, ordinary Motions lapse at the end of every Session. Senators who are interested in Moving Motions that lapsed at the end of the Fifth Session are encouraged to re-file them and give notices afresh.

Finally, I urge respective standing committees to expedite consideration of the 48 Petitions that have not been concluded, as well as Statements pursuant to Standing Orders 47 and 48.

Madam Temporary Speaker, I thank you and hereby lay the statement on the Table of the Senate.

The Temporary Speaker (Sen. Pareno): Hon. Senators, having concluded on the Statements, I now wish to rearrange the order paper by deferring orders 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17.

BILLS

Second Reading

THE PRESERVATION OF HUMAN DIGNITY AND PROTECTION OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 21 OF 2021)

(Bill deferred)

(Second Reading)

THE IRRIGATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 12 OF 2021)

(Bill Deferred)

Second Reading

THE COMMUNITY GROUPS REGISTRATION BILL (NATIONAL
ASSEMBLY BILLS NO. 20 OF 2021)

(Bill Deferred)

Second Reading

THE SPECIAL NEEDS EDUCATION BILL
(SENATE BILLS NO. 44 OF 2021)

(Bill Deferred)

Second Reading

THE COUNTY RESOURCE DEVELOPMENT
BILL (SENATE BILLS NO. 45 OF 2021)

(Bill Deferred)

Second Reading

THE ELECTIONS (AMENDMENT) BILL
(SENATE BILLS NO. 42 OF 2021)

(Bill Deferred)

COMMITTEE OF THE WHOLE

THE HERITAGE AND MUSEUM BILL
(SENATE BILLS NO.22 OF 2021)

(Committee of the Whole deferred)

THE COUNTY OVERSIGHT AND ACCOUNTABILITY
BILL (SENATE BILLS NO. 17 OF 2021)

(Committee of the Whole deferred)

THE COUNTY GOVERNMENTS (AMENDMENT) BILL
(SENATE BILLS NO. 38 OF 2021)

(Committee of the Whole deferred)

THE INTERGOVERNMENTAL RELATIONS (AMENDMENT)
BILL, (SENATE BILLS NO. 37 OF 2021)

(Committee of the Whole deferred)

THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT)
BILL (SENATE BILLS NO. 53 OF 2021)

(Committee of the Whole deferred)

The Temporary Speaker (Sen. Pareno): I invite Sen. Shiyonga to make her interventions.

POINT OF ORDER

DELAY BY THE HEALTH COMMITTEE TO TABLE REPORT ON
THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL

Sen. Shiyonga: On a point of order, Madam Temporary Speaker. I rise to seek your direction on the Order No. 17, the Kenya Medical Supplies Authority (Amendment) Bill (Senate Bills No. 53 of 2021). The last time that the Bill was listed on the Order Paper for the Committee of the Whole stage was yesterday but it was not executed.

The Standing Committee on Health is yet to submit or finalize on its consideration of its findings on the Bill. The Committee is to table the Report which I am eagerly waiting for as a sponsor of this Bill. This is a very important Bill because it is dealing with health matters which is the core mandate of the health sector. I beseech you to give direction to the health Committee to table its report by next week so that we can conclude on the matter. This is a very important Bill and it has taken quite some time since I moved it on the Floor of this House.

Madam, Temporary Speaker, I seek your direction.

The Temporary Speaker (Sen. Pareno): Hon. Senators, noting the concerns by the mover of the Kenya Medical Supplies Authority (Amendment) Bill (Senate Bills No. 53 of 2021). I direct the Chairperson of the Standing Committee on Health, Sen. (Dr.) Mbiti, to report progress in the next sitting.

Hon. Senators, I would like to rearrange the order paper further, I wish to call Order no. 23 before we proceed to the next order which is Order Number 18.

Proceed, Sen. (Eng.) Maina.

BILLS

Second Reading

THE ELECTIONS (AMENDMENT) (NO.3) BILL

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

(SENATE BILLS NO.48 OF 2021)

Sen. (Eng.) Maina: Thank you, Madam Temporary Speaker. I beg to move that the Elections (Amendment) (No.3) Bill (Senate Bills No. 48 of 2021) be now read a Second Time.

This Bill has taken much of the life of this House. I moved this Bill because I considered it important for the adequacy of elections and democracy in this country. The Bill simply seeks to allow members to use what I have referred to in the Bill as popular name.

People carry all kinds of names in this country. Wananchi give you names and they know and refer to you as such. Then you have the Identity Card (ID) number which you might have been given. Some of us were given IDs when we were in colonial primary schools. You would go to a church, get baptized and be given another name which you would be known with henceforth.

Over the years, you may have a popular name that you use and people refer to you using that name. Now, there is difficulty in law today when you want to use the name which wananchi know. In democracy, people should be given the easiest and simplest way to express their wish. Anybody wishing to vote for another person, should be provided with the name that wananchi know.

Madam Temporary Speaker, wananchi may know you as Johnny Walker and you are called Michael John in your ID.

(Laughter)

You would rather use the name that mwananchi knows. For example, people in my area call me, "Kirinyaga." I felt that I was being disadvantaged and I lost some votes by using the name on my ID, "Ephraim Mwangi Maina." I unfortunately had to use it. In the last election, I had to impose the name Kirinyaga on my ID.

This Bill wishes to give members the freedom to use the names that they desire. In other countries such as the United States of America (USA), people use the names that they wish to use, provided they swear an affidavit that are the same person. You then state the name that you would like to appear on the ballot paper.

If people call you Simba, they write Simba. For example, Baba is known as Baba. If today you put the name Baba, every Kenyan will know whom you are referring to. However, if you use the name that he was given by *Mzee Jaramogi* and *Mama*, it may not be a name that some people are familiar with.

Therefore, I am just trying to see the easier way when it comes to names. Maybe even "Hustler" may wish to use the name "Hustler" on the ballot paper.

I was doing it for myself, when I was moving the Bill five years ago. Sen. Cherargei should explain to this House how the Bill took four years in his Committee. It went round and round and I never knew what they were doing. I do not know what law they learnt. To me, law is meant to make things easier. What were you doing with a simple Bill for four years? That is besides the point, though.

Madam Temporary Speaker, I now move that this Bill be enacted. The purpose of this Bill is to amend the Section No.24 of the Elections Act, 2011 to allow a candidate to

be presented to the electorate during party primaries or election ballot papers, in the way the candidate has chosen to familiarise himself or herself to the electorate.

Currently, the law only permits the use of a candidate's official name as it appears in the register of voters and the candidate's identification documents.

A candidate who wishes to have his or her popular name included on the ballot paper has to go through the lengthy process of officially changing his or her name. This is through the procedure set up under the Registration of Persons Act No.107, the Registration of Documents Act No.283 and the rules and regulations made under the two Acts. This is an extremely laborious and a hindrance to democracy.

The ultimate goal of an election is to ensure that the electorate choose their preferred leaders in a free and fair environment. Name recognition thus becomes an important aspect of free and fair elections and should be enabled to the fullest extent. It ensures that a voter easily identifies his or her preferred candidate on a ballot and votes as he or she intended.

Candidates should not be unduly stopped from having a say on the name they want on the ballot paper and other election related material, as this hinders the realisation of the candidate's right to be voted without unreasonable restrictions. It also hinders free expression of the will of the electorate as contemplated under Article 38 of the Constitution.

Madam Temporary Speaker, this Bill, therefore, seeks to provide for the inclusion of a candidates' popular name on the ballot paper while safeguarding the sanctity of the electorate process at the same time.

Further, it seeks to ensure that this flexibility does not prejudice a free and fair election in any way. The Independent Electoral and Boundaries Commission (IEBC) would be required to approve the use of the popular name in an election.

The Bill also proposes to amend Section 109 of the Elections Act to ensure compliance with Article 95 of the Constitution, in the approved regulation made pursuant to the proposed new clauses and the Election Act in general.

Madam Temporary Speaker, I move the Bill and ask Sen. Sakaja to second.

The Temporary Speaker (Sen. Pareno): Sen. Sakaja, please, proceed.

Sen. Sakaja: Thank you, Madam Temporary Speaker. I rise to second that the Elections (Amendment) (No.3) Bill (Senate Bills No.48 of 2021) be read a Second Time.

Madam Temporary Speaker, Sen. (Eng) Maina has done a good thing. I hope he is not leaving this House as I second his Bill.

In the two last general elections, people were doing very crazy things, including changing their names. Going to get a deed poll and you change your name. You add it because you thought people knew you very well by that particular name.

I have a friend, the former Governor of Nairobi City County who added Sonko as his name, the former Governor of Kiambu County, who added Baba Yao in his name. My friend James Mathenge, went and changed his name to Kanini Kega. Many of you do not know that he is James Mathenge. I met him in 2007 when we were in "Vijana na Kibaki". Those of us who met him then still call him James Mathenge.

Madam Temporary Speaker, the requirement that you need to go and do a deed poll and change I think is unnecessary. One day, your children might be asked their

father's name and the identification card (ID) reads "generali" or some funny names that do not match.

The Temporary Speaker (Sen. Pareno): You have not mentioned your friend Babu Owino who is called Paul Ongili. Currently, he is known as Babu Owino.

Sen. Sakaja: Yes, my friend and follower in the University of Nairobi who is Paul Ongili and many people do not know him by that name. If the name is on the ballot paper, he can lose votes because people know him as Babu Owino.

I may, for instance, wish to be called super governor. Today, if you say "super Senator", every Kenyan knows who you are talking about. In as much as I know, in the rural areas some try to use that name. If I say super governor, they already know whom I am talking about if I just put up a billboard.

Instead of that laborious process, what Sen. (Eng.) Maina is proposing is good. We have discussed it in the Justice, Legal Affairs and Human Rights Committee. You apply to the IEBC; they have a committee that looks at what is reasonable. They should not give you a name that gives you undue advantage. For instance, I can say that I want my name to be changed to governor, so that when someone goes to the ballot of Nairobi City County and just sees governor they vote 'no.'

You should not have names that are not what has become nicknames. We do not give ourselves these names. I did not start to call myself "super senator". A group of young people started and it just caught on. Sometimes it very weird to call yourself such a name because it will sound as if you are boasting. It has caught on and you accept it. I do not know what Sen. Farhiya's nickname is. However, if she has one, it is something that people gave to her.

Many of them are affectionate, you know. They describe who you are. For instance, "Baba or "Hustler" If today you say "Hustler", everyone knows you are talking about His Excellency the Deputy President Dr. William Ruto. If you say "Baba", they know you are talking about Rt. Hon. Raila Odinga. If you say the fifth, I do not know what people think you are talking about; it could be either of them.

This is welcome, but it needs to be strengthened so that people do not abuse this. You do not want a situation where somebody in the Nairobi City County ballot says that his popular name is also Sakaja. You find two Sakaja's on the ballot paper. You are using a name of another popular candidate to say that you have applied for that because it is your popular name and your opponent can choose somebody else to confuse voters. We need to be able to cure that mischief.

The regulations that IEBC will put in place if this Bill is passed, should make it clear on what you can and what you cannot do. Any law in as much as it might be well intentioned is very easy to abuse. You can find somebody who goes ahead to abuse it.

The crux of this - and Sen. (Eng.) Maina has said it - is that all our interventions when it comes to electoral laws are to facilitate the ease of the expression of the will of the people. That is a cardinal tenet of our Constitution. Article 1 and Article 2 state that the sovereignty of the people is expressed directly or through the elected representatives.

The ability to allow Kenyans, out of their free will, to have an easier time at an election that is an aspiration of a democracy. That is something that we must always support. This will make it easier for people to identify who they know.

Somebody may have stayed long in a rural area. They may be known as a carpenter or he sells things. If he gives tanks, he might be known as “Wamatangi”, or “Wamashati” if he sells shirts.

I know someone in Uasin Gishu who is called “Koti Moja” because he has one coat. That is how people have known him. He should be allowed to use Koti moja on the ballot and the voter will know that is the person who we want to elect as governor, for instance, if that is what he is going for. I am not sure, I heard about the name when we were in Eldoret recently.

This is a brief Bill. I wish members could pass it quickly. I hope this is one of the last amendments to the electoral laws. This is because, as we said and it was noted in the Krieggler Commission, these changes to the electoral legal framework should come as early as possible and not too late towards the elections. Remember, we are about to go to party primaries, I think we will be doing so in April. This law should have been passed by both Houses well in advance so that people can apply to the IEBC using the prescribed form, as described in this law for them to be allowed to use their popular names.

I do not know what Sen. (Eng.) Maina’s popular name is. Kirinyaga is his real name. I know which one I would give him if I was to be a voter in Nyeri County.

The Temporary Speaker (Sen. Pareno): For your information, he just informed the House that, he actually had to add Kirinyaga, so that it became his name because that was his popular nickname. Initially, it was not his name.

Sen. Sakaja: Madam Temporary Speaker, that is because of Kirinyaga Constructors and all that, so he had to add it. He did not have to do so. I have another that describes him. This is a very kind man. I was his Chairman in The National Alliance (TNA) and he really supported me.

I know even for Nairobi City County, he might be in another camp for now, but he is fully supporting me. When he supports you, it is *kwa hali na mali* not just lip service. The people of Nyeri County are very lucky to have him. I will go campaign for him there in as much our coalition will have a candidate.

Madam Temporary Speaker, with all those many remarks, I second.

(Question Proposed)

The Temporary Speaker (Sen. Pareno): Sen. Cherargei, you may have the Floor.

Sen. Cherargei: Thank you, Madam Temporary Speaker; this is a straightforward amendment. I congratulate Sen. (Eng.) Maina, the Senator of Nyeri County and the incoming governor. I assure him that when I was the Chairperson of the Committee on Justice, Legal Affairs and Human Rights we did not procrastinate, which is why those changes happened. The Committee at that time was undergoing a lot of challenges and changes. I am happy that my successor, the good learned Senior and one of the few Senior Counsel, Sen. Omogeni, has done very well.

Nicknames are known as *majina ya kimajazi* in Kiswahili. There are many people that would want to use their nicknames in the ballot. As my colleagues have said, the names we hear now are very unique. You go to some place and they say this is

“hustler”, “Baba” or “Kirinyaga”. At the end of the day, that is what voters will identify with.

We know several politicians whose real names we do not know. As Madam Temporary Speaker, you have rightly put the voters and the people know them through their nicknames that they have acquired over time, for example, wamashati and Wamatangi. When you ask, they say it was maybe somebody who was donating tanks and they decided to call him Wamatangi.

Sen. (Eng.) Maina has come up with a brilliant idea, especially to the political class. It will help the voters not to get confused when they are voting because they will know who they are voting for. Personally, I added my name in my identification card. If I was just to be called by my two first names without the third one, people would get confused at the ballot.

I thank Sen. (Eng.) Maina for coming up with this amendment so that it becomes easy for identity when the voters are voting.

Secondly, I hope and agree that as Krieggler Report had said initially, let us fastrack some of these electoral amendments because time is running out. We have six months to the general elections. Yesterday we had an amendment on the issue of degree requirement and today we are having this by Sen. (Eng.) Maina on the issue of the names one can use on the ballot paper.

It is a practice that has been done in the past. Any person who wants to run for office does not need to do a deed poll, to change name or to apply with the registrar of persons or through the identification process.

When this amendment is passed and fast-tracked, it will be easy to use the name that is most popular on the ground. When someone loses an election, they will always have an excuse. One of the excuses they use is to claim that they were popular, but when they went to the ballot they lost because their popular names were not there.

This will end. People will not have an excuse of saying that their popular names were not used at the ballot. Let us support this Bill. I hope we will conclude it today when Division comes and vote for it so that we also allow the Members of the National Assembly to do so.

I want to thank Sen. (Eng.) Maina and wish him well in his new journey. He has been a Member of Parliament (MP) before and he is now a Senator. I see the price he is setting is very high. I did not know his cards until I saw it on media that he is going for the top job in the county.

I hope and pray that he will consider the United Democratic Alliance (UDA) as the vehicle he will use to vie for this year’s elections and become the Governor of Nyeri County.

I congratulate and wish him. He is a prolific politician. So, he knows where the signal is coming from. He is our senior. He knows the direction.

This is an important Bill. Let us pass it and allow Kenyans to use their popular names in the elections and on the ballot papers so that they get the leaders they deserve.

Madam Temporary Speaker, I support.

Sen. Farhiya: Thank you, Madam Temporary Speaker for the opportunity to contribute to this Bill. Calling people by their popular names is a great idea from a great

leader. The people of Nyeri will be extremely lucky to have him as their Governor instead of the jokers and the corrupt ones who plunder their money.

I assure the people of Nyeri that their money will be safe if they elect Sen. (Eng.) Maina as their governor. He will do great development and a lot of good work that is expected of a gentleman like him.

Madam Temporary Speaker, candidates using their popular names on the ballot and preventing the tedious process of changing names is an idea whose time has come. We need to have some caveats to ensure that people do not take advantage of this Bill to have another Sen. Kirinyaga in the Governor's ballot paper and the electorates are further confused. Due diligence must be done to determine that name belongs to the person being referred to. There should be a mechanism to determine whether it is true or not.

I support this Bill. Sen. (Eng.) Maina has helped a lot of people who would have taken a very long time to achieve this. Name change can happen in a very short time compared to the process required to change a name. Someone can acquire a name within an election cycle. If it happens before the nominations and people are able to identify that person with those names, then it is only fair that the IEBC includes those names on the ballot paper. This will make it possible for Kenyans to know with precision the person they are electing with no ambiguity in the names. At times, the names being used can overtake that persons' biological name.

This is a very simple amendment with a phenomenal advantage to people known with different names. Therefore, I support it.

If the people of Nyeri need a leader of integrity, they already have one. Not many counties are as lucky to have someone like Sen. (Eng.) Maina. Leaders are born and Sen. (Eng.) Maina is one of those born leaders.

Sen. Omogeni: Thank you, Madam Temporary Speaker. I want to congratulate my good friend, Sen. (Eng.) Maina, for coming up with this amendment. People have been using popular names although they do not appear in the ballots. Nobody has ever thought of amending the law so that the name can appear without going through the rigorous legal process of changing a name through deed poll. So, this is innovative. You can imagine it has been with us for over 50 years.

I know Senators who vied and lost elections because of people looking for their names in the ballot during elections. They fail to find their names and they are told that the candidate dropped out. I know the story of Sen. Wamatangi. When he first vied for an election he lost because he was known by the name "Wamatangi" but people who went to the polling stations did not find the name on the ballot paper.

He had to go through the rigorous process of changing his name through deed poll, involving lawyers, advertising in the Kenya gazette *et cetera*.

Sen. (Eng.) Maina has made it easier for many people. If this Bill finds favour in this House, and I am sure it will, people will not need to go through this process of changing their names.

My Committee went through this Bill and our report has already been prepared. Without anticipating debate, there is nothing much that we propose to be changed on this Bill other than urge the House to pass the amendment as it is. This will make it available for use in the forthcoming elections.

Madam Temporary Speaker, there are people who have acquired names that you can never change. Anytime I go to Nyamira and I rise to support my presidential candidate Eng. Raila Amollo Odinga, nobody calls him engineer. They tell me we are for “Baba”.

We want to pass this Bill like yesterday so that when we go to the ballot, we can have “Baba” on the ballot. There are people associated with other things. You can have somebody in the ballot and they have their popular name as “wheelbarrow” so that Kenyans can choose between ‘Baba’ and ‘wheelbarrow’. They can look for the popular name that resonates with people. This is something we want to pass.

In Nyamira, I have my nickname. When I was vying for elections last time, I was moving around in ‘akala’ and so I was nicknamed “Otero”.

One time I took the Senator for Kericho, Sen. Cheruiyot, to Nyamira for a function and he was surprised when he heard people calling me ‘Otero’. So, I want this Bill passed like yesterday so that I can also add the name ‘Otero’ to my name so that when people go to the ballot they can pick my name out. This is a very good that we need to process quickly so that as we go to the 2022 elections, the popular name for the Senator for Nyeri will be on the ballot.

I congratulate you because you are the seniors we look up to. This is something that will go down to the annals of history when people in future will be running for elective seats using their popular names. The country will remember that this is an amendment that was moved by the then Senator for Nyeri County.

I hope the people of Nyeri will find it worthy to elect you as their next governor. Having served here, we know you as somebody who is extremely respectful to colleagues and always available for consultation by the younger Senators in this House. So, you will be a good brain for the people of Nyeri County.

Madam Temporary Speaker, the idea of using popular names happens in other jurisdictions. In the USA, there are a number of states where people who vie for elective seats are allowed to use their popular names, even if the names do not appear in their identification documents. There are best practices which we can pick from other jurisdictions where this has worked and I am sure it can work here.

There are people who always complain that we bring amendments closer to elections, but that is not the case. Senators here know that we processed the amendment, brought it to the House and it was up for passage, but we had the judgement from the High Court in the High Court Petition No.284 of 2019.

The court ruled that any Bill that had not properly gone through concurrence process had to be reprocessed. So, this is the second time that this Bill is coming back to the Floor. Otherwise, if it was not that interpretation of the High Court, I am sure by now this Bill could have been enacted into law.

I also want to appeal to my colleagues in the National Assembly that once we pass this amendment and send to them, they should process it quickly because it is a fairly straight forward amendment.

Madam Temporary Speaker, I heard Sen. Cherargei alluding that these amendments are about elections and we should not pass them very late in the day. How

does just passing an amendment to include a popular name on the ballot paper cause any confusion? I think it is something that should be welcomed.

You cannot say that people have sinister motives that there are people want to rig the elections because that is not the case. When you hear people start talking about rigging elections, it is because they fear that probably they are going to lose. That is why every day they wake up and start talking about rigging because they are already sensing defeat.

How do you tell the country that by the Senator for Nyeri bringing an amendment to allow people to have their popular names on the ballot paper is causing confusion that may be tantamount to rigging? That is far from it. In fact, that might help our older people who may pick a ballot paper and just look for a person's popular name. It makes it easier.

This idea of singing to us every day that there will be rigging should stop. The best message to put across is to tell Kenyans that these elections will be a hot contest and if I lose I will accept defeat. That is what it means to be an honourable leader, but not telling people about rigging every day.

That is not what we want Kenyans to hear. We want people to assure the country that this is a close contest. If they lose, they will accept defeat because we know who has the best interest of Kenya.

Madam Temporary Speaker, in my county, I am still bitter up to today for a presidential candidate who opposed the Building Bridges Initiative (BBI) because we were going to get an extra constituency in one of our largest constituencies. That is Kitutu Masaba which has more than 225 public schools.

By passing the BBI, we were going to divide that constituency into two. Now our children will not get bursaries because there is no enough money for bursaries. They were going to be the immediate beneficiaries. When you tell us that you care about bottom-up and you do not care about the people who live there, you are a conman. Our people must know who cares for them.

If you live in Nyamira and are asked to choose between a presidential candidate who supported that you get more money through National Government-Constituencies Development Fund (NG-CDF) by dividing Kitutu Masaba Constituency into two--- However, immediately you are given Kshs135 million for building police station, schools and bursaries for children then you tell people that you do not want that to happen, how do you care about those people, or tell us that you are promoting something you call bottom-up economy when you do not want the people in the grassroots to benefit?

Madam Temporary Speaker, we were going to increase revenue to counties to 35 per cent. My county was going to benefit because we were going to get more money. When we get more money, we will ensure that medicine is available to our people. We will build more hospitals because that is what devolution is meant to do. We are going to have provision for water.

Then you come here and tell us that the BBI is about positions. Even a Grade One child will ask what is about positions in increasing revenue to counties. What is about positions when we are saying we want to give you more resources by adding more constituencies?

We such people in this country who should be known that they do not have the interest of the people in counties at heart. They even oppose a simple proposal like giving social support to people who are vulnerable or those who do not have good earnings. We know the levels of poverty. I do not know where people live.

We want to give people a stipend of Kshs6,000 to support those who are elderly and also poor because we know the statistics of poverty in this country. However, you will find someone saying that they do not want money to be given to the poor, asking where the money will come from. Money is being stolen, day in, day out. Once we seal corruption loopholes, there will be enough money for the people in the counties.

I like the choice that we are facing in 2022. It is very simple. I usually go to my county and tell people that one of them wants to donate wheelbarrows while the other knows that they are suffering because they do not have enough income and promises to give them Kshs6,000. If I ask them what they will take, they tell me Kshs6,000 because a wheelbarrow is only Kshs250. If they get Kshs6,000, they will buy many wheelbarrows. The choice is very clear. I want our people to know. This is simple mathematics that even somebody in nursery school can see. With Kshs6,000, you can buy a wheelbarrow and still have change to do other things.

I heard people say in Nyamira that anybody who is telling people about wheelbarrows does not want to be a president in this country. How can you be a president to give people wheelbarrows?

If you are a serious president, you should look at the money available to you as the president and show Kenyans that you care for the poor of this country, because we know them since we represent them. If you promise to give them Kshs6,000, then you are a serious person. That is a serious presidential candidate.

Madam Temporary Speaker, I urge us to pass this Bill by Sen. (Eng.) Maina. When we go to elections, let everybody be identified with their popular names. I want to see “Baba” on the ballot paper and I am sure we will win.

I support.

The Temporary Speaker (Sen. Pareno): I see no further request. Therefore, I call upon the Mover to reply.

Sen. (Eng.) Maina: Madam Temporary Speaker, I thank everybody for the support on this Bill. As it has been expressed by Senators and the senior counsel who has just spoken, this Bill should have been passed yesterday.

This is one of the Bills that were affected by the court order and here we are. I would have wanted us to have the Division today because reading the mood of the House, everybody is for this Bill to pass.

However, it should be on record that it had been passed only when there has been a Division then it can be included at the time of voting. It must come out clearly that the Bill has been passed.

I thank everybody for the kind and appreciative words they have given to me. This has given assurance to the people of Nyeri County. I must thank our Deputy Whip for saying she has confidence that I will take care of the resources of my people.

Last night on the television I said that I have never been associated with corruption. We are told Kshs2 billion is stolen every day in this country. I was listening

to senior counsel when he was talking and wondered how much money he could have given Kenyans if he had sealed the Kshs2 billion. He would have ended up with Kshs730 billion to share among Kenyans. Tell me how much money you would give to the poor. You would give everyone over Kshs100,000 and we would start a new nation within a year by sealing the loophole. An amount of Kshs2 billion daily is Kshs730 billion a year. This is half the total collections of this country because we collect Kshs1.7 trillion. Therefore, I support you senior counsel when he talk about these things, especially sealing corruption.

Corruption is the greatest enemy of this country. It is the single most threatening thing to the lives of Kenyans today and it will remain so until it is sorted out and the criminals are properly punished.

Sen. Omogeni, you are a senior counsel. How come to this day we do not have a single Cabinet Secretary, Governor, Senator, Member of Parliament or Principal Secretary who is in Kamiti Prison for stealing money for drugs? They should be in Kamiti Prison dressed in a *kanga*. They only thing we would recommend because we are human is that they be given enough *ugali*. That is the Kenya we want. I have heard your sentiments and I am with you, that we must be serious from now on.

Madam Temporary Speaker, this Bill is about changing the name. I stand to be corrected, but I want you to rule in your judgement - because it appears there may not be enough Members to pass the Bill - that there should be clear documentation to show that the Bill was passed. It is only waiting for the numbers. I believe even in social media we could having many people supporting it. Therefore, I leave it to you, but if you desire it can be deferred to a day when there is enough quorum for the Division.

The Temporary Speaker (Sen. Pareno): Hon. Senators, we will not be able to put the question at this moment because of the numbers. You know we need to have a delegation to be able to go into Division. The Bill is, therefore, deferred for Division when we have the numbers.

(Putting of Question on Bill deferred)

Next order.

Second Reading

THE PERSONS WITH DISABILITIES (AMENDMENT) BILL
(SENATE BILLS NO. 29 OF 2020)

The Temporary Speaker (Sen. Pareno): I can see that Sen. Cheruiyot and Sen. Mwaura are not logged in and are not physically present. Order No.18 is, therefore, dropped.

(Bill dropped)

Next order.

Second Reading

THE ALTERNATIVE DISPUTE RESOLUTION BILL
(SENATE BILLS NO. 34 OF 2021)

The Temporary Speaker (Sen. Pareno): Sen. Kasanga was present at some point. If she is not logged in and not physically present, the Bill is also dropped.

(Bill dropped)

Next Order.

Second Reading

THE COCONUT INDUSTRY DEVELOPMENT BILL
(SENATE BILLS NO. 24 OF 2021)

The Temporary Speaker (Sen. Pareno): The Chairperson Standing Committee on Agriculture Livestock and Fisheries, Sen. Ndwiga is also not present. The Bill is dropped from the Order Paper.

(Bill dropped)

Next Order.

Second Reading

THE COUNTY E-HEALTH BILL
(SENATE BILLS NO. 39 OF 2021)

The Temporary Speaker (Sen. Pareno): Order No. 21 is an interesting one. It is my Bill. It is, therefore, deferred.

(Bill deferred)

Next Order.

Second Reading

THE ELECTIONS (AMENDMENT) (NO. 2) BILL
(SENATE BILLS NO. 43 OF 2021)

The Temporary Speaker (Sen. Pareno): Sen. Olekina is not online nor present physically. I am told he requested that the Bill be deferred. It is, therefore, deferred.

(Bill deferred)

Next Order.

Second Reading

THE MATERNAL, NEWBORN AND CHILD HEALTH BILL
(SENATE BILLS NO. 52 OF 2021)

The Temporary Speaker (Sen. Pareno): Sen. Nyamunga is not present. The Bill is dropped.

(Bill dropped)

Next Order.

*Second Reading*THE EMPLOYMENT (AMENDMENT) BILL
(SENATE BILLS NO. 54 OF 2021)

The Temporary Speaker (Sen. Pareno): Sen. Cherargei was present at some point. That Order is dropped.

(Bill dropped)

Next Order.

*Second Reading*THE LANDLORD AND TENANT BILL
(NATIONAL ASSEMBLY BILLS NO. 3 OF 2021)

The Temporary Speaker (Sen. Pareno): The Senate Majority Leader is not here. That Order is dropped.

Sen. Farhiya: Madam Temporary Speaker, I request that you defer that Bill instead of dropping it. We can put it on the Order Paper on Tuesday.

The Temporary Speaker (Sen. Pareno): The Bill is deferred.

(Bill deferred)

Next Order.

*Second Reading*THE COTTON INDUSTRY DEVELOPMENT BILL
(SENATE BILLS NO. 55 OF 2021)

The Temporary Speaker (Sen. Pareno): The Chairperson, Standing Committee on Agriculture Livestock and Fisheries, Sen. Ndwiga is not present. The Bill is, therefore, dropped.

(Bill dropped)

ADJOURNMENT

The Temporary Speaker (Sen. Pareno): Hon. Senators, there being no other business, the House, therefore, stands adjourned until Tuesday, 22nd February, 2022 at 2.30 p.m.

The Senate rose at 5.09 p.m.