

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 11th March, 2024

Afternoon Sitting

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

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Clerk, do we have quorum? Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

Hon. Senators, we do have quorum now. We will proceed with the day's business. Clerk, kindly, proceed to call the First Order.

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM THE PARLIAMENT OF ZAMBIA

The Speaker (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence of a visiting delegation of Members of Parliament and staff from the Parliament of Zambia in the Speaker's Gallery this afternoon. The delegation is undertaking a benchmarking study visit to the Centre for Parliamentary Studies and Training (CPST).

Now, I will request each Member of the delegation to stand when called out, so that you may be acknowledged in the Senate tradition.

(1) Hon. Malungo A. Chisangano, MP - The First Deputy Speaker
(Chairperson and Leader of
the Delegation)

(2) Hon. Stephen Kampyongo, MP

(3) Hon. Machila Jamba, MP

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| (4) Hon. Remember Mutale, MP | |
| (5) Hon. Anthony Kasandwe, MP | |
| (6) Hon. Harry Kamboni, MP | |
| (7) Ms. Cecilia Sikatele | - Deputy Clerk (Corporate Affairs) |
| (8) Mr. Tenneson C. Nyangu | - Principal Clerk (iPST) |
| (9) Dr. Mweemba Muungo | - Director (Finance) |
| (10) Mr. Rodger Sambo | - Senior Accountant |
| (11) Ms. Muka Kazela | - ADC to the Hon. First Deputy Speaker |
| (12) Ms. Komiwe Kaba | - International Relations Officer |

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

I will allow Hon. Senators to take their seats before I make the remaining two communications.

(Several Senators walked into the Chamber)

VISITING DELEGATION FROM THE TRANSITIONAL NATIONAL
LEGISLATURE (TNL) OF THE REPUBLIC OF SOUTH SUDAN

The Speaker (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of a visiting delegation of Commissioners and senior staffers of the Parliamentary Service Commission (PSC) of the Transitional National Legislature (TNLA) of the Republic of South Sudan. The delegation is on a study tour on structure, functions and operations of the Kenya's Parliamentary Service Commission.

Hon. Senators, I request each Member of the delegation to stand when called out so that you may be acknowledged in the Senate tradition-

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| (1) Hon. Stephen Ajongo Akol, MP | - Commissioner |
| (2) Hon. Mary Bicensio Wani, MP | - Commissioner |
| (3) Hon. Regina Joseph Kaba, MP | - Commissioner |
| (4) Hon. Regina Richard Aban, MP | - Commissioner |
| (5) Hon. John Orach Nyiker | - Commissioner |
| (6) Mr. Dominic Bandima Alber Paul | - Commissioner |
| (7) Mr. Henry Amoko | - Executive Director,
Parliamentary
Service Commission of
TNLA |
| (8) Mrs. Akeer Tracy Aru | - Director of Budget, TNLA |
| (9) Mr. James Thiam Lual Nyang | - Budget Officer, (TNLA) |
| (10) Anei Deng Anei | - Secretariat, Parliamentary |

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Service Commission of
TNLA

Hon. Senators, on behalf of the Senate and my own behalf, I extend a warm welcome and wish you a fruitful visit.

VISITING DELEGATION FROM SUNNYSIDE
SCHOOL, KAJIADO COUNTY

Hon. Senators, again, I would wish to acknowledge the presence, in the public gallery this afternoon, of visiting students and teachers from Sunnyside Learning Centre, Kajiado County. The delegation comprises of 31 students and four teachers, who are undertaking a study tour to the Senate.

Hon. Senators, on behalf of the Senate and my own behalf, I extend a warm welcome to the delegation and wish them all the best during their visit.

Hon. Senators, I will call upon Sen. (Dr.) Khalwale, in under one minute, to extend a word of welcome to the delegation from Zambia. I will call upon the Senate Minority Leader, in under one minute, to extend a word of welcome to the delegation from the Republic of South Sudan. Thereafter, I will call upon the Senator for Kajiado County, Sen. Seki, to extend a warm welcome to the students from his county. That is to be done under one minute each.

Let us start with Sen. (Dr.) Khalwale, the Senate Minority Leader and then Sen. Seki in that order.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. It is an honour for me to acknowledge the presence of our colleagues from Zambia in this House. I do welcome you warmly, Hon. Members. Kenya and Zambia have been one and the same from the early 1960s. I recall in 1963 - so we read - that when we got independence, one year later, Zambia followed suit and got theirs. That friendship was maintained up to and including the support that the Government of Zambia gave to the people of South Africa to get their independence.

Mr. Speaker, Sir, I cannot stop without telling the Hon. Members from Zambia my experience when I went there. I went to a restaurant and they gave me a menu, but I did not know which food to pick. I looked and saw somewhere they had written *Engoko Nishma*, so I pointed on that one. When they brought it to me, I realised that it was a Luhya dish called *Ingokho Obusuma*, and that my brothers actually are in Zambia. They should ideally be living here in Kenya.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Madzayo.

The Senate Minority Leader (Sen. Madzayo): Thank you, Mr. Speaker, Sir. Allow me to enjoin myself with you in welcoming the delegation from the Republic of South Sudan. I believe their presence here will go a long way to understand how our parliamentary duties are conducted.

At the same time, I have been to South Sudan. I believe and know that we have a lot in common with the people of South Sudan. In fact, our flag sometimes looks almost like theirs. I believe we are brothers and sisters. I welcome them and hope they will

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enjoy their stay here as they keep learning about how we conduct our activities in Parliament.

I thank you.

Sen. Seki: Thank you, Mr. Speaker. I also want to join you in welcoming the students from Sunnyside School from Kajiado North Constituency, Ongata Rongai Division, Kajiado County, to the Senate. I thank you for having time together with the teachers who have accompanied you. You are most welcome to the Senate.

This is a great place where you will learn more about the legislature and get to understand that this is the way to go. We have two delegations from Kajiado County.

First is Sen. Tobiko. She is a honoured Senator who has served for two terms, one as a Member of Parliament (MP) for Kajiado East Constituency and we also have Hon. Sen. Betty Montet, who is also in this House. She is bereaved; her husband passed on last week. I was there this morning and may God bless her.

I thank the school for being here today.

VISITING DELEGATION FROM KILIFI COUNTY ASSEMBLY

The Speaker (Hon. Kingi): Hon. Senators, I also wish to acknowledge the presence in the Speaker's Gallery this afternoon of a visiting delegation of staff from the Kilifi County Assembly. The staff are in the Senate attending a training programme on the Proper Procedures and Protocols for Commissioning and Handling a New Mace.

Hon. Senators, I request each Member of the delegation to stand when called out so that you may be acknowledged in the Senate tradition.

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| (1) Mr. Michael B. Ngala | - | Clerk, Kilifi County Assembly |
| (2) Mr. Omar Chuphi | - | Chief Serjeant-at-Arms |
| (3) Mr. Alfred Mumba | - | Senior Serjeant-at-Arms |
| (4) Ms. Clara Dama | - | Serjeant-at-Arms II |
| (5) Mr. Elijah Koi | - | Serjeant-at-Arms II |
| (6) Ms. Martha Nyundo | - | Serjeant-at-Arms II |
| (7) Mr. Mwagandi Kiponda | - | Clerk Assistant II |
| (8) Mr. Samson Katana | - | Asstistant Serjeant-at-Arms |

Hon. Senators, on behalf of the Senate and my own behalf, I extend a warm welcome and wish you a fruitful visit.

I will call upon the Senate Minority Leader to extend a word of welcome in under one minute.

The Senate Minority Leader (Sen. Madzayo): Asante, Mstahiki Spika. Najiunga na wewe kuwakaribisha ndugu zetu kutoka huko nyumbani Kilifi. Nina matumaini ya kwamba wale waliokuja hapa kwa niaba ya Bunge la Kaunti ya Kilifi wamekuja kujionea jinsi tunavyofanya mambo yetu hapa Seneti.

Vile vile, natumaini ya kwamba uwepo wao hapa ni kuja kujifundisha mengi. Watapata kujua na kujifundisha ili wanaporudi nyumbani waendeleze Bunge letu la Kaunti ya Kilifi ili liendeleo vizuri.

Nachukua pia nafasi hii kuwakaribisha hawa ndugu zetu katika Seneti. Hapa ndipo mnapopata kila kitu mnachokihitaji kule Kilifi. Nataka mkitumie kwa njia ya kisawasawa.

Asante, Bw. Spika.

The Speaker (Hon. Kingi): Next Order.

Sen. (Dr.) Lelegwe Ltumbesi on behalf of the Senate Majority Leader.

PAPERS LAID

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, Tuesday, 11th March, 2025-

THE ENVIRONMENT MANAGEMENT AND CO-ORDINATION GAZETTE NOTICES

The Environmental Management and Co-ordination (Access to Biological Resources and Benefit Sharing) Regulations, Legal Notice No. 19 of 2025;

The Environmental Management and Co-ordination (Deposit Bonds) Regulations, Legal Notice No. 20 of 2025;

Corrigendum on the Environmental Management and Co-ordination (Air Quality) (Amendment) Regulations, Legal Notice No. 21 of 2025;

Corrigendum on the Environmental Management and Co-ordination (Sand Harvesting) (Amendment) Regulations, Legal Notice No. 22 of 2025;

Corrigendum on the Environmental Management and Co-ordination (Water Quality) (Amendment) Regulations, Legal Notice No. 23 of 2025;

Corrigendum on the Environmental Management and Co-ordination (Waste Management) (Amendment) Regulations, Legal Notice No. 24 of 2025;

REPORTS OF VARIOUS GOVERNMENT ENTITIES

Annual Report of the Power of Mercy Advisory Committee (POMAC) for the Financial Year 2022/2023;

Report of the Office of the Controller of Budget (COB) on the County Government budget Implementation Review for the first half of financial year 2024/2025;

Report of the Auditor-General on Financial Statements of Nyandarua County Assembly Car Loan and Mortgage (Members) Fund for the year ended 30th June, 2024;

Report of the Auditor-General on Financial Statements of Murang'a Level5 Hospital – County Government of Murang'a for the year ended 30th June, 2024;

Report of the Auditor-General on Financial Statements of JM Kariuki Memorial County Referral Hospital.

(Sen. (Dr.) Lelegwe Ltumbesi laid the documents on the Table)

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The Speaker (Hon. Kingi): Next Order is Statements pursuant to Standing Order No.53(1). Proceed, Sen. Mohamed Chute.

QUESTIONS AND STATEMENTS

STATEMENTS

DELAYED COMPLETION OF SOLOLO LEVEL 4 HOSPITAL, MARSABIT COUNTY

Sen. Chute: Thank you very much, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Transportation and Housing regarding the delayed completion of Sololo Level 4 Hospital in Marsabit County.

Sololo Level 4 Hospital, located in Sololo, Marsabit County, was initially a project of the Marsabit County Government. It was later taken over by the Kenya Defence Forces (KDF) in order to facilitate its completion.

Despite construction efforts spanning over seven years, the hospital remains incomplete, raising serious concerns about access to essential healthcare services in the region. Originally, it was scheduled for completion in March last year. The project has faced numerous delays with no clear communication on its progress.

In the Statement, the Committee should-

(1) Provide an update on the current status of the construction of Sololo Level 4 Hospital, including the hospital's total size in square metres; the percentage of works completed, pending tasks and reasons for the prolonged delay the revised timeline for completion;

(2) Outline the original cost of the project, any cost variations over the years, indicating the total investment by the KDF towards the hospital construction, whether additional funds have been allocated towards the project, and the total estimated cost to completion; and,

(3) Specify when the residents of Sololo will be able to access services from the institution.

The Speaker (Hon. Kingi): Senator for Uasin Gishu County, the honourable Sen. Mandago.

STATUS OF PURCHASE OF WHEAT FROM KENYAN FARMERS

Sen. Chimera: Thank you, Mr. Speaker, Sir. On behalf of Sen. Jackson Mandago---

The Speaker (Hon. Kingi): Hon. Senator, do you have a written authority from Sen. Mandago?

Sen. Chimera: I have a text.

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The Speaker (Hon. Kingi): Could I see the text? Now, Hon. Senators, I am doing this because last week, I allowed a number of you to read Statements on behalf of your colleagues. The very same colleagues came to my office complaining. So, I need proof that indeed you carry instructions from your colleague.

So, as you look for the text, Sen. Hezena, you may proceed.

EXPLOITATION OF YOUNG KENYAN GIRLS ON *TikTok* LIVE

Sen. Lemaletian: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Information, Communication and Technology regarding the recent British Broadcasting Corporation (BBC) investigation exposing the exploitation of young Kenyan girls on *TikTok* Live.

The report which ran on 3rd March, 2025 highlights serious concerns about child safety, the failure of digital platforms to enforce age restrictions, and the increasing vulnerability of minors to online predators.

Many girls are being lured into exploitative activities under the guise of digital gifting and monetization features, raising urgent questions about the effectiveness of existing protections.

Without stringent safeguards, these platforms risk becoming conduits for abuse, violation not only on the rights of children, but also Kenya's legal framework for child protection. There is an urgent need for Government intervention to prevent the continued exposure of minors to such harmful contact and to hold all responsible parties accountable.

In particular, the Committee should-

(1) Explain any measures in place to ensure compliance with Kenya's Data Protection Act in protecting minors' personal data from exploitation on digital platforms such as *TikTok*, *Facebook*, or *Instagram*, and provide details on how the Office of the Data Protection Commissioner is engaging with social media companies to enforce child data privacy and the steps being taken to strengthen regulatory oversight;

(2) Outline the legal and technical requirements for age verification on the said platforms and assess their effectiveness in preventing underage users from accessing harmful content while outlining any ongoing discussions with digital service providers, to enhance enforcement and implement stricter authentication measures for age verification;

(3) Describe the framework in place to detect, regulate and swiftly remove exploitative content involving minors and the role of the Communications Authority of Kenya in ensuring compliance, indicating whether the Government has engaged with *TikTok* regarding its role in enabling such exploitation and commitments made by the company to prevent recurrence;

(4) Explain the enforcement mechanisms or penalties available for digital platforms that fail to comply with Kenya's Child Protection Regulations and interrogate how Government agencies, law enforcement and child protection organisations are co-ordinating efforts to detect, report and respond to online child exploitation; and,

(5) Interrogate the steps being taken to improve public awareness, digital literacy, and online safety education, particularly among children and parents, and assess the

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effectiveness of existing reporting mechanisms for victims, parents and the public, addressing cases of online child exploitation and any planned improvement.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Proceed, Sen. Seki.

ADMINISTRATION OF THE UNIVERSAL SERVICE FUND

Sen. Seki: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Information, Communication and Technology regarding the administration of the Universal Service Fund (USF).

In the Statement, the Committee should address the following-

(1) The accountability mechanism in place to ensure transparency in a disbursement of funds from the USF and to prevent mismanagement and misappropriations of funds, providing an annual breakdown of the revenue and expenditure of USF from the 2022/2023 Financial Year to date.

(2) The alignment of the projects funded by USF with Kenya's long-term digital information goals and their respective impacts on digital access, providing a list of all the projects undertaken from 2022/2023 Financial Year to date.

(3) The extent of achievement of USF strategy goals, explaining why many areas across the country will remain undeserved or lack connectivity.

(4) The reluctance of techno-communication companies to expand network coverage in rural areas, despite receiving tax incentive and regulatory support for the same.

(5) The policy and regulatory interventions being considered to fast-track digital infrastructure deployment and to have a whole digital infrastructure contractors and service providers accountable for delay or substandard works.

STATUS OF IMPLEMENTATION OF THE NATIONAL DIGITAL SUPERHIGHWAY AND LAST MILE CONNECTIVITY PROJECT UNDER USF

Sen. Seki: Mr. Speaker, Sir, I rise to pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Information Communication and Technology, regarding the status of implementation of the National Digital Superhighway and the last mile connectivity project under the USF.

In the Statement, the Committee should address the following-

(1) The status of implementation of the National Digital Superhighway and the last mile connectivity project under the USF, specifying the total kilometres of laid fibre optic cable and the number of digital village smart hubs established so far;

(2) The challenges encountered in the implementation of the project and the actions taken to address them;

(3) Viability of Public-Private Partnership (PPPs) in supporting the National Digital Superhighway and the last mile connectivity projects and whether the Government has considered the same to supplement its efforts; and,

(4) The measures put in place by the Government to accelerate the implementation of the project for enhanced broadband access, particularly in rural and marginalised areas.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Chimera.

STATUS OF PURCHASE OF WHEAT FROM KENYAN FARMERS

Sen. Chimera: Thank you, Mr. Speaker, Sir. This is a request for Statement on behalf of Sen. Mandago.

I rise pursuant to Standing Order No.53 (1) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the status of purchase of wheat from Kenyan farmers.

In the Statements, the Committee should-

(1) Provide a list of all licenced wheat millers in the country;
(2) Table the Memorandum of Understanding (MOU) between the Cereal Growers Association and the Ministry of Agriculture and Livestock Development regarding the purchase of local wheat by millers and the price paid per bag for the year 2024;

(3) Table reports of quantities of wheat purchased from the local farmers as well as quantities imported by each miller, explaining why the millers did not fully absorb locally produced wheat before purchasing the quarters allocated for duty-free import; and,

(4) State whether the wheat imported above the quarters attracted duty and, if not, state how much in cash equivalent, the government forfeited on duty in the year 2024. Sen. Raphael Chimera on behalf of Sen. Jackson Mandago.

I thank you.

The Speaker (Hon. Kingi): Hon. Senators, we will make interventions on these Statements for a period not exceeding 30 minutes. Therefore, if you have an opportunity to speak, keep it short. At most, three minutes.

Proceed, Sen. Onyonka.

Sen. Onyonka: Mr. Speaker, Sir, my apologies because as I was intending to think through, Madam Kavindu was engaging me. Hence, I will let it pass. Thank you, for giving me the opportunity.

The Speaker (Hon. Kingi): Proceed, Sen. Sifuna.

Sen. Sifuna: Mr. Speaker, Sir, I was hoping that the Senator for Uasin Gishu, who I think is still the Chairperson of the Committee on Health, would be present in the House to listen to the Statement by Sen. Chute on the completion of Sololo Level 4 Hospital.

Similarly, we have had a discussion in this Committee on a facility, the Mama Margaret Kenyatta Hospital in Korogocho, here in Nairobi, that had been taken up under

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similar circumstances. It had been taken up by national Government, Kenyatta National Hospital (KNH). We fought through the Committee to have it handed back down to the County Government of Nairobi. Nonetheless, ever since that happened, thanks to the Committee on Health, nothing has happened in that facility and the people of Nairobi have not seen the benefit of returning that facility back to the county government.

When the Committee on Health is dealing with the question of Sololo Level Four Hospital, I would want them to also give this House an update on where we are with the operationalisation and use of the facility called Mama Margaret Kenyatta Hospital in Korogocho.

I thank you.

The Speaker (Hon. Kingi): Sen. Methu.

Sen. Methu: Thank you very much, Mr. Speaker, Sir. Perhaps, before I make contribution on this Statement that has been sought by Sen. Hezena, I would want your guidance and clarification with regards to a Paper that was laid by the Senate Leader of Majority.

The last Paper that he laid was a Report of the Auditor-General on Financial Statements of J.M. Kariuki Memorial County Referral Hospital, which is in Nyandarua County. However, from the Paper that he laid, it looks like it is in Nakuru County. That should be corrected so that the record is straight.

The Statement that has been sought by Sen. Hezena is spot on. As our technology keeps growing and monetization from the digital platforms creates employment opportunity for our young people, we must draw a very significant line of protecting our children against online predators.

I am very happy that she has sought to understand how the Data Commissioner of the Republic of Kenya can verify that the data going out for consumption is of people who have reached the consent age. This will ensure our children do not fall prey to online predators who would want to take advantage of people who cannot make informed decisions by circulating content that should not go out.

The Standing Committee on Information, Communication and Technology (ICT) must meet to establish whether there is any deficiency on protecting our children against online predators. Our laws keep changing and we will keep making them better because we are a law-making House.

Monetization is not a very old form of employment for our young people. We want our people to continue using the internet to make money because it is a very good thing. However, we cannot leave it open such that anybody can upload content of a child and the child is not aware and there is no way the Government can protect such a child.

The Communications Authority of Kenya (CAK) must appear before the Committee. I can see Members of that Committee. I do not know whether Sen. Osotsi is still a Member of that Committee. Sen. Osotsi, since your Chair is not here, you must understand from the CAK---

The Speaker (Hon. Kingi): Give the Senator one minute.

Sen. Methu: You must ask CAK whether they have guidelines on *TikTok*, *Facebook* and *Twitter*, so that they can protect the content that is going out and whether they have a child protection framework so that we can protect our children.

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I thank you.

The Speaker (Hon. Kingi): Sen. Osotsi.

Sen. Osotsi: Thank you, Mr. Speaker, Sir. Allow me to comment on two Statements, one by Sen. Hezena on data protection rights and another one by Sen. Seki on ICT development in this country. I participated in developing the Data Protection Act, which Sen. Hezena was referring to. However, the challenge we are having with the Office of Data Protection Commissioner is because the Act has not been properly and effectively implemented. That matter should be looked into deeply by the Standing Committee on ICT.

One of the things I have observed is that everyone in this Ministry is clueless, starting from the CAK to the ICT Authority. I am no longer in the Standing Committee on ICT because I was very frustrated as a member given that my background is in the ICT sector. We cannot develop in ICT if we have people running sectors in this Ministry who do not understand technology. For instance, the CAK is headed by a journalist. The Ministry of ICT is headed by people who have no clue on ICT. That is the starting point.

We saw this country make strides in ICT when Bitange Ndemo was in charge of that Ministry. It is a high time we place people who are qualified and experienced in the sector to run the institution under ICT.

If you listen to the two questions that Members have asked and from my understanding of the Ministry, there is a serious competence issue in this Ministry. We have a tendency of giving all the jobs of the Office of the Data Protection Commissioner (ODPC) to lawyers, including jobs which require technical input. The ODPC should be someone who understands ICT, not a lawyer. That is the problem. The CAK performed its role better when Mr. Wangusi was in charge---

The Speaker (Hon. Kingi): Give the honourable Senator a minute to conclude his remarks.

Sen. Osotsi: Mr. Speaker, Sir, a journalist cannot understand detailed information. He cannot understand spectrum management and issues of transmission of signals. It is high time the appointing authority looked deeply into this Ministry, so that we have the relevant people in charge of the sectors in the parent Ministry. This will ensure that we deliver the technology to the people.

I associate myself with the Statement by Sen. Hezena and Sen. Seki. I ask the Standing Committee on ICT, which I left because it is on the verge of death because of leadership---

(Laughter)

I thought the Senate Majority Leader will do better by getting the right leadership for that Committee. This is a very important Committee that requires strong leadership.

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

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

Sen. Methu: The Deputy Party Leader of the Orange Democratic Movement (ODM) party has made a very serious allegation against a Committee of this House. When an alligator leaves the river and tells you that the crocodile is sick, you must listen

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to the alligator. Why would Sen. Osotsi say that the Standing Committee on ICT is on the verge of death, whereas the Chairman of that Committee has been reinstated after the committees were disbanded? He has been reinstated on merit because I was de-whipped on demerit. Why would Sen. Osotsi make such a serious allegation? What proof does he have to that effect?

The Speaker (Hon. Kingi): Sen. Osotsi.

Sen. Osotsi: Mr. Speaker, Sir, I ---

The Speaker (Hon. Kingi): Sen. Osotsi, just take your seat. All the elected and nominated Senators are equal as far as placing them in committees or leadership positions. No Senator can discuss the competence or otherwise of the other. You are fully aware that you cannot discuss that because it borders on discussing the conduct of a colleague, which is out of order. Kindly refrain from that line of an argument and conclude your remarks.

Sen. Osotsi: Mr. Speaker, Sir, I apologise to that extent. However, Sen. Methu brought a Statement before the Standing Committee on ICT on a very important matter of drop calls and it was not given the maximum justice it needed. It disappeared in thin air, so you already have an answer to that question.

Mr. Speaker, Sir, I do not want to discuss the competence of the leadership of that Committee. I was just trying to emphasize that if we have a scenario where we have people in leadership in the agencies, Information, Communication and Technology (ICT) sector, the Ministry, and the Committee, then we will not pursue the development that we need in this sector.

(Sen. Osotsi's microphone was switched off)

The Speaker (Hon. Kingi): Sen. (Dr.) Boni, you have the Floor.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, the issue raised by the Senator for Marsabit, Sen. Said Mohamed Chute, is very important. It speaks to a pandemic in this country where projects started by the first-generation governors have stalled.

The hospital in Sololo has taken seven years, but it is just still lying there. If you go to Kakamega, Shiamakhubu is just lying there for 10 years. The project at Kakamega County Teaching and Referral Hospital has been lying there for 10 years. In fact, this issue is cross-cutting. Therefore, we should look for a national solution. It is sad that Kenyans have to come from as low down as Isiolo to go and seek medical treatment in Ethiopia because of this kind of nonsense.

The Auditor-General and the Controller of Budget (CoB) have spoken to all these. In fact, as late as last week, there was a press release by the CoB that showed that billions of shillings have gone down the drain in stolen projects. Number one on the list was Kakamega County with Kshs7.24 billion gone. It was followed by Uasin Gishu County with Kshs1.76 billion down the drain. Next was Machakos County with Kshs1.13 billion, Nyandarua County with Kshs681.7 million and then Tharaka-Nithi County. Of all the counties, a small county called Tharaka Nithi lost Kshs525.29 million.

Mr. Speaker, Sir, we have to address this because of the same governors who are sitting on this loss of public funds. If you see the lifestyle that those guys lead, may God

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help me never to lead such a deceitful life because they do not need it. You will be shocked if you are told the kind of properties they have here in Nairobi. They have even developed the art of theft. They are now investing in South Africa and Dubai. This House must do something.

Members of County Assemblies (MCAs) have tried to bring us Motions of Impeachment. What is the silver bullet that we can be released on these characters, so that the people of Kakamega can have somebody recover for them Kshs7.2 billion?

(Sen. (Dr.) Khalwale's microphone was switched off)

The Speaker (Hon. Kingi): Just one minute for the Senator to wind up.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I cry for many. The country will need patriots who will speak truth to power.

I was recently at a Parliamentary Group (PG) meeting where governors, Senators, and Members of the National Assembly (MPs) were present. They were having tea and feeling happy and saw nothing wrong in Kshs10 billion being held in Road Maintenance Levy Fund (RMLF) because MPs and governors are fighting. During that PG meeting, why did they not agree to withdraw the matter from court, so that members of the public can start enjoying Kshs10 billion? As the leadership of this country, we are lying to wananchi. When we meet, we do not talk about the wananchi but our own issues.

The collective mind of the nation must now wake up. We cannot go on like this. I mean, that is not why I came to Nairobi. If I want money, I can get it in Kakamega. In fact, I successfully settled all my marriages just by being in Kakamega. There is nothing special in Nairobi. We come to Nairobi for matters of governance and this is the crux of the matter.

Sen. Chute, we are with you. I know the story of Marsabit and Turkana counties where children stop you on the road, not for money but they ask you for water. When you give a little boy of five years a bottle of water, the face lights up. We are living a lie!

The Speaker (Hon. Kingi): Proceed, Sen. Eddy.

Sen. Oketch Gicheru: Mr. Speaker, Sir, I thank you for giving me this opportunity. I wanted to give a few thoughts on the good Statement sought by Sen. Hezena on *TikTok* usage and data protection. I know that we have the Data Protection Act in place, but there are gaps because that Act has not been translated into what I would call clear governance policies.

If you read that Act the way it is at the moment, it is generic in terms of general laws that need to exist and fairness laws. For us to get justice in what has been sought by Sen. Hezena, which is basically the danger that our young people are facing by being online and consuming platforms such as *TikTok*, the first thing that the Committee should do is proper data protection impact assessment. They should also look at the interface between that impact assessment together with governance policies and how clear they can be. For instance, despite the existence of that particular law, there is no transparency on data collection, storage, and usage, not only by *TikTok*, but all other social media platforms that we have.

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Today, if you look at *Meta* platforms like *Instagram (IG)*, you cannot pinpoint where transparency is in terms of data collection, storage and usage. There is also no transparency on processing activities of the data that we see where massive young and even older people get on this platform. You can further look at it in terms of transfer of that data from within and without Kenya. Within Kenya, perhaps, you can force *TikTok* and other platforms to comply with the generic laws in the Data Protection Act but what happens when that data is transferred outside? Does it meet the data protection safeguards outside this country, and what are the compliance metrics that our data protection organisations and Government institutions have to make sure that these kinds of platforms comply with the safeguards that are established within, for example, China, United States (US) and Ireland? This is something that must be looked at from an impact assessment perspective.

When you look at countries that have made strides like the US, they have data localisation. There is some form of data that cannot be transferred outside their borders and be exploited more broadly as we see with young people in this country. That also goes with things like content moderation and standards.

Even though some social media platforms like *TikTok* have got what I would call industrial or company policies that we can buttress on the issue of data protection, there is no way of incorporating the Kenyan culture and---

(Sen. Kavindu Muthama consulted loudly)

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

Proceed, Sen. Oketch.

Sen. Oketch Gicheru: Thank you, Mr. Speaker, Sir, for the protection.

There is no way of incorporating the Kenyan culture and moral standards. Even though both *TikTok* and *IG* appreciate regional ideologies and cultures, the current form of law does not reduce to policy, where you can force them to comply with that notion of regional, cultural and moral standards because that is where content generation becomes a big problem.

Mr. Speaker, Sir, to further make this work for our younger generation, especially those under the age of 13 years, there has to be a required user education on our public sphere, that is required of the corporate companies that are running these platforms. That user education can also be used to buttress some of the standards that *TikTok*, Facebook, *Instagram (IG)* and any other social media platform that will come in future.

I, therefore, would request that this Committee takes this work seriously and promotes---

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

Sen. Okenyuri: Thank you, Mr. Speaker, Sir. I would like to support the Statement by Sen. Mandago on the status of wheat farmers in the country. I have seen the Agriculture and Food Authority (AFA) run an advert of '*Better Kilimo Mkulima Kwanza*'.

As a country, we are constantly preaching 'Buy Kenya Build Kenya'. However, those will remain mere words if our wheat farmers cannot have their wheat purchased

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from them. Instead, we are opting for more imports which are flooding the market. I hope this will not be a game of the goose just like when we were investigating the edible oil scandal.

I, therefore, would like the Committee to go deep into this because there is no way we are prioritizing importation yet Kenya is producing huge quantities of wheat. This would discourage our farmers for that matter.

Mr. Speaker, Sir, in this case, if you allow me, I would use the Swahili word ‘*kinaya kikubwa*’ that the Agriculture and Food Authority and the Ministry in general is running an advert of *Better Kilimo, Mkulima Kwanza*, but prioritizing people who are not our citizens. I would like the Committee to go deeper and beyond some of the issues that Sen. Mandago has raised, so that there is justice for our farmers.

I would like to also support the Statement by Sen. Hezena. It is a wake-up call to parents and guardians to also guide our children who are growing up on what is suitable for their consumption. Even though we are going to put laws that will guide them on what to look at and what not to, we as parents need to have that responsibility so that we are bring up children who are well informed. That is why I brought the Civic Education Bill, not just for we, Members here, but citizens in general to be informed on what decisions they are bound to make.

I thank you.

The Speaker (Hon. Kingi): Next Order.

MOTION

ADOPTION OF REPORT ON CATASTROPHIC MAIZE DISEASES IN BOMET COUNTY

THAT, the Senate adopts the Report of the Standing Committee on Agriculture, Livestock and Fisheries on a Petition to the Senate regarding the catastrophic maize diseases that farmers in Bomet County have endured for the last twelve years, laid on the Table of the Senate on Thursday, 5th December, 2024.

(Sen. Wafula on 5.3.2025 – Afternoon Sitting)

(Resumption of debate interrupted on 5.3.2025 – Afternoon Sitting)

The Speaker (Hon. Kingi): Hon. Senators, debate on this Motion had been concluded. What remains is the Chair to put the Question, which I hereby put.

(Question put and agreed to)

The Speaker (Hon. Kingi): Next Order.

MOTION**ADOPTION OF REPORT ON PETITION ON GRAFT INVESTIGATION
BY EACC ON WEST KANO IRRIGATION SCHEME**

THAT, the Senate adopts the Report of the Standing Committee on Agriculture, Livestock and Fisheries on a Petition to the Senate regarding graft investigation by the Ethics and Anti-Corruption Commission (EACC) on the West Kano irrigation scheme, laid on the Table of the Senate on Thursday, 5th December, 2024.

(Sen. Wafula on 6.3.2025)

(Resumption of debate interrupted on 6.3.2025)

The Speaker (Hon. Kingi): Similarly, debate of this Motion had been concluded. It is a matter does not touch specifically on counties. Therefore, what remains is for me to put the Question. I will proceed to do.

(Question put and agreed to)

The Speaker (Hon. Kingi): Hon. Senators, we shall defer Order Nos.11 all the way to Order No.13, and proceed from Order No.14.

BILLS*Second Reading***THE PUBLIC FUNDRAISING APPEALS BILL
(SENATE BILLS NO.36 OF 2024)**

(Bill deferred)

*Second Reading***THE ENVIRONMENT LAWS (AMENDMENT)
BILL (SENATE BILLS NO.23 OF 2024)**

(Bill deferred)

*Second Reading***THE COUNTY CIVIC EDUCATION BILL**

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(SENATE BILLS NO.4 OF 2024)

(Bill deferred)

MOTION

ADOPTION OF REPORT ON THE CONFLICT OF INTEREST BILL
(NATIONAL ASSEMBLY BILLS NO.12 OF 2023)

THAT, the Senate adopts the Report of the Mediation Committee on the Conflict of Interest Bill (National Assembly Bills No. 12 of 2023), laid on the table of the Senate on Thursday, 5th December, 2024 and further that pursuant to Article 113 (2) of the Constitution and Standing Order 167 (3) of the Senate, approves the mediated version of the Bill.

(Motion deferred)

Clerk, proceed to call that Order.

MOTION

ADOPTION OF REPORT ON WELFARE OF WORKERS
IN EPZs IN MOMBASA AND KILIFI COUNTIES

THAT, the Senate adopts the Report of the Standing Committee on Labour and Social Welfare on an inquiry into the plight of workers in the Export Processing Zones (EPZs) in Mombasa and Kilifi Counties, laid on the Table of the Senate on Tuesday, 1st October, 2024.

(Sen. Murgor on 6.3.2025)

(Resumption of debate interrupted on 6.3.2025)

The Speaker (Hon. Kingi): For clarity, Hon. Senators, we have deferred Orders No.10 all the way to Order No.13.

For Order No.14, when debate was interrupted, Sen. Eddy had the Floor, and he had a balance of 14 minutes. He is not in, and therefore, we will proceed to allow any other Senator wishing to make the comments on this particular Motion.

From my dashboard, I do not see any indication.

Hon. Senators, clearly, there is no indication from any hon. Senators wishing to speak. Therefore, I will allow the Mover of this Motion to proceed to reply.

Sen. Murgor, please, proceed.

Sen. Murgor: Mr. Speaker, Sir, I beg to move

The Speaker (Hon. Kingi): You already moved. Right now, you need to reply.

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(Sen. Murgor consulted the Clerk-at-the Table)

Sen. Murgor: Thank you, Mr. Speaker, Sir, for the opportunity. I rise to thank everybody, the Senate Standing Committee on Labour and Social Welfare----

The Speaker (Hon. Kingi): Sen. Seki, kindly take your seat.

(Sen. Seki consulted with Sen. Chute)

Sen. Murgor: I would like to thank Members who contributed to this Motion, even though it was brief.

I beg to reply.

The Speaker (Hon. Kingi): Clerk, do we have the necessary quorum to enable me put the question?

(Question put and agreed to)

Next Order.

The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights (JLAC)?

MOTION

ADOPTION OF JOINT REPORT ON CONSIDERATION OF THE NADCO AND MULTI-SECTORAL WORKING GROUP REPORT ON THE REALIZATION OF THE TWO-THIRDS GENDER PRINCIPLE

THAT, the Senate adopts the Joint Report of the National Assembly Departmental Committee on Justice and Legal Affairs and the Senate Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of the Report of the National Dialogue Committee (NADCO) and the Report of the Multi-Sectoral Working Group on the realization of the Two-thirds Gender Principle, laid on the Table on Thursday, 13th February, 2025.

The Speaker (Hon. Kingi): We will defer that Order.

(Motion deferred)

Clerk, call the next Order, please? The Chairperson of the Standing Committee on Labour and Social Welfare. You may proceed to move.

BILL*Second Reading*THE HERITAGE AND MUSEUMS BILL
(SENATE BILLS NO.8 OF 2023)

Sen. Murgor: Thank you, Mr. Speaker, Sir. I beg to move that the Heritage and Museums Bill (Senate Bills No.8 of 2023) be now read a Second Time. The Bill was published on 28th February, 2023 and read a First Time in the Senate on 22nd March, 2023.

Paragraph 25 of Part 1 of the Fourth Schedule the Constitution designates ancient and historical monuments of national importance as part of the functions of the national Government. Paragraph 4 of page two of the Fourth Schedule to the Constitution states that activities, public entertainment and public amenities include museums and are a function of the county governments.

The principal object of the Bill is, therefore, to repeal the National Museums and Heritage Act and enact a new Bill that conforms to the Constitution.

The Bill proposes-

- (1) To retain the National Museum of Kenya already established under the National Museums and Heritage Act, 2006.
- (2) Provide for county museums.
- (3) Provide for the preservation and protection and the management of cultural and natural heritage at national and county levels of government.
- (4) Repeal the National Museums and Heritage Act, 2006.

The Speaker (Hon. Kingi): What is your point of order, Senator for Kitui?

Sen. Murgor, just take your seat.

Sen. Wambua: Mr. Speaker, Sir, I would not have wanted to interrupt the Member as he moved the Motion, but our Standing Order No.95 explicitly says that when moving and making any debate on the Floor, we should not be seen to be reading word-by-word the things we are saying. Unless you are satisfied that he should read the moving of the Bill, is he in order to read for word-for-word as he moves?

The Speaker (Hon. Kingi): In order that the hon. Member gives in precision the imports and the purpose of this Bill, I will allow him to read pursuant to Standing Order No. 95(2).

Hon. Senator, proceed.

Sen. Murgor: Thank you, Mr. Speaker, Sir. After the brief background, I now move to the content of the Bill.

Overview of the Bill - the Bill's legislative proposals-

- (1) Retain the national Museums of Kenya.
- (2) Provides the functions of the counties in relation to heritage and museum.
- (3) Establish county museums in their functions.

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(4) Provide for an appointment of county heritage inspectors in each county for the purpose of compliance with the Bill.

(5) Provide for the establishment of national heritage centres in each county.

(6) Provides for the maintenance of registers of all protected areas, ancient and historical monuments of national importance.

(7) Provide for the enforcement of agreements for protection of monuments.

(8) Establish a heritage tribunal to hear appeals and complains, resolve conflicts and address all issues relating to heritage and museums.

Mr. Speaker, Sir, the Bill provides for all the re-establishment of national Museums of Kenya vested with the mandate of conserving cultural and natural heritage of national importance. The management of the National Museums of Kenya is vested in the Board of the National Museums. The Director General shall be responsible for the day-to-day management and general administration of the national museums of Kenya, subject to the Board's direction.

The Bill provides also for the functions of the county government pertaining to county museums. In relation to the museums, the Government will have the mandate of collection and documentation of exhibitions of materials and objects of historical and cultural heritage that are important to the respective county.

The Bill empowers the Cabinet Secretary responsible for the matters relating to the national heritage, antiques, national monuments after consulting with the National Museums Board to declare and gazette places and objects of national importance. The Board is mandated to deliberate and pass resolutions on de-gazettement of places or objects of national heritage. The Bill further prescribes the general principles for the management of heritage resources nationally by registration.

Under the Bill, an exploration license must be obtained before pursuing excavation or before each operation for buried monuments. The Bill prescribes the procedure of operation in the case of dispenses of rights of occupation of trust land or manages any such land of occupiers of claims. Under the Bill, the National Museums of Kenya must notify of the discovery made.

The Bill also restricts the movement of objects of architectural or paleontological interest without authorization. It provides for protected areas and ways of compensating owners of land declared to be a protected area.

The Cabinet Secretary is empowered to prohibit or restrict access to any development or use of a protected area for agricultural or livestock or activity that would damage monuments or objects of archaeological interest.

The Bill provides for the acquisition, protection, maintenance, inspection, repair, acquisition, and guarantees of monuments. Under the Bill, antiques are considered property of the Government. Removal of antiques and protected objects from places where they are situated is prohibited. The Bill also prohibits the sale of antiques and protected objects. It provides conditions relating to the export of monuments, antiques, or protected objects.

The Bill provides that monuments, antiques or protected objects shall not be removed from Kenya other than through the customs part of entry. It provides an

enforced mechanism by the National Museums of Kenya to ensure competent compliance with the provisions of the proposed Act.

The Bill provides for inspection by the National Museums and the appointment of National Heritage Inspectors to enforce the Act. Under the Bill, the National Heritage Inspector has been given the power to inspect, arrest, and search. The Bill also provides for the establishment of a heritage tribunal that shall hear appeals and complaints, resolve conflicts, and address questions.

The Standing Committee on Labour and Social Welfare held a public hearing on the Bill on 20th April, 2023 and received submissions from the following stakeholders –

- (1) The Council of Governors.
- (2) The National Museums of Kenya.
- (3) Nature Kenya.
- (4) The Attorney General.
- (5) Turkana Basin Institute.

The Standing Committee on Labour and Social Welfare tabled the report on the Bill's consideration. The Bill will provide a legal framework for implementing the county government's functions and powers regarding cultural activities, public entertainment, and public amenities as set out under paragraph 4 of page 2 of the Fourth Schedule to the Constitution.

The Bill will also repeal the National Museums and Heritage Act 2006.

Mr. Speaker, with those few comments, I beg to Move-

That the Heritage and Museum Bill (Senate Bills No.8 of 2023) be now read a second time.

The Speaker (Hon. Kingi): Who is your seconder?

Sen. Murgor: May I ask Sen. Faki to second? Thank you.

Sen. Faki: Asante sana, Bw. Spika kwa kunipa fursa hii, kuunga mkono Mswada wa makavazi na utamaduni.

Huu ni Mswada wa Seneti na umewasilishwa bungeni na mwenyekiti wa Kamati ya Leba na Ustawi wa Jamii. Nilihudumu katika kamati hii kwa muda wa miaka miwili na nusu iliyopita.

Nimesoma Mswada huu. Yale mambo yanayozungumziwa yatasaidia pakubwa kuweza kukinga na kuhifadhi utamaduni na mila zetu nchini. Mambo ya utamaduni na makavazi yamegatuliwa kulingana na Ibara ya nne ya Katiba yetu.

Ule Mswada kwa sasa ambao ni sharia - Mswada wa Makavazi na Utamaduni wa mwaka 2006 umepitwa na wakati kwa sababu kulingana na Katiba mpya tuko katika himaya ya Serikali mbili- ya kitaifa na za ugatuzi.

Bw. Spika, ni muhimu Mswada huu uweze kuangilia sehemu zote mbili. Kaunti zetu nyingi mpaka sasa hazijaweza kutenga fedha za kutosha kuhakikisha kwamba wanasimamia makavazi tofauti tofauti katika maeneo yao na vile vile kusimamia mambo ya mila na tamaduni katika maeneo wanakotoka. Kwa mfano, katika kaunti ya Mombasa, hatujaona bajeti au mradi wowote wa makavazi katika maeneo hii ambayo inasimamiwa na kaunti zetu. Tukiangalia sehemu zingine kama Kaunti ya Kilifi, kuna kaya zetu ambazo watu wamekuwa wanaenda kwa muda mrefu kumwomba Mungu na vile vile kufanya matambiko yao ya kitamaduni.

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Fedha ambazo ziko ni kidogo na pia hakukuwa na sheria ambazo zingesimamia mambo kama hayo. Mswada huu utasaidia pakubwa kuhakikisha kwamba serikali zetu za kaunti zinaweza kuangalia swala hili muhimu katika maisha ya binadamu. Vile vile katika usimamizi wa makavazi utapata kwamba zile sehemu zote za kihistoria kwa mfano Fort Jesus na Mama Ngina Water Front amabayo ilikarabatiwa majuzi na serikali kuu katika Kaunti ya Mombasa hazijapewa hati miliki ya makavazi na serikali kuu.

Mara ya mwisho Waziri Miano alipozuru pale alisema kuwa ataliangalia swala hilo lakini juzi nilipomuuliza aliniambia kuwa swala hilo na mengine ya utamaduni yani heritage yametolewa kutoka Wizara ya Utalii na Wanyama Pori na limepelekwa na Ofisi ya Wizara ya Youth Affairs, Creative Economy and Sports .

Bw. Spika naunga mkono Mswada huu na ukipitshwa utasaidia pakubwa serikali zetu za ugatuzi kuhakikisha kwamba wanachangia pakubwa kuhifadhi na kujenga turadhi zetu na vile vile makavazi yetu ya awali.

Asante.

(Question proposed)

The Speaker (Hon. Kingi): The Floor is now open. Hon. Sen. Wambua proceed. Before you take to the Floor, allow me to make this communication.

(Interruption of debate on the Bill)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM MOI FORCES
ACADEMY, NAIROBI CITY COUNTY

The Speaker (Hon. Kingi): I would like to acknowledge the presence in the Public Gallery this afternoon, of visiting students and teachers from Moi Forces Academy, Nairobi City County. The delegation comprises of 140 students and seven teachers who are undertaking a study tour to the Senate.

Hon. Senators, on behalf of the Senate and my own behalf, I extend a warm welcome to them and wish them all the very best during their visit.

I will allow the Senator for Kitui County, under one minute, to extend a warm welcome, and thereafter, proceed to make your comments on the Bill.

Sen. Wambua: Thank you, Mr. Speaker, Sir. On behalf of the Senate of the Republic of Kenya, I want to join you in extending warm welcome to the visiting students from Moi Forces Academy, Nairobi County.

As you have done, I want to wish them, a fruitful visit as they follow the proceedings in the Senate. I hope that some of them, if not all, will be inspired and aspire one day to join this great House to legislate, represent, and oversight on behalf of the Kenyan people. I welcome the students and their teachers.

(Resumption of debate on the Bill)

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I stand in support the Heritage and Museums Bill (Senate Bills No.8 of 2023) ably moved by the Chairperson of the Standing Committee on Labour and Social Welfare, Sen. Murgor. Initially, I had my own reservations about the Bill, but I have consulted the Secretariat and have been properly guided, that in fact what a part of this Bill seeks to do is to repeal the existing National Museums and Heritage Act of 2006.

I was wondering whether this Bill seeks to establish another national museum, yet and all my life I have always known that we have had one national museum. In fact, it will be remembered that my predecessor, the former Senator of Kitui County, Hon. David Musila, has been serving as the Chairman of the National Museum of Kenya. When I saw this, I wondered what position he was serving in. However, I am properly guided. The Bill also seeks to repeal the National Museums and Heritage Act established in 2006, and for a good reason. The move to repeal the Act could not have come at a better time. If you ask me, it is long overdue. When this Act was passed in 2006, we were operating under a different constitutional dispensation. After the promulgation of the new Constitution in 2010, the allocation of museums and historical monuments of national importance were given to the national Government in Part One of the Fourth Schedule.

It is a national government function. However, we also know that there is a lot of work to be done in counties. There was a need to create that synergy between the management of museums at the national level and the operationalization of works at county levels.

Mr. Speaker, Sir, I am impressed by the provisions of Part 2 of the Bill. I think for the first time, and in a very nice way it makes every citizen a trustee of our national heritage. If and when this Bill becomes law, it will be the responsibility of every citizen of this country to act responsibly in the preservation and protection of our heritage. That has been captured well in the Bill and I support it.

We should not wait for other people sitting in offices to protect our heritage but it is now incumbent upon every Kenyan to act responsibly and ensure that we protect our heritage for the benefit of this current and future generation.

Part 3 of the Bill assigns roles and responsibilities to the two levels of government. I am happy with the roles assigned to county governments. Where we all come from our counties, we have monuments and indigenous cultures that are at a threat of becoming extinct. Why? As things stand now, it is the responsibility of the national Government to make sure that these indigenous cultures, heritages, and monuments in our respective counties are preserved and taken care of. Now with the passage of this Bill, the responsibility is taken where it belongs.

That means that our county governments will also now have to even pass budgets to support their own Indigenous cultures, their monuments, and their artefacts. This is a move in the right direction to ensure that even when it comes to the promotion of our diversity, counties that share almost similar or even complementing heritages, then they can come up with consortiums to even establish circuits for tourism crisscrossing counties.

While speaking about the establishment of those circuits for purposes of tourism attractions, yours truly is in the process of bringing to the Floor of this House a Bill that

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seeks to establish and entrench regional authorities or regional caucuses to ensure that these economic blocks in the counties then operate within a structure that is recognised by law. This will go a long way in ensuring that counties have no problems with budgeting for cross-county operations.

The Bill seeks to ensure that the National Museums of Kenya Act is now repealed when we pass this Bill and that they should be able to identify, acquire and record ancient and historical monuments and sites in conjunction with county governments.

So, I would expect that with the passage of this Bill, there will be a lot of consultation between the National Museums of Kenya, established and operating with its headquarters in Nairobi, and the satellite offices set up in counties to ensure that there is synergy; that the establishment and identification of monuments and heritages and historical sites is done smoothly.

There are things that people sitting in Nairobi may not think that they have a lot of value in terms of heritage. However, for the people living in those respective counties, those heritages carry a lot of weight in passing their cultures from one generation to the next generation.

I hope that once it is passed by both Houses of Parliament, then it will help us ensure that our heritage is protected and counties also continue to play the right role in ensuring that we don't lose our cultures and our heritage.

I support.

The Speaker (Hon. Kingi): Sen. Veronica Maina

Sen. Veronica Maina: Thank you, Mr. Speaker, Sir for the opportunity to contribute to this very important Bill that has been brought to the Floor of this House. Let me take this opportunity to congratulate the Chairperson of the Standing Committee on Labour and Social Welfare, Sen. Murgor, for bringing a genius legislation that can be a great avenue, even of income for the counties.

Before I tackle any other section, I will jump to Clause 93(1) of this Bill.

It says-

“The National Museums of Kenya may request a court or other competent authority of another country to order the return of a cultural object illegally exported from the territory of the Republic of Kenya.”

We know very well that before our community and our nation were alert as to the value of some of these artefacts and some of these monuments, architectural works, and sculptures; those who are more aware and who came from other jurisdictions of our nation cut away very important artefacts that are now showcased in other very modern museums and whose value has become very high.

I am very pleased as a Senator to see that we can finally legislate a piece of law that can help us to extradite or return all those artefacts back to this country. That means it is a very progressive legislation.

I have seen for the first time that counties have been recognised as a platform where museums can now be created at the county level and where heritage, artefacts, and culture can be preserved right at the county level. That means it has gone down to the people and every county now must take ownership of this legislation.

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Why? For a long time, I have seen Kenyans trying to express themselves, their culture, their tribe, their ethnic background and sometimes it has not come out positively because it has been used to divide people.

We now have legislation where culture can be expressed positively. Cultural differences can be expressed through the establishment of museums at the county level. For example, if a young Kenyan from the diaspora visits Murang'a County, they can tell how the Kikuyu community lived before 1900, using the concept of a museum that has preserved the culture and the livelihoods of a people. I hope when this legislation is finally enacted that counties will take advantage of it.

I want to remember when the Senate went to Senate *Mashinani* in Turkana County. I watched the kind of dances that were presented, read the history of those traditional dances, and looked at the attire that was being used by the Turkana people and for a moment, my heart was captivated, especially by the outfits.

Those outfits, if they are not preserved within the context of such legislation, in another 20 to 30 years, will be replaced by modern clothing and we will no longer remember how Turkana culture looked like or how the dances were being done. So, this is legislation which the Council of Governors (CoG) should take and ensure that it is implemented to the letter within the county context.

I am also seeing Sen. Ledama has got back to his seat in the House. I am thinking about the very rich Maasai heritage and culture that has defined and given a brand to the nation of Kenya. We want to see Narok and Kajiado Counties and all the counties around Maasai land ensuring that every beadwork that has been done by the Maasai, handmade beadworks, the shield, the spears and the *rungu* that the Maasais use settled in certain very good museums in Narok County and Kajiado County. I see Sen. Ledama carrying that *rungu*, but for the harsh eye that comes from the Serjeant-at-Arms (SAA) at the Senate, he has not been allowed to bring it to the Chamber.

These should be preserved so that when we are promoting our tourism, we can tell the World that they can come to Kenya and learn exactly how the Maasais have lived for the last 100 years on a platform of very good museums.

I am thinking of some of the museums I have visited across the world as I have had an opportunity to travel, like Madame Tussauds Museum in London. If you visit the Madame Tussauds Museum, you will be amazed to see the kind of artefacts they have put in that museum and the kind of income that is being earned through the use of that museum. You will find the likes of the Former President of United States of America, Barack Obama, together with the former First Lady, Michelle Obama, very well sculptured within the Madame Tussauds.

You can read the history of the whole of United Kingdom (UK) and Britain following that museum. Every year they will show you who was the king in 1895 and who moved on to 1900. If we were to take this concept of museum with the dedication, we would even have visitors streaming in. We must think of the artefacts that have been preserved in other jurisdictions like in Egypt where they have the pyramids. Millions of tourists flock Egypt and Cairo to see the pyramids.

Mr. Speaker, Sir, we want to see Fort Jesus getting the kind of branding, marketing and know-how that people should have about the Fort Jesus and what it stood

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for in Kenya. We want to see the Lamu doors which I see have been preserved and recognised here. Any wooden frames and doors that date beyond 1946 should also be identified as artefacts that need preservation. That artefact could even be like what you are seeing here in Senate.

The art that has been used around the Senate building itself is not of today, it is of those years. We want to see these artefacts preserved so that when our children are born in another 50 or 60 years, this legislation will mean something to them and will not only be there to be viewed and give the history, it will also earn income for our nation.

We had a heavy tussle with the Council of Governors (CoG) and governors on the issue of Own Source Revenue. This is one of the innovative ways that counties can earn revenue and attract tourism. When I went to Muranga County the other day, we had a very big *kiondo* event. The baskets are weaved by the older generation, the age of our mothers, who are bringing up a certain art which we do not have ourselves. We want to see the preservation of such. Those baskets being preserved within a museum so that even as that skill is evolving and changing, the museum can preserve them and show us what pots were being used in Kenya in 1900.

Mr. Speaker, Sir, sometimes legislation can be done here and because it is being presented in very fine English, people may think it is something that is beyond our understanding. It is just a preservation of those items that were used in the kitchens from 1900 up to 2000. What is the development and how have they evolved?

I am thinking of a small museum in Karen right now called Karen Blixen. Karen Blixen was one of those first British occupants in Kenya and who lived in Karen area. The whole of Karen is named after Karen Blixen. Therefore, if you tour the house where Karen Blixen lived, you will be shown the bed, the kitchen where Karen cooked and where she had dinner. It is just those artefacts put together. A curtain is raised and you are able to view how life was, how the outfits were and when they went for dinner, what did they wear. That is all that is preserved in that museum. Additionally, Karen Blixen will be able to raise some funds even as they retain that museum.

I also remember one small museum I visited in UK. It is a museum of a Christian who lived in UK and who wrote this song called Amazing Grace. They have created a whole museum around that song. Out of that museum concept, they have also come up with very interesting paraphernalia and gifts that can be sold and that shows how the song Amazing Grace was composed, how it got into our Christian world and worship.

I want to highly commend the Committee for coming up with such a legislation. I believe that our national heritage will be safer when we get hold of these artefacts. I have also noted, one of the items that has been recognised as requiring preservation, are those vessels which may have sunk or vessels that predate 1940s. If they are found anywhere by our shores or they are recovered anywhere, then they are supposed to be preserved for museum purposes, learning and also for ensuring that we can see how the technology of yester years has been developed up to now.

If we implement the Heritage and Museums Bill well and it turns into law, then it will be a framework that will support research in the fields of ancient, historical, scientific, cultural, natural, technological, and human interests. It will help Kenya to

attract many more historians as they visit the country, Kenya, which is the cradle of mankind.

With the implementation of this legislation, we should be able to attract scientists, researchers, historians, academics, universities or institutes which are doing research or are interested in research. I highly commend the enactment of the Heritage and Museums Bill. I pray and ask all the Senators to support this Bill until it turns into law that can transform our counties and also help us preserve the culture and our rich heritage as Kenyans and as Africans.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Olekina.

Sen. Olekina: Thank you, Mr. Speaker, Sir. I rise to support this timely Bill, the Heritage and Museums Bill (Senate Bills No.8 of 2023).

As I support this Bill, I want to note one thing. It is about time that we all appreciate our diversity, respect each culture and not subject any culture to second grading. One of the most offensive things in this Bill is that, the Committee decided that counties will only grade the artefacts that they find in that county as grade two, yet the umbrella body with the Director General will be given the opportunity to grade one, two, three, and four. I would like to persuade the Committee on Labour and Social Protection, led by my good friend Sen. Murgor, to do away with the grading aspect of it completely.

If you read Clause 4 of that Bill, it states that-

“The National Museum of Kenya shall, in consultation with the Cabinet Secretary and the County Executive Committee member in each county prescribe a system of grading of places and objects which form part of the national heritage and shall distinguish between -

(a) Grade I category consisting of heritage resources with qualities so exceptional that they are of special national significance;

(b) Grade II consisting of heritage resources considered to have special qualities which make them significant within the context of a county or a region; and

(c) Such other grade assessment criteria as the National Museum of Kenya shall consider appropriate.”

I want to persuade the distinguished Senator to do away with that aspect. Since, who gives you the audacity to come and say that what I consider to be valuable in the Maasai community is now going to be subjected into a second class by a Cabinet Secretary and an executive committee member of a county government who does not even understand that heritage?

The other part which I thought was wrong, is on Clause 8(c) where it provides that the function of county government shall be to see, identify and manage Grade II heritage resources in accordance with this Act.

Mr. Speaker, Sir, the reason I find that provision wrongly placed is that when the colonial masters came into this country, they took everything that was important and belonged to us. If you go to the museums in London today, you will find Maasai artefacts, which have serious cultural significance to us. However, they were all taken to London, where everyone goes in with tickets and they get money.

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When we have now devolved resources and decided to set up museums across this country, we still subject ourselves to that colonial mentality of taking what is so important to the bullfighter from Kakamega County to Nairobi City County. Why not send people from Nairobi City County to Kakamega County to go and see what is important there?

I would like to persuade you to completely do away with that system of grading. Who gives the Cabinet Secretary the knowledge of my culture? He does not understand it. Who gives the County Executive Committee Member (CECM), who is a political appointee, the ability to be able to distinguish what is good and wrong?

My community, the Maasai community, traded with traders from the Czech Republic who brought in beads. The beads that we wear were traded between the Maasai and traders from the Czech Republic from the European community. Until today, 99 per cent of all the beads which are sold in this country come from the Czech Republic. When you try to get them from a different country, there are challenges because there was a channel they passed through. We adopted them, but we have others which are very significant to us.

The Pokot have their heritage. The Njemps or Ilchamus community, who are our sister tribe, have what they value. The Ateker community, which I belong to, have their heritage, which we have preserved for years. They include, the Maasai, Samburu, Karamojong, Pokot and people from Ethiopia and South Sudan.

The only thing that I support with this Bill is that county governments must now set aside a percentage of their budget to set up museums that will attract people into those counties. The challenge we have at the moment is that because of this cosmopolitan nature, some of us are afraid that our own counties will be strangers. It is people who will be put in museums.

I went to a place in Austria called Salzburg, where they have a beautiful museum. In that museum, they have a short African man who they say was a human they brought from South Africa many years ago. I do not want the Maasai to be put in the museum and say, "That lanky fellow is from the Maasai community, who used to be predominant in this county."

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

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

Madam Temporary Speaker, that is why I said the other day that we need to be creative in this House. We need to ask ourselves what we are going to do to solve the conflict at the borders. You will find the Maasais, Kisiis and Luos fighting in their borders because of land issues. That is why I said we change the law on land so that we know the boundary of the Maasai. The Maasais who live in that place should be told not to sell their land for the sake of preserving their heritage and culture. They can lease the land out, but not sell it. This is because the moment you sell that land, the change of user come in place.

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It is imperative that all of us become cognizant of the things we are introducing. I normally stand here and say that we have been terrorized and stigmatised for many years. Despite all that, we have a culture which we believe.

I would like to persuade the distinguished Senator to amend the following Section before bringing this Bill to a vote. If you do not, I will be seeking to remove section 8 (c), which states that-

“The functions of the county governments shall be to identify and manage of grade II heritage resources in accordance with this Act.”

It means that if we are to go with this Bill, any grade I heritage resources will be taken to a Director General, a job we have created. He is in charge of collecting all the money. For example, if people are coming to visit grade A resources and they decide they are charging X amount in Grade A, that money should remain in Nairobi to pay for the life of other people.

What we need to do is very simple. On the part you are recommending that the Director General (DG) who is the head of the administration, can receive money donations, we need to be specific on that. If the donations are received because of an artefact that came from Maasai land, then that money is to be directed to the museum in Narok. If that money is from West Pokot, it is sent to West Pokot. If it is from Kakamega, it is sent to Kakamega. This is to enable our people to benefit from our own heritage. That is very important.

Madam Temporary Speaker, I would like to summarise as follows. I support this Bill because it helps us to ensure that we maintain our cultural identity. I like what you said earlier on, that I am proud of my culture. I come into this Senate Chambers adorned with my traditional artefact. I wish I could be allowed to come with my spear. Sometimes I sneak in a *rungu*. If you go into the archives, you will see that sometimes I am able to sneak in a *rungu* once in a while. I end up putting our friends in trouble, but such is life. It is because I am proud of my culture. I wish we could be in a position we could even come here with a spear. I am sure the bullfighter will also come with another artefact that he thinks is important.

I hope that we can amend the Speaker's Rules, so that on a day we are discussing a very important Bill like this, all of us should be allowed to come in dressed the way we want. If you want to go the way you want to breathe well, so be it. Such is very important because it helps us.

The biggest problems I am facing at the moment is that the younger generation, and I am happy that I can see a few who in these Chambers, will be so disadvantageous in learning about our cultural heritage. Our grandparents would sit down and talk to us about our historical identity or where we come from. That is why I can stand here and say that I originally came from Tanzania. There was no border between Kenya and Tanzania. It was just Maasai land. My heritage is mostly from Tanzania coming into this Kenya.

I heard today the bullfighter talking about his heritage from Zambia. Maybe he came from there. That just shows that we have our brothers, cousins and sisters in other territories. What unites us is to find what they find important and keep it. Today, a Maasai from Tanzania and Narok speak the same language and value the same things.

It is upon us to say what is of importance to us and what we want to preserve. It should not be some cabinet secretary or CECM sitting somewhere given power by this Act to set up a committee to determine if something is of economic value or good heritage. No, it is upon us to do that.

It is also important for us to continue educating our children. I like what this Bill seems to achieve apart from those areas that I pointed out. My grandfather taught me about my culture. That is why I am very proud of my culture. Today, because of our busy schedules, we do not find time to educate our children and tell them about the Luanda Magere or Mumbi or Olonana. We should educate our children.

I was hoping that we will go in that direction. This should be a subject taught in early primary school, so that when children grow up, they can understand.

Madam Temporary Speaker, *TikTok* has messed us up. Let us call a spade a spade. *TikTok* and the internet have messed us up. You find children insulting their elders. That is uncouth because it was unheard of. You will find a young boy telling “the bullfighter”; F--- Do whatever you want. It is because they do not understand the values that we have. These are the same values we were talking about the other day. The late Leonard Mambo Mbotela would use humour to remind us of the importance of our ethics and values. He used satire to make us remember.

In this Bill which I fully support, it is important for local museums to have fully equipped educational sections. When we craft a legislation like this, let us also add an internship aspect, where local schools should provide internships for students doing history and culture to go there and learn. They should be the tour guides. If you go to a museum in London, you will be given a tour guide with a detailed perspective of that culture, the struggles, and things that those people have gone through.

Everything we are doing today is going to determine what the future generation is going to take as valuable. If we do not pass this legislation and fund our museums, the future generation will be lost. They will be looking at the current generation that is using *TikTok* and all that stuff.

Yesterday, I was talking to a young girl. She said that for the Gen Z, the maximum number of kids they can get are two. She said that they will not afford to buy houses because the interest rate is about 18 or even 20 per cent. Since they do not have good salaries, they will just exist. How do you just exist? That is why I am saying it is time we looked within our means and asked ourselves what we can do to change our future.

The future generation will depend heavily on how we prepare ourselves. If we sit here and continue amassing a lot of wealth, lining our pockets, and putting our country into debt such that the future generation cannot even have an identity, they will be working to pay debts and that will be wrong.

Madam Temporary Speaker, education is key. Preserving our national heritage is also key in terms of this Act. As I support it fully, I hope that the distinguished Senator will make a few changes, particularly on the roles of the Director General and the Cabinet Secretary and delete the provision on grading artefacts.

I thank you.

The Temporary Speaker (Sen. Veronica Maina): Thank you so much.

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Hon. Senators. I have a Communication to make.

(Interruption of debate on Bill)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM KIANYAGA
HIGH SCHOOL, KIRINYAGA COUNTY

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Kianyaga High School in Kirinyaga County. The delegation comprises 110 students and four teachers who are undertaking a study tour to the Senate.

Hon. Senators, on behalf of the Senate and my own behalf, I extend a warm welcome to the delegation and wish them all the best during their visit.

I thank you.

(Applause)

I now ask Sen. (Dr.) Boni Khalwale to welcome them and also contribute to this debate.

Sen. (Dr.) Khalwale: Madam Temporary Speaker, it is a pleasure for me to welcome the young people from Kirinyaga to this Senate this afternoon. I do so because they do not know us well.

Young people, you will be interested to know that when I was a young doctor over 30 years ago, I worked at Kerugoya District Hospital where, amongst other things, we developed the health centre. I believe you refer to us as the fathers because we are the ones who fixed it. That is part of the work we have done for the people of Kenya and here in the Senate.

I am the Senator for Kakamega. Feel most welcome. I do not know whether your Senator is around. When you leave, I will come and address you outside so that we know each other better.

(Resumption of debate on Bill)

Madam Temporary Speaker, thank you because I caught your eye to have an opportunity to speak to this extremely important piece of legislation. I therefore rise to second the Heritage and Museums Bill, 2023.

The best place for me to start my contribution is where this law is taking us in terms of the economic impact. This is the future of tourism in this country. I have heard you speak to it, but let me just borrow one statement from you. You spoke to what you find in the museums in the UK. I also had an opportunity visit those museums and you cannot imagine. It does not matter what time, be it in winter or summer, when you go to

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the UK, those museums are always full. They make money from people just visiting their museums.

I believe that the future of tourism in this country will have to either grow or migrate from the current tourist attraction, which is simply the white beaches at the coast and the obsession with the big five, which is okay. A leopard and an elephant are good things and so is a lion and so on and so forth. However, cultural tourism is a treasure that is going to earn this country billions of dollars never imagined before.

I want to thank my brother, Sen. Murgor, for this great industry. Since the distinguished Senator has been organised enough to move us from national to county, allow me, for purposes of being understood well, to speak to the heritage of my community; the Abaluhya culture.

Madam Temporary Speaker, just like your Kikuyu culture, we want to speak about these issues openly and on distinguished platforms like in this Senate for us to debunk the lie that when you are proud of being a Kikuyu or a Luhya, it is tribalism because it is not. Tribalism is a negative ethnicity. Positive ethnicity, like what is being provided for in this Bill, should be welcome by all Kenyans who want to break fresh ground for our economy.

If you come to our five counties of the Luhya Nation, in Kitale there will be a museum, in Busia Town there will be a museum, in Bungoma Town there will be a museum, in Mbale Town there will be a museum, and of course the mother of all the counties there will be a museum in Kakamega Town. The Museum in Kakamega will allow our children and our visitors to know that just like all the communities of the world, we also have our heroes who are not limited to just the politicians.

Madam Temporary Speaker, I would not mind being called a hero, but I know my grandfather, *hayati* Ikhunyalo wa Khalwale Isimbwa, Isimba wa Ashina Simba, was a greater hero than myself, yet, no record exists of this great man. He teamed up, with the other heroes in my community, mainly heros Lusaala and Mambere from Shinyalu. We had epic battles. It is unfortunate that heroism at that time used war as a yardstick to define a hero.

These great heroes that I have mentioned are the ones who drove the pastoralist communities, the Maasai and the Kalenjins, out of the present-day Kakamega County. I know the distinguished Senator of Narok County, will be happy to know that until just the other day, we were having Maasais in Kakamega County.

(Sen. Olekina spoke off record)

Yes! In fact, the Member of Parliament for Kilgoris Constituency, whose name I have forgotten, left Kakamega just the other day, went to Transmara, established families there, and they have become Maasais.

(An. hon. Senator spoke off record)

Yes, it is Sunkuli, that you are talking about. I know him. He speaks *kiluhya* perfectly. I speak a bit of Maasai, thanks to my wife, Sekeyien, who sometimes speaks to

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the children in Maasai, and I tell her, now what are you doing? You think my children are *laibons*? My children are not *laibons*, they are bullfighters.

So, in reference to heroes, we want to talk about our kingdom, the Wanga Kingdom in Kakamega. It is a well-established kingdom. These are things that will be on record. We want to talk about our musical artifacts.

Not many Kenyans know that whether it is Alliance Girls High School, or Shimo la Tewa Boys High School, or it is whatever kind of school, when you go to traditional songs, the songs that win are Luhya songs, and those Luhya songs come from Kakamega County, the center of song and dance.

Madam Temporary Speaker, it will therefore give us an opportunity, to preserve our musical artifacts, including the kind of plays that traditionally are practiced by my community, which include but not limited to, *shinanda*, *isukuti*, *ilitungu*, *shiriri*, *endebe endebe*, and *itiolo*. The children who the Senator of Narok was say they practice the TikTok culture from my community, have no idea what I am talking about. However, if we have this museum, then they will be properly socialized. Indeed, with this kind of museum in Kakamega County, I look forward to us preserving our traditional games, which include wrestling, *shicholo*, and indeed, bullfighting.

Madam Temporary Speaker, I look forward to our social norms being properly documented and recorded in respect of how traditional weddings are practiced, the burial rites, and yes, the unique circumcision rites.

As a doctor, I have practiced across the country, and just by seeing a patient, I can tell you if you are a Maasai or a Luhya, because of the way you are circumcised. Sometimes when I talk to the Maasai, and they tell me why they circumcise in that particular manner, I say “How scientific our community was, because it cut us for specific times of a man cohabiting with a wife, if she is pregnant or not.”

Madam Temporary Speaker, allow me to speak to the benefits and returns on the investment that we are going to make in this Bill. This is a Bill which, because of unlocking the tourism potential, will speak to millions of jobs. As properly articulated by Sen. Olekina, you need tour guides, drivers, the hospitality industry that backs tourism, and these are the jobs that we are going to create. What is more, the returns that will accrue from the gate collections when these tourists pay.

Madam Temporary Speaker, I would like to conclude by speaking to the issue of education and this Bill. I see nothing wrong whatsoever if in the six counties of the Kikuyu, for example, in the first formative years, children are taught culture as their syllabus, in the five counties of the *Abaluhya*, children in the first two years are taught their culture, language and then they expand as they grow to be taught bigger things.

Madam Temporary Speaker, I am not too sure how old you are, but people of my age and below, were actually, as a compulsory requirement, taught vernacular in primary school - Primary One, Primary Two, and Primary Three. It was only after we were moving into Primary Four that they started teaching us a bit of Swahili and English. Since he is a younger person, he had to rely on his grandfather. However, for us, as it was very easy, because the first three years you had to be taught culture. We were being taught in *Kiluhya*, *shilala*, *shiviri*, *shitaru*, when you are counting. We would be taught the vowels in vernacular. You would be taught *Kha*, *Khe*, *Khi*, *Kho*, *Khu*.

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Madam Temporary Speaker, this is what we are losing because of being obsessed with funny things called English. If you want to try, you can either get a Luhya wife who will help you to learn, or alternatively, behave as if you are clearing your throat. So, you start by *Kha, Khe, Khi, Khu*. There was no way a child would miss and fail an exam because you have taught him the vowels in vernacular.

I listen to the way they are teaching the alphabet these days because I have small guys who are still learning those things. They have lost them now. Where we used to say A, B, C, D, they say Aa, Bu--- I do not understand them. We have to align our education system with the need for us to maintain cultural relevance.

With those many remarks, Madam Temporary Speaker, I now yield and move that, this Bill be read a second time.

I support.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. (Dr.) Khalwale.

I am not sure whether the *Kha, Khe* here was parliamentary language, but I will let it pass.

Sen. Omogeni, please proceed.

Sen. Boni, I would like to alert you that you are not “moving”, we are in debate stage.

(Sen. (Dr.) Khalwale consulted loudly)

Sen. Omogeni: Sen. Boni should withdraw the remarks he made while concluding. You cannot say that you are “moving.”

The Temporary Speaker (Sen. Veronica Maina): Sen. Bonny please withdraw the remarks that you are moving.

Sen. (Dr.) Khalwale: Thank you, Sen. Omogeni. It is also possible that a student can teach a teacher. I cannot teach a teacher, but since I am your teacher on parliamentary practice, I stand corrected.

Madam Temporary Speaker, I did not realize what I had done. If you heard me at the end, I said I support.

The Temporary Speaker (Sen. Veronica Maina): Sen. Boni, we will implore on other Senators to become seconders of many Bills, so that your mindset does not always think you are seconding a Bill.

Proceed, Sen. Omogeni. What is your clarification, Senator Kinyua?

Sen. Kinyua: Madam Temporary Speaker, I heard what the Majority Whip said but I wanted clarification. It sounded like what the children of today are being taught is not important. When he says that instead of A, B, C, D, they are taught something else, it seemed to me what they are taught today is not important.

The Temporary Speaker (Sen. Veronica Maina): Sen. Bonny, clarify whether the education today as it is, is still important.

Sen. (Dr.) Khalwale: Madam Temporary Speaker, I hear the concerns of the Senator for Laikipia and if I am old-fashioned, I should be forgiven. I am very confused

with the system of education that we have in the country. I actually do not know. I have no idea what this thing called Competency Based Curriculum (CBC) means.

I was joking with my farm manager when he told me that he asked his four-year-old daughter to spell her name. She is called Rosalia. The girl said, the spelling of my name, Rosalia, is Ro-sa-lia. Then I said, look at this CBC and what it is doing to Rosalia. As much as you guys like CBC, I personally have a lot of reservations about it. We could do it better.

I hear that in Botswana, it has been done well. I hear that for them to get there they piloted it for ten years. We got it and applied it in the same tradition, that a child learns how to balance himself on a motorbike and in the afternoon, he is a *boda boda* business man or business woman. I thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Boni.
Sen. Okong’o Omogeni.

Sen. Omogeni: Thank you, Madam Temporary Speaker. Thank you for giving me an opportunity to also make a contribution to this important Bill - The Heritage and Museums Bill of 2023.

The Swahili say that *muacha mila ni mtumwa*. If you have traveled around the world, you will realize that many countries have put their best effort to preserve their heritage and their culture. When you go to a country like Morocco, you will know that these are Moroccans.

In this country, if you go to Maasai land, where Sen. Olekina comes from, you will immediately know that these are Maasais. They have preserved their culture. Unfortunately, some of the sub-tribes in this country, including my own in Kisii are forgetting our heritage and culture. We are losing our identity. I am sure that if you go to Maasai land, almost 90 percent of the Maasai people can speak the Maasai language and they are proud of it and that culture.

When you drive from Narok to Kisii, every Maasai will be carrying a tradition *rungu* although I do not know what the significance is. Tourists who come to Kenya may not know that there is a tribe called the Kuria but maybe they know about the Kisii because we have the *chinkororo*.

You go to a country and if somebody has come to Kenya and visited Maasai Mara, they will most not likely mention the Kikuyu sub-tribe or the Kisii sub-tribe. However, they ask whether you are a Maasai? This is because, the Maasai have been one of the most successful tribes in this country that have retained their heritage and their culture.

It is sad and even for me as a father, I feel sorry for myself because our children think that it is fashionable to speak English and not speak your local language. I mean, some of us went to school where from Class One to Class Two, the language of choice was your ethnic language. There is no one here from Kisii but we had a book – Ratemo and it was the introduction to our Class One.

Madam Temporary Speaker, I do not know when the rain started beating us, but nowadays, the introduction is Kiswahili and English. How I wish once more we can find room. The Chinese control the world, but they speak Chinese. They are not embarrassed or ashamed of it. If you go to Japan, the Japanese speak Japanese language but they are

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still the pacesetters in technological development. However, in this part of the world, we are teaching our children to think that if you speak your ethnic language, you are primitive. That should not be it.

There is a very good reason why the Almighty God divided us into several tribes. This is so that we have an identity we are proud of. Like I am proud of being an Omogusii. That is why I am proud of my name Okong'o Omogeni. You can link me to my ethnic group of Omogusii.

Madam Temporary Speaker, I support this Bill. From the onset, I want to say that I am one of those Kenyans who are very proud of their own heritage and culture. When we grew up, we used to go through an initiation and the whole community would be involved. When you were facing circumcision, the celebration was not for one family but for the entire village. You invite your neighbours, they come and celebrate, you take the traditional liquor for *wazees* and you are moved to the next age group. I therefore hope that this Bill will take us back to the drawing board so that we see when and where the rain started beating us and then we can be proud to preserve our heritage and culture.

Coming to the museums, you will travel to other countries and you will be surprised with the queue you will find in a museum. However, when you go inside, there is nothing much. I am sure we could get more that we can preserve as a country than what you will get out there like having pictures of our legends. Who would not like to come to this country and see a photo of Kipchoge Keino put somewhere in a museum and pay money for it?

Madam Temporary Speaker, I am told that the tourists we attract to this country is around two million, with our population of about 50 million. Countries in Asia that have nothing for people to see, like Japan, have about three million tourists in a month. I am also told that Rwanda is ahead of Kenya because they have mountain gorillas. Therefore, if we create museums in many of our counties, this will be one way of attracting tourists.

We all know that tourism is one of our highest foreign earners for our country and we need to grow our tourism in order to support our economy. We are going to have a budget of Kshs4.2 trillion and if we are serious that that budget should be supported substantially by our local revenue, the way to go should be in tourism.

Madam Temporary Speaker, if you go to Central Kenya, there is a lot that we can learn about the Mau Mau. Get us pictures of Dedan Kimathi, the wives of those people who fought for our independence and their weapons. Do we not have people in Central Kenya who kept *rungus* that were used to fight the Mzungu, or a spear that killed a *mzungu*?

In Nyamira and the larger Kisii, we are told that there is a man who is called Otenyo. Otenyo speared a *mzungu*, whom the Kisii had nicknamed Nyaigoti. He speared that *mzungu* in Kisii town and killed him. The Kisiis keep that spear somewhere. I am sure if we go to Central Kenya, we will find many other items that can be kept in our museums.

Then, we will interest our visitors who are coming in to visit various counties and see what the various sub-ethnic tribes in Kenya are proud of. That will be part of our culture, and that will be a way of attracting tourists.

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I have gone to museums in some countries, and you see barely anything, but you pay money. When you land, the taxi man, the guy at the airport, will go to great lengths to make you interested in visiting the museum. However, when you go there, there is nothing. How many of us have jetted into Kenya through Jomo Kenyatta International Airport, and there is somebody to interest you to visit a park that is just within the city? How many countries have parks within the city? There is nobody.

You are entering Nairobi, and there is nobody to interest you and say, "visit a national park, which is just within the city's boundaries." Nobody. You go to Dubai, and the moment you land, people are queuing, trying to interest you, "go to the desert safari,"

When you go on a desert safari, the roads are rough like ours here. You see *vumbi* and nothing else. We need to do a lot. I want to appeal to our Cabinet Secretary for Tourism to tap into this country's tourism potential. She could bring us a lot of foreign earnings if only she tapped the untapped potential in the tourism sector.

We have soapstone in Kisii. No country in Africa has the Kisii soapstone. It is only found in Kisii, in an area called Tabaka, in South Mugirango. Even if you go to West Pokot, Kajiado, or Muranga, the stone is not there. It is only found in Kisii, in Africa, and no other country. However, many tourists come to Kenya, go to Masai Mara, and then come back to Nairobi, board a plane, and return to Europe. If we had a desk at the airport marketing that industry in Tabaka, I am sure we would get a lot of revenue. We sell those carvings. When you go to Europe, you will pay a leg and an arm. We used to do that as arts and crafts when we were young boys in school.

I am happy that we are allowing the board to have a full mandate of recruiting the Managing Director for the National Museums of Kenya. However, we have a problem that is cropping up in this country. Even when you create a board like this - I was in a political function where somebody was pleading with the President to assist somebody in being appointed.

As Members of Parliament, we have passed a law that says recruitment will be competitive and based on merit. You are a lawyer and know the agitation by lawyers preceding the 2010 Constitution. You know what the Memorandum of Understanding (MOU) between Raila Amollo Odinga and President William Ruto is about. It is about fairness, inclusivity, and eradicating corruption.

I feel so sad when, as legislators, we sit down, pass a beautiful piece of legislation, send it to the President, and the President signs it. This law states that as a country, Kenyans could be picked to sit on a board; we give them the power to invite applicants and interview them, and the one who merits will be appointed. However, politicians want to go back to the President to assist their person to be appointed, which is not nice. It goes contrary to the spirit of our 2010 Constitution.

Right now, we are conducting interviews for the Independent Electoral and Boundaries Commission (IEBC). Through a Motion on the Floor of this House, we went to the National Dialogue Committee (NADCO) and spent a lot of time there - burning the midnight oil.

We brought to the Floor a fantastic piece of legislation. We proposed that we appoint people to sit on the panel that will interview commissioners to IEBC because we do not want to take the country back to the situation before the 2007 elections when

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people felt that the appointment of the commissioners was not free or impartial and that the people who were picked were not going to preside over free and fair elections. However, you will find politicians pleading, “Your Excellency, we want you to appoint for us so-and-so in IEBC,” yet the law has given that task to an independent panel. We are sending the wrong message to Kenyans. Kenyans will have it in their heads that one of the players in the political contest is the one appointing the commissioners.

We should conduct public participation and inform Kenyans that we have commissioners in office and that they are given an opportunity to interview candidates without any interference. Then, allow the best candidate from any of the 47 ethnic tribes to be the chair of IEBC and the other commissioners. Then, run an election that will not invite another 2007 situation in our country.

So, I hope the board proposed in this Bill will take the assignment seriously and appoint the managing trustee of the National Museums of Kenya freely, without any form of interference from anybody. That is how we will create a country that respects the rule of law, where power is distributed, and where the concept of a limited Constitution is entrenched. You know the concept of a limited constitution, that power is spread and shared by many institutions. Even where you have a president, his powers are limited by what is in the Constitution or statutes. If the power to appoint has been given to a panel, the President has no authority.

If the power to appoint has been given to the Public Service Commission, let them assert their independence.

Madam Temporary Speaker, I sat on the Ethics and Anti-Corruption Commission as a chair of the board. I interviewed the executive director and four assistants without any phone calls or anybody attempting to interfere with that assignment. Even if you said no, what would happen? Nobody would kill you because you are doing a job that has been given to you by the Constitution and by our statutes.

As a way of also having a good heritage as a country let us have this spread of power to Presidents, Cabinet Secretaries, interview panels, independent commissions, so that everybody can have a sense of belonging to this beautiful country called Kenya.

I support this, Bill. I hope that once it is enacted it will go a long way in ensuring that we as Kenyans can again be proud of our heritage and culture so that when I go to West Pokot, I will find people of the County still proud of their culture and heritage. The same goes for me as Omogusi, for you as a Kikuyu, same to my sister here from Kajiado County.

With those many remarks, I support.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Senator.

Sen. Osotsi proceed.

Sen. Osotsi: Thank you, Madam Temporary Speaker. First of all, I start by supporting the Heritage and Museums Bill (Senate Bills No.8 of 2023). This Bill actually repeals the National Museums and Heritage Act of 2006 that basically was established to manage all the national museums and the heritage of this country.

As you know, the Fourth Schedule of the Constitution provides that cultural issues such as museums, are devolved functions. Therefore, it is a function that should be handled by our county governments. The current Act, offends the Constitution because it

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does not address what is contained in the Fourth Schedule. This is a good attempt to try and align the prevailing law to comply with the Constitution.

Madam Temporary Speaker, I know there are many other provisions in law which have not been aligned to the Constitution. They are still basically referencing the national Government with very little on county government, and yet those functions are either shared between the two levels of government or have been devolved. This is long overdue.

We would like to give a legal mandate to our counties to manage the museums and various assets of national heritage in their respective counties. Museums and heritage are important to any country. However, this country has never taken these matters very seriously. If you visit other countries, especially their capitals, you realize that there is a lot of investment in museums and heritage.

I just came back about three weeks ago from Moscow. If you walk around the City, you realize that almost 90 per cent is museums and heritage sites which show you various pieces of history across the city. All the streets, and most of the buildings have been designed to preserve the national heritage. That does a lot for the country in terms of tourism, and even preserving its sovereignty.

It is very important because our youth would want to know how their forefathers lived, what they did, and who they were. That information is very important and promotes patriotism in a country.

There is a lot that the country can gain from protecting its heritage by investing in museums, and basically protecting the cultural assets, in terms of collecting, documenting, exhibiting materials, and managing the artifacts. If you go to a city like London or Berlin you see heritage all over. How much heritage do you see in this country?

Madam Temporary Speaker, we are destroying historical buildings in this country. The other day, you heard some people complaining about the renovations in State House. They were saying, in as much as we want modernity, we must try and protect the heritage of key strategic buildings in this country. This will ensure that our youth, and those who will be born many years to come, will remember that this country had a history and people who believed in their heritage.

We need to invest seriously in our heritage and museums. That can only happen if we take these matters seriously. The situation at the moment is not good. If we are not careful, we will not have history and we will be forgotten together with all the things that we have done.

This Bill, is an important piece of legislation which we should all support. If you allow me, I will go through the various parts of this Bill. Part 4 contains provision related to financial matters; how the funds of the National Museums of Kenya will be sourced, how the annual estimates will be done, and the investment of the funds.

We must find a way of ensuring that the national museums and the heritage sites also draw money from the incomes we get from the tourism sector. The money that is invested there will be used to develop the museums and heritage assets, thereby creating opportunities for more tourists to visit. That will be key in the development of this sector.

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Madam Temporary Speaker, Part 5 of the Bill provides for the management of national heritage, antiquities, and monuments. This is very important. You have seen the monuments that we have in this city such as the Tom Mboya monument and many others. They are not properly maintained. In some cases, they are even defaced. This is where the Nairobi City County government needs to do something about it. In other countries, the heritage sites are heavily protected.

Madam Temporary Speaker, if you have a Tom Mboya monument, which is not protected, then what are we trying to say? A monument for Tom Mboya that is not properly protected it and exposed to vandalism in the end, defaces the name of Tom Mboya. So, I think that Clause 4 helps us ensure we have consistent management of the national heritage and all the assets, including the monument.

Clause 5 of the Bill deals with the requirements of obtaining an exploration license before pursuing excavation or surface search operations for buried monuments. This is very important because we have had cases where foreigners come and carry out exploration quietly and take away vital heritage assets to other countries. That has happened before. We have had cases even involving the heritage assets for the second Vice-President of Kenya, which were taken away and now Kenya is struggling to get it back.

Madam Temporary Speaker, Clause 6 of the Bill provides for the protected areas and ways of compensation to the owners of the land declared to be a protected area. I think this is very important because the Cabinet Secretary will be empowered to issue regulations on how to prohibit or restrict access to an area, which is earmarked for the development or use of these important assets.

It also deals with the issue of acquisition, protection, maintenance, inspection and repairs of a monument. I have just referred to Tom Mboya Monument and said it requires protection, maintenance and repair. How do we acquire these heritage assets? Guardianship of this monument is important. I think these are things which will help in protecting these assets.

This Bill is very progressive. I am also highly motivated by the proposal to have a Heritage Tribunal where when we have a dispute around matters of ownership of these assets, protection and maintenance, they can be taken to a legal entity. Therefore, having a heritage tribunal is very important in this case.

Madam Temporary Speaker, Part 12 makes provision for miscellaneous matters, including regulations that the Cabinet Secretary in charge of matters of heritage can come up with. It also provides for how the County Executive Committee Member (CECM) responsible for heritage matters will formulate regulations in the county about matters of museums and all that.

As I said, this is a very progressive Bill. It is long overdue because the current legislation Act needs to be aligned to the Fourth Schedule of the Constitution. So, I think this will empower counties to invest in museums and acquisition, maintenance and protection of heritage assets in their respective counties.

As I said earlier, if we want to be recognised as a country or as a brand among nations, we need to protect our heritage. We need to ensure that we maintain our history and we protect it. I have heard Sen. (Dr.) Khalwale talk about the heroes who are

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forgotten. I know of so many heroes, for example, from my county who participated in world wars and also in fighting the colonialists. However, they are not documented anywhere.

Every time you talk about the struggle for Independence, we are told about Mau Mau. However, so many other people participated in this struggle who are not documented. I think the Kenyan Government must take the initiative to look for these people. Who are they? What did they do? For example, my grandfather was detained by the colonists on Rusinga Island, where my good friend Sen. M. Kajwang' come from, for five years. I have been struggling to even bring up that matter so that this old man can be recognised. However, no one wants to recognise him despite him being there for five years. I know there are many, many other people who have made a contribution to the Independence of this country who are not documented anywhere.

Madam Temporary Speaker, we hear the names of people who had very limited contributions, but they are enjoying their space in history. So, even as we talk about this, I think some level of investment needs to be put around these heroes who have contributed to the making of the history of this country.

I know we have relevant legislation on heroes, but I think this needs to be aligned with this new law that we are coming up with on heritage and museums, so that our heroes are a part of the heritage of this country. When you walk around this city, you come across heroes who are doing so badly in life and yet they made a huge contribution to this country. For example, when I was growing up, we were fans of football, listening to the radio. There were big names of footballers such as Kadenge, Murila, Osteen Oduor and all these. However, no one is thinking about them.

We cannot talk about the heritage of this country without recognizing the people who have contributed to that heritage. So, even as we pass this Bill, let us think about our heroes and their contribution to the history and heritage of this country. That is why I started by saying that a country that has no heritage is not a country.

If you go to other countries, especially in Europe, you realise how matters of heritage are taken seriously. You go to a city like Berlin, every metre you walk, you see something of heritage. That is what should be happening in Nairobi.

We do not want to see our heritage sites, maybe like buildings or even monuments being destroyed just because we want modernity or a private developer wants to do something modern. We need to protect and document it for the benefit of this country.

I hope the National Assembly will take up the Bill up once we pass it and process it within the shortest time possible. As I talk about the Bills that the National Assembly needs to work on, I find it very frustrating that whereas this Senate takes the initiative of quickly processing all Bills, whether they are coming from the National Assembly or here in the Senate, the National Assembly is taking their sweet time to process our Bills. Now we are almost half in our term and we have so many Bills before National Assembly that are likely to lapse, which is not a good sign.

Madam Temporary Speaker, one of the Bills is the Bill by my friend here, Sen. M. Kajwang' on county boundaries. This is a Bill that the National Assembly should have taken seriously and passed it like yesterday. I know I am affected because of the

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boundaries between Kisumu and Vihiga at Maseno. Sen. Cheruiyot is also affected because of the boundary between Kericho and Kisumu counties. This applies to many other places and Senators like the Senator for Nandi is also affected by boundary dispute.

The National Assembly is letting us down by seating on Bills, which are very key to this country. Like this particular one that we are discussing, it will not be proper to hear that this Bill will go to National Assembly and maybe take another year or even lapse without being processed. That would be so sad for this country because matters of national---

(Interruption of debate on the Bill)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM TECHNICAL UNIVERSITY OF KENYA

The Temporary Speaker (Sen. Veronica Maina): Thank you very much. Hon. Senators, I have a communication to make on visiting students from the Technical University of Kenya (TUK) in Nairobi County.

I would like to acknowledge the presence in the public gallery this afternoon, of visiting 11 students from the TUK in Nairobi County. The delegation is in the Senate for a one-day academic exposition.

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

I ask the Senate Majority Leader to welcome them.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Madam Temporary Speaker. I join you on behalf of the House and our colleagues, those that are in the Chamber, to welcome this visiting delegation of students from the TUK. The university is closest to this House. I hope that they get to enjoy their time with us and learn a thing or two about debate.

What they are presently witnessing is a debate on a Bill that is before this House, that is the Heritage and Museums Bill (Senate Bills No.8 of 2023).

It is a privately sponsored Bill. That is why Members have the opportunity and time to deliberate on it. I am sure if they had come earlier, they would have observed something else. I wish them well in their studies. I will always remind them that they are the leaders that we are looking forward to pass the baton of leadership to them. Therefore, I take every opportunity like now to prepare them because soon the baton of leadership will be in their hands, so that they can take Kenya to greater heights.

I thank you.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Hon. Senator. Proceed, Sen. Peris Tobiko.

(Resumption of debate on the Bill)

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Sen. Tobiko: Thank you, Madam Temporary Speaker. Let me also join the Senate Majority Leader to, first, welcome the students from the TUK and say that some of them are personally known to me. They are most welcome to watch the debates in this House, learn more and even claim some ownership of belonging to this House because later in the future, they will be the ones on this Floor.

Madam Temporary Speaker, thank you for the opportunity to contribute and to support the Heritage and Museums Bill (Senate Bills No.8 of 2023). One time I was honoured to be appointed a board member of the National Museums of Kenya (NMK). I learned a lot of things that go on at the NMK than just the conservation and storage of old artefacts and many other things from our heritage.

There is also a lot of research that goes on at the NMK. You will find the most learned Kenyans, probably who have spent over 30 years on research. They are doing a lot of great things which may not have come out to the public to be known. At that time, the Chair of our board was Issa Timamy, the current Governor of Lamu County.

Madam Temporary Speaker, various researches go on at the museum about diseases, plants, animals and so on. If we were to take time and know what goes on at our museum, we will appreciate the existence of the NMK.

This Bill comes at the right time to address a number of issues that make the museums more valuable to Kenyans. Our devolved units now have a chance in participating, securing and conserving our heritage, traditions and cultural artefacts. This is because museums are part of the devolved functions.

Additionally, I am proud to belong to a community that are naturally conservators. We have preserved our culture, traditions, dressing and cultural orientation. We have marketed this country called Kenya. We have given it a face and a name internationally.

Madam Temporary Speaker, it is also good that for those communities that have held and conserved what is African, Kenyan and what has given us an identity, to have a way in which they can earn from it. They can earn royalties from what they have conserved over the years.

I have seen in the Kikuyu community that you come from, beautiful dresses that most of the times you use for 'ruracio' and some of those cultural functions. This is part of our beautiful heritage and things that we should conserve. The Kambas' still have their 'chathe' and all that. I am sure every community has something that they would want to preserve.

We have a rich heritage in this country, not just of tourist sites, like in Kisumu or the western region. I am sure Sen. M. Kajwang' will tell us a lot of what is in Homa Bay, Migingo and all those areas. I have heard of the stone called Kit-Mikayi and I would want to reach there. In Naivasha, there is the Hells Gate and all that. Certainly, this country is rich.

Madam Temporary Speaker, there is also what we have lost because of the western influence. Our cultures were rich and orderly. Even without the Constitution, there is a way my community would run its affairs. We have silent unwritten laws that would apply.

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If you steal livestock, there is punishment for that. The punishment is completely prohibitive and a deterrence measure so that you do not repeat that kind of thing. If you murder someone, it is handled in a way that will make it impossible or difficult for someone else to repeat that kind of act.

I wish we had conserved our traditional laws, including the unwritten ones. There should be a way to conserve these traditions because our children may not have a chance of getting to know that beautiful and rich side of our history.

I was also suggesting that counties should start cultural events. Some have already started. I have seen Narok, Kajiado and Samburu counties have started cultural events. Those events will help bring back the face of the community that is getting lost.

I support this Bill because it will go a long way in preserving our heritage. In fact, I have seen that we are slowly losing our traditional houses. I was brought up in a traditional Maasai home. Today, I tell my children a story because things have changed. Our ways of living have changed and those Maasai *manyatas* have gone. It is sad that we are losing them. There should be a way for us to retain them.

When we visited Turkey sometime last year, I realised they still have their very old buildings. It is not that they are unable to change, but they do not want to lose buildings that have a family history. There are lot of things that they do not want to lose. I wish we can also hold with value and respect our history, culture and traditions.

When we sometimes cross the border to go to the sides of Arusha, Tanzania, I feel bad and blame the colonialists for the artificial boundaries. Across the border, I see our brothers and community. From Arusha all the way to Ngorongoro, Moshi, Boma Ng'ombe, extending to Samburu, Narok and Kajiado counties was a whole country of our own. I am imagining we would have had a nation of our own. That does not to exclude any Kenyans. However, the artificial colonial boundaries should not have come to separate us and bring differences in nationalities.

Today, we have Tanzanian brothers and I need a passport to go to Tanzania. We lost a lot because of the influence of the western cultures that came to distort our way of living. I support this Bill with all my energy and passion because I believe it will help us to secure and protect that which is valuable to us.

We have also lost a lot of our heritage. We are told we need to patent. If you do not patent, you will find somebody using the Maasai *mangik* or traditional decorations and ornaments that we wear. They are used elsewhere, but you cannot claim they are yours because someone went ahead of you and patented it. By then, we did not know what patenting was all about. It is coming up now. We cannot lose what is ours in the name of patenting.

Madam Temporary Speaker, I support this Bill.

Thank you very much.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Peris.

Sen. Kajwang' Moses Otieno, the Senator for Homa Bay County, proceed.

Sen. M. Kajwang': Thank you, Madam Temporary Speaker. I rise to support the Heritage and Museums Bill (Senate Bills No.8 of 2023) brought by Sen. Recha Julius Murgor. This is a very detailed Bill. If you look at the Memorandum of Objects and Reasons, it has a lot of detail. It is quite obvious that Sen. Murgor applied his mind and

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perhaps got the services of experts to come up with a Bill that shall give effect to the Fourth Schedule of the Constitution that has devolved museums to county governments and allowed the national Government to only deal with national museums.

Some of the functions of county governments that have not been transferred for far too long, include national museums, libraries, archives and even roads. For roads, everyone knows what should be done. However, because of the control of money at the centre, we are yet to devolve or transfer the roads function fully to county governments. We had said previously that the national Government should be dealing with Classes A, B and C roads, whereas Classes D going downwards should go to county governments.

The museum function has not received the attention and focus that the roads function has received. It has not received the attention and focus that the water or the land function has received. Museums sometimes document the civilisation of a society. Whenever you travel many a times, you find that nations have curated their natural heritage and history in museums.

When you go to Egypt and land in Cairo, one of the main tourist attractions is the Egyptian Museum. I have had the opportunity to visit the Egyptian Museum. It tells you of the glory of the Egyptian civilization; a civilization that was perhaps greater than the Greek, Roman and Syrians.

Sometimes, you will find that because history has been written in a skewed manner, if you do not visit some of these museums, like the Egyptian Museum, you will never be able to contextualise and understand the scale, size, complexity as well as the superiority of the ancient Egyptians. However, because they have curated all this, they have put it in a good museum, which attracts millions of visitors annually. Even the current and future generations will be able to tell or understand the story of the ancient Egyptians.

When you go to Washington, D.C. along the National Mall, they probably have several museums. One of them that stands out is the Smithsonian Museum. If you go to London, they have the London Museum. If you go to the Vatican, they have the Vatican Museum. If you go to France, in Paris, there is the Louvre.

When the Louvre caught fire, it was as if the heart and soul of France was burnt. When it was restored, President Macron invited other heads of state to witness the reopening of the Louvre. That tells you how significant and central museums are to civilizations or to telling the story of nations or societies.

Madam Temporary Speaker, here in Kenya, we have the NMK and 22 other regional museums. Unfortunately, unless this is being taught in the Competence Based Curriculum (CBC), many typical Nairobians will not mention more than three museums across the country. The one we have at Museum Hill is quite legendary. Many children go there to see some of the remains that the likes of Richard Leakey and early anthropologists uncovered.

If you go to Mombasa, Fort Jesus has also been designated as a national heritage. I was talking to Sen. Madzayo recently. He told me that he was quite upset that when he was there, people are still forced to pay entry fees. Over and above the entry fees, there is a usual e-Citizen convenience fee, which sometimes makes it a little bit expensive.

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I have seen that Sen. Murgor has proposed a Third Schedule that talks about exemption of the NMK from payment of access fees, permit or license fees, and export fees for heritage research. I am not very sure what that entails. How I wish we put the entrance or access fees at very minimal to encourage more Kenyans to visit those museums.

Recently the Cabinet Secretary for Tourism and Wildlife waived park access fees to our national parks to spur domestic tourism. I think it was a public holiday. What was witnessed, particularly at the Nairobi National Park is that there was serious traffic on Langata Road because Kenyans came out in numbers and families in hundreds and thousands to go to the Nairobi National Park simply because the entry fee had been waived. If we cannot get rid of the access fees to our museums, perhaps we should have national heritage days when citizens can go to those museums.

As I have said, the NMK here in Nairobi is mostly visited by students. If you come from a school in West Pokot, perhaps a visit to the the NMK is not an option because the distance is great and the cost is very high. So, you will find that it only serves metropolitan students or people. Many children still go through the education system without seeing what is contained in the NMK.

This Bill, in giving effect to the Fourth Schedule, should see to it that the 22 regional museums are handed over to county governments. Nyeri and Kisumu counties have museums. In Migori, we have Thimlich Ohinga, which is a protected site that captures an ancient Luo civilization. These should now go to the county governments. If they are going to county governments, functions should be accompanied by funds. When we talk about aligning the existing law with the 2010 Constitution, it should be functions plus funds.

We are allowing county governments to take over regional museums while at the same time allowing the NMK to continue managing or administering matters of national importance and national heritage. When doing division and allocation of revenue, we should clearly cost what it takes to finance the museum functions.

Madam Temporary Speaker, it is not just the artefacts that are going to county governments, but also the human resource and personnel who have been sitting in Nairobi at the NMK. We need to be careful about how we delineate and transfer the staff as well as the artefacts to the county governments.

This Bill refers to antiquities and protected objects and that has mirrored the existing legislation. I read somewhere that there are about 30,000 antiques and protected objects relating to Kenyan civilization and Kenyan culture sitting in western museums and private collections.

There is a project driven by guilt, particularly from the western world. They took many items from Africa. In Kenya, it has been documented that 30,000 objects estimated have been taken away. Some are in France, UK and New York.

There is a project driven by guilt and trying to run away from restitution, where they are proposing to use advanced new technology, that is 3-Dimension (3D), to print artefacts and bring them back to Africa while the original ones continue to stay in private collections or public museums in the West. That is completely unacceptable. We cannot

take substitutes for antiquities and protected objects that were made by our forefathers. I hope that even as we prosecute this matter, we shall breathe some life into that project.

The reason I got interested in this is the following: One of the antiquities was a traditional Luo headgear that was taken away around 1910 or 1911 by one of the colonisers. He took it into his private collection. Upon his death, it was donated to the national museum. It is sitting there. Everyone knows who took it there and where that person found it.

Now they are offering my community an alternative of a 3D printed headgear. That is completely unacceptable. I hope that by strengthening the functions of the NMK, and ensuring that we have proper regulations around it, they will have the legal basis to fight those ridiculous arrangements that are driven by guilt and that are trying to run away from the real story.

It is not just Kenya that has suffered, but Nigeria has lost what they call Benin bronzes. Those are serious valuable cultural and historical artefacts. In fact, many of those collections are sitting in British and New York museums. Some of them are at the Smithsonian Institution.

If you go to the Smithsonian Institution in Washington DC, you will find an elaborate collection of Benin bronzes from Nigeria being displayed. Those items need to be brought back to Africa. We need them back to our museums. We can only make a strong case when we have a proper legal framework, when we have museums that work, and when we have museums that are not dogged by the ridiculous corruption scandals that we have had from our national museums.

It was a moment of extreme embarrassment when this nation was subjected to certain scandals that are currently in the courts of law. There were issues to do with payroll fraud.

A museum is supposed to undertake certain core business, which is looking for artefacts, anthropological conversations, and tracing antiquities. Instead of focusing on that core business, the managers who have been entrusted to do so get into fiddling with payrolls and ghost workers running into millions of shillings.

Even donors or research institutions that would wish to work with the national museums cannot trust a museum that deals with ghosts. I do not think that ghosts are part of our antiquities and protected objects or ghost workers for that case.

We need to make sure that we professionalise that institution. We need to stop this issue of making political appointments to the NMK. Let us look at competence. Let us look at people with a proven track record in that particular space and not people who will manufacture certain scams just to line their pockets. In terms of archaeological sites, when we were in school, we were told about Olorgesailie, Kariandusi, Lomekwi and Gedi. We need to protect these sites.

Two weeks ago, I was in the village. Somewhere in my village, for a long time, there used to be a stone-walled settlement that dates thousands of years back. Perhaps it was done by the Maasai, but it is still questionable because the Maasai are not known to have done stone-walled settlements. Thousands of years back, even the Luo had not settled in that particular area. We think that it was a Bantu settlement or civilization. That land had not been gazetted nor secured. It was private land and its owner sold it to

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somebody else who went and tore down the ancient stone walls and put up some shady *mabati* structures to act as hostels for students of a nearby technical training institute.

This is why it is important to bring this now to the county government because there is no way the person sitting on Museum Hill would have known that there is an ancient civilization down there in a village called Waundo, or in any other part of the country. So, when this function is handed over to counties, we are hopeful that they will be able to go down, identify those sites and protect them. They will also encourage professional management, doing the excavations and making sure that we can get additional artifacts out of those sites.

Madam Temporary Speaker, this Bill also speaks to monuments. My first experience to travel out of Africa was when I went to Portugal, a beautiful city called Lisbon, or Lisboa as they call it. Lisboa is famous for many things. It is famous for its pot wine, which is legendary.

It is also famous for beautiful monuments. Everywhere I went, there was a monument of a war hero or a historical figure, which are kept well. They are well curated. The gardens around them are fresh. Adults and children go there play there. People go there to jog and exercise.

Madam Temporary Speaker, look at the monuments that we have here. I cannot tell you any significant monument that we have even in Nairobi City that can act as an attractive destination for people. The ones we have here at Uhuru Park are celebrating a political regime that most Kenyans generally think did not deliver for them. Do we have monuments that speak to the history to the heritage of this nation?

If we are going to devolve the museums to county governments, have we thought about the devolution of monuments? For example, are we pushing all the monuments here in Nairobi to Nairobi City County? Are there some that will be maintained by the NMK or the national Government? In some countries, they have appointed very high-ranking officers just to be in charge of monuments. I think in the UK, there is a royal appointee to take care of gardens and monuments because most of the monuments relate to members of the royal family.

So, even in our country, monuments are supposed to tell the story of a nation, not the kind of shady things we saw in Eldoret when we were celebrating our record-breaking athletes. Then people went and crafted very absurd and ugly structures. You go to the West and things are made out of marble, fine granite or bronze.

We have even seen gold-coated and gold-gilded monuments. You go outside the Buckingham Palace, the residence of His Majesty the King, the monuments shine, because they tell of the days when the sun rose and set on British territory. Of course, that is a history that is far gone.

So, we need to invest in monuments. However, alongside a monument, we need to ensure that we have gardens and recreational parks. If you go to Jivanjee Gardens, I am not sure what you will find, but Jivanjee Gardens has now become a place for people just to discuss politics rather than to reflect on the history of this nation.

As I conclude, there is a section in this Bill that I think should not even be there. That is a section on exports. Why would we even consider a situation where we need to

export our antiquities? Part 10 of the Bill talks about export, conditions relating to export and gives discretion and power to the Cabinet Secretary to authorize.

For avoidance of doubt, Clause 69 says-

“A monument or an antiquity or a protected object shall not be removed from Kenya unless its removal has been specially authorized in an exploration license or by an export permit issued by the Cabinet Secretary on the recommendation of the National Museums under this section.”

Sen. Murgor will help us. Why would we ever imagine that we can export our antiquities, protected objects and matters of national heritage? Do we imagine that we can take the Turkana boy to some Smithsonian museum? If there was a spear of an ancient Maasai chief and we found it, do we imagine that we can export it elsewhere? You can imagine if Egypt, having discovered the tomb of Tutankhamun, that boy king, that there was a provision for them to export the gold and the jewels and the riches that were found in the pyramids.

Madam Temporary Speaker, we will need to be convinced on this section on export because it is this provision that has led to 30,000 antiquities sitting in private collections in the West, and now they want to give us 3-Dimensional (3D) printed versions of that. This section of exports must be clearly thought out, but, generally, I support the Bill.

I have seen that Sen. Murgor has also put in place a heritage tribunal, which does not seem to have been there in the original Bill. This is the reason why the Senate exists - to give effect to the Constitution.

This is a Bill that every Senator should be seized of because this is a function that lies squarely in county governments and it is a responsibility for the Senate. I support and hope that we can rationalize the other sections, for example, the issue of exports to see to it that this is fit for purpose.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Kajwang'. Since we have no other Senator wishing to contribute to this Motion. Therefore, I will call upon the Mover, Sen. Murgor, to reply.

Sen. Murgor: Madam Temporary Speaker, I am thankful to the speakers who have contributed to this Motion. That is Sen. Mohamed Faki, Sen. Enoch Wambua, Sen. Veronica Maina, Sen. Olekina Ledama, Sen. (Dr.) Khalwale, Sen. Omogeni, Sen. Osotsi, Sen. Tobiko and Sen. M. Kajwang'. I also would like to thank the committee for facilitating the introduction of this Bill. I look forward to the passing of the Second Reading stage.

Finally, Madam Temporary Speaker, pursuant to Standing Order 66(3), may I request that the putting of the Question be deferred to another day.

Thank you.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Murgor.

The putting of the Question is deferred to the next Sitting of the Senate.

(Putting of Question deferred)

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I will now reorganize the Order Paper to defer Order Nos.17 to Order No. 25, because the Movers of those Orders are not here. So, they will be called out in the next sitting of the Senate.

BILLS

Second Reading

THE COUNTY HALL OF FAME BILL
(SENATE BILLS NO.18 OF 2023)

(Bill deferred)

Second Reading

THE WILDLIFE CONSERVATION AND MANAGEMENT
(AMENDMENT) BILL (SENATE BILLS NO.46 OF 2023)

(Bill deferred)

Second Reading

THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT)
BILL (SENATE BILLS NO.49 OF 2023)

(Bill deferred)

Second Reading

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (CONTROL)
(AMENDMENT) BILL (SENATE BILLS NO.1 OF 2024)

(Bill deferred)

Second Reading

THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL
(SENATE BILLS NO.3 OF 2024)

(Bill deferred)

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Second Reading

THE SPORTS (AMENDMENT) BILL (SENATE
BILLS NO.33 OF 2024)

(Bill deferred)

Second Reading

THE COUNTY STATISTICS BILL (SENATE BILLS
NO.5 OF 2024)

(Bill deferred)

Second Reading

THE STATUTORY INSTRUMENTS (AMENDMENT) BILL
(SENATE BILLS NO.10 OF 2024)

(Bill deferred)

Second Reading

THE COUNTY WARDS (EQUITABLE DEVELOPMENT) BILL
(SENATE BILLS NO.20 OF 2024)

(Bill deferred)

ADJOURNMENT

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, there being no other business on the Order Paper, the Senate stands adjourned until tomorrow, Wednesday, 12th March, 2025, at 9.30 a.m.

The Senate rose at 6.19 p.m.