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THE HANSARD

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THE HANSARD

Thursday, 20th February 2025

The House met at 2.30 p.m.

[The Deputy Speaker (Hon. Gladys Boss) in the Chair]

PRAYERS

QUORUM

Hon. Deputy Speaker: Serjeant-at-Arms, I direct that you ring the Quorum Bell for ten minutes.

(The Quorum Bell was rung)

Hon. Members, we now have the Quorum to transact Business. We may proceed.

PAPERS

Hon. Deputy Speaker: Hon. Naomi Waqo.

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Deputy Speaker, I beg to lay the following Papers on the Table of the House:

Reports of the Auditor-General and Financial Statements for the years ended 30th June 2021, 30th June 2022 and 30th June 2023, and the certificates therein in respect of:

1. Wenje Secondary School;
2. Kimani Ngunjiri High School;
3. Kipsyenan Secondary School;
4. Naivasha Girls' Secondary School;
5. Mwaani Boys Secondary School;
6. Sankuri Secondary School;
7. Garissa High School;
8. Munyaka Secondary School;
9. Molo Highway Secondary School;
10. St. Bakhita Gataragwa Girls' High School;
11. St. Patrick's High School;
12. Metkei Girls' Public Secondary School;
13. AIC Girls' Secondary School, Loitokitok;
14. Noonkopir Girls' Secondary School;
15. St. Maria Veronica Girls' Secondary School;
16. Arimi Mixed Day Secondary School;
17. Kirobon Boys' Secondary School;
18. Coulson Secondary School;
19. Bishop Gatimu Ngandu Girls' High School;
20. Our Lady Consolata Mugoiri High School;
21. Bishop Sulumeti Chelelemuk Girls' High School;
22. Namgoi Mixed Day Secondary School;

23. Mpeketoni Boys High School;
24. Mwaani Girls High School;
25. Kisau Girls Secondary School;
26. Oloitokitok Boys High School;
27. St. Josephine Bakhita Masinga Girl's High School;
28. Nduluku Secondary School;
29. AIC Tulwobmoi Secondary School;
30. Chumani Secondary School;
31. Lamu Boys Secondary School;
32. St. Bonaventure Kaheti Boys' High School;
33. Kimana Girls' High School;
34. St. Malivani Secondary School;
35. Dr. Krapf Memorial Secondary School P.T.O;
36. St. Bakhita Bahati Girls' Secondary School;
37. St. Ann Githunguri Girls' Secondary School;
38. Kimuri Secondary School; and,
39. Maiella Township Secondary School.

Thank you.

Hon. Deputy Speaker: Hon. Members, I would like to indulge you in re-ordering the Order Paper. We will now move to Orders 8 and 9 and then come back to Orders 7 and 6 in that order. After that, we can resume the usual Order of business.

(An Hon. Member spoke off the record)

We will come back to you, Hon. Member. Allow us to proceed with the Procedural Motions in Orders 8 and 9. After that, we will have the Statement from the Leader of the Majority Party before coming back to you. There is a reason for the re-ordering.

Next Order.

PROCEDURAL MOTIONS

EXTENSION OF PERIOD FOR CONSIDERATION OF THE 2025 BUDGET POLICY STATEMENT

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you very much, Hon. Deputy Speaker.

I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order 232(7) relating to timelines for consideration of Budget Policy Statement, this House resolves to extend the period for consideration of the 2025 Budget Policy Statement by a period of 14 days from 27th February 2025.

The budget-making process is one of the most critical roles of this House, and requires full and active participation of all Members. Therefore, this Procedural Motion seeks to extend the statutory timelines for consideration of the Budget Policy Statement by, at least, 14 days. This extension is necessary because the Committee on Selection has not yet finalised the nomination of Members to various committees, and the timeline for this Committee has lapsed. This Motion seeks to ensure that the Committee on Selection is constituted. As all are aware, the timelines for the Select Committees and the Budget and Appropriations Committee have also lapsed.

Hon. Deputy Speaker: Thank you. This is self-explanatory. You may call the Secunder.

Hon. Kangogo Bowen (Marakwet East, UDA): Thank you, Hon. Deputy Speaker. I second.

(Question proposed)

(Question put and agreed to)

EXTENSION OF PERIOD FOR CONSIDERATION
OF 2025 DEBT MANAGEMENT STRATEGY

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Deputy Speaker, I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order 232A(4) relating to timelines for consideration of Debt Management Strategy, this House resolves to extend the period for consideration of the 2025 Debt Management Strategy by a period of ten days from 24th February 2025.

The facts are similar to what we have said in the previous Procedural Motion, considering that the committee responsible for the 2025 Medium-Term Debt Management Strategy is expected to table its report to the House for consideration within ten days. It is important that we extend that particular timeline similar to what we have said in the previous Procedural Motion that sought to extend the consideration of the Budget Policy Statement by a period of 14 days.

I, therefore, beg to move and urge Hon. Adams to second.

Hon. Adams Korir (Keiyo North, UDA): Hon. Deputy Speaker, I second.

(Question proposed)

Hon. Members: Put the Question.

(Question put and agreed to)

Hon. Deputy Speaker: We now go back to Order 5 - Papers.

PAPERS

Hon. Deputy Speaker: Chairperson of the Departmental Committee on Administration and Internal Affairs.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Speaker. I beg to lay the following Papers on the Table:

Reports of the Departmental Committee on Administration and Internal Affairs on:

1. Its Consideration of the Births and Death Registration (Amendment) Bill, (National Assembly Bill No.37 of 2024); and,
2. Participation in the ID4Africa Annual General Meeting (AGM) held in Cape Town, South Africa from 21st to 24th May 2024.

Thank you.

Hon. Deputy Speaker: Chairperson of the Departmental Committee on Transport and Infrastructure, Hon. GK.

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Hon. George Kariuki (Ndia, UDA): Thank you, Hon. Speaker. I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Transport and Infrastructure on its Consideration of Public Petition No.14 of 2024 regarding Legal Recognition and Protection of E-Hailing Motorcycle Riders and Delivery Personnel.

Thank you.

Hon. Deputy Speaker: We can now go back to Order 6. Hon. Atandi, hold on a minute. The Chairperson of the Departmental Committee on Transport and Infrastructure has to give a Notice of Motion.

NOTICES OF MOTIONS

LEGAL RECOGNITION AND PROTECTION OF E-HAILING MOTORCYCLE RIDERS AND DELIVERY PERSONNEL

Hon. George Kariuki (Ndia, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Transport and Infrastructure on its consideration of Public Petition No.14 of 2024 regarding Legal Recognition and Protection of E-Hailing Motorcycle Riders and Delivery Personnel, laid on the Table of the House on Thursday, 20th February 2025.

Thank you.

Hon. Deputy Speaker: Thank you. Member for Alego Usonga, you may now proceed.

SUPPORTING AND PROMOTING LOCAL FERTILISER MANUFACTURING INDUSTRIES

Hon. Samuel Atandi (Alego Usonga, ODM): Hon. Speaker, I beg to give notice of the following Motion:

THAT, aware that the Fertiliser and Animal Foodstuffs Act, 2015 provides for the regulation of fertiliser importation in the country; further aware that, the Fertiliser and Animal Foodstuffs Board regulates the fertiliser and animal foodstuffs industry, including the manufacture and production of fertilisers; noting that, the country currently relies heavily on imported fertiliser due to inadequate local production capacity; further noting that, the low local production leads to high costs for farmers, reducing their profits and results in an unhealthy reliance on imported fertiliser; concerned that, this scenario threatens the country's food security in case of supply disruptions and discourages local production; recognising that local fertiliser production could lead to improved fertiliser quality, increased crop yields and a reduction in environmental harm that is caused by the use of substandard fertilisers; recalling that the country has the potential to produce fertiliser that could meet the country's domestic demand and also supply the regional market; further recognising that there is need for the Government to work with local producers to develop high quality fertiliser that is tailored to the needs of Kenyan farmers and crops; now therefore, this House resolves that the National Government, through the Ministry of Agriculture and Livestock Development, supports and promotes local fertiliser manufacturing industries by investing in research and development to bolster the domestic fertiliser manufacturing sector.

Thank you, Hon. Deputy Speaker.
Hon. Deputy Speaker: Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

Hon. Deputy Speaker: Hon. Osoro, do you have your weekly Statement on behalf of the Leader of the Majority Party?

BUSINESS FOR THE WEEK OF 24TH TO 27TH FEBRUARY 2025

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you, Hon. Deputy Speaker. Today, I will be holding brief for the Leader of the Majority Party.

Pursuant to the provisions of Standing Order 44(2)(a), I rise to give the following Statement on behalf of the House Business Committee, which met on Tuesday, 18th February 2025, to prioritise business for consideration during the week.

With regard to business scheduled for Tuesday next week, the House is expected to consider the following Government and individual Members' Bills at Second Reading, some of which are already listed in today's Order Paper:

1. The Equalisation Fund (Administration) Bill, (Senate Bill No. 14 of 2023);
2. The Political Parties (Amendment) Bill, 2022
3. The Insurance Professionals Bill, 2024;
4. The Culture Bill, 2024;
5. The Public Finance Management (Amendment) (No.2) Bill, 2024;
6. The Institute of Social Work Professionals Bill, 2023;
7. The Gold Processing Bill, 2023;
8. The National Police Service Commission (Amendment) Bill, 2024;
9. The Basic Education Bill (Amendment) Bill, 2023; and,
10. The Parliamentary Powers and Privileges (Amendment) Bill, (Senate Bill No. 37 of 2023).

Additionally, the Committee on Selection, which I chair, will conclude its consideration of the list of Members proposed to be appointed to eighteen (18) lapsed Committees, including any consequential changes to other Committees. It is important to inform you that this will be concluded next week on Tuesday because it has been a topic on peoples' lips. In this regard, next week, the House will consider the Motion on Reconstitution of Other Lapsed Committees, in addition to the Motion on Ratification of the Agreement for the Establishment of the Africa Finance Corporation.

As Members will recall, you issued a Communication guiding the House that the Liaison Committee would consider the Supplementary Estimates II for the Financial Year 2024/2025, the 2025 Budget Policy Statement and the Debt Management Strategy. This was occasioned by the delayed reconstitution of the Budget and Appropriations Committee and the Public Debt and Privatisation Committee.

As Members have noticed in the Supplementary Order Paper for today, I intend to move a Motion for an extension of the period for consideration of the BPS and the Debt Management Strategy to allow the Liaison Committee more time. This has already been done after you re-ordered the Order Paper. As the leadership, we urge the Liaison Committee, working with the Departmental Committees, to fast-track the consideration of the two budget documents and the Supplementary Estimates II, to enable the House to conclude them the soonest.

Hon. Speaker, the House Business Committee also noted the status of the uptake of Post-Service Medical by Members as of last week, and commended the enrolled Members for their willingness to register for the Scheme.

On behalf of the Committee, I encourage Members who have not enrolled to register the soonest to allow the Clerk to proceed with the administrative processes of actualising the Scheme without leaving any Member behind. It must be re-emphasised that the tables in the corridors leading to the Chambers are for Members or staff who are handling the registration for the Post-Service Medical Scheme for Members. If you have not yet registered and you are in the Chamber today, you are encouraged to do so as soon as possible to expedite the process.

Finally, the House Business Committee will re-convene on Tuesday, 25th February 2025 to schedule business for the rest of that week.

Thank you.

Hon. Deputy Speaker: Thank you, Hon. Osoro. Before we proceed with other Statements, allow me to take this opportunity to welcome the following schools that are seated in the Public Gallery:

Kompuera Academy, Dagoretti South Constituency, Nairobi County and Harambee School, Makadara Constituency, Nairobi County. I also wish to welcome other schools that are seated in the Speaker's Gallery: St Claire Girls' School, Gatundu South Constituency, Kiambu County and Riara School, Dagoretti South Constituency, Nairobi County.

I now call upon Hon. KJ Kiarie to welcome the schools on our behalf and also use the opportunity to make announcements relating to the Scouts' Founders' Day. Thank you.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Deputy Speaker, I truly thank you.

I take this opportunity to thank learners who have visited today. I welcome you all to Parliament. Allow me, Hon. Deputy Speaker, to single out Riara School. It is an exceptional school within Dagoretti area that was founded by great educators in this country: Mr and Mrs Gachukia and the entire Gachukia family. For more than four decades, that school has been exceptional in terms of quality of academic and in co-curricular activities. I welcome the learners to *Bunge* today. This is where the laws of the land are made with consideration of what is seen in that banner that says that all the things we do here are done for the 'Welfare of Society and the Just Government of the People.'

I also take this opportunity to let the Members know that this coming weekend is the most important day for the Scouting community. I say this because I am leading a caucus in this Parliament known as the World Scout Parliamentary Union, a very vibrant and active caucus, whose membership comprise of very active Members. It has very active Members, including the Member for Ruaraka, Hon. T.J., a very committed member and a Scout. The caucus brings together parliamentarians who are interested in scouting. It also supports scouting in our Republic. Kenya holds a very special place in scouting in the world. The founder of scouting, one Lord Baden Powell, and his wife, Lady Powell, decided that their final resting place shall be in Kenya. So, the remains of the founders of the World Scouting Movement are here in Kenya. I, therefore, take this opportunity to welcome all Members of Parliament to Nyeri, the scouting capital of the world, for the most important activity in the scouting calendar, the World Scouting Founders Day this weekend.

(The Deputy Speaker (Hon. Gladys Boss) left the Chair)

(The Temporary Speaker (Hon. (Dr) Rachael Nyamai took the Chair)

Finally, scouting as a movement is no longer what it used to be when we were young. Scouting used to be vibrant. As a House, we have to ask ourselves if scouting is getting money from the exchequer and whether Parliament is on top of the issues that are happening in the

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scouting movement? Are we supporting the Kenya Scouting Association as we should? Are we taking them to task on how to develop scouting in this country? Those are the issues that shall be discussed this weekend as we seek to bring back the former lost glory into scouting. We also call upon the House to take its rightful place in the oversight of the scouting activities in this country.

Hon. Temporary Speaker, I thank you very much for giving me this opportunity. I welcome everybody to Founders Day of the Scouting Movement in Nyeri, the capital city of scouting in the entire world. Welcome learners; and if you have not joined the scouting movement, make sure you do. You shall be supported by this Parliament through the World Scout Parliamentary Union.

I, thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachel Nyamai): Thank you very much. Hon. Members, we are going to re-organise the Order Paper this way. We will go to Orders 10 and 15 and thereafter, 13.

(Hon. Jared Okello spoke off the record)

We will get there, Hon. Members.
Next Order.

BILLS

First Reading

THE ASSUMPTION OF THE OFFICE OF THE PRESIDENT
AND TRANSITION OF EXECUTIVE AUTHORITY BILL
(National Assembly Bill No.1 of 2025)

*(The Bill was read a First Time and
referred to the relevant Committee)*

Second Reading

THE PUBLIC FINANCE MANAGEMENT
(AMENDMENT) (NO. 2) BILL
(National Assembly Bill No.26 of 2024)

The Temporary Speaker (Hon. (Dr) Rachel Nyamai): Whip of the Majority Party, please, proceed.

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Temporary Speaker, I beg to move:

THAT, the Public Finance Management (Amendment) (No. 2) Bill, (National Assembly Bill No.26 of 2024), be now read a Second Time.

This Bill was read a First Time on 19th June 2024, and committed to the relevant committee for consideration and tabling of the Report. I would like to thank the Committee for a job well done.

This Bill seeks to amend the Public Finance Management Act, Cap 412, to align the timelines for the passing and consideration of the Finance Bill by county assemblies and the National Assembly. To be more specific, Clause 2 of the Bill seeks to amend Section 129(2)(a) of the Act to provide for clarity and harmonisation of timelines for the passing of the Finance

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Bill between county assemblies and the National Assembly. It seeks to delete the words, “Except the Finance Bill” in Section 129(2)(a) of the Act to provide as follows: ‘That following approval by the County Executive Committee, the CEC Member for Finance shall submit to the county assembly the budget estimates, supporting documents and any other Bill that requires to implement the budget, except the Finance Bill, by 30th April in that year.’ The key word in this particular amendment will be, “Except the Finance Bill.” That is what this particular Bill seeks to include in that particular clause.

Additionally, Clause 3 of the Bill seeks to introduce a new Section 131A to provide for similar procedures for submissions and considering the passing of the Finance Bill in the county assembly as that of the National Assembly. Therefore, the new Section 131A will provide as follows because it is a new one: “Submission, Consideration and Passing of the County Finance Bill 131A:

County Executive Committee Member for Finance shall submit to the County Assembly on or before 30th April the County Finance Bill setting out the revenue raising measures of the county government.”

There are clear timelines here, Hon. Speaker, that did not exist in the previous one.

1. Following submission of the County Finance Bill by the County Executive Committee Member for Finance, the relevant committee of the county assembly shall introduce the Bill in the county assembly.
2. The county assembly shall consider and pass the County Finance Bill with or without amendments in time for it to be presented for assent by 30th June each year.”

This has not been there, and that, seeks to harmonise.

3. Any recommendation made by the relevant committee of the county assembly or resolution passed by the county assembly on revenue matters shall ensure that the total amount of revenue raised is consistent with the approved fiscal framework.”

The words here are:

- (a) consistent with the approved fiscal framework.
- (b) Takes into account the principles of equity, certainty and ease of collection.
- (c) Consider the impact of the proposed changes on the composition of the tax revenue with reference to direct and indirect taxes.
- (d) Consider domestic, regional, and international tax trends.
- (e) Consider the impact on development and investment, employment and economic growth.
- (f) It will take into account the taxation, tariff arrangements, and other obligations that Kenya has ratified, including under the East African Community Treaty.

The recommendation of the County Executive Committee Member for Finance shall be included in the report and tabled in the county assembly. There have been disparities due to the lack of a harmonised system between the County Executive Committee Members (CECs) and the county assembly. There was utmost autonomy by the County Executive Committees, which is detrimental to the work of the county assemblies.

Clause 4 of the Bill seeks to amend Section 133 to align the practice in the county assembly to that of the National Assembly in the consideration of the Finance Bill. This must be clear. The only Finance Bill that Kenyans are aware of is the Finance Bill by the National Assembly. They are not aware that every county assembly also has their own finance bill. This Bill seeks to realign this so that we have a replica of the Finance Bill in the county assemblies.

Section 133 provides that not later than 90 days after passing the Appropriation Bill, the county assembly shall consider and approve the Finance Bill with or without amendments.

This is very important. It will put an end to the casual way in which the county governments have been running their affairs. It will now be well aligned with the law.

In conclusion, this Bill contributes largely to the development of this country in the finance sector. It also contributes towards realigning the funds that come through provisions that are being introduced in the Finance Bill. I, therefore, urge the Members to support this Bill as it is.

Hon. Temporary Speaker, I beg to move and request Hon. Jared Okello to second.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Jared Okello.

Hon. Jared Okello (Nyando, ODM): I thank you very much for giving me the opportunity to second this Bill proposed by the Whip of the Majority Party, my brother, Hon. Osoro.

Indeed, there has been a disconnect between the budget-making process in the county governments and that of the National Assembly. This Bill seeks to create a level of uniformity in our budgeting processes. Most times, when the Budget is passed here and monies are appropriated to the county governments, you find that their budgets are not even ready. They push the National Treasury to give them money without necessarily having a budget for what that money is meant to do. Therefore, this is a very important Bill as it seeks to cure that kind of disconnect.

Additionally, counties do not come up with full disclosure. There are times when the money they receive as personal revenue or revenue mopped up by themselves in the counties, are never reflected in the final budgets. Those counties make so much money that we do not know about, and are able to run their affairs and yet, they push for sharable revenue from the National Government. In order not to devolve corruption at the county levels, governors and their respective CECs in charge of finance, must provide full disclosure so that we can know with exactitude how much is expended in those counties.

As it seeks to come up with a level of uniformity, this Bill also challenges counties to do the right things at the right time. Moving forward, we believe that there would be a level of sync between the National Government and the 47 county governments in their activities. That they will be reaching across the aisle so that, whereas they are independent in what they do, there will be a level of interdependence. That the county governments will listen to what happens in the National Government and, in return, the National Government will consult, aggressively, with the county governments.

I support and, therefore, second. Thank you for the opportunity.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Jared Okello.

(Question proposed)

Hon. Members: Put the Question.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Before I do that, I would like to take this opportunity to welcome students from Muthaiti Junior School from Gilgil Constituency, Nakuru County, who are seated in the Speaker's Gallery. You are welcome to observe the proceedings of the National Assembly this afternoon.

(Applause)

In line with that, I would like to invite Hon. Martha Wangari to welcome the students.

Hon. Martha Wangari (Gilgil, UDA): Thank you very much, Hon. Temporary Speaker.

Hon. Omboko is laughing because I have been receiving schools this week since Tuesday. Today, I am delighted because we are hosting a school that is not from town. Yesterday and the day before, we hosted Gilgil Day Secondary School but today, we are hosting a school from the rural area of Elementaita Ward in Gilgil Constituency.

Two weeks ago, I visited those young boys and girls and they were very excited to come to Parliament. I take this opportunity to encourage them to learn something from us. That is because in a few years, they will be the ones who will be sitting where we are. They are very excited today because they have sat in the Speaker's Gallery. I want to thank the offices of the Clerk and the Speaker for allowing them to do so, and making it possible. Since the events of 25th June, we are now seeing children in this Session. I hope we can keep it up so that they can learn from us as we also learn from them. As I was interacting with them outside, they were asking questions that one has to research to be able to answer.

Thank you for your indulgence, and for giving me this chance.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Martha Wangari. We can proceed to debate.

I would like to give the first opportunity to Hon. Rahim Dawood, Member for North Imenti. Is anyone interested in this? May I now put the Question? Hon. Members, is it the mood of the House that I put the Question?

Hon. Members: Yes.

(Question put and agreed to)

Next Order.

BILL

Second Reading

THE CULTURE BILL (National Assembly Bill No.12 of 2024)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Whip of the Majority Party.

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Temporary Speaker, I beg to move:

THAT, the Culture Bill, (National Assembly Bill No.12 of 2024), be now read a Second Time.

Hon. Temporary Speaker, firstly, I wish to commend the Departmental Committee on Sports and Culture for a job well done in this particular Bill.

This Bill was informed by Article 11 of the Constitution of Kenya, which recognises culture as the foundation of the nation and as the cumulative civilisation of the Kenyan people and nation. It commits the Government to promote all forms of national and cultural expressions through literature, the arts, traditional celebrations, science, communications, information, mass media, publications, libraries, and other cultural heritage.

Notably since Independence, Kenya has never enacted a comprehensive legislative framework to support the integration of culture and cultural heritage in the national development agenda. Kenya is, therefore, yet to fully harness the potential of culture, cultural property, cultural heritage, creative industries, and Kenya's cultural diversity to promote and enhance social culture, political, and even economic development.

Kenya's traditional values and morals have been seriously eroded, thus leading to exploitation of cultural diversity that fuels ethnic animosity and division because we are

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watering down our cultural beliefs and morals. Through the enactment of the Culture Bill 2024, Kenya shall be in a position to address those issues in a systematic and comprehensive way.

Additionally, this Bill is also intended to facilitate the implementation of international conventions and treaties that have been ratified by Kenya, including the International Conventions on Economic, Social and Cultural Rights (1966), the UNESCO Convention on the Protection of the World Cultural and National Heritage (1972), and the UNESCO Convention on the Safeguarding of Intangible Cultural Heritage (2003).

Hon. Temporary Speaker, let me give you an overview of this Bill. This Bill as presented before this House, has 33 clauses, and seeks to give effect to Article 11(2)(a) of the Constitution, which mandates the State to promote all forms of national and cultural expressions through literature, arts, traditional celebrations, science, communication, information, mass media, publication, libraries, and also through cultural heritage. This also aligns very well with the current education system, commonly known as the Competency Based Curriculum (CBC), which seeks to align students with their strengths.

The system aims to use the Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis which will give students a clear line of thought on what they would want to become in future. This particular Bill puts those particular elements of arts, traditional celebrations and science that involves our lives in place.

Parts I to IV of the Bill specifically, deals with preliminary matters, which includes the interpretation of key terms, and the object and purpose of the Bill. It aligns itself to Article 11 of the Constitution.

Clause 4 of the Bill sets out the guiding principles, which includes the national values and principles set out in Articles 10, 27, 201 and 232 of the Constitution, giving equal recognition, dignity and respect to all cultures, including cultures of minorities or marginalised people. Giving dignity to culture is very important. We must appreciate different cultures. We must appreciate that we come from different cultures and different beliefs. The Member of Parliament for Samburu is keenly looking at me because I am speaking to her heart. When you see people having their ears pierced, like what I see here with some Members, we should appreciate their culture and honour them as they are because that is what Parts I to IV of this Bill seeks to do. It is to appreciate one's culture, history and the reasons to why some practices are done.

Part 11 of this Bill, which is Clauses 5 to 19, establishes the management of culture in Kenya, which delineates the functions of both the national and county governments in clauses 5 and 6, respectively. Currently, by the mere fact that cultures have been left under the management of the county governments, there is really little that the National Government can do. This particular Bill, now, seeks to give distinct roles to both the National Government and the county governments as far as management of culture is concerned. If not keen, we are slowly losing our cultures because of several factors.

Clause 7 provides for the establishment of a cultural database by the National Government and by the county governments, which shall preserve information on culture and cultural heritage. This part also provides for the access to information so that one can learn and see what...

(Several Members consulted loudly)

Hon. Temporary Speaker, if you can protect me from the Members behind me. The Member for Thika is holding a meeting. Protect me from them.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Order, Hon. Members. Consult in low tones.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you very much, Hon. Temporary Speaker.

Clause 9 provides for the establishment of mechanisms for determination and payment of royalties to communities for the use of their culture and cultural heritage, which shall be guided by the impact, economic value, cultural value, whether it will be used periodically or continuously, and the effect among other key factors. Royalty is very important. As we appreciate culture, the revenue that is generated from such should have an impact on the society that lives within. Currently, very few communities enjoy royalties that are raised from the cultures in different areas. In particular, if you visit Maasai Mara, you will realise that the county governments have invested in the people that man the area, and who are not from the National Government. People pay to enter the park and see wild animals. The royalties that are enjoyed from such visits must trickle down to the communities that live in that area, and that is what Clause 9 seeks to include.

Clause 10 outlines the exceptions and limitations to compensation for use of culture and cultural heritage in the public interest. There ought to be compensation when we use our community's cultures.

Clause 11 of the Bill deals with procedure for the export, import, and transfer of inventoried cultural property under the supervision and direction of the Cabinet Secretary. Clause 12 prescribes the procedure for the application to the Cabinet Secretary and consideration of application for the conduct of research on any cultural property that is entered in the national database. Going forward, we should amend it further in the Third Reading. There is need for us to have cultural centres in every county, or in every ethnic group's area, so that our children can get to learn and know where we came from, and how their forefathers and grandfathers used to live then.

Clauses 13, 14 and 15 provides for the procedure for the registration of cultural property, the manner of notification when registration has been refused, and the validity of a register and certificate of registration of a cultural property.

Clauses 17 and 18 deal with the recognition, promotion and protection of cultural expressions.

Clause 19 of the Bill deals with circumstances under which a tangible cultural heritage shall be seized and disposed of, under this particular Act.

We then move to Part III, which is the final part of the Bill. It runs from Clauses 20 to 29 of the Bill. It sets out the offences and penalties, which include:

- (a) Theft of cultural property.
- (b) Sale of protected cultural property, whereby you want to enrich yourself with land that belongs to a particular community for cultural purposes.
- (c) Forgery or fraud relating to cultural property.
- (d) Damages to cultural expressions.
- (e) Exportation of cultural property without a permit.
- (f) Unauthorised removal of cultural property.

Those penalties attract a fine not exceeding Ksh200,000 or imprisonment for a term not exceeding two years or both. Other offences provided for in the Bill are:

Failure to comply with the conditions for the registration of cultural property.
Undertaking research into...

(Hon. Omboko Milemba spoke off the record)

I can hear Hon. Omboko seeking clarity on that point.

The Bill seeks to set penalties and fines for people who mess around with cultural property. You can be fined up to Ksh200,000 or sentenced to a prison term not exceeding two

years or both. As we move to the Committee of the whole House stage, Hon. Members are invited to propose amendments to increase the penalties, if they consider them to be too lenient or reduce them if they consider them to be too retributive.

Other offences provided for in the Bill are:

- (g) Failure to comply with the conditions for the registration of cultural property.
- (h) Undertaking research into cultural property without a permit. You cannot just go to a place to conduct cultural research without a permit.
- (i) Loaning cultural properties without a permit.
- (j) Damage to inventoried cultural property.
- (k) Wrongful possession of cultural property. As we move to the next stage, it is important for us to note that we will have to identify what can be termed as cultural property so that, you are not found with something you own and take pride in and yet, somebody says it is a cultural property.
- (l) Counterfeiting and misrepresentation of cultural property.
- (m) Use of images of cultural property without permission.
- (n) Providing false and misleading information under the Act.
- (o) Wilfully impeding or obstructing a person performing a function or exercising a power under the Act.

Hon. Omboko Milemba should be very keen on the penalties for those offences, which include a fine not exceeding Ksh500,000 or imprisonment for a term not exceeding two years or both.

The House is again invited to propose amendments as we go to the Committee of the whole House. Some Members feel like the two-year prison term is very little for such offenders and should be increased to five years. As it is, the penalties are a two-year prison term, fines or both.

I beg your pardon, Hon. Temporary Speaker. I had said that Part III is the final one in the Bill, but Part IV is actually the very final one. It runs from Clauses 30 to 33 and it gives the general provisions that are related to fees, charges and transitional matters.

The Schedule to the Bill provides for national cultural institutions such as the Kenya Cultural Centre, National Libraries, the National Museums of Kenya and the Kenya National Archives and Documentation Service. Some of those institutions already exist, but they are not well marketed in the country. Over time, there has been a lot of changes and people are moving towards modern cultures, instead of maintaining their history.

I had a chance to look at the Report of the Departmental Committee on Sports and Culture on its consideration of the Culture Bill. I am aware that the Committee will be proposing amendments during the Committee of the whole House. That is why I said that Members who intend to propose amendments are invited to do so during the Committee of the whole House. I agree with the proposed amendments by the Committee as they seek to bring better clarity to the Bill and to ensure that it does not conflict with the existing Protection of Traditional Knowledge and Cultural Expressions Act, Cap 218A.

In conclusion, I request Members to support the Bill because it will ensure that our culture, cultural property and heritage are embedded in all spheres of the national development agenda.

I, therefore, beg to move and request the Chairperson of the Departmental Committee on Justice and Legal Affairs *manenos* to second.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Proceed, Member for Tharaka and Hon. Chairman.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker. The Mover of the Bill and the Chief Whip of the Majority Party is being hilarious by

saying that the *manenos* of law are under the Departmental Committee on Justice and Legal Affairs.

Allow me to second the Culture Bill, which has come to the House, so that we can codify the law relating to various cultural practices in the country. This law is of great interest to most of us because our culture has a checkered history. This is especially, after the advent of the white man, who came over with extremely offensive opinions about it. Most of what we used to practise as Africans was declared to be repugnant and offensive to morality. As a result, we were convinced to abandon our culture and assume the white man's culture.

Time has come for the country to relook its position as regards culture and heritage. Especially, when it comes to the outright theft of our heritage by people who once told us that our culture was repugnant to the good order of human beings.

This is a timely Bill. We should look at it as a House. I encourage every Member to obtain a copy of the Bill, go through it and make arguments in support, so that we can preserve our culture and heritage. We should be able to earn a living from our culture and heritage where possible. I have looked at this Bill and it is extremely good. It begins by trying to define what our culture and heritage is. It also explains what would happen if you breached any provisions of that law and are convicted of those offences.

Our culture needs to be managed. Our traditional practices have, sometimes, been showcased during national events or other cultural events. Unfortunately, they are not codified anywhere. A person makes a cultural presentation, he is given a token payment or nothing at all, and the story ends there. We are now coming up with a culture inventory. If someone is caught trying to cheat another person out of their cultural practices, they will be committing an offence under this law and on conviction, they will face a fine. If they default on the fine, they may go to jail or get a fine and a jail term, simultaneously.

We are handing over the management of our culture to the National Government because we, sometimes, feel that the county governments may not have the capacity to manage our culture. However, they will play a role in establishing culture databases and identifying areas that will be codified as heritage sites.

Part II defines what the National Government and county governments are supposed to do. The requirement is to register and validate registration from time to time.

We have been given curious offences. I urge Members to look at Part III, which runs from Clause 20 up to Clause 29. I want to point out a few of the offences which I think are curious. Clause 24 states that:

“(24) Any person who intentionally damages or destroys an inventoried cultural property or artifact commits an offence and shall, on conviction, be liable to imprisonment for life.

Hon. Members, you have to look at this because it may be disproportionate that you be jailed for life if you ever commit any of the offences under Clause 24. The discretion of the court is taken away. We may just have to relook at it when we go to the Committee of the whole House.

Clause 25 is also interesting. It states:

“25. A person who is found in possession of cultural property to which he or she has no lawful right commits an offence”.

Again, we have to define what it means “to be in possession” because some cultural properties are inherited. They are inborn with the person. Therefore, you may not know when to license that property or not. One may be convicted of an offence which we know in law as *mens rea*.

Moving on to the powers of the Cabinet Secretary, they are to make regulations after public participation so that every person is informed of what is going to happen to safeguard our heritage and cultural practices.

Finally, I want to say that I come from a community that is extremely rich in culture. The Tharaka community in Tharaka Nithi County. That is why all of us congregate at a place known as Ura Gate near the Meru National Park for the Annual Tharaka Nithi Cultural Festival. While we attract as many visitors as we can, it is very interesting that there are no regulations on what happens. All we do is bringing in Tharaka dancers and their friends from the rest of the county, Meru County and cultures that surround Ukambani. That is all.

We need a law like this to tell us what to do, what not to do and how we are likely to benefit from such events every year. This is not just done by the Tharaka people, but I have seen it happening in Turkana, Maasai land and all over the country. Everybody comes up with an annual cultural event. Unfortunately, we have no law to guide that. Therefore, it becomes a free-for-all.

As we look at this law, it is important we look at what regulations are likely to be made. Eventually, we will be back on track away from the mentality we used to have - that, everything African is repugnant to justice and morality. That must end now. We should start seeing ourselves as a cultured people with our own culture that we must protect. I know there are areas that we may not have been right. Some practices were not good to the rights of human beings and modern practices. Therefore, we have discarded them. We have a lot more to protect under this law, including areas and places we have termed as heritages of certain communities that must be protected.

Thank you very much, Hon. Temporary Speaker. With those very many remarks, I beg to second this Bill.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Chairman.

(Question proposed)

Hon. Members: Put the question.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Before I put the question, I see there is some interest to the Bill. I request the interested Members to press the intervention button. I will start with Hon. Julius ole Sunkuli, Member for Kilgoris.

Hon. Julius Sunkuli (Kilgoris, JP): Thank you, Hon. Temporary Speaker. I support mainly because the Whip of the Majority Party has begged us to support. He mentioned that there is a broad-based government. I want to repeat that I support.

In reality, this should be called the Cultural Artefacts Bill. This is because it is protecting the use of cultural artefacts. There are offences given for those who will try to destroy cultural artefacts and things that fall within the tangible aspects of culture. I appreciate the Mover of the Bill for saying that we need to protect cultural artefacts, although culture is wider than artefacts.

I know there is a big guitar called the *obokano* which is played where Hon. Osoro comes from. Unfortunately, he is not listening because somebody is consulting him. We need to protect the *obokano* or the *kiondo* from Central Kenya so that nobody says they are their cultural artefacts. Even the things in Maasai land. Nowadays, we are happy that everybody wants to wear a *Maasai shuka*. We need a law to address benefits for those who have contributed to the culture of Kenya.

We should also try to prevent counterfeits of those things. One day, I went to a Chinese market at a place called Ap Liu and saw counterfeit Maasai beads there. We need a law to protect things made in Kenya. This Bill needs much work because it is not just about artefacts.

The first thing we need to do is to address the real issue. I do not understand why the Bill has created an offence called 'doing research without permission.' I do not know where the author of that offence comes from. This is because research promotes culture. Nobody

should ask for a permit to know the origins of the Embu or Coastal dances. The person should research, write, publish and sell books about that culture, so that it is known in and outside Kenya.

I will propose an amendment to remove seeking permission to research a particular culture from offences. There is never an excuse to outlaw research. It should be done. There should be no clearing house for research because we are giving authority to people who do not know particular cultures.

This Bill, brings out the real issues concerning culture in Clause 9. Everything on cultural law has been given to the Cabinet Secretary, in consultation with the county governments. For example, the Maasai people practise the Maasai culture. They live in Narok, Kajiado and Tanzania. Generally, they are everywhere on the map if you want to include the Samburu and Njemps.

I do not know why that jurisdiction has been given to county governments. We need a national policy because this should not be restricted to county governments. If we task a county assembly to make a law, does it become subsidiary legislation or the main law? Further public participation should have been conducted on this Bill, instead of saying that the Cabinet Secretary should make a law. There is need to have a national policy. In the Bill, the county government has been mandated to make a law in line with a national policy. However, there is no national policy on culture. It ought to have been incorporated in this law. A lot needs to be done to this Bill. We should keep building on it. I do not think enough public participation was done. It might have escaped all of us. We would have made suggestions on what to incorporate in this Bill.

All communities also ought to have contributed during public participation on this Bill. I do not think they were considered. The Turkana people had their cultural day a few months ago. I do not know if anybody approached them and asked what they want to be incorporated in this Bill. Also, the Maa communities held their cultural festival at Archer's Post. Nobody asked them what needs to go into this Bill. The Kalenjin people also held their cultural festival in Mount Elgon and nobody approached them asking what they want in this Bill. The coastal region has a very rich culture. That is culture being practiced everywhere by all communities. All communities should be asked what they want to be incorporated into this Bill.

Otherwise, a lot of work needs to be done. In honour of the Whip of the Majority Party who asked us to support this Bill, let us support it as a work-in-progress.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Next is the Member for Emuhaya, Hon. Omboko Milemba.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Temporary Speaker. I want to thank the Whip of the Majority Party for moving this Bill well and clearly. I also want to thank the Committee for bring the Culture Bill.

We still have room for improvement, for instance, on the role of county governments and the National Government. I think the role of the National Government should be given more emphasis because culture is supposed to unite Kenya. If we leave it to be managed in the enclaves and pockets like an earlier speaker alluded to, then we kill the spirit of using culture to integrate the country.

Another milestone is the issue of royalties. I really laud the Committee because foreigners use cultural artefacts and other expressions without paying. The Maasai people have suffered the most because their regalia and other artefacts are used. The issue of having a cultural database is a great milestone and has been highlighted in the Bill. This will assist us to keep track of what is going on within different cultures. There is the issue of artefacts transfer, among other things.

This Bill provides for creation of cultural centres in every county and registration of cultural property. I almost questioned the punishments proposed by the law, when some

cultural artefacts and other property are stolen. I think punishing a person who has affected an entire community and its cultural landscape by imprisoning them for two years or less or a fine of Ksh100,000 or Ksh200,000 is too lenient.

It looks like we are being casual in our intention to protect culture. Cultural expressions and artefacts are very expensive mementos. They can fetch very high prices elsewhere when they are retrieved. I come from the Abasiyekwe community which has a strong culture. They are the only rain makers in this country. In 1963, it was raining heavily in Nairobi and we wanted to get independence and so, they were invited to stop the rains. If somebody interferes with them and is only fined Ksh200,000 or an imprisonment of two years, that is too little. The community continues to make rain. They have a number of issues regarding what needs to be incorporated. This law should have provided a base to protect their culture so that it is not exuded by other people.

It also reminds me of the Tiriki in Vihiga, who have a very strong cultural base. They have their forests, expressions and landscapes which they use for circumcision. They will be circumcising this year and they need to be protected. So, we should not make the punishments casual. This is something we will discuss and make amendments.

This Bill seems to leave out certain aspects of cultural patrimony which goes beyond artefacts. This is to do with cultural expressions and the nature of culture itself. This law does not seem to go to that extent. It identifies and deals with items of culture, but you know culture also includes archaeological sites. How are we going to deal with archaeological sites that are the mother of culture and other cultural expressions?

There has been an attempt to protect culture using international law. This Bill is actualising some of those conventions that protect culture internationally. This is very good. One such convention is the Hague Convention. In Article 1, it protects cultural property and landscapes even during war. So, our Bill must encompass the broadness of culture beyond the artefacts and the physical things that can be seen or carried from one place to another.

Of course, not forgetting what this Parliament has always done, which is wrong. We often get tired when we are making a law and indicate that the Cabinet Secretary will make certain regulations or laws. This is not their business. This Bill has also taken that direction. Therefore, during the Committee of the whole House, we need to go into the details to ensure that we make a complete law even though culture is very broad. The law will be the beginning of protecting our cultural practices moving forward.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Next is the Member for Eldas, Hon. Adan Keynan.

Hon. Adan Keynan (Eldas, JP): Thank you, Hon. Temporary Speaker. This Culture Bill that has been introduced by the Leader of the Majority Party seeks to promote, preserve and institutionalise Kenya's rich and diverse cultural heritage. At the core of the Bill, it proposes the establishment of the National Cultural Heritage Council, a specialised body that will be tasked with the management, promotion and protection of Kenya's cultural heritage sites, indigenous practices and artistic expression.

The Council's work is to create a culture of continuity and harness the promotion of our rich cultural heritage. This Bill also seeks to create cultural preservation and revitalisation. Kenya is home to over 40 ethnic communities, each with distinct traditions, languages and artistic expressions.

Therefore, this Bill is timely because it seeks to safeguard endangered languages like Ogiek and Suba, which is the language of my good friend, Hon. Millie. It also seeks to protect sacred sites such as the Kaya Forest of the Mijikenda, and preserve the traditional craftsmanship like the Maasai beadwork and Lamu Swahili architecture. If you look at the face of Kenya, consider Hon. Millie Odhiambo and her Suba language and despite being influenced

by the rich Luo culture, they are still struggling. Therefore, we need to create a special place for them so that, in future, the Suba community will still be remembered.

This Bill will also boost tourism and economic growth. Cultural heritage is a key driver of heritage tourism, which significantly contributes to Kenya's economy. By promoting cultural festivals such as the Lake Turkana Cultural Festival, the Lamu Swahili Cultural Festival and historical landmarks like Fort Jesus and the Great Rift Valley prehistoric sites, this Bill positions Kenya as a premier cultural tourism destination. This, in turn, is expected to create job opportunities, support local artisans and attract international investment.

Once passed, this Bill will also strengthen our national identity and unity. Kenya is a diverse nation. I often say that Kenya is a collection of many nation-states. The rich historical and cultural heritage of those communities must be documented, contextualised and put in a form that can be easily accessed by current and future generations.

That cultural heritage plays a fundamental role in our national identity and cohesion, which is what this country needs. When colonialists brought us together with our diverse cultural heritage, we attempted to create a Kenyan culture in the form of one language, one heritage and one identity. But we are still struggling. This is something that we must prioritise as leaders: to cultivate a Kenyan culture, identity, dress, way of thinking and doing things. This will be unique Kenyan identification. Once passed, I hope this Bill will accelerate our shared history and indigenous knowledge systems.

The Bill aims to instil patriotism, encourage cultural pride and bridge ethnic divides. Ultimately, reinforcing the sense of being a Kenyan. This has been lacking. Over the years, we have had pride and this has affected our national unity. Kenyans are known for their resilience, focus and rich cultural heritage. However, we lack a law that helps us coalesce around that identity, project, promote and protect it.

We do not have a way of demonstrating the uniqueness of Kenyan culture both locally and internationally, thus making Kenya a unique tourist destination. Countries like Turkey, the United Arab Emirates and Japan benefit from tourism, despite the fact that they lack so many natural resources. We should not be in the same league as those nations by identifying and maximising our critical national heritage?

Over the years, the lack of a national identity has led to profiling, stigmatisation and division of a Kenyan society along regional, tribal lines and negative ethnicity. This has discouraged our identity as one united and sovereign State called Kenya. After Independence, we attempted to promote English at the expense of Kiswahili, our local and indigenous language. While English is a very useful tool as the language of white-collar job seekers, we also need to promote Kiswahili.

Kiswahili is a collection of many languages like Arabic, Turkish, Portuguese, Bantu and others. When we interact with our East African colleagues, particularly Tanzanians, we get lost. Which is the most refined version of Kiswahili? Is it the Kenyan, Tanzanian, East African or Central African version? Once passed, we hope and pray that this Bill will put together some of those issues and provide us with a clear identity.

There are clear gaps in this Bill that must be addressed. Currently, we have the National Museums of Kenya, the Kenya National Archives and the Kenya Film Corporation. The roles of those institutions must be clearly acknowledged to avoid any perceived jurisdictional conflicts. It is easy to legislate this Bill but, tomorrow, the National Museum of Kenya, Kenya National Archives or Kenya Film Commission may claim that it encroaches on their mandates. During the Third Reading, we must address this issue with the help of proper legal minds.

Once this Bill is passed, there will be need to build capacity. We have many academic professionals, but we need specialised people to help us with the implementation of this Bill. We have passed many laws but, at times, enforcement becomes a problem. In 1999, I had the

privilege of serving in the Departmental Committee on Finance and National Planning and we went to Malaysia for benchmarking...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I will give you two more minutes as you have served this House for five terms.

Hon. Adan Keynan (Eldas, JP): Thank you, Hon. Temporary Speaker. When we went to Malaysia for benchmarking, we were with the late Hon. Michuki and others. We were welcomed by the Deputy Speaker and the Clerk of their Parliament. We were asked for documents to improve the facilities in Nairobi and many other urban centres. Shockingly, the Clerk went to the library and gave us a document they borrowed from Kenya in 1974. We were told to use the same document for benchmarking.

I will not be surprised that this Bill and many other Bills are similar to those in our archives. It is very easy to pass this Bill, but are we ready to implement, domesticate and enforce it? That is what we lack. We are very good with theories and legislations but, when it comes to implementation, we are not good. This is a good Bill. I hope and pray that once it goes through the Third Reading, it will meet the test of time.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Before Hon. Johanna Ng'eno speaks, I want to give an opportunity to the Minority Whip. So, let us have Hon. Millie Odiambo and then Hon. Johanna Ng'eno.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker, for indulging me. As I requested, we are having a meeting with different State departments on the Budget Policy Statement (BPS) and so, I have to go.

I support this Bill. There is definitely a need for cultural preservation. Culture shows our identity as a people. Those who do not preserve their culture are lost because they do not know who they are. I do not want to adversely mention a friendly country. Of late, I have been to many countries.

I can tell you there is one country that has built a new city and, looking at it, something is lacking. It lacks a spirit because it has no culture. They have done so much in the last five to modernise it, but that aspect does not show where they are coming from. That city feels empty. It does not have a spirit because it does not show what the people were like. If you look at a city like Marrakech in Morocco, it shows where they came from. It is so beautiful and shows their culture, although culture is not just manifest in the physical. I like this Bill because it is showing that it is also in very different aspects, including language.

As a person who is a cultural minority, I know what that means. I am born a Suba and my father is a Suba. I have seen in my generation how that has transformed over the years. My grandfather has a Luo and a Suba name. All the people ahead of him had Suba Bantu names. All of us from my grandfather down, have Luo names. We lost our Suba names. Fortunately, the language has been restored. So, the Suba speak Lusuba but not all of them. For a fact, we have almost lost all the culture in relation to Suba, except a few. I want to thank the organisations that have been doing cultural events that seek to sustain the little that is remaining of the Suba people. I am a very proud Member even though I am both Suba and Luo, because my mother is Luo. I love that we have preserved both the Luo and the Suba cultures.

In this Bill, there is the issue of intellectual property rights on our culture. We need to strengthen this because so many people have been appropriating our cultural issues. For example, our cultural dresses are sold for a song and yet, that is who we are. In the United States of America (USA) there is a very big issue called cultural appropriation. That, when you see people doing or saying things that is not theirs, they say they do not want to culturally appropriate. In the same manner, we need to use the same terminology and criminalise cultural appropriation or find a way to preserve our culture. There are things which are very important

to us that other people wish to appropriate. There must be a way in which they must pay back to our societies.

I can tell you for a fact that when I go outside, I wear this band on my head. In Kenya, people just say I like it because it is an insignia. It shows whom I am and in many communities in Kenya, we have it. Only that I have modernised mine. In the Luo culture, if you see me doing the beaded one, it is called *ligisa*. This is worn by women in leadership. So, if you see me wearing it, in my culture, it shows that I am a woman leader. Since we do not take it seriously, when people see me, they think it is a fashion statement. Yes, it is fashionable, but also cultural. It is not just worn by the Luo community, but by very many communities. We also need to see how we can link culture with tourism.

I want to thank Parliament for recently organising a very good training on Public Private Partnerships (PPP). One of the things that I picked is the immense potential of linking tourism and culture. Together with my husband, we recently visited a place called El Nido in the Philippines. We paid quite a bit of money to do things we can do here in Kenya very easily like cultural immersion. It is like visiting a spiritual centre like Atego Island or the Two Bird Islands in my constituency and Mfangano Island, amongst others. We have a lot in our culture that we can use to encourage tourism.

However, I have a rider in relation to this Bill that we must strengthen. That is the issue of harmful cultural practices. The Constitution outlaws harmful cultural practices. I want us to strengthen the clauses of this Bill that deal with harmful cultural practices. Even though we allow cultural practices, some are harmful such as female genital mutilation, beading, forced wife inheritance, early and forced marriage of young girls.

There are people in some communities who want to justify those practices. Before I came here, I used to represent many young girls and women in court. I remember one time when we were in Kajiado Court and the Children Act had already been passed. We arrested some old man who had married a 10-year-old girl. When we went there, he said: "This is allowed in my culture". We told him: "This cannot be allowed! It is no longer permitted by law." Then he asked: "Did Hon. Saitoti know that you passed such a law?" He thought that he would have stopped us from passing such a law which was stopping him from marrying a 10-year-old girl. So, because of that, we must put a rider. That even though we have culture, there are certain cultural practices that are retrogressive.

I want us to enhance the historical bit where we have distorted culture. If you look at our historical issues, you will discover, for instance, amongst the Luo community, women were really respected and exalted. But now people are doing the reverse. If you look at the bigger clans in Luo, they start with a female name. It is almost like the House of Mumbi. We start with the Kanyamwa, Kanyadoto, Kanyakela, Kanya something! They are all about women. But now, we are being told women cannot lead. Who told you women cannot lead? We are in charge of clans. So, why can we not lead? We must put our history correctly because it respected and exalted women.

I am very happy the House of Mumbi has kept this. That is why you see many women in Kikuyu land get elected. It is because they preserved that history. But in some of our areas, we are losing this. So, we have people creating their own stories about their culture.

I support this Bill and will look at it more keenly, to see if the areas I have spoken about are well covered. If not, then I will bring amendments.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Rachael Nyamai): Thank you. Hon. Johanna Ng'eno.

Hon. Johana Kipyegon (Emurua Dikirr, UDA): Thank you, Hon. Temporary Speaker. I wish to contribute to the Culture Bill that is before the House.

Culture means many things to most of us, especially those of us who were brought up in a very serious cultural background. While growing up, a friend of mine who was a teacher

told me that a cultured person is uncivilised to the extent it was believed that following your culture was primitive and backward. With time, we realised that the colonial governments brought their culture to Africa. There is no difference between biblical writings and what our people used to believe in. It is only that ours was not in written form. We used to pray to the same God. We believed in the same God, only that the names were different. The God we believed in is the same one that the Bible teaches. Our culture, in terms of prayer, behaviour, and male circumcision were thrown out because somebody else wanted us to adopt their culture and forget ours.

Culture defines who we are. It is our background. It is something that we must live with. We must find ways of promoting our culture so that it can be handed down from generation to generation. Culture is the heartbeat of humanity. Almost everybody was brought up in a certain culture. Even those who were brought up in Nairobi would go back to their culture and be taught about how their people used to behave, and the kind of clothing they wore.

I support the Bill because it touches on how to protect our cultural artefacts, national identity, and how to preserve our culture. Artefacts are tools which were used by our people. Each group and community had its own artefacts. They ranged from clothing to the artefacts they used when they were going to pray, to pacify their enemies, to appease their gods, or to give blessings. They also included artefacts that were used during traditional circumcisions, or when elders were having their drinks, unlike the current kind of drinking. Those cultural artefacts must be protected by all means.

At the beginning of the late President Kibaki's first term in 2003 or 2004, I remember that the Kalenjin community had lost a very great warrior, overseer, and Chief Orkoiyot called Koitalel Samoei. They petitioned the Government to ensure that the colonial government returned the artefacts which had been looted and taken to their country. The late President Kibaki helped that community to bring back their artefacts. However, they did not surrender the skull of the Orkoiyot. Those artefacts hold great meaning to the communities where the Orkoiyot came from. That is why the colonial government needed to bring back those artefacts. Many of our communities' artefacts were confiscated by the Europeans, like the three-legged stools, which were used for prayers and blessings. Others remained and are still in our homes. The Bill will protect against the misuse, looting, and stealing of artefacts that were used for our traditional ceremonies.

Culture also touches on clothing. Every community in this country has its own traditional clothing. I hope that this House will one day introduce a cultural day for Members. We all come from various backgrounds and communities. We can decide on a cultural day where every Member of this House will put on their cultural clothing the way our communities used to dress in the past. We all have cultural dresses which fit us so well and are so good. You will be shocked to see how beautiful our ladies look like in those clothes. You can also imagine how handsome the men will look when they put on those clothes, which are different from what we wear in Parliament. When we put on...

Hon. Irene Mayaka (Nominated, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I know Hon. Irene Mayaka is next on my list. Do you have a point of order, Hon. Irene Mayaka?

Hon. Irene Mayaka (Nominated, ODM): Yes.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Please, proceed. What is out of order?

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Speaker. The Member is out of order because he is telling us that we only look beautiful when we wear

cultural clothes. What does he mean? What is he insinuating? Is he trying to say that we currently do not look beautiful? He needs to withdraw his statement.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I thought he could address the first point of order. Member for a Emurua Dikirr, what do you have to say about that?

Hon. Johana Kipyegon (Emurua Dikirr, UDA): I will address the first one, as well as Hon. Millie's point of order. I know what she is...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): You cannot address her point of order and yet you have not heard it.

Hon. Johana Kipyegon (Emurua Dikirr, UDA): Hon. Temporary Speaker, all I said is that our ladies will look even more beautiful when they put on their traditional dresses, just like our men will be more handsome when they put on their cultural clothes. Our ladies are beautiful, but they will be more beautiful in their cultural dresses.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): There is another point of order by Hon. Millie Odhiambo. Please, take your seat. What is out of order, Hon. Millie Odhiambo?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker, for giving me the opportunity to contribute. I am just worried that the Member seems to be suggesting that we should come to Parliament half-naked with just something small underneath. That is how we dress culturally. We used to be naked with something small underneath. Is that really in order? Is that what he is implying? The world is evolving and that is part of culture. Are you suggesting that Members should come to the House naked?

Hon. Johana Kipyegon (Emurua Dikirr, UDA): Hon. Temporary Speaker, we should be proud of our culture, regardless of what it looks like. As a matter of fact, when you look at the dressing we have today, our ladies are almost naked and yet, that is not even our cultural dress.

Let us be proud of who we are and where we come from. That starts from our artefacts dress, food, and the sites that we visit. Our cultural sites are more appealing than even the National Assembly where many people come to visit. We would go for cultural prayers in places that were more soothing than any other place. All I meant was that our ladies are beautiful, but they would be more beautiful if they put on their cultural dresses.

Thank you.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Well, you have done very well to defend yourself. Hon. Irene Mayaka, the Floor is yours and thank you for your patience.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Speaker. I also support the Bill and it is well placed before the House. It puts meat on the bone of Article 11 of the Constitution. It speaks about protecting, promoting and defending our culture. However, it does not give us a structure regarding how to do that in a manner that will ensure all cultures in our country are protected. The fact that we have a variety of cultures as a nation is a good thing. We can showcase the different aspects of who we are as a people of Kenya. Just as a few Members have said, most of us are city-born children who did not have the opportunity to interact with our culture. We do not understand it. Unless one had parents like mine who made sure that I knew our traditional dances, liquor, and various other traditions of the Abagusii community, they cannot interact with their culture.

This is a very good coincidence. I know you skipped the order on statements. My request for a statement alludes to the protection of cultural sites that the Abagusii, especially in Nyamira County, have. For example, we have a place in Manga Hills, a seemingly bottomless pit called Engoro ya Manga where it is said that when you drop something in that particular pit, it will go all the way up to Lake Victoria. That is one of the sites that our people behold. We have cultural stones there that look like people. We have cultural huts there where

people go to pray. When people go to visit Manga Hills, the men dress in suits out of respect of the site. When they are there, the men pray for the community and their families. These are some of the things that should be protected and preserved so that our children can get to learn about them in future.

Another thing that I like about the Bill is that it speaks about our languages. Most of our children cannot speak our local languages because of their schooling and because they were born of parents from different communities. Unless parents deliberately go out of their way to teach their children their ethnic language, their children will not speak it and yet, that is one of the things that we need to reserve.

I want to speak about some clauses that have really stood out for me in the Bill. For example, Clause 9 of the Bill speaks of establishing royalties. That is very important. We do not want our cultures like the Maasai *shuka* and the sisal skirt that the Luos use to dance in their traditional dances to fade away just because they are not protected by royalties. We do not want our traditional alcohol, *ebusa* – and I know different communities call it by different names – to also disappear as well.

Clause 10 speaks about compensation of peoples' culture. I am very interested about this clause. I would like to see a situation where, if you go to a wedding and people are dancing to, for example, the *obokano* or *ribina* song and dance from the Gusii community, royalties are paid back to the Gusii community. We use *ribina* dance when we are inviting rains to our community.

Clause 11 speaks about exports and imports of products. That is very interesting. Again, I will be biased in terms of giving examples from my community, the Abagusi community. We are famously known for our soapstone culture. Different items are made out of soapstone. However, that is an art that is slowly disappearing. We now have a situation where it is individuals that are doing exports instead of communities so that the people out there will know that when they get a salt shaker, a tot glass or a mug for drinking made out of soapstone, it would have come from the Gusii community in Kenya. If we can have a way of ensuring that those objects of art are engraved and their royalties protected, it will be a fantastic thing.

Clause 18 speaks of promotion of culture. I want to connect this clause with the *Utamaduni* Day. Even though we have the national celebrations for the *Utamaduni* Day, that celebration should be devolved to different communities so that during the national day, we know as Kenyans that all of us are celebrating our different cultures. I also like the fact that we will have cultural centres if the Bill is enacted to be an Act of Parliament. That will mean that, if one goes to Nyamira, Baringo, Kirinyaga and Samburu counties, there will be a place like a museum where they will see different artefacts.

In Nyamira, we have a restaurant that the owner has set aside an area where customers can go in their traditional huts. While there, they can see how *busaa* is made, they can eat traditional ugali and traditional vegetables like *chinsaga* and *managu*, and also see the setup of the Gusii family where, for example, the elder son, the younger sons and a wife would stay in the homestead.

However, having talked about the beauty of our culture, I want us to be very careful about the promotion of retrogressive culture. We need to check the Bill to confirm if it talks about retrogressive culture. If it does not categorically speak about retrogressive culture, then we can have it captured in the Bill. An example of a retrogressive culture for us is the female genital mutilation (FGM) practise. That is definitely not a culture that we would want to promote. So, we have to be very careful and ensure that cultures that are retrogressive are not encouraged.

I want us to celebrate the Bill. I do not want it to be one of the Bills that will be assented to and put somewhere in a shelf. My wish is that – and I know that the majority party represented by Hon. Naomi is here listening – the day that the President will assent to this Bill,

there will be a celebration awareness of all the cultures in the country at State House, so that everybody in the country is aware that we have a law in place that protects our culture. We do not want a situation where, when you talk about this law outside there, everyone asks you when it was assented to. So, its awareness and communication out there have to be extremely powerful so that everyone is aware of it.

Finally, I like the concern that has been voiced here about Kenya not having a national outfit when we have national functions or when our athletes represent us out there. At least, at the Paris Olympics, we had some sort of a national dress that was worn by our athletes, which portrayed the Maasai culture. It excited a majority of participants from other countries who recognised team Kenya for having a beautiful outfit. I wish we had adopted it as the national dress for our country so that anytime we represent the country, we wear it as our national outfit. Having said that, I support the Bill and I submit.

Thank you.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Thank you very much.

Hon. Ferdinand Wanyonyi, the Member for Kwanza.

Hon Ferdinand Wanyonyi (Kwanza, FORD-K): At long last! Hon. Temporary Speaker, I want to take this opportunity to first of all thank all the Members who have contributed to this Bill. They have exhausted the Bill. As the previous speaker has just mentioned, we should take action during the Committee of the whole House. When the President assents to this Bill, we must move forward. There are so many things that have gone wrong. I am a little older than some of the Members here and I can tell you things have gone out of hand. In the next 50 years or even 20 years, Kenya will not be the Kenya that you and I would have admired to be in. Things are going haywire. I come from Luhyaland where we had very good cultures like the Luhya circumcision ceremonies. We had a special way of going to circumcision. Today, it is a laughing stock. I want to agree with somebody who has mentioned something about those days. I saw those days through my elder brothers and neighbours.

One walked to circumcision naked. You would go to a river and then walk for almost two or three kilometres to your home after circumcision in the open. Nothing like that happens today. Things have gone off. Those days, in fact, as recent as two to four years ago, a married boy could not greet his mother-in-law. It was not for anything else but respect. Today, he can go and hug the mother-in-law, which is actually wrong. It is not supposed to be like that in our culture. We have a problem. We must protect this country.

I have a specific case of the Bomas of Kenya. Those who have not gone there should do so now. It is no longer the Bomas of Kenya we used to know. It was an area of cultural preservation. The Bomas of Kenya is no more. Bomas of Kenya had the culture of the Maais, Kikuyus, Luos, Luhyas and others. You could see that culture is very impressive. You would go there and pay money and then you are allowed to be there for some time. You would get back saying: "Okay, this is how this community behaved." Again, that is gone. Things are not the same. Now, it is just a business area and other things are going on.

I was asking my colleague here about the Ministry concerned with culture and sports. We should revive it and give guidelines to preserve and maintain our most important cultures. For sure, I know people now want to behave like the *Mzungu* colonialists who came to Africa. Again, that is now something under the bridge. We just have to behave our way. In Luhya culture for example, a child going to marry had to pay almost 13 cows. There is nothing like that today. There is nothing like that. Actually, a Luhya boy marrying a person from another area paid money before the wedding. Today, it is no longer there. They talk of just understanding each other. I do not want to mention my brother who was getting married. We should do something about it.

I ask Members of Parliament to have very good interventions when the Bill comes to the Third Reading. It can correct some of the areas we feel should be corrected. It is for the

interest of this country. It is not about our personal interest. That way, we will maintain our culture to be distinct from other people. You will see people behaving differently, if you go out there in the world.

[The Temporary Speaker (Hon. Rachael Nyamai) left the Chair]

[The Temporary Speaker (Hon. Omboko Milemba) took the Chair]

As you take over the seat, note that we should have a full House during Third Reading of this Bill. Let us look at areas where we can give some inputs and see if the culture of this country can improve through a specific Ministry. Do not just put up a Ministry in charge of culture and social services and sports or whatever it is. It should be able to take up some of the roles we are talking about, and see what it can do.

Last but not the least, county governments and the central Government of this country should work in collaboration to maintain some cultural centres. Some exist in certain areas, but they are neglected. County governments should revive them for the benefit of our future so that we have a good historical background. What will our grandchildren write about Kenya? It would be nothing. We want cultural centres revived and protected through the Ministry of Sports, Culture and Heritage. County governments should replicate to have similar ministries or departments. That will maintain those areas because it is important that we keep those people in place as soon as it is possible.

Once we are through with the Bill... It says that anybody caught destroying any of those cultures should be punished with fines. You paid a lot of money to visit the Bomas of Kenya. The Ministry of Sports, Culture and Heritage got the income. Similarly, anybody interfering with any of those cultural centres should be fined. Those days, people were fined through *wazee wa mtaa*. Communities can come up with whatever method. Again, we have to revive that for the benefit of our country.

I take this opportunity to thank the Leader of the Majority Party for coming up with this Bill. It is very timely. I hope and pray that we will support it to the last stage when His Excellency the President puts a consent on the same and have it implemented immediately. I thank you and support the Bill.

The Temporary Speaker (Hon. Omboko Milemba): Hon. John Waweru.

Hon. John Kiarie (Dagoretti South, UDA): I must thank you profusely for giving me this opportunity. Secondly, I have to say that this is a very laudable effort by the Departmental Committee on Sports and Culture under the leadership of Hon. Daniel Wanyama.

We are discussing culture. In this context, we are actually going into the heart of a discussion for the fight of the soul of our people. It has been said before that if you want to disenfranchise individuals, deny them their mother tongue and take their father's name. The language people speak houses everything - call it beliefs, truths or identity. You deny one all that, once you deny one their mother tongue.

An individual finds identity in their father's name. To that extent then, the *Swahili* are very right when they tell us *mwacha mila ni mtumwa*. The vessel we are calling culture carries a peoples' identity, history, beliefs, and even their truth. We refer to our mother as "maitû" in the culture I come from. This name is two words if you extrapolate it. There is "ma" and "itû". 'Ma' means the 'truth' while 'itû' means 'ours'. Therefore, in essence, the name mother means "our truth". That is why you find that the Kikuyu culture is unable to thrive in this patriarchal society. By its very formation, the Kikuyu culture was not supposed to be patriarchal.

In fact, we all believe that we came from 'Mûmbi', the creator. Mûmbi is the only name humanity shares with God. As the Kikuyu-speaking people, it is the only word in our dictionary that man shares with God.

I have to say that the tragedy we seek to remedy by having a Bill that gives a framework to protect our culture has to do with us finding our way back. The Kikuyu would call that *gũchokia rūi mũkarō*. This means making sure that the river gets back to its cause. This is because, as we speak today, we have been knocked off our track of organic cultural development and civilisation. This happened in a very systematic way when an ‘individual’ showed up in our country carrying four very dangerous things; a Bible, a gun, education and a government. With that, they rubbed off our cultures to the extent that today, any individual who professes the Christian faith can give you the lineage of one, Jesus Christ of Nazareth, all the way back to the house of David, Abraham, and his son Isaac and the creation story of Adam and Eve. They can give you a chronology of who gave birth to who up to the 10th generation.

However, I struggle to give my own lineage beyond seven generations. I might profess that I am Kiarie, Kiarie wa Waweru, Waweru wa Ng’ethe, Ng’ethe wa Ngechi, Ngechi wa Kang’ora. However, five generations down, I get lost. As such, whatever it is that was housed in the language that I speak, faces a great danger today. I might be the last of our people who will speak the language that my father and mother spoke.

To that extent, the discussion this afternoon is extremely important, when we juxtapose it with where the world is today. Currently, two great things affect culture in the world. One, globalisation and two, technology. These two things work hand in hand that, as we speak, there are large language models being developed using data that is scraped off the internet to form emerging technologies in Artificial Intelligence. 46.5 per cent of the data of the language models in the world of Artificial Intelligence and emerging technologies is in one language, English. German follows closely, and then Russian. At what point will my Gikuyu or Kamba language from my lineage be on-boarded onto this new development of the fourth industrial revolution? In my opinion, there is cultural appropriation going on. Throughout the history of our country, there are artefacts that have been plucked out, taken into exhibitions and monetised in museums abroad.

When the two male man-eating lions of Tsavo, that did not have a mane – a spectacle to behold – were shot by one, John Henry Patterson, they were then taken to some museums in Western capitals, where they are to date. We are told by historians that one Koitalel arap Samoei was decapitated and his skull taken to museums abroad. Those museums charge an entry fee. There are researchers who carry out research out of the data in those museums. However, is the Tsavo community benefiting from the appropriation of that culture? Are the Kipsigis people benefiting from their leader being exhibited in a museum for close to a century now, and some more years to come? Therefore, there is need for a comprehensive legislative framework to support the integration of culture so that cultural properties heritage in this country are given a priority.

Hon. Temporary Speaker, the critique to this Bill is that it is devoid of specificities. Its format and style are big on cultural artefacts. However, culture is larger than artefacts. There are many elements of culture that are not covered in this Bill, as it is. The options that we have, as a House, is to either pass it as it is and then amend it later. Alternatively, during the Committee of the whole House, we can use the existing clauses or introduce new clauses so as to cover a wider definition of culture beyond ‘cultural artefacts’. Since the Bill is big on cultural artefacts, we may not focus on intellectual property issues. Matters on intellectual property in the Bill are a bit shallow. We need to know whether that shall be covered in subsequent or subsidiary legislation or, maybe, in a regulation, or there shall be another Bill that will take care of intellectual property.

Finally, it is important to note that the essence of this Bill is urgent. One, for the preservation and protection of our culture. Secondly, and most importantly, this House ratifies international treaties and conventions. The treaties that we have ratified, some by United Nations Educational, Scientific and Cultural Organisation (UNESCO) and many others to do

with culture, have been given life and effect by us processing a Bill that takes care of culture. The passage of this Bill also gives effect to Article 11 of the Constitution.

Hon. Temporary Speaker, for those reasons, I support the Bill. Further, I seek to move amendments during the Committee of the whole House. I thank you very much for giving me the opportunity.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Christine Ombaka.

Hon. (Dr) Christine Ombaka (Siaya County, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to what is very important in our lives; a Bill that deals with culture and definition of culture.

What is culture? It is a way of life as lived by a people at a particular time in history. It is the language we speak, the song we sing, the dress we wear, the food we eat, and the sports we engage in. Everything about our lives is culture, but the main definition is that it is a way of life as lived by a people at a particular time in history. This means that culture evolves. It is dynamic and, thus, changes from time to time.

Our forefathers had their own culture, which has since changed. We have acquired new culture and dropped the old one. We have also acquired new methods of survival. Language also dies and once that happens, that culture ceases to exist. It is important to realise that culture is our identity. If it dies, we also die. Culture is cardinal. It is in our lives. It is part and parcel of us. It is in our gene that if it is absent, we are not human beings.

Our cultures, especially for African and Kenyan tribes (all the 45 tribes) are very important. Unfortunately, they were interfered with in the past through colonialism. They are still being interfered with even now. Our culture is still changing. It is not as it was in the past. However, we need to preserve our culture because it is our identity. We will be the laughing stock if we do not preserve our culture. If I lose my Dholuo language, where will I belong to? What will people think of me? Our children are losing our culture, but we do not seem to care. We do not give a hoot about the language that our children speak today. They mix up English, Kiswahili and a bit of their local language. Sometimes, they speak pure American English and yet, they cannot even utter the words, 'Asante sana'. They cannot speak Kiswahili because they speak the European languages. As parents, we have also failed to preserve the culture of our people because we enjoy seeing our children speak British or American English.

We have tried in this country to preserve culture through the museums that we have. But, unfortunately, again, they have been made shallow. I was a member of the Departmental Committee on Sports and Culture in the last Parliament, and we had a chance to visit a number of museums. It was shameful to see how shallow and empty they were. There was nothing that would indicate the culture of our people. They were scanty, too old and torn apart. We need to create or come up with what we can show to our children as part of what is in the museum. The museums do not have the right things. They are too old and broken apart and nobody seems to put money there to ensure that they have items and artefacts that are required for our understanding of the past.

The school system has tried because we normally have school music and drama festivals. Those are events that help us nurture the past and bring it out. Our children wear traditional clothes as they sing in the competitions. However, it is just for competition and the story is over. We do not carry it forward. Do we care about the clothes that we used to wear in the past, and keep them or preserve them somewhere in the museums? It is just for events, say, one or two days and it is over. Unfortunately, we do not celebrate our culture. We need to do that constantly. We also have Heroes Day in this country. We celebrate our heroes and other people of the past. We remember what they did for us, and how great men and women they were. Indeed, we celebrate them. At least, there we conquer. We have done well because every year we celebrate the great men and women of this country, of the past and the present. They have done marvellously well.

Last December, in my community, we had a two-day Piny Luo celebration. It simply means the Luo world. We invited guests from all over. We were tracing the history of the Luo people right from Sudan, and how they spread out in so many countries in this world. They are in Uganda, Tanzania, West Africa, and in many other countries. Many people came to celebrate the Luo culture at that time. There was music, good food from time back, and men and women who know the history of the Luo movement from Sudan to here. Even today, we are burying and praying for a great professor, Bethwell Allan Ogot. He wrote a lot about the Luo culture in many books and articles. In one of the presentations last December before he passed away, he told us about the power of women and how women were highly respected. A number of people who led the Luo movement from Sudan were women. He highlighted the role that women played in the history of the Luo people but, somehow today, we are losing it. Nobody cares about the role that women played historically in various movements, including historical movements, wars and so on. We need to appreciate and make sure that we conserve their names, activities, and the roles that they played.

It is, therefore, very important that this Bill must be supported because it will help in preserving a culture that is dying. The Kenyan culture is rich. We are 42 communities and that does not mean we are divided. It simply means that all those communities with their cultures can make us very strong as a united nation. Kenya is a united nation with 42 communities forming a nation. So, we need to celebrate the 42 cultures that we have. I know culture is dying, but we need to still fight very hard to protect it. We need to protect Got Ramogi, a hill where our ancestors settled when they arrived in Kenya many years ago. Nobody should go to that land and start digging and treating it like it is their own. It must be protected and nobody should interfere with it.

We have the Kikuyu *Kiondo* and somebody brought up the issue about it in this House. Some European countries have grabbed and called it their own. It is owned by the Kikuyu because that is a traditional basket that they weave and it is part and parcel of their identity. Interestingly, some foreigners have grabbed it and made it their own. So, that is where the catch is. We are losing what we have to the European countries. We need to grab back our culture that they have taken and are making so much money from it. We need it right here because if we do not watch it, they will grab everything and they will take us back to their country and make money out of us. We recall slavery. Very soon, they will pick us up and take us over there as they are taking some of our property that we need to protect.

I would like to conclude, because I am rushing somewhere else. I support this Bill very highly. I am supporting our identity; I am supporting our way of life; and, I am supporting the Kenyan people who are protecting and fighting for their communities, values, and their way of life as lived by a people of today's culture.

Thank you for giving me this opportunity, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Naomi Waqo.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you very much Hon. Speaker for giving me this opportunity to contribute to this debate that I like. The Culture Bill 2024 has been moved very ably by the Whip of the Majority Party. I have been listening and I am one of the people who love their culture and just get excited about it. I have been so excited this evening seeing that there are many people like me.

I support this Bill fully because it is informed by Article 11 of the Constitution of Kenya, which recognises culture. Culture is the foundation of a nation. It is the cumulative civilisation of the Kenyan people and the nation. It commits the Government to promote all forms of national and cultural expressions. In fact, what excites me is that all forms of national and cultural expressions are through literature, arts, traditional celebrations, science, communication, information, mass media, publications, libraries and other cultural heritage. We are who we are because of our cultures. Our behaviour, dressing, way of expressing

ourselves, and even the way we interact with each other and socialise is because of the strong foundation that is based on our culture.

Unfortunately, today we keep losing. Many people say culture is dynamic but we do not have to lose our good and beautiful culture. As I was growing up, one test that any young man or woman had to go through was that any time a visitor came to your home, you had to say your name, your father's name, your grandfather's name and continue up to the last generation. After that, you had to tell the visitor your clan and the age set of your parents and your own. By the time you finished that, you would have passed the exam. By the time you went through that interview, everybody knew that, yes, this child had been brought up in a good way or was being brought up in a good way. Those are the things we can no longer find today. When I went to Norway in 1997 to pursue my master's degree, the first thing I noticed was the presence of many Oromo speakers from our country. I had my first and second-born children with me, and we always spoke proudly about Kenya, speaking fluent English in everything that we did. However, within a few months, we realised that speaking our own language was the best thing we could have done for ourselves. Within three months, we brought our children back and started speaking our language, which added value to our lives. Whenever we interacted with other Africans, we spoke our language, and everyone celebrated with us. Since then, speaking our language at home has become our priority.

Practising good cultural practices is another thing we have always done. The more we practise our good cultural practices, the more we will grow our country and keep our valuable heritage - something that people in the Western world today do not have. We have 42 different ethnic groups. In my own county, we have 14 different ethnic groups, each with its own unique and special cultural practices. The more we do this, the better it will be for us as a country.

I support this Bill because it is important for us to recognise that since Independence, Kenya has never enacted a comprehensive legislative framework to support the integration of culture and cultural heritage in the national development agenda. Those are many years despite the potential in our cultures and beautiful practices. Even before we were born, although Christianity and, perhaps, Islam were not there, our fore-fathers used to pray to God, and they did many things. I remember they used to tell me that even during the drought season, like now, the elders and spiritual fathers would go somewhere, pray and command that it rains. And it always did! However, today, we do not see that because we are no longer practising those traditions.

Hon. Temporary Speaker, it is too late. In fact, this Bill should have been introduced many years ago so that our young people can enjoy it and we could harness the potential of our culture. I support this Bill because of its intention. The Bill seeks to facilitate the implementation of international conventions and treaties that have been ratified by Kenya. This will take us to another level. We will make our people proud of their culture and also make use of the elderly among us now, so that they can bring forth the beauty of our culture.

I support this Bill because Clause 4 sets out the guiding principles, which include the national values and principles outlined in Articles 10, 27, 201 and 232 of the Constitution. It also gives equal recognition, dignity and respect for all cultures, including those of the minority or marginalised people. This is where I belong. For many years, we have been marginalised and remained a minority, even though we still uphold our beautiful cultures. For the first time, this Bill specifically mentions us as a group so that, despite being a minority and having been marginalised for many years, our culture will be recognised. In recognising our culture, we will feel that we are part of this country.

For many years, those of us who are living in Northern Kenya have referred to this part of the country as Kenya A, while those of us in Marsabit and beyond have been seen as living in Kenya B. It is wonderful that we are included in such matters, and that our beautiful cultures, our fore-fathers, our heroes, and the beautiful things we do in that part of the country are

recognised. God has given us one special gift: beautiful people in the northern part of Kenya and with our beautiful culture, we can add significant value to the country and our practices.

I support this Bill because Clauses 5 to 19 establish the management of culture in Kenya and delineate the function of both the national Government and county governments. I fully support this. Our county governments should explore ways to promote the different cultural practices that are there. Harmful practices such as FGM, early marriages and inheritance of women should be set aside. However, good cultural practices should be enhanced and promoted so that even our young people can have a place where they can go and appreciate the value of our cultures.

Hon. Temporary Speaker, we need to conclude the debate on this Bill, and ensure that our President assents to it so that it can be implemented. As we do so, we should consider establishing a cultural week in Kenya and our cultural outfit, so that even when we come to Parliament during that week, we can actively participate and practise our culture.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Ndindi Nyoro.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you very much, Hon. Temporary Speaker, for giving me this chance. At the outset, it is important to also discuss the soft side of our country. The country we call Kenya, in its definition, is simply defined by its boundaries. I say this because, many times, we confuse several things. One is the distinction between the country, the Republic, the nation, the Government and the State. What we call a country is just the area defined by the boundaries where Kenya lies.

Another function that defines what the State is involves the State apparatus and the institutions of governance, which predominantly consist of the institutions that guarantee the rule of law and accountability. The rule of law is, of course, upheld by the Judiciary, while accountability is through democracy in a House like the Legislature, and a functional modern State is defined by the Executive.

Many times, we do not discuss what the nation is – that is the nation of Kenya. I have talked about the country called Kenya and the State, which constitutes the apparatus of the institution of governance. There is also something very fundamental called the nation, which is the soft side of the country. Many times, even from an economic perspective, many countries progress when they are able to align their culture. We frequently confuse culture with language, but language is just one side of what we call the nation, shared identity or shared values. The softer side of the country encompasses and answers the question of who we are as a country, and who we are as a citizenry. One aspect could be language while others could be shared values, temperaments, or even our disposition as a people. All those soft sides, which define the people, form what is called culture.

In this modern era, it beholds upon all of us to recognise that culture is never static. It is progressive and dynamic. It behoves all of us to look at the segments of our culture which then brings identities that are static. Identities, that then brings about fault lines in the relationships of the people.

That is why many countries have many people with different cultures, but they come together to find an over-arching culture, a shared value across the divide. That is why a country like Switzerland is more fragmented in terms of ethnicities than Kenya. But when you look at it, it is more cohesive.

A country like Tanzania is more fragmented in terms of ethnicities. But when you go to Arusha or Dar-es-Salaam, and you ask anyone which tribe you come from, the first thing they ask you is: Are you Kenyan? What I am trying to say is that, this may not happen suddenly, but progressively. That, for a country to thrive economically, the people have to pull in one direction. And for a people to pull in one direction, they have to be the same people. That homogeneity of the people comes about by coming up with a culture that overrides and a culture that is shared across all the people. The people could be speaking different languages, people

could be different even in their appearance, but it is important, even for a country to thrive, that we pull in one direction. For us to pull in one direction, we must, first of all, have to deal with the fault lines. We have to deal with things that divide us, and find an over-arching culture and shared values that bring us together as a people. Upon that, the beauty is that we always have a chance. As a country and continent, we have a chance so that we can define ourselves through an over-arching identity, and an identity that is not static, but one which is fluid.

Most of the static identities are the ones that pull people apart. For example, when you are born speaking in a different language, many a times, in that particular ethnicity you come from, you may never be able to change it in your lifetime. But also, another static identity that we always have to live with many times, comes as a religion.

There are also other fundamentally static identities, but the current era, the modern age of nation building, departs from those static identities and chaperones, and comes up with a fluid identity where people can cross over. In the identities that are static, you cannot cross over. But in a fluid identity that brings people together, it becomes a big bus where anyone can get in. And it becomes an identity where anyone can cross over and feel they belong. I believe that is what we must do as the leadership of our country and as the leadership of our continent, because I believe together as a continent, we are one people. We just have to fight that one commonality, because together, and especially as Africa, we are one people. We must act as one people, we must pull in one direction so that our continent can have better days ahead. The same should percolate to the individual States, to the individual nations, to the individual countries, so that we continue building a cohesive society.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Very well. Sounds like the Hegelian philosophy or something of that type. Let us hear from Hon. Wilberforce Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to also lend my voice in support of the Bill before us. The Culture Bill essentially gives effect to Article 11 (3) of the Constitution of Kenya that calls for the protection and preservation of the culture of the people of Kenya.

Culture encompasses the entire life of an individual. It is the glue that binds the individual to the community. And what is a community? The Bill attempts to define it as a culturally homogeneous and consciously distinct group of people who share any of the following attributes: Common ancestry, a similar cultural mode of livelihood or language, geographical space, ecological space, or a community of interest.

Kenya is a case study of culture. As you are aware, the people in Kenya today are not the original occupiers of that geographical space. We all migrated from different places and, because of colonial boundaries, found ourselves within one defined territory called Kenya. Later, it was reaffirmed as such in the Constitution of 2010. That said, I challenge anyone with a contrary opinion. This Bill seems to suggest the idea of a national culture but, in reality, we can never have one because we are fundamentally different. However, we can have a community of interest. We are bound together politically, by the instruments of the State, and by the State's monopoly on violence, to ensure that we remain together.

It is, therefore, important that, as we live in this country, we must appreciate the diverse culture of the people of Kenya. I am a Samia, and the Samia people stride both Kenya and Uganda. We were simply separated by the colonial boundaries. So, if you tell a Samia person to espouse the national culture of Kenya, what about the cultural integration that we have with our community, with our brothers and sisters, and our cousins across the border? The same applies to the Somali community. If you tell them they must now discard the Somali culture and espouse the national culture, what happens to the Somalis in Somalia, Somalis in Djibouti, and Somalis everywhere? The same applies to my neighbours, the Tesos, and the Maasais.

Therefore, it is important in the drafting of this Bill, and I want to echo the sentiments of Hon. KJ, when he says this Bill is a generality, and even if you look at the drafting, it would mean we will have almost a hundred or so regulations and subsidiary legislation to put into effect, to implement this Bill.

Now, I can understand the difficulties the drafters faced. What is culture? It is such a fluid statement. It is an ever-changing target. The culture that was there when we started migrating here is no longer the culture that is tenable today. Some cultural practises have faded away, and have to change by virtue of changing society. That is why I am not so sure to what extent amendments will be made to this Bill to make sure that it fits. Again, if you look at the definition of culture, culture means the set of distinct spiritual, material, intellectual and emotional features of a community or a social group, incapable of being precisely defined.

So, it is a good attempt in the right direction to preserve the culture. But the only saving grace I see in this Bill is an attempt to give it to the county government to recognise and register. But again, in a heterogeneous society or a community, for example, Busia County, to what extent can the County Government record and preserve the cultures of Tesos, the cultures of Samias, Marachi, Bakhayos, Banyalas, Luos and Subas who have come to stay with us? My fear is the drafting of the Bill, and the way the other side is normally very intransigent compared to this side. The Bill cannot be implemented if we pass it as it is. We must appreciate that. I totally agree that *mwacha mila ni mtumwa*. The *mila* is specific, localised and untouched. We are unwilling to cede or expose some cultures to other people because they are our secret. An herbalist will not surrender his or her skills to anybody else so that they can copyright them because that is their means of survival. How do you then register such a culture and expose it to the world? Night runners are part of culture. How do you expect a night runner to register his innate skill of running at night to scare boys and girls, or those who roam around? How do you register the skill of carrying sand or gravel and throwing it on top of a roof? How do you explain that?

The Temporary Speaker (Hon. Omboko Milemba): Hon. Oundo, I thought night runners had registered their society?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): They registered their society, but not the culture or skill. I totally agree. There are quite a number of far-reaching issues. Culture changes over time. Therefore, which culture are we registering?

I draw the attention of the nation to the fact that women of a certain age in the Samia culture were never allowed to eat chicken.

(Loud consultations)

They were never allowed to eat chicken, eggs or some type of fish. That is why it is so difficult to contextualise culture. Hon. Adagala is already complaining. We had reasons for that. In my Samia culture, you could not walk on the same road as your mother-in-law. Either you or she had to go into the bush. Now that we have open roads and bushes have been cleared, how do you succeed? How do you ensure that you register and preserve such a culture? We must be dynamic. That is why focus should be on historical books and collecting our peoples' artefacts.

An adolescent girl in our culture could never share a toilet with her father. Never. How? Nowadays, we come to Nairobi and live in 10 by 10 feet rooms where there is only one toilet. We have lost our culture. That is why those small issues are emerging.

There is also the issue of wife inheritance. Women's rights groups sensationalised the issue and painted it in a bad light and yet, it was merely protecting the lineage and heritage of the family. You do not want strangers to come into the family and sow some strange seeds that

may lead to kids not resembling each other. Some may look like Hon. Caroli Omondi, and others like Hon. Ndindi Nyoro.

(Laughter)

We did not allow such an arrangement. We needed to maintain the purity of the family.

Therefore, at the right time, we will seek advice from the experts and attempt to propose some amendments to the Bill. I sincerely believe culture is dynamic. Let it remain fluid and ever-changing.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Jematiah.

Hon. Jematiah Sergon (Baringo County, UDA): Thank you very much, Hon. Temporary Speaker. At the outset, I support this very timely Culture Bill, which will promote unity in our country.

Before I even go far, I will read a quote from a former legislator in the British Parliament, or someone who addressed the British Parliament on 2nd February 1835. His name was Lord Macaulay. He said and I quote:

“I have travelled across the length and the breadth of Africa, and I have not seen one person who is a beggar and who is a thief. Such wealth I have seen in this country, such high moral values, people of such calibre, that I do not think we would ever conquer this country, unless we break the very backbone of this nation, which is her spiritual and cultural heritage. And, therefore, I propose that we replace her old and ancient education system, her culture, for if the Africans think that all that is foreign and English is good and greater than their own, they will lose their self-esteem, their native culture, and they will become what we want them. A truly dominated nation it is.”

That was in 1835. It was a calculated move to fragment African culture. We are currently discussing the same matter in what was a former British colony – Kenya. What haunts us today is how we can bring back our culture.

As Hon. Oundo has said, the proponent of the Bill has attempted to give us the best way possible to preserve our culture. However, the Bill focuses too much on the hardware, while the African culture is based on software. The problem is how we passed it down. We were unable to write down our cultures and histories. That is why we found ourselves in those fragmented situations.

I will be very particular on many things. I am a believer in culture, specifically my culture. I am a Tugen and a Kalenjin. African culture is very similar. If you go to the Nilotes in Luo Land, the Kisii, and the Kalenjin nation, you will just see the African way of life. We are barely surviving because colonialism fragmented us. As Hon. Ndindi has just put it, the colonialists gave us imaginary borders. We were forbidden from certain things because we were from a different country. The proponents of colonialism realised that Africa is a small vault. Every time you want to save something, you put it in your vault. You can transverse the entirety of Europe from morning to evening without being hampered by borders. However, you need a visa to visit our neighbours Tanzania, Uganda or South Sudan. That has eroded our culture because we were just one family.

I look forward to a day when all of us in this House will comfortably walk in and out in our cultural dresses. I want to put on my Tugen traditional dress and showcase my beads. Whether I am half-naked or not, that has always been our pride.

Africans have demonstrated pride in their cultures in many other ways. Most of our culture is what is now known as artificial intelligence. For example, rainmaking is artificial intelligence. Our mothers and grandmothers would walk into a room and know that a small girl of around 18 years was pregnant without necessarily going for tests in hospital because there was a way to do that. There was a way they would just know. You could also not marry from

a specific clan because of hereditary diseases. As a young girl, you were advised to only get married to a specific family or clan. We also used to have polygamy and took pride in it. Most Members in this House here are products of polygamy. Today, we are being told to shun our culture of polygamy and embrace homosexuality. It is wild thinking how Africans easily pick other peoples' cultures and easily shun theirs.

Our spirituality is another example. I would be Hindu if I was born in India. Probably. I would be a Christian if I was born in America. I would probably be a Muslim if I was born in Iraq or Syria. I am born in Africa. What is my religion? It is because Africans were not religious. They were a spiritual people. They believed in a deity that was not necessarily given a name. That is why, if you go to Marsabit, you will see we pray through the sun and the moon. The Islamic religion studies the moon every time Muslims go through the Ramadhan season. Even Africans had their artificial intelligence at that time. It would show them the moon had to behave in a particular way for them to know the times, and that there would be long periods without food. All that had its interpretations.

Actually, the African culture is adored. As we speak today, every colonial master - be they British, French, German or Spanish - have African artefacts in their countries. I want us, as Kenya, to raid the British Museum, get our artefacts, and bring them back to Kenya. We are bringing the Culture Bill because we are going back to the roots. We are taking back our cultures with pride. We want to eat our food. Nowadays, you find young children in hospitals having diabetes. It is because of the foods that we have exposed ourselves to. Unlike back in the days, we eat junk food all the time.

In my culture, because of scarcity of food, you could not take proteins like milk and eat meat at the same time. It was still a balanced diet. You could not eat much starch without vitamins. We also balanced it with natural foods like honey. Every household in Baringo believes honey is medicinal. We used to take honey in the mornings when we used to take care of our father's goats and cows. Honey was there all the time because it was nourishing. Many a times, when we took honey, we did not cough or get sick easily. It was almost a whole meal because taking honey meant you were most likely not going to have anything else the whole day.

Otherwise, I categorically say that the Bill should be enhanced as it goes through the process. As he assents to the Bill, we ask the President to ensure that it includes a proper culture day where we properly dress in our cultural attire. We need to offer the Bill a sign of patriotism when it is signed. We need an *Utamaduni* Day like the Moi Day of old days. That will give us pride in our culture.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Very well. Those are strong arguments. As a teacher of history and government, I know Hon. Jematiah just quoted Lord Macaulay. He was arguing with a man called Trevor-Roper in that debate. You may need just to go beyond that. Let us listen to Hon. Beatrice Adagala.

Hon. Adagala Beatrice (Vihiga County, ANC): Thank you for also giving me this opportunity to voice my comments on the Bill. I think the Bill has come at the right time. It is encouraging and enriching on culture. My place has the famous words: "*Muli mwoyo! Musangalire*". That is our culture and new year greetings.

I say thank you for the Bill and to whoever has come up with it. Our cultures are diverse. I am proud of having several communities in my county. We have the Tirikis, the Maragolis, the Banyores, and the Teriks, who have diverse cultural backgrounds that are very enriching, and should be taken with the seriousness they deserve.

People connect with each other during cultural events and culturally. Culture is part of identity. It makes somebody identify with a particular group. The Tirikis have a very rich culture. If I go by what Hon. Oundo was saying, the Luhya culture does not allow women to

eat chicken. That was just a way of instilling discipline and yet, it was considered as part of culture. However, it is now eroded. Women and young people are now eating everything even when certain parts were meant for men.

We need to embrace the very rich culture that is the identity of communities. Communities were identified with various activities. In Vihiga, the Tirikis have a very rich cultural circumcision ceremony. The Banyores are known to be rainmakers. The Teriks have theirs. The Maragolis have a very rich culture too. We need to encourage them so that they do not fade away. Some of them have very rich educational values that teach our children. We can be wondering where some of those things have gone. The children may not now know.

(Hon. (Dr) Ojiambo Oundo and Hon. Caroli Omondi consulted loudly)

Hon. Temporary Speaker, protect me from Hon. Oundo and the Abasuba man!

The Temporary Speaker (Hon. Omboko Milemba): Hon. (Dr) Oundo, calm down. Proceed, Hon Adagala.

Hon. Adagala Beatrice (Vihiga County, ANC): Thank you for protecting me. These men are shouting as if it is a marketplace.

I was explaining my rich culture because I am a proud Tiriki girl and a proud Maragoli woman. We need to tap into those very rich cultures. We need to protect them. From culture and the elders, we need our children to learn many things on how things used to be done. Let us not just take culture like something which is backward. The *ibusu* we are going to take in August is very rich. We feel very nice in August when we shall be doing our thing in Hamisi.

Let us look at this Bill widely. It has come at the right time.

Every culture and community must be preserved. They are diverse. The Maasai have theirs and others too. Somebody said we have some Kenyan tribes in Uganda and Tanzania. I know we have Maragolis in Kigumba and they still maintain our culture. Even the Abasuba here are my uncles with whom we share many things. Let us not look at culture as something we can dilute. Culture is one of the best things that bring communities together. For example, the Maragolis have an event every 26th December. You will find the Maragolis of Uganda, Migori or what we call the Maragoli nation coming together.

The Bill wants to cure some of what we have forgotten. We have made our children to look lost. You may get a child saying *cucu* where he or she is supposed to say *guka*. We are bringing confusion to our children. The Bill will cure some of those small things. We may need to add more meat to the Bill and see where things can be changed here and there. That is if the small things have not been included. This is the best Cultural Bill that has ever come and that should be encouraged in counties. Counties like mine should have theirs. Every community should have a cultural day. The Tirikis, Maragolis and the Bunyores should each have their cultural day so that we can celebrate our culture. Once in a while, we can have a particular day where all those communities can come together to celebrate our culture.

Culture promotes well-being so much. It promotes social cohesion. For instance, when boys were growing up in those days, they knew very well their mothers and sisters. Right now, culture is being eroded. We get small boys raping old women, and old men raping small children. Where is the society heading to? This Bill will cure all those social immoralities. It will promote the well-being and social cohesion in our societies.

This Bill will also promote economic growth. Culture is very rich. The Maasais are known all over for their welcoming gestures and what they do. Let us promote this so that it attracts many tourists to come and see our diverse culture. Let us not ape what the Europeans do. Some of the things they do are very backward. We do not have to teach our children those kinds of things, but let us teach our children our community values.

We used to have an old man in Hamisi who used to play the famous *Isukuti*. Let us put our regalia together to attract tourists. When they come to see our three stones, our *Mahiga*, in Vihiga, they will promote economic growth in our areas. Hospitality industries will spring up and our children will get employment. This will happen if we encourage our culture.

This Bill will also help with innovation. We will put our diverse culture on the internet and once the outside people see it, they will come and visit different parts of our country. They will even visit my village and see how Tirikis make beautiful masks during circumcision. If we market our traditional festival that is coming up in August online, we will have visitors flocking to Hamisi.

This Bill has been brought at the right time. It is going to instill morals and make our people embrace each other as a community. It will also be of huge economic value to our people.

As a country, we must have a culture day and have uniform that we shall be wearing as Kenyans so that we look like we belong to this country. We should not have different traditional wear on that day.

We should embrace this Bill. It is the best that has ever been brought here. It should be worked on very fast so that we can finish up with it and it is signed into law.

The Temporary Speaker (Hon. Omboko Milemba): You have had your bite. Hon. Caroli Omondi.

Hon. Caroli Omondi (Suba South, ODM): Thank you very much, Hon. Temporary Speaker. Let me begin by clarifying to the world that, in spite of Hon. Oundo's sentiment that probably Hon. Ndindi Nyoro and I are probably serial inheritors, we are serial monogamists. I have no problem with widowed women remarrying, but just do not call it inheritance. We all deserve companionship.

Article 11 of our Constitution declares culture as the foundation of our nation. This Bill seeks to actualise Article 11(3) of the Constitution, which calls for the monetisation of culture and cultural norms of communities, where the use of our culture can generate compensation in terms of royalties that are paid to various communities. That is the main purpose of this Bill.

Culture is our cumulative civilisation that is expressed in very many forms. If you look at the Bill, it includes art, representation of culture, artistic, historical monuments, archaeological artefacts, ethnological interests, works of art, manuscripts, archives, literature, articles of furniture and musical instruments. It is also religious, social and economic. It is the accumulation of all the civilisation and knowledge of a people at any particular point in time. Culture, by nature, is not static; it changes. Thus, we can still achieve a national culture.

If you study most of the cultural practices, norms, ethnology, or historical archaeological artefacts, you will find that they are expressions of various ideas borrowed from different people at different times. I believe that if we work hard, we can still achieve a national culture for Kenya, drawing from the best of every community. Much of the culture we know today will, in a few years, be considered archaic or, as the English taught us, repugnant to justice and morality.

Let me also acknowledge that this particular Bill seeks to create a framework to monetise culture for communities. Culture, in itself, is very difficult to patent because, as you see in the Bill, it belongs to a wide scope of people called a community, which could consist of a million or even ten million people. Creating a patent or a legal framework to monetise it is very difficult for individuals. This Bill seeks to create a legal framework through which communities can monetise their culture through cultural industries.

To reinforce my conviction that we are still in a motion to create a completely new culture, I want to quote the words of a famous English poet that I really like, Lord Tennyson, from his poem *Ulysses*. It says: "I am part of all that I have met." This means that every interaction you have with someone else should enrich you, and you should borrow the cultural

practises that will advance your knowledge and standing in society. He goes on to say: “I cannot rest from travels. Yet all experiences and arcs wear through. It is not too late to seek a new world.” I believe that, as a country, we should endeavour to create a Kenyan culture borrowing from all the diverse cultural identities we have.

Hon. Temporary Speaker, this Bill seeks to create two things that we do not have hitherto. It seeks to create a national database of community culture. Currently, there is no database. Whatever we are discussing here is not documented, recorded or acknowledged as belonging to a particular community.

The Bill also seeks to create a register of those cultures and cultural heritage as well as cultural practitioners, groups and associations. That is the framework we need so that anybody using or accessing that information, or applying it to cultural industries, can generate income for those communities upon payment of some fees. It may look like it is not very well drafted, but it reflects the difficulty of monetising culture. Speaking as a Member of the Departmental Committee on Sports, Arts and Culture, the attempt here is to create a legal framework with a register, database and mechanism for collecting and recording our various cultural practises and norms, and then creating an opportunity for communities that developed them to benefit from cultural industries.

But for communities to interface with promoters of cultural industries, we need something called prior informed consent in terms of the use of their cultural norms and practices. That, again, is envisaged in this Bill. So, anybody wishing to tap into a cultural activity or a norm from a particular community will need to have something called ‘prior informed consent’ of that community to use that culture or cultural heritage. There are many cultural industries that are already benefiting without transferring any benefits to the communities. Film-making is one of them. You create films about the Maasai culture, about Turkana, about other communities, circulate them in the world, make money, and never share the profit to the communities. Fashion industry is another one. Today, you can go to Paris and you see the Maasai red and white *shuka* and the checked ones all over the catwalk, and nobody is paying any money for it. Academic publications, books, articles, promotion of tourism, people coming to visit Gedi Ruins or going to visit certain archaeological sites are other examples.

Cultural exhibitions are very common where people organise cultural events, money is raised but not shared with the communities. Culture is a marketing tool and we have very many instances where peoples’ cultures are used to promote goods or services, arts, items, paintings, artefacts and musical productions. Somebody talked about medicine. In Kwale, there is actually a community that has traditional mechanisms for birth control that are as effective as whatever you would get from Pfizer, but it has not been patented and it belongs to the community.

There is design of clothes, furniture, as well as industrial production of foodstuffs. You find that a lot of traditional cuisine has been taken over by industries, packaged and sold, and those revenues are not shared to the community.

So, I urge Members to look at the Bill positively and understand that what we are trying to do here is to create that framework whose much of the work will be by way of regulations. But it would be good to hear the views to strengthen the Bill at this particular stage. The whole idea is that the cultural industries can now be given the framework within which to pay compensation and royalties to our communities for the use of their culture and cultural heritage.

Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Cynthia Muge.

Hon. Cynthia Muge (Nandi County, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to add my voice to this Bill. First, I want to appreciate the Leader of Majority Party and the drafters of this Bill for the effort they have made in bringing to us a Bill

that tries to address the issues and concerns that we have had for a very long time, regarding the culture.

I want to appreciate three aspects of this Bill. The first aspect is that this Bill is trying to operationalise an Article in the Constitution that provides for the cultural heritage of this country and its protection. The second aspect that I want to appreciate is that, it has apportioned responsibility to the county governments where they are encouraged to own the cultures in their counties, and to make an effort to make sure that they display those cultures.

We must appreciate that this country has diverse cultures, and there is a saying that strength lies in the differences, not in the similarities, and this is where our strength as a country and as a culture lies. We have diversity in culture. We have different cultures in this country, and that is where we draw our strength from.

Again, Hon. Temporary Speaker, I also want to appreciate this Committee for trying to sort out what I would like to call the hardware. The hardware in this case is the item that is going to regulate the item that most of the Members have spoken to. How then are those counties and the people who are custodians of that culture able to leverage on that culture to make an income? It is a very progressive way of trying to see to it that it happens in this country, and I appreciate this Bill for trying to put those items across.

Matters of culture are better dealt with at the county level. We want to showcase the diverse cultures in this country. I come from Nandi County, where one would imagine that only the Nandi culture is present. However, other people, like the Luhya, also live in Nandi County. We also celebrate their culture regarding different matters such as marriage and circumcision. There is a way they do it that is very appealing. When it is time for young men to be taken for the circumcision ceremony in my county, we all get out to spectate and see how the Luhya community goes about it in their culture. The Nandi have a very good way of going about it. They have a saying for it that goes *tumranyoo manaiji*. That is how they do it.

Culture should be preserved for the future generations so that when my young sons and daughters come of age, they can appreciate how their people used to do things, including how we go about marriage ceremonies because many things have changed. In our culture, for instance, there used to be many ceremonies regarding marriage but, nowadays, it is done very casually. That is something we must hold onto because a people who do not have a culture do not have anything in their hearts and souls.

I appreciate that this Bill is trying to address the hardware of culture. However, cultural issues are too diverse to be addressed through a Bill. To a large extent, we cannot conclusively and adequately legislate on culture. Therefore, we should just endeavour to ensure that it is in the hearts and souls of the people, so that they can portray their culture because it is a way of life. It is about how we do things, including the way we relate with each other in our everyday lives. A peoples' culture includes so many aspects that we cannot put them on paper and do justice to them.

I do not feel like the title of the Bill does justice to the contents of the Bill. I will be keen to introduce an amendment during the Committee of the whole House Stage to customise the Title of the Bill so that it can speak to the matters that are actually in the Bill. Kenya's culture has not received justice in terms of the contents of the Bill. The Bill has come to the House so that all of us can put our heads together, enrich it and make it more inclusive.

We must also address certain outdated and bad cultural practices. For instance, my people used to practise female genital mutilation (FGM). It was a cultural practice in my community. We all agree that FGM is not a suitable cultural practice that should be handed down to future generations. Therefore, we must look at the good cultural practices that were left behind and revive them, and also look at the bad cultural practices that we should leave behind as a progressive nation and people.

A peoples' social behaviour emanates from their culture. We need to pay attention to that aspect because even if we focus on the hardware of culture but we do not have the software of it, then we have nothing at all. We should ensure that future generations can embrace our culture and enrich it. To ensure that we are not left behind, we must be progressive as much as we protect culture and support its remembrance. I appreciate the Bill because it has really attempted to sort out the hardware and protect some items.

In Nandi County, you hear us asking for the head of Koitalel arap Samoei to be brought back home. Why? It is because he was a person who means a lot to the Nandi people. We appreciate the Bill because it criminalises anyone who holds any artefacts or items that are part of our culture. We should support the Bill to sort out that aspect and enable us recover items like the head of our hero, Koitalel arap Samoei. We can then tell and give evidence of our story of where we came from. Of course, we will enrich the Bill to speak to the issues we want it to speak to, as is the role of this House.

All said and done, culture resides in the hearts and souls of the people. We should endeavour to cultivate it in the souls and hearts of every Kenyan and showcase it thereafter. We have a unique but collective culture. When we come together as Kenyans, we are proud of all the cultures that are presented or represented within the country. I support the Bill. When the time comes, we will introduce amendments to the Bill to cover some of the aspects we feel have been left out.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Jackson.

Hon. Jackson Lekumontare (Samburu East, KANU): Thank you, Hon. Temporary Speaker. I also want to support this Bill. This is an important but complicated Bill. Culture is diverse in our country. Culture is a way of life. Every community in Africa has its culture. What we should focus on in this Bill is the protection of those cultures and their artefacts.

For example, the Maasai culture is totally different from any other community's culture. What is good in one community might be totally different in another. Culture has been there from time immemorial. We are not trying to create it. Yes, culture is good but many Kenyans and Africans have shifted from what we now call 'culture.' Our children do not know those things. They may not know how to greet someone in their language.

This is a good Bill but it is important for us to focus on the protection of material things that belong to our cultural groups. We should look at that important aspect. I visited a certain country sometime last year. I saw in an hotel lounge a photograph of a Maasai Moran displayed there to, perhaps, attract people. Those are the things that we need to protect through this Bill. When it comes to implementation, let us consider something as our mode of dressing. I remember some time back, Sen. Ledama ole Kina dressed as a Maasai elder, but Parliament had a problem with it. The Speaker fought hard to chase him out of the Chamber, but Sen. Ledama insisted that he was dressed in the right way.

Hon. Temporary Speaker, it is good to consider these matters even though the implementors of our suggestions may not fully believe in those cultures. It is very important to recognise that our cultures are full of good values. I totally agree with Hon. Members that there are also some very bad practices in our cultures. I believe there are laws that are enacted to manage such aspects. What remains is to focus because we cannot talk of a Kenyan culture. Kenyans behave differently. The Kenyan culture is different from the cultures of our communities because we have copied aspects of the white man's culture.

This is a good Bill, but it does not fully capture what we are discussing about culture. Let us focus on how to protect our artefacts and how to go about the very important things in our various cultures. We need to polish what may not be okay because culture is a person's identity. For example, when I walk in town, anyone meeting me greets me, *soba*. Even if they do not know me personally, they recognise me as a Maasai. That is very important. Some people walk around and no one recognises the community they come from. I have an identity

that I am very proud of. I am proud because I cannot get lost. If someone were to find me lost somewhere, they will trace my origin back to Maasailand, and that is very good. Let us manage what we can.

Thank you.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): What is your point of order, Hon. Oundo?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Temporary Speaker. I would like my colleague to assist us. The Maasai are in both Kenya and Tanzania. So, where would they take him if they found him lost? Tanzania or Kenya?

Thank you.

Hon. Jackson Lekumontare (Samburu East, KANU): Thank you, Hon. Temporary Speaker. I believe the Hon. Member is right. The widely known Maasais are those in Kenya. You cannot talk about Kenya without mentioning the Maasai. Even if I were taken to Tanzania, I would still be recognized as a Maasai there. We must pass this Bill and protect our artefacts so that they are not taken away from us. It is important that we preserve them.

I support the Bill.

The Temporary Speaker (Hon. Omboko Milemba): Lastly, let us have Hon. Beatrice Kemei. That is what appears on my screen.

(An Hon. Member spoke off the record)

You are not anywhere on my screen. Proceed, Hon. Kemei.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to add my voice to the Culture Bill, 2024. I appreciate the drafters of the Bill and the Leader of Majority Party for bringing it forth. This is an important Bill that is aimed at giving effect to Article 11(3)(a) of the Constitution, which provides for the protection and promotion of culture and the cultural heritage of the communities. It is very important that our Constitution is given effect, and this Bill ensures that it does so in this area.

Kenya is rich and diverse in culture. Culture is dynamic. Every community in this country has its own cultural practices, beliefs and norms. Despite the cultural diversity, every community has a sense of belonging through its culture. I appreciate that, as Kenyans, we admire and appreciate the different cultures of our communities. For instance, during national days, some communities are given an opportunity to perform cultural dances or plays. This demonstrates that to some extent, we have been appreciating culture as a country. However, we have not done so to the best of our ability.

I come from the Kalenjin community, and specifically the Kipsigis sub-tribe, which is located mainly in the South Rift. We are very rich in culture but there are aspects of our culture that have been eroded. I am sure this is not only true for the Kipsigis community, but for many other communities across the country. To clarify, in the Kipsigis Community, one's various stages of life are taken seriously, starting from birth. We give names to children based on their place of birth, the time they are born and the circumstances surrounding their birth. However, I must confirm that to some extent, people have stopped that tradition. They have started giving different names that are not based on cultural practices. Despite this, our people are still keen when it comes to naming of children, the food that is given to the mother before and after childbirth, and the importance of the place of birth. This includes the place where the mother is supposed to sit and the fact that men are to be away during a child's birth. Today, a lady goes to the labour ward and the husband follows her. In our culture, that is uncalled for. Why are men going there? I still appreciate that one.

When it comes to initiation, boys are supposed to be with their fathers and not women, except some special women who are allowed to attend the ceremony. Boys' initiation is specifically a men's affair. On women matters, I will not support outdated cultural practices like FGM. That is a thing of the past. I am saying this confidently. We will fight FGM to the end as it has no benefit to the girl child.

On marriage, the traditional marriage is going down as it does not mean much. As a community, we are fighting 'come we stay' marriages for formal ones that are beneficial to our children.

Death is a stage in life that the Kipsigis community takes seriously. Where somebody is buried, who is supposed to carry the casket during the burial ceremony. If a woman has died, a female cow is to be slaughtered. If it is a man, a male cow must be slaughtered. Those are the cultural practices that mean a lot.

Currently, our children may not understand much of our culture. I have talked of marriage. Our community is so concerned about who to marry in the sense that people cannot marry from the same clan, or many people with whom they are related by blood. That is incest. Observing such norms is very important. Biologically, it has a meaning. Looking at my culture, marrying from other tribes was not keen. With this Bill, I do not know where inter-marriage will come in. It is going to dilute it in a way.

The coming of Christianity to some extent has affected our culture, but one thing that I want to put across is that the use of instruments in church should be appreciated. The use of drums and traditional instruments should be appreciated. Thus to some extent, Christianity should not demonise our culture, especially the instruments that we use in church and other places of worship. Some people pray under trees. There are some shrines and other cultural places of worship that should be appreciated. If it is not a church, then is that place right for worship?

As I have said, polygamy in Christianity is not appreciated, and I hold the same when it comes to culture. Some of the cultural practices like FGM and polygamy, should not be embraced. I have heard one Member say that they support polygamy, but I am on the side of Christianity, which does not embrace the practice.

(A Member spoke off record)

An Hon. Member is asking if I am sure. I am, indeed, very sure for the very reasons that we all know.

Our artefacts are very important. We have *kisyet* and *sotet*. Those are very important items that we own and they mean a lot to us. *Kisyet* is an item that we use to serve food, *ugali* in particular. It saves us a lot. *Sotet* is, of course, used for milk and to us milk is very important. We cannot have a function without milk.

Hon. Temporary Speaker, I appreciate the Bill. However, there are some areas that need panel-beating so that they can come out better.

With those remarks, I support.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Makali Mulu.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you very much, Hon. Temporary Speaker. I want to join my colleagues in supporting the Bill. I appreciate the Leader of the Majority Party for moving it. A lot has been said about our culture. When you read our Constitution, you appreciate that our culture is well recognised in it. The Swahili say *muacha mila ni mtumwa*. That means culture has always been at the centre of our lives.

I want to, very briefly, pick on three or four items from the Bill. Any time I sit in this House, like now, when it is extremely hot out there, I wonder why we must be in suits and ties. On matters to do with dressing, our own rules say that a Member cannot be in the Chamber if

he is not dressed in a suit and a tie. Why can we not have our own dress code? We can use one of our cultures – the Maasai people have mastered their own culture – to generate our national dress that will be tailored to suit our weather conditions. If we take our cultural practices seriously, we stand to benefit from them.

Our food is part of culture. Every part of this country has its own traditional foodstuffs. High Blood Pressure, high blood sugar and heart-related diseases are lifestyle diseases. In the olden days, very few people had those diseases. People used to eat traditional foodstuffs which have been tested over time. In most cases, those foodstuffs had very minimal harm to peoples' bodies. So, if we fight back new trends and start appreciating our old cultural foodstuffs, we will spend less money in hospitals.

Hon. Temporary Speaker, another matter is respect. I am sure where you come from, if you met a young person in the olden days, there was a way in which you were expected to greet him that demonstrated respect for your culture. In the olden days, where I come from, if an old person boarded a matatu, it was expected that a young person would give them their seat. However, if you board a matatu today, you are likely to find a small boy of about 15 years seated while an old man of about 50 or 60 years is standing. Such a scenario will not surprise you today. A small boy can be seated next to a grandmother but the grandmother cannot request the boy to give her his seat. So, in the olden days, our culture demonstrated respect for the elderly. However, we have been losing that over time. I wish we could go back to some of the good cultural practises. They are still there.

Most communities in this country take initiation as a mentorship programme. As young boys go through the initiation process, they are also mentored on how to behave when they become men. We are now losing that culture by taking our kids to hospital where they are cut. We then go back home and nobody tells them how to behave now that they have been cut and they are adults. That is why we have many challenges.

The last point I want to make so that I give room for the next business, is how we used to celebrate good times when we were happy. Some cultures had traditional dances and other ways of celebrating when you got married or when a child was born. However, we are losing some of those good original ways of celebrating our achievements because of modern lifestyles. I wish we could ring-fence such cultural practices through this Bill, so that they continue to prevail and be practiced like in the olden days. I salute the Maasai community because they have maintained and sustained their culture to date.

Hon. Temporary Speaker, I intend to propose amendments to this Bill during the Committee of the whole House stage to ensure that each community's culture is respected as provided for in our Constitution.

With those many remarks, I support.

The Temporary Speaker (Hon. Omboko Milemba): We have heard from virtually everyone who wanted to speak on this Bill. We will call upon the Mover to reply in the next session.

(Putting of the Question deferred)

As earlier directed by the Speaker, let us go back to Questions and Statements. Members have been waiting for quite some time.

Leading Clerk-at-the-Table, call out the next Order.

QUESTIONS AND STATEMENTS

REQUESTS FOR STATEMENTS

The Temporary Speaker (Hon. Omboko Milemba): Let us have Hon. Julius Taitumu.

HUMAN-WILDLIFE CONFLICT IN IGEMBE NORTH CONSTITUENCY

Hon. Julius M'Anaiba (Igembe North, UDA): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Tourism and Wildlife regarding the perennial human-wildlife conflict in Igembe North Constituency.

Human-wildlife conflict has been a persistent problem in many parts of the country. On Wednesday, 16th August 2023, during Question Time, I asked the Cabinet Secretary for Tourism and Wildlife a Question regarding the recurring menace of human-wildlife conflict in Igembe North Constituency, particularly in 2023 where over 100 elephants invaded the area.

In response, the Cabinet Secretary assured the House that the Ministry had upgraded the area, and that the Meru National Park was fenced as a mitigation measure. Additionally, the Cabinet Secretary guaranteed that compensation would be provided for the lives lost and injuries caused by the elephants in the area in the 2023 attacks. However, to date, no such compensation has been made. It is very concerning that the Ministry of Tourism and Wildlife has failed to take lasting measures to prevent further loss of lives.

That inaction has resulted in yet another tragic incident. On Thursday, 6th February 2025, Mr Philip Mesobu of ID No.13469425 was fatally attacked by a marauding elephant in Amwathi Ward while working on his farm. That tragedy underscores the need for urgent intervention and raises questions regarding the commitment by the Ministry to address the persistent threats that are posed by elephants in Igembe North Constituency.

It is against this background that I request for a statement from the Chairperson of the Departmental Committee on Tourism and Wildlife on the following:

1. Could the Cabinet Secretary provide a comprehensive report on the progress made by the Ministry of Tourism and Wildlife in implementing the undertakings made by his predecessor on Wednesday, 16th August 2023, including specific timelines for the compensation?
2. Could the Cabinet Secretary state the steps being taken to compensate the family of Mr Philip Misobu, including the specific payments, timelines and the long-term measures that the Government is taking to address the recurring menace of human-wildlife conflict in Igembe North Constituency.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Very well. The request for statement is referred to the Chairperson of the Departmental Committee on Tourism and Wildlife. The leadership in the House should undertake to inform the Chairperson.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Temporary Speaker. I will do so. I am sure that the Member will get his response in two weeks' time.

The Temporary Speaker (Hon. Omboko Milemba): Very well. Do we have any other request for statement?

Yes, Hon. Joseph Gitari, proceed.

CONSTRUCTION AND REHABILITATION OF ROADS IN KIRINYAGA CENTRAL

Hon. Joseph Gitari (Kirinyaga Central, UDA): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding the status of construction and rehabilitation of various roads in Kirinyaga Central Constituency.

The Kenya Rural Roads Authority (KeRRA) is responsible for development, rehabilitation, management and maintenance of rural roads. Rehabilitation and maintenance of the roads ought to be conducted regularly in response to damages that occur. However, in Kirinyaga Central Constituency, several roads under the management of KeRRA have deteriorated over time, thus becoming unmotorable and in some cases, nearly impassable. Kirinyaga County is one of the most agricultural productive regions in the country as it produces coffee, rice, tea, maize and horticultural crops. The state of the roads restricts movement of produce and services, especially during the rainy season. That not only disrupts economic activities, but also limits access to critical services such as healthcare and education.

It is against this background that I request for a statement from the Chairperson of the Departmental Committee on Transport and Infrastructure on the following:

1. Reports on the status of the following road projects in Kirinyaga Central:
 - (a) Kiamuthambi-Gatuto Road;
 - (b) Kagumo-Kangaita Road;
 - (c) Kerugoya Prisons-Kimande Road;
 - (d) Kerugoya Girls'-Kandakame Road;
 - (e) Kibigo-Kiratina Road;
 - (f) Mugetha-Gitumbi-Mugwandi Road; and,
 - (g) Mutira-Kagumo-Kiamaina-Gathuthuma-Kianjagi Road.
2. Report on the status of the rehabilitation works of the following roads:
 - (a) Gakoigo-Kiandieri-Kangaita Road; and,
 - (b) Miringairi-Kiawakara Road.
3. The intervention by the Ministry to ensure the completion of those projects, including the specific completion date.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): The statement request is referred to the Chairperson of the Departmental Committee on Transport and Infrastructure. The leadership should undertake to transmit that information for replies within two weeks' time.

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Temporary Speaker, I will do so. The Chairman of the Departmental Committee on Transport and Infrastructure comes from Kirinyaga County. He knows the areas that Hon. Gitari is talking about very well. I am sure he will give the matter a lot of attention.

The Temporary Speaker (Hon. Omboko Milemba): Thank you, Hon. Naomi. There are other Members who intended to request for statements, but who may not be in the House at the moment. We will give them a chance next time because they have been waiting for a long time. They can make their requests on Tuesday.

Next Order.

BILLS

Second Readings

THE EQUALISATION FUND (ADMINISTRATION) BILL (Senate Bill No.14 of 2023)

(Moved by Hon. Kuria Kimani on 18.2.2025)

(Resumption of Debate interrupted on 19.2.2025 – Afternoon Sitting)

The Temporary Speaker (Hon. Omboko Milemba): Hon. Members, because of the massive interest exhibited by Members, especially those from Arid and Semi-Arid Lands (ASALs) and other areas where the Equalisation Fund affects, I order that we rearrange the Order Paper to move this business to the next session.

(Bill deferred)

Next Order.

THE INSURANCE PROFESSIONALS BILL
(National Assembly Bill No.13 of 2024)

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Speaker, I beg to move:

THAT, the Insurance Professionals Bill, (National Assembly Bill No.13 of 2024), be now read a Second Time.

May I take Members down the history of insurance? The catastrophe called the Great Fire of London of 1666 highlighted the need to have insurance. That is when entities started thinking about fire insurance. Matters of insurance have grown over the years. We saw the introduction of life insurance, as we call it now, during the 18th century. The industry progressed so well that we are now talking about some very new and serious insurance innovations. Examples include on-demand insurance, user-based insurance, parametric insurance that is also called index-based insurance; micro insurance, bended insurance, AI-driven claims processing and payments, as well as things like block chain and smart contracts. Those are some of the developments that have been witnessed in the insurance sector since 1966.

However, despite the insurance sector contributing about 2 per cent of our GDP, professionals in the insurance sector have remained unregulated. That is unlike other professionals. You have to get a practice certificate from the Institute of Certified Public Accountants of Kenya (ICPAK) for you to practise as an accountant. You need to get a practice certificate from the Law Society of Kenya to practise as a lawyer. To practise as a doctor, you need to get a practice licence from the doctors' body. For you to be a teacher, you need to get a licence from the Teachers Service Commission.

What have we seen in the insurance sector? There has not been any recognition or requirement of regulation of the professionals operating within the insurance sector. This could be the reason as to why penetration of insurance in Kenya remains at around 2 per cent only. That is way less than the global average of about 8 per cent. It is way lower than in some of the economies in the region we compete with. South Africa's insurance penetration is between 4 and 5 per cent.

Someone may mess up your claim when you take insurance products and when it comes to the claim period, you are not paid. Some people give fraudulent premiums. They defraud clients and move to different companies to do the same. Lack of a way of tracing those professionals, as it exists in other professions, has resulted in the low penetration levels of the insurance sector in Kenya. It is for this reason that the Department Committee on Finance and National Planning came up with the Insurance Professionals Bill.

The Bill seeks to establish the Insurance Institute of Kenya, which will be the overall professional organ for insurance professionals. The institute shall regulate professional conduct and maintain a level of standards and services rendered by insurance professionals that are registered with the institute as provided for in this Bill. The Bill will help to promote recognition of insurance professionals not just in Kenya, but also across East Africa and the region.

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The Bill also seeks to have a registration committee that will consist of members appointed by the council from the membership of the institute. The examinations board, which shall be separate, shall nominate one of them. It is very important to say that the board shall be separate from the current College of Insurance.

Like with other professional bodies, the Bill provides for the functions of the Insurance Institute of Kenya as follows:

1. To establish, monitor and promote standards of professional competence and practice amongst insurance professionals.
2. Register persons who meet the required professional and ethical standards.
3. Promote research into areas of insurance practice and related matters.
4. Coordinate and oversee a continuous professional development of insurance professionals.
5. Provide a medium for communication and exchange of information, knowledge and ethical standards for persons engaged in insurance practice.
6. Advise the registration committee on matters relating to registration of insurance professionals.
7. Advise the registration committee on matters relating to grant of practice certificates.
8. Network with regional and international related bodies to promote and develop progressive insurance practices in the region and around the world.
9. To have regard to conduct of persons registered and licensed under this Act and take such disciplinary measures as may be necessary to maintain a proper standard of conduct amongst such persons.
10. To promote and protect the welfare and interests of insurance professionals.
11. To promote professional collaboration with other professional bodies.
12. To carry out functions related to the implementation of this Act.

Hon. Temporary Speaker, Part IV of the Bill contains provisions for registration of an insurance professional. In addition to being mandated with the registration of the professionals, the registration committee will have the following functions:

1. To receive registration and grant practice certificates in accordance with the Act.
2. Monitor compliance with professional quality insurance and other standards published by the council for observance by the members of the institute.
3. Where appropriate and based on the results of quality insurance investigation, to recommend to the council that a member's conduct be referred for enquiry.
4. To advise the council on matters pertaining to professional and other standards necessary for the achievement of quality and assurance.
5. To perform any other functions that will be connected to or incidental hereto.

Further, the Bill seeks to provide for insurance professional examinations board, which shall have the following functions:

1. To prepare the syllabus for insurance professional examinations.
2. To make rules with respect to insurance professional examinations.
3. To issue certificates to candidates who have satisfied the examination requirements for insurance professionals.
4. To promote recognition of its exact mission for insurance professionals locally and internationally.
5. To liaise with the Cabinet Secretary for the time being responsible for education in accreditation of institutions to offer professional training for insurance professionals.
6. To do any other thing incidental to or conducive to the performance of any other preceding function.

Hon. Temporary Speaker, the existing arrangement of registering for insurance exams is only available at the College of Insurance along Mombasa Road. Imagine someone aspiring to be an insurance professional from Mandela, Molo, Funyula or Lamu, travelling all the way to Nairobi to do those exams. We want to make it open so that the exams can be administered by other institutions, including Technical and Vocational Education Trainings (TVET) in our constituencies. The syllabus should be set by an independent examination body and training to be done by any institution, including TVETs, polytechnics, colleges and universities. Once the students do the exams as per the examination board and pass, they can apply to the Insurance Institute of Kenya for registration as professionals. That means we will have a record of everyone in the sector. If members are involved in misconduct, their practice licence can be cancelled and they will have to go and make good the mistakes that they may have made.

Hon. Temporary Speaker, considering the need to save taxpayers' money, the Bill expressly put it that it shall not require any money from the exchequer. Let the running of the examination board be catered for by the fees they are going to charge for those examinations, and the institute be run by membership and training fees that they are going to collect from students who are aspiring to be insurance professionals.

This is a very timely Bill. I believe it is going to help drive the penetration of insurance business in this country and ensure that professionalism in the insurance sector is upheld.

With those remarks, I beg to move and request Hon. (Dr) Wilberforce Oundo, the Member for Funyula, to second.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Temporary Speaker. Looking at the time, I would have done a lot of justice.

Hon. Temporary Speaker, I beg to second the Insurance Professional Bill, (National Assembly Bill No.13 of 2024).

Insurance is, historically and academically, a risk transfer mechanism where a person transfers a peril to another party or organ that has the competence to compensate or to make good the sufferer in the event of a loss. On that score alone, it behoves the society and the country to make sure that all those who practise insurance, in whichever form, be they agents, insurance underwriters, assessors, and actual insurance companies themselves, exhibit some level of professionalism. That, indeed, assures the public that if I give you instructions, you will execute them in such a way that, in the event of untimely accidental event, I will be fully compensated and be put back to the position as that of before the accident or peril.

For many years, this country has literally been managed by quacks in the insurance sector, as there has been no process to hold them professionally accountable for their mistakes. However, over the years, we have made tremendous efforts to amend the Insurance Act and related legislation to ensure that we protect the general public.

This Bill brings the entire spectrum into a professional organisation. Indeed, the Bill is progressive and good but it contains some provisions that, upon basic reading, may amount to duplication and be unnecessarily bureaucratic. It talks about a professional examination board, a registration committee and other similar bodies. I urge the Committee to rationalise the Bill during the Committee of the whole House to ensure that it is less cumbersome and costly. Establishing all these sub-organs, sub-committees and offices will be expensive for insurance professionals as they have to pay to sustain all the structures that are being established. As the Chairman has indicated while moving the Bill, they will not require any money from the exchequer. That means the burden will fall on the people who practise in the profession. We, therefore, need them to reconsider the proposed structures.

As a typical professional organisation, a disciplinary committee has been established. For those of us who have been here for many years, we are reminded of the disciplinary committee under the dreaded Okiki Amayo. What has been proposed is professional practice

with proper training so that some ills or mistakes can actually be addressed. Part 7 of the Bill requires a lot of panel-beating to ensure that we deal with the issues at hand.

As I conclude, I want to sincerely commend the Committee. The Departmental Committee needs to be magnanimous enough to allow the Committee of the whole House to make suggestions. Some of us have limited experience in this field, including having taught some risk management at the university. My Master's Degree is about risk management in real estate. Therefore, I have a lot of background information on this matter.

With those very many remarks, I second the Bill.

(Question proposed)

The Temporary Speaker (Hon. Omboko Milemba): Hon. Members, the debate on the Insurance Professionals Bill will resume during the next Sitting.

ADJOURNMENT

The Temporary Speaker (Hon. Omboko Milemba): Hon. Members, the time being 7.00 p.m., the House stands adjourned until Tuesday, 25th February 2025 at 2.30 p.m.

The House rose at 7.00 p.m.

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