

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 10th March, 2022

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

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

PRAYER

MESSAGES FROM THE NATIONAL ASSEMBLY

PASSAGE OF THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS No. 55 OF 2021)

The Temporary Speaker (Sen. Kinyua): Hon. Senators, we have Messages from the National Assembly. I will start with the passage of The SACCO Societies (Amendment) Bill (National Assembly Bill No. 55 of 2021).

Hon. Senators, I wish to report to the Senate that, pursuant to Standing Order No. 41(3), I have received the following Message from the Speaker of the National Assembly regarding the passage by the National Assembly of the SACCO Societies (Amendment) Bill ((National Assembly Bill No. 55 of 2021).

Pursuant to the said Standing Order, I now report the Message-

Pursuant to the provisions of Standing Order Nos. 41(1) and 42 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –

WHEREAS the SACCO Societies (Amendment) Bill (National Assembly Bill No. 55 of 2021) was published *vide* Kenya Gazette Supplement No. 218 of 26th November, 2021 as a Bill concerning county governments in terms of Article 110(4) of the Constitution seeking to amend the SACCO Societies Act No. 14 of 2008 to, among other things, provide for the usage of Information Communication Technology (ICT) in collecting and receiving statutory reports with a view to reducing the regulatory reporting burden on SACCOs and ensuring a faster, efficient and accurate reporting, monitoring and analysis of SACCOs financial status at any time, being the cornerstone of Risk-Based Supervision (RBS);

AND WHEREAS, the National Assembly considered and passed the said Bill on Thursday, 17th February, 2022 without amendments, in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Orders Nos. 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the National Assembly's decision on the Bill to the Senate for concurrence.

Hon. Senators, pursuant to Standing Order No. 157 which requires that a Bill originating in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No.139, I will, at the appropriate time during this Sitting, call upon the Clerk to read the said Bill a First Time.

I thank you.

PASSAGE OF THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT)
BILL (NATIONAL ASSEMBLY BILLS NO. 32 OF 2021)

Hon. Senators, I wish to report to the Senate that, pursuant to Standing Order No. 41(3), I have received the following Message from the Speaker of the National Assembly regarding the passage by the National Assembly, of the Public Procurement and Asset Disposal (Amendment) National Assembly Bill No. 32 of 2021).

Pursuant to the said Standing Order, I now report the Message-
"PURSUANT to the provisions of Standing Order Nos. 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS the Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bill No.32 of 2021) was published vide Kenya Gazette Supplement No. 121 of 11th June, 2021, as a Bill proposing to amend the Public Procurement and Asset Disposal Act to address the challenges faced by procurement entities in implementing the Act including the multiple award of contracts;

AND WHEREAS, the National Assembly considered the said Bill on Thursday, 17th February, 2022, and passed it on Tuesday, 22nd February, 2022, with amendments, in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Order Nos. 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the National Assembly's decision on the Bill to the Senate.

Hon. Senators, pursuant to Standing Order No.157 which requires that a Bill originating in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No.139, I will, at the appropriate time during this Sitting, call upon the Clerk to read the said Bill a First Time.

I thank you.

PASSAGE OF THE SUSTAINABLE WASTE BILL
(NATIONAL ASSEMBLY BILLS NO.22 OF 2021)

Hon. Senators, I wish to report to the Senate that, pursuant to Standing Order No. 41(3) and (4), I have received the following Message from the Speaker of the National

Assembly regarding the passage of the Sustainable Waste Management Bill (National Assembly Bill No.22 of 2021). Pursuant to the said Standing Orders, I now report the Message-

PURSUANT to the provisions of Standing Order Nos. 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS the Sustainable Waste Management Bill (National Assembly Bill No.22 of 2021) was published *vide* Kenya Gazette Supplement No.92 of 12th May, 2021, as a Bill to establish the legal and institutional framework for the sustainable management of waste and ensure the realization of the constitutional provision on the right to a clean and healthy environment and for connected purposes;

AND WHEREAS the National Assembly considered and passed the said Bill on Wednesday, 23rd February, 2022, with amendments, in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Order Nos. 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.

Hon. Senators, pursuant to Standing Order No.157 which requires that a Bill originating in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No.139, I will, at the appropriate time during this Sitting, call upon the Clerk to read the said Bill a First Time.

I thank you.

PASSAGE OF THE NATIONAL DISASTER MANAGEMENT AUTHORITY
BILL (NATIONAL ASSEMBLY BILLS NO.10 OF 2019)

Hon. Senators, I wish to report to the Senate that, pursuant to Standing Order No. 41(3) and (4), I have received the following Message from the Speaker of the National Assembly regarding the passage of the National Disaster Management Authority Bill (National Assembly Bill No.10 of 2019). Pursuant to the said Standing Orders, I now report the Message-

PURSUANT to the provisions of Standing Order Nos. 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly -

WHEREAS the National Disaster Management Authority Bill (National Assembly Bill No.10 of 2019) was published, *vide* Kenya Gazette Supplement No. 17 of 1st March, 2019, as a Bill concerning county governments in terms of Article 110(4) of the Constitution seeking to establish a centralized system of responding to and managing disasters in the country through the establishment of the National Disaster Management Authority, which is to be the main body dealing with disaster management in the country with a view to ensuring better response to disasters, and reduced impact of disaster;

AND WHEREAS the National Assembly considered and passed the said Bill on Wednesday, 16th February, 2022, with amendments, in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Order Nos. 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the National Assembly's decision on the Bill to the Senate for concurrence.

Hon. Senators, Article 110(3) of the Constitution requires that –

“Before either House considers a Bill, the Speakers of the National Assembly and Senate shall jointly resolve any question as to whether it is a Bill concerning counties and, if it is, whether it is a special or an ordinary Bill.”

This constitutional provision has not been met with respect to the National Disaster Management Authority Bill (National Assembly Bill No.10 of 2019). As such, the Bill ought to be aligned to Article 110(3) of the Constitution, following which the Bill will be read a First Time in the Senate.

Hon. Senators, in view of the foregoing, the National Disaster Management Authority Bill (National Assembly Bill No.10 of 2019), as received from the National Assembly vide the Message dated Wednesday, 9th March, 2022, will not be proceeded with in the Senate.

I thank you.

Sen. Sakaja: Mr. Temporary Speaker, Sir, thank you for that decision and communication. If you look at the history of The National Disaster Management Authority Bill, it originated from this House.

This is a Bill that Sen. Mutula Kilonzo Jnr. and I sponsored jointly. In fact, it came up after the Solai Dam Tragedy when we realized that there are certain gaps that need to be addressed when it comes to co-ordination of disasters between the national and county governments.

After having formulated this Bill, it was discussed and passed in this House, and sent to the National Assembly. When they received it, they refused to deal with it and plagiarized. They sponsored another version of the same Bill with the exact provisions.

Initially, the Cabinet Secretary (CS) for the Ministry of Interior and Coordination of National Government wanted to sponsor our Bill but we said we had a right to initiate. I think they gave it to a private Member who sponsored it.

Even without discussing the matter of concurrence, because this is one of those Bills that the court ruled that they needed to be republished, which we did and passed it again in this House and it went to the National Assembly. Before dealing with what they have sent, can we get a status of where it has reached in that House? We cannot start doing our Bill, which has been plagiarized. Even when you look at the publication date, it is a much earlier Bill.

Mr. Temporary Speaker, Sir, I thank you for your firm decision that because of concurrence, we will not look at it. This is a matter I would request--- We always say; an eye for an eye, we all lose our sight. Ultimately, Kenyans need this law.

I request that you convene a meeting between yourself, the Speaker of the National Assembly and the Sponsors, so that we agree on a harmonized version. Our people are suffering because of lack of this Bill.

When a disaster happens, and I will give you an example of the many that I have in Nairobi, like Gikomba Market, the fires that are all over in Mathare and buildings collapsing.

You will find all agencies talking at cross-purposes duplicating their work and nobody does it. It is like having a job that anybody could do but nobody did it because everybody thought that somebody would do it, but nobody ended up doing it. That has led to loss of lives.

Even as you have said that we step down and wait for concurrence, I urge that you converge us because at this point, the point has been made. Even if it is us dealing with that one, let us have the law.

Kindly converge the Sponsors of the original Bill, which is Sen. Mutula Kilonzo Jnr. and I, as well as Hon. Kimani Ichungwa and the Speakers of the National Assembly and the Senate for us to resolve this in the shortest time possible.

I thank you for that firm decision.

The Temporary Speaker (Sen. Kinyua): Thank you, Sen. Sakaja. Sen. (Dr.) Musuruve, please proceed.

Sen. (Dr.) Musuruve: Mr. Temporary Speaker, Sir, I thank you, for the Communication that you have made on the Floor of this House. Reading the Bills for the First Time is essential and important, so that they go to the next stage.

However, there are some areas of concern. In as much as we are seeking from concurrence from both Houses, there are instances when Bills go to the National Assembly and they take too long to be prosecuted so that concurrence goes on. It is very important to realize that when Bills go through concurrence and are assented to, they then are able to correct the gaps and challenges that are there.

For instance, the Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bill No. 32 of 2021) will come in handy to correct the mistakes that are being done in county governments. There is also need to seek their indulgence so that when Bills go to the National Assembly, they be fast-tracked.

The issue of duplication of Bills is a big concern. I remember Sen. Cheruiyot and Sen. (Dr.) Mwaura developed the Persons Living with Disabilities Bill in this House. This Bill is actually very important. However, the National Assembly is also coming up with the same Bill and the contents could probably be similar.

There is also a Bill that we developed with Sen. (Prof.) Kamar on special education that is really progressing well. However, I hear from hearsay that the National Assembly also has a similar Bill; when you look at the contents, they may be similar.

There is need to also see how to sort out such issues before they are brought to this House. There is need to sit down and see how to merge, if there is a similar Bill from the National Assembly and Senate. The credit on the sponsors of the Bill should not come down because of such issues. I know legislators spend sleepless nights working on Bills so when the Bills are eventually developed they should get the credit that they deserve.

Thank you.

The Temporary Speaker (Sen. Kinyua): Thank you, Sen. Sakaja and Sen. (Dr.) Musuruve. I have heard you.

There are many pending issues regarding Bills which have gone to courts. All that I would want to say is that, I assure you that our substantive Speaker will have discussions with his colleague in the National Assembly so that these issues can be sorted out amicably.

I thank you.

Let us have the Statement by Sen. (Dr.) Mwaura. Is Sen. (Dr.) Mwaura online?

Sen. (Dr.) Mwaura: I am here. I am online.

The Temporary Speaker (Sen. Kinyua): Okay, proceed with your Statement.

STATEMENTS

CIRCUMSTANCES SURROUNDING THE DEATH OF MR. FELIX ODHIAMBO

Sen. (Dr.) Mwaura: Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No. 48(1) to seek a Statement from the Standing Committee on Energy, on the circumstances---

The Temporary Speaker (Sen. Kinyua): Have we lost Sen. Mwaura? Okay, as we then try to sort out on Sen. (Dr.) Mwaura, let us have the Statement by the Senate Majority Leader.

BUSINESS FOR THE WEEK COMMENCING TUESDAY, 22ND MARCH, 2022.

Sen. Dullo: Mr. Temporary Speaker, Sir, pursuant to Standing Order No. 52 (1), I hereby present to the Senate, the Business of the House for the week commencing Tuesday, 22nd March, 2022.

Mr. Temporary Speaker, Sir, as we proceed on short recess from tomorrow, 11th March, 2022, until Monday 21st March, 2022, I wish to commend committees and Senators for the commitment that they have shown in processing business before the respective Committees of the Senate.

Increasingly, more reports on various legislative business have been tabled in the Senate. This notwithstanding, there is need for respective Senators to monitor business that they are sponsoring that is listed in the Order Paper in order to avail themselves to prosecute it when scheduled.

Mr. Temporary Speaker, Sir, on Tuesday, 22nd March, 2022, 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 March, 2022 and on Thursday, 24th March, 2022, the Senate will consider business that will not be concluded on Tuesday and any other business scheduled by the Senate Business Committee including Petitions and Statements.

Currently, there are 16 Bills due for the Second Reading stage. I urge respective committees to uphold the efficiency that they have demonstrated in considering Bills as

we look forward to having many reports on these Bills tabled when we resume from recess.

Mr. Temporary Speaker, Sir, currently, there are 11 Bills due for the Committee of the Whole Stage. I take this opportunity to urge the committee chairpersons and Senators sponsoring the Bills to avail themselves so that we can conclude on these Bills. This is part of the legislative imprint that this august House will leave and thus every effort must be made to ensure that we pass those Bills in good time.

In addition to this, there are 48 Petitions that are yet to be concluded in the Senate and three Motions. Respective Standing Committees are encouraged to expedite consideration of the said Petitions and to table reports pursuant to Standing Order No. 232 (2), while the movers of the Motions are urged to be in the House when the same is listed in the Order Paper.

Mr. Temporary Speaker, Sir, I thank you and hereby lay the Statement on the Table of the Senate.

(Sen. Dullo laid the documents on the Table)

The Temporary Speaker (Sen. Kinyua): Is Sen. (Dr.) Mwaura online?

BILLS

First Readings

THE PUBLIC PROCUREMENT AND ASSET DISPOSAL
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 32 OF 2021)

THE SACCO SOCIETY (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO.55 OF 2021)

THE SUSTAINABLE WASTE MANAGEMENT BILL
(NATIONAL ASSEMBLY BILLS NO.22 OF 2021)

*(Orders for First Readings – Read the First Time and
ordered to be referred to the relevant Senate Committees)*

The Temporary Speaker (Sen. Kinyua): Hon. Senators, for the convenience of the House, I want to reorganize the Order Paper. Let us move to Order No.27.

MOTION

FAST TRACKING CULTURAL DEVELOPMENTS IN COUNTIES

Sen. Kasanga: Thank you Mr. Temporary Speaker, Sir, I beg to move the following Motion:

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THAT, WHEREAS Kenya is a multiethnic and multiracial country with rich and diverse cultural resources such as traditional medicine, food, arts, crafts, music, dances, dresses among others;

AWARE THAT the Constitution in its preamble acknowledges the cultural diversity of the Kenyan people who are determined to live in peace and unity as one indivisible sovereign nation. Whilst Article 11 of the Kenyan Constitution recognizes culture as the foundation of the Nation;

NOTING that while the department of culture under the Ministry of Sports, Culture and Heritage has been playing some of the key roles in promotion of cultural integration, formulation of policies, and standards that will guide the development of culture little information has been available to the Kenyan public;

ACKNOWLEDGING that culture performs a significant role in the life of a child. The cultural background in which a child is brought up affects the totality of his or her life's activities;

CONCERNED, that our children are losing their sense of identity due to negative influences, due to inadequate cultural identity catalyzed by globalization which has led to catastrophic consequences to the next generation as experienced in our country where majority of the young people are showing symptoms of feeling suicidal, anxious, feelings of hopelessness, anger, violence, feeling isolated and paranoia;

NOW THEREFORE, the Senate urges the Cabinet Secretary for the Ministry of Sports, Culture and Heritage to: -

(a) Formulate cultural development policies and initiatives to inculcate stronger community values, safeguard Kenya's heritage, recognize local heroes and promote social cultural opportunities in the counties.

(b) Formulate strategies to create an enabling environment for protection and promotion of diversity of cultural expressions in all counties.

Mr. Temporary Speaker, Sir, this Motion speaks for itself. There is need to for us to reset and go back to the basics, sometimes when you look at what is happening in our society.

Today, I was very privileged to have a panel session at the Peoples Dialogue Festival (PDF) and I have to really thank our own Sen. Halake for her leadership at the Center for Multiparty Democracy (CMD). You have done very well. In fact, your Chief Executive Officer (CEO) was saying how happy he is under your guidance and leadership.

It was a very interesting dialogue where you mix leaders, stakeholders and the people and have critical conversations. Of course, as usual I was called upon to speak on anything mental health. One of the things that came out - and this came from the people - they asked; "why are we always asking the Government about the things they have not done? Why not seek the solutions first form ourselves, as a people?"

What are we doing as a people? What are we doing about the community values we used to have a long time ago that we grew up with? Probably, the previous generation

is aware of them, where your neighbours and their children matters to you and a child belonged to the community and was brought up together with the community. These are the cultural values that we are lacking and missing today and sometimes when we are talking about the adverse effects of mental health or behavior - as we saw on Monday what happened to the lady who was assaulted on the road---

When you see some of these behaviors, we have to think to ourselves as a society. We need to go back to our basics. How did we deal with some of these issues? The solutions are there. This Motion will speak to all these encompassing issues of community values.

How about promoting our diversity and cultural expression? Sometimes we are so engrossed in 'chasing' life that we forget some of the most beautiful things are those that happened in our culture. Interestingly enough some still do happen, but they are happening quietly in our different counties and communities and we are not celebrating enough. Some of things can help bring jobs and foreign exchange to the counties.

I remember about three or four years ago being in *Shamakhokho*, Vihiga County, watching the young men go into the forest for their circumcision rights. When they came out, the amount of colour and pomp that happened on the streets was absolutely amazing. I remember thinking: why can this not be an annual event where, even us, in Makueni County we can go there? We can book rooms and celebrate with them as they perform their cultural practices every year.

If we had that level of expression for our culture, where we intermingle and in the process we are creating jobs and entrenching our very own cultural practices to our young people, so that they do not forget, they would become part and parcel of our lives and enrich us in our modern day scenarios.

Mr. Temporary Speaker, Sir, when we talk about celebrating our local heroes, this is also very important because in our communities they played very critical roles. They would remind us certain things about why they were heroes at that time. Every community had its own heroes. They were the leaders and they did great things.

In the turn of the Century, they were there to guide the communities as life was changing due the colonial rule. These are things that we must really celebrate. I look forward to a day when we will have these cultural facilities in every county or at least every region. For example, in the Lower Eastern you will find a center that celebrates the culture of the Akamba people. In the Coastal region you will find a center that celebrates the people of the coastal region and give their history and writings about them.

It is interesting for us the Akamba people. A lot of writings were by then people like Dr. Ludwig Krapf who were had come as missionaries and explorers, who wrote about us; not enough by ourselves.

The time is here that we need to account for our time. Our stories should not be written by other people. They should be written by ourselves because that is the best way that we can transfer, knowledge, history and culture to our younger generation so that we do not keep saying that our young people are missing something.

Therefore, Mr Temporary Speaker, Sir, this Motion is speaking to this, that we need to do something. The National government in the Ministry of Sports, Culture and Arts need to really pick up on some of these things and give the guidance that is needed.

Even before the National government does anything, the counties should be siezed of this. We should begin to see some action in that sense that is happening.

I would like to celebrate one of the heroes of the Akamba people. The Akamba people are known to have been long distance walkers. They used to walk. It was written by Dr. Ludwig Krapf, how, one time when he was in the Congo, he met these interesting people who told him that they had come from the East and they had walked for three moons, meaning three months. That is how they used to measure the days back then.

They had Congo to collect the earth. They told him they used the earth to make arrows. The Kamba people were smelters. They used to go and get the iron ore and come back home to make arrows. The Kamba people were very good at archery. That was one of our *forte*.

Arching was one of the greatest things that we used to do in the older ages and how I wish we could have an archery club now, somewhere in Ukambani, because have it in our blood. These are the things that we are talking about. If our people knew more about this, they would know how to do these things.

One time, Dr Krapf according to his book, came back to East Africa to look for these people who had come from the East. When he landed in Mombasa he looked for them and he was told that those people came within certain months after harvesting to do trade.

He went and came back again so that he could meet with these people. When he met them, he met with Dr. Kivoi wa Mwendwa. This was one of our Chiefs. He had led a caravan to Mombasa where he met with Dr. Ludwig Krapf. He told Dr Ludwig Krapf said, "I know you people, I have met you in the Congo and I know you like seeing new things."

He told them that there was a place where there are hills that have something white on top and that white thing becomes water. He was trying to describe snow. Ludwig Krapf could not believe that there could be snow in the tropics. He therefore decided to travel and see the inside of the country, led by Chief Kivoi.

Those days, they would use the routes of Kitui. They would go through Nzambani, if you know Kitui very well. When they get to a certain spot, you have the views of what we currently call Mount Kenya and Mount Kilimanjaro. He pointed at the hills and gave Dr. Ludwig Krapf and said that one there is called *Kinyaa* in Kikamba. They were trying to describe an ostrich which has a white little patch on top of their head. That is what they termed Mount Kenya as.

On the other side, *Kiima kya Nzalu*, which is the current day Mount Kilimanjaro. *Kiima* is a hill, *kya* translates to of and *Nzalu* because it is difficult to climb. You can imagine how Dr Ludwig went and wrote it at that time.

It is therefore good to know that some of these names actually came from those days and they came from practical experiences of our own people when they were trying to describe these things.

A lot more went one. For example, the Yatta Plateau, you would wonder how the name Yatta came about. Yatta Plateau, according to this book, Chief Kivoi was trying to explain to Dr. Ludwig, because he had seen this interesting geographical formation. He said, "Normally when we shoot an animal it just disappears. You do not even know

where it has gone because the flora and fauna are so flat and the animals just disappear completely.” They would in Kikamba, *yaa ata?* To mean, how did it disappear? That then ended up being what is called the Yatta Plateau, today.

Mr Temporary Speaker, Sir, therefore, you can see these things are really interesting. Same as the Athi River and the Tana River. The Tana River was very interesting because when they needed to cross and go to Mount Kenya they came across the Tana River. As they were heading there, chief Kivoi would say, “let us hope that the levels of water would be low because sometimes the snow would make the levels too high”. When they got to the place where the levels were low enough for them to cross the Tana River, he said, “*tana*” to mean be happy in Kikamba. Be happy, now we can cross. That is what is called the Tana River.

All these stories come from books that were written by others and not ourselves. What I would like to say about this Motion today and as we celebrate our cultures is that, we need to write our stories ourselves. We need these stories and all our heroes and cultures to be celebrated by putting it in these cultural ways, having the policies in place, having even the places, whether it is the museums, or places that can celebrate our culture across the country.

We, as Kenyans, have the duty to go around and enjoy each other’s diversity. Our diversity need not be the thing that divides us but rather that puts us together and helps even create stronger economies. We can use our own culture as methods of making money and celebrating each other.

Let us look for cultural expressions. We have our own Senator here, Sen. Olekina, who would come in his traditional regalia. I thought that was very nice. I think we should have at least one da in week or one in a month that we can celebrate our cultural expression by even dressware.

In some countries in Africa, you find that even school uniform is a cultural expression made from fabrics like our *kitenge*, the modern traditional look which is a *kitenge*. You make school uniform out *vitenge*. It helps the children to also feel part and parcel of our culture of our tradition.

Mr Temporary Speaker, Sir, is about time that we write our own stories. I move and I request Sen. (Dr) Musuruve to second.

Sen. (Dr) Musuruve: Thank you, Mr Temporary Speaker, Sir, for giving me this opportunity to second Sen. Kasanga on her Motion. Kindly, before I proceed, I just want to thank Sen. Kasanga for coming up with this Motion which is going to effect Article 11 of our Constitution.

Article 11 brings out the fact that the State shall promote all forms of cultural expressions. We are looking at music, art, language and many ways in which culture is expressed, ways of dressing, foods, medicines et cetera. These are forms of expressions which can be expressed in books, museums, exhibitions and in very many ways. What Sen. Kasanga is saying is a constitutional requirement. We must seek to defend our Constitution because we accepted it and everything in it.

I would like Sen. Kasanga to scale this up so that it is enshrined in law to become a Act of the land. If it becomes a Bill and is assented to, even the propositions that she is bringing on board concerning county governments promoting culture will be

automatic because they will then be forced to follow the law. We are then going to preserve cultural heritage for the purpose of the coming generations.

Mr. Temporary Speaker, Sir, culture is a unifying factor everywhere. Somalis have their way of dressing and foods they love to eat. They prefer camel to cow milk. The Luos also have things they cherish and a way of doing things. They love to eat fish. Luhyas too cherish certain types of food like chicken and *mrenda*, which is medicinal.

Food and dressing are very important things. In fact, there are some cultural foods that are exported to may be China and other places for refinement and then brought back and sold expensively.

For example, *mukombero* is a stimulant root that is normally chewed in Western Kenya. It is cheap and can be easily found in the forest. This root has been chewed since time immemorial. I remember my grandfather, Mr. Reuben Khaguli Isuli, would take us to the forest to uproot mukombero. As children, we loved to chew it. .

As I child, I was never taken to the hospital for a headache or malaria treatment. Instead, we used barks from certain trees. Mwarubaini *and* aloe vera were traditionally used to treat some ailments.

It is unfortunate that, the young generation is not aware traditional food that is medicinal. Most of the time, the youngsters go for pizza and other foods that eventually cause diseases. We have forgotten that we have our own traditional foods that can help.

Mr. Temporary Speaker, Sir, we cannot blame the young generation. We need to put in place policies such as the one that Sen. Kasanga is proposing here. We need policies to ensure the development of our traditional food and music.

Traditionally, there was music for different occasions. There was music to celebrate the birth of a baby and dirges to express sorrow during funerals. Some dirges had a quick tempo and people would dance joyfully because someone was transiting to the other side of the world. Every stage in life had music to celebrate.

It is unfortunate that the youngsters are not aware of this. For the sake of our future and ensuring that our culture lives on, we need to look for ways of ensuring we do not lose out on this rich culture that we have.

Mr. Temporary Speaker, Sir, Kiswahili is a lingua franca. We need to cherish it and pass it to the next generation. There are some children who cannot speak Kiswahili. They go to high end schools all through and they find it difficult when they are fully grown and they want to learn Kiswahili. You cannot be a leader without Kiswahili. You must know Kiswahili which will help you reach out to the people you are leading.

There is a lot of good heritage that we are losing. Another example is initiation to adulthood for boys. Growing up, it was a rich culture and everyone would look forward to it. After every two or three years, boys would be initiated into adulthood and it was celebrated. People would come from far and wide just to see how the young boys were dancing in masks.

As a young girl, we would go to the posho mill but had to hide whenever we so the initiated coming towards us. They were not supposed to see the face of a woman or a girl around. They were pepper hot. If they met you, they could even beat you up. Women and girls were told in advance to hide. That culture was rich.

However, they were allowed a visit maybe once a week. That is the day you would see them and dance together. It was interesting. They would wear masks such that they would see you but you could not identify them. Everyone looked forward to a time when they would be initiated and given back to the society as men.

Mr. Temporary Speaker, Sir, we must put county governments to task to ensure that they develop our heritage. The National Government sends money to county governments. Most of the times, we pass money to go to the county governments.

In the yearly development plan, county governments must ensure that they allocate resources to develop our heritage and culture. They can even come up with museums. These museums will be a source of employment because curators will be needed. They will teach visitors about the African traditional heritage and what was there. This will be very rich for Kenyans

Mr. Temporary Speaker, Sir, it is unfortunate that most children especially those who were brought up in town, may not even know their vernacular language. It becomes very difficult. They learn the language of the catchment area. When fully grown, it becomes a harrowing moment for them to learn this language on their own.

There is need to ensure that we are not losing our culture. County executives can even plan contests and shows in the county to celebrate our culture, ourselves and leaders.

When Sen. Kasanga was debating, she proved that when the White Man came--- I am a scholar and also a student of history. In the history books written by White Men, they say that the first person to see Mt. Kilimanjaro was so and so and yet Mt. Kilimanjaro was there. It did not come at the time of the White Man. It is unfortunate.

They even tell you the first 'White Man' to name Mt. Kilimanjaro, when the locals were there and they had a name for Mt. Kilimanjaro. When the biased scholars who are inclined to Europe write their books, they say they were the first ones to see.

The same goes for Lake Victoria. You will find in history books that so and so was the first one to see Lake Victoria and yet we had so many Africans who were living, fishing and getting a source of income from there.

The Constitution says clearly that we can express our culture through literature, writing, books and even libraries. That way, we can glorify what is ours. Those Kenyan scholars who are listening to our proceedings should know that as Senators, we are encouraging them to come up with writings that glorify our own culture. We cannot just sit and say we do not have a culture. The culture comes from the West.

Madam Temporary Speaker, culturally we did not have children on the streets. In a situation where children's parents were dead, the community would embrace and take care of them. It is the same community that would ensure those children feed and go to school. At the moment, we have so many street children. This is not one of our cultures. I want to give the example of Rebbeca whose mother disappeared in the whirlwind and she does not know her father.

Mr. Temporary Speaker Sir, the mother to these three children became mad. They do not know their father or where they come from. They were left on their own. Traditionally, this would never have happened. We would have taken care of these children and ensure they eke a living and become part of the family.

I remember I was given the burden of Rebecca. I decided that together with her siblings, they will be my family. I embraced and took care of them as a mother because I have the cultural values in me. I would not want to abdicate the communal responsibility that we all have as Africans.

The media should glorify the food we eat, the songs we believe in and everything about our culture so as to sustain it.

We have a Ministry that deals with culture. There is need to interrogate whether it is really alive to ensuring that we encourage the development our culture and groom our children.

They can have competition so that those who excel in culture and cultural activities can be awarded. Also, counties that do well in cultural development can be awarded and given presidential recognition.

When it comes to music we have very strong artists whom we are not embracing. They can do very well in singing Bukusu, Gikuyu, Maragoli, and all other African languages.

We need to ensure that these artists are brought on board. We should encourage and support them so that they can grow our culture.

Article 11 of our Constitution states clearly that there is need for royalty and compensation for using other people's culture. However, in the media people's culture is used and no compensation is made.

Local artists who are very strong and creative are used but there is are not compensated. We need to look at the mechanism of compensating and encouraging culture so that it propagates.

I beg to second this Statement and call upon my fellow Senators to do the same so that it goes to the relevant office for execution.

(Question proposed)

The Temporary Speaker (Sen. Kinyua): Sen. (Dr.) Mwaura, I want you to start by reading your Statement.

(Interruption of debate on the Motion)

STATEMENT

CIRCUMSTANCES SURROUNDING THE DEATH OF MR. FELIX ODHIAMBO

Sen. (Dr.) Mwaura: Mr. Temporary Speaker Sir, I rise Pursuant to Standing Order No. 48 to seek a Statement from the Standing Committee on Energy on the circumstances surrounding the death of Mr. Felix Odhiambo, a resident of Githurai Estate who died from electrocution.

In the Statement, the Committee should-

(1) Appraise the Senate on the circumstances that led to the death of Mr. Felix Odhiambo, a resident of Githurai Estate from electrocution and update on the investigation into the death.

(2) Spell out measures that have been put in place to ensure the contractor who undertook the works on this particular line is held accountable for the death and the family of Mr. Odhiambo compensated;

(3) State targeted interventions to regulate wiring practitioners in the industry noting the rising number of quacks practicing in various settlements like Githurai and other places and;

(4) State measure if any to mitigate the rising cases of electrocution in the country.

The Temporary Speaker (Sen. Kinyua): Thank you Sen. (Dr.) Mwaura. Proceed, Sen. Sakaja.

Sen. Sakaja: Mr. Temporary Speaker, Sir, I would like to speak to this Bill. However, I cannot ignore what Sen. Mwaura has asked for.

Mr. Felix Odhiambo was electrocuted in Mwiwoko. We share Githurai. Githurai 44 is in my county and Githurai 45 is in Ruiru, Kiambu County.

This gentleman's death was very curious. He is known within Mwiwoko because he does a lot of electrical work.

On this day, the power was switched off when he went up the pole but it was switched on while he was still up.

When he fell with a thud, the authorities and the Kenya Power people fled the scene with their vehicles. It is very curious and serious questions need to be asked. On top of that, there have been a lot of deaths and fires in informal settlements in Nairobi. I have been pushing, for the last few years, for social connections of power in our slum area

You cannot expect somebody in Mathare to be paying the same tariff as somebody in Karen or Muthaiga. The difference is small.

There is a way we can do social connection. We have seen social connection policy of electricity and water being implemented. These people are willing to pay but it must be affordable because, either way, they are paying somehow.

These illegal connections are the reason why there is always fire in Huruma, Gikomba and in many of our slums which causes unnecessary deaths.

Today and as fourth generation right, electricity is one of the new rights that people should have. Soon, access to internet will be a right in urban areas.

I thank Sen. (Dr.) Mwaura for that Statement. I hope that the Committee that is given to will act on it.

Mr. Odhiambo left a young wife and children. May they get justice. There is nothing that can be done that will bring back his life but let them feel a sense of justice. This is not a practice that will be condoned going forward.

Let things be done professionally. I still appeal to Kenya Power. I went to them in 2017 and in 2018. Of course, there have been changes in the leadership.

I also told them to reconfigure power connections in many of our informal settlements. They are afraid because if their car is seen--- I remember there is a former

MP who said; “*weka* tire when you see them.” He later said that he meant “put the tire for the vehicle to go.”

The people living in informal settlements in Nairobi are also human beings and we can talk to them and understand each other because they understand the danger. There are a lot of naked lines in many of the informal settlements such as Mukuru, Kibera, Mathare, Kosovo and other places. Those people deserve dignity and deserve to be connected. So, I thank Sen. Mwaura for that.

Mr. Temporary Speaker, Sir, I have seen this Bill. Allow me now to move to Sen. Kasanga’s Motion on Fast Tracking Cultural Developments in Counties.

MOTION

FAST TRACKING CULTURAL DEVELOPMENTS IN COUNTIES

(Resumption of debate on the Motion)

The Temporary Speaker (Sen. Kinyua): Sen. Sakaja, when Sen. Kasanga was speaking, I could see you nodding when she was schooling you on the naming of many places.

Sen. Sakaja: Yes. I was interested in that. I did not know that Mt. Kilimanjaro meant a hill that is difficult to climb in Kikamba. I knew about Chief Kivoi showing the missionaries the snow-capped mountain and said “Kinyaa”. I thought “Kinyaa” meant Kirinyaga because we call that area Kirinyaga but she has a different version. It is what they call a peacock. There are many examples of how things were named.

Mr. Temporary Speaker, Sir, part of my ancestry is traced at a place called Ikolomani. My grandfather would tell me that Ikolomani said in a Luhya accent was goldmine because there used to be gold there.

The other side of my ancestry is from a place called Olgoria, where the original Sakajas’ come from in Kiligoris. That is in Maasailand. Olgoria means land of gold. So, there is a lot of gold in my blood. All these translations of words, the Great Corner to Dagoretti Corner, the carrier corps to Karioko and even what Ngara means is part of the history of our country.

There are many other places that we now fondly refer to but many people do not know the origin and the entomology of how things have been named. I think there is need to preserve that and encourage our young people to understand these things because things have moved so fast.

Every morning when I drop my kids to school, I normally wonder because I use the Museum Hill Road towards Thika Road. When you go up Museum Hill Road, there is a spot where we pass. Right at that spot, my mum had a kiosk when I was a child. Children can never understand that there was no road like that before. It just used to be a hill and right outside the museum we had a kiosk there. When you go down the roundabout, the nursery school I went to was there.

I tell them that sometimes I used to leave that nursery school and go up to my mum’s kiosk to get a boiled egg but they cannot fathom because they do not know

Nairobi without that. Now with the Express Way, they will never understand that this did not exit.

Looking at how Thika and Langata roads are today, can you try and remember how Thika Road used to be? Development obscures memories of what we used to have. That is why I remember during the last time we were commemorating the death of the founding father, Mzee Kenyatta, I told President Uhuru Kenyatta that there are many people who did not see Mzee Kenyatta, including myself, but today I am a leader.

There are many people who were not alive when Mzee Jomo Kenyatta was around. This mausoleum must be expanded into a presidential museum where young people can come and learn our history. We should know that there is a generation that does not remember.

I am glad with what the President has done in Uhuru Garden. There shall be a museum there where we can go through and learn how our culture was like and our journey. It is very poetic because it is at the place where our first flag was flown as the Union Jack was brought down. We must remember that and that is why I am grateful.

There are many beautiful things from our different communities. I love travelling and sometimes I go to Isiolo. Sen. Dullo knows I have relatives there as well who vote for her all the time. When I go there, I get stories of what used to happen.

My eldest sister is called Njeri and she is married to a man called Galgalo Malicha. Galgalo tells me the stories of Marsabit and Isiolo and how they initially felt to be in a different place and the stories of the people who were there. As a people, we do not get these things. There is no way you will create cohesion in this country without culture.

Our Constitution talks about the beauty of our diversity, but how do we express it? We have lacked a way of bringing out the beauty of our diversity because we have not focussed on what a Kenyan identity is.

We have tribalism, where people now go to their localised cultural identity as a protection. Because of that, we build fences and not bridges between communities. When you do that, then you do not have cultural identity in the positive manner.

I remember President Moi saying that vernacular stations are going to lead Kenya down the wrong way. People thought he was saying the wrong thing. If you look at the Post-Election Violence (PEV) in 2007, it was fuelled by the way we have used our cultural identity.

It is like fire. Fire can be used to cook and warm. It is also used in industries. However, fire can also be used to destroy and burn. How we use our culture is extremely important in building bridges for us to know each other.

I am fortunate that I am speaking as the Senator for Nairobi City County. Nairobi is the Capital City of this country and a place where we all call home. Nairobi is a place where I have voters and residents from all the 43 communities of this country plus the international community.

If you want to talk about fast tracking cultural developments in counties, ask yourself, how do we do that in a cosmopolitan and international global capital like Nairobi? I have a lot of ideas of how we can do it. Once we do it right here, it will lead to a stronger and cohesive country.

Mr. Temporary Speaker, Sir, I hope and pray - because I intend to vie for the seat of governor of Nairobi. God willing, if I become the governor of Nairobi, we will have an annual Nairobi Arts and Cultural Festival that is going to be a global event.

(Sen. (Dr.) Musuruve nodded)

Thank you, Sen. (Dr.) Musuruve. There was a poll that came up today that was positive.

The festival is important because for you to deal with a city, you must first start with the software of the city before the hardware. The reason we have people flocking to New York is because they have dealt with the software.

I love New York. They call it the big apple. The reason people go to California is because in Los Angeles (LA), there is a vibe that has been created around it, that it is a place of film or art. If it is San Francisco, it is known for Silicon Valley where you will get funders *et cetera*. What we want is the vibe of Nairobi.

Mr. Temporary Speaker, Sir, we must create and define that Nairobi is a land of opportunities and possibilities for every African and is the capital of Africa. Once we have stated that, it will sound hot and ambitious.

Nairobi is going to be the capital of Africa; the land of possibilities beyond just the green city under the sun. Then, we will now sell the culture of the city. I love Nairobi because I am Nairobi. You first give people the ownership.

Culture is not just static but very dynamic. It is always dynamic, in process, in flux and acting on human society, while also being a product of that human society. There are people who come to Nairobi---

I remember when there was a ban on *matatu* graffiti, I went to see my friend in Eastleigh Section 3. His name is Moha. He does what we call Moha Graphics. I have known him since I was young when we used to walk from Ngara to Karioko and to Eastleigh.

On the same day it was banned, there was a group of people from South Africa who came to see how *matatu* graffiti is done, how they put the music system and how it is creating employment. That is part of our urban culture. Culture is not something stuck at a certain historical point whereby we say: Now let us wear traditional clothes and remember that culture. There are elements of the dynamic nature of culture and the traditional culture.

Let us not confuse culture with traditions. Traditions are very important. In this Annual Nairobi Cultural and Arts Festival, we will be asking the Kambas to bring their *muthokoi*; Kikuyus their *Irio*, *nduma* and *Ngwaci*; the Luhyas their *Ingokho* and the Luos to bring their fish. We will experience the food from across the country and internationally.

We will lock up the city for three days. There is going to be food and music from across the country; Jazz and urban culture with the *Ohangala* and the *Isukuti* with hip-hop, because Nairobi is a melting point of all these cultures. We will bring them together and have that music festival in Nairobi. That is culture. We are going to have beautiful art.

There are people who come from across the world to look at our art yet we are buying fake art here and are not appreciating our artists. We want them to come and see the kind of art that the Maasai used to have. We have found that the Maasai warriors have been captured in the Egyptian tombs of Pharaohs as part of the hieroglyphics. We do not have it here.

I was in the British Museum in London last week. They have a lot of curated art from Africa including Kenya. How comes we do not have it here? The first thing the British need to do is to bring back people's art. There was all this art from Egypt, West Africa, and the Kingdom of Benin. I am glad I was able to meet the Esama of Benin who gave me some bronze sculptures. Those things belong to us.

We can come together and experience each other's art. Tribalism is a direct result of ignorance. Some people have been told this community eats people; this community they are thieves, this community they are dirty and et cetera. I see my time is running out yet I have so much to say.

There is going to be art, photography on display every year. In five years, we are going to make the Nairobi Festival a global event that is enhancing culture. This Motion on top of what Sen. Kasanga wants, I want to say what we can do practically. As we do that, the arts are an economic frontier.

We can get a lot of proper art work done on some of these roads and bridges that are being done. By this, I do not mean the funny graffiti that might be disastrous but proper art that shows who we are as Nairobians and as a city.

Unless we do the software in the heart and the soul, that is the vibe of this place--- The hardware you can do the roads, trains, hospitals but there is no soul. That is why when you ask some people where they come from, they say: I am from Isiolo but I live in Nairobi; I am from Nyandarua but I live in Nairobi. Some of us do not have any other home; we are from here and we must make sure that that culture comes out.

Culture is not static. Culture is dynamic. Let us appreciate what has been there before but let us also bring out who we have become; a product of the music and the different communities.

I remember even at my wedding; I do not think there was any one from my community on my line up because I have not grown up with them. My best friends are from all communities. I have a friend we grew up with called Mutai. I only came to know his tribe three years ago because it has never mattered to me. That is the urban aspect. I know people have different experiences from the rural side but that is what Nairobi is. For us it does not matter your second name or where you are from. What matters is the content of your character and the person you are. Let us make Nairobi the place of opportunities by enhancing this culture and that vibe.

Part of our culture as Nairobi and what we are known for, I gave a speech in 2015 at the Institute of the Future, in San Francisco in what we call the Silicon Valley. These people asked me: How is it that we are seeing a lot of innovations coming from Nairobi? I told them it is because we are Silicon Savannah. The world has moved and it is now a global village driven by information powered by knowledge such that the same tools a young person in San Francisco has for coding or developing software, are the same exact tools that a young person in Nairobi has but the needs are different. While the Americans

are coding and creating apps for luxury shopping and entertainment, Kenyans we are connecting people to water, doing education apps because necessity is the mother of invention.

Nairobi is now being seen as the next frontier for innovation. That is why we sponsored the Start-up Bill which has gone to the National Assembly. That is going to be part of that Nairobi Festival. Anybody from Africa who has an idea, form of expression or is looking for an opportunity will come to the City of Nairobi.

I support this Motion by Sen. Kasanga. Sen. Kasanga has brought an amazing Motion and she is also a Nairobiian. I know she likes going to Machakos but she is a Nairobiian because she espouses the culture. She has actually have left a mark and a symbol through architecture that will forever be in the skylines of this city because of what she has been able to do as an architect and also as a fighter for issues of mental health.

That is part of who we are as Nairobi. So, when I say I am Nairobi, you also can say you are Nairobi because that is who we are.

Thank you, Mr. Temporary Speaker, Sir.

Sen. Halake: Thank you, Mr. Temporary Speaker, Sir. I rise to support Sen. Kasanga on her Motion on fast-tracking cultural development in counties.

I would like to congratulate her because she has always come up with very useful pieces of legislation that will definitely put her on the map of this 12th Parliament as having brought great change to our country in her tenure. The issues of culture cannot be gainsaid given that culture gives us our identity, language and future opportunities as well.

As Sen. Sakaja has said, culture is not static. It is growing, unfolding right before our eyes. We must make sure we look back to look forward. How do we do that? By ensuring we preserve where we came from so then it is clear where we are going with our culture. We should be anchored in our identity, language and in ourselves as a people because our pride comes from having an identity and having a history of which we are proud of.

How can we be proud of a history that does not exist, has not been preserved for our children? We are not saying that the Government should be teaching our children language, or that it should take the whole responsibility because we as parents and Kenyans must also take our rightful role in ensuring that our culture is preserved. We cannot put everything on the Government.

I like what the prayer for this Motion is. It is giving the Government to do what it is supposed to do. The rest we will do as parents, mothers and fathers; to formulate cultural development policies and initiatives to inculcate stronger community values, safeguard Kenya's heritage, recognize local heroes, promote socio-cultural opportunities in the counties and formulate strategies to create an enabling environment for protection and promotion of diversity of cultural expressions in our counties.

That is not too much to ask. It is exactly and precisely what governments should do: Lay the right frameworks within which we as Kenyans can then exercise our culture and preserve it for ourselves or use it as a point of reference or point of teaching our children and also use it perhaps in our education system.

The community I come from is very rich in culture. The Borana Community of Northern Kenya all the way to southern Ethiopia practiced the Gada system which is basically a very democratic system of governance that is studied the world over where every eight years, nine individuals are elected to look after the political, social, economic and cultural aspects of the community.

It is a very democratic system upon which our democracy could be based because a democracy embedded in our culture, knows where we came from and a democracy that we can relate to, perhaps might serve us better than the imported versions of the democratic values that we attempt to follow at the moment. In terms of the politics of the day, not just the cultural aspect, we have very rich cultures. The Borana community has a very rich culture where by consensus every five years they would choose nine elders.

I am seeing the opportunities if this Motion is passed. What I like about this is that this Motion actualizes and implements Article 11 of our Constitution, to ensure that we just do not have laws that are beautiful on papers. This kind of Motion is what breaks down our Constitution into what we do on a daily basis to actualize the dreams that our Constitution contains. Therefore, I congratulate the Senator.

While looking at this, there are certain harmful cultural conditioning that we must guard against as well. I am hoping that as the Ministry formulate this cultural development policies, they will look at what is good and encourage that, but also while minimizing the harmful cultural conditioning that exist. For instance, Female Genital Mutilation (FGM), early marriages, such things as wife beating as a form of love for women. These kinds of cultural conditioning is what we need to---

Yes, I said female genital mutilation and violence against women. This gives an opportunity to pick what is good in our culture and ensure certain cultural conditioning that is harmful to the less vulnerable, our children, women, people with disabilities and even to our men in certain cases, are eliminated, while we look at this.

I do not wish to take so much time. I know that there are quite a number of issues on the Order Paper, but I would like to say that culture is dynamic, growing and unfolding, but we must first of all ensure we preserve, understand, highlight and celebrate what we have. This is so that we can go forward with what then will become and develop as we go alone.

We have spoken word and artists. In fact, I am just from the people's dialogue at the museum which is run by my organization, The Center for Multi-Party Democracy. All the different political parties were there. In this, we had culinary corner where people were cooking different traditional foods all the way from Denmark to Moyale. This is part of culture because the food we eat is informed by our cultural heritage. What is food for one person is poison for another, but then, through this cultural understanding even peace can be achieved.

There is a lot to be said about culture and learn from. However, as this House, and as leaders, we definitely have to look at what cultural values are going to be useful to us because we are not a stagnant society, and what cultural conditioning that is not good for us can be minimized. This is where the Government comes in. However, we as Kenyans, parents, women and youth of this country, would be taking responsibility.

I am a bit concerned that sometimes we become a society that looks at the next person to sort our problems out. We have become a society that decides everything must be sorted out by a politician or Government. This is a notion and a narrative we need to discourage because our culture or problems are fast and foremost our responsibilities, after which then they can go to government for the frameworks that Sen. Kasanga has asked for in this Motion.

I like that we do not put every responsibility on Government; we are just asking for the right framework within which we can practice our culture without discrimination or any other form of barriers to our cultural diversity in this country.

With those few remarks, I support this and hope that we see this being implemented even before we go on recess. Some of these things are very easily done because the culture and people exist. Everything is there; it is just a matter of pulling together these things and making sure we have a system or an environment within which our culture can thrive.

Mr. Temporary Speaker, Sir, today as I was listening to the young people at the Center for Multi-Party Democracy at the museum, one lady said she would never vote because she does not think she would be alive by the time of voting. I was very shocked and disturbed. Such is where the desperation and lack of hope and our youths are giving up.

When I was talking about us not being bystanders, but do something with our votes, let us vote for the right people, she said “I do not think I will be there”. How desperate has our country become? What are we going to do about that? That is the mental health that Sen. Kasanga is talking about in this Motion, where our children are becoming anxious, hopeless and suicidal. That is creating an apathy of an imaginable scale.

Therefore, if culture can help, which I know it can, let us do everything possible at our disposal, including making sure that our cultural upbringing, where a child is a responsibility of everybody. If you were seen doing something wrong in the past in the villages, somebody else could discipline you. If somebody saw you being beaten unfairly, somebody would defend you. Now you find somebody being beaten, a woman’s handbag being snatched or a woman being harassed as we saw, yet nobody comes to help. That is a breakdown.

I support and congratulate Sen. Kasanga and look forward to this being actualized.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Kinyua): Thank you, Sen. Halake. Proceed, Sen. Kavindu Muthama.

Sen. Kavindu Muthama: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to join my fellow Senators in congratulating Sen. Kasanga for this very important Motion on cultural development in counties.

In the Building Bridges Initiative (BBI), we suggested that we have cultural centers and exchange programmes in every county. I thank Sen. Kasanga for bringing this up because the BBI did not go through. Through this Motion, this can be accomplished.

When people had their own culture and cultural foods, there were no as many sicknesses as we have today. Therefore, I believe if we go back to our cultures, we will have a health living and many people will come out of health problem that they have because indigenous foods are very important for us to eat.

We have gone for other foods, which are very harmful to our bodies. This is especially foods planted with fertilizers, yet we are always talking of fertilizers. We have forgotten our natural manure from livestock and manures that our great grandparents use to make naturally. That was the best for farming.

Before this civilization wickedness was rare in our country or counties. Young men sat with, old men outside and were advised on how to live, what to do and what not to. The women used to sit with girls and advise them and there was not much wickedness, like we saw the other day a lady involved in an accident.

It is normal to have an accident, yet these men did to her all manner of things which we condemn powerfully. We do not want to see this brutality towards women. That is a young girl and I do not want to think of the trauma she is going through right now. I do not know how long the trauma will live with her until she gets medical attention and come out of it.

It is important to have this culture except that which will interfere with Christianity. This is because Christianity is very important and we have good morals in it. So that which will differ with Muslim Culture, Christianity Culture, should be left out because then it will not be good for any of our religions.

Female genital mutilation should not be entertained because it is not good for our girls. It is part of the culture. I know there are people who really go for it but it is not good for them. Early marriage is not also good. Many of the cultures used to give out their daughters as early as even the age of 9 years, 10 years. This is not part of the culture that we should entertain. We should have only the good culture.

We used to have traditional medicine which could heal many of the sicknesses. Today, we have to go for these medicines from the chemists and doctors. Many of them treat some illness and cause other side effects in the body.

Mr. Temporary Speaker, I support this Motion and pray that it shall see the light of the day.

The Temporary Speaker (Sen. Kinyua): There being no any other request, I call upon the Mover to reply.

Sen. Kasanga: Mr. Temporary Speaker, I beg to reply. I start by thanking Sen. (Dr.) Musuruve for seconding the Motion and adding color to it in telling us about a little bit about her own cultural background. Thank you very much. I also thank Senator Sakaja for reminding us that there is an urban culture that should be celebrated. It should be seen differently from the traditional culture that we speak of in the Motion.

I liked what he has said that when he becomes Governor, *inshalla* and we wish well for him, that he will bring the celebration of the urban culture here in Nairobi and make it a global event. I actually look forward to that.

We have seen other modern cities and how they celebrate their urban cultures and it is usually a wonderful thing. But if he was here, I just also would have liked to remind him not to forget that the traditional culture must also feature within the urban culture.

We have travelled in many cities and we have seen how even the greatest cities maintain the traditional cultures. When you go to Washington DC and any other, you will always find a history museum that traces the history of a people wherever they are. That is very critical and that is what we are talking about.

Of course, with what the President what he has done at Uhuru Gardens, we are going to see a celebration of our heroes and that is really critical.

Just as Sen. Halake has said we must look back to look forward. I thank her. Our children must know where they have come from. We have to be grounded. Former President Obama when he was a Senator had to trace his roots.

When you read his book, he felt the need to understand, “where do I come from? Who am I? He traced his roots back at home and that is the sense of grounding that every human being wishes for. If you have the opportunity to do it, you want to do it. So, for us as leaders, in our nation, we can help our children by giving them that history so that they know who they are and where they come from as they plan to move forward.

I thank Senator Halake for giving us a little insight on her community, the Borana people. This is the beauty of celebrating each other’s diversity. You said some things that I did not know. I did not even know how wide your community spreads geographically. That is beautiful.

I completely agree with Senator Halake when she says that whatever the Government is doing, they should continue making sure that harmful cultural practices are absolutely discouraged, fought and done away with. As we continue to welcome the new generation into the maturity and into leadership, we have to support ending of any harmful cultural practices just as what also Senator Kavindu Muthama has said.

Senator Halake, you introduced the issue of cultural food, and Sen. Kavindu Muthama has also said it. Our very own Sen. Mugo is on record here talking about healthy eating and going back to the basics. You, know, she is a cancer survivor. She speaks to it and says that the medicine for cancer is to eat right. Let us go back to the basics. Let us stop eating processed foods.

I know when you say that, you are attacking potential economic builders but the fact remains that our food is affecting us. Food and mental health go together. This is something that I spoke about today at the Centre for Multi-Party Democracy (CMPD). We said that food and mental health, absolutely go together.

Some of the outreach programmes you would expect now from our County Executive Committees (CECs) of Agriculture in the counties would be outreach programmes telling people about the foods that are supposed to be eaten on a daily basis. Somehow, traditionally I remember the foods that our grandmother used to serve us when we visited her; the millet and the sorghum and everything.

They have almost gone away. Now, you go and just find maize. Maize is not the healthiest thing to eat but somehow, it has become like the staple food. We have done away with other things that our grandmothers used to eat that were extremely healthy for us and for our mental wellness. That is something we must come back to as we celebrate our cultures and everything else.

Sen. Kavindu brought up the issue of religion that plays a critical path and has its place. We were colonized and introduced to new religion. Now it is shaping us a people

and it has its place in our society. Of course, that has to be celebrated alongside with the culture. We are not now not saying that we go back. In as much as we are talking about let us celebrate things like traditional medicine, we are not saying that we should go back to witchcraft and all other dark vices. Again, those are the negative cultural practices we should not be looking to but we can celebrate traditional medicine.

In fact, Covid-19 has been fought by herbal medicine. How many of us have been drinking *dawa* like no one's business? Back at home, I think it is *Mwarubaine*. These are things that were used by our grandmothers and many others. In fact, every time I go back to Makueni there is gentleman who make us this herbal concoction that just calms you down; you sleep very well and wake up without any stress. So, we have to celebrate these cultural things and allow the space for religion where it rightfully is.

I thank the Senator so much for all their contributions. I hope that this Motion will see the light of the day. As Kenyans and as we go to political season, our cultures and different backgrounds should not be used by our leaders and ourselves to divide us by ourselves. We should not use our own cultures to divide ourselves. If anything, we must continue to celebrate our cultures and know that we are one people in as much as we have our different backgrounds and tribes.

Thank you, Mr. Temporary Speaker, Sir. I beg to reply.

The Temporary Deputy Speaker (Sen. Kinyua): Thank you. I have determined that this matter does not concern counties.

(Question put and agreed to)

The Temporary Speaker (Sen. Kinyua): Next Order!

MOTION

INTEGRATING CLIMATE EDUCATION INTO SCHOOL CURRICULUM

Sen. Halake: Thank you, Mr. Temporary Speaker, Sir. I beg to move the Motion:

AWARE THAT it is important that both the current and future generations are equipped to address the problem of climate change. This can be accomplished by using appropriate instructional strategies such as integrating climate education into the syllabus to assist students in improving their understanding of climate change and acquiring the essential skills to reduce its effects.

ACKNOWLEDGING THAT education is crucial to promote climate action as it helps individuals understand and address the impacts of the climate crisis, empowering them with the knowledge, skills, values and attitudes needed to act as agents of change, hence protect the environment and take action by crafting community and higher level solutions.

COGNIZANT OF THE FACT that the Constitution of Kenya in Article 42 provides for the right to a clean and healthy environment for every Kenyan, which includes the right to have the environment protected for the benefit of present and future generations.

FURTHER NOTING THAT climate change is a global nightmare or crisis with consequences that are already quite visible, and should be a priority for our education curriculum, in accordance to Article 12 of the Paris Agreement which espouses the enhancement of climate education, training, public awareness, public participation and public access to information.

AND NOTING the urgent need and great opportunity that exist right now as we transition to the Competence Based Curriculum (CBC) and noting that competency and climate change would give us the competency and climate action. Therefore, a very big opportunity exist for us in this country to integrate climate education at this time of transition where we are looking at the CBC curriculum at all levels, where we are making sure that climate change must then become an integral part of our education system so that we mainstream climate action through climate education.

THEREFORE, the Senate calls upon the Council of Governors (COG) whose responsibility is Early Childhood Education (ECD) and basic education, as well as the Ministry of Education, Science and Technology, all the way to higher learning, to Integrate climate education in the school curriculum in all counties and equip all school going children and teachers and administrators with the necessary information and training skills to teach climate education in schools and ensure that climate is streamlined into our CBC curriculum for a competent nation that can take climate action.

I request Sen. (Dr.) Musuruve to second this Motion.

The Temporary Speaker (Sen. Kinyua): Sen. (Dr.) Musuruve, proceed.

Sen. (Dr.) Musuruve: Thank you, Mr. Temporary Speaker, Sir, for this chance to second this Motion. I must start by thanking Sen. Halake for coming up with this Motion that needs to be self-executing.

Sen. Halake is seeking to ensure issues of climate change are integrated into the school curriculum. This is a very valid Motion and concern that is truly seeking to ensure that we have food security in this country and our farmers are also enlightened on issues of climate change.

Climate change could mean climatic changes that come naturally according to the various cycles. However, climate change is sometimes man-made. So, there is need to integrate climate change in our education system.

Mr. Temporary Speaker, Sir, I stand here as a scholar. Integrating climate change in our school curriculum should start from universities and colleges and then cascaded to primary schools. This will enable us to execute it effectively.

As a scholar, I know why it is important for education to start from the top. This is because when students go to colleges and universities, they actually surrender to those institutions so that they acquire values. When they complete their courses, the students are given back to the society.

By the time the students are given back to the society, they should be well nurtured with information that they are going to give to the society. Education is supposed to be impactful and raise a whole rounded person.

Mr. Temporary Speaker, Sir, among the stakeholders that are very key to this Motion is the Kenya Institute of Curriculum Development (KICD). It is important for Sen. Halake to bring in KICD as curriculum developers because they will do evaluation of the material that go to the ground.

There is also need to bring in universities and colleges to deliberately have a unit or two on climate change. Let that unit be there as a prerequisite unit just like Communication Skills is a prerequisite in most colleges. If this happens, it means that everyone getting out of colleges and universities, goes back to the society with that knowledge. Graduates will then impact society.

Sen. Halake is bring in the Council of Governors (CoG), which is good. However, constitutionally, CoG is mandated with ensuring ECD functions. The Ministry of Education comes in when it comes to primary and secondary schools and colleges. If we implement climate education at primary and high school level, the learners will be strong enough to---

(There was a technical hitch)

They will not be involved in cases that cause soil erosion. They will also know that there are measures that they can put in place to ensure that climate change does not adversely affect the society.

Mr. Temporary Speaker, Sir, climate change poses a lot of difficulties even to the farmers.

We find that sometimes, farmers are not aware of climate change because it happens abruptly. For example, when they are waiting for a rainy season in order to plant, they realise that the rain is not forthcoming. Therefore, it causes a delay in planting and harvesting and that affects food security.

As a nation, we are talking about food security. That is why this information needs to be inculcated to learners, farmers and everyone else in good time, so that they can know how to arrest food insecurity.

Mr. Temporary Speaker, Sir, a research has been done that attests to the fact that family farms are really handy when it comes to planting maize, beans and other foods. So, if family farmers are not aware of these measures that need to be put in place in order to cushion themselves against climate change, then it means that food security will be compromised. Most families will plant food that will be used for the whole year until the next harvest season.

Some families also sell the food to cater for basic need, for example, educating children, paying for hospital expenses. If family plants maize and it does well, they can sell it and get money to buy sugar and cooking fat. The proceeds they get from selling the

maize, will help them get the other foods. Therefore, food security is very important and it should not be compromised.

Sometimes, when farmers are not aware of climate change, they can find themselves in a very precarious situation where they are not able to produce food for themselves and the family even for a year.

A research has been done that clearly shows that production of maize will go down by 24 per cent by the year 2050. There is, therefore, need to educate learners from an early age on how to improve food security and the cautionary measures to be put in place in the event of climate change.

Climate change comes with a lot of pains. We have seen in the media rains pouring yet people are not expecting the floods. We have seen many times families being shifted from the flooded areas without knowing where to find shelter. If these families were enlightened and aware of climate change, they would shift in good time before the floods.

This is no mean Motion that Sen. Halake is asking. The issue of climate change should be part of the school curriculum. I add that it needs to really be emphasized from colleges and universities so that it becomes a mandatory unit in all the teaching colleges. Just like I keep on saying that sign language needs to be mandatory. An aspect of special education should be mandatory in these colleges so that by the time graduates complete their studies, they are aware of people living with disabilities.

I have seen very pathetic situations sometimes and I have sympathized with farmers. There are times when farmers are caught unawares. They do not know how the climate will be and they plant as usual but the worms eat the seeds. They therefore they go through very harsh economic conditions. This is because they have already tilled their land, planted, used fertilizer and they paid money for all that. Then, at the end of the day, caterpillars are bouncing on the plants because they are running away from the harsh weather and they are looking for where to hide. You can imagine the pains that farmers go through.

However, if there are mechanisms of teaching farmers on climate change and how they can protect themselves, it can be very good.

Mr. Temporary Speaker, when it comes to farming, our farmers predominantly rely on rain fed water so that they can do their planting. If there are good teachings and the Government also pumps in money to this education, then it would be possible for farmers to know that, they can irrigate their land. They however, need to be helped to irrigate the land. This means that the county governments need to come in.

In their yearly plan, they need to have disaster management funds to cushion farmers so that in the event of such a disaster, they come in. It can have insurance for farmers in the event that the plants are not doing well so that they are compensated for the loss. If they are indemnified, then they will be positive and see that the county governments are keen in supporting them.

This is a very good Motion that should see the light at the end of the day. Even though the time frame is very minimal, Sen. Halake should come up with a Bill that will speak to this and ensure that climate change is part of, and a pre requisite in our colleges, universities and our curriculum.

If it starts from there, then it will do well. If it is just in Early Childhood Development and Education (ECDE) or in the school curriculum, it will not be successful. However, teaching pedagogical issues should be carried out by universities and taken with the seriousness they deserve.

What Sen. Halake is bringing here is a pedagogical issue with regards to climate change.

I second.

(Question Proposed)

Sen. Kang'ata: Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to contribute to this Motion.

I rise to express some reservations to this Motion. I agree that there is a problem of climate change in this world. There is scientific consensus on matters climate change and so many articles have been published in highly ranked peer review journals which affirm that the climate is changing. It is not in doubt that the chief reason why the climate is changing is because of human activities.

Mr. Temporary Speaker, Sir, I therefore agree that we need to educate our children on mechanisms on how to address the problem of climate change in this Republic. Let me now express why I have reservations to this Motion.

I will start by expressing my reservation to the entire climate change advocacy. About 80 per cent of people who cause climate change are not in global south. They are either in global north, that is in Europe and America. China is also causing the same problem. Therefore, the carbon footprint of Africans are almost zero.

Ideally, the people who should be explaining to us why they have caused the climate to change are the Europeans, the Japanese and the Chinese and not Africans. This problem is better remedied by the people who have caused climate change, who are the Westerners.

Sen. Halake: Point of order!

Sen. Kang'ata: Mr. Temporary Speaker, Sir, allow me to finish.

The Temporary Speaker (Sen. Kinyua): What is it Sen. Halake?

Sen. Halake: Mr. Temporary Speaker, Sir, as much as I welcome any reservations, is it in order for the hon. Senator to mislead our nation that climate change is not an African problem?

It might be caused elsewhere and we do not have scientific factors of the contributions of the footprint but should we not prevent it before we become part of the problem? Is he in order to say it is a Chinese problem and we Africans should not be doing anything about it, yet it affects us more than it does to the people who cause it?

Does that absolve us of the opportunity to do something about it? Is that kind of misleading information on the Floor of the House in order?

Sen. (Dr.) Musuruve: Mr. Temporary Speaker, Sir, I have a point of order regarding what the Senator for Murang'a is saying. However, I have a lot of respect for Sen. Kang'ata.

Is it in order for him to make statements that are truly not genuine on the Floor of this House? We have seen many times many families being afflicted by floods and people

losing lives. We have also seen many farmers cry because their crops have been eaten by caterpillars and insects. Is it in order for him to come up with information that is misleading?

The Temporary Speaker (Sen. Kinyua): I have heard the two points of order. The truth of the matter is that Sen. Kang'ata first agreed with you. He was just putting his reservation. You should have allowed him to finish first then bring it up.

Sen. Kang'ata: Mr. Temporary Speaker, Sir, as you have correctly made a finding, mine was just an exposition. They will definitely have their time to respond. I agree there is a problem of climate change. There is no doubt about it.

The question I am asking is, first, who has caused climate change in this world? What is the carbon footprint of the global south, particularly the sub-Saharan Africa? It is very minimal. If you google and look for articles in peer review journals, they indicate clearly the carbon footprint in Africa.

Mr. Temporary Speaker, Sir, what causes climate change, according to scientists, are highly industrialized societies. Those that have huge industrial bases and those that produce oil as well as countries with many cars. When you compare Africa with Europe, it goes without saying that our footprint is negligible.

One of the problems I have with the entire climate change discourse, is its failure to compel those people who advance by damaging the environment to pay those of us who are yet to develop. Some of the interventions that may be proposed, so that we mitigate the problem of climate change, may hinder our progress.

Let me give an example. There was a proposal in Lamu to build a coal plant. That proposal was torpedoed on the basis that it would damage the environment, which is true and I agree with that. However, how many coal plants are there in China, Europe and Australia?

Australia is one of the most developed societies in this world. Its Gross Domestic Product (GDP) per capita is almost USD50,000 per person. The Kenyan GDP per capita is about USD2,000 per annum per person. Compare that level of development. Australia has not stopped its coal industry.

However, here in Africa, we are told to not dare put a coal plant because we will damage the environment. That means we have been burdened by the so-called measures to mitigate climate change. You cannot create employment.

Mr. Temporary Speaker, Sir, from where I sit, our number one problem in this society is unemployment. We have a massive number of young people who do not have employment. We need to industrialize and create factories, so that we can give our young people the opportunity to work. However, we are being told not to establish factories or entities because we are going to pollute the environment and contribute to climate change.

I agree there are alternatives to some of the things that used to be done before. One of the examples of measures to mitigate against climate change is to introduce clean energy of which I am aware. They include wind and solar energy. You can also have electric motor vehicles. However, those alternative measures are very expensive.

If you go to the European countries, very few countries have been able to transit--
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Sen. Halake: On a point of order, Mr. Temporary Speaker, Sir.

Mr. Temporary Speaker, Sir, you have the responsibility to ensure that this House's integrity to say what is right is also safeguarded, even though we can say whatever we want.

There are things we can say on podiums and campaign trails but here we have a responsibility to be truthful. As I speak, it is not true that renewable---

The Temporary Speaker (Sen. Kinyua): Sen. Halake, are you standing to inform Sen. Kang'ata?

Sen. Halake: Yes, I am, and I was getting there. It is a point of order and I have a right.

Sen. Kang'ata: Can you cite the Article?

The Temporary Speaker (Sen. Kinyua): Sen. Kang'ata, take your seat.

(Sen. Kang'ata sat at his place)

Sen. Halake proceed.

Sen. Halake: Mr. Temporary Speaker, Sir, I will repeat again. Is it in order for the hon. Senator to mislead this country that renewables are very expensive? It is not true. Renewables in many cases are available without having to be harnessed; the sun, water, gas. It is much cheaper per kilowatt than what is got from fossil fuels. It is not true. Scientifically, it has been proven. It is something that we should not now mislead because we want to sabotage the whole sustainability issue. It is much cheaper.

The Temporary Speaker (Sen. Kinyua): When you say it is much cheaper, you are comparing with power?

Sen. Halake: Renewable energy from the sun is much cheaper than energy from the fossil fuels and he knows it. So, to mislead is not right. Even in our own country, we have reduced the taxation on renewables therefore making it very competitive. To say that because we did not do the coal in Lamu that we will never develop, is not true.

Our number one creator of unemployment is not the renewable energy because we do not have energy; it is because of the corruption that is persistent. So, let us just say the truth and shame the devil.

The Temporary Speaker (Sen. Kinyua): Sen. Kang'ata, when you say they are very expensive, what are you comparing it to so that we can tell what is expensive and what is not expensive?

Sen. (Dr.) Musuruve proceed.

Sen. Kang'ata: No, they are debating.

Sen. (Dr.) Musuruve: Thank you, Mr. Temporary Speaker Sir. We are looking at the issue of climate change being brought into the curriculum. I want to inform Sen. Kang'ata as a scholar that information is power only if it is shared. When it comes to climate change, there are two causes; it could be changes in the cycle or human activities which is rare. We have evidence every other day of climate change affecting farmers.

I thank you.

The Temporary Speaker (Sen. Kinyua): Sen. Kang'ata proceed.

Sen. Kang'ata: Mr. Temporary Speaker, what my colleagues have said is very good and I want to encourage them. They are trying to take us to what we used to call

the state of nature when we used to live on trees. That was the time when there were no cars or factories, it was a very good life. If this endeavor of climate change will take us back to the state of nature, I support. It is a very good idea. As to whether we can now do that, under the current circumstances, I am not so sure.

When ideas come from our brothers in the USA and Europe, we must as parliamentarians interrogate those ideas. They can afford to utilize wind energy or solar energy because they are not struggling with the basics of life. They live in a very comfortable world.

However, ours is a very poor country. We are really struggling to create employment for the young people. If one can be able to show me evidence of a country that has been able to transit into zero carbon emission strategy, I will support without the cost to the environment.

The Temporary Speaker (Sen. Kinyua): Sen. Kang'ata, are you aware that we are signatory to Paris agreement?

Sen. Kang'ata: Yes, I am aware.

The Temporary Speaker (Sen. Kinyua): Okay, proceed.

Sen. Kang'ata: Mr. Temporary Speaker, Sir, even if we have signed those declarations, under the law of Treaties Act, for all those conventions to have the force of law, they have to be brought before the National Assembly for ratification. That is provided for under Article 2(6) of the Constitution.

If I was a Member of the National Assembly, personally, I would have put a reservation to the ratification of those international treaties which would make us, as a country, not to be able to create employment.

When you close a factory that is creating millions of jobs to the young people on the basis of environment and you have not provided an alternative mechanism through which those young people are going to find employment, I believe you are doing disservice to this Republic of Kenya.

The western world, the Chinese and Japanese followed a certain trajectory which they developed. Then you are told not to follow this path, it is destructive. I agree, it is a very destructive path but what is the compensation mechanism? I strongly believe it is for the Europeans and the Americans to give us a package to support our climate endeavor. That is my view, my thesis.

I agree, the climate is changing but, it has been caused by the Europeans. If they do not want us to follow the path they created, then they need to compensate us. Otherwise, we have to open and establish coal plants and continue having factories. In fact, there is an international principle, an environmental law called polluters pay. So, it is them to pay us so that we do not establish those so-called polluting factories.

Mr. Temporary Speaker, Sir, there is also something called carbon trading. The idea that was established in the international forum was that poor countries like ours were going to be paid some money, particularly when they plant things like trees to give them incentives not to follow the industrial path that was used by the European to develop. That carbon trading mechanism does not function. We do not obtain anything out of that mechanism.

It is therefore my strong view that we need to push the developed world to respect and enhance effectiveness of the carbon trading mechanism. I say that because I come from Murang'a County which has the largest portion of Aberdare Forest. Almost 80 per cent of Aberdare Forest is in Murang'a County. Eighty per cent of water that is drunk in Nairobi comes from Murang'a County. We do not get even a single shilling out of it.

There is something called abstraction fees. Abstraction fees means a company that is drawing water out of a natural resource, that money should be paid to a national Government entity called Water Resources Management Authority (WARMA) which does not plant those trees.

I strongly believe that money should be coming to Murang'a County Government so that we replant trees and people in Nairobi continue drinking Murang'a water. Otherwise, we have no option but to not protect Aberdare Forest. We need an incentive.

My thesis is this; whatever education that is going to be taught to our children as per the proposed Motion must include several issues: -

(1) A critical appraisal of the current climate change policy. Let us not just adopt ideas we see on television, when the westerners call workshops in Nairobi or activists. No. They have not prosecuted the African case in this cause called climate change. We may, without knowing, be bringing burdens of development on African society. As a result of this endeavor we may continue being poor because we have been told we cannot establish a factory; it is going to create climate change. Those are burdens.

If there is evidence that our factories cause climate change, we need to be paid off so that we do not establish them. Otherwise, we will bypass a certain industrial phase on the basis of wanting to protect the environment. It is the Europeans, the Americans, the Chinese, the Japanese, the Koreans who should be paying the Africans for the things they have caused in this world. They caused it, we are bearing the greatest burden and now we are being told to help them to curb it at a cost which is not being footed by those people who originally caused climate change.

Therefore, I respect and understand my colleagues who hold a different view. However, I am only urging them to look at the---

The Temporary Speaker (Sen. Kinyua): Sen. (Dr.) Kang'ata, from where I sit, what you have said is very true. What would stop what you are saying from being put in the curriculum? It can be put in the curriculum, so that the students can know that, as Kenyans, they are supposed to be paid?

Sen. (Dr.) Kang'ata: Mr. Temporary Speaker, Sir, you are right. In fact, that is why I said that I support the Motion. I am, however, putting some reservations. The way climate change education is currently structured, has failed to bring a certain angle. The burden of the entire climate change by mitigation endeavor. That is my thesis.

I am saying, yes, please continue. It is a very good Motion, but put a critical appraisal of the entire current climate change endeavour.

Mr. Temporary Speaker, Sir, I support the Motion. I did not say that I am opposing it. I am, however, saying that there is a voice that is never heard in the entire debate about climate change. The voice is the cost that those westerners have caused on Africans. The cost that they have refused to pay us, so that we do not bear the greatest burden of climate change mitigation.

Mr. Temporary Speaker, Sir, my colleague has said that the remedies for climate change are very cheap. That is okay. In fact, if they are cheap, market forces will compel rational business people to adopt them. The market forces operate under the principle called “the hidden hand of market.” They will, definitely, go for that which is cheap and rational.

Therefore, let us say, for instance, if establishing a power plant that is powered by wind is cheaper than the one powered by coal, so be it. That will definitely make sense. There is no reason why you should go for a coal power plant. I have no doubt that the market forces will definitely follow that which is rational and cheap.

However, if it was to be expensive, and I have given an example--- When I saw a whole entity - a factory - being closed on the basis of, that it will interfere with the environment at the coast, I said: why can we not look at the angle of unemployment? Which is currently a disaster in this country. We must as a country put jobs creation endeavors as our number one priority. The rest from where I sit is subsidiary. I will rest my exposition in this.

Any factory that may want to establish anything in Murang’a is welcome. Ours is an industrial paradise. Murang’a will not be encumbered by environmental regulations. Of course, we will have to follow the laws, which are there; the so-called Environmental Management and Co-ordination Act (EMCA). We are, however, pro-business. We want to assure investors out there that we care more about creation of jobs than any other consideration.

Those who have caused damage to the environment should be the first ones to be thinking about the remedies of climate change. For us, our number one priority is creation of jobs.

Mr. Temporary Speaker, Sir, I support with those reservations.

I thank you.

The Temporary Speaker (Sen. Kinyua): Thank you, Sen. (Dr.) Kang’ata.

Is Sen. Kavindu Muthama there?

Let us have Sen. Kasanga.

Sen. Kasanga: Mr. Temporary Speaker, Sir, I thank you for giving me the opportunity to support this Motion by Sen. Halake on Integrating Climate Education on School Curriculum at all levels.

Mr. Temporary Speaker, Sir, let me again celebrate Sen. Halake. She has been such a champion for climate. In fact, I keep saying that when the Committees were shuffled, she was removed from the Committee on Lands, Environment and Natural Resources. We really miss her for that because she was quite a champion of environment.

Without a doubt, climate change is a big conversation. I was privileged this year to attend the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP26) at Glasgow. It was interesting watching different jurisdictions trying to push each other into ratifying the timelines into which we must make climate change action, more prominent in our different jurisdictions. It was very interesting.

Mr. Temporary Speaker, Sir, you cannot understate the effects of climate change in our country hear today. Whereas we talk about many things, like just now. We were

talking about culture and the importance of eating the right food for the purposes of our mental and general body wellness, then, the conversation of climate change must come in. Do we realized what climate change is doing to the produce that we produce and the changes that have to be done to our production; the skills that we then need to impact on our people, so that we can mitigate these effects of climate change?

Climate change is now a big crisis. The fact remains that our weather cycles have changed. Again, people need to understand and be schooled on what then do you grow and eat that can be your sustenance.

Even though we shall be looking up to large-scale production, of let us say food, for the purposes of growing our economy, but for sustenance do we have enough conversation or capacity building of our people, so that they can know what to grow within the changing climatic conditions that are there?

I do agree that our children need to be included in this conversation. I know that there are certain schools that try very much to speak to it. Largely, our curriculum needs to adopt it as a constant, so that as our children grow, they are fully equipped towards; how to mitigate climate change, adopt and embrace the new climate changes.

Mr. Temporary Speaker, Sir, there is a lot to do when it comes to capacity building towards climate change. Again, somebody brought up a conversation about potato farming, today, at the people's dialogue. That was because of the big debate that happened when one of the international food chain companies -KFC - announced that there are no enough potatoes in the country. Kenyans were up in arms, not believing it. They could not quite understand what the real issue is.

When the conversation was however finally put on the table, it was made clear to us that there is a level of capacity building that we have to bring our famers to, so that they can grow in such a scale that then this international food chain companies can then buy directly from them. You then realize that there is a big gap and a lot more that we need to do to empower ourselves as citizens and our famers, so that they can reach to that level where they can compete on a global stage.

Mr. Temporary Speaker, Sir, this is also a question of how we are adapting to climate change. What are the things within our environment here in Kenya that we should be telling our famers and pushing them to do, when it comes to climate change?

We have heard conversations in the Committee. One of the Petitions that came earlier on in this term was a very interesting one. It came from Magadi, Kajiado County. There is a lot of silt that is going into Magadi. The silt comes from erosion that is coming from the farms around. What has happened – of course because of climate change and changing rain patterns – you find that grazing is done until the ground is absolutely bare. Then, there is no afforestation being done or there is a way that you can graze, in an orderly designed manner, to allow the earth regenerate and things like that.

They brought that Petition. The Petition was actually pushing towards the fact that there is infrastructure that was being built nearby. It was the earth infrastructure that was then being carried away when it rains, into silt into the lake, and, therefore, affecting the great resource that Lake Magadi is.

After a long conversation with the County Executive Committee Member (CECM) of Agriculture in Kajiado County, there was then the conversation of; what are

we doing? What capacity building are we doing to our farmers and our citizens so that they can learn to regenerate the earth? What other conversations can we bring about economic activities that do not deplete the earth to the level that it is, considering that our rain patterns have changed?

You can see the kind of conversations that need to happen around climate change. They are in-depth and wide. It is true what Sen. Halake said that we have to integrate climate education into the school curriculum and equip our children. We need also to equip teachers.

There is so much information that needs to be fed to our children so that as they grow, they are fully seized of the constant changing environment that we live in today. It is bad enough that we are in such a modern society where everything is always moving too fast. The technology has made everything move way too fast. However, there are also the basics that we need our people to be able to move along with; especially climate issues.

If we do not handle climate change with the intent that it needs to be handled with, then we shall be disenfranchising ourselves as a citizenry. That will happen if we do not learn how to adapt and make sure that the generation is also fully seized of the issues that need to be taken care of.

Mr. Temporary Speaker, Sir, let me talk a little bit about afforestation. We keep talking about forests. In fact, this House has passed Motion about forests, planting trees, forest associations and such. It is interesting even when you fly out and around the country, you still see a lot of barrenness and bareness. In as much as there are all these organizations in the counties that are planting trees -some counties have active tree planting schemes and policies - there is still a lot more that needs to be done.

The intent with which we should be planting trees should be such that we should be speaking trees on a constant basis morning, noon and night. In fact, maybe one day we should have a policy that says you should be able to identify how many trees you have as a person that can be attached to you. This is so that every child and human being who lives in Kenya can say “these are the trees that I have” because we are not planting enough trees.

As long as we are having conversations on climate change, then trees must be a constant conversation and our children need to be seized of the importance of some of these issues.

I want to thank Sen. Halake for this. Senator, continue being a champion of climate as you have always been. Keep at it.

Mr. Temporary Speaker, Sir, I support the Motion and I hope it sees the light of day.

The Temporary Speaker (Sen. Kinyua): Proceed, Sen. Kavindu.

Sen. Kavindu Muthama: Thank you, Mr. Temporary Speaker, Sir. First of all, I would like to take this opportunity to congratulate Sen. Halake for this Motion. It is very timely and important because we are truly living in days where the climate change is affecting the whole world.

The Motion is very important to prepare our future generations on how to be ready to face the global climate change issue that is a global nightmare. When I was

growing up we could tell when the rains would come. Even if it extended or came early, it would have only been for five days than usual. That was the case for the long and short rains.

People would plant and wait for the rains because they were very sure it would rain. These days it is not the same. People are taking their time to make sure it has rained so that they can start planting and that is why we have shortage of food and lack food security.

It is very important for this climate education to be introduced to our schools at all levels. If we only talk of colleges and universities, then our children will grow without knowing the meaning of the global change and they will not be prepared. If we start from all levels of education, they will catch up and grow knowing that it is important. They should be taught about preservation of trees and everything that should be done to prevent the global climate change.

I have seen a certain Bishop in Yatta constituency who had an idea to help people. In Yatta, there was a lot of drought and there is even today. That is why I want our water to be returned to Machakos County. I want the declassification of water of Machakos restored because there is a lot of drought up to today.

He took initiative of showing the local communities how to plant and dig small ponds by hand in order to store water when it rains. After the rains are gone, they can continue planting. This has really helped the people of Yatta. He calls it operation-*mwolyo*-out” because they used to be given a lot of food aid. We call food *mwolyo* in Kamba.

He came up with that idea of operation-*mwolyo*-out. For sure, it is *mwolyo* - out in Yatta and many people are coming to learn about his farm even from outside Kenya. The United Nations (UN) people also go to his farm to learn about it. Climate change is a global issue, it is all over and people must prepare.

If our future generation is prepared in advance, it will be able to do what is right. They will also be prepared psychologically and physically to grow foods that will not require much rain.

What Sen. (Dr.) Kang’ata was talking about is also very important. He should bring a Motion to this House so that we can pursue it or it can be included in this programme. I do not think what he is talking about will help much in this programme. He talked about compensation. He can bring a Motion on compensation and we debate to its logical conclusion. This Motion should go as Sen. Halake has brought it.

The Temporary Speaker (Sen. Kinyua): Sen. (Dr.) Musuruve, what is it?

Sen. (Dr.) Musuruve: On a point of information, Mr. Temporary Speaker, Sir.

Sen. (Dr.) Musuruve: Mr. Temporary Speaker, Sir, I would like to inform Sen. Kavindu that what Sen. (Dr.) Kang’ata---

The Temporary Speaker (Sen. Kinyua): Sen. Kavindu, do you want to be informed?

(Sen. Kavindu spoke off record)

Sen. (Dr.) Musuruve: Mr. Temporary Speaker, Sir, I would like to inform Sen. Kavindu that what Sen. Kang’ata was bringing forth to this House was not dealing with

pedagogical issues. It was more on employment and financial. The Motion of Sen. Halake is purely pedagogical, information and knowledge.

I thank you.

Sen. Kavindu Muthama: Sen. (Dr.) Musuruve, that is why I have said that he should bring a Motion to this House. I am totally informed of what he was talking about and this Motion should go the way it is. We know that it is very important for our future generations to be prepared so that they can face the world like any other person.

I support.

The Temporary Speaker (Sen. Kinyua): Thank you, Sen. Kavindu. There being no other requests, I call upon the Mover to reply.

Sen. Halake: Thank you, Mr. Temporary Speaker, Sir. I beg to reply. As I do, I thank all the Senators who have contributed. I thank Sen. (Dr) Musuruve for seconding me and for being very passionate about everything education.

This is education that will make sure the a resilient future for this nation. That future will look at what is affecting us and also has a bearing on the existential question of if we going to be there even. Forget about the economies, employment and so on. If we are going to self-destruct, no matter who causes, two wrongs do not make a right.

I thank her for making sure that she, with her passion for education, has seconded this Motion. I take note of her mention of the KICD involvement, as well as universities and other intuitions of higher learning to ensure that this becomes a holistic approach to doing things. It will not just be something that we do on one side of education.

That has been alluded to by Sen. Kavindu Muthama as well. She also said that it should be at all levels. Precisely, that is what the Motion is about. We will make sure that at all levels, including ECDE level, we are linking climate change education.

Sen. Kavindu Muthama also linked climate education to agricultural activities and productivity. Farmers will be equipped with the necessary information and skills to mitigate and ensure they are resilient.

I also thank Sen. Kang'ata for his alternative view. He has supported the Motion with reservations. While he has every constitutional right, I felt they were a bit misleading in the sense that we are talking about ensuring that our education system is current, modern and equips our children with the modern skills and modern awareness of what is happening to them.

That way, they can join and link the line of sight to what perhaps is causing them the pain that they are going through at the moment. For instance, children in Northern Kenya, in Isiolo and Wajir counties, cannot get even the little rain that they used to get. Our pastoralists are wondering why the rangelands are not regenerating at all, even with the same amounts of rainfall.

Pastoralists in my county wonder why the water is just running off with everything and they have to lose their animals. This education will make them understand where it is coming from and do something about it. If not, they can at least prepare for it and mitigate against it. They could maybe sell the animals when you see that the rains are not coming. They could sell their animals when the rains do not come.

Sen. Kavindu Muthama has just told us the effect of climate change and rainfall patterns in Ukambani. These are real issues. We are not talking about these things

because of activism. These are issues our people are going through. The rangelands in Northern Kenya are not generating, even with the same amount of rainfall.

We have 10 per cent forest cover. If we tell our children that 30 per cent forest cover is the difference, that is what we are talking about. I know Sen. Kang'ata talked about the coal plant that was shut down. It had not even begun.

There is something called stranded assets. Why are we, as African, going into things that are already obsolete and deal with investments that will be obsolete in the next few months? These are investments that, perhaps, even the technology transfer needs to come from that West that has made it obsolete. We then get stuck and stranded with assets in the name of creating coal plants around Africa. Africa is endowed with the best renewable energy of the sun, wind and the water.

All we are saying it, we do not have to follow the same trajectory as the West. As Africans, why do we not decide that coal is not our thing? We have the sun that is scorching us. Let us harness and use that energy.

Mr Temporary Speaker, Sir, it is not true that renewables are expensive. How can something so plentiful, be so expensive if we focused on using it? How can something so plentiful be so remote from us? It is shining on us. When the West gets the sun in certain places for two hours in a day, we get it for almost 24 hours everyday. In addition, we know when it rises and when it goes down.

We can say that we may have lacked ideas, but we have not lacked the natural resources. Therefore, it is not true and that is what I would like to correct in this House. Natural resources that are of necessity are much more expensive. It is not true at all.

We must also differentiate between the cause and effect of things. If the West caused it, the effect is on us. What shall we do to skill and arm ourselves with the mitigation measures that will give us the resilience to survive? Or, do we say because they cause it, we just lie down and die? Our animals will just die. Our pastoralists in Northern Kenya will say that *mzungu* caused it and, therefore, I will just let my animals die. No!

We are going to bottom of why our rangelands are not regenerating? Why have the rainfall patterns changed? Why do I graze in these areas usually in July and this July there is nothing? We cannot just sit and apportion blame. We must be part of the solution.

This is what this Motion is trying to do. It does not matter that Australia has many coal mines. That is Australia. What about our country? It is not true that the number one problem for Kenya is because we did not pursue fossil fuels; or that we are putting some climate education into our curriculum.

We know our number one problem is corruption. Let us deal with these things. Let us deal with the pilferage of Kshs2 billion daily or monthly. I do not remember the exact timeframe that was put, but this is a lot of money. Let us not apportion blame where none exists at all.

Mr Temporary Speaker, Sir, I congratulate the pastor who said that we will do away with *molio*. It is through these kinds of things that we will do away with food donations and get the dignity of feeding our children and ourselves because we are action against the climate that is causing us problems. Be it drought or disasters of that nature.

I thank Sen. Kasanga for linking and joining the dots to the mitigation measures that are being created for our farmers in the Arid and Semi-Arid Lands (ASAL). She also linked the sustainability of our livelihoods and lives to the fact that we are climate competent. It does not matter who is causing it because the effect is on us. It is up to us to do something and be part of the solution.

I reply.

Mr Temporary Speaker, (Sen. Kinyua): Thank you. Hon. Senators, I have determined that this matter does not affect counties.

(Question put and agreed to)

Hon. Senators, we will go back to Order No. 25. Sen. (Dr.) Mwaura the Floor is yours.

BILL

Second Reading

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

Sen. (Dr.) Mwaura: Thank you, Mr. Temporary Speaker, Sir. I beg to move that The Persons with Disabilities (Amendment) Bill (Senate Bills No. 29 of 2020) be now read a Second Time.

Mr. Temporary Speaker, Sir, this is a very important Bill. It seeks to amend the current Act No.14 of 2003, to among others ensure that persons with disabilities are well taken care of in relation to the Constitution of the Republic of Kenya and also the Convention on the Rights of Persons with Disabilities (CRPD). This is an international treaty that Kenya was very quick accede to in 2006.

From the chronological record of events, we had a Bill that was passed in 2003 and it went through various piece meal amendments. For example, I was able to push through in the National Assembly for the Kenya Sign Language to be equated to English and Kiswahili in areas of equivalence and examination. That has been useful. That is why you see the sign language on television and national events.

Mr. Temporary Speaker, Sir, the Act is very archaic and there are many provisions that have not been implemented. For example, I have just come from visiting a social inclusion exercise. It is a restaurant somewhere in Kileleshwa that employs Persons with Disabilities (PwDs), for example, people with albinism, deaf, and all those kind of people. However, Sections 15 and 16 of the Act provides for tax rebates that have not been enjoyed by them.

Mr. Temporary Speaker, Sir, the definition of disability has not been well anchored. The way the 2010 Constitution defined PwD's is retrogressive and not progressive in that regard. It makes PwDs to be seen as anybody who is claiming that title. It is extremely important for us to define it in law so that everybody is well-taken

care of and have proper conversations on why PwD's should be included in the mainstream.

This Bill is extremely important. It helps our people to know that they are properly anchored in the Constitution. For example, the 5 per cent reservation of employments has actually not worked. We tried to push to have a 5 per cent of elective positions to be progressive and 5 per cent be mandatory. We need to have an innovation. We should reserve employment for PWDs by law.

Section 13 of the current Act has really defined this law in a very superfluous manner. It reads-

“The Council shall endeavour to secure the reservation of employment of five per cent of the casual, emergency and contractual employment both in public and private places to persons with disabilities.”

Endeavouring to secure reservations of employment is not something that can be prosecuted in court. We have made progress in ensuring that PwD's have been employed in various places. The last time we did a tally, those within the public sector were less than 1 per cent. That tells you that there is a lot of work to be done to ensure that PwDs are properly represented in the work place.

Mr. Temporary Speaker, Sir, in politics, we had made a lot of gains in 2013. We had about 84 MCAs, 13 legislators both in the National Assembly and the Senate. However, in 2017 general elections, we lost a great deal because many counties did not have representations. There is only one representative in 20 counties.

It is important for this Bill to be passed so that it clearly defines PwDs need to be represented politically. At least, we should have two MCAs, a man and a woman in all the 47 counties. That would then make it 94. We should have at least four in the National Assembly and two in the Senate as guaranteed. That way, we will have a political class of about 100 PwDs, including a Cabinet Secretary (CS) and a Principal Secretary (PS) so that PwDs can feel they are properly represented.

Mr. Temporary Speaker, Sir, further, if you look at the enrollment of children with disabilities in schools, there is still a lot of challenge because of stigma and discrimination. Many parents are still hiding their children. The cost of special needs education is extremely prohibitive to the extent that they are not able to take their children to school.

This Bill, therefore, creates incentives for caregivers, parents and mothers in this regard of children with disabilities, especially those with severe disabilities like autism, down-syndrome and such other developmental and intellectual disabilities.

They will benefit from tax exemption just as it is the case with those with disabilities, up to, Kshs150,000. They will be able to get, at least, Kshs45,000 off their pay slip which is supposed to ensure that they cover up for the extra disability cost for the benefit of the family and household.

(There was a technical hitch)

Mr. Temporary Speaker, Sir, nobody shall be abused. That is people living with albinism or my fellow Kenyans who are made disabled by negligent doctors, out of poor medical interventions, and no action is taken,

Some of these things need to put in law. For example, my proposal in this Bill is that anybody who causes grievous bodily harm, tries to kill a PwDs because of their appearance, should be prisoned for life. We have done away with capital punishment but it is important for people to know that PwD's should be respected. Their right to life should be protected in law.

Mr. Temporary Speaker, Sir, this Bill further ensures that we discover the talents of PwDs. We have had sporting activities. For example, people like Henry Wanyoike, Henry Kirwa and such other great athletes have brought fame to this country.

We should enhance it to be something that will help PwDs who shall excel in this regard to also survive in the arena and be properly funded by, for example, the Kenya National Paralympic Committee (KNPC), so that they are able to play their roles in society.

This Bill is extremely progressive. It seeks to domesticate the constitutional rights of the PwDs as per Article 2(3) of the Constitution which expressly states that if you have an international treaty that the country has acceded to, it automatically becomes part of our municipal law.

Recently, there has been a rollback on the gains in terms of protection of PwDs in the society. Increasingly, people are normalizing the idea that PwDs can be attacked on the basis of disability, and that they are objects of pity rather than real and true inclusion in society.

While we have been able to get the rhetoric of political participation, if you look at real and substantive inclusion, you will agree with me that we are yet to move far in ensuring that PwDs are included.

This Bill is progressive; I urge the House to support it fully. It is late in the day. I know for sure that in the next four months, we shall have finished our term of the Twelfth Parliament. It is important that this Bill is passed by the Senate and the National Assembly before the end of the term of this Parliament, so that PwDs can have this.

Sen. (Dr.) Musuruve said that a similar Bill had been passed and it is already in the National Assembly. I have had to go through a lot of challenges in ensuring that this Bill sees the light of day. I started working on it in 2013. It was an omnibus Bill that combined 22 amendments. It had over 300 pages condensed into a repeal Act.

It went for the First Reading in the National Assembly, but then Hon. Susan Mochache wrote to me formally to allow it to be taken to Cabinet to become a Government Bill. Then they delayed it and brought it to Parliament in 2018 after the Cabinet had approved. Now they want to bring the same Bill, but they told me to step it down twice. That was the Ministry of Labour and Social Protection.

Honestly, that is not fair because people want to make money through this Bill by hiring consultants or going to workshops. This must come to an end because PwDs have suffered too long. A law that was made nearly 20 year ago, that was in 2003, cannot be relevant right now to resolve the issues that are emerging with regard to PwDs.

I urge this Senate to pass this Bill without delay so that it goes to the National Assembly and, later on, assented to before the end of our tenure. This is the only way we can put a smile on the lives of children with disability.

Mr. Temporary Speaker, Sir, I beg to move and ask my good---

(There was a technical hitch)

The Temporary Speaker (Sen. Kinyua): Sen. Mwaura, we have lost you.

Sen. Mwaura: Mr. Temporary Speaker, Sir, I request Sen. (Dr.) Musuruve to second.

The Temporary Speaker (Sen. Kinyua): Sen. (Dr.) Musuruve, please proceed.

Sen. (Dr.) Musuruve: Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to second this Bill. Before I proceed, I want to empathize and sympathize with Sen. Mwaura concerning the issue he has just brought on the Floor of this House. It is real issue, but very painful.

He said that he did a lot of research on this Bill for many years, but it was delayed and it has not been dispensed off, yet he is a PwD and a champion of PwDs. I really feel him and empathize.

Mr. Temporary Speaker, Sir, I hope that using your position, you will try to see that this issue ends. You will find a legislator working tirelessly on a Bill and when it is ripe to be executed, you hear that another Bill has come up.

I also empathize with him because I have been going through the same issue regarding the Kenyan Sign Language Bill. When Sen. (Prof.) Kamar and I brought it on the Floor of this House, we executed it and it was to go to the National Assembly. However, outside Parliament, there was a lot of work that NGOs were doing concerning Kenyan Sign Language and it was being developed from elsewhere using our content.

It is painful because it took many years and we used to leave office very late. Our class helped us in terms of the input and beefing up. We were given a team from the Senate that helped us make it be what it was. Eventually, we heard that it was coming from the National Assembly.

Mr. Temporary Speaker, Sir, I know I will get your protection. Having said that---

The Temporary Speaker (Sen. Kinyua): Sen. (Dr.) Musuruve, you were here when Sen. Sakaja had the same issue with his Bill.

Sen. (Dr.) Musuruve: Did I say a Motion?

The Temporary Speaker (Sen. Kinyua): Pardon? I agree with you, because the same thing has been happening and that is what you are talking about. You have said that you may do research then you find that the same information or the same Bill is coming from a different quarter. Sen. Sakaja also complained about that and we said that the Speaker of the National Assembly and the Speaker of the Senate will sit and come up with a solution.

Sen. (Dr.) Musuruve: Mr. Temporary Speaker, Sir, Kenya is a signatory to the Convention on the Rights of Persons with Disabilities (CRPD). Kenya did not only sign, but also ratified the CRPD. That implies that Kenya accepted to go by international standards with regard to PwDs, so they enjoy their rights just like anybody else.

As Kenya, we have done much in terms of seeing to it that rights of PwDs are also achieved. This is also enshrined in our Constitution. When you look at Article 54 of the Constitution, it talks about entitlements of PwDs.

Some of these entitlements have to do with quality education for PwDs. They also have rights to use braille and sign language. They also have a right to be listened to and live like anybody else. All those rights are in the Constitution.

When you look at the mother Act, that is the Persons with Disabilities Act of 2003, it was done before devolution. That means that in the principal Act that is being amended, county governments were not mandated to do anything. This Bill by Sen. Mwaura and Sen. Cheruiyot seeks to recognise the role of the county governments.

For service delivery in this country and for everyone to enjoy the fruits of our country, devolution is the way to go. Being a devolved system, this Bill should be passed, so that services can reach every common man who has a disability in all the 47 counties.

This Bill seeks to obligate the national Government to have a role when it comes to issues of disability. That should be cascaded to the county governments.

This Bill will ensure that county governments do not ignore PwDs or continue to perpetually receive a lot of discrimination where they come from. Some of the discrimination that they get is because of lack of awareness on the part of the employees on how they need to treat PwDs.

The Constitution is very clear that 5 per cent of elective and nominative positions ought to go to PwDs. This is enshrined in the Constitution just to ensure inclusivity of PwDs. However, the principal Act did not have these aspects because PwDs were seen from a pity paradigm. It was unfortunate because they would just receive handouts. They were not given a right to education. This Bill will ensure that PwDs have a right to quality education.

This Bill states that when every Government agency is putting up a residential or commercial building, it will reserve at least 5 per cent of buildings for acquisition of PwDs. As we are converging right here, it is very clear that the Government has been talking about the housing project. I want to commend the Government for doing this housing project. I want to thank the President for really coming out forcefully to ensure that the housing project is there. As we are speaking right now, the President will be launching the housing project in Kakamega on 15th of this month and this is something very commendable.

In as much as I thank the President for the launch, I want to suggest that this Bill that Sen. (Dr.) Mwaura has brought on the Floor of this House, states that 5 per cent of this building should be given to PwDs.

It is unfortunate that world over, people do construction of commercial building which are not accessible by PwDs. They never remember PwDs. PwDs are among the poorest in this world. You will find that when it comes to housing, some of them do not have houses.

The evidence is everywhere. When you drive out of the Senate, you will find PwDs on the streets carrying their babies. The women there are vulnerable. Some of them, are raped at night and they have nowhere to go. So, they have street families. This Bill is talking of a housing project so that 5 per cent should be given to them.

The Government needs to step in to ensure that it buys houses for those PwDs who are not able to afford the housing so that at least everyone has a roof over his head. What PwDs go through is harrowing and sometimes other people do not really know the pains they go through with their families.

This Bill also brings in the issue of employment. It is a fact that PwDs are not given pleasant employment. Even when PwDs have papers and they have made it, when it comes to employment most of them are not accorded the kind of employment they deserve. The kind of employment that they are given, most of the time, is usually less. This Bill will see to it that PwDs are given an opportunity for suitable employment.

When it comes also to employment, PwDs according to this Bill will be exempted from tax. As I talk, there are still PwDs who are being taxed but when this Bill comes into effect it will ensure that all PwDs who have unemployment will not be taxed at all. The Bill also brings incentives to the employers of PwDs, that when they employ PwDs they will be given an incentive of 25 per cent tax exemption so that they can continue employing PwDs.

PwDs are productive, they can increase the GDP and can also improve this country's economy but what they lack is the opportunity. You will find that PwDs have papers, but they do not have anyone to hold their hands.

I want to cite an example of a case we had in Migori with the National Cohesion and Integration Commission when we went there. We were interrogating about PwDs in terms of being involved in their budgetary process. It is painful to say on the Floor of this House that when it comes to budgetary allocation, what Migori County says is that they have involved PwDs because there has been a sign language interpreter and that there were advertisements in newspapers that the budget-making is going on, but that is not involvement.

Involvement means socio-economic empowerment. County governments should ensure when they are employing people, PwDs be among those who will be employed.

I saw a lot of ridicule, even when we went to Migori to investigate about the plight of PwDs. PwDs should not be discriminated in terms of employment. When it comes to promotion, they should be promoted just like anybody else, because they rarely get promotion. In organisations that concern PwDs and Governments departments, you will find that people at the helm are not PwDs, they are other people.

When it comes to political parties, this Bill will ensure that political parties are keen about representation of PwDs. As we are approaching elections right now, in fact, they are just at the corner, I want to call upon parties to ensure that PwDs are represented in governance. When it comes to representation of PwDs they are excluded. For example, in the last election, PwDs were not there in 17 county assemblies.

This Bill will ensure that PwDs get high ranking jobs, they become ambassadors, Cabinet Secretaries and Principal Secretaries; that they are at all levels of Government. Counties should also ensure that a good amount of money in their budgets goes to development of PwDs

As we look at PwDs, most of them are not at scholarly, but when it comes to retirement, this Bill will see to it that scholars who are in academia retire 5 years above the normal time. There is a policy that speaks on it and states clearly that other people in

other jobs will retire at 60 years, but PwDs will retire at 65 years. In academia and other levels, they need to retire at 75 years because for PwDs to reach that level, they are very few in the country and we have tap on the knowledge and potential that they have.

I want to cite an example of Prof. Ndurumo who is the father of sign language in this country. He has a lot of information and is a senior lecturer at University of Nairobi. When he retires early with all that knowledge, it will not help us as a country. There is need to ensure that PwDs get value for being |Kenyans.

When it comes to reservation of employment, it should be practical. Employers should report to Parliament on how many people they have employed, what cadre are PwDs in and how many have been promoted.

Sen. (Dr.) Mwaura can attest to this, that we carry the pains of PwDs. Some of them, have papers but they are just there. They just get into advocacy on issues of disability and yet if they are given an opportunity at managerial level and as researchers, they will execute just like anybody else. They must not always be doing advocacy on PwDs. In fact, advocacy is not a job.

This Bill will ensure that PwDs are given jobs. When it comes to county governments, this Bill will obligate county governments to come up with sustainable ways of ensuring PwDs are involved in the county development plan.

This Bill obligates that ear aids should be there. Ear aids are very important. First of all, they are important in terms of accessing and identifying children with disabilities. You will be shocked at what is happening at the counties. I was in Lumakanda Township in Lugari recently and found all children with disability lumped in one class; the deaf, the dumb and the physically challenged being taught with about five teachers in the same class.

When this Bill is effected, such things will not happen because county and national Governments will be obligated to provide the infrastructure for the children with disability.

Mr. Temporary Speaker, Sir, kindly allow me three more minutes to talk about accessibility.

Mr. Temporary Speaker (Sen. Kinyua): Take two.

Sen. (Dr. Musuruve): Thank you Mr. Temporary Speaker, Sir, for allowing me. I would like to talk about accessibility of persons with disabilities in this country. This Bill will ensure when people are coming up with constructions, constructors will be obligated to have accessibilities for people with disabilities. I will not shy away from saying that in some places you find that there are stairs all through. There is no elevator for person with disability. When I go to Mombasa, the Kenya Airport Authority needs to come here and talk the mess and the disservice they are doing to PwDs with disabilities. When you go there, there is no elevator. A person with disability has to climb the very many stairs in order to reach where they are going. This is a disservice when it comes to accessibility.

Some buildings, even some eateries when you go there, there are no elevators. You have to be carried by people, so that you can reach where the others are. This is something very unfair. Even when it comes to transport, PwDs go through harrowing moments in public transport. When they are on wheelchairs, sometimes they will not be

carried because they will take space of two or three people. There is need to ensure even public transport is accessible to persons with disabilities.

Kenya signed the international agreement that PwDs will access everywhere. When it comes to parking lots, you will find here in town, PwDs lacks parking space. Even the few parking lots designated for PwDs, you find other people using them. This Bill will bring to a stop such issues, so that if someone does such an act, then there should be a sanctioning for such people.

City *Askaris* should be sanctioned for allowing someone with disability not to have a parking space. They should empathize with PwDs. Some eateries and in some public spaces, you will find that there are no lavatories for PwDs and when you ask you will be told that they do not have. You get stranded. If you have your money, you are paying to eat something there, but when it comes to a primary need of going to the toilet, they do not have toilets.

I support this Bill. I second it and hope my fellow Senators will also support it, so that it sees light at the end of the tunnel.

Mr. Temporary Speaker, Sir, I second.

(Question proposed)

The Temporary Speaker (Sen. Kinyua): There being no request, I call upon the Mover to reply.

Sen. (Dr.) Mwaura: Thank you, Mr. Temporary Speaker, Sir. I thank you for this opportunity to reply to my Bill.

This Bill has been extremely timely in ensuring that we have it on board. I want to thank Sen. (Dr.) Musuruve. She is my comrade. We have fought this battle with her fully. Officially, we can be called ‘Mr. and Mrs. Disability’ because we are the ones who would shout and parrot and say anything matters disability. We believe in this cause. In any case, we are the shoe wearers. We know it means to be discriminated against directly, indirectly and systematically.

Mr. Temporary Speaker, Sir, you remember very well how I was chased out of the Senate like a dog. It was an open clear case of discrimination. I went through hell. I was actually in court for nine months. I was having seven cases; I won five and lost two. I appeared in court over 30 times. There were drones sent to my house to intimidate me. There was a gang of crooks, but I thank God that I survived. Recently, when I was going to Dubai, I realized I had a travel ban against me. The Directorate of Criminal Investigations (DCI) had also been told to investigate me.

I thank God that I was able to overcome all these through His mighty hand. You can see clearly we were six Senators who were expelled, but five were pardoned. I was the target, but I am very happy as a PwD because I stood for what is right. I stood for what is right because I knew that if you do not fight for equal opportunity for all, you cannot benefit from the equal opportunities for PwDs.

Political intrusion of persons with disabilities has not been very easy. Today, I am an MP in the Senate, the first one with disability in both Houses. We started as activists,

then, went through other political parties like Orange Democratic Movement (ODM) where we created the PwDs league.

Initially when I went there I was told to be an observer and to forward my ilk. We went ahead and influenced the 2010 Constitution to create the special seats that we currently occupy, yet political parties tend to think that these seats are meant for them and that they are tokens of patronage.

I want to say categorically that representation of PwDs is a matter of right. The accruing of human rights being inalienable, indivisible and interdependent so applies to those who became different as age goes by. I want to remind everyone that disability is a club anyone can be a member. In any case, as you gracefully, many people tend to be disabled.

When we are making this clarion call, we are not trying to seek sympathy or the easy way out. Right now, am fighting the battle of my life to be MP for Ruiru. It is an abrasive battle, but I am the leading candidate against all odds. I have heard to put more work than my competitors.

I have been on the ground. Some of them have come very late, but I believe this time round I will be elected the MP for Ruiru Constituency. One would ask why not Senator? You cannot say Women Representative. I cannot wait to be nominated again. I want to have a position like any other Kenyan elected in Parliament. We know the most entrenched position in Parliament is that of the National Assembly (NA) Member.

It has never been swept like the Senate so it is, therefore, more entrenched since 1963. With our hustler nation's United Democratic Alliance(UDA) clarion call where we are championing for 100 million for every constituency for the bottom-up economic model, we will be able to empower businesses of PwDs and every other person and just to demonstrate that PwDs with disabilities do deserve to be in the mainstream.

I believe that this Bill is extremely important. It is a Bill that is going to be a game-changer. I ask every other person who is concerned to make sure we have an opportunity to prove to all and sundry that PwDs are extremely important people in society.

If you look at the various provisions of law in this country relating to PwDs, the truth of the matter is that most of them have not been properly represented.

For those of us who are in politics we have got to know that when you are a PwD it is not just about the disability. You have to face the rough and tumble just like any other politician. You will have to have allies today and nemesis tomorrow.

In politics, your future allies are your current nemesis and your current allies are your future detractors. At the end what matters is that you arrive at your desired goal and position. Both friends and foe, ally and alienated will reckon you are fanning their flame.

We have to keep on fighting to demonstrate to the society that we are great people and sometimes we go through a lot to prove that we are equal members of the society. However, it does not matter the fear, intimidation, denial of privilege, name calling and mudslinging. We have to stand up and define ourselves. We should not allow to see ourselves through the lenses of others.

We need to show the world the stuff we are made of. For it is not only authentic and original; it is the essence of the mosaic of our diversity. That too is what makes the

world go around and an interesting place to be. In the end, we will stand vindicated as PWDs.

We have to look at ourselves and to prove to the society that we are valid people. We have something to contribute even when politics does not always follow logic. This is because logic is not apparent to everyone. For example, it would become very easy for the society to understand that when you support a PWD you are empowering the society and depriving the society of that sense of dependency.

We have been discriminated, thrown and tossed about. We know for sure that we may have to pay a price and make sacrifices. That is our journey and we must move forward to believe and to fulfil our lives' purpose because we believe in ourselves towards our destiny. We have to stand up, get up and make ourselves count because the future belongs to the bold and courageous.

We have to fan our flame and ensure that we keep preaching the gospel of disability into politics because politics is the informal that constitutes the formal. It is what makes people who get what, where and how. It is the art of the possible.

When you sign up for politics, you sign up to a life of exhibitionism and display. It really sucks to the core, but you got to keep on doing it to prove your worth and relevance whether real or perceived because---

(Technical hitch)

The Temporary Speaker (Sen. Kinyua): Senator, we have lost you.

Sen. (Dr.) Mwaura: As I conclude, I urge that we continue---

(Technical hitch)

The Temporary Speaker (Sen. Kinyua): Senator, your network is becoming a problem.

Sen. (Dr.) Mwaura: I am concluding. As Members of the society and of the Senate, we must continuously push this will of inclusion of PwDs so that we eventually become winners in this battle.

This idea of copy pasting other people's Bill is very bad. I had a very progressive bill the Party Primaries Bill, but the registrar of party copy pasted it. Eighty per cent of what was passed, that was being contested in December was my Bill.

Haidhuru, after six months we will reintroduce it, God willing, when we will have been elected and move forward so that we have a robust show that indeed disability is not inability and nothing about us without us.

I beg to reply.

The Temporary Speaker (Sen. Kinyua): Sen. (Dr.) Mwaura, you need to request for deferral of the question to another day.

Sen. (Dr.) Mwaura: Sorry, Mr., Temporary Speaker, Sir. Looking at the ambience of the House and knowing very well that Senators are very distinguished people, I beg that putting of the question be deferred to a later date.

The Temporary Speaker (Sen. Kinyua): Thank you, Senator. I accept your request.

(Putting of the Question on the Bill deferred)

Hon. Senators, I also defer Orders No.11 to 24, 26 and 29.
Next Order.

BILL

Second Reading

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

(Bill deferred)

COMMITTEE OF THE WHOLE

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

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE LAW OF SUCCESSION (AMENDMENT) BILL
(SENATE BILLS NO.15 OF 2021)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

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

(Committee of the Whole deferred)

MOTION

ADOPTION OF AUDIT REPORTS FOR COUNTY EXECUTIVES FOR FYs 2018/2019,
2016/2017, AND 2017/2018 (VOLUMES I, II AND III)

THAT, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on consideration of the Reports by the Auditor General on the Financial Statements of the following County Executives for the Financial Year 2018/2019- Embu; Homa-Bay; Kericho; Kilifi; Kirinyaga; Kisii; Kwale; Machakos; Mombasa; Nandi; Baringo; Bomet; Garissa; Kajiado; and West Pokot as contained in Volume 1 of the Report and the following County Executives- Isiolo; Kakamega; Kisumu; Laikipia; Mandera; Marsabit; Nakuru; Narok; Nyandarua; Samburu; Taita Taveta; Trans-Nzoia; Uasin-Gishu; Vihiga; and Wajir, as contained in Volume 2 of the Report , Laid on the Table of the Senate on Thursday 2nd December, 2021.

(Resumption of debate interrupted on Tuesday, 8th March, 2022)

(Division)

(Motion deferred)

COMMITTEE OF THE WHOLE

THE ELECTIONS (AMENDMENT) (NO.3) BILL
(SENATE BILLS NO.48 OF 2021)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

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

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

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

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

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

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

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

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL
(SENATE BILLS NO.7 OF 2021)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

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

(Committee of the Whole deferred)

BILL

Second Reading

THE ELECTION CAMPAIGN FINANCING (AMENDMENT) BILL
(SENATE BILLS NO.51 OF 2021)

(Bill deferred)

BILL

Second Reading

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

(Bill deferred)

BILL

Second Reading

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

(Bill deferred)

MOTION

ADOPTION OF THE REPORT ON UTILISATION OF COVID-19
FUNDS BY 28 COUNTY GOVERNMENTS

THAT, the Senate adopts the Report of the Standing Committee on Health on the special audit report on utilization of COVID-19 funds by twenty eight (28) county governments, laid on the Table of the Senate on Wednesday, 9th February, 2022.

(Motion deferred)

Next Order.

MOTION OF ADJOURNMENT

ADJOURNMENT OF THE SENATE PURSUANT TO THE
APPROVED CALENDAR FOR 2022 SESSION

Sen. Dullo: Mr. Temporary Speaker, Sir, I beg to move the following Motion: -

THAT, pursuant to Standing Orders 28 and 29, the Senate do adjourn until Tuesday, 22nd March, 2022.

This is a fairly straightforward and procedural Motion. This is as per the Calendar of the Senate and we have to follow it because it is what we have set as a House and also as the Leadership, to have a break for one week.

I hope this will enable Members to interact and also prepare themselves for the upcoming elections. During this period, I hope Committees will be able to do what we are required to do. There are many reports that are pending and petitions.

I wish to stop here without making further comments. I would request Sen. Kavindu Muthama to second.

Sen. Kavindu Muthama: Mr. Temporary Speaker, Sir, I second.

This will give Senators an opportunity to go and reach out to their electorate in the counties.

(Question proposed)

ADJOURNMENT

The Temporary Speaker (Sen. Kinyua): Hon. Senators, it is now 6:17 p.m. There being no other business on the Order Paper, the Senate stands adjourned until Tuesday, 22nd March, 2022 at 2.30 p.m.

The Senate rose at 6:17 p.m.