

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 12th March, 2025

Afternoon Sitting

*The House met at the Senate Chamber,
Parliament Buildings, at 2.30 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, I am informed we do have quorum. Clerk, you may proceed to call the First Order.

PETITION

LAND INJUSTICES AGAINST MEMBERS OF THE OLDERKESI COMMUNITY IN NAROK WEST CONSTITUENCY

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

Sen. Olekina: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.232(1)(b) to raise a Petition to the Senate concerning land injustices against the Olderkesi Community members in Narok West Constituency, Narok County.

Mr. Speaker, Sir, pursuant to Standing Order No.232(1)(b), I hereby present a petition that has been submitted by residents of Olderkesi in Narok West constituency, Narok County, who are citizens of the Republic of Kenya. As you are aware, under Article 191 of the Constitution and I quote it-

“Every person has a right to petition Parliament to consider any matters within its authority, including enacting, amending, or repealing any legislation.”

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Mr. Speaker, Sir, the salient issues raised in the Petition are as follows-

(a) That the Olderkesi group land situated in Narok West constituency in Narok County is a communal land measuring approximately 101,303,000 acres, where 7,818 acres was converted into a conservancy area by the name Olderkesi Conservancy.

(b) That an investor by the name of Calvin Cottar or the family of Cottar, leased the land from 1920s to date, but the community is yet to receive any returns compensation from the leasehold.

(c) That the Olderkesi group land has been subdivided and adjudication done, awaiting the issuance of title deeds in March 2025.

(d) That the Olderkesi group land has 25 clusters; each cluster having representatives appointed to the land adjudication committee to ensure that each community member is allocated at least three acres of land.

(e) That the committee members allocated land to themselves, their relatives and friends from the region, with others selling the parcels of land, denying community members their rightful share. The whole process lacked transparency.

(f) That the adjudication officer left out bona fide members in the adjudication registry containing records of rights and interests to the land and inserted names of non-community members and this was not made public.

(g) That the petitioners have made the best efforts to have the matter addressed by the relevant authorities, including the Ministry of Lands, Housing and Urban Development, the National Land Commission (NLC) and the County Government of Narok, all of which have failed to give a satisfactory response.

h) That none of the issues raised in the petitions are pending before any courts of law, Constitution or legal body.

4) Consequently the petitioners pray that the Senate does the following-

(i) Intervenes and investigates the matter to ensure that the original members of the Olderkesi Group Ranch are identified and are fairly allocated land, the total number of registered members is established and a list of the numbers of parcels of land sold and the beneficiaries is furnished.

(ii) Inquire into the matters and establish when the Olderkesi Conservancy was founded, the least amount paid by Mr. Calvin Quotas and family, detailed information of the lessors and ensure that the community members are adequately compensated from the leasehold venture.

(iii) Enquire into the matters and make legislative intervention relating to the sale of land, transfer and acquisition process to ensure that innocent Kenyans are protected.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Before you table the papers, on Sen. Ledama's Petition, pursuant to Standing Order No. 238(1), I commit it to the Standing Committee on Land, Environment and Natural Resources.

*(The Petition was committed to the Standing Committee
on Land, Environment and Natural Resources)*

Pursuant to Standing Order No. 238(2)(a), the committee is required, in not more than 60 calendar days from the date of reading the prayer which is today, to table its report to the Senate for consideration. The Senate shall thereafter consider and adopt the report of the Committee.

Next Order.

PAPERS LAID

LEGAL NOTICES FOR VARIOUS WATER REGULATIONS

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I beg to lay the following papers on the Table of this Senate, today March 12th in the year of our Lord 2025-
The Water Services Regulations, Legal Notice No.54 of 2025;
The Water Harvesting and Storage Regulations, Legal Notice No. 57 of 2025.
The Water Resources Regulations, Legal Notice No. 58 of 2025.

I thank you.

(Sen. (Dr.) Khalwale laid the documents on the Table)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM HILLCREST PREPARATORY SCHOOL, NAIROBI CITY COUNTY

The Speaker (Hon. Kingi): Hon. Senator, maybe before you take to the Floor, allow me to make this Communication, please.

Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon, of our visiting teacher and learners from Hillcrest Preparatory School in Nairobi County. The delegation comprises one teacher and 35 learners who are 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 on my own behalf, I wish them a fruitful visit.

I will call upon the Senator for Nairobi City County, Sen. Edwin Sifuna, in under one minute, to extend a word of welcome to the delegation.

Proceed, Hon. Senator.

Sen. Sifuna: Thank you, Mr. Speaker, Sir. I want to take this opportunity on behalf of the Senate to welcome the students from Hillcrest to this honourable House.

I hope that they enjoy their tour of the Senate this afternoon. I am being informed by Sen. Olekina - he used the very same words - that some of his children attend Hillcrest. I, therefore, needed to convey that message. That it is a school that some of our children in this House attend.

We wish them all the best during this tour, in their studies and future endeavors. They look very bright and happy. I think one of them must be Olekina's child going by the hair.

So, welcome to the Senate and enjoy your stay.

The Speaker (Hon. Kingi): Next Order. These are Statements pursuant to Standing Order No. 53(1). The Hon. Senator for Isiolo County, Sen. Fatuma Dullo.

QUESTIONS AND STATEMENTS

STATEMENTS

PROJECTS FUNDED BY THE EQUALISATION FUND IN ISIOLO COUNTY

Sen. Dullo: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Finance and Budget regarding top projects funded by the Equalisation Fund in Isiolo County.

In the Statement, the committee should-

(1) Provide a comprehensive list of projects funded by the Equalisation Fund in Isiolo County, including their respective budget allocation and implementation timelines.

(2) Specify the criteria used in selecting those projects, outlining the key parameters under the criteria, confirming whether public participation was conducted in determining priority areas and provide details on the public participation process.

(3) State the current status of each project, indicating the percentage of completion, any delays encountered and the specific challenges faced. State the mitigation measures undertaken to address those challenges and ensure project continuity.

(4) Clarify the disbursement schedule of funds for the approved project, highlighting any delays in release of funds that may have affected the progress of ongoing or planned initiatives, provide reasons for any delays and steps taken to resolve them.

(5) Outline any upcoming projects planned under Equalisation Fund for Isiolo County, elaborating on the measures in place to ensure equitable distribution of resources across all deserving areas.

Mr. Speaker, Sir, if you can allow me to read the other two, I will appreciate.

Thank you.

ALLEGED FINANCIAL MISMANAGEMENT RELATING TO A CABRO ROAD PROJECT IN BULAPESA WARD

Sen. Dullo: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53 (1) to seek a Statement from the Standing Committee on Finance and Budget regarding the financial mismanagement relating to the implementation of the two-kilometre cabro road providing projects in Bulapesa Ward, Isiolo County.

In the Statement, the Committee should-

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(1) State when the contract for the project was awarded and the contract sum, the percentage of the work completed, so far, and whether public participation was conducted ahead of implementation of the project.

(2) Provide details on the payment made to the contractor to date.

(3) Outline the measures in place to ensure accountability and transparency in the utilization of public funds, particularly in infrastructure projects in Isiolo County.

(4) Provide a comprehensive list of infrastructure projects undertaken by county during the financial years 2022/2023, 2023/2024 and 2024/2025, including the allocated budget and the amount already utilised.

DELAYED COMPLETION OF NGARENDARE
BRIDGE, ISIOLO COUNTY

Mr. Speaker, Sir, I rise again pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Transportation, and Housing regarding the delay in the completion of the construction of Ngarendare Bridge in Isiolo County.

In the statement, the committee should-

(1) Provide an update on the completion status of construction of Ngarandare Bridge, the expected timeline for completion and the reason for any delays.

(2) Specify whether the contractor has adhered to the agreed-upon project timelines and whether any penalties have been imposed for non-compliance.

(3) State the total budget allocated for the project and the amount disbursed so far and any outstanding payment that may have contributed to the delay.

(4) State measures being implemented by the responsible agencies to ensure the project is completed without further delays.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Alexander Mundigi.

GOVERNMENT DIRECTIVE TO INTRODUCE
KCSE MID-YEAR EXAMINATIONS

Sen. Munyi Mundigi: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Education regarding the Ministry's initiative to introduce Kenya Certificate of Secondary Examination (KCSE) mid-year exams in July for students who missed the exam or wish to repeat.

On 19th January, 2025, the Cabinet Secretary for Education, Mr. Julius Ogamba, while announcing the 2024 KCSE results, stated that the Ministry of Education plans to introduce mid-year KCSE examinations starting in July 2025. This initiative aims to provide an opportunity for students who were unable to sit for exams or those who wish to improve their grades.

In the Statement, the committee should-

(1) State the impact of this directive on students who have already enrolled and paid school fees for the first term and also the fees to be paid to candidates who wish to sit for the exam.

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(2) Clarify whether the directive allows students to enroll for classes to enable them to attain good grades when they sit for the mid-year exam.

(3) Investigate the measures in place to ensure that this directive does not disrupt the normal school's calendar;

(4) Explain if the Ministry could consider postponing the directive to 2026, given that it was issued abruptly and some learners have already transitioned to Form Three.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Gataya Mo Fire.

ALLOCATION AND DISTRIBUTION OF FUNDS FOR ROAD PROJECTS ACROSS COUNTIES

Sen. Gataya Mo Fire: Thank you, 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 allocation and distribution of funds for roads projects across the counties.

In the Statement, the committee should-

(1) Provide a breakdown of the budgetary allocations for road construction projects by the Kenya Urban Roads Authority (KURA) and the Kenya Rural Roads Authority (KeRRA) from the Financial Year 2022/2023 up to date, indicating the value of the projects in each county.

(2) Explain the criteria used to allocate and distribute funds to road projects across the different counties, detailing the measures in place to ensure equitable distribution.

(3) Clarify whether KURA and KeRRA conducts consultations to inform budgetary allocations and if so, disclose the parties involved in these consultations.

(4) Outline the steps being taken by the Government to bridge gaps in budgetary allocations for road projects across the counties.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. David Wakoli.

STAFF RECRUITMENT, PROMOTION AND DEVELOPMENT PRACTICES AT NAIROBI CITY COUNTY BETTING, LOTTERIES AND GAMING CONTROL BOARD

Sen. Wafula: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the staff recruitment, promotion, and development practices in the Nairobi City County Betting, Lotteries and Gaming Control Board.

In the Statement, the committee should-

(1) Provide an overview of the staff recruitment, promotion and development practices at the Nairobi City County Betting, Lotteries and Gaming Control Board.

(2) Provide a breakdown of the staff complement by cadre at the board, stating whether the staff complement reflects the regional and ethnic diversity of the people of Kenya and if not, explain what is being done to remedy the situation.

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(3) Table a list of all members of senior management at the board, providing details of their respective academic qualifications and professional work and experience.

(4) Provide details on the most recent recruitment and promotion processes undertaken at the institution disclosing-

(a) Whether vacant positions in the recruitment process were advertised internally or externally.

(b) The criteria used in selecting successful candidates for recruitment and promotion, including whether participation in trainings and capacity building programmes also formed a basis for promotion.

(5) Provide the names, academic qualifications and professional work experience, including the respective period of service with the board for all successful candidates.

(6) Provide a list of all officers that were employed by the defunct Nairobi City County Betting Licensing and Regulation Board and later transitioned to the Nairobi City County Betting, Lotteries and Gaming Control Board, disclosing the current and previous positions held by these officers during their service with the two boards.

I thank you.

The Speaker (Hon. Kingi): You may proceed, Sen. Kavindu.

ALLEGED TRANSFER OF GENDER DESK FROM POLICE STATIONS TO PUBLIC HOSPITALS

Sen. Kavindu Muthama: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee of Labour and Social Welfare regarding the transfer of the gender desk from police station to a public hospital.

In the Statement, the committee should provide-

(1) A status update on implementation of the presidential directive issued on 20th November, 2024 regarding the transfer of gender desks from police stations to public hospitals to ensure that victims of Gender-Based Violence (GBV), receive immediate medical attention and police support at the same time.

On behalf of Sen. Miraj Abdullahi, MP, nominated Senator. Thank you.

The Speaker (Hon. Kingi): Proceed, Sen. (Prof.) Tom Ojienda.

Sen. (Prof.) Tom Odhiambo Ojienda, SC: Thank you, Mr. Speaker, Sir. I have two Statements. The first Statement is on the implementation of the affordable housing projects in Kisumu County.

IMPLEMENTATION OF AFFORDABLE HOUSING PROJECTS IN KISUMU COUNTY

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Roads, Transport and Housing regarding the implementation of the affordable housing projects in Kisumu County.

In the Statement, the committee should-

(1) Provide an update of the Lumumba Affordable Housing Project, detailing the project scope, total number of housing units, funding sources, project timelines and criteria

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for house allocation upon completion to ensure transparency, accountability and inclusivity, particularly for low-income residents.

(2) Outline the status of the Kenya Informal Settlements Improvement Project (KISIP) Phase 2 in Kisumu County, highlighting infrastructure upgrades in settlements such as Obunga, Migosi, Kibuye, Bandani and Kaloleni, including road improvements, drainage systems and sanitation facilities, street lighting and land tenure regularisation.

(3) Indicate any challenges affecting the implementation of these housing initiatives, including financing, land acquisition, legal disputes or public participation, the strategies adopted to address these obstacles to ensure timely and successful project completion.

(4) Provide details on upcoming housing projects in Kisumu County under the Affordable Housing Programme, specifying expected timelines, target beneficiaries, projected impact on housing deficits and the role of the national county governments in financing, planning and execution to ensure effective collaboration and resource allocation.

PROPOSED 10 PER CENT LAND RATE POLICY FOR KISUMU COUNTY

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Devolution and Intergovernmental Relations regarding the proposed 10 per cent land rate policy announced by the Kisumu City Manager during the Nyanza International Investment Conference held at Ciala Resort from the 6th to 8th February 2025.

The Nyanza International Conference serves as a platform for regional leaders, professionals and stakeholders at international, national and local levels to showcase the economic potential of the region and present investment opportunities to potential investors. However, the participation in the conference required an entry fee of Kshs 10,000 per person making it inaccessible to many local residents.

During this year's conference, the Kisumu City County Manager proposed a 10 per cent land rate policy for Kisumu County without conducting meaningful public participation beforehand. This lack of public engagement contravenes the principles outlined in Articles 174, 184 (c), 118 (1)(a), 196(a), 201, 135 and 232 (1)(f) of the Constitution.

In the Statement, the committee should-

(1) Provide the justification for introducing the 10 per cent land rate policy, including the legal basis for implementation.

(2) Explain why the County Government of Kisumu did not conduct meaningful public participation in line with the Constitution and the statutory requirements before coming up with a new land rate policy.

(3) State whether the county government will suspend further implementation of the policy until extensive public participation has been conducted.

(4) Clarify the criteria methodology used to determine the proposed land rate.

(5) Outline measures put in place to ensure that the policy does not disproportionately burden local residents, particularly vulnerable groups.

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I thank you.

The Speaker (Hon. Kingi): Sen. (Dr.) Lelegwe, proceed.

INSECURITY IN SAMBURU NORTH CONSTITUENCY

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the insecurity facing the residents of Samburu North Constituency in Samburu County.

In the recent past, there have been grave issues of insecurity in Samburu North Constituency, particularly highway banditry and other criminal activities, including attacks on law enforcement officers. Various insecurity incidences have been witnessed as follows-

(1) On 9th January, 2025, a tragic attack occurred along Baragoi Road when armed criminals ambushed a vehicle resulting to senseless killing of one person, a father who was travelling with his child to school.

(2) On 13th January, 2025, bandits raided Tum herders stealing 150 heads of cattle and brutally killing three individuals. Additionally, one person sustained injuries during the attack.

(3) On 10th February, 2025, criminals launched deadly attack on a police vehicle transporting remandees arrested for serious offences from Maralal Law Courts. During the attack, the police officer driving the vehicle, Mr. Humphrey Orwoba, was killed and the assailants took his firearm before freeing all eight remandees.

(4) On 27th February, 2025, criminals ambushed a public transport bus killing two passengers and injuring 10 others.

(5) On 10th March, 2025, bandits raided Kilepoi herders and stole unknown number of livestock, killing several people and injuring several others.

In the Statement, the committee should-

(1) Provide a report on the status of investigation into the specified insecurity incidents.

(2) Disclose the identities of the perpetrators and their financiers or sponsors and indicate whether they have been arrested and arraigned in court.

(3) Outline the plans for compensating the victims and the families of those who lost their lives and livestock in these attacks and provide an update on the ongoing efforts to recover the stolen police firearm and livestock.

(4) Outline the efforts being made by the Government to improve the capacity and resources of police officers in Samburu County, including the provision of advanced technical equipment and the permanent deployment of patrol officers along Maralal-Baragoi Road and other key routes within Samburu North Constituency and the wider Samburu County to ensure continuous and effective security coverage.

(5) Detail the measures being implemented by the Government to enhance security and curb the rising incidences of violence, ensuring the safety of residents in Samburu North Constituency and the wider Samburu County.

I thank you.

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The Speaker (Hon. Kingi): Sen. Faki, proceed.

KUPOTEA KWA NGUVU ZA UMEME KATIKA
KAUNTI YA MOMBASA NA VIUNGA VYAKE

Sen. Faki: Asante, Bw. Spika. Nimesimama kwa mujibu wa Kanuni za Kudumu No.51(1) ya Kanuni za Bunge la Seneti kuomba kauli kutoka kwa Kamati ya Kawi kuhusu kupotea kwa nguvu za umeme katika Kaunti ya Mombasa na viunga vyake, hususani mwezi huu mtukufu wa Ramadhan.

Kutoka mwanzo wa Mwezi huu wa tatu ambao unaenda sawia na mwezi mtukufu wa Ramadhan, jiji la Mombasa na viunga vyake limeshuhudia kupotea mara kwa mara nguvu za umeme.

Hii imeadhiri pakubwa mipango ya ibada na biashara kwa wakazi ikizingatiwa kwamba mwezi huu waumini wengi wa dini ya Kiislamu wanahusika na ibada ya sala ya usiku inayojulikana kama *Taraweeh*. Vile vile, biashara huongezeka mwezi huu kwa sababu watu wengi huenda madukani baada ya sala za usiku.

Hivyo basi kupotea huko kwa nguvu za umeme kumeadhiri pakubwa sala pamoja na biashara.

Katika kauli hiyo kamati ileleze-

(1) Chanzo cha kupotea kwa umeme mara kwa mara katika mwezi huu mtukufu wa Ramadhan na ichukue hatua zinazofaa ili kuhakikisha kwamba wananchi wanapata huduma wanazostahili.

(2) Iorodheshe hatua ambazo Serikali inachukua kusuluhisha tatizo la kukatika kwa umeme jijini Mombasa ikizingatiwa kuwa Waisilamu wanashindwa kutimiza maombi yao ya usiku na wafanya biashara wanapata hasara kutokana na ukosefu wa umeme.

Asante.

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

REPATRIATION OF KENYAN HUMAN TRAFFICKING VICTIMS

Sen. Kavindu Muthama: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Committee of National Security, Defence and Foreign Relations regarding the status of repatriation of Kenyans caught in human trafficking situations.

In the statement, the committee should-

(1) Provide the Senate with a report detailing the current statistics on the number of Kenyan human trafficking victims repatriated over the last three years, including the countries they were held.

(2) State the specific legal frameworks and protocol governing repatriation of human trafficking victims, including a clear action plan and timelines for the repatriation process, and indicate whether there are existing bilateral agreements to facilitate repatriation.

(3) Outline the measures the Government is taking to combat the rising prevalence of human trafficking rings operating under the guise of recruitment agencies.

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(4) Specify the measures in place to ensure the safety and security of victims during and after repatriation and state the support provided to the repatriated victims.

The Speaker (Hon. Kingi): Hon. Senators, we will allow comments on the Statements for a maximum time of 15 minutes. So, if you get a moment to speak, kindly keep it at most at three minutes.

Sen. (Prof.) Tom Ojienda, you have the Floor.

Sen. (Prof.) Tom Odhiambo Ojienda, SC: Mr. Speaker, Sir, I wish to comment on the Statement by Sen. Mwenda Gataya Mo Fire on distribution of funds for road projects across the counties. This statement could not have come at a better time.

The budgetary allocation for road construction projects under KURA and KeRRA and the mechanism for such allocation cannot be understated because every county has roads that are not done. It is in this regard that the framework for allocation of funds should be set out in a manner that brings some level of fairness to the counties.

In terms of mileage, I am sure the Cabinet Secretary and Principal Secretaries in the Ministry of Roads and Transport have the data. It is important that some fairness is given to the allocation, so that we do not have regions or areas where the road network is at a level that is beyond fair, say 50 to 60 per cent of the roads tarmacked, or at a level that is motorable.

There are some counties where we do not even have tarmacked or motorable roads. This Statement seeks to address the question of equity and the manner and modality of allocating funds, both under KURA and KeRRA.

I am aware that the new Cabinet Secretary for Roads and Transport, Hon. Chirchir, has worked on a framework that seeks to bring some level of fairness. When the Senator for Tharaka Nithi inquires into this question, I am sure he is alive to the fact that many roads in Tharaka Nithi need some action. It is that action that remedies or addresses those counties that are lagging behind with allocations that are lower than those of counties with motorable roads.

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

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I rise to ride on the Statement by Sen. Kavindu, the Senator for Machakos County. When Kenyans who are suspects in drug trafficking are arrested, it is important that the Government of Kenya should do everything possible to ensure that they are given a fair trial and nothing else.

I do not understand what the Senator is looking for when she talks of repatriation of victims? You call criminals of drug trafficking victims; people who mess up our children. If anything, once the Government is satisfied that a criminal has had fair trial, it should ensure that that person is jailed in that country and serves a full term there for it to serve as a deterrent.

The Speaker (Hon. Kingi): Sen. Omogeni, proceed.

Sen. Omogeni: Mr. Speaker, Sir, I want to comment on the Statement by Sen. (Prof.) Tom Ojienda on the proposed 10 per cent land rate policy.

At a time when Kenyans are already crying because of heavy taxation, our governors are increasing rates. If you have not received rates for your properties in Nairobi this year, the Governor of Nairobi City County has increased them. Where do we run to?

Wakenya ni wale wale na mshahara ni ule ule. Where do we go? We need to pump some sense to our governors. You cannot overtax Kenyans.

In Nairobi, we have retirees in Kilimani who used to pay rates of Kshs7,000. Now, the demand note for this year is over Kshs50,000. Where do these Kenyans go? The unfortunate thing is that you are taxing Kenyans without provision of services. If you ask the retirees, they have never known anything called garbage collection by the Nairobi City County Government. They buy bottled water to drink. There are no train services from where they live to town. Go to Gikomba Market and look at the state of the road and conditions under which those poor Kenyans are doing their businesses. There is no water. When they go to hospitals, there is no medicine, yet we are taxing them.

As elected leaders, we are the only ones who can speak for the voiceless people because they have no voice. The only voice they have is through their Senators. Do we sit back and watch the Governor of Kisumu introduce 10 per cent rates on properties to those poor residents of Kisumu County?

We must do something. I do not know which committee we look into this matter, but we need to be serious and look for a solution. Pay as you earn has a cap. However, for rates, whether you are poor or rich, once the county says you should pay 10 per cent, you have nowhere to run to.

(Sen. Omogeni's microphone was switched off)

Mr. Speaker, Sir, just one minute.

The Speaker (Hon. Kingi): Allow the hon. Senator one minute to conclude.

Sen. Omogeni: Mr. Speaker, Sir, I plead that the committee relook into this matter and take it seriously. Even if it means us looking for legislative intervention. We must do something to intervene. Over taxation can create a revolution. If you tax Kenyans beyond what they have in their pockets, you will be courting a revolution. Let us be sensitive on issues dealing with taxation. Let us not overtax Kenyans. Let us be fair, sensitive and considerate on our taxation.

Mr. Speaker, Sir, my President, William Ruto, should know that the buck will stop with him. The cry of Kenyans will be at his doorstep. So, he needs to rein in on our governors.

I thank you.

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

Sen. Murgor: Thank you, Mr. Speaker, Sir, for giving me the opportunity to join my colleagues in making my comments on the insecurity in Samburu County.

It is pathetic that this area called Baragoi is all the time in news, that people have been killed, vehicles have been ambushed, things have been snatched away, property, including cows and goats have been stolen. The security agents in these areas know where these thugs or robbers or killers are common or frequent. Therefore, they should be able to display tight security activities around those areas so that these people do not succeed.

I have known this for a long time because my county is in Rift Valley. There has been security issues along Kerio and the border between Kenya and Uganda. We have made sure that they do not succeed in taking cows, goats or the animals that they have

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stolen. We pursue until we return. When that is done, they become discouraged and do not attempt another raid.

The culprits should be pursued until the security men, especially now that we have National Police Reserve (NPR). We should be able to succeed or do better than when we did not have them.

I support.

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

Sen. Onyonka: Thank you, Mr. Speaker, Sir. I would like to first of all thank Hon. Murgor for raising that issue.

My honest observation, Sen. Murgor, is that if the state security operators wanted to know everything that is happening about cattle rustling, all they need to get is drones. They will see who is stealing the cows, where they are taken and see who the owners. However, they will not.

Number two, I heard my brother and senior and wonderful friend, Hon. (Dr.) Khalwale, discussing the matter that Hon. Kavindu has raised. In my past life, I was an Assistant Minister for the Ministry of Foreign Affairs. Seventy per cent of our young Kenyans who have been arrested in these foreign countries carrying drugs were conned, convinced and they carried those drugs to those countries without some of them even knowing that they were actually carrying those drugs.

Some of us have friends whose children are involved in these things. I would like for the Government to be softer and kinder. In other jurisdictions, once people are arrested and they are most probably served a period of even five years, normally caring governments repatriate those prisoners to come and finish their terms in their countries. I believe that is what Sen. Kavindu was actually requesting the Government to do.

The reality is that there is this sexual exploitation and, indeed, the young people have been arrested because of the sex trafficking which has taken place in those countries. My colleagues in this House know that many Kenyans went out to look for a living or jobs, but some of them got themselves into these activities.

Mr. Speaker, Sir, I do believe that as a responsible Government and a people, we can interrogate those matters. The Government has the capacity of looking at all the prisoners arrested in foreign countries. It can look at all the Kenyans who have been arrested in different countries and are stationed there. Some of them have been put in detention camps.

I believe that is what Sen. Kavindu was talking about. I think when the committee gets to the point, we will be able to explain some of these things. I believe the Ministry of Foreign Affairs does have records of majority of the Kenyans in some of these prisons out of the country.

Thank you.

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

Sen. Abass: Thank you, Hon. Speaker, Sir. I would like to support the Statement by the Senator for Isiolo County, Sen. Fatuma Dullo. While making budget in the counties, they always take the budget first to the public for public participation. However, immediately after approval, they do a supplementary budget and justify it. The budget is

actually not based on a need base, but rather at the will of the Governor and his team. That is how the budget making is taking place in these counties

There are so many unfinished or stalled projects from since 2013. It is not a priority anymore for the governors. So much money has been spent. Some of the projects are even their offices and assembly offices, yet that is not prioritized. Instead, they always keep on looking for new projects, which is a very unfortunate situation.

Mr. Speaker, Sir, the Chairperson of the Senate Standing Committee on Finance and Budget, who is also my party leader, is here. We need to have control on these things. Action must be taken. The pending bills are increasing each year because they are not being paid. They are escalating every time.

So, the committee should tell Kenyans what this House will do about this escalation of the pending bills. Equally, we will ask the committee to at least follow up this issue and ensure that all projects that are stalled must be finished before the end of this term.

I beg to support.

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

Sen. Olekina: Thank you, Mr. Speaker, Sir. I rise to make comments on two Statements. The first Statement is on the insecurity in Samburu County. I listened keenly when I was walking in, and I have also had an opportunity to read the Statement by the distinguished Senator from Samburu County. It shows some form of laxity with our police forces or service.

There is absolutely no reason why a chronological event, which is known by the security officers, cannot be acted upon. The distinguished Senator has said that on the 9th of January, 13th of January, 10th of February, 27th of February, 10th of March and even today bandits are going in and killing police officers who are transporting criminals from the law courts, yet nothing is happening.

Mr. Speaker, Sir, I have seen what the distinguished Senator has requested to be investigated. All these things that you have asked for, are things which will just give you literature for no reason. What we should ask for, is for the Ministry of Interior and National Coordination to take swift action and safeguard the citizens of Samburu County.

Mr. Speaker, Sir, if you say “provide a report”, what is the report for, so that we can sit here and read? The Ministry of Interior and National Administration should move swiftly and protect those citizens. You cannot have 10th, 13th and even today, no one is doing anything. The residents of Samburu are citizens of this Republic. They should be protected. In the 21st Century, we cannot be sitting here and talking about insecurity in Baragoi. This is absolutely ridiculous.

There is a second statement raised by the distinguished Senator from Kisumu that I want to comment on because of time, otherwise, I would have gone on and on about this issue of insecurity. There is no doubt taxation is necessary. In fact, the Constitution is very clear.

Article 201 of the Constitution talks about the principle that shall guide the aspect of public finance in this Republic. One important factor is that the burden of taxation shall be shared fairly. Now, the question is, when you look at Nairobi City County as an example, have land rates been reviewed for a period of time? If we want to provide services to our

citizens in Kisumu County and all our counties, have we reviewed those taxes on leasehold?

We need to encourage and I hope the Committee will also encourage those counties to carry out public participation. People are bleeding, yes, but we have got to find a balance.

Mr. Speaker, Sir, 30 seconds, please.

The Speaker (Hon. Kingi): Give the hon. Senator the requested 30 seconds.

Sen. Olekina: Thank you. In Nairobi City County, it is imperative that we review the leases, the taxes and the land rates, so that we can be fair and balanced. We are talking about Nairobi City County not being able to pay streetlights and yet, this is a security issue. You collect taxes to pay for bills. That is number one. In Kisumu County, the matter is about public participation. We just have to be fair and that is the most important thing.

Mr. Speaker, Sir, I hope that the Committee, which will be looking at this issue of this taxation can look at it and become fair. I also hope that the taxes which were levied on the Housing Levy will reduce in this Financial Year to one per cent or even lower than that, so that we can balance.

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

Sen. Okenyuri: Thank you, Mr. Speaker, Sir. I support the Statement by Sen. Miraj on the alleged transfer of gender desks from police stations to the public hospitals.

I would make this proposal that instead of that transfer, why not have the gender desks, both at the police stations and in public hospitals, so that we make the fight against gender-based violence effective? This is because, the first point of call when one has been attacked is the police station. Therefore, moving it from there does not make it any easier. The moment you go to the hospital, you will need the legal processes to take place. You will, therefore, need to have the Occurrence Book (OB) number that will justify that indeed that has happened and action needs to be taken.

Mr. Speaker, Sir, I also want to talk about the Statement by the Embu Senator on the introduction of KCSE examinations. I am a product of those examinations and maybe, we need to see what is informing the Ministry to re-introduce that for the current breed of students. This is so that we can weigh the pros and cons of that at this point.

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

Sen. Sifuna: Mr. Speaker, Sir, I wanted to comment on the Statement by the Senator for Machakos, the Hon. Kavindu. I believe Sen. (Dr.) Khalwale misapprehended the thrust of this particular statement and he should know that just in the recent days, over 100 Kenyans were stranded at the border between Thailand and Myanmar. These people were not criminals. In fact, they had been lured to the Far East countries to purportedly go work there. However, when they get there, they get held against their will as part of the online extortion gangs. They got released but they were stuck at the border with Thailand because Thailand authorities were not opening the border. That is the statement that Sen. Kavindu was talking about.

Mr. Speaker, Sir, there were reports that a few days ago, about 64 of them had been rescued and this week, another 20 or 24. Therefore, this Statement was not speaking to the people who have been caught on the wrong side of the law. These are unsuspecting victims of a global ring of online extortionists and the Government must do everything to return these people home. That is the only comment I wanted to make.

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Lastly on the Statement regarding rates in Nairobi, I wanted to inform the Senator for Narok that the County Government of Nairobi City, just like the national Government, also passes what we call a finance bill every annual financial year. In that finance bill, the Assembly proposes for the county government to levy various fees here and there.

There is a discussion to be heard on whether the services are commensurate to the fees being charged but you cannot challenge the legality of the levying of those rates, especially because the finance bill at the county level is also subject to public participation. The fact of the matter is that when it comes to land rates, we have not reviewed our valuation roll for a very long time.

Mr. Speaker, Sir, I remember that every single time the County has tried to do a new valuation roll, there have been obstacles that have been placed on its way. Therefore, and rightly as we should, pursue service delivery, but then again, we cannot cry that rates have not been reviewed yet. If you look at the rates that some of these properties were paying, they were not commensurate with what is actually the market value of those properties as of now.

Mr. Speaker, Sir, those are the only comments that I wanted to make and I thank you for the opportunity.

The Speaker (Hon. Kingi): Sen. Sigei Wakili.

Sen. Wakili Sigei: Thank you Mr. Speaker, Sir. I will comment on the Statement by Sen. Mwenda Gataya on the need to have this particular data and the criteria for the allocation of resources for purposes of KURA and KeRRA

The Statement will guide the country in building some level of affirmative action with regards to the criteria with which the agencies under the Ministry of Roads and Infrastructure allocate resources. Lately, we have heard comments in the National Assembly, where Members, wherever there are issues regarding the budget allocation, speak about the many infrastructures on roads under KeRRA and KURA ongoing; whereas, there are other places where accessibility, even to some public places is not available because of unavailability of resources.

With this Statement, I would wish the membership of this Committee gets facilitated, so that they can deal with it and go beyond the period that the hon. Senator has listed, between 2022/2023 to date. This is so that we ensure we have affirmative action in areas which for a long period of time have been ignored with little or no resources at all in terms of allocation get consideration.

Mr. Speaker, Sir, secondly is to enhance the ability of those agencies to classify the various roads because roads under KURA and KeRRA sometimes fall victim to what we have experienced in our county governments. Resources which have been allocated to a road that is classified KeRRA and KURA can still get allocation from county governments and that allocation is put into abuse by the county government and the relevant agencies within that county government because of double allocation. People use it as an opportunity to steal and misappropriate the resources.

Mr. Speaker, Sir, I wish the Committee that will be involved in dealing with this particular Statement will go beyond the number of years or the period that has been identified, and further ensure that they deal with the aspect of classification. This is so that

we have all the relevant agencies understanding this aspect and ensuring everyone knows of the allocation criteria.

The Speaker (Hon. Kingi): Alright, so we move to Sen. Ali Roba.

Sen. Ali Roba: Thank you, Mr. Speaker, Sir. I will use the restricted minutes to comment on the power outages in Mombasa County, the second capital of this country. It is extremely embarrassing. Just last week, we were complaining bitterly about Mandera's desperate situation. If counties like Mombasa, a city county, start complaining about that now, I believe that Kenya Power needs to be seriously investigated.

As a leader who comes from an area affected by terror and insecurity, I also support the Statement on these security challenges in Samburu County. If terror becomes a challenge for security agencies to manage, then this issue of communal insecurity should be something that the Government of Kenya should tackle firmly. To make sure that our public does not suffer perennially every year discussing some small-time crooks in the name of the community trying to cause havoc in the Baragoi area and other areas, including Isiolo County, where cattle rustling by communities has really been a major challenge affecting the population of Isiolo and Samburu counties.

Mr. Speaker, Sir, I support.

Sen. Lomenen: Mr. Speaker, Sir, I stand to comment on Sen. (Dr.) Lelegwe's Statement on the insecurity of Samburu County. Security personnel are facing serious challenges in handling the issue of cattle rustling.

It is the reason most of us sit down to listen. In the counties of Samburu, Marsabit, Turkana, Isiolo, and West Pokot, insecurity is prevalent. People are killed, and property is taken. Less is done to those people who are affected. This is because these communities have decided this is their state of nature where they just kill people the way they want and take property, and there is nothing that is being done to these bandits. This is why they raid homes, kill children and women and the statement of their action is not taken in a police station.

We can take a case study of what happened recently in a place called Todonyang, where more than 30 people were killed in the lake Turkana. Up to now, their bodies have not been retrieved.

Most of our borders are porous. For example, in Turkana County, we border almost three states: Ethiopia, southern Sudan, and Uganda. All these borders are porous, and there is a highly established insecurity in them. In our area, we have no Kenya Defence Forces to counter the attacks from the other states.

Empowering the National Police Reserve (NPR) in these areas is important because NPRs are locally informed security personnel. They know the terrain and how to handle bandits because they live with them.

The Speaker (Hon. Kingi): Sen. Kisang, proceed.

Sen. Kisang: Thank you, Mr. Speaker, Sir. I want to comment on the Statement by the Senator for Samburu.

For the last three or so months, between November, December and January, there has been relative peace along Kerio Valley, Turkana, and Samburu. However, it looks like there is a wave; some evil spirit has resurfaced for the last few weeks along that area. Banditry had gone down, and we were celebrating. In fact, at the beginning of the year, on

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the 5th of January, we had some celebrations as Kerio Valley people because we had peace. However, I do not know what happened suddenly. The security teams need to establish the cause and use intelligence properly because it looks like there is some commercial aspect to this banditry. It is no longer normal cattle rustling. It has become more or less like a business.

Yesterday, we buried two people in Elgeyo-Marakwet County. There is one who will be buried on Friday. This is happening in Samburu, Isiolo, Turkana and West Pokot. Why has it become so difficult for the security teams with the intelligence of the Directorate of Criminal Investigation (DCI) and intelligence of the National Intelligence Service (NIS), who are being given a lot of resources? What are they doing with these resources if they cannot stem banditry within the country?

This is serious. The team at the Ministry of Interior, National Administration, and NIS need to settle once and for all. Instead of focusing on development, our people are focusing on burying people and running around. It looks like we are not part of this country.

Secondly, I would like to comment on the Statement by the Senator for Kisumu. Counties have not done valuation rolls to establish the actual value of properties. They need to account for the current resources they are collecting. If you check our water bills, there is an item called sewage and garbage collection. Basically, most of us here in Nairobi have garbage collections done by private companies; the counties do not do them. Why are they charging for a service and they are not delivering?

They need to rethink and ensure proper public participation. Luckily, most Kenyans know what to do in case they want to increase. Basically, the courts are there to save us from additional taxation from the counties. These governors are not utilizing the resources they are getting from their shareable revenue and also what they are collecting.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Hezena, proceed.

Sen. Lemaletian: Thank you, Mr. Speaker, Sir. I rise to contribute to the Statement on Insecurity in Samburu County.

Coming from Samburu North, particularly Baragoi, every day I sit here and receive news that I have lost a relative or someone I know due to a banditry attack. Even worse, lately, the issue has escalated so much that we have criminal syndicates that are attacking shops within Baragoi and other town centres. I rose to speak to this because I had a pending Statement that I was told would not be processed. After all, it was similar to the Senator's.

As we speak, I have just received information that an attack is ongoing at Soit Pus in Poro, near Malaso. Malaso is one of our only tourist attraction centres or sites shared by Samburu West and Samburu North.

It is saddening that, indeed, it has become so normalized for Samburus to lose their lives. Residents of Samburu could be killed like flies, and there is no substantial action being taken by the Government. I feel irritated because it makes us political leaders look helpless. We cannot come to the rescue of our people.

It is about time the government tells us whether it can secure the residents of Samburu County or if they should take care of themselves. It is about time we are told clearly what we need to do.

Mr. Speaker, Sir, we have had public servants; people holding very high-ranking offices in this country, going to the grassroots and making incitory remarks that can elicit very serious volatile emotions among our people. I have not seen any action being taken against these people, not even by the almost toothless Standing Committee on National Cohesion, Equal Opportunity and Regional Integration.

I have also heard of compensations happening for people from the farming counties. We had the Principal Secretary (PS) for Agriculture and Livestock Development the other day appearing before the Standing Committee on Devolution and Intergovernmental Relations. I was surprised to hear that there has been compensation for livestock lost due to banditry and stealing. I have never heard of compensation to any northern counties.

(Applause)

Mind you, stealing our livestock---

The Speaker (Hon. Kingi): Give the Senator an extra minute. Condense your thoughts, hon. Senator, and conclude.

Sen. Lemaletian: Thank you, Mr Speaker, Sir. We would like to see our people being equally compensated because reports of loss of livestock is something that is reaching the relevant ministries and authorities every single day, such that it has been normalised.

As we speak, I have just got a message that 100 shots have been taken. We have 300 cows that were not returned by the authorities. It has been promises after promises. My people cannot continue living on promises; we need substantial action. There has been so much laxity as far as Samburu issues are concerned. Samburu people are not children of a lesser god. They are human beings who breathe and have blood running within their veins, not petroleum.

I thank you.

The Speaker (Hon. Kingi): Next Order.

BILLS

Second Reading

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

(Division)

The Speaker (Hon. Kingi): This Order is deferred.

(Bill deferred)

Next Order.

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

The Speaker (Hon. Kingi): This Order is also deferred for lack of delegates.

(Bill deferred)

Next Order

*Second Reading*THE COUNTY CIVIC EDUCATION BILL
(SENATE BILLS NO.4 OF 2024)*(Division)*

The Speaker (Hon. Kingi): Due to lack of the required delegates, that Order is also deferred.

(Bill deferred)

Next Order.

MOTIONADOPTION 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 No.167 (3) of the Senate, approves the mediated version of the Bill.

The Speaker (Hon. Kingi): This Order is also deferred for the same reasons.

(Motion deferred)

Next Order.

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

The Speaker (Hon. Kingi): This Order is also deferred for lack of the requisite delegations.

(Bill deferred)

Next Order.

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

The Speaker (Hon. Kingi): Chairperson of the Standing Committee on Justice, Legal Affairs and Human Rights proceed.

Sen. Wakili Sigei: Thank you, Mr. Speaker, Sir. I beg to move- 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.

Mr. Speaker, Sir, this Motion is a product of a period that has lasted for over one year plus. It is on the basis of the NADCO that was established through a resolution by the National Assembly and the Senate on 16th August 2023 and on Tuesday, 29th August 2023, respectively.

In this case, the resolution of the National Assembly was tabled and adopted before the National Assembly. This House received its resolution on the 29th August 2023 and shortly thereafter adopted that resolution. Out of that adoption, Members of this House and the National Assembly convened. The Senate Leader of Majority, Sen. Cheruiyot, was a member of the Committee as well as Sen. Omogeni.

Before the Committee settled down to deal with the issues that had been highlighted, they engaged the public. Among the issues which were framed for purposes of this Committee comprised of the electoral justice and related matters. These included aspects on restructuring of the Independent Electoral and Boundaries Commission (IEBC),

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boundaries delimitation, as well as a proposal on the possible audit of the 2022 general elections. Of particular concern was the 2022 presidential elections.

Another aspect that was also framed as a very important issue to deal with in this Committee was outstanding constitutional matters. There was also the aspect of fidelity of political parties, coalitions, and the law on the multi-party democracy in this country. The other item was entrenching of special funds into the Constitution. The special funds which were of issue in this case are the National Government Constituency Development Fund (NG-CDF), the National Government Affirmative Action Fund (NGAAF), and lastly, establishment and entrenchment of state officers.

This is the one that required amendment to the Constitution to introduce certain offices, which I will shortly deal with. Prior to the Committee commencing its work, members of the public and Kenyans in general were requested to submit their interests to the Committee.

On 1st September, 2023, a publication was put out in print media across the country, inviting members of the public to engage as stakeholders and participate in submitting their resolutions, proposals, and comments to the five issues which were framed. The Committee received 258 written memoranda. It also received memoranda from over 700 persons that were drawn on the various issues. Lastly, they received oral submissions, which were over 60 in number.

Mr. Speaker, Sir, it also received written memoranda from Government ministries, including the National Treasury, Ministry of Energy and Petroleum, and the State Department for Housing and Economics. In their various meetings, they received additional memoranda from Kenyans from the diaspora.

Mr. Speaker, Sir, this Committee had over 42 sessions where several issues involving the aspects that were framed under the five issues were discussed. Their reports were tabled in two respective Houses. In the National Assembly, it was tabled and adopted on the 22nd of February 2024, and in this House on 6th March, 2024.

There were immediate respective communications from the Speaker to ensure that the reports that were tabled had commitments on what was expected of the two Houses. Number one, to deliberate on the actualisation of the reports that were tabled and second, to consider proposals on various amendments to the law, enactments of specific laws that had been proposed by Kenyans for amendments, and lastly, in effect, to the proposed amendments to the Constitution, there would be consequential amendments to the law. These are the directives that came from the communications of the respective Speakers from the two Houses.

Of importance to note is also the multi-sectoral working group that had also been committed to giving a proposal on what Kenyans were talking about and wished on the implementation of the two-third gender principle that has been a thorn for a very long time after the enactment of the 2010 Constitution.

The two respective Houses had their respective legislative proposals. For the case of the National Assembly, it was required to enact a legislation towards the amendment to the Independent Electoral and Boundaries (IEBC) Act. This was done and it became law on the 9th July, 2024.

The Ethics and Anticorruption Commission (EACC) Act is what has been tabled and it is pending in the National Assembly as of now. This House and the Standing Committee on Justice, Legal Affairs and Human Rights Committee (JLHRC) had its commitment that dealt with four proposals in an amendment of the election offenses, Elections, Statutory Instruments, as well as the Political Parties Act. All these four statutes have already received their reports. They have been passed by this House and transmitted to the National Assembly for further processing.

The Joint Committee thereafter dealt with proposals that would require constitutional amendments. It comprised 15 members of the National Assembly JLAHRC and nine Members of the Senate JLAHRC Committee. It dealt with the report of what proposals had been made about the proposed amendments to the Constitution and secondly, the report by the multi-sectorial working group that also had its proposal on the Constitutional amendments as well as the implementation of the two-third gender principle.

This Committee, of course, had joint sessions. With a very informed mind in ensuring that the proposals that Kenyans made to the National Dialogue Committee (NADCO) are also input to ensure that these constitutional amendments would achieve the proposals made by Kenyans in seeking to promote the unity and inclusivity of whatever the government of the day would be expected to do for the people of Kenya as it serves in office.

It was also aimed at ensuring that we, as leadership, enhance representation of the democratic space of this country. That is why in the proposals that Kenyans made to the NADCO, they sought to ensure that as we look at making amendments to the Constitution, we can ensure that there is some level of transparency of the people who are holding office, the election process itself and also to ensure that we establish appropriate and adequate checks and balances to the government in place.

This was out of the many proposals for changes to the election laws that was the first and most critical issue that Kenyans had raised. In this case, there was an aspect of the delimitation of boundaries, which is a constitutional issue that affects the boundaries. In the case of the IEBC, it was past the period within which the law required them to do. Kenyans raised the concern saying that there has been an enhanced population across the country and it was time to allow Parliament to enhance the period within which IEBC would be expected to undertake the delimitation of boundaries.

Secondly, the other specific aspect that also required this Constitutional amendment was the requirement to have some level of decorum in how members of a political party are treated, and how they are required to display their loyalty when they are serving their respective political parties. This is under the provisions of the Constitution. This was a subject that also required Members to deal with timelines of determination of a question as to the validity of the presidential election.

Remember, the Constitution as of now provides that this question should and must be determined within a period of 14 days. Very many Kenyans have raised concerns about the limitation of the entitlement of Kenyans to deal with that question beyond the 14 days. It was one of those issues that the Joint Committee deliberated on and made proposals to Constitutional amendments.

Another very important issue that Kenyans spoke to this joint committee was the introduction of the Office of the Leader of Opposition as well as the Office of two Deputies to the leader of Opposition in Parliament and also further the introduction and constitutionalization of the Office of the Prime Minister (PM). These two, required Kenyans to subject these to a referendum. Consequently, this Joint Committee made recommendations to ensure that as we prepare for a roadmap to comply and implement fully the recommendations of the NADCO, we set up a three-pronged approach. One is on the constitutional amendment that will not require a referendum.

Kenyans are made to participate fully through public participation on the draft legislation that will require the entrenchment of the national government, this is the National Government Affirmative Action Fund (NGAAF) as well as the National Government Constituencies Development Fund (NG-CDF) in the Constitution. Those two laws do not require a referendum. As we speak right now, a draft Bill has already been done in the National Assembly. It has been tabled and Kenyans will be called upon to be involved in commenting on their position about those special funds. This was advanced because of the decision by the Supreme Court as to the constitutionality of those special funds. Kenyans will have a say as to whether or not it will survive or be dropped.

Secondly, is on the two-thirds agenda principle. Remember we have had over 13 Bills in the previous Parliaments, including the 11th, the 12th. The current 13th Parliament will be receiving it for the 14th time a Bill on the implementation of the two-thirds agenda principle. The joint committee, in its wisdom, recommended that this proposal will not require a constitutional referendum. Therefore, a draft bill to implement it will suffice if it is brought before the House as long as it attracts the two-thirds requirement of Members in the National Assembly as well as in the Senate.

On the Bills that will require a referendum, the Committee recommended that this will be subject to a referendum and therefore the draft Bill must be extensively put before the public.

As I table this Report, I seek the support of the Members to make sure that the recommendations that the JLAHRC of the National Assembly and that of the Senate as well as the joint sessions of the NADCO, which comprise Members of the two Houses and the joint sessions of the Justice and Legal Affairs Committees in making these recommendations speak to the interest of the Kenyans who were involved when demonstrations were happening across the country leading to the creation of the bipartisan dialogue which gave rise to the National Dialogue Committee (NADCO).

I ask Members to also interrogate the issues which Kenyans raised. As I move this Motion, it will not only affect the various laws which have been proposed, it will affect a number of policies for the Government of the day, ensuring that it serves the interest of the people, it looks beyond the current situation as is and make policies which support the posterity of this country.

Mr. Speaker, Sir, I appreciate the members of the committee for their industry, involvement and participation. Additionally, I appreciate the Office of the Clerk as well as the Office of the Speaker for the support that it gave to not only JLACHR as a Committee of this House, but to the Joint Committee that was a consequence of the reports that we received leading to the tabling of this Report.

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Mr. Speaker, Sir, I beg to table and ask Sen. (Dr.) Khalwale to second the Motion.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. To me, seconding this Motion is very significant. I believe if the recommendations of the Committee that sat on the NADCO were to go through, there would be momentous change in the way we practise politics, govern the country and live. I, therefore, want to strongly support and highlight just a few reasons why I think this is important.

I have full confidence in the membership that sat on NADCO and also the Committee on JLAC in the National Assembly and JLACHR in this House. Therefore, I would remain in total agreement with most, if not all, the recommendations contained therein.

(Sen. Dullo consulted loudly)

The Speaker (Hon. Kingi): Sen. Fatuma, you may want to consult in a low tone, so that you do not disrupt the thinking and flow of thoughts of Sen. (Dr.) Boni.

Proceed.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I say so with a degree of pride that I was a Member of the original bipartisan committee that gave birth to NADCO. I see a few things that stand out, and one I would like to speak to very quickly is the two-thirds gender rule.

The two-thirds gender rule has remained a vexing issue since the new Constitution was promulgated. It does not matter that many attempts, I believe up to 13, have been made to achieve the two-thirds gender rule. What matters is why it failed the first time, second time, all the way up to the thirteenth time. Possibly, the kind of public participation that we allow to take place when it comes to this provision is not adequate or could be done in a better manner.

Mr. Speaker, Sir, just like the majority of you who are privileged to come from houses where the majority are the female gender, like most men, you are there, you are the only man heading the house, but there is a wife and daughters. You always find that you are crowded. Thus, we are very comfortable with handling issues of women, and we love them.

Mr. Speaker, Sir, we will give it to them. Nonetheless, I want to challenge not the womenfolk, but the people who will benefit from the two-thirds gender rule. I would like them to allow us also to democratise the process of identifying beneficiaries. I mean, that in its current form, it is difficult to know how one nominated Senator or nominated Member of the National Assembly found their way into these two Houses. I have never understood how they managed. I was trying to have a small discussion with my young, Sen. Hezena, on what they did and she told me, 'go away'. Therefore, I am still waiting for the privilege of hearing from her on how she made it. It is so difficult.

I, therefore, propose that under the new structure, women who get nominated should not be nominated by political parties. They should be allowed to undergo a process of election where the voters shall be only women. If we have 16 slots of Senators to vote, then those names should be presented to the public, and then those 16 names should be voted for. The top 16, cross the line and become nominated.

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Secondly, the people from special groups, like People with Disabilities (PwDs). I do not know how they get nominated. We should allow PwDs to be the principal decision makers and subject the beneficiaries to a vote.

Finally, on this particular point, the people who get through these special seats, the 47 women elected in the National Assembly, plus whatever number we shall add them, should be allowed to run for that election only once. A woman MP representing a county should not be allowed to be re-elected more than once. They should learn the ropes in the first five years. At the end of it, they go for competitive seats. Similarly, PwDs should serve for five years. After five years, they then should face a competitive election.

The reason I am saying this is because the spirit of nomination was not to create an opportunity for people to get freebies. It was an opportunity which was meant in the letter and spirit of this Constitution, to allow “people with limited capacities to win an election, to learn how the gurus like Raila Odinga, Uhuru Kenyatta, Musalia Mudavadi and Boni Khalwale made it to their political positions. I say this because we are the guys who have won elections not once, twice, thrice or four times, but in my case, five times. We are the gurus, so that they learn from us how we do it and then they go and compete. They are not to keep on hanging outside this door wanting to come here one election after another that I want to benefit from nomination over and over again.

The second point I want to speak to is that you have seen the wind behind the sails of wanting to see NADCO suddenly become strong at a time that the President and the former Prime Minister have created some camaraderie. I am hoping that this new-found interest in making sure that NADCO goes through is not for purposes of serving the Broad-Based Government. The Broad-Based Government, just like the Handshake Government, that yielded Building Bridges Initiative (BBI) will go the way that Government went. We cannot afford a situation where we want to amend the Constitution, so as either to massage the egos of the proponents of the Broad-Based Government or to reward the beneficiaries of the Broad-Based Government.

Mr. Speaker, Sir, we are all men and women of this Republic and we hear both the normal talk and the talk in the grapevine. These days, the talk on social media, which is part of our lives--- I do not like what I am hearing. What I am starting to hear at those three levels is as if somebody wants to fix another person or a particular party and not the other one, or a particular region at the expense of another one and a community. If that is the spirit of the Broad-based Government, it would be wrong. We should never punish anybody.

I hear repeatedly people speaking of Gachagua or “Riggy G”. The story of “Riggy G” is gone. “Riggy G” was given an opportunity in this House to face me, Sen. Omogeni and all of us and he chickened out. That is a story which is gone. Let all politicians, especially from Mt. Kenya region, enjoy equal opportunity in the broad-based Government.

When we were constituting the new look committees, unknown to this House, I failed to discharge my role as a Chief Whip who, under our Standing Orders, is supposed to take the lead in reconstituting committees. As a man who joined the struggle at an early age of 22 years at the University of Nairobi (UON), I find it difficult to be part of an exercise that was meant to be exclusive rather than inclusive.

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This is the way to go. Today, you are on top, tomorrow you are not. Today, you are on the strong side of the wind, tomorrow you are not. We want to build a country that gives all Kenyans equal opportunity.

I see, for example, some noise building around certain members of the Cabinet; that probably X, Y or Z might be removed so as to pave way for the new look broad-based Government. I want to send an early warning that this will be wrong. Whoever is starting to raise issues on Dr. Debora Mulongo Barasa, if you think that is the way to fix the broad-based Government, you should know that Mulongo, who did not apply for that job because she was very busy in her medical practice, also comes from our community. That community has heavy fighters and sometimes we throw very heavy punches, including Dr. Boni Khalwale. Nobody should intimidate Dr. Mulongo.

Concerning the issue of the Independent Electoral and Boundaries Commission (IEBC) in this report, we should expedite the process. The other day we lost our colleague from Baringo County. The people of Baringo County need a Senator here. Three Members of Parliament have lost their lives and one MP lost his seat through a petition. Those four constituencies deserve representation, not to mention the 14 wards that have lost Members of the County Assembly (MCAs) for one reason or another.

Even as we do so, this will depend on the integrity of the selective panel. The IEBC Selection Panel, wherever you are, please, do not bring to us the same mistakes that your predecessors vested on this country. We have been in this country long enough to know that one of the greatest destabilizers of national unity, peace and democratisation is the elections of Kenya. Its integrity is tested around the Commission and its chairman. Please give us good people.

I went through the advertisement you made last week and saw the people who had applied to be Commissioners. I have seen some fairly very good names amongst the professionals who have expressed interest. Please, Selection Panel, avoid the temptation to recycle names. Just because a name is an old name in the papers, media and public domain should not be given preference. Let the interviewing process be accompanied with the lords upon lords of integrity so that we get the best commissioners and chairman.

What is more, the Mover of the Motion has spoken to the issue of delimitation. Many Kenyans listening to me think that when delimitation will take place, they will get new constituencies. No, there will be no new constituencies. We will have change in boundaries and in some cases, the change of the names of the electoral units. That is it. If you are at home expecting to get a new constituency, forget about it.

If you think we should propose the amendment of the Constitution to the Article, whose number I have forgotten, that provides that Kenya shall have 290 constituencies. Until you amend that, your constituency can be as big as some of those constituencies are, but you will not get it because of this National Dialogue Committee (NADCO) report.

Mr. Speaker, Sir, the last point I want to make on IEBC and this NADCO report is the issue of the presidential election. We must all go out of our way when the time is necessary. I know you can purport to come to legislate, but I will come to you to help me so that we can draft the law in such a manner that there can be a closure of our presidential election.

After we voted in 1992, there was no closure until people jostled and before we could know it, there was something called cooperation because there was no closure of the presidential election.

In 2007, there was no closure of the presidential election. It went on until our country went bust, only coming to be calmed because of the so-called *Nusu Mkate*. There must be a closure of a presidential election.

Fast forward, 2017, you could not get closure of the presidential election. It went on with a lot of noise, loss of lives, destruction of properties until some Mongrel that you called 'handshake' came on and stabilised the country. You can see the same nonsense is what we are going through now. Instead of closing the election, we are still talking about the presidential election. Until now, we are talking about something called Broad-based Government.

For those of us who have committed our lives to the respect of the Constitution and the rule of law, I am unable to see a single Article in the Constitution that is called broad-based. We must learn how to bring presidential elections to a closure.

I would like to speak to special funds. I do not know whether it is the Mover who forgot, but you have spoken to special funds and spoken about only two, National Government Constituencies Development Fund (NG-CDF) and National Government Affirmative Action Fund (NGAAF). I have heard only that. Why are you not speaking of an oversight fund?

Sen. Wakili Sigei: On a point of information, Mr. Speaker, Sir.

Sen. (Dr.) Khalwale: Yes, I would like him to inform me.

The Speaker (Hon. Kingi): Proceed to inform the Hon. Senator, Sen. Wakili Sigei.

Sen. Wakili Sigei: Thank you, Mr. Speaker, Sir. I wish to inform Sen. (Dr.) Khalwale that the third special fund that was conceded to in the NADCO Report is indeed the Senate Oversight Fund. It could have been an oversight on my part as I moved the Motion that I left it out.

I thank you.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I appreciate that confirmation. We want it to be in the open that an Oversight Fund is necessary.

In the past few months that I have been allowed access to the Oversight Fund, I can see the returns. I can even see the number of vehicles that used to be in the governor's entourage and the number of times the siren used to wake up sleeping villagers when the governor was from drinking alcohol at night going home. You could hear dogs barking. Since dogs have a higher sense of hearing than us, they could pick the sound of the siren from a distance. Now that has gone down. Due to the Oversight Fund, for the first time, I have heard governors saying that Senators should take money to them quickly. Initially, they used to say they could do without the Senate. Let there be an Oversight Fund.

In constitutionalising the Oversight Fund and other Special Funds, we must have a process through which these Funds must be subjected to audits. If I go to Kakamega, for example, we do not see what the affirmative action funds by the Women Representative do. The only thing we hear is that over Kshs140 million is used for buying pads every year. Are pads that expensive? Even if they are expensive, are the millions of shillings swallowed by the expenditure on pads necessary?

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I think you guys call it in good English, sanitary towels. My daughter is seated there at the Clerk's Desk. She normally teaches me good English. That cannot be the case because it is a lie. So, we need to audit these people.

When Hon. Gladys Wanga was a Women Representative, she put up markets. Hon. Baraza is going around in Kakamega telling people that he has bought umbrellas. An umbrella of Kshs150 and that is what you have to show for your affirmative action? We can do better.

The final point that I would like to make in my submission as I second this is constitutional amendments - Sen. Omogeni, you must help us; we do not want another Building Bridges Initiative (BBI) in the name of the National Dialogue Committee (NADCO) - if we want to amend the Constitution, let us burn the midnight oil and do things the proper way. If there is any issue that is supposed to go for a referendum, let the people decide.

Sen. Omogeni, I came to learn during the fight against the BBI that we have certain aspects of the Constitution which you cannot amend. The lawyers told me at that time that you call them essential clauses. We want this debate to start now, so that we do not waste time in courts fighting the NADCO Report in the name of BBI 2.

When we come to voting, I am one of the people who will vote against expansion of the Executive. I do not understand the benefit of an expanded Executive. Take for example the chapatis that the Governor of Nairobi City County was talking about yesterday. You can see the benefits. Primary school children from Mukuru kwa Njenga and Kawangware will benefit from those chapatis. We want decisions that translate into returns on investment.

What if we have a Prime Minister with two deputies and a President with a Deputy? How is it going to improve the lives of the people other than just stroking the ego of the big men and women of Kenya to share positions of power? The office I will certainly support is the Leader of Official Opposition. Under this new Constitution, because of the provision of majority and minority, the Leader of Official Opposition makes a lot of sense. That, I will support.

Mr. Speaker, Sir, with all those remarks, I strongly second the Motion for adoption of the report of the NADCO.

I thank you.

The Speaker (Hon. Kingi): Hon. Senators, I will proceed to propose the question.

(Question proposed)

Now the Floor is open to debate, but before I call upon Senators wishing to make their comments, allow me to communicate this information.

(Interruption of debate on Motion)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM MOUNT KENYA UNIVERSITY

The Speaker (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of visiting student leaders from Mt. Kenya University (MKU). The delegation comprises four students who are in the Senate for a one-day academic exposition on the invitation of the Senator for Bomet County, Sen. Wakili Sigei, CBS, MP.

I request each member of the delegation to stand when called out so that you may be acknowledged in the Senate tradition-

- (1) Mr. Evans Kiprono Korir - the President
- (2) Mr. Kelvin Rono - Executive Member
- (3) Ms. Ivy Cheburei - Executive Member
- (4) Ms. Ivan Peter - Executive Member

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

(Applause)

I will call upon the Senator for Bomet County, in under one minute, to extend a word of welcome to the four student leaders.

Sen. Wakili Sigei: Once again, Mr. Speaker, Sir, I thank you for allowing me to welcome the visiting young leaders who have taken their time to come and appreciate what goes on in this particular House.

I want to encourage them that as they assume their various offices of leadership in the university, they should take cue based on what they would have seen and witnessed in this particular House regarding the kind of leadership they should exhibit as they lead students in the institution that they come from. I am encouraged by the fact that at a young age, they took the responsibility of leadership as an important part and parcel of their growth in the institution.

I encourage you to not only be involved in politics of the institution that you are leading, but also politics that affect the general public. This is because at the end of your four-year term in the university, you will be out there and expected to give back to society, either as a resident of wherever you come from, an elite, or leader who should participate in what goes on in the society at large.

Once again, welcome to the Senate. I hope you will take home what you did not have when you came into this House this afternoon.

(Resumption of debate on the Motion)

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

Sen. Omogeni: Thank you, Mr. Speaker, Sir, for allowing me to also contribute to this Motion that supports full implementation of the NADCO Report. While contributing, once again, I want to thank my colleagues who gave me the privilege to serve as a Member of the NADCO team.

I was sent a video from Nyamira showing that I visited the State House today in the company of the former Vice President, Hon. Kalonzo Musyoka. However, that is a video that was captured when we presented the National Dialogue Committee (NADCO) Report to His Excellency the President, sometimes last year. So, I would like to assure the people of Nyamira County that I was not privileged to visit the State House today in the company of Kalonzo Musyoka, but I was indeed in State House when we presented the NADCO Report to His Excellency the President.

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

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

Mr. Temporary Speaker, Sir, secondly, if you permit me, I would like to inform my good friend Sen. (Dr.) Khalwale that the comment he has made, that there are Clauses in our Constitution that cannot be amended, is not true.

The basic structure principle in the Constitution was developed in 1973 by the Supreme Court of India. When the Supreme Court made a finding to the effect that in view of the provisions of Article 368 of the Indian Constitution, there are clauses in the Indian Constitution that cannot be amended by Parliament because they form the basic structure of the democracy of the great Republic of India. This includes that you cannot bring an amendment to interfere with the concept of rule of law, or you cannot bring an amendment to the Indian Constitution that will water down the principle of separation of powers or you cannot bring an amendment as Parliament in India to water down the principle of India being a democratic state.

However, in the case of our country Kenya, when this matter went to the Supreme Court and an argument was made that there are Articles in the Constitution that are protected and cannot be touched or amended, that can fit in into that principle of basic structure in our Constitution, the Supreme Court of Kenya overruled that argument and stated that we do not have an Article in our Constitution that is mirrored in the line of the words of Article 368 of the Indian Constitution.

So, Sen. (Dr.) Khalwale, the finding of the Supreme Court is that any Article in our Kenyan Constitution can be amended. The only caveat is to look at what is in Articles 255 and 256 and see what can be amended by Parliament without subjecting that amendment to the referendum, or the Clauses that are protected in our Constitution that can never be amended without subjecting that amendment to a referendum. So, those clauses are protected and they cannot have any effect of law unless they go through the referendum.

Mr. Temporary Speaker, Sir---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Boni, what is your point of order?

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Sen. (Dr.) Khalwale: Thank you, Mr. Temporary Speaker, Sir. I rise under Standing Order No.105, not to interrupt the distinguished Senator, but to briefly point out that, this is a learning process for me and maybe quite a number of Kenyans. I, therefore, would like you to just use facts to inform me, supposing you moved either under Articles 255 or 254 and told Kenyans that I am giving you a referendum question or Parliament is attempting to amend the Constitution, so as to move Kenya from a multi-party democracy to a monarchy, would that still be constitutional?

The Temporary Speaker (Sen. Wakili Sigei): What is your point of order, Sen. Boni?

Sen. (Dr.) Khalwale: The facts. I want the facts.

The Temporary Speaker (Sen. Wakili Sigei): Indeed, that is actually a question, which you ought to have possibly asked the hon. Senator Omogeni to clarify by giving you established facts as to whether Articles 255 and 256 would require a referendum, which I think he was ably doing.

Sen. (Dr.) Khalwale: Thank you, Mr. Temporary Speaker, Sir. I beg that you do not throw me out. I was being clever to see if I could get slightly more. Do not throw me out. I want to hear more from him.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Omogeni, kindly, as you support this Motion, please make it clear to the Sen. (Dr.) Khalwale on that aspect.

Sen. Omogeni: Mr. Temporary Speaker, Sir, this is the only occasion where the Sen. (Dr.) Khalwale can benefit from my advice without me sending him a fee note.

(Sen. (Dr.) Khalwale spoke off record)

What else?

There are two ways that amendments can be made to our 2010 Constitution. If you move any amendment that touches on the protected Clauses in Article 255, then you must have a referendum for the people of Kenya to affirm or reject that amendment.

So, Mr. Temporary Speaker, Sir, if you permit me, I can read-

“A proposed amendment to this Constitution shall be enacted in accordance with Articles 256 or 257 and approved in accordance with Clause 2 by a referendum. If the amendment relates to any of the following matters:-

- a) the supremacy of this Constitution;
- b) the territory of Kenya;
- c) the sovereignty of the people;
- d) the national values and principles of governance referred to in Article 10(2)(a)-(d);
- e) the Bill of Rights;
- f) the term of office of the President;
- g) the independence of the judiciary and the commissions and independent offices to which Chapter 15 applies;
- h) the function of Parliament, the objects, principles, and the structure of devolved governments or the provisions of Chapter 255;

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So, we need to make clear to Sen. (Dr.) Khalwale that, in India, what is in Article 368 of the Indian Constitution, at least going by the Supreme Court's ruling in the Supreme Court of India in 1973, in their Constitution, you cannot do any amendments touching on for instance Clause 25(A) on the supremacy of the Constitution. However, I think the finding of the Supreme Court is that the only protection that Kenyans have been given is to protect certain Articles to be amended only subject to a referendum, whereof you must get the approval of Kenyans.

It is worth noting that constitutions are written in a language that suits the inhabitants of a country or going by the history of that country. For instance, in Australia, in the entire Constitution of Australia, you cannot amend any Clause of their Constitution without subjecting that particular amendment to a referendum. The people of Australia do it day in, day out. Last year, they had a referendum.

If you visited that country, you did not even notice that there was an ongoing referendum. I do not know why in this country we politicize everything. For instance, when people hear that in NADCO, there are proposed amendments that will require a referendum, people think about politics. That, this side will be defeated by the other one. People will make political capital.

Let us make our people understand that provision was put there to uplift the Clause on the sovereignty of the people of Kenya. What we are simply saying is that because we have stated in this Constitution that our people; the people of Kenya, are sovereign, then to amend certain Articles in this Constitution, you must get the approval of the sovereign. The sovereign in this case are the people of Kenya. Why do we fear a referendum? We should not. In other jurisdictions like Australia, you need the approval of state parliaments before you can effect an amendment.

Mr. Temporary Speaker, Sir, to answer the second aspect of Sen. (Dr.) Khalwale's question, there are certain aspects under Article 256 that can be amended by Parliament without subjecting that amendment to the referendum. So, the demarcation is there. The words, the clauses and the Articles that are protected and must go to the referendum and the Articles that are not protected in this Constitution, in terms of going to the referendum and can be dealt with by Parliament. However, I did not hear you mention in your report about the proposal we made on the tenure of the Senate of the Republic of Kenya. This is because, NADCO considered the terms of the Houses of Senate in many jurisdictions. When you speak about protecting devolution, you start protecting devolution by having a Senate that is the Upper House, that is well anchored in the constitution and has got full legislative powers, including a say in the budget-making process.

You can read many constitutions. If you go to Australia, members of the Senate serve for six years and they are never subjected to elections together with the members of the House of Representatives. You do not want to mix the election of Senators together with the Head of State. That can be a way of curtailing the re-election of Senators who are very strong in protecting devolution. Therefore, when they go for elections, the tenure of the Senate continues, but not all Senators leave because of institutional memory. They have crafted their Constitution in such a way that a number of Senators get elected, but others remain. The same way they do it in the United States of America (USA).

Mr. Temporary Speaker, Sir, the House of Representatives in the USA serves for two years and their Senators serve for six years. Again, they use the same model. You protect the Senate by ensuring that not all Senators exit in an election because you need institutional memory.

If you go to Japan, it is even more conscious on protecting the Senate. They call it the House of Councillors. The Upper House, with 265 Members. In Japan, if the House is dissolved because there is a vote of no confidence against the Prime Minister, only the House of Representatives goes home. The Senate is protected. Their tenure is uninterrupted. Even when there is a dissolution of Parliament through a vote of no confidence, only the House of Representatives goes home. The Senate remains because you want a Senate that is strong and does not live in fear of being chased by the head of the executive. You give them a longer tenure in office because they also cover large areas.

I want us to be Senators who want to be guided by what is happening in other jurisdictions. We should not look at this idea of a seven-year tenure as something that is kind of pushing a personal agenda for Senators. After all, nobody is going to benefit in this term. I am sure that even if this Clause comes into force, it will be after the 2027 elections.

Mr. Temporary Speaker, Sir, people like Sen. (Dr.) Khalwale may not even be coming back as Senators. Maybe he will be the governor of Kakamega. I am not sure about Joyce Korir. She may be the governor of Bomet at that time. We are doing this for posterity. Let us pass laws by not looking at us as the current Senators, but for posterity.

The Senators in the USA after the passage of their Constitution in 1790, used to be elected by the MCAs who are members of state parliaments. Then after some time, they realized they will never be effective unless they get their direct mandate from the people and create a tenure that is longer than the House of Representatives.

Therefore, this is a wonderful opportunity for us to strengthen devolution. Let us tie up this idea of a full legislative mandate of the Senate and have a say in the budget-making process. Which other moment are we going to have to clarify this debate we have had for a long time on where our space falls when the Constitution says that the role of ensuring that independent commissions are well-funded vests in Parliament?

Mr. Temporary Speaker, Sir, remember when we were in NADCO, there was a boy who came from Homa Bay. He told us to understand English properly on the use of the word “shall”. He told us when the word “shall” is used, it is mandatory. When it is “may”, it is optional. “May” is optional, and “shall”, mandatory.

Article 249(3) says that Parliament shall - mandatory - allocate adequate funds to enable each commission and independent officers to perform its functions. That means that, that function is a function that is shared by the two Houses. If you read the subsequent clause like 245 on approval of members of independent commissions; it is clear because it says, the National Assembly shall approve---

When the word Parliament is used, it should refer to the two Houses and not one, the National Assembly and Parliament. That is why Article 250 says that-

- (2) Chairpersons and members of each commission shall be
 - (a) identified and recommended to be appointed in a manner prescribed by national legislation.
 - (b) Approved by national assembly; and---

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There, the mandate is very clear. It is donated to that House called the National Assembly in 250 (2)(b). However, if you read the one, I have just read; 249(3), it uses the word 'Parliament'.

Mr. Temporary Speaker, Sir, let our brothers in the National Assembly appreciate that this Constitution gives us shared mandates. There is mandate that is reserved for the National Assembly and there is mandate that is shared by the two Houses.

Permit me to say something about this issue of gender. Firstly, at NADCO we never dealt with the issue of gender. It was isolated to be dealt with by the multi-sectoral group. I believe that if there is a report that has been tabled, it is a stand-alone report by the multi-sectoral group on gender. However, I agree with Sen. (Dr.) Khalwale about the idea of electing nominated Members of Parliament. If you go to our neighboring country - Uganda, even the people representing persons with disability are subjected to an election.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Okongo, you have less than one minute but since you were a Member of NADCO, I exercise the discretion of the Chair and allow you an additional three minutes, so that you conclude on your thoughts.

Sen. Omogeni: Thank you, Mr. Temporary Speaker, Sir. To back the point that Sen. (Dr.) Khalwale was making on the issue of nominated Members of Parliament, in Uganda, even the people who represent the youths are subjected to an election.

The people who represent workers are elected. Their names appear in the ballot and they are subjected to a competitive election. Only those who gather the majority votes find their way to Parliament.

I agree fully that we now have the opportunity to look into all these matters much more deeply and not in a cosmetic manner so that we provide an amendment that will allow competition within that special group of people. We should also make it to be a merit-based process. Let the ones who attract the highest number of votes be the ones getting elected. We can think of how to distribute the seats, how we put their names in the ballot, but I fully agree that there should be an election.

Finally, if we introduce these funds to the Constitution, we need to be more careful. We must also consider whether one is conflicted.

We have debated the Conflict of Interest Bill in this House. It went to mediation, and it has come back to us. If our brothers in the National Assembly want to continue participating in issues of the National Government Constituencies Development Fund (NG-CDF) and override the Supreme Court's rulings, then we must find a way of implementing accountability mechanisms. Also, answering the serious questions that the Supreme Court has raised in its judgement of the clear manifestation of a conflict in the budget-making process.

You cannot allow me to budget for myself without having a House that checks on how fair you are and ensures that you do not allocate resources in a manner that endangers other sectors. So, if we create the NG-CDF, let it be clear in the Constitution, that the Senate will have a say in the budget-making process. This way, we can also question the criteria used to share money in the constituencies and look at fairness and we also protect these independent commissions and independent offices.

If you read Article 249(3), he has been assigned this role. Let us take this opportunity to amend this Constitution for posterity, not for self-serving purposes. This

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should not be a debate for Members of the National Assembly to say that NG-CDF must be entrenched in the Constitution and that they will be the only people in Parliament who will deal with the issue of allocating the budget for those offices. If we do that, future generations will note that there were men and women of wisdom when the first amendments to the Constitution of Kenya 2010 went through.

Finally, we should not fear amending the Constitution. I used to hear people say that the American Constitution has never been amended. It has been amended several times. In fact, the First Amendment took place after five years, and they amended 12 Clauses, including the Bill of Rights, just after five years. The Supreme Court was weaker than our own Senate.

In 1790, the Supreme Court of America, used a committee room in Congress. In the first term, they did not have offices or listen to any cases. However, it is now one of the strongest and most influential courts in the world. Let us also take this opportunity to relook at the Senate of Kenya. We were not in Naivasha; only Sen. (Dr.) Khalwale was there when they mutilated the Bomas proposal and made the Senate a shell. Now, we have an opportunity to do something for posterity.

With those remarks, I support.

The Temporary Speaker (Sen. Wakili Sigei): Thank you Sen. Omogeni, for your well-thought-out contribution and for participating in the National Dialogue Committee (NADCO) process as a member. You represented this House and the interests of the Kenyans who elected you into this office.

I will now invite Sen. Joyce Korir.

PROCEDURAL MOTION

ADJOURNMENT OF DEBATE UNDER S TANDING ORDER NO.110(1)

Sen. Korir: Thank you, Mr. Temporary Speaker, Sir, pursuant to Standing Order No.110(1), I beg to Move that the debate on the Motion be now adjourned.

I am asking for this adjournment because this is an important report that touches on Kenyans' lives. It addresses several issues, including the restructuring of IEBC.

The report touches on this House's core mandate, which deals with resources to the counties. It speaks to digitalising requisitions and approvals of withdrawals from county revenue by controlling the budget to improve efficiency.

Not only that, but it has also made a recommendation encouraging the county assemblies to consider having the County Executive Committee Members answer questions before the Floor of the House, the same way the Cabinet Secretaries appear before this House.

I do not want to belabor too much because the Report contains a lot of information about the entrenchment of funds into the Constitution. There is also the issue of establishing or entrenchment of state offices, that is, the office of the Official Leader of the Opposition.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Korir, under the provisions of Standing Order No.110, you are only under an obligation to move the Motion for adjournment and get someone to second it.

Sen. Korir: Thank you, Mr. Temporary Speaker, Sir. I request Sen. (Dr.) Khalwale, to second this Motion of adjournment to give room for the Hon. Members of this House to debate this Report.

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Khalwale, proceed.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I second.

*(Question, that debate on the Motion
be now adjourned, put and agreed to)*

The Temporary Speaker (Sen. Wakili Sigei): The Motion is, therefore, adjourned to the next sitting of this House or subject to the House's administrative procedures.

I will rearrange the Order Paper for the House's convenience. I ask that Order No. 25 be called out.

BILL

Second Reading

THE COUNTY LIBRARY SERVICES BILL (SENATE BILLS NO.40 OF 2024)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Joyce, please proceed to Move.

Sen. Korir: Thank you, Mr. Temporary Sir, for giving me this chance. I beg to Move-

That the County Library Bill 2024 be now read a second time.

Article 43 of the Constitution of Kenya provides for the right to education. The principal role of this Bill is to promote the establishment and use of libraries in the counties so as to facilitate access to information, improve education standards and reduce the level of illiteracy in the counties. By so doing, the Bill gives effect to Paragraph 4(F) of Part Two of the Fourth Schedule of the Constitution.

The Bill aims to enable access to educational resources, promote literacy and support educational, cultural, and research activities by providing necessary resources and facilities to ensure the preservation of the countries' cultural heritage for future generations. The Bill provides for the role of the counties in making provisions for library services. This includes but is not limited to-

- (1) Mobilizing resources necessary for the delivery of library services.
- (2) Approving and integrating the county libraries' annual work plan into the annual county budget.
- (3) Allocate adequate funds and resources necessary for the effective development of libraries.

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(4) Collaborate with entities on the development of capacity building and training programmes for librarians in the county and,

(5) Provide for the necessary resources for the capacity building of the county library staff in the respective county.

Mr. Temporary Speaker, Sir, the Bill also establishes a County Library Service Development Committee consisting of five members. The role of the committee is espoused by Clause 7 of the Bill. The Bill arrives at the opportune moment to help the counties improve literacy rate.

Many libraries have remained in a similar state for about 20 years. Their infrastructure is outdated and the resources they offer are no longer adequate to meet the evolving educational demands of the modern world. With the rapid advancement in technology, information access is transformed, yet many libraries have not kept pace with these changes.

Lack of updated facilities, digital resources and modern technologies limits their ability to support the current teaching methods, research needs and expectations of today's learners. To stay relevant and effectively serve students and the community, libraries must invest in modernization and expand their offerings.

As we transition into this Competency-Based Curriculum (CBC), enhancing library services within the county will be vital in providing learners with access to essential educational resources. By providing these services, students from the families that may struggle to afford school materials will still have the opportunity to access the textbooks, learning aids and other important resources available in the library.

This initiative will support the full implementation of the CBC, ensuring that every child, regardless of their financial background, has equal opportunities to succeed academically. Moreover, strengthening library services promotes inclusivity by offering a vital support system for the education of all students and helps to bridge the gaps in the learning resources.

Mr. Temporary Speaker, Sir, case in point. In Bomet County there is only one government library in Silibwet run by the Kenya National Library Services (KNLS). The library is yet to be equipped with sufficient and up-to-date materials that will support the current CBC. This is highly likely to be the case in the majority of the counties across the nation.

The intention of this Bill is to elevate the library's facilities and services to match up with the needs of the students of today. Case in point, Maktaba Kuu located in Upper Hill, Nairobi City County. It is especially crucial for children in rural areas where access to educational resources is limited.

Additionally, the Bill supports the implementation of Article 53(1)(a), which guarantees every child the right to free and compulsory basic education. Enacting the Bill into law will also significantly contribute to fostering a reading culture across the country.

Mr. Temporary Speaker, Sir, with these few remarks, I beg to move and request Sen. (Dr.) Khalwale to second. I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Khalwale proceed.

Sen. (Dr.) Khalwale: Thank you, Mr. Temporary Speaker, Sir. I thank the Senator from Bomet County, albeit nominated, for allowing me to second this very important Bill that has huge implications on the success of learning in this Kenya of ours.

The fact that the Bill attempts to establish a library in every county need not be overemphasized on its importance. We must hasten to add that establishing a library in each county is a good thing, however, with the wheel of time, it must yield to a better thing, for example, taking those libraries down from the county's headquarters to the sub-county, wards and eventually in every primary school.

Mr. Temporary Speaker, Sir, I say this with a lot of respect. Take the examples of Kakamega and Turkana counties. If the library headquarters are in Lodwar, it serves no benefit to the children in Kibish in the north of Turkana County. Similarly, if the headquarters are in Kakamega Town, it serves no benefit to the children at Moi's Bridge Primary School in Kakamega County because it is about 120 kilometers away. How will a child be able to come all the way just to borrow or read a book?

Therefore, in Clause 4 where you are itemizing the role of county governments, I propose that we should add (f) indicating, that county governments should work towards establishment of mobile libraries to reach far-flung sub-counties, like I said in counties like Kakamega, Turkana, Baringo and Kilifi.

Mr. Temporary Speaker, Sir, having said that, it is the only Clause that I spotted in this Bill that I would want to add value to by way of further amendment. Before I conclude my contribution, allow me, to look at the Object of the Act, specifically where it is supposed to promote literacy in counties.

As a young parent, I was very protective and my wife would support me. She would tell my children Sonny and Zinzi to not have too much Television (TV). These are my older children now. I truly regret that I did those things to them. I have since come to learn, that access to a TV is very educative. I do not know, whether my colleagues have ever spent time with their children, both the older and younger ones.

On average, in a family with two children, the first born commands the capacity to speak over a longer period compared to the younger child. I have come to learn the reason is that the younger child finds a ready teacher in the elder brother or sister, from whom they learn all the time. When I reflected on this and I applied it and I found that the TV is actually a very good substitute for an elder sibling.

Look at the issue of cartoons. As an adult, you have no interest in them so, you fail to realize how educative a cartoon series is. The children will sit following those cartoons. If one is called Tom and the other one is called Jerry, the children will tell each other; I am Tom, and you are Jerry. So, when Tom speaks, Jerry answers, and the child starts learning how to speak. In fact, I never teach my children English. They speak English and their teacher is the cartoons that play on the screen. To hell with those parents who think that TV can deny a child progression to better comprehension of the learning process.

Finally, on that issue, you will remember that yesterday we were debating the important Bill on National Heritage and Museums. Supposing this Bill goes through, as I saw the expanded interest yesterday, it will sit very well with this Bill because this Bill in its objects, says it is supposed to support education and culture.

Culture was the backbone of yesterday's Bill and, therefore, this particular Bill augments the legislative process that is contained in the establishment of a museum. Look at it this way; if you go to Bomet, and you spend a lot of money putting up the museum, you can house the library in the same building as the museum.

After the children have had an opportunity to enjoy the library services, some of them can be allowed to tour the museum. It is a further expansion of the learning process.

With those many remarks, I second.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Boni, you must have been trying to look at the Title of the Bill; County Library Services Bill (Senate Bills No. 40 of 2024).

(Question proposed)

I am seeing, hon. Senators from my dashboard, the hon. Sen. Olekina requesting to be allowed to contribute and is not in the House. I believe this must be Sen. Omogeni who has taken the seat of the Senate Minority Leader. I will, therefore, give you the first opportunity to contribute to this particular Bill.

Sen. Omogeni: Thank you, Mr. Temporary Speaker, Sir. Certainly, Sen. Olekina is not here. Maybe there is a technical hitch with the screen. I first begin by thanking Sen. Joyce Chepkoech Korir who is the sponsor of the County Library Services Bill (Senate Bills No.40 of 2024). From the onset say it is a good initiative that calls for the support of all of us.

I recall that in the 1980s, because we were not so privileged to buy all the books that we needed in our studies, we used to benefit from libraries. Not all schools had libraries but some of us were lucky to have gone to schools that had libraries and we benefited immensely from those facilities.

Mr. Temporary Speaker, Sir, I know there were also a few towns that had libraries. I was privileged to go to Mombasa in my last term in high school before I did my exams. In Mombasa, I benefited immensely from the library because you could get books that ordinarily one was not able to purchase. After all, it was not possible to have all the textbooks. The good textbooks in school were shared among many students.

I do not know whether you are subjected to the pain that we went through while studying law at the University of Nairobi, Parklands campus. Some units only had two textbooks in the library. To access it, one had to go very early and wait at the door. When the librarian opened, one would rush to the first one, grab it and make sure that you spend the next two or three hours on it.

Mr. Temporary Speaker, Sir, Sen. Korir, this is a good initiative but I hope we can also tailor it with what is happening in technology because many people are also running away from being analogue. The younger generation, the Gen Zs are now more concerned with digital information.

People in our offices, if one asks them immediately go to their phones and get the information there. You know, there is a thing they call ChatGPT. It has all the information. If you want any information, you go to ChatGPT; you will get it there.

So let us also try to incorporate digitization and technology in this Bill so that maybe we expand our cable network to our counties. From counties, it goes to sub-counties so that people in Osamaru Ward, in West Mugirango Constituency in Nyamira can be connected to the internet and their children can do research from the phones.

Mr. Temporary Speaker, Sir, Sen. Korir, nowadays some children will be more passionate about getting a phone maybe more than spending time travelling to Kisii to get a library. They know that they can get all the information they need on the internet. Of course, in the era we are going to, Artificial Intelligence (AI) will play a big role.

It is also good to see how we can address the issue of electronic libraries in our counties. Luckily, I have seen that in this Bill in Clause 7(b) (c) the sponsor has proposed that-

Develop, equip, manage, and maintain libraries including electronic libraries in the county; and,

promote technology in accessing and disseminating information”.

I will lay a lot of emphasis on this one. If we need to connect with the Gen Zs, that will resonate with them.

Secondly, I have had a problem in my counties with this idea of setting up so many boards. The moment you set up a board, ordinarily there will be a budgetary requirement. Look at the resources we send to our counties. We are already strained from the very meager resources that we send to our counties. Therefore, I do not know whether there is any meaningful purpose being served in creating the board as in Clause 2.

Then, remember, we are just giving opportunities to our governors to select their friends or their supporters to serve on this board.

Clause 5 says-

“There is established a County Library Services Development Committee in each county.

The committee shall consist of-

(a) The county executive committee member responsible for library services who shall be the chairperson;

(b) two persons who shall be distinguished academics appointed by the county governor; and,

(c) two persons who have demonstrable knowledge in library and information science and at least five years' experience in the provision of library services appointed by the county governor.”

Sen. Korir, you are proposing that two other persons who have demonstrated knowledge in library, again appointed by county governor. I mean, why should we allow governors to take the bragging rights of appointing all these board members when we have the County Public Service Board (CPSB)?

If you want these appointments to be political, then we should have a selection panel consisting of all elected leaders. We want people being elected to serve impartially without looking at it as a political favour. I wish you can look at Clause 5, so that we do not give all powers of appointing to the governor.

Think about the CPSB through a competitive process where applicants are invited. Alternatively, create a selection panel like the one of IEBC that steps in, does the

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appointment and goes. You can be innovative; we can have the Women's Representative select one person to sit in the selection panel of the board, then have the office of Senator send one person to sit in the selection panel, the governor sends one, and then the chairperson can be the Chairperson of the CPSB, so that we have a process that is fair, distributive and that accommodates all the leaders within the county.

Mr. Temporary Speaker, Sir, I am excited with what is in Clause 3(d), that we need to preserve our cultural heritage. I have tried to look for books that we read when I was in class one, two and three but they are nowhere. I tried to interest my children to get Kisii books to read but they are nowhere. If not for anything else, I support this Bill if it can be a basis of preserving our heritage. Sen. (Dr.) Khalwale, I do not know whether in Kakamega, you have those Luhya books that were used in class one, two or three. They are nowhere.

Fundamentally, we can have a collection of those books, so that our kids who want to connect with our culture and heritage can go to our libraries, read these books and sharpen their skills in our ethnic languages. I also hope these laws that we pass can be implemented in a manner that our people benefit. We have had a long debate in this House on the health laws that we passed, but if we were to be sincere, our people are suffering because of these health laws of The Social Health Insurance Fund (SHIF) and Social Health Authority (SHA).

Mr. Temporary Speaker, Sir, I have cases in my county and I can table. I have that evidence with me, where people go to hospital and they incur a bill of up to Kshs287,000. They are then told SHA or SHIF will only cover Kshs23,000. I mean, it is worse than the National Health Insurance Fund (NHIF). We must be sympathetic to our people. We know the people we represent here.

We were told that the moment those laws will start being implemented, we will not be called to contribute for people who have been taken to hospitals and they are unable to pay bills. However, as I speak today, I have a text message forwarding a statement from a hospital of a Kenyan who is unable to get value from the SHIF card. They go to hospital and they are told the SHIF card is not acceptable in certain facilities.

On faith-based hospitals; in Bomet, you have Tenwek. It is one of the best. I do not think there is any county hospital that can compete with the Tenwek Hospital. Do you know that many patients are being turned away from Tenwek Hospital? The only allocation you have for this SHIF card in a hospital if you land in the Intensive Care Unit (ICU) is Kshs4,000 and there is no hospital that will charge you Kshs4000 for an ICU bed. It is more; it is about Kshs16,000. We must do something. If it is not working, let us repeal the law and do something that is beneficial to our people.

Let us be very careful as we pass this Bill. We need to ensure that we are not putting our people into a trap. If we continue this way, we will be sending a signal to Kenyans that this law was passed to allow the Government to harvest the souls of Kenyans. If Kenyans are being chased from hospitals and the SHIF card is not being accepted in hospitals, then why did we pass the law? Did we pass it so that as many Kenyans as possible can die? I mean, we have to be sincere.

Mr. Temporary Speaker, Sir, we are the people's representatives in this House. Nobody can speak for all the residents of the county of Bomet, Laikipia, Kakamega or Nyamira. Since these things have been brought to our attention, we must address them.

I am sorry to digress a bit, but I support Sen. Korir on this Bill. I also want to say something. Maybe you can consider what is in Clause 9(2). I am not seeing clarity there. The clause says, that before the removal of a member under sub-clause 1 (f), the county governor shall request the committee to give a statement. Instead of saying that the committee will give a statement, I think what we should say is, before removing a member, there should be a fair hearing process of their removal, so that they are given notice of intention to remove them, they are given a fair hearing, and then a decision is made. Let us not have that statement that is fairly ambiguous, that says that the governor will just request for a statement. What kind of statement?

They should actually ask for minutes confirming that due process has been invoked and that these people are given a fair hearing before they are removed from office. Other than that, I think this is a good Bill. It is very progressive, beneficial to our children, as long as we incorporate issues of making it more digital and not analog. We are proposing this Bill to be enacted into law to benefit our Gen Z who are more digital than analog.

With those many remarks, I support.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Omogeni. Being a seasoned Member of this House, the Chair had to restrain himself when you digressed, with regard to the relevance of your contributions, pursuant to the provisions of Standing Order No.120. Nonetheless, you noted.

It is all right as the Chair is yet to allow you to speak.

Secondly, I wanted to inform you that being an alumnus of the University of Nairobi, I equally had the experience that you had with regards to the availability of research books and those other very critical books to specific areas of interest. We had to queue for us to get an opportunity to read and research on those books. This is one such Bill that I believe will guide and avail the relevant books, not only at our county level but across the larger Kenya.

Hon. Members, before I allow the rest of the Senators who are keen to contribute, I will interrupt the debate on this Bill and allow the Majority Whip, Sen. (Dr.) Boni Khalwale, to table a report and give Notice of moving the Motion on that particular report tomorrow. Sen. (Dr.) Boni Khalwale, proceed to table your report. Give him the microphone.

(Interruption of debate on the Bill)

PAPERS LAID

REPORT ON THE 2025 BUDGET POLICY STATEMENT AND MEDIUM-TERM DEBT MANAGEMENT

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I beg to lay the following Papers on the Table of this House, today, Wednesday, 12th March, 2025-

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Report of the Standing Committee on Finance and Budget on the 2025 Budget Policy Statement; and

Report of the Standing Committee on Finance and Budget on the 2025 Medium-Term Debt Management Strategy.

(Sen. (Dr.) Khalwale laid the documents on the Table)

NOTICES OF MOTIONS

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I beg to give Notice of the following two Motions-

ADOPTION OF REPORT ON 2025 MEDIUM-TERM DEBT MANAGEMENT STRATEGY

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the 2025 Medium-Term Debt Management Strategy laid on the Table of the Senate on Wednesday, 12th March, 2025.

ADOPTION OF REPORT OF THE 2025 BUDGET POLICY STATEMENT

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the 2025 Budget Policy Statement laid on the Table of the Senate on 12th March, 2025 and pursuant to Section 25 (7) of the Public Finance Management Act and Standing Order No.86 (7) of the Senate, approves the 2025 Budget Policy Statement.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. (Dr.) Boni. I now direct the resumption of debate on the Bill by Sen. Joyce Korir.

Sen. (Prof.) Margaret Kamar, proceed.

(Resumption on debate on the Bill)

Sen. (Prof.) Kamar: Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to support this Bill by Sen. Joyce Korir. May I begin by congratulating Sen. Joyce Korir for a well-articulated Bill whose time has come.

This Bill is very important because our children have lost their reading culture to the extent that students go to university, but their language is completely discouraging. They do not seem to have the proper grammar that is required of them and the proper way of expressing things. A library will give them an opportunity to read books, which have been well articulated. That will help them improve.

We need our children to go back to a reading culture. It is very sad that at the moment, most children are reading from phones. Reading from a telephone is not like

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reading a storybook the way we read from books because of the distractions that come with using telephones like social media and all sorts of things that interrupt. Therefore, having a library is something very important.

As I support this Bill, I want to make a few comments and additions that I wish the Senator can add as we congratulate her. One is that one of the objects of this Bill is to establish libraries in each county. There is a need to encourage libraries to be situated in every ward. I want to persuade her to re-word there so that it reads, “Establishing libraries in each county with at least one library at the ward level.”

This is because it is easy to make a library free access, but if you have to pay to travel from the farthest corner of Uasin Gishu County to Eldoret to the library, nobody will come and yet we want to encourage everybody to know the use of a library to research and read materials. Therefore, I encourage establishing libraries in each county with the aim of establishing at least one in a ward. That will improve the reading culture.

The other thing that I like, which one Senator has talked about, is that this will be an area where we will be able to preserve our cultural heritage. I would also like an amendment on this to bring in that we are not only going to preserve, but develop our cultural heritage. This is to ensure that the research part of it will help us develop more.

Currently, our culture has been distorted completely because we were destroyed during colonialism. We were made to believe that our cultures were a disaster and witchcraft. We were told that it was backwardness. Therefore, we need to redevelop and reconstruct the cultures that we have. We may go beyond preserving and develop our cultural heritage. Thank God that in our high schools, we have the music festivals. It has brought back the indigenous songs, rhymes and way of dressing, something that we have lost completely. We need to bring those ones back.

There is one aspect that this development should also address. I suggest that we need to develop our languages. Apart from developing the cultural heritage, we also need to develop our languages. There was a time when the Minister of Basic Education said that children should learn English, Kiswahili and mother tongue. That could not be implemented because nobody knew how to teach mother tongue, including the teachers. So, we need to redevelop our languages. If anything, we should have dictionaries that move our languages to either English or Kiswahili so that we are able to build them.

It is a heritage that we cannot afford to lose. We cannot afford to lose the different dialects that we have in this country. The library that will be researching on our cultures and heritage should also research on the different languages and dialects that we have in this country. They should build not only storybooks because they will need to research on the stories that were told during our days, but develop dictionaries that can give us the meanings of most of the words.

Our languages were very rich. They were not only straightforward statements being made, but were sayings and proverbs. All of them are being lost. Only documentation and this kind of libraries that Sen. Korir is promoting can bring this back anything that was destroyed. I say this because I sit in the Pan African Parliament (PAP) and this year is the African year for culture and reparations from the colonialists.

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

The Temporary Speaker (Sen. Wakili Sigei): Sen. Kinyua, what is your point of order?

Sen. Kinyua: Mr. Temporary Speaker, Sir, I am cornered. I am reading this Bill, but what I am gathering from the good professor is, are we talking about library or museum? She is talking about culture, heritage and languages. I have listened to her keenly and I am following closely because she is a professor and we are in the same Standing Committee on Education.

What is the need of ICT in every ward? With ICT, I can read every document. However, museums have old encyclopedia, which are not updated if that is the situation. I do not understand why we are talking about our heritage and culture when talking about library. I thought we can deal with this matter with the new technology.

The Temporary Speaker (Sen. Wakili Sigei): Very well, Sen. Kinyua. You have made your point. The good professor, Sen. (Prof.) Kamar, has made a proposal to have a library at the ward level, which will enhance the capacity and the ability to preserve these cultures and heritage. If I understood her very well, which I did because I am following the same, is the fact that having these libraries at the lowest level will enhance the capacity and the ability to preserve these cultures and heritage.

Sen. (Prof.) Kamar, you have heard the point of order by the Senator. As you conclude on your contribution, you could also make it to fit in the Bill that we are debating.

Sen. (Prof.) Kamar: Mr. Temporary Speaker, Sir, I want to refer Sen. Kinyua to Clause 3(d) which seeks to ensure preservation of cultural heritage of the counties for future generations.

Yesterday we debated about having our museums at that level at the same time. Museums will gather information that already exists. Therefore, it is important to have the interlock.

I liked the way Sen. Korir brought in the same issue of preservation of culture, not only in terms of preservation of what is there. That is why I proposed that we should move from the aspect of “preserve” to “develop” because a library can do research and inquiries, something that museums do not.

Museums show you what is there. What is it that they are going to show in a country whose culture was torn apart during the colonial days? Who is going to bring that information together? Libraries can do more work than museums. Museums have artefacts. However, we need to reconstruct some of our artefacts and cultures because they have been distorted.

I am referring to Clause 3(d) which talks about preservation of cultural heritage. All I am requesting is to expand it. Who is going to help us have a dictionary? Will museums do that? The answer is no. Museums can only give us, for example, Kalenjin books of the past and not the present. This Bill is progressive because it seeks to find how to get some. Apart from preservation, let us also use the libraries to develop, gather information and rebuild our cultural heritage.

Mr. Temporary Speaker, Sir, with those remarks, I support this Bill.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Kinyua, proceed.

Sen. Kinyua: Asante, Bw. Spika wa Muda kwa kunipa fursa hii kuchangia Mswada huu kuhusu huduma za maktaba katika kaunti zetu. Kwanza, ningependa kumpongeza

Sen. Joyce Korir kwa kazi nzuri aliyofanya. Hakuna kitu hata kimoja kwa wakati huu ambacho kinazuia magavana wa kaunti zetu kuhakikisha kuwa kuna maktaba katika kila wadi katika kaunti zetu.

Yote tisa, kumi ni ukweli. Nakubaliana na Sen. (Prof.) Kamar kuwa mwacha mila ni mtumwa. Vile alivyosema, ukisoma Kipengee cha tatu inamaanisha kwamba tutakuwa tunahifadhi desturi na mila zetu.

Vile vile, ukiangalia Kipengee cha tano, kuna vile ambavyo ameeleza kinagaubaga kwamba kutakuwa na kamati itakayoshughulikia maktaba. Kwa hivyo, mambo hayatafanywa kiholela. Kuna watu ambao watapatiwa jukumu na kazi yao itakuwa kufuatilia na kuona kwamba kuna maktaba katika kaunti zetu.

Wengi wamesema kwamba wengi wa vijana wetu hawajishughulishi na mambo ya masomo. Utapata mtu amezama kwenye simu yake ya rununu na mambo anayosoma hayawezi kudhibitishwa. Vitabu ambavyo viko katika maktaba zetu vimedhibitishwa na vinakubalika. Kwa hivyo, vijana wetu wanapotembelea maktaba zetu, watakuwa wanasoma mambo ya kuelimisha. Hayo ni mambo ambayo yamekaguliwa katika nchi yetu ya Kenya na kwa hivyo mila na desturi zetu zitakuwa zikizingatiwa.

Vipindi vinavyonyeshwa katika televisheni zetu ni vile ambavyo vimeangaliwa na vinakubalika. Unapotumia simu ya rununu, utapata kuwa mambo ambayo wanasoma pale hayakubaliki. Mila zetu zinaendelea kuisha.

Nakubaliana na viongozi wengine ambao wameongea mbele yangu kwamba itaendeleza ujuzi wa vijana wetu. Huo ni ujuzi ambao unafaa kwa sababu unawezapata ujuzi ambao haufai.

Mswada huu unanua kupatia kaunti zetu nguvu kamili. Waziri anayehusika na mambo ya masomo atahakikisha kwamba kuna maktaba katika sehemu zote.

Ijapokuwa naupigia upato Mswada huu, naomba magavana wetu, hata kabla ya Mswada huu kupita, waangalie vipengee hivi na kuanza kutekeleza majukumu haya katika kaunti zetu. Nchi ambayo haina ujuzi au vijana wasiosoma ni nchi ambayo inaendelea kuwa na upungufu. Kwa hivyo, naunga mkono Mswada huu kuwa tunafaa kuwa na maktaba katika kaunti zetu.

Ni vyema ieleweke na kuwekwa paruwanga. Naomba Sen. Korir aweze kuangalia *Information and Communication Technology (ICT) centres* zitapewa nafasi ipi katika maktaba zetu.

Teknolojia inaendelea kuimarika na vitu vipya vinaendelea kuchipuka. Ukisoma kitabu kipya leo, utapata kuwa mambo mapya yametokea. Mtu akisoma kitabu *in hard copy* na mwingine asome *in soft copy*, yule wa *soft copy* anapata vitu vipya kwa sababu uzinduzi unaendelea kufanyika kila siku. Sisi tunaendelea kupambana kule kwetu Laikipia. Ukienda mahali kama Rumuruti au Salama, pengine tumeweka pale maktaba kulingana na jinsi Sen. Korir angetaka. Kuna vitabu pale.

Nilipokuwa katika chuo kikuu, ungepata kuwa makala ambayo *lecturer* anakuja nayo yalikuwa yametumika kufunza watu kwa zaidi ya miaka 18. Mambo yamebadilika ilhali sisi tunaendelea kusoma mambo hayo hayo.

Ni vyema tujue jinsi tutapanga maktaba zetu tukizingatia usasa kwa sababu teknolojia tayari imekuja na iko pamoja nasi. Unaweza tu kuketi na kusomewa kitabu na kuelewa badala ya kwenda kwenye maktaba. Kwa mfano, pengine kuna maktaba

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Mbagathi. Naweza kukaa tu hapa katika ofisi yangu. Nikiwa kwenye tarakilishi yangu, naweza kupata mambo yote. Mambo ambayo nasoma kwenye tarakilishi ni mpya kushinda kitabu kilichoandikwa.

Kwa hivyo, Bw. Spika wa Muda, naomba Sen. Korir aangalie jinsi atakavyoingiza mambo ya teknolojia katika maktaba zetu.

The Temporary Speaker (Sen. Wakili Sigei): Asante sana, Sen. Kinyua. Sasa nampa nafasi Sen. Osotsi ili naye pia achangeie.

Sen. Osotsi: Thank you, Mr. Temporary Speaker, Sir, for this opportunity to also make my contribution to the County Library Services Bill (Senate Bills No.40 of 2024).

From the onset, I support this Bill. However, I will also express my reservations which can lead to amendments to this Bill. As you know, library services is one of the services that are devolved and as Sen. Kinyua has said, our counties should not wait for a legislation like this one, for them to start having libraries in their counties. They need to have developed library services in all the 47 counties.

Mr. Temporary Speaker, Sir, the drafters of the Constitution had a good reason why they wanted libraries to be devolved. Perhaps, they were taking cognizance of the fact that most counties have diversities. We have community diversities, interests and cultural issues which can be organized at the county level. Therefore, having this Bill, which hopefully will become an Act of Parliament if passed by the two Houses, is important towards achieving that agenda.

This Bill proposes to establish libraries in each county. It also proposes to establish the county library development committees in each county. This will ensure that our people have access to library services. If you look at the object of the Bill, it also proposes to promote literacy, support education, cultural and research activities, as well as ensure the preservation of cultural heritage of the counties for future generations.

Mr. Temporary Speaker, Sir, this is very important especially in this era where most of our children are forgetting the indigenous languages. They only speak Kiswahili and English, and cannot speak mother tongue. Libraries will provide the necessary facilities for them to read the mother tongue books and understand their language, so that they can communicate. This will also help in preserving our mother tongue in our various counties.

Libraries should also be a source for cultural knowledge so that our youth can go there, learn about their culture and be educated. However, as we talk about libraries, we also need to have a futuristic thinking on how these libraries will be operating. In the traditional library, there were books and people would come in, read the books, borrow and take them home. However, that is changing, because of technology, interest and generally because reading should not be punitive. Reading should be enjoyable and fun. It should be accompanied by other entertainment aspects. I remember when I was in school, we would go to our library and stay there the whole day. We would sit in the cold library hall, read and leave. There would be no lunch or entertainment. However, in the modern day, people want to read in an environment where they can enjoy the reading, where they can access refreshments, listen to music and generally be in an environment that is conducive to make reading not look punitive but entertaining. All the same, libraries are key to developing a reading culture in this country.

Mr. Temporary Speaker, Sir, we have a serious problem in Kenya. We are deteriorating as a nation in terms of a reading culture. Most of our youth do not read books anymore. Even our adults do not read books anymore. If you ask someone how many books he or she has read in a month, you will realize that they only read the newspaper, WhatsApp, or on internet. You will realize that they do not read books. That is not a good culture for the future of this country. If we have these library services across the country, perhaps it will promote a reading culture.

Mr. Temporary Speaker, Sir, I agree with Sen. Kinyua that, even as we talk about libraries, let us also take cognizance of the fact that technology is here and is actually declaring everything redundant.

The people who work in the media will tell you, for example, in the print media, the newspaper sales have gone down sharply. The *Daily Nation* and the *Standard* newspapers or any other newspaper are making fewer sales, and that situation is getting worse by the day. Why? This is because digital spaces are available where people can get access to the same news that newspapers are publishing. By the time the newspaper is printed and delivered, that news is already stale. People have already accessed the news on the digital platform. That is why the newspaper sales are going down and the media is on the verge of collapsing, especially the print media. This is a matter that we need to look at.

The same applies to libraries. Why would I spend my time going to library shelves to look for a book, spend almost an hour searching for the right book to read, yet on my phone and using Artificial Intelligence (AI) technology, I can quickly access a book that I want to read, even borrow online and pay for it?

So, even though we are encouraging counties to have libraries, soon, once these libraries are started, they will become redundant and you will never see even a single person going there to read a book. So, even as we pass this Bill, let us take cognizance of technology, especially AI technology.

Mr. Temporary Speaker, Sir, AI technology is going to drive many people out of business. Even at the universities, professors are now careful how to manage students because students are able to go to AI, read everything, ask any question and it is answered. They do not need someone to stand before them and start telling them anything because AI is there for them.

Almost every sector is going to be affected by artificial intelligence. The library sector is one of the sectors that is going to face extinction because of AI. So, as we pass this Bill, let us note that it needs to take cognizance of growth in technology, especially artificial intelligence. You use the artificial platform and they use artificial intelligence algorithm to do a search.

Mr. Temporary Speaker, Sir, if you want a book that maybe talks about the Luhya culture, within a few seconds, you will have that book there. That is how Amazon Books work. If you go to Amazon Books, you can buy a book on any title that you want. You can even rent a book on any title and read it. Therefore, when the proposal of this Bill goes back, she should look at what is happening in the digital environment, especially in AI, as far as library management is concerned. We will pass this Bill and our counties are going to invest in libraries, but those libraries might become useless after a short time.

I am also very uncomfortable with the idea of having a county library services development committee in each county. We are fighting our counties because of the high wage bill. Every county has surpassed their wage bill limit of 35 percent. Most are even beyond 80 percent because of the expenditure on employees and people which is a recurring expenditure. If we develop our laws, and in those laws, we call for the establishment of committees with a secretariat, we are simply ballooning the wage bill.

Mr. Temporary Speaker, Sir, our role is to oversight these counties so as to ensure that they comply with the law, especially on the wage bill limit of 35 percent. However, when we pass this kind of bills, we contradict our position as a Senate. Therefore, I would want to dissuade the proposal of this Bill to drop the idea of a committee. You do not need a committee to decide for you which book to buy. You do not need a committee to arrange books in a shelf or to manage a library. We have a department with a CECM, chief officers and staff. What will they be doing? That is their work. They need to coordinate and manage that. I would like to dissuade the Mover of this Bill to drop the idea of the committees. This will just give people an opportunity to earn, get allowances and basically to do nothing. This problem is even coupled with the AI technology. You will have a library there that is not functioning because people do not go there and you have a committee that is earning allowances for doing nothing.

Mr. Temporary Speaker, Sir, I implore that we drop the idea of a committee and the functions of the committee be handled by the relevant CECM of that function of libraries. In that way, we will be saving our counties money that can be directed to other functions because our counties are becoming employment bureaus.

If you have a situation where 80 percent although some counties go up to 90 percent of the budget going to recurrent expenditure, then we are not doing well in terms of devolution. Therefore, the Bills and policies that we pass must be designed in such a way that we will not be pushing counties to incur more recurrent expenditure because it beats the purpose of having counties where there is no development happening and people are just working and earning salaries. Employment is good but that was not the major reason why counties were created. The major reason counties were created was to become economic units for the development of various counties and the overall development of the country.

Mr. Temporary Speaker, Sir, I therefore inform Commissioner Korir that the idea of the committee may look good, but it has a cost implication. Also, if you look at the functions, you wonder why we need to have a committee. The same CECM who is supposed to be managing this library will be now a committee member earning a salary and also earning an allowance in the same committee. It does not make sense at all.

The major thing is the aspect of technology. If we do not think technology, technology will be ahead of us. Technology does not wait for us. Yesterday, when I was contributing to a statement here, I said that for this country to grow in terms of technology, we will need to look at the way the Ministry of Information, Communications and Telecommunications is being run. I said this Ministry is being run by people who are clueless, they are not Information and Communications Technology (ICT) experts. We, therefore, cannot make progress.

I am happy that some people have called me today and have told me that I was too harsh on them, but sometimes it is important for us to say the truth about these things. We need to see progress. For example, if we want to digitalize these libraries, we need to ensure there is infrastructural growth in the counties. Terrestrial technology in terms of communication must be expanded. Fiber optics, the so-called superhighway, should also be expanded so that technology is available because these libraries are going to be based on technology. Therefore, something has to be done.

Mr. Temporary Speaker, Sir, I do not want to spend all the time because I can see my colleagues also want to contribute. I support, but I insist that we should not focus too much on brick and mortar. We also need to look at technology and technology is here with us. We cannot run away from technology. Our investments must take cognizance of technology.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Osotsi. I can confirm that though you have made reference to your colleagues, you are within the time that the Standing Orders allow you to contribute to the Bill. That is the law and we have got to comply with it.

I will allow Sen. Mo Faya to contribute.

Sen. Gataya Mo Fire: Thank you for your indulgence, Mr. Temporary Speaker, Sir. Sen. Osotsi has taken all the time parading his skills on ICT, but the provision in the Standing Orders allow him to be engaged as much.

I start by congratulating Sen. Joyce Korir, our Parliamentary Service Commissioner, for bringing up this very important Bill which is long overdue. I do not know why it has taken all this time because the essence of devolution is supposed to come up with many other aspects, such as libraries. I do not know why governors should wait for a Bill to be formulated in the Senate for them to start a library.

Libraries are very critical. I remember that during our time, these were some of the good things we used to enjoy, though they were very scarce during that time. We developed some serious culture out of those libraries because we learned a lot. Some of us could not afford to get those reading materials from our backyard, but we really benefited from libraries across the board. As many contributors have just alluded to, currently, we have some serious challenges because of technology. As a society, we have diverted from the reading culture. Kenya is at the lowest peak of the reading culture. They are too much embroiled in politics. The political literature is very vibrant in our current culture and way of life. Therefore, many people rush into getting to know what is in the Kenyan politics and the context, and so forth. If you look at our generation today, our young people are too involved in TikTok and so many other technological media that are just developing. You rarely find a young man talking about the current writers. We used to talk about Ngugi wa Thiongó, David Gian Mailu and Chinua Achebe. Those things are not there anymore, which tells you that the reading culture in this country is at its lowest.

Once we develop this Bill with the devolved libraries in counties, you would expect the committee formulated in this Bill to encourage our young people and any other person of interest to develop that reading culture.

We might be interested in ensuring that we have libraries, but we do not expect to have libraries that are not equipped. We expect libraries with relevant materials that are in tandem with society's current happenings. This is the only way we can grow.

Passing this Bill, which will be an Act of Parliament, is not enough. We must also follow up to see whether this arrangement is duplicated in all counties. Then, we will be some serious custodians of our literature and culture. Today, we are losing our mother tongue. Children today can rarely communicate through their mother tongue. This is serious and should be addressed, especially when we put these libraries into place. I do not want to take much of your time. I know one of my colleagues wants to contribute and we are almost out of time. I congratulate Sen. Joyce Korir for coming up with this brilliant idea; well-researched and something that needs a few amendments here and there, so that we can have a nice document that is supposed to be sent to the counties.

I support.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Gataya Mo Fire. Sen. Shakilla Abdalla, proceed.

Sen. Shakila Abdalla: Thank you, Mr. Temporary Speaker, Sir, for this opportunity. I also want to congratulate Sen. Joyce for this important Bill.

When I talk of libraries, I am thinking of grassroots areas where technology is not accessible. These are places where people use small mobiles. Parents in these areas cannot give their children smartphones to access books from their phones. Libraries should be in every school. I know there are some schools that have no libraries, but we need libraries in every school because that will encourage and promote the English Language, which is used in all the lessons they are learning.

You realise that most students, at the grassroots level, fail because they are not conversant with English. This is because their exams and learning are done in English. If they have libraries in schools, this will improve their English Language.

Secondly, I want to encourage mobile libraries because we cannot have libraries in every ward and every county at the moment. However, if we have one county library, then we can have a few mobile libraries, which can be moved from ward to ward. We need to think of mobile libraries. This can work in areas where technology has not been reached, as well as areas that have no libraries. You will realize there are constituencies with no libraries at all. Mobile libraries will help our students, youth, and people who like to read.

We need to encourage these mobile libraries to be for children at the Early Childhood Development Centres level so that they master the English language, which they require. In Nairobi, Mombasa and all these big towns and cities, children are good at English; they can speak English at the ECD level. However, you realize that other poor schools have no libraries, and the teachers are not competent, which means they are failures. How do you expect a teacher who got a D and or C to teach good English to a student?

These libraries would help our ECD Centres and primary and secondary schools. As we implement the counties' libraries, we should have libraries in all the schools, and more so at the grassroots level, where there are no smartphones and no electricity. We need mobile libraries in those areas.

With those few remarks, Mr. Temporary Speaker, Sir, I support this Bill. With a few amendments, the proposals would work well in all areas.

Thank you.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, there being no other Senator interested in contributing to this Bill, I will ask Sen. Joyce to reply.

Sen. Korir: Thank you, Mr. Temporary Speaker, Sir. Allow me to thank the following Hon. Members who have made good suggestions on this Bill.

Sen. (Dr.) Khalwale has been the seconder. He has discussed the issues of mobile libraries, which Sen. Shakilla has echoed. This is a good suggestion that we need to consider. A number of areas within our counties cannot get these libraries. Even if we are going to establish the libraries, as per the request by Sen. (Prof) Kamar, we will still not have libraries within the various wards in the country because of the resources.

Mobile libraries will play a key role in ensuring that Kenyans have access to libraries. Sen. Omogeni talked about the appointment of the committees being done through either a selection panel or the Public Service Board. He also talked about Clauses 9(2), where he spoke about the removal of the committee and suggested that it be given a fair hearing but not decided by the governor. I also want to thank Sen. (Prof.) Kamar. She has talked about the establishment of these libraries, at least in every ward. It would have been good for us to have a library in every ward, but because of the resources, the issue of mobile libraries within the counties will at least play the role that the Bill is aiming to play.

There is also the issue of developing the languages, which she pushed forward, and I agree with that. I thank Sen. Kinyua and Sen. Osotsi, who have also spoken about issues of technology. I also thank Sen. Shakilla Abdalla and Sen. Gataya Mo Fire. Despite the fact that they have talked about the digital platform, there are a number of issues that are also affecting it because a number of them might not have the gadgets and even the internet to access them across the country.

I beg to reply.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Senator Joyce. You may need to request the Chair to defer the putting of the question. Proceed.

Sen. Korir: Mr. Temporary Speaker, Sir, pursuant to the Standing Order No.66(3), I request that the putting of the question on this Bill be deferred to a later date.

The Temporary Speaker (Sen. Wakili Sigei): Pursuant to the provisions of Standing Order No.66, the putting of the question to the Bill is deferred to the next sitting of the House. You may now rise.

(Putting of the question on the Bill deferred)

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until tomorrow, 13th March, 2025 at 2.30 pm.

The Senate rose at 6.30 p.m.

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