

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

**Tuesday, 21<sup>st</sup> March, 2023**

*The House met at the Senate Chamber,  
Parliament Buildings, at 2.33 p.m.*

*[The Speaker (Hon. Kingi) in the Chair]*

### PRAYER

#### DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

**The Speaker** (Hon. Kingi): Clerk, do we have quorum? Serjeant-at-Arms, kindly ring the Bell for five minutes.

*(The Quorum Bell was rung)*

Clerk, do we have quorum now? First Order, please.

*(Sen. Oketch Gicheru received a phone call  
while in the Chamber)*

Sen. Oketch Gicheru, walk out and finish your call.

*(Sen. Oketch Gicheru walked out of the Chamber)*

Hon. Senators, I have the following Communication.

### COMMUNICATIONS FROM THE CHAIR

#### VISITING DELEGATION FROM KISII COUNTY ASSEMBLY

**The Speaker** (Hon. Kingi): Hon. Senators, I do have the following Communication to make. I would like to acknowledge the presence in the Speaker's Gallery this afternoon, a delegation from the Kisii County Assembly comprising of Members of the Committee on Broadcasting and Communications and its secretariat.

The delegation is undertaking a two-day benchmarking visit with the Directorates of Hansard, Library Services and Broadcasting Unit in the Senate. I request each member of the delegation to stand when called out so that you may be acknowledged in the Senate tradition.

- |                            |   |                            |
|----------------------------|---|----------------------------|
| (1) Hon. John Sambo        | - | Chairperson.               |
| (2) Hon. Damaris Nyanchoka |   | Member of the<br>Committee |
| (3) Hon. Brenda Giteya     |   | Member                     |
| (4) Hon. Ednah Nyabuto     |   | Member                     |
| (5) Hon. Everline Moraa    |   | Member                     |
| (6) Hon. Fatuma Alio       |   | Member                     |
| (7) Hon. Halima Kaliya     |   | Member                     |
| (8) Hon. Lilian Anyango    |   | Member                     |
| (9) Hon. Michael Motume    |   | Member                     |
| (10) Hon. Nicholas Orina   |   | Member of the<br>Committee |
| (11) Hon. Paul Okombo      |   | Member                     |
| (12) Hon. Shem Mogesa      |   | Member                     |
| (13) Mr. Vincent Okwema    |   | Hansard Reporter           |
| (14) Mr. Wesley Ogwaya     |   | Clerk Assistant            |
| (15) Ms. Jane Kangendo     |   | Research Officer           |
| (16) Mr. Justin Omundi     |   | Sergeant- at- Arms         |

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

VISITING DELEGATION FROM THE MAASAI  
MARA UNIVERSITY

I also do have two more Communications to make.

Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon of a visiting delegation from the Maasai Mara University Political Science Class in Narok County. The delegation comprises of three lectures and 39 students who are in the Senate for a one-day academic exposition.

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

RETREAT OF THE SENATE WITH OVERSIGHT  
INSTITUTIONS ON BUILDING SYNERGIES FOR  
SUCCESSFUL IMPLEMENTATION OF DEVOLUTION

Further I would wish to make the following Communication.

Hon. Senators, as part of the robust programme to equip Senators with the requisite information and tools necessary to execute our constitutional mandate, the Senate has organized a two-day retreat with constitutional commissions, independent offices, and other oversight institutions.

The theme of the retreat is Building Synergies and Exploring Interlinkages for Effective and Efficient Oversight Towards Successful Implementation of Devolution.

The event will contextualize the oversight mandate of the Senate in relation to those of a select number of the said commissions, independent offices, and oversight institutions.

The retreat will also afford the Senate an opportunity to identify viable opportunities to strengthen devolution and address existing and emerging threats to the devolved system of government and to make appropriate legislative interventions.

Hon. Senators, I take this opportunity to invite you to the retreat which is scheduled to take place from 23<sup>rd</sup> to the 26<sup>th</sup> of March 2023, in Mombasa County. The venue and further details pertaining to the event will be communicated through the office of the Clerk.

To facilitate the conclusion of the Business of the House on Thursday, 23<sup>rd</sup> March 2023, I hereby direct that travel to Mombasa will take place at the rise of the Senate. I urge all Senators to purpose to attend and participate in this important event.

I thank you.

For the first two Communications, I am informed that Sen. Okenyuri, is a former student of the Maasai Mara University in Narok County. So, I will allow Sen. Okenyuri to make brief welcoming remarks. I will allow her to welcome the delegation from Maasai Mara University and regarding the delegation from Kisii, I will allow Sen. M. Kajwang' to make brief welcoming remarks on behalf of Sen. Onyonka.

Kindly proceed, Sen. Okenyuri.

**Sen. Okenyuri:** Thank you, Mr. Speaker, Sir. I was a student leader in the Maasai Mara University. While I was there, I pursued Bachelor of Science in Information Sciences, so I surely understand what it means when these students visit the Senate today.

I want to mention that I am here as a Senator today as a result of the foundation I received in Maasai Mara University. The students in Maasai Mara University saw my ability and capability in leadership that they gave me the chance to serve the students union as the first female vice president of the students' union that has actually propelled me to national politics.

I want to welcome the students from Maasai Mara University who are here today in a special way and encourage you that we are flying our flag high while in this House. I also encourage those of you who want to pursue national leadership, you have the right example; I am a true example of hard work granting the desires of your heart.

I wish you well in your academics and as you work hard to transit to the outside world, we will be here to hold your hands for those who are pursuing political leadership and give mentorship to the others who will be venturing into different fields.

Additionally, I would want to take this opportunity to welcome the Committee on Broadcasting and Communications from Kisii County. That is my county of origin. In a special way, I also welcome you to the Senate as you also benchmark to take this back to

our people in Kisii as we deepen and strengthen the ties between the Senate and the county assemblies in ensuring that devolution works and we get our services closer to our people.

I thank you.

**Sen. M. Kajwang'**: Mr. Speaker, Sir, on behalf of the Senator for Kisii, Sen. Onyonka who is out of the country on official business, I join you in welcoming the delegation from Kisii County Assembly.

It is a good thing when county assemblies come to benchmark at the Senate instead of going to foreign countries. It is a practise that we as chairs of committees have encouraged. In the Public Accounts Committee (PAC), every time we have a hearing for a county, we invite the relevant corresponding PAC.

I want to assure the delegation through you, Mr. Speaker, Sir, that they will find very good resources here at the Senate. The Senate has got some of the finest human resource in the subject area that they are seized of that is broadcasting.

We also hope that we can learn something from them because we know county assemblies might be smaller in terms of footprint but might be more agile. So, when they come to the Senate, it is not a one-way traffic. We hope that we are going to learn something positive out of Kisii.

Mr. Speaker, Sir, while we were having lunch, I saw the Senate Majority Leader somewhere and he was trying to find out who one of the delegation members was. I think there is hon. Bosibori in that delegation who at the end of this I am going to hook up with Sen. Cheruiyot, for reasons that are aimed at deepening and widening integration between counties that neighbour each other.

Mr. Speaker, Sir, I also wish to welcome the students from Maasai Mara University who are studying political science. The questions are; do we need more politicians in this country? Do we need more preachers? Do we need more people going to the bushes to pray for rain in this country, or we need more policy makers?

I want to challenge the students from Maasai Mara University, that even though your primary course is political science, make sure you diversify into something that can provide productive and tangible benefits to this country. You do not need a qualification to come to this House. This House has got fishermen. This House has got herdsmen like the beautiful Senator on my left. This House has got sugarcane cutters like Sen. Oketch Gicheru from Migori County who grew up in the sugarcane plantations of Sony Sugar Company.

You do not need an academic qualification to be a good politician. This country needs more people who can tell us the truth about the path that we are taking, the policy options that we adopt and how we can catch up with other countries.

While we have been demonstrating and picketing and fighting in this House, Kenya has been overtaken and now it is the eighth economy in Africa. Ethiopia and Angola have overtaken Kenya. Very soon, the State of Lagos is going to overtake Kenya in terms of Gross Domestic Product (GDP).

Currently, the State of Lagos has a GDP of USD102 billion while Kenya has a GDP of USD110 billion. If Lagos was a country, perhaps it might have been the 10<sup>th</sup> largest economy in Africa.

My challenge, through the Chair, to the students from Maasai Mara University is that your goal should not just be to become Members of County Assemblies (MCAs), Members of Parliament (MPs) or Senators. Let us get back to the golden generation of the late Tom Mboya and the Late President Mwai Kibaki that could write books about policy choices and options that Kenya ought to take. That is my challenge to you.

Let it not just be to be called an honourable member, but we welcome you. On behalf of the Senator for Narok County, who currently is somewhere issuing some press statement regarding the State of the nation, you are welcome. If he does not come back on time, I will talk to you as comrades and make sure that your refreshments on the way back to Maasai Mara University is taken care of.

I thank you.

**The Speaker** (Hon. Kingi): Senate Majority Leader, could you sum up the welcoming remarks, please?

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I join the rest of my colleagues in welcoming the two visiting delegations. First, the delegation from Kisii County Assembly for which Sen. M. Kajwang' wants to distract the attention of the House to an earlier request that he made to me about a particular Member of the delegation.

I would like it to go on record that I looked back because I was excited to see a fellow comrade that I went to university with, who is part of the delegation. That is Hon. Lillian Gor who is now an MCA. She is a good friend of mine. Though nominated by the Orange Democratic Movement (ODM), our friendship transcends the political divide.

I know many such others, including Sen. M. Kajwang', who is generally a good man, save for when he is in the company of a herdsman and a fisherman, he tends to say certain things that I do not agree with.

I do welcome the visiting delegation. I had wished to borrow a leaf from what Sen. M. Kajwang' said about the County Public Accounts Committee (CPAC) and urge the rest of the chairpersons that occasionally---

On many afternoons when we have delegations visiting the Senate, it is usually the technical staff from county assemblies who come here to learn. What about our MCAs? We need to increase our interaction with MCAs to be beyond our interaction with them at the Legislative Summit, which happens once annually.

We need to grow that and cultivate a better relationship, so that occasionally, when we have a delegation from a particular county assembly, since most of them are drawn from a particular committee, we should ensure that during their study tour, they are incorporated so that they partake in the goings-on in each of the committees of the Senate.

Perhaps it is time, because unlike our colleagues in the National Assembly, for whom we cannot mirror a committee for a committee, at least in the county assemblies, we can mirror a committee for a committee with those of the Senate, such that for every committee of the Senate, you will have an equivalent in the county assembly, where they draw their trainings, manuals and policy decisions such that a particular county assembly does not have to ring the Senate.

A closer interaction will be such that on an occasion where a county assembly is grappling with a matter, say where the law is not clear, a counterpart call to a particular committee of the Senate would make it possible for them to quickly get an answer without the trouble of travelling and all the other things.

I equally welcome the students of political science from Maasai Mara University. I believe that they will have a full view of the study during their interactions with Members of this House and the “Lower House” and the many things for which they have visited this House to learn. I hope they will get to learn better habits, and that they will make better politicians in future. We can establish good cultural practices, not cherry-picking like we are seeing the case right now, where there is selective reading and application of the Constitution.

In the media, of late, I have seen a continuous, almost to nauseating levels, quotation and citation of Article 37 of our Constitution. The same Constitution that provides for the Bill of Rights and Article 37 provides for judicial authority as well, such that when a matter has been laid to rest by one of the organs of that Constitution, then we should not be having street protests about the same.

We need to teach our students to become better politicians; people who will know that you can compete and shake hands. That is courtesy. Unfortunately, because of politics in this country, we have never experienced the beauty of what a concession speech looks like.

The last time we saw one was in 2002, when the former President Uhuru Kenyatta conceded defeat. We need to learn such good political practices that we see and envy in other parts of the world, where if you compete for MCA, MP, governor, or president, when your opponent is announced to have defeated you, you should shake their hand and do what is dutifully expected of you and not to do the kind of things that we continue to see in this country. It is unfortunate.

Mr. Speaker, Sir, I believe, and I have a lot of faith in the students that are in the Public Gallery, that they will be better politicians than those of the current generation.

I thank you.

**The Speaker** (Hon. Kingi): Let us go to the next Order. What is your intervention, Sen. Tobiko? Are you rising on a point of order?

**Sen. Tobiko**: Yes, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): As you proceed to do that, you know the requirements of the Standing Orders, that you must quote the Standing Order.

**Sen. Tobiko**: Not necessarily, Mr. Speaker, Sir. I wanted to intervene. It is only that you had not seen my intervention on time. I wanted to intervene when the Senator for Homa Bay, Sen. M. Kajwang’, was speaking.

Mr. Speaker, Sir, please allow me. Besides the fact that---

**The Speaker** (Hon. Kingi): Do you want to make some welcoming remarks?

**Sen. Tobiko**: Mr. Speaker, Sir, I have an important point to make.

**The Speaker** (Hon. Kingi): Is it about welcoming the delegations?

**Sen. Tobiko**: I wanted to inform Sen. M. Kajwang’ if you allow me.

**The Speaker** (Hon. Kingi): Sen. Tobiko, Sen. M. Kajwang’ yielded a while ago.

**Sen. Tobiko**: Mr. Speaker, Sir, he has accepted that---

**The Speaker** (Hon. Kingi): He is not able to accept or refuse. He has long yielded that opportunity.

**Sen. Tobiko**: Mr. Speaker, Sir, this is important. Please allow me.

**The Speaker** (Hon. Kingi): You are saying you wanted to inform the Senator. The opportunity---

**Sen. Tobiko**: Mr. Speaker, Sir, I can inform the House. Kindly allow me.

**The Speaker** (Hon. Kingi): Sen. Tobiko, let us make it neat.

**Sen. Tobiko**: Yes.

**The Speaker** (Hon. Kingi): Do you want to make some brief welcoming remarks?

**Sen. Tobiko**: I would not mind doing that.

**The Speaker** (Hon. Kingi): Please go ahead.

**Sen. Tobiko**: Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): You do not have to go round.

*(Laughter)*

**Sen. Tobiko**: Mr. Speaker, Sir, I was not going round but thank you for the opportunity to welcome the group of students from Maasai Mara University.

Narok County is a sister to Kajiado County and when Sen. Olekina is not here, I think I can ably stand in his shoes to welcome the students from Maasai Mara University.

Mr. Speaker, Sir, besides that, Sen. M. Kajwang' mentioned that we may not need more political scientists in this country and that this House does not necessarily need educated people. I did not want to allow that to go unchallenged. I happen to be a student of Political Science from the University of Nairobi, both first and Master's degree. I know how important it is to have political scientists in this country. I did not want the group of students who are doing political science to go while feeling like their course has been demeaned. There are political scientists in this House. You will be able leaders of this country tomorrow.

To inform Sen. M. Kajwang', it is actually in Political Science that policy formulation is taught. You said we need policy formulators, and it is political scientists who do that. So, they are doing the right course. We will get the policy makers of this country.

It is in political science that you are taught how to allocate scarce resources and where you get to know who gets what, when and how. All other fields rotate around the field of Political Science. I would say it is one of the most important courses to undertake in any university. So, I wish to tell these students that they are doing the right course and that they should continue. Tomorrow, you will be the people determining who gets what in this country.

**The Speaker** (Hon. Kingi): Next Order.

**PAPERS LAID**

**Sen. Tabitha Keroche:** Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, Tuesday, 21<sup>st</sup> March, 2023.

REPORT ON NEW LOANS CONTRACTED BY THE GOVERNMENT  
FROM 1<sup>ST</sup> SEPTEMBER TO 31<sup>ST</sup> DECEMBER, 2022

Report by the National Treasury and Economic Planning concerning all new loans contracted by the Government from 1st September, 2022 to 31st December, 2022.

REPORTS ON FINANCIAL STATEMENTS OF  
VARIOUS ENTITIES

Report of the Auditor-General on financial statement of the County Executive of Tharaka Nithi for the year ended 30th June, 2022.

Report of the Auditor-General on financial statement of the County Assembly of Tharaka Nithi for the year ended 30th June, 2022.

Report of the Auditor-General on financial statement of the County Executive of Nandi for the year ended 30th June, 2022.

Report of the Auditor-General on financial statement of the County Assembly of Nandi for the year ended 30th June, 2022.

Report of the Auditor-General on financial statement of the County Executive of West Pokot for the year ended 30th June, 2022.

Report of the Auditor-General on financial statement of the County Assembly of West Pokot for the year ended 30th June, 2022.

Report of the Auditor-General on the West Pokot County Government Revenue Fund for the year ended 30th June, 2022.

Report of the Auditor-General on financial statement of the County Executive of Elgeyo Marakwet for the year ended 30th June, 2022.

Report of the Auditor-General on financial statement of the County Assembly of Elgeyo Marakwet for the year ended 30th June, 2022.

*(Sen. Tabitha Keroche laid the documents on the Table)*

**The Speaker** (Hon. Kingi): The Chairperson of the Committee on Lands, Environment and Natural Resources had a Paper to lay. I am not seeing him in the House. Is there a Member of the Committee who has been mandated to do that?

Sen. Wamatinga, please proceed.

REPORT ON THE NATURAL RESOURCES  
(BENEFIT SHARING) BILL, 2022

**Sen. Wamatinga:** Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Tuesday, 21<sup>st</sup> March, 2023.

Report of the Standing Committee on Land, Environment and Natural Resources on its consideration of the Natural Resources (Benefit Sharing) Bill (Senate Bills No.6 of 2022).

*(Sen. Wamatinga laid the document on the Table)*

**The Speaker** (Hon. Kingi): Next Order.

REPORT ON THE REVIEW OF THE SENATE  
STANDING ORDERS

**Sen. Wakili Sigei:** Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Tuesday, 21<sup>st</sup> March, 2023:

The Fifth Report of the Committee on Procedure and Rules on the review of the Senate Standing Orders.

*(Sen. Wakili Sigei laid the document on the Table)*

**The Speaker** (Hon. Kingi): Next Order.

Sen. Murango, please proceed.

**NOTICES OF MOTIONS**

BAN ON CULTIVATION OF EUCALYPTUS  
TREES ON RIPARIAN LANDS

**Sen. (Dr.) Murango:** Mr. Speaker, Sir, I beg to give Notice of the following Motion:

THAT, AWARE THAT the Constitution of Kenya acknowledges the Nation's respect for the environment and obligates the State to eliminate processes and activities that are likely to endanger it;

FURTHER AWARE THAT there has been extensive cultivation of eucalyptus trees in Kenya owing to their rapid growth, high biomass yield, and adaptability to a wide range of climatic regimes and soil conditions;

CONCERNED THAT eucalyptus trees require high amounts of water through their growth, have deep root systems that extract water from the soil at a rapid rate and their cultivation on riparian land depletes the water in the riparian ecosystem, often resulting in the drying up of streams, aggravating the effects of climate change, particularly the infrequent and insufficient rainfall currently being experienced in the country;

NOW THEREFORE the Senate urges the Ministry of Environment, Climate Change and Forestry in coordination with the National Environment Management Authority to:

- (1) Develop and implement a policy framework to guide the cultivation of eucalyptus trees with the aim of mitigating their adverse effect on the environment; and,
- (2) Undertake a systematic nation-wide removal programme for eucalyptus tree cultivations on riparian lands.

**The Speaker** (Hon. Kingi): Sen. Wamatinga, please proceed to give the Notice of Motion.

INCORPORATION OF INTELLIGENT WATER  
MANAGEMENT SYSTEMS IN BUILDING  
PLANS FOR SUSTAINABLE LIVING

**Sen. Wamatinga:** Mr. Speaker, Sir, I beg to give notice of the following Motion.

THAT, AWARE THAT water is an essential yet scarce resource whose demand is increasing rapidly due to population growth, urbanization, and industrialization, and whose wastage has become an issue that needs to be addressed urgently owing to Kenya's vulnerability to climate change;

NOTING THAT there is a growth in the number of buildings coming up to accommodate the rapidly growing population thereby posing a challenge to water management;

APPRECIATING THAT the incorporation of water management systems in building plans include a variety of techniques and technologies such as rainwater harvesting, waste water recycling, low-flow plumbing, and sensor systems that detect leaks and (de)activate water flow when necessary, thereby optimizing the use of water by eliminating water overexploitation, waste water management, and pollution;

NOW THEREFORE the Senate urges the Ministry of Lands, Public Works, Housing and Urban Development in coordination with the Council of Governors and the National Environment Management Authority to:

- i. incorporate into the building code and standards a requirement for intelligent water management systems in all building plans; and
- ii. undertake a systematic nation-wide renovation to government-owned buildings to incorporate water management systems.

Thank you.

**The Speaker** (Hon. Kingi): Senator, you had two notices to give. Proceed with the second.

REPOSSESSION OF MOVABLE ASSETS BY LENDING  
INSTITUTIONS DUE TO NON-PERFORMING LOANS

**Sen. Wamatangi:** Mr. Speaker, Sir. I beg to give Notice of the following Motion.

THAT AWARE THAT the high unemployment rate in Kenya has pushed many Kenyans to seek loans from Saccos, Microfinance Institutions and Banks to start Small and Medium Enterprises (SMEs) to sustain their livelihoods;

NOTING THAT the youth in particular have invested in movable assets, including vehicles and motorcycles, to start business in the transport industry and most of them have signed up to the ride hailing apps including but not limited to Uber, Taxify, Bolt and Little cab;

COGNIZANT THAT the Banking Act 2015 CAP 488 does not provide for renegotiation on the loan repayment agreement whenever the business environment becomes unfavorable as a result of the high cost of living, lowered earnings from the App providers and high interest rates;

NOW THEREFORE the Senate urges the National Treasury and Economic Planning to come up with a policy framework to review the Banking Act in order to renegotiate the repayment terms of the loans and provide cushion for Kenyans with non-performing loans and prevent the loss of their movable assets.

I thank you.

**The Speaker** (Hon. Kingi): Next Order, Clerk. Sen. Wakili Sigei, you had a Notice of Motion to give.

ADOPTION OF THE FIFTH REPORT OF THE PROCEDURE  
AND RULES COMMITTEE ON THE REVIEW OF THE  
SENATE STANDING ORDERS

**Sen. Wakili Sigei:** Thank you, Mr. Speaker, Sir. I give Notice of the following Motion-

THAT, pursuant to Standing Orders No. 269 and 270, the Senate approves the Fifth Report of the Procedure and Rules Committee on periodic amendments to the Standing Orders of the Senate, laid on the Table of the Senate, on Thursday 16<sup>th</sup> March, 2023, and pursuant to the provisions of Article 124 (1) of the Constitution and Standing Orders No. 270 and 272-

(i)Resolves to amend its Standing Orders as contained in Appendix 2 to the Report; and

(ii)Orders that the amendments to the Standing Orders as contained in Appendix 2 to the Report come into effect on 11<sup>th</sup> April, 2023.

I beg to move.

**The Speaker** (Hon. Kingi): Hon. Senators and Clerk, make sure that every Senator gets a copy of that Report so that when debate ensues, all Senators are informed and aware of the kind of amendments of the Standing Orders contained in the Report.

Next Order.

## STATEMENTS

**The Speaker** (Hon. Kingi): Hon. Cherarkey, proceed.

## STATE OF FOREIGN DIRECT INVESTMENT IN KENYA

*(Sen. Cherarkey was not in the House)*

The Statement is deferred.

*(Statement deferred)*

**The Speaker** (Hon. Kingi): Hon. Joe Nyutu proceed.

Hon. Members the Statements Hour starts at 3.14 p.m. and will end at exactly 4.14 p.m. Kindly proceed.

STATUS OF THE LAST MILE PROJECT IN  
MURANG'A COUNTY.

**Sen. Joe Nyutu:** Thank you, Mr. Speaker, Sir. I rise, pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Energy, on the status of the "Last-Mile" Project in Murang'a County.

In the Statement, the Committee should -

- (1) Provide a status report on the "Last Mile" Project in Murang'a County, outlining measures in place to revive and complete stalled projects;
- (2) State why the prepaid meters supplied to residents have accumulated unpaid electricity bills;
- (3) State measures, if any, put in place to ensure residents with electricity connection acquire meter numbers promptly; and
- (4) Outline the interventions and long-term plans put in place to ensure electricity connectivity to all residents of Murang'a.

Thank you.

**The Speaker** (Hon. Kingi): Proceed, Sen. Orwoba.

**Sen. Orwoba:** Thank you, Mr. Speaker, Sir. I would like to comment on Sen. Joe Nyutu's Statement. Before I do so, I notice that we have a delegation from Kisii County, and I welcome them to this House. It is the "Upper House". Feel at home because you are well represented. We have three Senators from Kisii County. *Karibu.*

On the issue of the Kenya Power and Lighting Company (KPLC) meters, I wish to highlight that there is a bigger issue other than that being raised in Sen. Joe Nyutu's Statement in terms of availability of the actual meters. There is a whole cartel there. I know of many businessmen who have applied to get meters and were promised even in the guise of pending projects and some under the Last Mile. It might not be in Sen. Joe Nyutu's County but whatever is happening at KPLC needs to be investigated.

There are clients who have paid huge amounts of money upfront to ensure they get the meters. However, it has been story after story for so long; some of them up to a year. They are using that loophole to overbill some of these clients.

As we look at this County, in general, KPLC should be transparent in application of meters and how long the process should take because clients are suffering. There are many commercial entities that would like to be taken out of the post-paid meters but are still on the queue.

I beg to support the Statement.

**The Speaker** (Hon. Kingi): Proceed, Sen. Mwaruma.

**Sen. Mwaruma:** Thank you, Mr. Speaker, Sir. Allow me to ride on the Statement by Sen. Joe Nyutu about Last Mile Connectivity. If we get that information for his County, then it would only be proper to get the same for the rest of the counties in Kenya because it is a very critical issue.

We have followed through with KPLC and the Ministry of Energy to have our counties connected to the main grid. However, the problem is that KPLC have become very unresponsive. We have made many applications for transformers which have not been optimized. Some transformers are working but supplying electricity to very few people; and yet there are many people within the 600 meters' radius who have not been supplied with electricity.

We have followed through. However, we need to get responses from Kenya Power and the Ministry of Energy and Petroleum on when transformers maximization will be undertaken.

I am happy to ride on this good Statement on connectivity. I would like to know when Kenya Power will connect all our people to the grid.

I thank you.

**The Speaker** (Hon. Kingi): Sen. Kisang, you may proceed to make your contribution.

**Sen. Kisang:** I thank you, Mr. Speaker Sir, for this opportunity to comment on the Statement by Sen. Joe Nyutu. The Last Mile Connectivity Project was a very noble program that was started by the last regime to connect all public institutions and villages. It is unfortunate that phases one, two, and three of the World Bank funded projects collapsed while others stalled along the way.

This Statement is timely. We need to ensure that Kenya Power gives us a status report of Last-Mile Connectivity Project in all the counties. There are counties that have way below 50 per cent connectivity rate so they need affirmative action. If possible, our colleagues in the National Assembly should allocate resources to ensure those counties receive affirmative action.

There are counties that generate power but do not have the power. Counties such as Marsabit, Turkana and other counties in the Northern part of the country have been in darkness for long. Those counties are using thermal energy, yet they have solar power.

To achieve middle-income status and a developed economy, we need power. We cannot achieve this if some counties and constituencies are still below 10 per cent in connectivity rates. This is a good Statement. We need to push and ensure that our people get power.

**The Speaker** (Hon. Kingi): Sen. Ogolla, you may proceed.

**Sen. Ogolla:** Mr. Speaker, Sir, I would also like to add my voice to the Statement that has been issued by Sen. Nyutu. The story of the Last Mile Project could be one of the worst rip-offs we have had among the major projects in this country. The former Rural Energy Agency (REA) now Rural Electrification and Renewable Energy Corporation (REREC) implemented this project in consultation with the Kenya Power.

The project was so noble that each village in this country expected that at the end of the project, it would be connected to electricity. The implementers of this project were expected to connect each school and public facility that is a mile of a transformer to electricity. However, if you go around the country, you will find that in most of the primary schools where the transformers were taken to, are not operational because a major component was never fixed.

If you were to take an inventory, half of the transformers and power lines into these schools, public facilities like hospitals and village polytechnics are not functional. Our people were very hopeful. However, to our amusement, a number of these projects on transformers have never been connected to the power grid. If you ask the officials of the Kenya Power in the regional offices or in the county offices, about the issue of connectivity, you will be told that a component of the transformer was left out.

Sen. Joe Nyutu has asked for a status report of his county. However, it is prudent that we ask for a similar report of the whole country so that Kenyans can benefit from the last mile project. It only leaves us with the conclusion that this was a scandal. Why would we have transformers taken to school, yet they are not connected to the power grid.

Most of the school officials are always running to Kenya Power offices every other week; spending public funds in efforts to look for ways in which those transformers can be energized. However, if you went to the root cause, you would find that parts of the transformers were not fixed. This could be the reason why the noble project that was proposed by the former regime including the school laptop project did not take place. ‘

I support.

**The Speaker** (Hon. Kingi): Sen. Kinyua, you may proceed to make your contribution.

**Sen. Kinyua:** Asante Bw. Spika. Nasimama kuunga mkono taarifa iliyoletwa na Sen. Joe Nyutu wa kutoka Kaunti ya Murang’a. Mambo ya nguvu za umeme yamekumwa ni hali ya sintofahamu katika nchi yetu. Sio Murang’a pekee yake. Ukitembea sehemu nyingi hasa katika Kaunti ya Laikipia unapata *transformers* ambazo tumepewa zinasambaza nguvu za umeme kwa mtu mmoja tu ilhali sehemu hiyo ina watu wengi ambao hawana stima.

Mradi ule unaitwa *Last Mile* kwa lugha ya kiingereza. Hata hivyo, sisi watu wa Kaunti ya Laikipia hatuna tabasamu yoyote kwa sababu stima yenyewe hakuna. Tunaishi kwa giza. Taarifa hii isiangazie Kaunti ya Murang’a pekee yake. Waangazie hata Kaunti ya Laikipia. Hii ni kwa sababu baadhi ya *transformers* zinazoletwa ni gushi. Wakati huu kunanyesha, kukiwa na radi, unapata stima zinapotea na wakati mwingine bidhaa za nyumba zinaharibika.

Hivyo basi, Shirika la nguvu za umeme linapaswa liangazie haya mambo. Wanapoulizwa haya maswali, waseme ni transformer ngapi ambazo wamepeana huko Laikipia, watu wangapi wamepewa stima. Sio hayo tu, bei ya nguvu za umeme imepanda sana. Tumeambiwa kwamba hii ni kwa sababu hakunyeshi. Lakini pia kukinyesha mara moja tu, stima zinapotea. Unashindwa ni shida gani iliyoko. Wakati wa kiangazi, unaambiwa hakuna maji. Kukinyesha, unambiwa maji yamekuwa mengi hivyo basi stima hatupati.

Tungetaka tuambiwe ni watu wangapi wamepewa umeme kwetu Laikipia na ni watu wangapi wamepangiwa kupewa umeme wakati huu wanasema ni tabasamu na isiwe ni tabasamu ya mwisho. Hivyo basi, haya mambo yaangaziwe ndio yaweze kuongoza uchumi. Hii ni kwa sababu, wakati huu, uchumu umeharibika. Tukipata nguvu za umeme tunaweza kufanya kazi masaa ishirini na manne.

Na nikitaja tu kwa sababu ndugu yangu alitaja na ni vizuri niseme, Seneta wa kutoka Homa Bay. Sen. M. Kajwang, alisema ya kwamba masomo si ya manufaa hapa katika Seneti. Sio vizuri akiwa anongea na wanafunzi wa chuo kikuu na kuwaambia---

**The Speaker** (Hon. Kingi): Sen. Kinyua, can you restrict yourself to the Statement? Just restrict yourself to the Statement.

**Sen. Kinyua:** Bw. Spika nilitaka kusema kwa sababu imeandikwa katika daftari zetu. Badala ya sisi kuwapongeza wanafunzi, itakuwaje sisi tutakuja kuwakosoa kwa kuwaambia yale wanayosoma hayana manufaa na kuwaambia wavuvi, wafugaji ni wa manufaa zaidi kushinda wanafunzi. Badala ya kuwapa wanafunzi motisha, anawadharau na kuwaonyesha masomo sio ya manufaa. Sisi tulioko hapa ni wasomi na weledi wa masomo.

Asante.

**The Speaker** (Hon. Kingi): Sen. Kavindu Muthama, please proceed.

**Sen. Kavindu Muthama:** Thank you, Mr. Speaker, Sir, for this opportunity to support the Statement from Sen. Joe Nyutu, the Senator for Murang'a County. This issue should be covered for the whole country. I do not think there is any county that has enough electricity.

The Kenya Power Limited draws most of its power from Masinga Dam, Machakos Count. However, the homes surrounding Masinga Dam have no electricity.

Mr. Speaker, Sir, this should not only be done in Murang'a, but across the country.

I support.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Proceed, Sen. Cherarkey.

**Sen. Cherarkey:** Thank you, Mr. Speaker, Sir. From the onset, I support the timely Statement by Sen. Joe Nyutu of Murang'a County.

The issue of the cost of energy is very critical. We cannot discuss about ease of doing business without reliable and affordable power supply in the country.

One of the serious agendas that should be considered is provision of the last mile connectivity project, to most of our villages. Whenever we walk around in counties and constituencies, *wananchi* will always say, "*Hatuna stima, tunataka stima.*" It is a big challenge that continues to bedevil the country.

Mr. Speaker, Sir, for us farmers, the cost of animal feeds is very expensive. Therefore, we need reliable energy and power, so that we can process animal feeds and increase the productivity of milk and meat.

The other day, I was shocked when Kenya Power (KP) told us that they do not have metres to install in houses. I have asked that question for six months now. People who are supposed to get electricity for the last seven to eight months are being told by KP that there are no metres. There is a big problem.

Mr. Speaker, Sir, if it is about the supplier, the longest *mwananchi* should wait for the metres or connectivity of electricity should be at least a month or three weeks. We are talking about efficiency, effectiveness and supply of the last mile connectivity project.

We are not doing very well in Nandi because connectivity is still very low. For example, last weekend, I was in a village called Chebyewet in Mosop Sub-County. People there have never seen electricity. The same is the case in Tinderet and Aldai. This shows that there is still a big challenge. Reliable energy will always assist us to produce more.

Mr. Speaker, Sir, I agree with sentiments by our colleagues. When it is dry season, KP tells us that electricity cannot be generated because of low volume of water. However, when it again rains, power disappears. I do not know the relationship between KP and the rains during the rainy season. When it rains, there is unreliable power supply and blackouts across the country.

In conclusion, if you remember, a few days ago, there was a national power outage. Before, we were told that some monkey interfered with transformers and connections. There are many Kenyans who lost their lives, for instance, Machakos Hospital and Coast General Teaching and Referral Hospital in Mombasa. People in critical care units were depending on supply of power to the hospitals. Many Kenyans lost their drugs and food that were kept in fridges. It is very unfortunate.

Mr. Speaker, Sir, KP must be careful and ensure they inform the country in advance whenever there is national power outage, so that we do not run into losses of lives or even affect our level of economy. We do not want to see a repeat of power outage and blackouts as we go into the future.

In the past, the last regime used to create national power outage for political reasons. However, freedom is now here. Therefore, there should be reliable power.

I see Sen. Kavindu Muthama is smiling. Even when they are doing *maandamano*, no one should switch off the power. We need to move forward as a country.

Thank you, very much.

**The Speaker** (Hon. Kingi): Before we proceed to the next request for Statement, I have this Communication to make.

*(Interruption of debate on Statements)*

## COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM RIARA  
GROUP OF SCHOOLS

**The Speaker** (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon, a visiting delegation from Riara Group of Schools in Nairobi County. The delegation comprises five teachers and 56 pupils who are in the Senate for a one-day study visit.

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

I will allow Sen. Nyamu to make very brief welcoming remarks to the visiting delegation.

**Sen. Nyamu:** Mr. Speaker, Sir, thank you for giving me this opportunity, to extend a word of welcome to the teachers and pupils of Riara Group of Schools.

As you can see, these are Senators who represent the 47 counties across the country. Here, we are charged to oversight devolution and make sure that counties and their governments are working in accordance to the Constitution.

I encourage students and pupils to work very hard in school. Be focused and ignore the distractions that come with being young and in school. Dream big. You can achieve your dreams and anything that you put your mind to. We welcome you very much to this session of the Senate.

Thank you, Mr. Speaker, Sir.

*(Resumption of debate on Statements)*

**The Speaker** (Hon. Kingi): Proceed, Sen. Mwaruma

TERMS AND CONDITIONS OF SERVICE FOR  
COMMUNITY SCOUTS ENGAGED BY KWS

**Sen. Mwaruma:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to seek two Statements. The first Statement is on terms of service for community scouts engaged by the Kenya Wildlife Service (KWS).

Mr. Speaker Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Lands, Environment and National Resources regarding the terms and conditions of service for the 5,500 community scouts engaged by the KWS to assist in wildlife conservation efforts as part of the national Government's post-COVID-19 economic stimulus programme.

In the Statement, the Committee should-

(1) Outline the terms and conditions of service of the community scouts and state when the term of the current scouts will come to an end.

(2) State the source of funding for the programme and the amount of money that has been expended so far, giving details of the programme's annual budget.

(3) Clarify whether there are any plans by the Ministry of Tourism, Wildlife and Heritage to conduct more recruitment of community scouts in the near future, and if so, state, the number of scouts to be recruited and provide the indicative budgetary thereof.

STATUS OF THE BURA-MGHANGE-WERUGHA-WUNDANYI-MBALE-  
MTO MWAGOTI AND CHALA-NJUKINI-ILLASIT ROADS

**Sen. Mwaruma:** Mr. Speaker, Sir, I rise again pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Transportation and Housing concerning the status of the Bura-Mghange-Werugha-Wundanyi-Mbale-Mto Mwagoti and Chala-Njukini-Illasit roads. Both of them are in Taita/Taveta County.

In the Statement, the Committee should-

(1) Explain the reasons leading to the disbandment of camp by the contractor of the Bura-Mghange-Werugha-Wundanyi-Mbale-Mto Mwagoti Road.

(2) Provide a report on the status of the Chala-Njukini-Illasit Road.

(3) State the measures put in place by the Government, if any, to ensure the two projects are undertaken to conclusion.

(4) Provide the total cost of both projects, stating the amounts expended, so far, and the expected dates of resumption and completion of the two projects.

Thank you, Mr. Speaker, Sir.

**Sen. Kathuri:** Thank you, Mr. Speaker, Sir, for this opportunity to make a brief comment on the first Statement by the Senator for Taita Taveta, Sen. Mwaruma.

There has been no recruitment of wildlife rangers in this country since 2016. This is a fact because I have followed the wildlife menace in my county. When I talked to the KWS officers and their county bosses, they told me lack of enough personnel is the challenge they have. So, for the last seven years, there has been no recruitment by KWS

Mr. Speaker, Sir, later on, KWS recruited 5,500 community scouts. To my dismay, these scouts were stopped from working and now they are trying to see if they can recruit new rangers. There is no rationale of recruiting when we have already 5,500 experienced scouts who have been in the system, but now they have been sent home.

Mr. Speaker, Sir, human/wildlife conflict is on the rise in the country. You will find that elephants are on the loose in the whole of Taita Taveta, Kitui, Meru and all the way to Isiolo. In Meru, we have a population of more than 600 elephants which harass farmers in their farms.

To me, this is a very important Statement which should be handled in the shortest time possible. As the chairperson of the Liaison Committee, I want to advise the chairpersons of the other committees that there are so many Statements lying there and people are suffering out there. If those Statements can be prioritized, then Kenyans can get support from the Government with the timeliness that it deserves.

We will be encouraging them in our meetings that two or three weeks are enough to expedite with Statements so that they get dispensed with it and these scouts can be sent back to where they were working before the recruitment of rangers. I do not know whether the best thing is to have these scouts continue working and be recruited as KWS rangers instead of getting fresh recruits and taking them to Manyani.

I support this Statement and I am happy that Sen. Mwaruma brought it. I had targeted this issue. Kindly notify me when the Statement will be answered by the respective Committee so that we can handle this business properly.

I thank you.

**Sen. Cheptumo:** Thank you, Mr. Speaker, Sir. I also rise to support the Statement by the Senator for Taita Taveta on the issue of the 5,500 community scouts engaged by the KWS. This was an affirmative action at that time arising from the effects of COVID-19. It really helped our young people to access employment at that time.

What is not clear is the conditions and terms of service. It is important that we consider these young people. Instead of terminating their services and going for new recruits, it is only fair that we continue with 5,500 and perhaps recruit more.

Mr. Speaker, Sir, it is true that my Committee went to Kitui County and we noted that there is a big problem in Kitui between the Somali and the Kamba communities arising from pasture. The game reserves around that region do not have personnel to help. We need more than the 5,500 recruits.

There is a lot of conflict in Baringo North, Kapnarok Game Reserve because we also do not have enough rangers to safeguard and protect the people living in that area in order to avoid conflict with elephants and other animals.

Apart from community scouts, we have others. For example, there are *wazees* who help chiefs in communities. We also have the National Police Reservists (NPRs) in areas with insecurity.

There are no clear conditions and terms of services for these particular groups yet they do a lot of good work in helping the National Government in maintaining peace and order in those areas. Even as we deal with the issue of scouts, there is need to look at all this. We need a policy that will ensure that there are clear conditions and terms of service for these people because sometimes we take them and do not bother to know if they are helping.

Mr. Speaker, Sir, in Baringo North and Baringo South constituencies we have a number of our young people who are helping the police as police reservists. They do a lot in helping the police. They might be given Kshs5,000 in one month, but in another month, they did not receive anything. They are not clear and sure on what their families will have and yet we are using their services.

I propose that as my colleague prosecutes this particular Statement, the Committee should look at this as a policy so that we take this into account and ensure that those we engage benefit, have clear terms of service so that they are able to serve the country.

I support.

**The Speaker** (Hon. Kingi): We move to the next request by Sen. Seki.

#### DECENTRALIZATION OF SERVICES IN URBAN AREAS

**Sen. Seki:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Devolution and Intergovernmental Relations regarding the implementation of the second level of devolution through decentralization of services in urban areas.

In the Statement, the Committee should -

(i) Give reasons for the lack of separation of duties and management differentiation between other county organs and municipal jurisdiction as envisaged by Sections 48(2), 49, 104(3) and 101 of the County Government Acts.

(ii) Provide a countrywide report on the annual budget allocation to municipalities since the inception of the entities in 2018. The specific references to funds drawn from the National Government, bilateral linkages and county governments, including all audited reports for the past four years of municipal operationalization under the Urban Areas and Cities Act.

(iii) State the steps that have been taken by both levels of government towards achieving the full implementation of Kenya Urban Support Programme and capacity enhancement from the State Department of Housing and Urban Development.

(iv) Explain why municipalities have not achieved financial autonomy as anticipated by the Public Finance Management (PFM) Act, despite the clarity of Article 184(1)(b) of the Constitution, Section 155 of the PFM Act, Section 48(2) of the County Governments Act, Section 148 of the PFM Act, and Sections 12, 14, 20 and 21 of the Kenya Urban Support Programme (KUSP).

(v) Outline the intervention required to allow county assemblies to appropriate resources to urban entities as distinct as vote heads and disbursement through direct transfer to the urban entities, as well as other Funds relating to the KUSP and related partnership.

I thank you.

**The Speaker** (Hon. Kingi): I did not want to interrupt the Senator requesting for Statement. Sen. Abass, you are out of order. Under Standing Orders, you are not allowed to be in between the Chair and the Senator speaking. Kindly, refer to Standing Order No.117(2), so that you get to know exactly how to---

*(Sen. Abass spoke off record)*

Proceed, Sen. Mungatana, MGH.

**Sen. Mungatana, MGH:** Thank you, Mr. Speaker, Sir, for giving me the opportunity to make my intervention in this matter.

I rise to support the Statement by Sen. Seki. The plight of municipalities, which have been set up by county governments is a real serious issue across the country. In my county, the whole municipality was set up with a lot of pomp and pageantry.

However, there is absolutely no budget for development. What people are doing is just collecting salaries and not implementing any meaningful development agenda of their own. In fact, if the KUSP was not there, they would be just sitting and collecting salaries.

In the Hola Municipality in Tana River County, the former manager, a gentleman of high standing, had to resign in protest because he could not imagine a situation where he is collecting money and there is nothing to deliver. This is because they are not supported properly by the county governments.

Mr. Speaker, Sir, I urge the relevant Committee that will investigate this matter to look into what can be set aside in terms of ring-fencing some funds for deliberate

development of municipalities. Otherwise, they will just be a drain on funds and nothing tangible will come out of them.

I thank you.

**The Speaker** (Hon. Kingi): Proceed, Sen. M. Kajwang’.

**Sen. M. Kajwang’**: Mr. Speaker, Sir, this is a heavy and important Statement request. I encourage the Chair of the Committee on Devolution and Intergovernmental Relations to not just deal with it as a Statement, but consider it as ripe for an inquiry on its own.

I have had the privilege of chairing the Committee on Devolution and Intergovernmental Relations in the previous session. There is need for this House to do a legislative impact assessment on some of the laws that govern devolution. They include the Urban Areas and Cities Act, the County Governments Act and the Public Finance Management Act.

Many of these statutes were formulated at a time when we still did not understand how devolution was working. For example, the County Governments Act and even the Urban Areas and Cities Act and 10 years down the line, you will realise that some counties have done experiments and others are still not yielding to the principle of subsidiarity that is in the Constitution.

Mr. Speaker, Sir, there are some governors that have created towns and municipalities, but it is only on paper. You only have a charter conferring a town or some centre to a town or municipal status, yet there are no services to correspond to that.

The Senator has asked for a linkage between the plans and audited reports. The Urban Areas and Cities Act, the County Governments Act and the PFM Act require county assemblies to consider audited reports of municipalities. The question is; should those audited reports come to the Senate? If so, will we have the capacity to process reports for all municipalities and towns? Probably not. So, there are many gaps in those pieces of legislation.

I hope that this Statement request will not be responded to in the usual manner where the Cabinet Secretary (CS) is called and the Senator who sought for the Statement is invited, then that is the end.

I encourage the able Chair of the Committee on Devolution and Intergovernmental Relations that this is the opportunity we have for us to review the Urban Areas and Cities Act and confirm that it is fit for purpose to support devolution for the next 20 years.

Mr. Speaker, Sir, when this subject is being discussed, I urge the Chair of the Committee on Devolution and Intergovernmental Relations to invite me as Chair *Emeritus*, so that I can also learn and share my experiences while chairing that committee in the last session.

**The Speaker** (Hon. Kingi): Proceed, Sen. Abass.

**Sen. Abass**: Mr. Speaker, Sir, as Sen. M. Kajwang’ has said, this a weighty matter. As we are aware, we still have teething problems in the counties. However, some governors are still creating more municipalities and urban centres without budgetary allocations.

I know there is a Bill coming in the next few days to do with boundary issues. I hope the teething problems on boundaries, cities, urban centres and all will be sorted.

Being the Chair of the Standing Committee on Devolution and Intergovernmental Relations, we have taken note. This will be taken seriously and we will bring a report to this House. Therefore, we will follow up on the issues raised.

There are many municipalities that have been created by the governors. The governors are managing them and many resources are being collected, but nothing is given to the municipalities.

Mr. Speaker, Sir, there are many issues in the municipalities in terms of development, sanitation and so on and so forth. We will appropriately have a Bill on this.

I thank you.

**The Speaker** (Hon. Kingi): Let us move to the next Statement by Sen. Cherarkey. What is your intervention, Sen. Veronica Maina?

**Sen. Veronica Maina:** Mr. Speaker, Sir, I had an intention to rise and support this weighty Statement sought by Sen. Seki, because devolved governance is the core promise of the Constitution of Kenya and over 80 per cent Kenyans support---

**The Speaker** (Hon. Kingi): I will allow you two minutes and then we move to the request by Sen. Cherarkey. We have up to 3.15 p.m. to conclude on Statements. However, if you look at the Order Paper, we have two more.

**Sen. Veronica Maina:** Mr. Speake, Sir, I appreciate that indulgence.

As I was saying, devolved governance is the core promise of the Constitution of Kenya and over 80 per cent of Kenyans support devolution. Kenyans also have confidence and legitimate expectation from county governments that services will be rendered to all citizens in Kenya.

The only way an effective government can achieve this objective is through an enhanced and a properly capacity build county government in every location within the 47 counties. The national Government has to work with the county governments in national budgeting processes to ensure that development is supported at the county level.

Mr. Speaker, Sir, I take this opportunity to support the Statement by Sen. Seki and add that the committee must bring a report which should almost be an audit to show how Development Fund is being devolved effectively to the counties in order for *wananchi* to benefit from devolution.

Counties have lately been lacking funds to support critical functions that they are supposed to perform, including health, education and electricity sectors and other amenities that are needed within the county governments.

Mr. Speaker, Sir, I support the Statement sought by Sen. Seki.

**The Speaker** (Hon. Kingi): Yes, Sen. Cherarkey, please proceed to request for your Statement.

#### STATE OF FOREIGN DIRECT INVESTMENT IN KENYA

**Sen. Cherarkey:** Thank you, Mr. Speaker, Sir, for the indulgence. I rise pursuant Standing Order No.53(1) to seek a Statement from the Standing Committee on Trade, Industrialization and Tourism on the state of Foreign Direct Investment (FDI) in Kenya.

In the statement, the Committee should-

(1) Explain the state of current Foreign Direct Investments (FDI) to Kenya in terms of business and capital investments, detailing how it compares to previous years.

(2) Elucidate on the policy interventions put in place by the Minister of Trade, Investment and industry, if any, to safeguard the legitimate rights and interests of both domestic and foreign investors in the country.

(3) Outline the Ministry's campaign strategy, if any, to market Kenya to the world, including using sports tourism, in order to attract more investors, particularly during these difficult economic times.

(4) State the interventions put in place by the Government to cap the counterfeits menace, affecting business growth and the quality of products sold in Kenya.

I thank you.

**The Speaker** (Hon. Kingi): Sen. Oketch Gicheru, you may proceed.

**Sen. Oketch Gicheru:** Thank you, Mr. Speaker, Sir. I rise to support this very important Statement by my friend, Sen. Cherarkey. Where are we today, if we do not start thinking critically about how we cultivate FDI into this country, we will have a very big problem.

I am very proud of the fact that Sen. Cherarkey has touched on the issue of the Ministry trying to look keenly on the policy interventions. This statement comes at the backdrop of the discussion around the Budget Policy Statement (BPS). I know it has gone to the National Assembly, we have had very interesting conversation with the relevant Cabinet Secretary (CS) for National Treasury and Planning.

As Sen. Cherarkey submits this Statement to the Ministry of Trade Industrialization and Tourism, it is very critical that the Ministry looks at some of the policy framework that has been put in consideration of the BPS.

Mr. Speaker, Sir, one of the biggest problems that makes it difficult for FDI to get into the country is of lack money supply in the economy. This is because investors make decisions on the basis that they can make profit.

In the BPS, there is a lack of nexus between monetary policy and fiscal policy. This is because if these investors are going to make decisions, it is a very simple thing they are going to look at, is there money in the economy? Can they invest in a way that they will make money?

To the extent, the intersect between fiscal policies that we saw in the BPS, and the interest rates in the country, it is very critical that these policy interventions as Sen. Cherarkey has asserted are looked into.

Right now, what is facing our country is that investors are making very simple decision of whether the 14 per cent interest rate, profit management and risk premiums make sense to them to invest in the country.

Lastly, another policy framework that we saw in the BPS, that is very critical for the Ministry of Trade Industrialization and Tourism to look into is the issue areas that we should invest as a country to attract these FDI.

In the BPS, we saw a number of areas that the Government was trying to say they want to attract investment in. As I said, when foreign investors are making investment decisions, they look at areas of investment that will bring them benefits.

Is there a nexus between the policies that we saw in the BPS and areas that can attract foreign investors into the country? This critical Statement needs the urgency before the BPS is passed.

The Ministry of Trade Investment and industry should not only do a public relations exercise as Sen. Cherarkey has talked about the campaign, but it should be based on economics that makes sense to the country.

I think there is a big opportunity for the relevant Committee to have a conversation between it and the CS National Treasury and Planning to look into this matter.

Mr. Speaker, Sir, I support this wonderful Statement by Sen. Cherarkey. I hope it can help us look at areas where we can invite more FDIs into our country.

**The Speaker** (Hon. Kingi): Sen. Seki, you have the Floor.

**Sen. Seki:** Thank you, Mr. Speaker, Sir. I also rise to support this Statement from Sen. Cherarkey. Being the Chairperson of the Senate Standing Committee on Trade, Industrialization and Tourism, I want to put my voice on the support of the Statement by saying that it is a very weighty matter.

It is very important to understand that the Government has put a full State Department on Investment that is led by the Principal Secretary and the Cabinet Secretary of Ministry of Trade, Industrialization and Tourism.

We will look at it as a Committee and report to this House on matters that have been raised by the Senator. We will ensure that at least issues on counterfeit and quality of products, particularly on protections of trade and local business people are taken care of by the Statement and the Committee in the report that we are going to submit.

Mr. Speakers, Sir, give me a chance to just put some weight on a few things on the Statement that has been brought by Sen. Mwaruma, Senator of Taita Taveta, where he really alluded on the issue of---

**The Speaker** (Hon. Kingi): Sen. Seki, confine yourself to the request made by Sen. Cherarkey. If you are done, kindly yield.

**Sen. Seki:** Thank you, Mr. Speaker, Sir. These are issues that are very weighty in our county.

**The Speaker** (Hon. Kingi): I am aware if we were to discuss all things that are weighty, we may discuss them till midnight.

**Sen. Seki:** Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): It does not mean that I do not acknowledge the fact that the matters are weighty.

**Sen. Seki:** I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Sen. Oketch Gicheru, proceed to make your request.

**Sen. Oketch Gicheru:** Once again, thank you Mr. Speaker Sir.

DIRECTIVE TO FOREIGN MISSIONS TO LIAISE WITH THE  
OFFICE OF THE DP ON CROSS-CUTTING ISSUES

**Sen. Oketch Gicheru:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Security

and Defence and Foreign Relations from the Ministry of Foreign and Diaspora Affairs' directive to diplomatic and consular missions to liaise with the Office of the Deputy President on issues of a cross cutting nature that involve more than one Ministry.

In the Statement, the Committee should-

(1) State the specific cross-cutting issues the Ministry of Foreign and Diaspora Affairs is referring to in each directive to diplomatic missions to liaise with the Deputy President's Office, stating out the decision to involve the Deputy President's Office in these meetings was reached.

(2) The Committee should state the role the Ministry will play in facilitating communication between Diplomatic Missions and the Deputy President's Office, disclosing whether there will be any additional resources allocated to the Deputy President's Office to manage these meetings.

(3) Apprise the Senate on concerns, if any, on potential conflict of interest arising from the involvement of the Deputy President's Office in these meetings, stating how these conflicts will be addressed.

(4) State whether diplomatic missions will be required to report back to the Ministry of Foreign and Diaspora Affairs on the outcomes of these meetings with the Deputy President's office stating the form this reporting will take.

(5) State the measures, if any, that the Ministry of Foreign and Diaspora Affairs has put in place to ensure that the involvement of the Deputy President's office does not impede the independence, autonomy, integrity and impartiality of diplomatic missions in their work on cross-cutting issues.

**The Speaker** (Hon. Kingi): Sen. Mungatana, MGH, please proceed.

**Sen. Mungatana, MGH:** Mr. Speaker, Sir, I rise to support the Statement by Sen. Oketch Gicheru. As the relevant Committee investigates this matter, I request them to also investigate the question of distribution of members of staff within diplomatic missions.

We know that whenever a President of the Republic of Kenya take Office, they undertake to reorganise missions, High Commissions and Embassies across the world where we have representation. That is so that they can reflect the policies which they intend to pursue.

Mr. Speaker, Sir, a visit to very many diplomatic missions will reveal that Tana River County has very few representations in some of these missions. The Committee should give us the number of people who are in these different missions if they are complying with distribution across counties.

People from one county, region or province dominate some missions, and yet they are representing Kenya. I have been to many diplomatic missions and this injustice continues. Not many people from the Coast region and Tana River County are in diplomatic missions.

As they investigate the matter raised by Sen. Oketch Gicheru, they should also bring a report on the composition and personnel in terms of county distribution of members who are employed within diplomatic institutions representing Kenya outside there. We want fairness which must be seen and not just talked about.

**The Speaker** (Hon. Kingi): Sen. M. Kajwang', after you are done with your contribution, please approach the Chair.

**Sen. M. Kajwang'**: Mr. Speaker, Sir, as the Committee looks into this matter, I would also like to urge them to look into Kenya's foreign policy. The last time Kenya had a formal foreign policy was 2014.

Since then, there have been many shifts in geopolitics. The centre of the world is moving slowly from the Global West towards China and India. Africa is rising. We have the Africa Free Continental Trade Area.

Could the relevant Committee also question the Ministry of Foreign and Diaspora Affairs on our current foreign policy and why it has not been updated to take stock of changes in global affairs?

When we established the Committee on Security and Foreign Relations in this Senate, we had a big fight with the National Assembly. They thought that the Senate had nothing to do with matters of foreign policy. In fact, when we travel to other capitals and pay a visit to Ambassadors in those countries, sometimes we are not treated well. It is because the Ambassadors feel that the Senate does not appropriate money for their upkeep and maintenance of their facilities. So, they do not treat Members of the Senate as well as they treat Members of the National Assembly.

This Senate is part of Parliament. Parliament has got a responsibility to have a say on behalf of the people on the country's foreign policy and the manner in which the country is going to engage with other countries. Diplomacy and war are the languages that states use to talk to each other.

Mr. Speaker, Sir, I am very proud of you. This past one week, we have had the Russia-Africa Parliamentary Conference, which this House has previously participated in. I have had the privilege of accompanying the Speaker of this House to Moscow for a similar function four years ago.

However, since the war between Russia and Ukraine broke out, Kenya's foreign policy has not been very clear. The fact that you are not attending that conference tells us that you are not condoning and you are not standing with the Russians in their aggression towards the Ukrainians. It tells us that we are standing with the people of Ukraine.

If you watch Al Jazeera and the Cable News Network (CNN) as we speak, so many African Heads of States, African Speakers and African Members of Parliament are in Russia. I have been there and I know how they wine and dine African delegations.

On day one, you are taken to the Tolstoy Theatre. It is golden and one of the most mesmerizing facilities you will ever see in your life. By the end of your four or five days delegation visit - and in between shots of vodka and 'mamushkas', who happen to be the ladies in Russia - it is very difficult to disagree with Russia on anything. Nevertheless, we must be guided by foreign policy.

Mr. Speaker, Sir, just to cut it short, let this committee compel the national executive to update our foreign policy and to bring it in line with current geopolitical circumstances.

**The Speaker** (Hon. Kingi): Sen. Cheruiyot, please proceed.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I was following through this question keenly as well as the contributions of Sen. M. Kajwang' to know all

the things he enjoyed in Russia. I have been with him in Moscow before and I know what he loves most. Unfortunately, he did not list it.

*(Sen. M. Kajwang' spoke off record)*

This is a very important Statement by Sen. Oketch Gicheru. Forget about the details of the Statement, some of which I feel are matters that are up for debate. He brings to the fore an important conversation that we need to have as a country because of this sudden shift in policy. I feel that the involvement of this particular office in the liaison of the diplomatic and consular missions has been misunderstood by many in the media and many in the public discourse.

I saw the memo just like the rest of the citizens and I have taken time to try and understand the complexity that perhaps Government found.

I know you know this for a fact and even Sen. Oketch Gicheru knows, the Office of the Deputy President does not exist as an office on its own. It exists as an office in the Presidency. Part of its jurisdictional authority is in the coordination of government functions, part of which includes coordination of diplomatic duties and such like matters.

However, it will be important if this House is furnished with part of the information which Sen. Oketch Gicheru wants. That is whether the Ministry of Foreign and Diaspora Affairs was committing or omitting part of what is expected of them in their duties or *raison d'etre* that this policy position was made.

Mr. Speaker, Sir, I have seen verbally because this conversation has been going on for a while. I have seen it online. I believe it is the Principal Secretary (PS) in this office that said it was becoming increasingly difficult for the Ministry of Foreign and Diaspora Affairs to keep up with the visiting delegations to the country. As such, it has left many of their staff to be shuttling between Jomo Kenyatta International Airport (JKIA) and the city. On most occasions, they are left ill or worse prepared catching up with conversations.

Mr. Speaker, Sir, you will find a technical team visiting from a country that is friendly to our nation. Since the delegation is high ranking, it means that the Ministry of Foreign and Diaspora Affairs is mostly involved. For example, the technical team could be visiting the Ministry of Water and Sanitation, which is the line or specific Ministry that they were coming to transact with. However, their interactions will be limited only to the time that they have in office.

We know that when we visit other capitals of the world, our interactions run through the length and depth of formal and informal meetings. If that is what they intend to achieve because I have heard that conversation with them, then it better be spelt out so that this House - which is one of the instruments of oversight on the Executive can fully be appraised. The rest of the details that Sen. Oketch Gicheru is looking at will be answered once that cardinal question is responded to.

I thank you and appreciate Sen. Oketch Gicheru for bringing this matter to the House so that we can have a conversation about it. I look forward to the answer that will come from the Ministry of Foreign and Diaspora Affairs.

I thank you

**The Speaker** (Hon. Kingi): Hon. Senators, the Statements hour is long spent. We have already overshot the runway as far as this Order is concerned. Therefore, we shall proceed to the next order.

Clerk, proceed to the next Order.

## BILLS

### *Second Reading*

#### THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 6 OF 2022)

**The Speaker** (Hon. Kingi): Hon. Senators, we shall have to defer this particular order owing to the limited delegations present now. This particular Order is deferred to tomorrow. I hope that the two leaders both the Majority and Minority side, especially the Whips will make sure we raise the numbers necessary. The Minority side has no excuses whatsoever not to whip because we have a very able Senate Minority Whip in the name of Sen. Olekina. There should be no excuses whatsoever why we cannot still raise 24 delegations. This matter is deferred to tomorrow.

*(Bill Deferred)*

**The Speaker** (Hon. Kingi): Next Order.

### *Second Reading*

#### THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL (SENATE BILLS NO. 3 OF 2022)

**Sen. M. Kajwang'**: Mr. Speaker, Sir, I beg to move that the County Vocational Education and Training Bill be read a Second Time.

I will proceed to talk about the key features of this Bill that has been before this House. It is not the first time it is coming before the House. It was here in the last Session, but unfortunately, we were not able to process it to finality.

This Bill seeks to put in place a legal framework to govern the establishment and management of vocational education and training institutions within the counties. As we are all aware the Fourth Schedule of the Constitution, assigns village techniques and home craft centres to county governments. In the last 10 years, this has been one of the most under-invested areas by county governments. The name "village polytechnic" denotes an institution that is not fit for people with intellectual capabilities.

If you tell your younger brother that you want to sponsor him to a village polytechnic to study plumbing, they will not accept. However, if you tell them that you are taking them to a commercial college somewhere on Tom Mboya Street, they will probably accept thinking it is superior to the village polytechnic. In a strict reading of the

Fourth Schedule of the Constitution, the commercial colleges we have mushrooming all over are equivalent to village polytechnics.

Kiambu County is one counties where in every corner you take, you find a commercial college. You will find a college on hairdressing, driving, business studies and all sorts of issues and any of them offering certificates.

Vocational training and education has been defined in this Bill as those institutions that offer certificates and below. Diploma and above have been defined as national institutions that would be regulated by the Technical and Vocational Education and Training (TVET) Act of 2013.

Whenever we are proposing legislation, the question should be what is the problem that we are trying to solve? In this case, the problem is that in 2013, when we started devolution we had the TVET Act and the TVET authority that was established. The assumption was that the TVET authority was going to take care of, regulate, develop curriculum and define quality standards for all vocational training institutions in the country.

In the 2010 Constitution and the TVET Act, we forgot that there were institutions assigned to the counties. Since the onset of devolution, village polytechnics and home craft centres have been operating almost in an unregulated fashion because the TVET authority has focused on the bigger institutions, which have bigger budgets and more students.

The problem we are trying to solve is that we want to allow county governments to have the regulatory space and the statutory instruments to allow them to take over village polytechnics and home craft centres. I have seen the comments from the Standing Committee on Education, which was looking at this Bill, which also recommended that they should stop being referred to as “village polytechnics” and give them another name so that they can become more attractive to our students.

With the TVET authority sitting at the national level, we have seen the polytechnics and home craft centres perhaps do not receive the kind of financing and capitation that is required to take care of the students who are enrolled in those institutions. We have looked at a number of counties and whenever they appear before my committee, many at times you find an audit query on transfers made to polytechnics within those counties.

One of the interesting findings is that whenever county governments make allocations to polytechnics there are no modalities and mechanisms to ensure that the money is utilized properly and that returns are brought back to the County Executive Committee Member (CECM) for finance.

In terms of capitation, you find that different counties sometimes use different guidelines for support to students. For a number of years, the Senate has approved a conditional grant that was going to village polytechnics. That one area will require a special audit because every year we have been appropriating millions of shillings to go to counties so that they can pass it to village polytechnics, but we have not seen how the money has been utilized.

This Bill will ensure that we have a framework for quality standards that have been defined for our polytechnics and homecraft centres in our counties. A student who

studies plumbing in a polytechnic in Homa Bay County should get a certificate and be subjected to the same quality standards as one who studies in a polytechnic in Lamu County. What is the curriculum that is used in these polytechnics? Is it a national or a county curriculum?

Curriculum and policy development are a national Government function. Even though I am proposing this Bill, the TVET Authority will still work with county governments to ensure there is one universal curriculum that cuts across all vocational centres that are run by counties across the country. The other critical issue is staffing. What is the qualification of a trainer in a village polytechnic or home craft centres? We know the qualification required for a primary school teacher. A primary school teacher in Turkana County has the same qualifications as one in Nairobi City County. Is that the same for instructors in our polytechnics?

The village polytechnic closest to my home is known as Waondo Village Polytechnic. It was built many years ago and it has suffered. As I said earlier, people do not want to go to a village polytechnic. They want to go somewhere with a better name. In fact, sometimes when we start institutions in our various localities we need to be very careful about how we name them. Sometimes you have sponsored an institution and the villagers agree that the school will assume your name. Now, you can imagine a hardworking young person who has gone to secondary school and then the school is called Sen. Methu Secondary School. What kind of doors will that kind of name open for that child in the future?

Even though Sen. Methu Secondary School might probably have better teachers, a student who went to another school called Oxford Boys Secondary School, even though it was in Ngara, would be taken much more seriously. Therefore, we need to address these issues of nomenclature. Let us not call them village polytechnics. Those are some of the ideas that we have coming from stakeholders. Let us give them different names.

However, what are the qualifications of an instructor? Many times, you will find that, if it is a plumbing course, the local community will get a good plumber to come and instruct others. A good plumber is not necessarily a good teacher. In my village, a very good carpenter, who is also my age mate, was recruited because we had a vacancy for a carpentry instructor, to provide instructions to other students.

The problem is that this friend of mine would be drunk by 8.00 a.m. When he goes to class, he insists that he should be called Mr. Awiti, a title befitting his stature as an instructor.

We need to bring sanity to these vocational centers in counties. This Bill seeks to give that power to the County Executive Committee Member (CECM) for Education to come up with regulations and guidelines on the qualifications of those people who should provide instruction to students in vocational centers in the counties.

There is also the element of accreditation. There have been a lot of con games, particularly in this space. People open up outlets, recruit students and put in a sweetener that they are going to link them up with foreign institutions. Sen. Methu hairdressing school has a partnership with the village of Cambridge University.

When people hear 'Cambridge', they do not care. They think it is the real Cambridge University, even if it is called the Village of Cambridge University. So,

students enroll and pay money, and then the next day, the proprietors disappear. Who ensures that these people can be followed? It cannot be done in Nairobi or by Technical Vocational Education and Training (TVET) Authority. We must give that power to the CECM for Education to be responsible for accreditation, registration, and deregistering institutions.

In some counties, vocational training centers can be a source of revenue. This is because in some cases students pay. When they pay, that money is meant to ensure that the capacity of those institutions is boosted and some return is made to the County Treasury.

Therefore, this Bill seeks to bring that sanity. If you go through the Bill, you will find that Part I deals with preliminary matters. It comes out with various definitions. One of the most problematic definitions was how to define vocational training and functions that have been assigned to county governments, that is, village polytechnics, home craft centers and how distinct they are from the other institutions that the TVET Authority has been looking at.

In the Bill, we are saying that village polytechnics and home craft centers will be those institutions that are offering certificates and below. Anything above the certificate will be regulated and guided by the Technical and Vocational Education Training Act.

This Bill also makes provisions for trainees with disability. Clause 7 confers an obligation on county governments to ensure that measures are put in place, including facilities and institutions to cater to the needs of trainees with disability. Part II of the Bill sets out the procedure for the establishment, registration, and accreditation of vocational education and training centers.

Clause 8 of the Bill categorizes the vocational and training centers as either public or private. We are aware that private players can also be encouraged to set up these vocational training centers. As I said earlier, in towns like Thika, Kiambu and Nakuru, there is a multiplicity of commercial colleges, vocational education and training centers.

As things stand now, the only thing that the county government does to those centers is to issue a single business permit. There is nothing else to do with the quality and regulation of those centers.

It also sets out the criteria for registration and circumstances under which registration of a vocational education and training center maybe canceled or revoked.

As I said earlier, the CECM, and Finance in a county should not wait for the TVET Authority to crack down on errant village polytechnics and home craft centers.

The Bill also outlines procedures to be followed for the sponsorship of public vocational education and training centers by private persons. Religious bodies, more particularly, the Catholic Church, has taken a lead role in many of our counties in setting up vocational education and training centers.

We are not saying that the centers they have set up should be owned by the county governments. We are saying that the county government must be given the tools and instruments to oversight them and ensure that whatever they are doing remains aligned to the national objectives on training.

The Bill also specifies the process through which a vocational and education center maybe canceled and deregistered. We have attempted to be faithful to the

constitutional provision of fair administrative action. Cancellation of the license of a vocational center should never be by Executive fiat.

This Bill has provided detailed procedures that the CECM for Education in a county must follow before they can cancel the license of a vocational education center.

There are also penalties that have been specified for violation of various clauses. Part of it is a fine not exceeding Kshs5 million or imprisonment for a term not exceeding three years, or both.

Part III of the Bill provides for the management of vocational education centers. It provides that county governments shall be responsible for the management of vocational education and training within the county. This is part of the problem that this Bill seeks to fix. Before this Bill is enacted, then it will be the TVET Authority that will have that power.

Those colleagues of ours who are in this House, who have served as Governors, know that the national Government, many times, wants to claw back on devolution by maintaining institutions that concentrate finances that should be going to counties at the national level. One of them is the TVET Authority. There are many other examples, including road agencies and Kenya National Library Services.

However, even though we claim and accuse the national Government of that claw back, it is our responsibility, as the Senate, to come up with similar legislation that will decouple some of these functions from the national Government and send them to the counties.

This Bill says that every public vocational education and training center shall have a Board of Management that will be responsible for the conduct of education and training. It also provides for managers and instructors of vocational education and training and their qualification, to ensure that the centers are professionally managed. Therefore, it is not a matter of looking for a good plumber even if he is a drunkard. It is a matter of looking for a good plumber who is---

*(Sen. M. Kajwang's microphone went off)*

For the comfort of the Members, I still have one hour. However, I will truncate it because I know that Sen. Orwoba is getting into the next cycle and we need to deal with a few things that she has brought to this House.

Let me proceed extremely carefully because those cycles are never guaranteed. They are easily broken.

**The Speaker** (Hon. Kingi): Sen. M. Kajwang, kindly focus

*(Laughter)*

You really get excited. Just proceed

**Sen. M. Kajwang**': I am trying to recall where I was.

*(Laughter)*

We were on the issue of the good plumber, but a poor trainer. So, this Bill will make sure that if you are an instructor, you are a good plumber, but also a good trainer.

This Bill also provides that the vocational education and training center shall issue an annual report on governance. That has not been happening.

These annual reports on governance will be sent to County Executive Committee Member (CECM) for Education and will be shared with the county assembly.

Mr. Speaker, Sir, Part IV of the Bill provides for standards and quality of education and training. It sets out provisions relating to the curriculum, vocational education and training programmes to be implemented, examination and competency assessment.

Examination shall not be county examinations. Curricula shall not be county curriculum. This Bill proposes that we have a national curriculum because a curriculum is an expression of policy and have national examinations. The recognized curriculum development body shall be responsible for developing the curricula, while the recognized examination assessment and certification bodies shall be responsible of administering assessments and issuance of certification.

Mr. Speaker, Sir, as I had said earlier, the examination that shall be done in northern Kenya, will be the same as the examination that shall be done in western, eastern, southern and central Kenya. We will have a standard curriculum and examination.

This is extremely important because we have seen two big events that have happened in the last three years. One was the expo in Dubai, which attracted a lot of artisans from Kenya. Most of those artisans are graduates of these vocational training centers. Most of them were certificate holders and yet, in countries like Dubai, their craft and skills fetch a lot of money, far much more than what they would get if they were in Kenya.

Another event was the World Cup that was held in Qatar. Many Kenyans went there. They were not just going to do domestic jobs. They were going there to do artisan and craft kind of jobs. I know a number of Kenyans who benefited from the expo in Dubai and the World Cup in Qatar. Their lives have changed in a way that would not have been possible had they stayed in Kenya.

The reason their lives have changed is because of the kind of hands-on training that they got from these vocational centers. In fact, if you want to get a job in the Gulf or Middle East, you are better off as skilled artisan rather than as a white collar worker.

If you go to the Gulf with a Bachelor's degree in Software Engineering and someone else is going with a Certificate in Electrical Installation, that person going with a Certificate in Electrical Installation would probably get a job faster than the guy with a white collar certification.

That is why we want to make sure that when graduates or holders of certificates from vocational training centers in Kenya go to Dubai, Qatar, Australia or Canada, their certification is recognized because it has been issued by a relevant and recognized body.

Mr. Speaker, Sir, Part V of the Bill sets out transition provisions in relation to existing institutions offering vocational education and training, which are subject to registration under this Act. Once the Act becomes operational, all institutions offering

vocational education and training, which are registered under the Basic Education Act, the Technical Vocation and Training Act and offering courses up to Artisan Certificate level and those institutions as the Cabinet Secretary specifies, shall be deemed registered under the Act.

This tells you that we have got a lot of institutions that have been licensed under different pieces of legislation such as the Basic Education Act, the Technical and Vocational Education and Training Act and several others, which offer courses up to artisan certificate level.

One interesting observation is to do with institutions that are offering computer courses. There are a lot of them in the City of Nairobi. The question is; who should regulate, accredit, license or deregister them if they are offering sham qualifications?

Sen. Osotsi, who has been my colleague in the information and communication space, probably knows that many of the computer colleges in the City of Nairobi and across the country pay a nominal fee to the Computer Society of Kenya for examinations. The question I ask is; under what law or statutory instrument is that enforced? We have not been able to get an answer.

The passage of this Bill and once enacted, all these institutions that have been licensed under different pieces of legislation that existed before devolution, shall be deemed to have been registered under the Act. County governments shall take over and if there are computer, hairdressing colleges and driving schools in your county, they should be regulated by the county governments.

Mr. Speaker, Sir, when you talk of driving schools, the question is; are they vocational training centers because they do not offer diplomas? They offer licences and sometimes certificates. To what extent are county governments involved in the regulation and oversight of driving schools in our respective counties?

These Senators here spend a lot of money every other year when *boda boda* riders come to our doorsteps and tell us that they want us to sponsor them to get licenses from these driving schools. Who regulates them? It cannot be National Transport and Safety Authority (NTSA). The county governments must also be involved in that space.

Mr. Speaker, Sir, PART VI of the Bill contains miscellaneous provisions. Clause 37 contains the general penalty for offenses committed under the Bill. It talks about various offenses.

The consequences of the Bill is that it seeks to put in place a legal framework that creates governance in the establishment and management of vocational education and training in county governments. Therefore, if enacted, it will create significant changes to the current structure of county vocational education and training institutions, whether private or public.

Mr. Speaker, Sir, I thank the Senate Standing Committee on Education that has facilitated public participation on this Bill. Sen. Joe Nyutu and the team that he leads did an excellent job. They have made a lot of suggestions on how to improve this Bill. They have captured the views of stakeholders from the Council of Governors (CoG), the Technical and Vocational Education Training Authority, the National Government and various associations that are involved in that space.

Mr. Speaker, Sir, I want to assure the Committee on Education that I will embrace the proposals they have made as amendments to the Bill. I believe that they are intended to make the Bill better and ensure that it can be applied or implemented almost immediately, once it has been enacted. I urge my fellow colleagues to look at the Bill and reflect on the state of vocational training and education in their respective counties, to reflect on the state and status of home craft centers in their respective counties.

Ten years after devolution, we have dealt with the issues of setting up, structure, financial management system and human resource management system. It is now time to deal with issues of talent and capacity development.

As a House, we have considered the Bill on Early Childhood Education. It is now time for us to address the other gap and function that is assigned to county governments and that is the village polytechnic and home craft centers. If there ever was to be a constitutional amendment, one of the amendments would be that Fourth Schedule, so that we no longer call them village polytechnics but vocational training centers at county level. We should find a name that we can use to refer to them, so that our young boys and girls can see the potential in them and get the incentive to go there.

Mr. Speaker, Sir, as I earlier commented when we had students from Maasai Mara University and I think my colleagues must have taken me out of context. We need more political scientists and scientists in all the disciplines. We need people to take a scientific approach to everything that we do. Perhaps, what we do not need is more politicians. Politicians as I said, do not need a qualification. However, political scientists and political science is very well respected profession.

Back in the day, the rich would send their children to Oxford and Cambridge, where they would study politics, economics and history. The bulk of prime ministers in the House of Commons have gone through Oxford and Cambridge and many of them have studied politics, economics and history. Yes, we need political scientist, but probably do not just need more politicians in this country.

Through technical and vocational education centres, we will ensure that the hustlers – those who use hands to do work along the roadsides – get certification.

Mr. Speaker, Sir, we spoke about recognition of prior learning. That should be incorporated in this Bill to ensure that people with long experience – like that good carpenter I talked about, but is always drunk by 8.00 a.m. – are rehabilitated and their skills and experience in carpentry are converted to a certificate through the Recognition of Prior Learning (RPL).

That will allow that good carpenter to even bid for county jobs. It will also allow him to go to Dubai, Doha or other global capitals because he would have obtained a certificate that recognizes his skills and competencies. That is what part of this Bill intends to do.

I wish to call upon the very able--- I have lost my track of thought because I just remembered what Sen. Ogola said in a rally somewhere in Migori. She said some interesting things about herself, which I cannot translate to English.

Mr. Speaker, Sir, I call upon Sen. Ogola to second the Bill.

**Sen. Ogola:** Mr. Speaker, Sir, in the course of the many years that we will be in this Senate, you will get to know what I said in Migori. It was all about myself, my size and the size of many things.

Mr. Speaker, Sir, I rise to second this noble County Vocational Education and Training Bill (Senate Bills No.3 of 2022) by Sen. M. Kajwang'. This Bill seeks to address a core aspect of education that is devolved and is core to our counties. I also second this Bill because it seeks to address the issue of governance and management of the county vocational education and training centres.

It also seeks to address the issue of standards. The Mover talked about both standard and quality of education. Quality is not only limited to the learners, but also tutors that will take learners through education.

Some skills that vocational training institutes provide are critical to urban spaces and that was addressed earlier by Sen. Seki. It is proposed that by 2030 or 2035, 65 per cent of Kenyans or people in the world will occupy urban spaces. These are some of the skills that will be needed as we grow urban scales.

I was impressed when Sen. M. Kajwang' talked about carpenters, plumbers, welders, salonists and other skilled personnel, who have skills acquired through working with other skilled personnel. Now, they will also get skills from vocational education and training centres formally passed to the learners.

This Bill also seeks to provide for accreditation that will be done not just by the County Executive Committee Members (CECMs). As they do that, it will also be under the guidance of standards set by the national standards of vocational education and training centres, as provided for in this Bill.

Another aspect that makes me to second this Bill is that there will be a criteria set for registration and deregistration of vocational education and training centres at their establishment. Skills that vocational education and training centres will provide to me and everybody else will be a basic solution that will address the unemployment situation that we have in this country.

Our students struggle going to the university, which is good. However, we also need people to provide skills that we need in our homes and for growth and progress of this country.

Mr. Speaker, Sir, I beg to second.

**The Speaker** (Hon. Kingi): Sen. Ogola, you are aware of our Standing Orders because you have been here long enough. Once you make a statement, you must substantiate it.

You have talked about your size and the size of many other things, but you have left that statement in abeyance. I may not give you the opportunity now, but at some point, I will be calling upon you to substantiate on the sizes you have been talking about.

*(Question proposed)*

We will allow contributions. Looking at the queue, it seems that all of us would wish to make contributions on this important Bill. If we allow each Senator to speak for 20 minutes, we may end up with about four Senators speaking to this Bill.

Hon. Senators, with your consensus, therefore, allow us to limit contributions per speaker to about 10 minutes.

Proceed, Sen. Cheruiyot.

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir, but protect me from the Deputy Minority Leader. I love a good debate and I have been a debater all my life. I am part of those who requested that if possible---

Mr. Speaker, Sir, I agree with your wisdom and guidance, that in the interest of time, we allow all colleagues to speak. This is an important matter that all of us should contribute to the maximum. However, I stand guided and I will try to compress my thoughts in 10 minutes.

First of all, I commend the Committee on Education. If my memory serves me right, this is the first Committee of this Senate to file a report before the Second Reading of a Bill that has been brought to this House.

There will be a moment when we will have a debate about this. Earlier on, we had a debate in the Senate Business Committee (SBC) on the accurate time to file a committee report. Is it during, after or before the Second Reading? There will be a time to have that conversation.

Mr. Speaker, Sir, given that many Members rely on reports of committees to inform their thoughts during debates, I celebrate the good work of the Committee led by my good friend, Sen. Joe Nyutu of Murang'a, for being industrious and ensuring they receive submissions as listed, from about 32 entities that were interested in enriching this Bill.

About four, five or six years ago when we did Division of Revenue Bill, part of the conditional grants that had been granted to various counties was a Kshs2 billion grant that was divided equally amongst the various counties.

I was a Member of the Committee on Budget and Finance then. It appeared to us that somebody saw a spare Kshs2 billion in the books of accounts of Government and said we may as well just throw it to the village polytechnics and let each and every county do as they wish.

That was the beginning of trouble because in the subsequent financial years, different counties chose to do different things. I think each county was getting close to Kshs 200 million or something close to that. I cannot fully recall the exact figures. However, in the subsequent financial year, you could see the trouble of allocating money without first thinking through what exactly it was meant to achieve. That is part of what this Bill seeks to cure.

Mr. Speaker, Sir, this is long overdue. If you look the audit reports - it must be Financial Year 2018/ 2019 - you will see that different county governments decided to do various things with this money. Some painted, others set up a rabbit urine fetching projects for their county members and said that was a vocational duty as well. They did other different things, as ridiculous as you may want to imagine.

It is upon that foundation that the exercise of reforming what you would refer then as village polytechnics was set. However, this Bill now wants to give it the proper nomenclature. One of the things that I celebrate about this Bill is by having a better

terminology - vocational training centres. Back then we referred them as village polytechnics.

I celebrate that fact, first of all, just to give decency. Even if for nothing else, just to have a better public relation of these particular centres, so that somebody can proudly come to the Senate and say, “while you may be proud to have gone to such and such university, I am a proud graduate of Kapchebet Vocational Training Centre - Kapchebet is the name of my village - where I learnt a particular trade and that is what I have excelled in. I paid my money, and I have lived a decent life out of it.” That is what we want out of this Bill.

Mr. Speaker, Sir, it is also important that in this Bill, county governments have now been granted the role to set that which they intended at that particular time. We felt that there was no proper guidance to our county governments on what they were setting up in all these vocational training centres.

The proposal to allow a county be specific in the courses and trainings that they are offering in these vocational training centres is brilliant. Part of the reasons many countries have moved and leapfrogged Kenya in terms of their industrialization process, is that they do not seek to ape other developed countries. They excel in that which they are good at and that is a good foundation.

We want to ensure that if you are a county that is blessed in a particular trade, that is what you set your vocational training centres to be about. This is so that your young people can have the opportunity to be able to excel in whatever trade they are good in.

If you live close by to the lake, like Sen. Kajwang’, then, you will set up vocational training centres that are related to the economic activity of that region. It does not make sense whatsoever to learn other trades for which you know you will never even have the opportunity to ply your trade and make a good living out of it.

The same applies to all of us. Each village and county has for good reason areas where they are specific and good about it. I appreciate also that there is a proposal that will make sure that these centres are professionally managed and issues of governance are addressed.

I like the fact that on year in, year out basis, before these House and other instruments of accountability, they will file their governance report. We shall be able to see the number of students they have, the fees they pay, how that has been utilized, what development is going on in that particular institution and that will help us.

I like also the nexus that has been created between the education training TVETs and the Vocational Training Centres (VTCs). Vocational Training Centres are the breeding ground that feeds into the TVETs and the national polytechnics.

If we left it as it was, then, there was no clear career path for those who are beginning trainings in this trade, to know where they are headed. However, given the nexus that has been created in this Bill, it is one of the best well-thought-out Bills that I have seen come before this House this term.

There is even the use of technology. If you further read down the line, you will find that there is a linkage between the TVETs management information system and the Kenya Labour Management Information System.

It means that even as you train as a young person, you are able to log in from your village Polytechnic somewhere down in Busia to see that as you are doing a certificate in a VTC, the next institutions of TVETs that are available to help you grow and enhance your career are found in a particular part of the country. Eventually, you will see where the job opportunities are available in this and that other part of the country.

I wish Sen. Oketch Gicheru was part of us while I debate this because, he had brought something about our foreign missions and part of the work that we should be doing. I know it is nice of him and we celebrated when he brought the Statement about the Coordination in Ministry of Foreign Affairs and activities at the office of the Deputy President.

However, I feel we may even raise the argument and the debate in this House and press demand to the Ministry of Foreign Affairs. Apart from the simple, mundane duties of coordination, is to know that Kenya is celebrated globally for the kind of skilled labour that we give to the rest of the world, from the Gulf countries, even to the nurses that we send all the way to the UK.

This is the time that we shall be demanding from the Ministry of Foreign Affairs. I know for a fact that, part of the hindrances that young people run into, even in the Gulf countries are that Kenyans are not allowed to partake in many of these skilled labour. Sen. Kajwang', you may need to countercheck.

This is because of very simple policy agreements that do not exist between us and some of these countries. It is something we should push as Parliament, to show and demonstrate to them that some of our plumbers and masons are even better than the Indians that they use, say, in the UAE. That our training match pound for pound with the very best in the world, then, we should be able to reach ---

Mr. Speaker, Sir, I will stop at that because I see that time is out. Nonetheless, I celebrate the good work of this Committee; a good Bill that is sponsored by Sen. M. Kajwang'.

I thank you.

*[The Speaker (Hon. Kingi) left the Chair]*

*[The Deputy Speaker (Sen. Kathuri) in the Chair]*

**The Deputy Speaker** (Sen. Kathuri): Well spoken, Majority Leader. I take this opportunity to congratulate the two Members of the Senate, Sen. Olekina, who is now the current Minority Whip, and my friend, Sen. Sifuna, who is the Deputy Minority Whip. Congratulations.

Now, we are back to serious business. I give this opportunity to Sen. Olekina.

**Sen. Olekina:** Thank you, Mr. Deputy Speaker, Sir. Let me appreciate your congratulations and thank you for the role that you played. You played a very significant role, which I know. I know it very well, and like I said, I will come and visit you with *wazees* in your village and bring some *mbuzi*, so that we can celebrate.

Mr. Deputy Speaker, Sir, with regard to politics, we should all remember that we are here to represent our people.

As I stand here to support the Bill by my good friend, Sen. M. Kajwang', I remind Kenyans that in every training and profession that we carry, if it is a hotel, we will require technical support. In any profession, in fact, I dare say, the number of doctors who are employed or the demand for doctors is not equal to the demand of plumbers, carpenters and electricians.

This Bill speaks to the heart of creating employment in this country. I support this Bill because of what is happening in our country. Looking at the informal sector, which contributes immensely to the economy of this country, one can ask themselves whether doctors and lawyers are the ones who pay the most in taxes or it is these people who are not recognized.

Mr. Deputy Speaker, Sir, I support the Bill. I hope that the drafter of this Bill, the distinguished Senator for Homa Bay County, can consider bringing an amendment to ensure that the last statement that he made, of recognizing prior learning experience is entrenched into the Bill. This will ensure that those people who are born as artisans can be recognized, given certificates and an opportunity to train other Kenyans.

Sometimes you look for a plumber or an electrician, but do not get them. So, this Bill helps a lot. I like the fact that in the Fourth Schedule, --- That is the only part that I will differ a little bit with my colleague, if I heard him correctly in terms of the amendment of the Constitution. The only thing that we should do if we were to amend, is to ensure that we send more money to support these Technical and Vocational Training Centres (TVETs).

County governments should take their role. I like the fact that he wants county governments to support TVETs. The only part that I think we are overregulating, is if we require regulation on driving schools, barber shops and beauty parlours. So long as we have already regulated the training, allow people to go and make their money. The problem we have in this country is that we are in love with taxation. We overtax people.

Recently, I got a call from the Kenya Bureau of Standards (KeBS) telling me to start paying another levy in my manufacturing of milk. We are trying to kill the manufacturing sector in this country.

When you now require that even a hairdresser is regulated by the county government, the county government will begin taxing that hairdresser. A driving school will be taxed as if we are not taxed enough. You are already paying the Value Added Tax (VAT).

In fact, I believe the only way we can lower the cost of living in this country, is to first of all eliminate unnecessary taxation of our people. We overtax our people. I feel bad that we overtax our people so that we can please the West, International Monetary Fund (IMF) and all the Bretton Wood Institutions by paying the loans that they give us.

I like that fact that the Bill attempts to regulate, where it talks of standardising exams across the country. If we do that, any mushrooming vocational trainings that will come up, will exist following a particular statutory.

In conclusion, I request Sen. M. Kajwang' to think about adding in the Bill, the aspect of ensuring that we recognise prior learning experiences. Every county should start registering plumbers, masons and electricians who have learned out of experience.

In my own farm, I have two young men; Mr. Muncha and Mr. Sankei. Mr. Sankei has never gone to any school to learn electrical work, but he is a good electrician now. He has learned through experience. Mr. Muncha has never gone to any school to learn plumbing but he has been trained by another young man called Mr. Kibugi from Kikuyu, and they now work together.

This Bill is very important. I hope that every Senator will contribute to it and we can expedite its processing. We can even finalise it today if we can, so that it becomes an Act of Parliament.

**The Deputy Speaker** (Sen. Kathuri): Thank you, Sen. Olekina.

Attention, Sen. Olekina! This is no longer Sen. M. Kajwang's Bill. It is now the property of this House. So, you can recommend as many amendments as possible. Just liaise with him and see where you can make amendments because it is a good Bill for Kenyans.

Let us get Sen. Mungatana.

**Sen. Mungatana, MGH:** Thank you, Mr. Deputy Speaker, Sir. I rise to support the Bill by Sen. M. Kajwang'. This Bill addresses one critical issue – respect for the person who is involved in skilled or artisan trade.

For a very long time, we would look down upon people who failed to go to upper secondary school and the university. This Bill creates a formula for us to recognize training obtained by people who study baking, phone and electrical repairs and mechanics. That is their specialty. With this Bill, we hope that, that respect will be brought back to that sort of training.

This Bill addresses the importance of recognising artisan training, which has not been there for a long time. You will recall that in the year 2003, when the late President Mwai Kibaki came into power, he introduced free primary education in the country. As a result of that, so many students joined primary schools and went on to secondary school.

Before that, we did not have many pupils proceeding to secondary schools. When they joined secondary schools, the seams were bursting in those secondary schools. Still, many of them could not go to university.

These TVETs are, therefore, a necessity because they create employment and respectability. There are people who would never be able to study Law like I did, but they are able to fix things which I cannot. It is just because of the way their brains are set up.

Mr. Deputy Speaker, Sir, in Clause 5 of this Bill, the issue of resource constraint has been thoroughly addressed. Previously, TVETs have been left to the mercies of the student who are registered there to support them and also the capitation from the national Government, which is never sufficient.

Now, in Clause 5, resource constraints, which has been one of the big challenges for TVETs, has been addressed. The responsibility of resourcing these colleges has been placed squarely on the hands of county governments. It, therefore, means that going forward, county governments will have to look for funds and ring-fence them. This will enable TVET colleges within their areas to function effectively.

Further, the Bill proposes that those who will be in the management board will be paid a stipend to be determined by the Salaries and Remuneration Commission (SRC). They will be paid as employees of the County Public Service Board (CPSB).

One of the critical issues that have made these institutions not to perform very well is resource constraints. It has now been addressed.

We now have an entity in the name of county government that is dealing with this matter specifically. This is a commendable intervention that has been proposed.

The issue that I would want my colleague, Sen. M. Kajwang', to look at more critically is the staffing of these institutions. In this Bill, it is proposed that the county government will employ the trainers of TVET colleges. However, when you look at the history of the trainers of TVET colleges, they were initially employed by the Teachers Service Commission (TSC). At some point, the TSC divorced itself from them. They became employees of the Public Service Commission (PSC). Right now, the trainers of all this TVETs are employees of the Public Service Commission.

Mr. Deputy Speaker, Sir, litigation has been brought because what happens, the question that the litigation was asking in court is, the benefits of these people who had been employed and were in TSC, now shifted to PSC and they are not able to access their retirement benefits in the manner that it should be. This Bill is proposing that those trainers be shifted from the PSC to be employees of the County Public Service Board (CPSB).

I want Sen. M. Kajwang' to look at this clearly, so that there is clear provision on what happens to these people. Who is going to pay their retirement benefits? Who is going to take care of them and all the accumulated issues? I also invite Sen. M. Kajwang' to look at the litigation that has gone on in this matter. This is because there has been very serious litigation in the High Court about the benefits of these trainers. This Bill has not provided for those issues at the transitional level.

I know Sen. M. Kajwang' is a very sharp man. He is listening and taking notes. I want him to look at it and see how we can protect these trainers. First, these trainers are not many; second, they are not well paid, and third, they have been shifted from department to department in the same Government. They have not been treated well. Due to not being treated well, their output at the end has also not been very professional. In many cases, some of them have died without being paid. I encourage very clear transitional provisions in as far as the trainers are concerned

Mr. Deputy Speaker, Sir, the other issue that we need to look at is TVETs, which has in a way been mentioned. The TVET Authority at the national level is maintaining substantial power. They can justify retaining a lot of money at the national level. I propose that the Bill be very clear that the national level should have insignificant, maybe 30 per cent or 20 per cent of the funds that are supposed to go down to the TVETs. As the Senator has said, they use this to clearly justify keeping most of the money at the national level and it does not reach the colleges.

The TVET colleges that are in Tana River County are starved off funds, quality material and trainers. This is because the national level has continued to maintain them. They give themselves work, for example; they say they are going to do quality assessment of the colleges and they use most of the budget travelling across the 47 counties. This is a way of killing this very good initiative that was started from the days of President Mwai Kibaki. We would like to see these issues addressed in the Bill

Mr. Deputy Speaker, Sir, I can see my time is almost over. As I wind down, I am praying that Sen. M. Kajwang' can find a nice way of making sure that money that is coming---

*(Sen. Mungatana's microphone was switched off)*

**The Deputy Speaker** (Sen. Kathuri): I can see many Members are interested in this Bill. Sen. Mungatana, approach Sen. M. Kajwang' and see what you can do before the Second Reading is over. Make the necessary amendments then we empower the Bill more.

The Senate Deputy Minority Leader, Sen. Wambua, please proceed.

**Sen. Wambua:** Mr. Deputy Speaker, Sir, before I speak to this Bill, I join you in congratulating our Whips; Sen. Olekina and Sen. Sifuna, for retaining their positions that they were assigned by the leadership of the Minority. There is one thing I have been telling people in Kitui County and I want to pass the same message to Sen. Olekina and Sen. Sifuna. It is a good thing to celebrate even small achievements. It is a good thing to celebrate when you make an achievement like the one that you have bagged. Find time and reason to celebrate.

Let us go back to this Bill by Sen. M. Kajwang'. This is generally a very good Bill. I thank Sen. M. Kajwang' for the clarity that he brings to vocational training in the country. There has been a lot of confusion within institutions that offer vocational training. I thank him that now this Bill brings clarity that will cover institutions that are offering certificates and below then other institutions offering diplomas going forward will be covered by a different Bill.

Mr. Deputy Speaker, Sir, lately, this country has suffered consequences of our own success in the education sector with the expansion of university education. Almost every public and private university in this country worth its name has been coming to our villages and towns to buy off vocational training institutions. For that reason, what is happening is that now we have a deficit of semi-skilled labour in especially the construction industry.

This Bill comes at a time that this country needs proper training of artisans in all spheres of industry. I am reminded that until recently, this country did not actually have a specialist in live pipeline welding. We had to rely on experts from outside the country; importing welders from China and India to come and do live pipeline welding.

Mr. Deputy Speaker, Sir, I am now grateful that one Ms. Chepkoech Chumo has become the first woman live pipeline welder. Now, they can train other people in pipeline welding.

Let me go straight to the Bill; the Clauses that I have gone through starting with Clause 3 on the guiding principles. I am happy that it brings focus to public participation on all decision-making initiatives for vocational education and training.

Mr. Deputy, Sir, the promoter of the Bill talks about technology transfer in Clause 3. I urge Sen. M. Kajwang' to consider not just technology transfer but an exchange programme engrained in the law. As we aspire to achieve standardization in training, we also have exchange programmes between village polytechnics in different counties offering the same or complementary training programmes.

On Clause 4, the responsibility is assigned to the national Government on training policy and of examination standards in vocational training institutions.

I am happy that Sen. M. Kajwang' thinks we should change that name to a more honorable nomenclature. As things turn now, in many village polytechnics, teachers set their own exams and students are tested on what the teacher thinks is right to be tested on. We need the Ministry responsible for vocational training to set examination standards.

On the responsibility of county governments in Clause 5, the promoter of this Bill, Sen. M. Kajwang', talks about collaboration with international, national and local institutions. I request him to consider being a little broader. Do not limit yourself with partnerships with institutions but with industry. Local vocational training institutions should have a working relationship with local contractors.

If a contractor has been given a project to do a road which will take three years and is given Kshs3 billion, why not sponsor students in local vocational training institutions where the road is, to train them in masonry and civil certification so that they get the labour for the contract within the community and also help the village polytechnics and vocational training institutions to grow?

The same thing applies to Clause 10, on a declaration that private persons like me can sponsor a public vocational educational training center. It is very important.

In the same analogy that I have given of local contractors, we have some who have serious money that they can put into educational---

*(Sen. Wambua's Microphone was switched off)*

**The Deputy Speaker** (Sen. Kathuri): Thank you, Sen. Wambua.  
Sen. Wakili Sigei, you have the Floor.

**Sen. Wakili Sigei:** Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to also contribute and laud the Bill by the Hon. Sen. M. Kajwang'.

I have listened to Members who have contribute to this Bill. I must commend the fact that there is unison in the desire to ensure that, at the lowest level of these training institutions, we honorably refer them by the name that they deserve.

I am aware that every other Senator in this House, at any given time, desires the specialized services of the people who have been trained through such institutions. Therefore, calling them by the appropriate name makes it an honorable position and encourages maximum utilization of their expertise.

The artisans trained through these institutions will be granted an opportunity to have a competitive edge both in the local and international markets especially where they have been recognized through a consistent structure of examination and recognition of their certificates.

I am aware that the Bill provides an opportunity where the examination is harmonized, certification is proper and accreditation is facilitated. The courses being offered by such institutions will be recognized, not only at the county level but beyond so that the graduates from such institutions are able to compete for opportunities beyond their counties or constituencies.

I am aware that in any society, the people are denied an extension beyond their primary examination, not because of their inability to pass the requisite exams but

because of the challenges that arise due to lack of school fees. The less advantaged institutions of families are unable to further education. However, they can do so within such institutions. Once, they are properly set up and funded as it is provided for in the Bill, they will expand their knowledge and interest in the areas where such students are interested in pursuing.

The training in such institutions are largely practical rather than theory. The provisions of the Bill will also give an opportunity to those who have certain expertise and knowledge, without necessarily having gone through recognized institutions. As it has been stated by one Member here, experiences will be recognized. The person who has previous experience or expertise within a certain area will have to be certified in order to move beyond where they have reached in their academic quests.

I laud the Bill under the provisions of Part 3. It recognizes and provides for annual governance report. The institution will be managed at the county level. It also provides that the institution, through its Board of Management (BoM), will be expected to give an annual governance report.

This will give an opportunity, not only for the institution, but the public at large to ensure that the institution is governed in a manner that is recognized, and gives opportunity to the public to participate. By extension, the public resources that are invested in the institution should be properly utilized and accounted for. I laud Sen. M. Kajwang' for ensuring that that provision is available in the Bill.

I encourage that in the same Part 3, where there is the creation of the BoM of the institution. In this case, the number has been given and how it is to be set up.

I wish that the Senator introduces a provision where this BoM mandate can extend to the creation of income generating sectors within the training departments.

The BoMs should be created as investment forums where the mandate of the Board, if it allows, can be utilized by the institution so that the institution can earn not only to the benefit of the students but to that particular institution itself.

I am saying this because we are aware as Sen. Olekina said, a number of the students who will be in these institutions have prior experience with the challenges that they have gone through. While they are in school, they can also generate income by utilizing the knowledge they have gained before they are done with the training and are certified. By extension, it is an income-generating initiative for the student as well as for the institution. That can only happen so that it can supplement resources that are disbursed to the institution by the Government with the responsibility to ensure that the resources are properly utilized.

Mr. Deputy Speaker, Sir, I want to appreciate Sen. M. Kajwang for bringing up such a very important Bill. It cuts across all areas, not only at the national level but also at the county level. It also accommodates all people of various academic levels and abilities. I thank Sen. M. Kajwang for this important Bill.

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kathuri): Sen. Osotsi, you may proceed.

**Sen. Osotsi:** Thank you, Mr. Deputy Speaker, Sir, for the opportunity to also make my contribution to this very important Bill by Sen. M. Kajwang. Before I make my

contribution, there is a very important point that was raised by the Senate Majority Leader regarding at what point the committee reports should be made available to us.

First of all, I want to commend the Committee on Education for ensuring that the Report is tabled on time. Since Mr. Deputy Speaker is the Chairperson of the Liaison Committee, he needs to encourage our committees to table the reports so that Members have sufficient time to go through the reports before the Second Reading debate. I want to urge that maybe in our Standing Orders, we need to insist that the reports must be tabled before we engage in the Second Reading.

I find that to be very smooth and it is quite useful to the Members so that they can make informed contributions on the matter.

Even as I say that, I have had an opportunity to look at the Report and very important sections of the Report are not attached including the views of the stakeholders. It is very critical in a Report of this nature that we get to know what the stakeholders said about some aspects of the Report. So, I hope that next time we have a Bill before us, we want to be told what happened in the Committee. The minutes and also the views of the stakeholders should be attached.

This Bill is implementing the Fourth Schedule in relation to village polytechnics and homecraft centres. This is within our mandate as the Senate. It is also a Bill that is going to provide the governance framework for the establishment, registration, and accreditation of vocational education and training centres within the counties. So, it is a very important Bill and as the Mover had alluded to, we have so many driving schools and computer colleges that are privately owned and should be regulated under this Bill to ensure some uniformity in the standards of training and examinations in these institutions.

The focus in this country has to change. Many people are rushing to do degrees. Those who do not get good scores at the secondary level end up doing bridging courses until they find their way to the university. We need to change this attitude so that we have our learners also focusing on important training. We have a serious shortage of plumbers in this country.

When you have a problem with your plumbing, getting a plumber is a struggle. This is because most of the people who would learn to plumb are struggling to join universities or colleges to learn what they think is white-collar training.

I was surprised to learn that most of our counties do not have meat inspectors; a simple thing like that. So, you find that some counties have taken people to a college in Taita Taveta where people go for meat inspection course. This is a very basic course that we can do within our counties.

Most importantly, this Bill is going to enhance the employability of our youth and at the same time respond to the needs of our economy. The needs of our economy are that we have people at the lower level who are hanging and they need to be trained in some of these skills so that they can contribute to our economy. However, I wish the Mover of the Bill can enhance it so that we have three levels. We have school-based training that is vocational training that can be done within our schools.

When I was in high school, we had some special courses. I remember I did woodwork which was training us to be carpenters. I still apply that training to date even

though I ended up being an Information Technology (IT) expert. I still remember that. We had things like technical drawing which I know some of my former colleagues in high school are still applying that even though they are doing other things.

So, we need to have school-based programs integrated into this Bill. We also need to consider adult learning such that those who have gone through formal education or not, can also have access to this kind of training. We should also have post-school arrangements.

In Europe where there is a lot of focus on vocational training, they have two levels of this training. They have what we call initial vocational education and training which is done within the schools; upper secondary and post-secondary levels. They also have continuing vocational education training which is done post-school even when someone is working so that they can acquire new skills or retrain.

So, this is the beginning. I think this Bill can be improved to accommodate the different levels of training that I am talking about. This will also expose the learners to work best learning and vocational education even when working and doing other things. For example, I would like to know about plumbing so that I do not engage a plumber who will come to my bedroom when I am not there.

*(Laughter)*

So that I can fix it myself. You know some things are too private to be done by other people. So, we need to be given these opportunities.

I have also looked at the transitional provisions of the Bill where the Mover is proposing that those institutions which were established under the Basic Education Act and Technical and Vocational Education Training Act, will automatically be licensed under this new law.

When we have the Committee of the Whole, I hope we will also define the timeframe of doing this because some institutions may need to be re-evaluated afresh.

Mr. Deputy Speaker, Sir, in the report, it is proposed that we need to have a policy intervention to provide for a framework for inter-county transfer of trainees and instructors. I think that is important.

There should be no hindrance, if someone has to change residence or, for some reason, has to move to another county. They should still continue with the training wherever they go to. I hope the Mover will take note and make the necessary amendments.

The issue of linking Technical and Vocational Education and Training Authority (TVETA) Management Information System with the labour market through the Kenya Labour Market Information System (KLMIS) is important because that should provide a platform where details of the learners can be posted, so that employers can have access to those details for easy employability.

I also want to commend the---

*(Sen. Osotsi microphone was switched off)*

**The Deputy Speaker** (Sen. Kathuri): I am not the time keeper but I think your time is over. Just pass your next point to Sen. Kibwana. She will say it on your behalf.

Sen. Osotsi, many contributors to this Bill have commended the Standing Committee on Education. They have actually satisfied the provision of Standing Order No.148(1), which states-

“Whenever a Bill is referred to a Standing Committee, the Chairperson of the Committee, the Vice-Chairperson or a Senator designated by the Committee to which the Bill is committed, shall present the Committee’s report to the Senate within thirty calendar days of such committal.”

So, let us meet tomorrow at 11.00 a.m. It will be part of the discussion. Members of the Committee on Education have done well. At the Liaison Committee meeting tomorrow, we must discuss the other Bills where 30 days have lapsed.

Proceed, Sen. Thang’wa.

**Sen. Thangw’a:** Thank you very much, Mr. Deputy Speaker, Sir. I rise to support this Bill but with some amendments that will come way later.

As I support it, I have looked at *Google* just to bring to the attention of this House the meaning of vocational training. Vocational education prepares learners for jobs that are based on manual or practical activities, traditionally, non-academic and totally related to a specific trade, occupation or vocation.

Mr. Deputy Speaker, Sir, with that definition, I have a problem with Part III of this Bill, as per the memorandum of objects and reasons, which states that county governments shall be responsible for management of vocational education and training centres within the counties.

The reason I have a problem with this is that if I start a small institution to train the youth in my county on picking cherries, so that they can be employed in a certain farm, what does the county have to do with that? I believe when it comes to training our young people, they are trained to execute some skills that are required within their areas.

When I was growing up, my uncle had a vehicle. We used to go to a mechanic, who every time used to say; “*shida ya hii ni kafureta.*” I came to learn later that the ‘*kafureta*’ was the carburetor. The mechanic could fix that vehicle even without knowing what that was called in English.

What am I trying to say? The reason we have good carpenters, who are not good tutors, is because of the language. A carpenter can make a very nice seat but take him to a vocational education and training centre to teach in English or Kiswahili, they cannot train.

When we try to give education to our people, which is supposed to be free and unregulated, we should not create barriers when it comes to execution. If you want, I can make you a website for free but I never learnt that in school. I learnt it online, through *YouTube*.

Mr. Deputy Speaker, Sir, if I started an institution, where I provide free access to *YouTube* for people to come and learn, will it be called an institution or a vocational training centre? Will the county government shut my business down because I have students who come and learn every day, using my internet and computers for free?

When we do amendments, we should remember that we are no longer have the 8-4-4 system but Competency Based Curriculum (CBC). Of course, we are in a technological word, where anybody can learn anything, anywhere and at whatever time.

If you tell counties that are sometimes led by politicians to regulate colleges, there will be no college. In my village, as Sen. M. Kajwang' mentioned here today, we have so many saloons around. You will find small institutions teaching around four or five people. Why should I regulate somebody who makes lines on someone's head?

It is good to have a regulatory Bill that will regulate education. However, we should not limit the rights of those in the villages who are even taught in mother tongue.

Why should I require people to teach in English or Kiswahili, yet all I want is a mechanic who will never speak to a vehicle? All he needs is the owner of the vehicle to tell them to look at it. If you do not have anybody who can speak the language, then get a translator. We need to train our people not on language but required content.

Mr. Deputy Speaker, Sir, what is required of counties and the national Government is to have examination bodies. You can train anywhere but if you want to be recognized, then go and do an exam.

Private colleges in this country are doing the same. They train people on business studies and other education sectors but they have certain guilds that are not even Kenyan. They are examined outside Kenya. Once you get the certificate, you get a job.

Why should we restrain our poor people in the villages who cannot even speak more than one language? We want them to be regulated and conform to a certain degree, yet all a person wants is to learn how to repair a vehicle, pick cherries or paint. I do not need a certificate when it comes to painting. I can only invite you to come and see what I have done before. These are the manual skills we are talking about.

The moment you invite counties to invade people's business and institutions, we are not going to get it right. I had to mention it because if it goes through, maybe Sen. M. Kajwang' will become the Governor of Homa Bay, and I believe he will be a good one, but we do not know about the current one and the one after him. We should not give county governments some backdoor kind of execution of these institutions.

The Bill is talking about things that we should have done before such as policy formulation of vocational education and training centres. I agree we should give them good names because those who go to those village institutions are people who went to primary schools but did not attain marks required to join high school.

Some of them are class eight drop-outs. Sometimes they run away when they hear they are leaving a village primary school to a village institution. Some of them go to different regions so that they can tell their peers and friends that they attended a different college in a different area.

Mr. Deputy Speaker, Sir, we can call them colleges but my problem is giving county governments power to be in every board of any institution, especially the private ones. Why would a county government have someone in my college as long as I am fulfilling all the set policies?

Thank you, Mr. Deputy Speaker, Sir. I will bring one or two amendments when it comes to that. Education should be free and accessible to any and every person in this Republic.

**The Deputy Speaker** (Sen. Kathuri): Thank you. We give the Floor to Sen. Mumma.

**Sen. Mumma:** Thank you, Mr. Deputy Speaker, Sir. First, before I speak on this important Bill, I would like to join those who have congratulated our Leaders of the Minority; Sen. Olekina and Sen. Sifuna. We look forward to working with them.

I equally thank Sen. Dullo for the time she was our Leader and for the leadership she gave to us. I recognize that.

As we move to this Bill, I commend Sen. M. Kajwang' and the Committee on Education for bringing this matter before this House. Technical and Vocational Education and Training (TVET) education may be the most important education we need to focus on in this country. That is where we need to put our money if we really want to change this country.

Over the years, we have stigmatized TVET education. Many people believed it was those who were stupid or did not get good marks who ended up in TVET institutions. You will agree with me that every household does not require anybody who went to the Alliance or other big schools but every household requires the services of somebody who has gone to a TVET institution.

With the kind of population, we have now the Government's number one headache is how to get enough of us employed and how to grow this economy. There are no two ways about this. The only way we can grow this economy is through industry, through industry, through industry.

We cannot do that because we do not have enough manpower that is properly qualified to take on industry. That is why we give contracts to the Chinese and allow their labourers to come do our work.

I urge that this Senate be known as the House that brought the point home that TVET education is where to put the money. I have briefly read the current existing laws and I request this Committee to look at them. I suggest that Sen. M. Kajwang' looks at the way in which we can have intergovernmental cooperation because the national Government has the role of setting standards in education whether in TVET or others.

I was the Chair of Sigalagala National Polytechnic. While I was there, I really appreciated the value of having people with skills. We did interviews to get trainers. Among the people who came for jobs were those with first-class honours from places such as the Jomo Kenyatta University of Agriculture and Technology (JKUAT).

Most of the people who got jobs after interviewing were those who began as artisans, did diplomas and went on to do higher diplomas or degrees.

Those are the ones who got the jobs. We asked them what the bulb was made of and even asked them to connect the joint practically. Those with First Class honours from the universities that we think are the best, were unable to explain themselves. However, those who had come from the village polytechnics going up were able to articulate themselves very well.

Mr. Deputy Speaker, Sir, as we move on, I suggest that you include the need to ensure that this education is accessible to everyone. Access means that we include Persons with Disabilities (PWDs). How can TVETs, vocational education, also be possible for PWDs?

Access means that the woman who wants to be the plumber--- Are we going to lock her out because our culture cannot comprehend a woman being a plumber? The poor who cannot pay the fees that is going to be put in place, how are we going to ensure they are also trading?

I also suggest that this law should provide for computer labs as a compulsory component of TVET education. This is because computers and engineering programmes will enable us to come up with an industry that is going to compete worldwide. This is in terms of the design of furniture, whether it is looking into new technology around mechanical engineering for vehicles or whatever it is. I am requesting that you consider including that.

Finally, for Vocational Training Institutions (VTIs), I suggest that we deliberately provide a component where they will be able to do their practicals within the communities. As you may have noticed, we have lost out on extension services in agriculture.

It would be good if these institutions will be working with the communities on issues of water conservation, smart agriculture and understanding the appropriate fertilizer to use. I suggest that we deliberately include this part. Otherwise, I commend this team.

I support.

**The Deputy Speaker** (Sen. Kathuri): Thank you.

Sen. Crystal Asige Kegehi, kindly, proceed.

**Sen. Crystal Asige:** Thank you, Mr. Deputy Speaker, Sir. It is very good to see you after some time. Thank you for mentioning all my Government names. I like to hear them all. *Asante*.

*(An hon. Senator spoke off record)*

That is not on my identification (ID) card.

Mr. Deputy Speaker, Sir, I stand to support this Bill and congratulate the sponsor on coming up with some of the provisions. This is especially provisions in Part I, Clause 7 and other parts of the Bill, regarding the inclusion of PWDs in these training centres.

To be brief, so that I can allow other Senators to also contribute, I will just get straight to the point. As you know and as has already been said here, not every single person is an academic. Unfortunately, in PWDs community, this is not something that is voluntary. It is not even to do with our intelligence or capacity; but more to do with the systemic oppression and barriers to education that we have been facing since Adam.

The TVETs centres are an amazing and fantastic alternative for the PWDs to engage their creativity and learn new skills. The new skills are not just to enable them cope in their daily lives; but also to share their talents with the world.

Mr. Deputy Speaker, Sir, I do not know if you know this but the PWDs have to be extremely creative in their day to day lives. You can imagine somebody with a physical, intellectual or neuro-diversity disability, needs to do tenfold just so that they can get by their day.

Mr. Deputy Speaker, Sir, we do dispense a lot of our energy and intellect engaging and tapping into different parts of our brain to be creative as possible just to get

through a day. The persons Living with Disabilities (PWDs) are perfect candidates for this technical and vocational training centres.

I do not know if you know this as well but there are many PWDs who have shown and displayed creative skills outside the classroom; the traditional classroom. We know some of the PWDs like Elon Musk; he is an Autistic man but look at what he has done for himself, his family and the world over. Mark Zuckerberg is also an autistic man but look at what he has been able to do with his skills and his creative mind not just for himself and his family but for the world.

The most famous TVET that works with PWDs in Kenya is the Bombolulu Workshop in Mombasa. Many people with disability go there and get trained; they get skill; they are empowered and encouraged so that they can elevate themselves and their lives; of course, also that of their families. In fact, one of the electricians that I use at home in Mombasa is an ex-trainee of the Bombolulu Workshop Centre and he is an amazing electrician. In, fact, I prefer working with PWDs not only because I know that I am assisting them in a very difficult environment that they already have to experience but also because they are far much creative and disciplined. They understand the importance of how to keep a job and why it is important to keep a job. They are punctual and polite. As I said, they do engage very creatively in their work.

Mr. Deputy Speaker, Sir, I have a couple of suggestions to enhance this Bill for the sponsor: First of all, a question of language. He talks in the Bill about “trainees with disability” rather than “trainee with disabilities”. The United Nations Convention on the Rights of Persons with Disability (CRPD) clearly talks about the skewed language that it be Persons with Disabilities - plural because we are not homogeneous. It goes extensively and importance of language and so that is the first amendment that I would ask the sponsor to consider. It should read “trainees with disabilities”.

Secondly, is to ensure that there is language for lowering entry-level requirement for PWD to enter this TVETS. Also ensuring that there is language for lowering assessment criteria because of the nature and the different types of disabilities and impairments that PWDs face. There is need to be more reasonable and accommodative in assessments

There also need to be language around zero tolerance for this combination. There have been many a times that PWDs have come up to me in conversation or to get advice. They ask: ‘What do I do when I walk into a place; a building; a training institution on any kind and because of my disability, they already judge me and say, because you are blind, surely, you cannot be a carpenter?’ That because you have a physical disability, surely, you cannot be a welder and so on and so forth. Let there be zero tolerance policy in that respect.

The staff who are working at these institutions and centres need to undergo inclusive education training from the Kenya Institute of Special Education (KISE) or other educational institutions in Kenya that make them to understand how to teach and how to interact with trainees with disabilities who are going to be in these centres.

That all levels, starting with the Cabinet Secretary of Education ensure that there will be core units on universal design principle. A lot of the things that we use today on the world have emanated from being a creative solution to aid and accommodate PWDs

and that is because these inventors or innovators have understood the principles of universal design. That is designing for every kind of user that may be interacting with technology they are innovating.

Mr. Deputy Speaker, Sir, it will interest you and other hon. Members, to know that the keyboard was invented as a solution for visually impaired persons so that they can be able to type and write with ease.

Now, because that is a universally designed innovation, today, every single one of us, from all ages, uses a keyboard. Also, text messaging is another innovation that was created to provide a solution for the deaf. Of course, as you can imagine, they cannot pick up the phone and speak on a receiver like a person who is not disabled. Now, every single one of us uses text messaging every single day. I am sure even through this sitting, people have been texting.

Mr. Deputy Speaker, Sir, another innovation that has culminated from being a solution for a Person With Disability (PWD) is the automatic car. This was a solution that in part, was to assist persons with physical disabilities who may not be able to move--

**The Deputy Speaker** (Sen. Kathuri): Sen. Crystal Asige, you have two minutes to conclude.

**Sen. Crystal Asige:** To move and drive a car like the non-disabled. So, I believe units on universal design, through the Ministry of Education, would be a great addition to this Bill.

Mr. Deputy Speaker, Sir, I would also like to finish by saying that the Board members should also constitute, at least, two PWDs so that we have representation of diverse types of impairments in these Boards.

Like I said, a person who is deaf will give a different perspective than a Board member who has a physical disability and so on and so forth which will enhance the quality of education in these centres.

**The Deputy Speaker** (Sen. Kathuri): Sen. Tobiko, please proceed.

**Sen. Tobiko:** Mr. Deputy Speaker, Sir, I rise to support and congratulate the Mover of this Bill, Sen. M. Kajwang’.

I believe this Bill has come at the right time when our counties require regulations and standardizations of the vocational training centres.

For quite some time, in the Kenyan education system, we have had more or less like the straight line. Those who perform well will move from primary to secondary school then to the university. Quite a number of other learners are lost in between. So, the vocational centres have come to provide a solution so that there is an exit point for those who have not been able to make through the academia.

I believe this Bill addresses such people and makes our education system all-inclusive where every person with different endowments and talents are taken care of.

Mr. Deputy Speaker, Sir, it does not matter for those who have gone and become doctors, pilots and others policymakers. All of us require the artisans and people of other different careers including plumbers and electricians.

As we speak, maybe, you had a tap that is running in your house that you could not handle but a plumber from these vocational training institutions can sort it for you.

So, it is very important that we get our counties to put in resources, standards, structures and policy formulations to guide these centres. Whereas we say this, I agree with Sen. Thang'wa that this Bill should not become an impediment for small businesses. Counties should not go on a rampage trying to influence every small business that is coming up.

For those that want to grow because every institution may begin small but finally would want to graduate into big institutions that provide good training that is examinable, awards certificates and can also compete at the international level.

We have many youths who are jobless in this country. This is one of the greatest challenges in this country right now. These vocational centres can handle the training of these people and even provide artisans for external markets. Most of the countries in the developed world both in the Far East, Europe and others do not have people to do manual jobs like plumbing.

We can train these people and provide a solution to the job market out there. We will also create employment for our people and provide a solution to joblessness.

This Bill urges the counties to put the necessary resources into these vocational institutions. It is a very important Bill that also identifies trainers and is all-inclusive because it talks about People with Disabilities (PWDs) so that nobody is left behind as we try to take care of people at that lower level.

This Bill has addressed quite a number of issues even in terms of the relationship between the national and county governments; the involvement of the Cabinet Secretaries (CS) in policy formulation and the County Executive Committee Members (CECMs) in terms of accreditation and registration of these institutions.

I support that this is a very important Bill that helps us address employment challenges, the gaps in our education system and take care of all people and not necessarily those who perform well in schools. These are very crucial services in society that we will need and that can be taken care of by the vocational training centres.

I do agree that one, two or three amendments can enhance the benefits of this Bill. So I hope that Sen. M. Kajwang' who is listening very keenly will take care of the few concerns that have been raised by Members.

I thank you

**Sen. Sifuna:** Thank you, Mr. Deputy Speaker, Sir, for also giving me the opportunity to also speak to this Bill and thank you for your kind words which we have noted. Allow me to begin with the provisions of this Bill on the question of obligations of the county governments which to be clear, I support.

One of the things that you will notice is that the Report of the Committee at page 12 has noted that the TVET sector is inadequately resourced and that there is no financing policy by the two levels of Government on these particular vocational trainings. My worry is that we need to clearly provide for how we are going to source funding for these vocational centres.

The training infrastructure, equipment, and learning and training resources, that is essentially teachers and lecturers, are all the responsibility of county governments. Under Clause 5(e), counties will provide funds necessary for the development of vocational education and training centres.

If you look at the responsibilities of the counties in the Fourth Schedule, in fact, out of the four, when it comes to education where we have pre-primary education, village polytechnics, childcare facilities, and homecraft centres, I think counties have only made advancements when it comes to Early Childhood Development and Education (ECDE) classrooms. However, we still have challenges of lack of enough ECDE classrooms in our counties.

Mr. Deputy Speaker, Sir, since we have heard sections of this administration saying that they are keen on unbundling all the devolved functions and financing them adequately, we would like to see that even in the Budget Policy Statement (BPS). In the Report of the committee, it was noted that Kshs2 billion grant for funding the rehabilitation of vocational education and training centres and village polytechnics was converted to the equitable share in the Financial Year 2022/2023.

This is the larger problem with devolution. We have clearly defined devolved responsibilities, yet resources do not follow those responsibilities. It is our responsibility as the Senate to ensure that counties receive these monies that are required.

Secondly, I heard the Senator for Kiambu County speaking and I was not convinced that he has gone through the Bill. I am the Senator for Nairobi City County but I am well versed with village life. There are things in the village that require people who have specific technical skills. I will give examples.

If you have a cattle dip in your village and you need a young man who has skills to mix those chemicals properly so that your cows do not die when they all plunge into it, that is someone who needs basic training on that. Sometimes when it rains, the electricity wires trip and you need someone to connect them because you cannot do it. We need young people in the villages to develop such critical skills.

I can give you a more critical example because I am a Luhya man. When a posho mill in the village breaks down – Sen. M. Kajwang’ knows what I am talking about – and it is a crisis for the entire village, you have to look for somebody who has basic technical skills to replace the basic components of that posho mill.

We can have many examples, including vaccination of animals, artificial insemination and plumbing. Now everyone is putting up a house in *shags*. Sometimes it becomes difficult when you need these services and they are not there.

We need these vocational education and training centres but we should properly fund them. If it is possible, this Senate should define and ring-fence that funding, so that it is not utilized for other things other than what it was meant for.

Lastly, because of the resolution of our issue and now that I sit next to Sen. Crystal Asige, in any legislation or policy, I always ask whether issues of Persons with Disabilities (PWDs) have been mainstreamed. I want to confirm to Sen. Crystal Asige, as I congratulate Sen. M. Kajwang’, that from the inception of this Bill, you can see a clear intention to make sure that we mainstream in the Bill issues of PWDs.

Starting from the broad definition of PWDs, I am not sure I want to say this but I am sure Sen. Crystal Asige is impressed by how broadly the term “PWD” has been defined in Clause 2 of the Bill.

If you look at Clause 5(f), the Bill seeks to place a responsibility on the county government to identify trainees with disabilities in the county, undertake an assessment

of their needs and put in place measures for provision of vocational education and training to them.

Mr. Deputy Speaker, Sir, even in construction of the centres themselves and if you look at Clause 7(2)(a); the counties are supposed to put in place the necessary infrastructure and mechanism, to ensure that those trainees with disability are provided with appropriate interventions, so that they are able to access education and training that they need. I am generally impressed with the Bill.

I want to conclude with some concerns that I think Sen. M. Kajwang' will take positively. It is on the question of sponsors. Yes, the Bill provides that even public vocational centres may be sponsored by a private person. However, Clause (10) (4) of the Bill states that -

“Notwithstanding the fact that the sponsor of a vocational education and training centre is a faith based institution, the curriculum in the vocational education and training centre shall be secular.”

**The Deputy Speaker** (Sen. Kathuri): Order, Sen. Sifuna. You will have a balance of four minutes in the next Sitting.

**Sen. Sifuna:** Have we run out of time?

**The Deputy Speaker** (Sen. Kathuri): Yes, it is 6.30 p.m. Therefore, you have a balance of four minutes. I have also noted with concern and no explanation, Sen. Murgor and Sen. Kibwana---

#### ADJOURNMENT

**The Deputy Speaker** (Sen. Kathuri): Senators, it is now 6.30 p.m., time to adjourn the House. The Senate, therefore, stands adjourned until tomorrow, Wednesday 22<sup>nd</sup> March, 2023 at 2.30 p.m.

The Senate rose at 6.30 p.m.