

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

**Tuesday, 13<sup>th</sup> May, 2025**

*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?

*(The Clerk-at-the-Table consulted with the Speaker)*

Serjeant-at-Arms, kindly, ring the Quorum Bell for 10 minutes.

*(The Quorum Bell was rung)*

Hon. Senators; we now have quorum. Clerk, you may proceed to call the First Order, please.

### COMMUNICATION FROM THE CHAIR

#### SUBSTANTIATION OF ALLEGATIONS MADE IN THE HOUSE

**The Speaker** (Hon. Kingi): Hon. Senators, as you may recall, at the Sitting of the Senate held on Thursday, 8<sup>th</sup> May, 2025, the Temporary Speaker, Sen. Veronica Maina, MP, directed Sen. Samson Cherarkey, MP, to substantiate utterances made in the course of his contribution to the Motion on the consolidation of bursary funds for equitable access to education in Kenya.

The direction was as a result of a point of order by nominated Sen. Raphael Chimera, MP, pursuant to Standing Order No.105.

As hon. Senators are aware, Standing Order No.105 provides as follows:

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“ (1) A Senator shall be responsible for the accuracy of any facts that the Senator alleges to be true and may be required to substantiate any such facts instantly.

(2) If a Senator has sufficient reason to convince the Speaker that the Senator is unable to substantiate the allegations instantly, the Speaker shall require that such Senator substantiates the allegations not later than the next sitting day, failure to which the Senator shall be deemed to be disorderly within the meaning of Standing Order No.121 (Disorderly conduct), unless the Senator withdraws the allegations and gives a suitable apology, if the Speaker so requires”.

Hon. Senators, in the course of debate on the Motion at hand, Sen. Cherarkey, MP, made the following comment:

“My Governor is notorious. He has changed Nandi from being the source of champions to source of corruption, where they write cheques that bounce and some to places that do not exist. They exist up there.”

It is at this point that nominated Sen. Raphael Chimera, MP, raised a point of order pursuant to Standing Order No.105 to require Sen. Cherarkey, MP, to substantiate his claim.

Hon. Senators, Sen. Cherarkey, MP, was not able to substantiate his statement as required pursuant to Standing Order No.105(1) and subsequently requested the Temporary Speaker, Sen. Veronica Maina, to provide the evidence at the next sitting day in accordance with Standing Order No.105 (2).

Having acceded to the request, the Temporary Speaker, Sen. Veronica Maina, directed that the Senator substantiates the allegation at the next sitting day.

Pursuant to Standing Order No.105(2), I now invite Sen. Samson Cherarkey, MP, to forthwith substantiate the claim as raised in the point of order by Sen. Raphael Chimera, MP, failure to which, Sen. Cherarkey, MP, shall be deemed to be disorderly within the meaning of Standing Order No. 121.

In the absence of such substantiation, the Senator will be required to withdraw the statement and apologise to the Senate.

Senator for Nandi, you may proceed to substantiate.

**Sen. Cherarkey:** Mr. Speaker, Sir, I rise under Standing Order No.1. Since our office was closed yesterday up to today morning, I did not access my documentation. Would it be in order that I am given seven days? You know I was incapacitated since I could not access my office up to today morning.

I know that it is through a judicial notice that that happened and the Clerk of the Senate, Mr. Nyegenye, is aware that we could not even access the Kenyatta International Convention Centre (KICC) parking. Would it be in order under Standing Order No. 1 to be given an extra seven days so that I can give an elaborate and substantive response, kindly?

**The Speaker** (Hon. Kingi): You have not given any correlation between what you are supposed to substantiate and what is contained in your office. Your office being closed does not in any way relate to this matter. Are you saying that the evidence is locked inside there?

**Sen. Cherarkey:** Mr. Speaker, Sir, with your indulgence, with a lot of tremendous respect, it is true because I work from the office that you have assigned us. I do not walk around with my documents because I can be hijacked and documents can disappear. So, they are still locked in the office. I will need your guidance.

I do not see why the Parliamentary Service Commissioner is agitated yet he is the one who locked our offices. He should even be ashamed and embarrassed for allowing Senators to be subjected to undignified treatment. We could not even access the parking lot and the public toilets. He should be ashamed.

*(Laughter)*

**The Speaker** (Hon. Kingi): Order, Sen. Cherarkey! Sen. Omogeni, you need not respond to that at this juncture. Indeed, that matter had been brought to my attention, the fact that Senators who occupy offices at KICC have been locked out and the reason that was given was failure by Parliament to pay rent on time.

Hon. Senators, this is not a light matter. It cannot be that a Senator is unable to discharge his or her duties owing to certain officers within the Parliamentary Service Commission (PSC) who are basically sitting on their jobs.

*(Applause)*

Hon. Senators, this Senate has been taken for granted for far too long. Sitting at Senate Business Committee (SBC) today, we made a raft of recommendations. We will be coming to you as a House so that we work together in redeeming the image and status of this House.

*(Applause)*

The reason that has been advanced by the Senator for Nandi is indeed valid. However, the Senator for Nandi, I cannot and will not give you seven days to substantiate. I will give you up to Thursday to proceed to substantiate.

*(Applause)*

*(Sen. Wambua stood in his place)*

What is your issue, Senator for Kitui County?

**Sen. Wambua:** Thank you, Mr. Speaker, Sir. I am seeking your indulgence under Standing Order No.1 because you have made a statement that is really very pregnant; the issue of the mistreatment of the Senate by PSC and by extension, the National Assembly. I am asking if it is possible to give Senators just a minute or two to ventilate on that matter.

Mr. Speaker, Sir, there is a public participation exercise being carried out by the National Assembly which touches on the functions of the Senate without the involvement of the Senate.

The mistreatment of this House by the 'lower' House is one that we must speak about very openly and very candidly. Kindly allow a few Senators to comment on this serious issue and then we can continue with the business.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Hon. Senators, as a House, you need to be very strategic. Ventilating, commenting and raising concerns is one thing; getting these frustrations into action is a different thing altogether. That is why we will have a closed-door meeting on Thursday from 11.00 a.m. to 2.00 p.m. to craft the strategy.

*(Applause)*

So, let us discuss all these matters at a closed door. We do not want to put the strategy in public before it is even implemented. So, let us leave it at that.

Next Order.

## QUESTIONS AND STATEMENTS

### STATEMENTS

#### CHOLERA PREVALENCE ACROSS THE COUNTRY

**Sen. Mumma:** Mr. Speaker, Sir, I rise pursuant to Standing Order No. 53(1) to seek a statement from the Standing Committee on Health on a matter of national concern, namely, the prevalence of cholera and measures being undertaken to curb its spread across the country.

In the Statement, the Committee should address the following-

(1) The current status of the cholera outbreak across the country, including a comprehensive statistical data on the prevalence of the disease detailing total number of reported cases and fatalities, if any, disaggregated by each affected county.

(2) The mitigation measures being implemented to contain the cholera outbreak both in the short term and long term, including interventions by affected county governments and the Intergovernmental Committee on Health under the Ministry of Health (MoH) and the Council of Governors' (CoG) Health Committee.

(3) Availability and adequacy of essential resources to manage the cholera outbreak, particularly in informal settlements, including the supply of medicines, deployment of medical personnel and establishment of isolation and treatment centres.

(4). Appraise the Senate of the current national policies and future projections aimed at ensuring universal access to clean water and proper sanitation infrastructure, which are critical in preventing the spread of cholera and other waterborne diseases, particularly in areas with inadequate sanitation.

Mr. Speaker, Sir, I have a second Statement.

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INCREASING DATA PROTECTION ABUSE BY  
SOME ELECTRONIC DEVICES DEALERS

Again, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Information, Communication and Technology on a matter of national concern regarding the increasing cases of data protection abuse by dealers that sell mobile phones, tablets, laptops and other electronic devices on credit.

Mr. Speaker, Sir, there is a growing concern that some of the dealers who install remote access software in electronic devices to facilitate backdoor control of the devices during credit repayment period capitalise on the software to unscrupulously access and peddle personal and proprietary data to third parties.

Some of these dealers retain remote access even after full repayment of their credit. This infringes on the purchaser's consumer rights and violates the purchaser's legitimate contractual expectation that such backdoor remote access will cease upon full repayment of their credit facility.

In the Statement, the committee should address the following-

(1). The regulatory interventions by the Office of the Data Protection Commission (ODPC) to address illegal access and peddling of personal and proprietary data by dealers who install remote access software in electronic devices sold on credit.

(2) The mechanisms in place to facilitate effective monitoring of the implementation of such interventions to ensure swift action against violators.

(3). Whether the ODPC has undertaken public sensitization on the matter and on consumer rights and obligations under the Data Protection Act generally to inform the public of possible remedies available to them for breaches with respect to their personal data.

Thank you.

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

PASSENGERS SAFETY IN PUBLIC SERVICE VEHICLES

**Sen. Orwoba:** 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 on a matter of national concern, namely, the safety of passengers in Public Service Vehicles (PSVs) across the country.

PSVs are an essential component of Kenya's transport system, relied upon daily by millions of citizens. However, increasing cases of insecurity, including incidents of assault, gender-based harassment, reckless driving and poor regulation have raised serious concerns about passenger safety and the effectiveness of oversight mechanisms.

A particularly alarming case involved Ms. Adele Omondi who on 14<sup>th</sup> April, 2025 was allegedly drugged, sexually assaulted and robbed while traveling using Mash Poa bus from Nairobi to Mombasa. She was later found disoriented at the Coast General Hospital, having lost her belongings. This incident highlights systematic lapses in passenger protection, particularly for vulnerable groups such as women.

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In this Statement, the Committee should address the following-

(1) The current state of passenger safety and security in public service vehicles across the country, including data on incidences reported from January 2025 to date.

(2). The measures in place by regulatory agencies, including the National Transport and Safety Authority (NTSA), to improve accountability and safety standards within the PSV sector.

(3). The specific actions that were taken by NTSA and other relevant authorities regarding the incident involving Ms. Adele Omondi, including investigations, enforcement actions and support provided to the victim.

**The Speaker** (Hon. Kingi): Sen. Ali Roba is out of the country. Is there any Senator holding his brief? Sen. Eddy, do you have any instructions to hold his brief? We will defer this Statement for lack of written instructions.

DETERIORATING SECURITY IN MANDERA COUNTY  
AND THE WIDER NORTH EASTERN REGION

*(Statement deferred)*

Proceed, Sen. (Prof.) Tom Ojenda.

**Sen. (Prof.) Tom Odhiambo Ojienda, SC:** Thank you, Mr. Speaker, Sir.

*(Sen. Orwoba spoke off record)*

**The Speaker** (Hon. Kingi): Order, Sen. Orwoba! Please, do not try the patience of the Chair.

Sen. Ojienda, you may want to move your mouth closer to the microphone.

CONSTRUCTION OF DYKES ALONG  
RIVER SONDU MIRIU

**Sen. (Prof.) Tom Odhiambo Ojienda, SC:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on National Security, Defense and Foreign Relations on a matter of inter-county regarding the construction of dykes along Sondu Miriu River by the National Youth Service (NYS) under the Ministry of Interior and National Administration.

Mr. Speaker, Sir, Sondu Miriu River forms the boundary between Kisumu and Homa Bay counties. The river frequently bursts its banks resulting in devastating floods that affect both Nyakach in Kisumu County and Rachuonyo in Homa Bay County. Currently, there is construction of dykes taking place on the Homa Bay side of the river. However, there is no corresponding effort on the Kisumu side.

This poses a serious threat as the dykes could potentially redirect floodwaters towards Nyakach, putting residents at increased risk of destruction and displacement.

In this Statement, the Committee should address the following-

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(1) The scope of dykes construction project, source of funding and the decision-making process that led to the selective prioritisation of the Homa Bay side to the exclusion of the Kisumu side, despite counties being equally vulnerable to flooding.

(2) Whether a hydrological impact assessment was conducted prior to the commencement of the project and if so, the findings of such hydrological assessment.

(3) The plans by the Government to ensure that similar dyke construction is undertaken on the Kisumu side to safeguard the residents of Nyakach from potential disaster.

(4) The current and planned intervention by the relevant agencies for comprehensive flood control and mitigation in all affected counties.

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

UTILISATION OF PUBLIC FUNDS ALLOCATED TO  
DANDORA WASTEWATER TREATMENT PLANT

**Sen. Methu:** Thank you very much, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Finance and Budget on a matter of national concern regarding the allocation and utilisation of public funds amounting to Kshs1.3 billion disbursed from the national Government budget in the Financial Year 2022/2023 for the expansion of the Dandora Wastewater Treatment Plant in Ruai, Nairobi County.

Mr. Speaker, Sir, Nairobi produces an estimated 450 million litres of sewage daily, while the treatment plant has a current capacity of only 160 million litres. The 2022/2023 National Government Budget allocation included Kshs1 billion for the plant expansion and Kshs300 million for the construction of a perimeter wall.

In the Statement, the Committee should address the following:

(1) A breakdown of the Kshs1.3 billion expenditure, including contract details, procurement process followed, project milestones and the value for money analysis.

(2) The status of the implementation, including the extent of the expansion completed at the treatment plant and whether the facility's capacity has increased in line with the initial objectives.

(3) The rationale and cost structure of the Kshs300 million perimeter wall, including the design specifications, contracting entity and the certification of works completed.

(4) Whether the State Department for Public Works and other implementing agencies involved in the works submitted periodic reports on the use of funds to the Office of Controller of Budget (CoB) and whether the Auditor General has reviewed the expenditures and ascertained whether the funds were applied appropriately.

*(Interruption of debate on Statements)*

**COMMUNICATION FROM THE CHAIR****VISITING DELEGATION FROM ST. HANNAH'S  
GIRL'S SCHOOL IN NAIROBI**

**The Speaker** (Hon. Kingi): Hon. Senators, before I allow statements pursuant to Standing Order No.56(1), allow me to make this communication.

I would like to acknowledge the presence in the Public Gallery this afternoon of visiting teachers and students from St. Hannah's Girls School in Nairobi County. The delegation comprises two teachers and 30 students who are in the Senate for a one-day academic exposition.

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

I will allow the Senator for Nairobi to extend a warm welcome under a minute.

Clerk, you need to reboot the system.

**Sen. Sifuna:** Thank you, Mr. Speaker, Sir. I would like to take this opportunity on behalf of this House and the people of Nairobi to welcome our children who have visited us this afternoon. I hope you have the opportunity to interact with members of staff of the Senate, the Senators who are present here and to follow the debate. You came on an afternoon which is a bit animated.

Mr. Speaker, Sir, I thank you for the directive that you have given as SBC. Yesterday, a gentleman called Martin Kangara came all the way from the United Kingdom (UK) to see the Senator of Nairobi. On arrival at the KICC, he was told there is no office for the Senator of Nairobi at the KICC.

It was a bit embarrassing because people might think that I masquerade as the Senator of Nairobi City County. I want the students to confirm that this is the face their parents voted for in the elections. I hope that I do not embarrass you and that you are proud of the work we do on your behalf.

After this session, please, do not leave. I would like to come shake your hands and know what you like for lunch.

Thank you, Mr. Speaker, Sir.

*(Resumption of debate on Statement)*

**The Speaker** (Hon. Kingi): We now move to statements pursuant to Standing Order No.56(1)(b). The Chairperson Standing Committee on Information, Communication and Technology. Well, that statement is dropped.

ACTIVITIES OF THE COMMITTEE ON INFORMATION,  
COMMUNICATION AND TECHNOLOGY

*(Statement dropped)*

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Proceed, the Chairperson Standing Committee on Justice, Legal Affairs and Human Rights (JLAHRC).

ACTIVITIES OF THE COMMITTEE ON JUSTICE,  
LEGAL AFFAIRS AND HUMAN RIGHTS

**Sen. Wakili Sigei:** Thank you very much, Mr. Speaker, Sir. I rise pursuant to Standing Order No.56(1)(b) of the Senate Standing Orders to make a statement relating to the activities of the Standing Committee on Justice, Legal Affairs and Human Rights for the period commencing 1<sup>st</sup> January, 2025 to date.

During the period under review, the Committee held a total of 17 sittings during which it considered two legislative proposals, four Bills, three Petitions, a Sessional Paper on public participation as well as other legislative businesses, including the implementation of the resolution of the Senate of 24<sup>th</sup> July 2024 on the current state of the nation.

On legislative proposals, the Committee concluded consideration of the following two legislative proposals:

(1). The Draft Constitution of Kenya (Amendment) Bill 2025, sponsored by the hon. Sen. Okong'o Omogeni, CBS, SC, MP and the Draft Counter-Trafficking in Persons (Amendment) Bill 2025, sponsored by Sen. Catherine Mumma.

Mr. Speaker, Sir, during the period under review, the Committee also concluded consideration of three Bills pending from the third Session and adopted the reports on the following Bills:

(1) The County Civic Education Bill (Senate Bills No.4 of 2024).

(2) The Constitution of Kenya (Amendment) Bill (Senate Bills No.17 of 2024).

*(Loud consultations)*

**The Speaker** (Hon. Kingi): Order, hon. Senators! May the Chair JLAHRC be heard in silence, please.

**Sen. Wakili Sigei:** Thank you, Mr. Speaker, Sir. The last one among the Bills is the County Governments Election Laws (Amendment) Bill, (Senate Bills No.2 of 2024).

Currently, the Committee has one Bill pending before it, namely, the County Governments State Officers' Removal from Office Procedure Bill (Senate Bills No.34 of 2024). It is in the process of finalising its consideration.

Mr. Speaker, Sir, the Committee has considered a total of three petitions during the first quarter of the session. Out of these, the Committee, jointly with the Standing Committee on Devolution and Intergovernmental Relations, successfully concluded consideration of a petition by Mr. Laban Omosundi regarding the restriction of county governments from hiring law firms for representation in court cases. Presently, the Committee is in the process of concluding consideration of the two remaining petitions.

Four Statements were ongoing from the previous reporting period and two statements were sought from the Committee during the period under review. The Committee is in the process of considering the statements to conclusion. It is in this

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regard that it has made arrangements for engagement with the respective Senators, stakeholders and where necessary conduct site/county visits to ascertain the situation on the ground.

Mr. Speaker, Sir, two new statements during the period under review were sought by Sen. (Prof.) Tom Ojienda, SC, MP and Sen. Raphael Chimera. Both touched on the affairs of the Judiciary. In order to expedite consideration of these statements, the Committee is presently passing responses from the relevant officers in the Judiciary and shall shortly submit its report.

Mr. Speaker, Sir, the Committee is currently considering one inquiry sought by Sen. Catherine Mumma, MP, into the status of the indigenous people in Kenya. Currently, the Committee is further in the process of organising for a high-level meeting with State and non-State actors to comprehensively deliberate and dispense with this particular statement.

During the period under review, the Committee also considered other additional legislative businesses which have been reported. Firstly, the Committee concluded consideration of Session Paper No.3 of 2023 on the Kenya Policy on Public Participation, which is key in Parliament's role of meaningful and adequate stakeholder and public engagement that enriches the legislation enacted.

Secondly, the Committee is also in the process of considering the status of implementation of the Resolution of the Senate of 24<sup>th</sup> July, 2024 and has already engaged with relevant institutions such as the Ethics and Anti-Corruption Commission (EACC) to follow up on measures taken to tackle corruption in the counties. The Committee is further scheduled to meet with other key entities tasked with implementing these particular resolutions.

Mr. Speaker, Sir, during this period under review, the Committee also met with external stakeholders, among them, the Kenyans in Diaspora Technical Working Group and considered legislative proposals aimed at bolstering participation of Kenyans in Diaspora in the general elections. This meeting will inform Committee recommendations to legislative amendments which are coming in due course.

In conclusion, I wish to thank the Office of the Speaker and the Office of the Clerk of the Senate for the continuous support accorded to the Committee in undertaking its work. I also thank the Members of the Committee for their commitment and contributions during the Committee activities and sittings.

We have attached a schedule of the Bills that we have made reference to. One of the very specific ones in that schedule is the latest, the Presidential Memorandum on the referral of the Conflict of Interest Bill, which has already been committed to this Committee. The Committee is scheduled to consider it on 13<sup>th</sup> May this year. A report will thereafter be tabled to the House.

Mr. Speaker, Sir, I have another Statement.

NOMINATION AND VETTING OF CHAIRPERSON  
AND MEMBERS OF IEBC

Mr. Speaker, Sir, this is a statement on the nomination and vetting of the Chairperson and members of the Independent Electoral and Boundaries Commission (IEBC). This statement is issued pursuant to Standing Order No. (56)(1)(a) of the Senate Standing Orders.

Mr. Speaker, Sir, I rise pursuant to Standing Order No. (56)(1)(a) of the Senate Standing Orders to make a statement relating to a matter for which the Committee is responsible, namely the nomination and vetting of the chairperson and members of the IEBC.

As Members may recall, this House passed the Independent Electoral and Boundaries Commission (Amendment) Act, 2024, Act No. 9 of 2024, which paved the way for the appointment of a Selection Panel for the nomination of the Chairperson and members of the IEBC. The panel was constituted, carried out its work and submitted a Report to His Excellency the President on Tuesday, 6<sup>th</sup> May, 2025.

Subsequently, on 9<sup>th</sup> May, 2025, His Excellency the President submitted the names of the nominees for the position of Chairperson and members of the IEBC to Parliament for vetting and approval to enable their formal appointment and swearing-in.

I take this opportunity to commend the Chairperson, members and secretariat of the Selection Panel that worked diligently to ensure that it delivered on its mandate of identifying and recommending persons for appointment as chairperson and members of the IEBC.

I also thank His Excellency the President for moving expeditiously to submit the names to Parliament for approval, noting that the country has been without an electoral body since the President declared the seven positions vacant on 14<sup>th</sup> February, 2023 and 1<sup>st</sup> March, 2023.

The nomination, vetting and approval of Chairperson and members of the IEBC is governed by Article 250 of the Constitution, Section 5 of the IEBC Act, and Section 3 and 8 of the Public Appointments Parliamentary Approval Act, Cap 7F. Under these provisions, the National Assembly is mandated to consider the suitability of the nominees and to either approve or reject the nominees for appointment to the respective offices. I note that this process has commenced with the National Assembly's Justice and Legal Affairs Committee scheduled to table its report in the National Assembly on the 27<sup>th</sup> May, 2025.

Mr. Speaker, Sir, the work of the IEBC spans both levels of Government, in particular, the election of county governors and members of county assemblies as well as the delimitation of electoral boundaries and matters that affect the counties and their governments. Therefore, as the Senate's Justice, Legal Affairs and Human Rights Committee, we take a keen interest in the process for the nomination and appointment of the IEBC commissioners.

In our considered view, this is a process that should be undertaken jointly by both Houses, as has been the practice with the approval of nomination to state officers where their functions affect the two levels of government. I also wish to highlight that under

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Section 103(3) of the Elections Act, the election regulations formulated by the IEBEC from time to time are submitted to and approved by the National Assembly to the exclusion of the Senate, even where the subject of the regulations is clearly a county government matter.

This amendment to replace the word ‘Parliament’ with the word ‘National Assembly’ was passed in the year 2012 before the Senate was in place and was meant to apply only to the first general elections upon coming into effect of the Act, that is, the 2013 General Elections. However, since then, attempts to amend the provisions to have the regulations considered by both Houses have been frustrated.

As Members may recall, this was one of the amendments that the Senate made to the Elections (Amendment) (No. 2) Bill, 2024, (Senate Bill No. 29 of 2024), which is currently pending before the National Assembly. Indeed, this is one of the Bills that the National Assembly has kept in its shelves longer than it is supposed to. As I urge our counterparts to not claw back on the said provision, I also wish to state categorically that this is one of the provisions that, as a Committee and as a House, we will not go back on.

The forum for election is not the only one where the mandate of this particular House has been undermined through statutes enacted by Parliament. There have been several attempts, some successful, where the National Assembly has moved to amend legislation to delete the word ‘Parliament’ and replace it with the word ‘National Assembly’, thus taking away from the Senate functions that should otherwise be performed or undertaken by both Houses. A key example is the Treaty Making and Ratification Act, CAP 4D, which the National Assembly amended in the year 2014 to replace references to Parliament with the word National Assembly. The effect of this has been that key treaties, conventions and agreements that Kenya enters, even when they expressly relate to devolved functions, are not submitted to or considered by the Senate.

This directly undermines the constitutional mandate of the Senate as set out under Article 96, which includes to represent and protect the interests of the counties and their governments.

Members will recall that on three separate occasions, the Senate has processed Bills to reinstate the process for ratification of treaties to be a shared function between the two Houses, particularly where such instruments directly affect the mandates, functions and operations of county governments. None of these Bills have seen the light of day in the National Assembly.

This deliberate clawback on the Senate's constitutional mandate through statutes which are subsidiary to the Constitution is something that we must not countenance as a House and we must stand ready to challenge it. I, therefore, wish to bring these matters to the attention of the Senate and to urge colleagues and the House to stand firmly in safeguarding its constitutional mandate.

Mr. Speaker, Sir, I thank you for the opportunity.

**The Speaker** (Hon. Kingi): Chairperson of the Committee on Information, Communication and Technology, your statement has been reinstated. You may now proceed.

ACTIVITIES OF THE COMMITTEE ON INFORMATION,  
COMMUNICATION AND TECHNOLOGY

**Sen. Chesang’:** Mr. Speaker, Sir, I rise pursuant to Standing Order No. 56(1((b) of the Senate Standing Orders to make a Statement relating to the activities of the Standing Committee on Information, Communication and Technology for the period commencing 1<sup>st</sup> January, 2025 to date.

Mr. Speaker, Sir, during the period under review, the Committee held a total of nine sittings, during which it considered one Bill, 14 Statements and two inquiries.

On Bills, the Committee considered the Technopolis Bill (National Assembly Bill No. 6 of 2024), which was published on 22<sup>nd</sup> February, 2024 and introduced in the National Assembly on 9<sup>th</sup> April, 2024. The Bill was passed with amendments on 19<sup>th</sup> November, 2024 and referred to the Senate. The Bill was read the First Time in the Senate on Wednesday, 4<sup>th</sup> December, 2024 and committed to the Committee for consideration.

In compliance with the provisions of Article 118 of the Constitution and Standing Order No.145 of the Senate Standing Orders, the Committee proceeded to undertake public participation on the Bill.

In this regard, the Committee published an advertisement on Thursday, 20<sup>th</sup> January, 2025, inviting members of the public to submit a written memoranda on the Bill. Additionally, the Committee sent invitations to key stakeholders, inviting them to submit their comments on the Bill.

Mr. Speaker, Sir, the Committee considered the Bill taking into account the views and recommendations of the public and will be tabling the Report for adoption by the House during consideration of the Bill. The Committee observed, among other things, that there is need for inclusion of the provision on public participation and consultation with relevant stakeholders likely to be affected by gazetting of an area as a technopolis.

We had eight ongoing statements from previous reporting period and seven statements were sought from the Committee during the current period.

*(Loud consultations)*

**The Speaker** (Hon. Kingi): Order, Hon. Senators! Let us hear the Chairperson of the Committee on Information, Communication and Technology in silence.

**Sen. Chesang’:** Thank you, Mr. Speaker, Sir. In considering the said statements, the Committee considered the statements through physical sittings with the stakeholders and the respective Senators who made the requests, while in other instances admitted written submissions and shared responses with respective Senators.

Mr. Speaker, Sir, the Statement sought by Sen. Hamida Kibwana, MP, on the sale of Telkom Kenya to Infrastructure Corporation of Africa was considered by the Committee. It was included as part of the committee's enquiry into critical telecommunication infrastructure and the dispute between American Tower Corporation (ATC) Kenya and Telkom Kenya.

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The Committee is currently following up on several responses from the Ministry of ICT and Digital Economy, the Communication Authority of Kenya (CAK), Safaricom Ltd., and the Media Council of Kenya (MCK).

The Committee is conducting inquiries into critical telecommunication infrastructure in the country and the operations of Integrated Financial Management Information System (IFMIS) as well as other county revenue collection and management systems.

The Committee is scheduled to conduct more county visits within the coastal and Nyanza regions. It will also carry out fact-finding visits to various counties to assess the extent of the fibre optic network coverage in county headquarters, county assemblies, Government offices and schools. This will ensure online access to Government services is available to all.

In conclusion, I wish to thank the Office of the Speaker and the Office of the Clerk of the Senate for their continued support accorded to the Committee in undertaking its work.

I also extend my gratitude to the Members of the Committee for their commitment, diligence and contributions during Committee's activities.

I thank you.

**The Speaker** (Hon. Kingi): The Chairperson, Standing Committee on Land, Environment and Natural Resources.

#### ACTIVITIES OF THE COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES

**Sen. Faki:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.56(1)(b) of the Senate Standing Orders to make a statement regarding the activities of the Standing Committee on Land, Environment and Natural Resources during the period February to April 2025.

The Standing Committee on Land, Environment, and Natural Resources is established under Standing Order No.228(3) of the Senate Standing Orders. It is mandated to consider all matters related to lands and settlement, environment, forestry, wildlife, mining, water resource management and development as well as aspects of climate change

During the period under review, the Committee held 23 meetings. It considered one Bill, seven Petitions, one legislative proposal and 13 Statements.

The Committee met with the Ministry of Environment, Climate Change and Forestry as well as the Ministry of Interior and National Administration regarding pending legislative business. Through these meetings, the Committee obtained comprehensive responses to eight Statements from the Ministry of Environment, Climate Change and Forestry and shared them with the respective Senators.

Additionally, responses from the Ministry of Tourism, Wildlife and Heritage have been dispatched to the respective Senators.

Hon. Speaker, it is important for the House to note that the Ministry of Lands, Public Works, Housing and Urban Development has been unresponsive to several state

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invitations to appear before the Committee. These invitations were to address pending legislative business, including 27 statements and seven petitions.

This has slowed the Committee's output. Consequently, the Committee has resolved to summon the Cabinet Secretary to appear before it, initially on 8<sup>th</sup> May, 2025 and now on 14<sup>th</sup> May, 2025, to address the aforementioned matters.

In addition, written responses have been sought, with some still pending before the National Land Commission (NLC). The Committee is scheduled to meet the Commission on 15<sup>th</sup> May, 2025, which is on Thursday this week.

During the period under review, the Committee considered the Electronic Equipment Disposal, Recycling and Reuse Bill, 2024, a legislative proposal sponsored by Sen. Peris Tobiko, MP. The Committee communicated its resolution to the Speaker on 18<sup>th</sup> March, 2025, pursuant to Standing Order No.133 (a) of the Senate Standing Orders.

The Committee considered and tabled a report on the Environmental Law (Amendment) Bill, 2024 (Senate Bills No.23 of 2024) after reviewing written submissions from the National Gender and Equality Commission, the Coast Regional Budget Hub and Casey Walter. The Committee subsequently tabled its report in the Senate on 20<sup>th</sup> February, 2025.

The Committee is currently considering one Bill: the Real Estate Regulation Bill (Senate Bills No.35 of 2023). Previously, it met with the Council of Governors (CoG), the Ministry of Land, Housing and Urban Development, the Institute of Surveyors of Kenya (ISK), the Estate Agents Registration Board (EARB), the Kenya Alliance of Residence Associations (KARA) and the Kenya Property Developers Association (KPSA). The Committee is scheduled to review the submissions and will submit a report on the Bill before the next reporting period.

The Natural Resources Benefit Sharing Bill (Senate Bills No.6 of 2022) remains under mediation, with preparations for the first meeting underway.

The Committee has nine Petitions submitted to it that are pending consideration. During the reporting period, it managed to review seven petitions and conducted five county visits to Mombasa, Taita Taveta, Kisii, Homa Bay and Busia to further investigate them.

These include the Petition concerning recognition of land ownership rights and redress of historical land injustices in Mombasa; the Petition by Marungu residents in Mghange Mwanda Ward, Taita Taveta County; the Petition regarding a land ownership dispute in Mwananchi Settlement Scheme, Mwatate Constituency, Taita Taveta County; the Petition on the Changara Water Pan, a World Bank-funded project in Busia County.

The Petition on the delayed allocation of alternative land through resettlement or compensation for ancestral land inundated by the Government of Kenya for Kisii Agricultural Institute and Kisii Farmers Training Centre.

The Committee aims to complete the remaining pending Petitions by the next reporting period as it continues to seek responses from relevant stakeholders.

Cumulatively, the Committee has received 173 statements, of which, 113 have been concluded and 60 remain pending. This translates to a completion rate of 65 per cent. The committee is still awaiting responses on some statements.

During the period under review, 13 Statements were considered and dispatched to the relevant Senators. A detailed analysis is annexed. Given the large number of statements before the Committee, a more comprehensive updated tracker is available, providing their status.

In conclusion, I wish to thank the Office of the Speaker and the Office of the Clerk of the Senate for their continuous support accorded to the Committee while undertaking its work.

I also extend my gratitude to the Members of the Committee for their commitment, diligence and contributions during the Committee's activities.

I thank you.

**The Speaker** (Hon. Kingi): Chairperson, Standing Committee on National Cohesion and Equal Opportunity.

*(Sen. Abass walked to the Dispatch Box)*

Sen. Abass, is this your Committee?

**Sen. Betty Montet:** Mr. Speaker, Sir, I am reading on behalf of Sen. Chute.

**The Speaker** (Hon. Kingi): Who is the Chair?

**Sen. Betty Montet:** I am reading on behalf of Sen. Chute.

**The Speaker** (Hon. Kingi): Sen. Abass, certainly, this is not your Committee. I am surprised you are so willing to walk to the Table.

Proceed, Sen. Betty Montet.

#### ACTIVITIES OF THE COMMITTEE ON NATIONAL COHESION, EQUAL OPPORTUNITY AND REGIONAL INTEGRATION

**Sen. Betty Montet:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.56 (1) (b) of the Senate Standing Orders to make a statement relating to the activities of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration for the period of January to April 2025.

During the period under review, the Committee held 19 sittings, during which it considered various legislative business, statements, inquiries and Motions from the Senate. It also engaged stakeholders as outlined below:

The Committee received four statements and has written to stakeholders, inviting their submissions on the issues raised. The Committee is at various stages of stakeholder engagement and response preparation.

The Committee considered Senate resolutions following the adoption of the Motion on the Current State of the Nation.

The Committee held 32 meetings where it received oral submissions and written memoranda from 45 governors, the National Cohesion and Integration Commission (NCIC) and the Public Procurement Regulatory Authority (PPRA). The report on the Motion has been adopted by the Committee and it is scheduled for tabling in May 2025.

The Committee is currently conducting an inquiry into the representation of Kenya's diversity in the staff composition of the semi-autonomous Government agencies.

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The Committee held 17 sittings. During which, 13 stakeholders appeared before it. The Committee will table a comprehensive report at the end of the inquiry.

Moving on, the Committee undertook county visits to Homa Bay and Busia counties from 28<sup>th</sup> to 30<sup>th</sup> April, 2025, where it assessed the level of inclusion and representation of the workforce in terms of gender, youth, Persons with Disabilities (PWDs) and marginalised communities. The Committee also inspected county offices of the two counties to ascertain their accessibility to PWDs.

During the remainder of the Fourth Session, the Committee has prioritised conclusion of legislative business before it as well as county visits.

Mr. Speaker, Sir, as I conclude, I wish to thank the Office of the Speaker and the Office of the Clerk of the Senate for the steadfast support they have accorded this Committee as well as Members of the Committee for their utmost dedication and commitment to duty.

I thank you.

**The Speaker** (Hon. Kingi): Next is the Chairperson of the Standing Committee on National Security, Defence and Foreign Relations.

#### ACTIVITIES OF THE COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS

**Sen. Dullo:** Mr. Speaker, Sir, pursuant to Standing Order No.56(1)(b) of the Senate Standing Orders, I rise to make a statement relating to activities of the Standing Committee on National Security, Defence and Foreign Relations for the period of February 2025 to April 2025.

The Committee was reconstituted on Wednesday, 12<sup>th</sup> February, 2025, and Wednesday, 19<sup>th</sup> February, 2025 during the period under reference. The membership is per Annex 1.

During the period under review, the Committee held nine sittings at which it considered various legislative proposals, Bills, Statements, Petitions and Motions. It held stakeholder engagement as set out below:

Moving to legislative proposals sent via an email address to the Clerk of the Senate, the committee received two draft Bills from the public; namely, the Internal Security Devolution and County Empowerment Bill 2025 and the proposed Directorate of Criminal Investigations Authority Bill 2025.

As part of the Committee's mandate, the Committee will have meetings with relevant stakeholders to deliberate on issues touching on the legislative proposals.

The Committee considered one Bill, namely; the Narcotic Drugs and Psychotropic Substances Bill 2024 (Senate Bills No.1 of 2024).

The Committee sought and was granted extension of time to consider the Bill as the Committee is yet to hold public participation in Meru, Embu and coastal counties. However, the Committee received written submissions on the Bill from 12 stakeholders. The Committee is at the tail end of concluding consideration of the Bill and we will table our report in May 2025.

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Concerning statements, there were 29 statements. The Committee considered and concluded seven while 22 statements are ongoing. A list of the statements is attached as Annex 3.

On Petitions, the Committee is currently considering a Petition concerning compensation of police officers injured in the line of duty. That Petition was redirected from the Standing Committee on Labour and Social Welfare.

The Committee met with the petitioners and relevant stakeholders to deliberate on the Petition. The Committee is scheduled to meet with relevant stakeholders to receive further submissions on the Petition. The Committee is projected to conclude the consideration within May 2025.

On Motions, the Committee considered the resolution of the Senate arising from adoption of the Motion on the current state of the nation. The committee met with relevant stakeholders and received written submissions. A draft report on the Motion is underway. The Committee will table its report to the Senate during the month of May 2025.

The Committee is currently considering one sessional paper during the reporting period, namely; the Foreign Policy of the Republic of Kenya. This is still ongoing. The Committee is scheduled to meet with relevant stakeholders in June 2025 and table the report soon thereafter.

The Committee further held meetings with the Ministry of Interior and National Administration, the Ministry of Defence and the Ministry of Foreign and Diaspora Affairs and deliberated on legislative gaps and proposed opportunities for collaboration.

The Committee is also looking into allegations of corruption and mismanagement of funds pertaining to the Kenya National Police DT SACCO that affects the welfare of the police that fall under the Committee's mandate. The detailed status of the legislative business considered by the Committee during the reporting period is attached to this statement as Annex 2.

During the remainder of the Fourth Session, the Committee has prioritised conclusion of legislation business before it as well as county visits.

Mr. Speaker, Sir, as I conclude, I wish to thank the Office of the Speaker and the Office of the Clerk of the Senate for the steadfast support that they have accorded this Committee as well as Members for their utmost dedication and commitment to duty.

I thank you.

**The Speaker** (Hon. Kingi): Hon. Members, before I allow comments on the statements that have been sought, let us move to dispense with Order No.9. Therefore, I seek to rearrange today's Order Paper, pursuant to Standing Order No.45(2). Let us dispense with Order No.9, then we will resume normal flow as contained in today's Order Paper.

Clerk, proceed to call out that Order.

## MOTION

### CONSOLIDATION OF BURSARY FUNDS FOR EQUITABLE ACCESS TO EDUCATION

THAT AWARE THAT, Pursuant to Article 53 of the Constitution, every child in Kenya is entitled to free and compulsory basic education, and the Basic Education Act provides that, basic education should be guided by principles such as equitable access to all youth and equal access to education or institutions;

FURTHER AWARE THAT, many students in secondary schools and higher education institutions come from financially disadvantaged backgrounds, making it difficult for them to afford school fees and access education opportunities;

NOTING THAT, over the years, various interventions have been made, including the issuance of bursaries through the National Government Constituency Development Fund (NG-CDF), National Government Affirmative Action Fund (NGAAF), the Ministry of Education and county governments through various county bursary funds;

CONCERNED THAT, despite these efforts, schools fees remain unaffordable for many parents and the allocation of bursaries has been plagued by nepotism, favoritism and political manipulation, lack of transparency and accountability;

FURTHER CONCERNED THAT public learning institutions are primarily funded by the Government through the Ministry of Education, and in the Financial year 2024/25, approximately Kshs656 billion was allocated to the education sector, making it difficult to ascertain the specific funds granted to each student and that the lack of transparency in the disbursement of bursaries from various agencies makes it difficult to determine the total amount allocated in a financial year, thus hindering efforts to ensure equitable access to education for financially disadvantaged students;

NOW THEREFORE, the Senate urges the Ministry of Education, to:

1. Audit the funds allocated to bursaries by both the National Government and county governments;
2. Consolidate the funds distributed by various government entities and agencies, with the aim of directing these funds directly to schools as supplementary capitation to facilitate the achievement of free secondary education; and,
3. Calculate the cost of education per learner and make this information public for primary, secondary and tertiary institutions, including a detailed breakdown of the annual financial requirements for each student across the country.

*(Sen. Thang'wa on 7.5.2025)*

*(Resumption of debate interrupted on 8.5.2025)*

**The Speaker** (Hon. Kingi): Clerk, do we have the requisite quorum?

*(The Clerk-at-the-Table consulted with the Speaker)*

Hon. Senators, this is a matter that does not concern counties. Therefore, voting shall be by voice. I will, therefore, proceed to put the question.

*(Question put and agreed to)*

*(Interruption of debate on Statements)*

### COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM ST. FRANCIS KATANGI  
BOYS SECONDARY SCHOOL

**The Speaker** (Hon. Kingi): Hon. Senators, before I allow comments on the statements, let me first make this Communication.

I would like to acknowledge the presence in the Public Gallery this afternoon of visiting teachers and students from St. Francis Katangi Boys Secondary School, in Machakos County. The delegation comprises two teachers and 49 students 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 do not see the Senator for Machakos County in the House. Therefore, I will allow the Senate Majority Leader to extend a word of welcome to the delegation under one minute.

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir.

On behalf of my colleagues and the Senate, I do welcome the students who have visited with us this afternoon. I hope they will get full value of their time and money that they have spent to visit the Senate. This is their home in the future. Therefore, they should take interest in the affairs of their country, with specific focus on counties, because that is a primary and the *raison d'être* of this House of the Senate.

Mr. Speaker, Sir, I hope that as they travel back to Machakos County, they will give a good account. Though, it is sad that they have come on an afternoon of less drama, just reports and an orderly House. I know sometimes they watch the things that happen here and would have wished to see part of it. It is not the end of the day yet. In this

House, things boil from zero to a hundred in seconds. So, in the few minutes that they are still around, something might happen. Who knows?

All the best to the young students. May they conquer the world.

I thank you.

*(Resumption on debate on Statements)*

**The Speaker** (Hon. Kingi): We are back to comments on the statements that have been sought. I will allocate 15 minutes for us to make comments. If you get an opportunity to speak, kindly keep it under three minutes.

Senator for Nandi County, please proceed.

**Sen. Cherarkey:** Mr. Speaker, Sir, for the first time, I am proud of the statement of the Chairperson of the Senate's Justice, Legal Affairs and Human Rights Committee (JLHARC), where I did serve with distinction in the last Session, although I encountered some turbulence along the way.

Mr. Speaker, Sir, in reference to the issue of Independent Electoral and Boundaries Commission (IEBC), the reading of Article 93 is clear. That Parliament comprises both the Senate and the National Assembly.

Yesterday, I was shocked when the National Assembly gave Notice for the public to submit memoranda to the National Assembly's JLHARC. The election is a matter of national concern. Members of Parliament (MPs), which is the Senate and the National Assembly, are the representatives of the people. Previously, we have done joint vetting of the Inspector General of Police and joint independent services. Why is it that the National Assembly wants to frustrate the Senate by purporting that only they can vet the IEBC?

I, therefore, would like to thank JLHARC for standing strong. I would also like to challenge the House leadership and SBC where you sit as the Chairperson, that I am aware that there are a number of legislations from this House that are being strategically frustrated by the National Assembly because they fear to implement the Constitution.

Looking at the amendment of the Regulations in 2013, the Senate was not supposed to be party because we were never in existence. So, after 2013, when the Senate came into force and as it is in Article 93, the role of vetting of IEBC should be a joint Committee of the Senate and National Assembly JLHARC. Even when you read under Article 88 on establishment of IEBC, we should not allow the National Assembly to vet on their own, the IEBC Chairperson and commissioners.

Mr. Speaker, Sir, we are not short of weapons to use to ensure that the voice of the Senate, which is the voice of the people is heard, including the possibility of seeking the legal interventions in the courts of law. I, therefore, agree with the Committee of the JLHARC and say kudos for the good job. We have been taken for a ride by the National Assembly for far too long, yet we are also elected by Kenyans. More so, we cover more in this country. Therefore, the issue of IEBC concerns both Houses of Parliament and Kenyans as alike.

The National Assembly must withdraw the notice that they have issued in public for memorandum to be submitted until we jointly agree as a House, so that we can do vetting of the IEBC Chairperson and commissioners, knowing the urgency of the matter.

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In conclusion, Mr. Speaker, Sir, on the issue of ICT---

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

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

**Sen. Osotsi:** Thank you, Mr. Speaker, Sir. Let me also join in making comments on the statement by Sen. Catherine Mumma on the issue of data protection abuse by the mobile phone lenders, the people who lend mobile phones or who give higher purchase services on mobile phones.

Mr. Speaker, Sir, we are continually receiving complaints around the issue of data protection, and we must ask ourselves where we are going wrong as a nation. Just the other day, you saw the ruling by the courts on the issue of Worldcoin where the courts ruled that there was a violation of data protection rights by the Worldcoin company. The question is: How did this company get into the country and started taking data from our people? There is a problem which must be addressed.

Speaking as an expert, perhaps, it is an opportunity for us to relook at the entire Data Protection Act, because that is where we have inconsistencies. I have noted inconsistencies even in the way the Office of Data Protection Commission is being managed.

Mr. Speaker, Sir, in my opinion, the ideal person to head the Office of Data Protection must be someone who understands Information and communications technology (ICT). We cannot just be giving every job that comes in the public sector to lawyers. We need to review this so that we give it to people who understand the process.

Speaking about this, the regulators in the ICT industry are failing this country. Just this week, I heard that the CAK has increased spectrum licenses by 2,000 per cent. This will drive telecommunication operators, including Safaricom Limited, out of business. They are doing this for the purpose of generating funds for the Government. What about the implication on the economy?

Mr. Speaker, Sir, it is high time that this sector must be manned by people who understand technology. At the CAK, the Director General is a journalist while the Chairperson is a business lady who does not understand technology.

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

**Sen. Faki:** Asante, Bw. Spika. Ninachukua fursa hii kuongeza kauli yangu kwa hii taarifa iliyoletwa na Mwenyekiti wa Kamati ya Sheria na Haki za Binadamu kuhusu uteuzi wa makamishna wa IEBC.

IEBC ni kiungo muhimu cha uchaguzi katika nchi yetu ya Kenya na makamishna hawa pamoja na mwenyekiti wao watakapofanya kazi, itakuwa ya kuangalia uchaguzi wa Rais, magavana, maseneta, wabunge wa Bunge la Taifa na vile vile wabunge wa kaunti. Uteuzi wao lazima upitie katika Bunge la Seneti kwa sababu Seneti ina linda masilahi ya ugatuzi; bunge za kaunti na masilahi ya magavana. Haiwezekani kwamba sheria inayotumika kuwachagua ni ile ambayo iliyofanywa kabla ya kuwa na mfumo wa ugatuzi.

Bw. Spika, natoa kauli yangu kushinikiza kwamba ni lazima uteuzi wa makamishna wale ufike katika Bunge la Seneti ili kuona kwamba haki inatendeka katika uteuzi huo.

Asante, Bw. Spika.

**Sen. Olekina:** Mr. Speaker, Sir, I rise to support the statement by Sen. Mumma on the need to protect data in this country. It is surprising that at a time when data is the most expensive asset that anyone can have, we are not protecting the poor people who cannot afford buying a phone and not have to register it.

The most important thing we need to do is to ask ourselves whether it is imperative for this House and the National Assembly to re-amend the Data Protection Act, be specific and also intentional when it comes to the issue of guarding. When you hear that those who cannot afford to buy phones at full prices are buying the phones on credit and then that data is sold to a third party, it really begs the question on what we really need to do.

One of my biggest pet peeves is when you are sitting down here, you find a telemarketer sending you a text message telling you to buy bundles using a short code. I think we need to relook at the whole issue of data protection in this country. Even the basic request for an ID number when you are going to deposit money with Safaricom and then that record is kept there, we should ask ourselves whether we have to redefine the law to be able to make it difficult for people to ask for your ID number and they write it down.

We need to be more creative and say you can give the last four digits of your number or these telecommunication companies come up with a smarter way of protecting data. They can actually demand that you give them the third, fourth or the last digit of your ID number instead of having to give out the full ID number.

I hope the Committee on ICT will take this statement seriously because today, it is that poor farmer or that poor *mama mboga* who cannot afford to buy a phone at full price whose data is being sold. Tomorrow, it is you, the legislator sitting here, who can be able to afford a Kshs200,000 phone with your name being used to register a phone number and then being used for fraud.

We also must ask ourselves whether we need to limit the number of phone numbers people can have because you will find the ID of one person has been used to register 20 lines. If you follow those 20 lines, you will be shocked. In some counties we know people collect revenue using those 20 numbers and then they just throw away the sim cards.

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Mr Speaker, Sir. Data protection is a very serious issue. I know this because many times when we pass legislation that allows Government to acquire data from citizens, we have always had a conversation as a House on the importance of ensuring that storage of this data guarantees the protection of privacy. A trend is emerging nowadays where personal data is being shared, including that of public officials, with no repercussions or recourse whatsoever from the Office of the Data Commissioner.

Many people do not know that even a P.O Box address is private data. Even a mobile phone number, with all the trends that we are seeing nowadays of if I disagree

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with Sen. Catherine Mumma, I post her number online and tell people: “Do this or the other to her”. That is violation of data privacy. We do not see any recourse or guidance on such issues from the office of the Data Commissioner.

Given that this matter that is being raised is specific, there are quite a number of violations that have happened in the last few days. Would I be in order if I request the Committee on ICT to guide us in ensuring that we have the data protection office perhaps make an appearance before that particular committee, or even the Committee of the Whole, so that we can find ways in which we ensure that the data of citizens is protected from people who may want to use it for whatever reason, including fraudsters or people who want to use it for political reasons because a violation is a violation? There have been continuous violations over the last few months with very little effort or guidance from the Data Commissioner.

I expect that Sen. Alan Chesang, together with the ICT team, will lead us into making proper findings, so that as we pass future legislation, we can secure the data of citizens and ensure that those who breach privacy are punished by law.

I thank you.

**Sen. Omogeni:** Thank you, Mr Speaker, Sir, for giving me this opportunity to also make my contribution to the statements issued by the respective chairpersons. However, there is one that has caught my attention. While contributing, I heard Sen. Cherarkey state that the approval of nominees to IEBC should be processed by the National Assembly and referred to the Senate for approval. This issue is one that we should address honestly and consciously as a Senate because what happened in Naivasha was a travesty of justice. When the committee of experts went to Naivasha, the Members of the National Assembly totally mutilated the oversight and legislative mandate of the Senate.

I have read the report at page two and it says that once the National Assembly has considered the nominees, it should forward the names to the Senate for their input and also approval. If you read Article 250 of the Constitution, it states in black and white that each commission shall consist of at least three, but not more than nine members and the chairperson and each member of a commission shall be approved by the National Assembly. So, clearly the way Article 250 is worded, the Senate of the Republic of Kenya has been left out of a very critical process.

The time has come for us, as Kenyans, and also as parliamentarians, to do a serious audit and have a Constitution that is meant to serve a bicameral parliament. Sen. Cherarkey, Sen. (Dr.) Khalwale; all of us enjoy direct mandate from the people. We are elected directly by the people not like the UK where one gets an honorary appointment to serve in the House of Lords. I want to draw that to the attention of the House.

Mr. Speaker, Sir, this is an opportune moment for us to audit this Constitution and make it one that can serve a bicameral parliament that has the National Assembly and the Senate.

**Sen. Kisang:** Thank you, Mr. Speaker, Sir. I also note that on your screen, my name is not being seen clearly. Basically, I hope that the ICT team of the Senate will take action and ensure that my name is clearly displayed on the screen because I am being



skipped. Members who have just walked in have been given opportunity to make comments.

Secondly, hon. Speaker, I am a member of the Senate ICT Committee and we have noted the issues on data protection. Sen. Osotsi and myself were in the ICT committee of the National Assembly when the Data Protection Act was passed. The biggest problem that we have in the Constitution of Kenya 2010 is that there were very many activists most of whom were lawyers who agitated for it. They put in every law that one needs to be a lawyer to head the ICT entity. In fact, we had challenges when we were debating because this is an entity that should be headed by a person who is an expert in ICT.

Since the law was as it was, we picked a lawyer. Given that the term of Data Commissioner is coming to an end in less than two years, this is something that we need to look at. We need to go and re-look at the law and amend appropriately, so that we have an expert in ICT heading that entity. We are not saying the Data Commissioner is incompetent. She is competent. She came for the vetting, impressed us and we basically approved her. She is doing a good job. One of the challenges that maybe they have is capacity, because of staffing levels. They need to build up capacity, so that we have people across the counties.

As a Committee, I believe I will discuss with the Chairperson and the Members, so that in the next two weeks, we ensure that she comes to the Committee and answers most of these concerns that Members have raised.

**Sen. Okiya Omtatah:** Thank you, Mr. Speaker, Sir. I rise to speak on two statements, the first one by Sen. Mumma. I support that there is a need to look critically at the laws governing data in this country. We even realize that under the current Social Health Authority (SHA) and Social Health Insurance Fund (SHIF) system, data is held by third parties, including by undisclosed companies in USA who will be handling the health data of Kenyans.

Under the Digital Health Act, data is described as a strategic asset of the country. If a strategic asset of the country can be left to undisclosed foreigners, then we are not taking the question of data seriously today. We know that data can be used to design things, even to design a disease that can eliminate people. My brother, the Bull fighter of Kakamega, can easily be cloned and the genes be designed to eliminate people who have those kinds of traits which would be very bad for us.

I also rise to support that the vetting of IEBC commissioners must be done by both Houses. It is a fact that Article 250 2(b) says that the National Assembly will approve the nominees, but that is not the only thing in the Constitution. The Constitution is also very clear that matters of devolution must involve the Senate. As has been rightly observed, IEBC commissioners preside over elections of Senators, MCAs and governors who are county officials at the county level and national officials at the Senate. I put my weight behind those who have said that reading the Constitution as a whole, one will find it necessary to bring those names to the Senate for approval.

On the theory of bicameralism, whatever happened in Naivasha, a bicameral parliament is supposed to be bicameral. It is not like a parliament where one House is like an appendix of the other. In the spirit of bicameralism, we must have that Bill here.

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I urge Senators in this House to try and realize that---

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

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

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

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

**Sen. Mungatana, MGH:** Asante sana, Bw. Spika wa Muda, kwa kunipa nafasi kuongea kuhusu Taarifa inayohusu usalama katika basi na usalama wa abiria.

Watoto wetu haswa wakati wa kufunga na kufungua shule huwa wanasafiri sana kwa barabara zetu. Ni lazima sasa kamati inayohusika waangalie kama itawezekana hizi SACCO ambazo zinafanya kazi kwa upande wa matatu na mabasi ziongezewe masharti kwamba wanapoondoka Nairobi kwenda Mombasa na kwingineko, wawe wanatoa cheti kuonyesha kwamba wamefanya ukaguzi kwa wanaoabiri magari hayo ili kuhakikisha kwamba wako katika hali ya usalama.

Mara nyingi, katika usafiri, watu wanaangalia pesa, bima, viti vimekaliwa au havikukaliwa. Pia, kuna ajali ama hakuna; madereva wamelipwa au la. Usalama wa abiria haungaliwi. Ningependa sana wakati Kamati hii inapoangalia suala hili lote iangalie pia na usalama wa abiria.

**Sen. Joe Nyutu:** Thank you, Mr. Temporary Speaker, Sir. I rise to make a comment on the statement by the Committee on Justice, Human Rights and Legal Affairs as presented by yourself in your capacity as Chairperson.

I first take this opportunity to congratulate those who have been nominated as the Chairperson and members or commissioners of the IEBC. As Kenyans of goodwill, nobody would want the obtaining situation where we have no IEBC to have continued.

I support the nomination of these particular Kenyans in order for them to go and do the very urgent and important business of conducting elections and doing the limitation of boundaries, hoping that you, lawyers, will guide us on whether we still have enough time to review our boundaries.

I personally support the team that was nominated by the President because I am aware that our elections end at the polling station. Though there could be very many fears that the upcoming elections would be rigged, we know that following recommendations by the Kriegler Commission, every election ends at the polling station.

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

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

**Sen. Cherarkey:** Mr. Temporary Speaker, Sir, I rise under Standing Order No.105 on accuracy of facts. You know when we speak, we must be careful because we do not want to set this country to the previous precedence. Is it in order for the distinguished Sen. Nyutu of Murang'a, to state on record that there are plans or insinuation of rigging in the upcoming election?

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Mr. Temporary Speaker, Sir, you know he can set the country to unnecessary turmoil. Can he withdraw and apologise? Those are statements that you only make in funerals and baby showers. You do not make it on HANSARD.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Joe Nyutu, Standing Order No.105 on responsibility for statement of fact, states that-

“(1) A Senator shall be responsible for the accuracy of any facts that the Senator alleges to be true and may be required to substantiate any such facts instantly.”

Give Sen. Joe Nyutu the opportunity.

**Sen. Joe Nyutu:** Thank you, Mr. Temporary Speaker, Sir. We all belong to this country and nobody would want this country to burn. However, there is a difference between alleging and expressing that there were fears. I have not said there will be rigging in 2027.

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

**Sen. Joe Nyutu:** It is important that we also remember the lessons that we were taught in English. Saying that there could be fears or there were fears, is different.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Cherarkey, just hold your horse. Allow the Senator to continue as he is alleging that there were fears.

Proceed, Senator.

**Sen. Joe Nyutu:** Thank you, Mr. Temporary Speaker, Sir. I wish Sen. Cherarkey would stop interrupting my line of thinking. This is simple English and we should not argue here over simple English. Therefore, let me continue with my submission.

I do not know why Sen. Cherarkey feels threatened. You know, the guilty are always afraid. I do not know why Sen. Cherarkey would just get very---

**The Temporary Speaker** (Sen. Wakili Sigei): What is your point of order once again, Sen. Cherarkey?

**Sen. Cherarkey:** Mr. Temporary Speaker, Sir, you gave an express instruction as to the substantiation under Standing Order No.105. In Standing Order No.121, the Senator has now become disorderly. He has refused to follow your orders. He should be called to order because what he is saying is that there are fears. This is not a rumour milling station. This is the Senate of the Republic of Kenya. He should have used the word ‘allegedly.’ He should withdraw and replace it because he seems to understand English.

**The Temporary Speaker** (Sen. Wakili Sigei): I heard Sen. Joe Nyutu commenting to the effect that it is not a matter of fact, it is an allegation. Hence, that was an allegation and it was not a statement of fact. Sen. Joe Nyutu, conclude on your comments.

**Sen. Joe Nyutu:** Thank you. I, actually, had given the assurance that everybody is comfortable, because elections end at the polling station. That notwithstanding, we allow the character of Sen. Cherarkey of wanting to interrupt the line of thinking of those that do not hold his view because we understand him. Please, allow me to conclude my remarks.

I was just about to say that we have a very big job ahead for the IEBC commissioners, because we need to relook at our electoral boundaries. We also need to

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see to it that those constituencies and wards that do not have representatives get the justice of being represented.

The other thing that I may want to say about this particular list is, because we have had occasion of public servants being accused of having been incompetent, I would want to call upon the National Assembly, when they are vetting these nominees, to look at the competence of each one of them. We do not want to hear in this country that somebody who has been given a job, be it a presidential or any other nominee, is approved by the National Assembly, and later on is said to be incompetent.

Consequently, if we will have any of these IEBC commissioners vetted by the National Assembly and later, we are told by whoever it will be, whether the president or anybody else, that they were incompetent, we must call the National Assembly and any other body that vets public officers to order. They must make sure that everybody is competent. This is because we bring shame to Kenyans when we give them a job, they are vetted at the National Assembly and proved to be fit ---

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Joe Nyutu, your time is up.

Proceed, Sen. Catherine Mumma.

**Sen. Mumma:** Thank you, Mr. Temporary Speaker, Sir. Mine is to briefly comment on the Statement for JLAHRC, and to congratulate the nation for moving to where we have reached. It is my hope that very soon the newly appointed members of the IEBC will be vetted and that they can begin their work right away. I would want to associate myself with the comments that it would have been fit and it should be fit for the Senate to be involved in the vetting of members of the IEBC. This is for the simple reason that the elections that the IEBC conducts includes elections that affect counties.

Accordingly, the idea of reading one clause of a Constitution against another is an anomaly. I hope that we can move away from that even as we try to do amendments to the Constitution. We can regularise quite a number of these clauses that seem to lock out the Senate in a mandate that naturally involves them.

Besides that, I hope that the National Assembly can be recalled for vetting very soon to clear that team, because the team has a lot of work to do for this country. I served in the Kriegler Commission and elections are not an event. Elections comprise a series of activities that do not take one, two or three days. It is an exercise that needs to take a lot into account.

I hope that my former officer, Etheke, who was picked as Chairperson and I can vouch for his competence, will hit the road running very fast and demonstrate to those who think he is incompetent that he is actually a competent officer and start working with the IEBC. He has a lot of work to do. I would say the team should get together quickly, retreat and identify the things that need to be done. There are many things to be done, including the registration of voters, delimitation of boundaries and correction of our voter register. As a country, we need to rally together, to ensure that in the next---

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Mumma, your time is up.

Proceed, Sen. Karen Nyamu.

*(Sen. Cherarkey spoke off record)*

**Sen. Nyamu:** Thank you, Mr. Temporary Speaker, Sir. I want to contribute to the Statement by Sen. Catherine Mumma on the spread of cholera across the country.

Mr. Temporary Speaker, Sir, by 6<sup>th</sup> April this year, there have been 97 confirmed cases of cholera with six fatalities. Twelve of these cases are from Nairobi. The cases spread across all our sub-counties; Kasarani, Embakasi East, Embakasi Central, Kibra and Dagoretti South. Cholera is a condition that makes one dehydrated very fast. It causes death quickly.

It is paramount that the Ministry of Health makes very quick response to protect the lives of our people. We need them to give us the latest data so far, because if you search, the latest data was on 5<sup>th</sup> April and that is over a month ago. We need to know the measures they are taking to make sure that these outbreaks of cholera are not recurrent. As you can see, the counties in question are the usual suspects, with Nairobi having recurrent outbreaks. Every time there is an issue, Nairobi is always featuring.

We would like to know what the Ministry is doing to ensure that cholera outbreaks are a thing of the past. We need to know what they are doing about sanitation and cleanliness in common areas and in our informal settlements, because we know it spreads very fast on contact. What are they doing about the people who have been in close contact with the ones who are already infected? Also, what are they doing to make sure information is out there that we have cholera? What sensitization are they doing to the citizens?

Thank you, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Senators, lastly, on comments and statements, I will allow Sen. Wambua to make his last comments. Then we will move to the next business on the Order Paper.

Proceed, Sen. Wambua.

**Sen. Wambua:** Thank you, Mr. Temporary Speaker, Sir. I will be brief and comment on the statement you read as the Chair of the Justice and Legal Affairs Committee.

I have keenly listened to colleagues making reference to the process of appointment of the new IEBC commissioners and a reference has been made on competencies. However, from where you sit as the Chairperson of JLAC, if and when this Commission will be set up, you have an opportunity to ensure that the provisions of Article 249 of the Constitution are fully implemented, beginning with this Commission.

A few minutes ago when we convened in the Senate, there was talk about the place where this institution, the Senate, has been pushed by the PSC and by extension, the National Assembly. Even in instances where there are clear constitutional provisions on how we should transact business as Parliament, and as a House, we have not fully pulled our weight.

On the matter of the budgets for constitutional commissions and independent offices, the Senate must have a say. It is clear in Article 249(3), that Parliament shall allocate adequate funds to enable each commission and independent office to perform its functions and the budget of each commission and independent office shall be a separate vote. This means that when it comes to the budget-making process for all the constitutional commissions and independent offices, the Senate must be involved.

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Mr. Temporary Speaker, Sir, on this matter, I plead with you, as the Chairperson of your Committee and the Chairs of the other committees where you have independent commissions, to ensure that in the budget-making process; from the beginning to the end, the Senate is part of that process. That means we begin to occupy our rightful space in the legislature of the Republic of Kenya.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Sen. Wambua.

Hon. Members, that brings us to the end of comments to the statements. I direct the Clerk to call the next order.

## **BILL**

### *First Reading*

#### THE SOCIAL PROTECTION BILL (NATIONAL ASSEMBLY BILLS NO.12 OF 2025)

*(Order for First Reading read - Read the First Time and Ordered  
to be referred to the relevant Senate Committee)*

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Members, Order No.9 had previously been called out and a vote was carried. I therefore direct that the next Order be called out again.

Sorry, for purposes of the convenience of this House, I will defer Order Nos. 10, 11 and 12 because these Bills are for division and we do not have the numbers for that.

## **BILL**

### *Second Reading*

#### THE PROVISION OF SANITARY TOWELS BILL (SENATE BILLS NO.7 OF 2024)

*(Bill deferred)*

## **BILL**

### *Second Reading*

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

*(Bill deferred)*

**BILL***Second Reading*

THE SPORTS (AMENDMENT) (No.2) BILL  
(SENATE BILLS NO.45 OF 2024)

*(Bill deferred)*

**The Temporary Speaker** (Sen. Wakili Sigei): Clerk, call Order No. 13.

**BILL***Second Reading*

THE CREATIVE ECONOMY SUPPORT BILL  
(SENATE BILLS NO.30 OF 2024)

*(Sen. Oketch Gicheru on 7.5.2025)*

*(Resumption of debate interrupted on  
7.5.2025 – Afternoon Sitting)*

**The Temporary Speaker** (Sen. Wakili Sigei): When the House rose on 7<sup>th</sup> May, 2025, Sen. Eddy, who is the Mover of this Bill, was on the Floor. Sen. Eddy, you have 53 minutes to continue moving your motion. Please proceed.

**Sen. Oketch Gicheru:** Mr. Temporary Speaker, Sir, I am a very focused Senator and you should assist Sen. Cherarkey to understand that and part of focus is consultation. I would like to appreciate the Very Important Person (VIP) in the House, Sen. Crystal Asige, who has been important in terms of helping out with this Bill. Right from the time I conceived the idea, Sen. Crystal Asige has been available for consultation and given a lot of feedback in it.

I was also blessed by the fact that Sen. Asige, who was a member of the Committee on Tourism, Trade and Industrialization, looked into this Bill. We spent a lot of time together with Sen. Asige, the former Chair, Sen. Seki, the good Senator, Sen. Montet and Sen. Okiya Omtatah. They are among the people who helped me a lot when I went to that Committee last year.

Mr. Temporary Speaker, Sir, even in this reorganization of committees, it would be good to say that Sen. Essy Okenyuri has been important in helping with input on this Bill, as well as the Members of the reconstituted Committee on Tourism, Trade and Industrialization, which is led by Sen. Issa Juma Boy. In my view, this is a great Bill because of that consultation and input, considering it is a Bill that seeks to find a long-lasting solution to what creatives are facing in this economy.

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Mr. Temporary Speaker, Sir, the first problem we found was that when people think about creatives, most of the time in our economies and because of culture and sometimes a lack of understanding of the opportunities that lie in the creative industry, people in the creative industry are sometimes seen as people who did not succeed in the traditional modes of survival. Among them in the academic world include things like studying engineering, law, medicine or generally not being able to go to school.

*(Technical hitch)*

There has not been a profound investment in making sure that the people in our economy can understand that, firstly, the creative industry is so vast beyond just the idea of music, film and sometimes performing arts. Secondly, there has not been a pronounced investment in making sure that our children understand that the creative industry is also where you can make a long-lasting and a professional career.

Thirdly, there has not been proper investment in creative industry. Creative industry has not been made commercially viable to a point where our young people can make economic well-being from it. I am not only referring to young people, we also have older people in the arts craft. We have older people who publish books yet there is no big investment in the business case.

This Bill first seeks to change the attitude and mindset that creatives is a place that people go to as a last resort. That change of attitude will start to happen when we, as a House, move issues affecting creatives from the Ministry of Gender, Culture, the Arts and Heritage to the Ministry of Investments, Trade and Industry. In that Ministry, a business and career case can be made for the creatives.

Secondly, a number of laws have been drafted to respond to the problems of creatives. I will just mention some of them due to pressure of time because I do not want to monopolize the conversation on this Bill. I also want to hear from my fellow Senators. There are overarching issues that creatives face in the industry. Those issues are at times difficult to deal with just by simple aspect of laws. This is because people write laws that are not sensitive to the industry. I will mention some of those issues quickly.

First, we have the issues of royalties. How are creatives earning in the creative industry? We also have the issues of intellectual property rights. How are creatives ensuring that copyright laws are up to date not only to the local changing environment, but to the emerging complexity at a global stage?

Next is the issue of distribution. Creatives are paid on content distribution. How are issues of content handled by law to make sure that creatives do not lose in terms of ownership of content? How do we ensure that they earn from that content?

Lastly, I will address the issue of contracts. How are creatives supposed to handle legal binding documents to ensure that they are not exploited in the course of producing, selling and earning from their sweat the product that they have developed in the creative industries?

Digital disruption has made it impossible for young and older people in the creative industry to find a way of having transparency and efficiency in collecting their royalties. The payment systems are very complex and where they are not complex, the

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multi-faceted nature of jurisdictions makes it impossible for creatives to get more money or adequate resources that are commensurate to the products that they give in the marketplace.

The industrial policies that affect collaboration as well as technology across our borders are generally ambiguous and vague. In Ireland where Facebook is based, our laws do not apply hence we have no power to make sure that our creatives can earn from such a place.

I have come to learn that there are constant reviews on legal frameworks and multi-stakeholder engagements emerging all over the world. Our creatives at times find themselves in platforms made in the United States of America and China and the legal frameworks in those countries are so complex. The constant reviews cannot happen when you pass one law that deals with issues of royalties.

If you look at royalties in the music industry, you will realise that there are many intermediaries that affect how creatives end up earning. We have many record labels, publishers and performance rights organizations within our borders. This makes it difficult for young people in the music industry together with those in other industries that have the same intermediaries to get what belongs to them even if you are to pass one single law on royalties.

Mr. Speaker, Sir, in music, film and performing arts, one is paid royalties according to rates, but the complexity of calculating those rates becomes a big issue. When calculating the rates, you will hear one talk of performance metrics, mechanical calculations or synchronization royalties, which is popular in music. At the end of the day, one does not know if the metric being used is fair enough for the industry in the field. At times, we do have what is called the medium of consumption. That is how people are consuming the piece of art that a creative has put in the market. That is what then determines the rates. This is complex and one law cannot deal with it because it will keep on changing its face.

I once looked at the accuracy of metadata in songwriting credits that people use to pay musicians. The nuance in Kenya is complex to a point that people who pay creatives do not consider those kinds of things. Due to that complexity, we end up with delayed payments of the performing artists such as musicians. There is always delayed payment for the product that they have given out there.

There are cases where a model works for a firm and her picture is then placed on the billboards just for her payment to come six months down the line. In some cases, the payment comes one year later when the product that they worked for is already out of the market. The litigation of those kinds issues are many in our borders that it affects the kind of money or business case that a creative can have in this industry.

I have not talked about fraudulent activities and accounts that emerge with the coming of technology. Think of the impact of streaming music and performing arts. Look at somebody like Churchill. He can do his production today and before you realize, somebody will be streaming it somewhere or will develop a CD. Our laws cannot fathom and control the kind of fraudulent activities that happen.

Think about the cover songs that people have in simple TikTok or Facebook products and they do not pay for. They use them freely yet it is a piece of art that

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somebody made an effort to produce. The complexities within our borders coupled with global discrepancies emerging all over the place makes it difficult for our artists to make a business case and commercial viability in this industry. The complex legal systems, costly issues on multi-rights as well as multi-territorial laws also do not help the artists.

I can go on and on. We have the same problems when it comes to distribution. Marketing and promotion of the products of creatives is limited because of the capacity of young people.

Mr. Temporary Speaker, additionally, high distribution costs, piracy, illegal downloads and content ownership issues further puts the creative industry in a mess. As a House, the solution should focus on empowering creatives by providing a platform for professionalism, business development and, most importantly, returns on investment. This Bill proposes that the nexus between Government policies and the creative industry must be industrial in nature. It advocates for a platform where creatives control industrial policies themselves. Therefore, it is time for the country to establish a Creative Economy Council, allowing creatives to take charge of industrial policies that will, in turn, inform Government policy.

How will this work? It will be achieved by allowing all multi-sectoral guilds within different creative clusters to elect their own leaders to join the council, take control and change leadership as they see fit. The council will be financed and given power of control by the relevant ministry, which we propose to be the Ministry of Trade Investment and Industry instead of the Ministry of Culture, the Arts and Heritage, where there is no strong business case. For example, in the music industry, clusters within the sector can nominate their guild leaders into the council. Similarly, the publishing guild can nominate its cluster leaders into the council. Performing artists can nominate their leadership into the council, as well as the craft sector representatives.

With these nominations, members will establish the council's term of service among themselves. The council will be responsible for formulating industrial policies that cut across the creative sector issues, including royalties, distribution, copyright, intellectual property and contracts. This will ensure standardization and strengthen the business case for creatives across the board.

Mr. Temporary Speaker, the ministry responsible for ensuring the council functions will also have representation within it. This will ensure that Government investments in the council are utilized appropriately, in accordance with the law. It will also support the establishment of regulations that enable the council to serve creatives effectively.

The crux of this Bill seeks to empower the creative industry to influence and produce industrial policy, which will in turn inform Government policy for the first time. Beyond that, the creative council will directly invest in creating incentives for creatives to join and receive support from the council. For instance, today, when a young person wants to become a musician, where do they get automatic support? In this country, there is no venture investment framework that allows music start-ups to access financial or other forms of support.

This council will ensure that any young person entering the creative industry, whether in the arts and crafts, music or the performing arts cluster, does so knowing they

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have its support. The council will provide resources to support training and capacity building.

Mr. Temporary Speaker, I have heard of several instances where Kalenjin, Luo, and Kikuyu artists have approached their representatives, requesting assistance to purchase a piano. I am sure that even my friend, Sen. Cherarkey, has encountered situations where an artist shares their struggles of being invited to perform as a comedian to Churchill Live Show, but lacks fare to travel to Nairobi, or a musician unable to buy a guitar. Similarly, a talented filmmaker or photographer, passionate, well-trained and composed, may struggle to afford essential equipment like a camera worth Kshs80,000.

There is a need for a framework where the Government provides support and investment for creatives, ensuring a viable business case for their entry into the industry. We propose that funds currently allocated to the Ministry of Culture, Arts and Heritage for general support, without clear accountability in terms of vote heads, should instead be directed to creatives through the council. This would allow creatives to identify their own challenges, empower their peers and invest in their industry. This will ensure that when a creative seeks support, it comes from within their own community. This is what this Bill proposes.

Since everything I have outlined is already well articulated within the Bill, I would like to listen to my colleagues rather than continue speaking further on this matter. However, I must emphasize that the creative economy sector contributes so much to Kenya's participation in the global economy. The skills and products in this sector transcend borders, leaving no doubt about its significance.

If a council controls industrial policy, it will inform our policies as Government leaders, ensuring engagement with emerging opportunities in the creative economy. I would like to illustrate this. I know that Sen. Cherarkey, as a lawyer, may want to contribute to this discussion since he is in the House.

Let us consider the manufacturing sector. For example, Kenya may lack the capacity to manufacture ketchup, and it may be best produced in South Africa. However, with strong industrial policy informed by creatives, young graphic designers could be involved in branding. Instead of solely importing ketchup, we could require that local graphic designers brand the product, enabling them to earn from its retail price. It is possible. Currently, this does not happen because creatives do not control industrial policy, making it difficult to identify related industries that could support their livelihoods.

Mr. Temporary Speaker, I have visited buildings in this country where lifts are imported, but the voiceovers announcing floors are in Chinese. In creative industries, this is known as voiceover work. Why not import lifts without the voice overs and allow our young people to create localized voiceovers in Kiswahili? They can do the voiceovers in Kiswahili and tell us, and I quote, "*Unaenda orofa ya kwanza, ya pili au ya tatu*". They can even speak in sheng.

This is just an example. I can give you more and more. There is need for persons in the creative economy tailoring voiceovers to various sectors such as production, manufacturing, education and media. Every mainstream sector consumes creative products. However, it is difficult for creatives to profit from them because of lack of

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commercial viability or business case for those creatives. This Bill is the first one that appreciates that there is an increasingly hyper connected world where the creative industry is quickly outpacing other sectors of the economy by making sure that hands of all the creatives are in all the possible industries.

Therefore, I invite this House to support this Bill that seeks to make the creative industry a true economic industry. Let it have its own council, which should be semi-autonomous and run by the creatives themselves. Let those creatives inform industrial policy that will enable Government support be curated to the creative industry.

It should be focused on empowering to make sure that if we have to tax the creatives, we do so because they earn what is commensurate to their arts or creativity. They can contribute to our Gross Domestic Product (GDP) by creating employment opportunities which are not just periodic and seasonal, but permanent, sustainable and long-lasting, because they have been mainstreamed into our production sectors. That is what the Bill is about.

With that, Mr. Temporary Speaker, Sir, I beg to move and request my good friend, Sen. Mungatana, to second this Bill.

I thank you.

**The Temporary Speaker** (Sen. Wakili Sigei): Proceed, Sen. Mungatana Danson.

**Sen. Mungatana, MGH:** Mr. Temporary Speaker, Sir, I want to thank Sen. Eddy Oketch, the Senator for Migori, for moving this Bill in a very able manner. Every time I listen to Sen. Oketch, it renews my hope that as we grow older, this country is going to be in good hands. I thank the people of Migori for this young gentleman called Sen. Eddy Oketch.

I attended Jamhuri Day celebrations in Hola, the County Headquarters of Tana River County. The Governor and the County Commissioner were there. As it is always the tradition, there were traditional dancers; very nice performance by the women.

*(Sen. Abass stood in his place)*

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Abass, you are out of order. Please, comply with the Standing Orders.

*(Sen. Abass sat at his place)*

**The Temporary Speaker** (Sen. Wakili Sigei): Very well. Allow Sen. Mungatana to proceed.

**Sen. Mungatana, MGH:** Mr. Temporary Speaker, Sir, we attended Jamhuri Day celebrations in Hola Stadium. The Governor, County Commissioner and I were there. While there, a most interesting thing happened. After the performances by our incredible traditional dancers - very nice dancing by the women and even some of our communities living in Tana River - a lady leading one of a nicely performing traditional dance group held the microphone and I quote what she said: “*Sisi hatutaki kutumiwa vibaya. Mambo ya kulipwa 5,000 hatutaki. Tunataka kila kikundi kilipwe 20,000.*” In interpretation, they

were making it clear that they want to be paid Kshs20,000 for the performances per group and not Kshs5,000 because it is exploitative.

The Master of Ceremonies (MC) took the nod from there. As he was making his announcements and whatever, he said: “*Bw. Gavana, hata sisi ma-MCs msitusahau.*” Those who perform as MCs and traditional dancers are creatives. They said that they are being exploited, but they need to be given a proper rating card. This Bill is an answer to those concerns and I am happy to be the one seconding it. It is a practical thing because I have seen it happen. As you all know, what we normally do is to join traditional dancers, dance with them and give them some money. That is not sustainable to the creative economy in our counties. We need to do something about it.

How do we rate traditional dancers and how much do we pay them? How do we rate our MCs and how much do we pay them? How do we rate our local DeeJays and how much do we pay them? How do we rate our acrobatic dancers when they come to dance before us and how much do we pay them? What about those who have the ability to make drums speak to us? The drums are beaten in such a way that you feel sad or happy. The drums are able to communicate. How much do we rate those creatives and how much do we pay them? In our community, we have what we call *ngware* songs. That is a very emotional kind of singing.

I happen to be a patron of that group. This is not for young people, but those who are old. People sit throughout the night and sing in a certain way. They sing about their old achievements like how they met what you call your grandmother. They speak about days of valour like how they went to hunt crocodiles and hippos and how they fought in tribal wars. They speak about those great and mighty days like how the land was so beautiful and how it used to produce a lot. The fish were not as small as they are now. They speak about what used to come out of the land. The food was a lot and coconuts were bigger. *Ngware* songs are not written; they are passed from generation to generation. Those are creatives. How do we pay them?

This Bill is an answer to what we have been experiencing within our counties and what needs to be addressed now. This is a good attempt at creating a system that will recognise creatives and make it possible for them to earn a living from what they do best.

Mr. Temporary Speaker, Sir, creative economies are not restricted to our counties and in Kenya alone. In Europe, they are known as cultural economies. Some refer to them as cultural industries. In Latin America, they are known as the orange economy. Here, we refer to them as the creative economy.

This Bill is about supporting the creative economy. What are we going to do to make people reasonable earnings from the creative economy? This is a good Bill.

I also want to thank those who have started doing something even without any form of legislation. What *Citizen Television* does through the *Skiza Tunes* is that they use songs by artists who tell people to subscribe because it is good for them as an industry. We want to pay tribute to those who have gone before, those who are doing something and those who are helping our creatives to start earning money. Some of the stations like *Citizen Television* have started to show the way. This law is a good step because it will crystalize the thinking behind helping our people to earn a living in a legitimate way.

Mr. Temporary Speaker, Sir, the statistics say that in Kenya, the creative economy is a vibrant and growing sector that contributes five per cent to the Gross Domestic Product (GDP) of Kenya, and it is creating many jobs. There are many young people who are earning a living just because they are able to tap into their talent, do something and earn a living from their innovation.

Mr. Temporary Speaker, Sir, this Bill has proposed many things and one of the things that I like is the creation of a specific fund. Towards the end of the Bill, there is a very good Fund that has been created and it might be the answer. Under Part Three of the Bill and the proposed Clause 20, there is the established Creatives Fund, which shall consist of monies that may be appropriated to the Fund by Parliament, grants, donations, bequests or other gifts made to the Fund.

Mr. Temporary Speaker, Sir, once this Creatives Fund is established, it is going to help many artists and creatives within our counties, to come up and support themselves, even as they wait for their songs to become a hit, and as their days of becoming matured actors are continuing. This Fund will help our creatives with the purchase of musical instruments, equipment for production and distribution of creative works. This Creatives Fund is a wonderful innovation.

Mr. Temporary Speaker, Sir, back in Tana River County, we have young men and women who are so talented, and every year, they have an annual festival where, they come together from all over the county. However, they have a constant request; they need equipment, a studio to record and production equipment. This Creatives Fund will help answer these questions that are faced by our people. When this Bill becomes law, our people, who are in the creative industry, will be able to access the Creatives Fund, which will assist them to grow their talent.

Mr. Temporary Speaker, Sir, the Board that is created is the one that is given the responsibility to issue out the monies in this Creatives Fund, in forms of grants to persons in the creative industries, in accordance with a criteria determined by the Cabinet Secretary, by regulations.

Mr. Temporary Speaker, Sir, this is where I would like Sen. Eddy to pay attention. There is need, when we are doing the regulations, we do not leave it to the Cabinet Secretary alone. The Cabinet Secretary needs to be guided in the creation of the rules on how to disburse these funds, that, these funds will be disbursed to all the counties. That requirement needs to go into law, so that the Cabinet Secretary does not disburse only to the county where he comes from.

Mr. Temporary Speaker, Sir, it has become fashionable nowadays for a Cabinet Secretary to stand up and chest-thump that the monies that they have control or access to are doing development in their rural economies. This is why there is need to look at Clauses 20 and 21, so that the Cabinet Secretary who is in charge of the Creatives Fund, will be guided to know that if he has disbursed funds to Machakos County, he should also disburse funds to creatives in Tana River, Marsabit and Samburu counties.

Mr. Temporary Speaker, Sir, if this is not done, we might have a situation where the Cabinet Secretary only disburses funds to people within the big cities and counties. You will be hearing that it is Nairobi City, Mombasa, Nakuru, Kisumu and Eldoret,

which are getting these funds to the neglect of the creatives who are found within our other counties.

Mr. Temporary Speaker, Sir, if you look at the other very well-thought-out creation within this Bill. That is why I am seconding this Bill. The Cabinet Secretary is supposed to develop Act a credit guarantee scheme for all these artists under this Act. This credit guarantee scheme will allow these creatives, for instance, within Tana River County to be able to, within the scheme, walk into Equity Bank in Hola and present a case and be able to be given money, so that they can build their studio, purchase equipment for photography and production so that this credit guarantee scheme allows proper growth of talent within our counties.

Mr. Temporary Speaker, Sir, there is a board that is created called the Board of the Guild under Clause 8. It says-

“The Cabinet Secretary shall, in appointing the persons, take into account that no more than two-thirds shall come from one gender.”

When we are making law in this Senate, we should be county sensitive. The Cabinet Secretary here must also be sensitized to the fact that when he is appointing the members of this Board, they should be spread across the counties. It is not just a matter of two-thirds being from one gender. Rather, they should be spread across the counties, so that we do not have five Board members coming from one or two particular areas. We want the Board membership to be able to spread across the counties where necessary.

Mr. Temporary Speaker, Sir, finally as I sit, I would like to particularly comment that there is a requirement on the national and county governments under Clause 3, that they must make the fund accessible to people with disability, who are in the creative industry. In Tana River County, we have a young man called Kasuku, who is blind, but has been able to entertain our people through his music and his capacity to make people laugh when he speaks on the microphone. He is able to imitate presidents and important personalities to the joy of every crowd that he goes before. However, he does not have the kind of funding that is required for him to grow. Under this law, there is a special provision that has been made for people with disability to be given access to funds, so that they can develop their talents.

Mr. Temporary Speaker, Sir, I really commend this law. In my opinion, this Bill is a first step towards giving a step to our growing industry within the creative industry, and it is a good thing. The Senate should support it and all of us should speak with one voice on this.

With those remarks, I beg to second.

I thank you.

*(Applause)*

*(Question proposed)*

**The Temporary Speaker** (Sen. Wakili Sigei): I call upon the Members who have made requests to speak to this. I will start with the Senate Majority Leader.

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*(Sen. Cherarkey spoke off record)*

**The Senate Majority Leader** (Sen. Cheruiyoy): No, it is not rigging. Sen. Cherarkey needs to know that there is something called ranking Members in the House.

I have tried to scan the breadth and the length, save for Sen. (Prof.) Kamar, who probably is still acquainting herself because she just came in, there is no other ranking Member who wants to speak ahead of me, so that is why you granted me the opportunity. However, if the Professor wanted, I would yield the Floor without much complaint because of many other reasons, some cultural.

Mr. Temporary Speaker, Sir, this is a very important Bill. The Creative Economy Support Bill, discussions about how to support our creatives and people that work in the creative sector. Part of the challenge that you pick up across the length and breadth of this country is the desire to ensure that the various sectors perform optimally; agriculture, finance, this or the other.

I want to appreciate because I know that since the coming into place of this administration, almost every sector of the economy, we know where it was in 2022 and where it is right now.

If there is a sector that I still feel the Government of the day needs to focus its attention on, it is the creative economy. This Bill by Sen. Eddy Oketch is one of the many ways through which we can ensure that we provide the necessary support to the people that work in the creative economy, so that they earn their bread and butter, they thrive, they excel, and they even bring revenue to this country, because that is how a sector grows.

It starts from bread and butter, ensuring that those that are engaged in that particular activity are able to feed themselves, feed their families and those around them. Before you know it, a sector blossoms to the point that you are able to export it and earn the much-needed foreign exchange by whatever means.

Perhaps, many people will wonder how we will support to the creative economy earn foreign exchange to the country? What they do not appreciate, is that by nurturing talent in this sector, we are able to produce men and women who are able to go to the different parts of the world earn and bring whatever they have earned from those corners of the world, back home here, repatriated in the form of investments back at home.

Therefore, it is not a waste of resources when we invest in the creative economy, this is where the future is. Just like in the digital space where Kenya is a continental leader and a respected member of the global community in terms of our contribution to the digital and financial sector because of innovations that come out of this country, this is a sector that lags behind. It is not because of lack of talent. We know that there are many talented people in this country who can compete with the very best, whichever spectre of the creative economy that you can think of, from filmmakers to actors and actresses, various thespians, musicians, and producers of different things. What they lack the most is a channel through which they can access support to grow to the next level.

The second and most important thing that they lack is a conducive environment for which they can ply their trade. Remember about two or three years ago, how you would find young people being arrested in this town just for practicing photography. It

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had to become such a big discussion until many leaders became aware of the young people that are earning their bread and butter from photography and filmmaking, to being allowed now to practice without any hindrance. Therefore, provision of a conducive environment for those in the creative sector is one important aspect; those two things.

I know Sen. Eddy has worked on this Bill with the help of a common friend of ours, Mr. Ezekiel Onyango, a former schoolmate of mine, a friend to Sen. Eddy and currently a PhD student at the University of Manchester, studying about the creative economy and the contribution that this sector can make to our GDP.

Part of the contribution he has given you are those two extremely important ingredients, which, if we were to get right as a country, and that is what is being done in this particular Bill, providing the platform and setting a conducive environment. Conducive environment means sometimes even just Government getting out of the way. It is not just about whatever you require that the Government needs to do this or the other. Just do not stop us from doing what we want to do.

That is being provided for here in the Second Part of the Bill, where Sen. Eddy speaks about the creation of this guild, what he is referring to in the Bill as a title, which I do not want to miss. It is the Creative Industry Guild in Part Two of the Bill, where it is an advisory board that guides on the creation of regulations and policies that help this particular industry thrive.

There are many parts of this world, that today their economy is anchored actually on the creative economy. There are parts and cities that are known for nothing else other than the contribution of either music, film and so on and so forth, many things that you can think of as production, including painting and any contribution of a creative mind.

It is possible to have so many people attracted to the policies of that particular part of the country, the same way you find, say, budding techpreneurs, troop to the Silicon Valley because of the presence of other creatives, mentorship, financing opportunities and many other things that make an environment conducive enough for somebody to want to work from there.

It is possible to turn this country to be the maker of the creative industry in Africa. That particular friend that Sen. Eddy and I share has written tonnes and tonnes of papers on how Kenya can be the next frontier for the creative economy.

It is my sincere hope, Sen. Eddy, that with the passage of this Bill and the creation of this creative industry, such men and women with that level of competence can help to share their ideas and dreams on how Kenya can tap on this industry, so that we take it to the next level.

Part of the challenges that all global economies face is over-reliance on certain traditional industries. You know, for a fact, for example, where you and I come from, we have over-relied on tea. It is until we are able to point our young people who do not want to wake up at 5.00 a.m. to go to the tea farms and create for them a conducive environment in the creative economy space, that they see this as an avenue through which they can express their talent and earn a living and secure a future for themselves and future generations, because it is possible.

There are many people that we know. During the last visit of the President to the USA, I accompanied him and we visited the Tyler Perry Studios. When you see the level

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of investment that has been put in such a facility, then you understand and begin to appreciate that we are joking here by squeezing our creatives at the National Theatre, a very small, crowded, neglected space and very little incentives to them.

I hope that when this guild is created, the first duty will be to advise the Cabinet Secretary on the review of the formulation of policies and legislation relating to the creative industry.

I do not think this is something that we even need to wait for this law to go through the rostrums of Parliament before we can do some of these things. There are many parts of the world, Indonesia, for example, that have appreciated the contribution of the creative space into the economy. They have set up an entire ministry that just looks out after this.

People sit and they analyse the much they have earned from tourism. They continue investing in that sector so that it gives us this much. They know it has an optimal level beyond which there is nothing you can do. They know we earn this from the agriculture sector or even manufacturing. People sit down and crack their minds on what other sectors can thrive and make our economy work better. There is no other that presents a low-hanging fruit than the creative economy.

I urge colleague Members to take the time to read and support this Bill. Let us expedite it so that we are able to give to the citizens of this Republic a piece of legislation that enables them to ply their trade and flourish, the way other parts of the world have allowed their citizens to exercise their talent, earn from it and employ others.

One successful individual can employ tens of others just by the very act that we have supported them and allowed them to do many of these things. There are people who continue to troop to this country because of the beauty and the talent that exists in this Republic to make their contribution and earn a living out of this.

Mr. Temporary Speaker Sir, it is my sincere hope that we shall come up with policies, Sen. Eddy, that will protect their talent, intellectual property, and contribution.

It was interesting listening to Sen. Mungatana complain about what happened during that event in Tana River. I want to remind him also that he has failed because a few months ago, I asked him to bring to me the singer of that very famous United Democratic Alliance (UDA) Party national anthem from 2022. I know that they came from Tana River. I had asked because I saw a clip of them complaining somewhere.

I had challenged you, Sen. Mungatana, that you bring them to my office, but up to now, you have not done it.

**The Temporary Speaker** (Sen. Wakili Sigei): What is your point of information, Sen. Mungatana?

**Sen. Mungatana, MGH:** Mr. Temporary Speaker Sir, the discussion we had with my good friend, the Leader of Majority, was that we should in fact look for the young lady and do something for her, which we did. It was not to bring her to you, but if you want, we can make her available to you.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Temporary Speaker Sir, that a very dangerous statement to be left on record, where he says he wants to bring her to me. That was not the request. I thought, first of all, that song was sung by a team, a lady and a gentleman, not a lady alone.

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Sen. Mungatana, we had requested that given the contribution that that team from Tana River made to the UDA party, it would be proper for them to be properly recognized.

Probably, if there was a misunderstanding, then I want to make it now properly to you, Sen. Mungatana, that those young people need to be recognized by our Party. Between you and I, we can get them to the party headquarters and have them listened to on the exact kind of reward they expected from us when we formed government.

The point I was trying to make overall is the reward for the works that creators make. There are many other people that make this kind of contribution. I know, for example, there is a young lady from my county that sang a very important anthem that propelled Jubilee to power in 2017 across the Rift Valley.

We visited her a few weeks ago, and she kept on saying that the challenge with especially the political class is that there is no good value for the content that they create. That lady, for example, sang to me back in 2015, my first campaign song. I have since had other songs done to me by other musicians, but unfortunately, this still remains to be the favourite.

How do we compensate for intellectual property such as that? We do not have sufficient legislation or a premium. Many of them, due to poverty, sing sometimes for as cheap as Kshs10,000 or Kshs20,000, and it propels a brand, either of an individual, a company or product, yet, they do not get sufficient reward.

This Guild needs to set the policies and standards of how that such people can be compensated. I know there are other institutions that do that job, but there is need for modern thinking, Sen. Eddy. I hope that the Guild will be able to facilitate the creative artist in doing those kinds of things.

I congratulate Sen. Eddy for his industry and ensuring that he remembers a key segment of our society. We will be serving well when we succeed to pass this Bill, get it through our colleagues in the National Assembly, get their input and funding, and move it on to the next level.

I support.

**Sen. Cherarkey:** Thank you, Mr. Temporary Speaker Sir, I support the Creative Economic Support Bill 2024. I wish it had been called The Creative Economy and Innovation Support Bill, 2024. I hope at the Committee of the Whole Sen. Eddy should allow us to amend.

Before I make my comments, pass my deepest condolences to one of the secular, legendary musicians from the Kalenjin Community called Solomon Manori, who just passed on the other day. My condolences to the family and friends for the untimely demise.

When the Kenya Broadcasting Corporation (KBC) used to broadcast from Kisumu, his songs were synonymous with it alongside Kipchamba and many others who have done their job.

I did not see in this Bill how to celebrate them even by naming places, roads or Government buildings after them both county and national, because they are doing a great job. They have given us a name. Even the people who sang the national anthem gave a lot to this country.

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Mr. Temporary Speaker, Sir, after stressful campaigns, engagement with the people in harambees and funerals, when you get into your car, you listen to some songs. You scroll through *TikTok* and you see what is happening.

Nowadays, it is no longer fashionable to watch traditional news at designated time. You already get that news live. For us who have received Christ as our personal savior, I normally put the song of Joyce Langat, who I think comes from your county, and I get blessed and encouraged after the rough terrain of politics, especially after a meeting or so.

I am happy that the President has pushed for monetizing of the content creation, especially in *TikTok*, *Facebook* and *X*, among other social media sites. Entertainment is one of the relaxing opportunities. In 2021, according to Kenya National Bureau of Statistics, Kenyans spent a whopping Kshs278 billion in entertainment. So, there is money.

Mr. Temporary Speaker, Sir, you are aware that 35 per cent of our population is young. As per the statistics of 2022, 2.9 million Kenyans are without a job and most of these are young people.

The only way is no longer traditional blue or white collar jobs or farming, but to give them opportunity to use the creative economy to place themselves. I am happy I have heard the Mover of the Motion, Sen. Eddy, speaking about the royalties that are being paid through Music Copyright Society of Kenya (MCSK).

We have had similar complaints. I remember there is even a Kalenjin, Kamba and a Luo Music Association group that I saw. One interesting thing is that these musicians or content creators are not poor. I saw Prince Indah in Migori doing a grand wedding. I am told the influencers and the rich in this country spend up to Kshs40 million in weddings. An average wedding now is Kshs1.5 to Kshs3.5 million. Most of it, apart from attire, is spent on procuring the venue and food, one of the critical things is entertainment. That is why you will invite maybe MC Japhe or DJ Nosh, and they will mix a few songs.

I think there was a famous Kalenjin musician called Rhino Kaboom, may his soul rest in peace. If you had an opportunity to invite him, he would ensure there is '*Kaboom*' in the wedding. They earned their money. I am told, apart from photography and videography, which is Kshs150,000, they are paid up to and above Kshs50,000 or Kshs60,000.

Similarly, there is a famous MC who used to work in Kass FM, called Excellency Kemei. He is paid up to Kshs60,000. Sen. Eddy, most of those in the creative industry are being paid more than a P1 teacher. There is a guy called Probox where I come from. I think he comes from Kericho. They are being paid Kshs50,000 per MC for a normal wedding; what about the corporate? Therefore, there is money. I want to challenge the young people.

What I am happy about Sen. Eddy is, he has proved to be very sharp in this session, and grown in leaps and bounds. Courtesy of the Broad-based Government, he is now a Chairperson. I saw him behaving like a Chairperson over the weekend, which is very good because he is bringing the dignity of House as the Chairperson of the Committee on Roads and Transportation.

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

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

He has become a Chairperson. I remember, after the first Senator in the last session passed on when he was fighting with the current governor, we were excited to have the young man who was supposed to come. Nonetheless, I am happy God has been gracious to him. These are the real issues. I want the young people across the country to celebrate and appreciate Sen. Eddy for this serious trade mark, so that we do not appear like we do not talk about youth issues.

This Creative Economy Support Bill is one of the life-changing Bills. It is bringing order and sanity with this creative economy for the young people. The biggest beneficiaries will be the young people. Whenever I walk into the village during the weekends, young people will ask me, ‘*Mheshimiwa*, we have not heard you speaking about youth issues.’ This is one of the youth issues we are discussing.

We want to bring order and sanity within the creative economy area. Therefore, I want to propose that for startups, we need to do tax exemptions. Likewise, in sports industry, we have been pushing that the awards that the athletes win outside the country, must be given tax exemptions. They are subjected to double taxation because *Facebook* or *Meta* Company taxes them. Why is it that the Kenya Revenue Authority (KRA) wants to tax them again?

We need to give them tax exemptions according to the principle we use for the sports and athletics, where we say since our award has been taxed in the winning country, there is no need for the KRA to come and tax again.

I am happy with this issue of royalties. At least, our musicians or artists are now living in dignity. I want to challenge Sen. Eddie that even as we propose this Bill, we must audit the Music Copyright Society of Kenya on royalties. People like Joel Kimeto have sung for long, Sweetstar. There are many of them like Chelele and Kipchumba, may their souls rest in peace. We even have what we call Kaptel Moran dancers who are invited to state functions and they are only given Kshs10,000 or Kshs20,000. It is embarrassing after enjoying their songs.

Madam Temporary Speaker, I am happy the President mentioned that going into the future, we will get cheaper phones. When you walk around the National Archives here in Nairobi, especially on weekends, you will find young people using drones and their phones in shooting. Therefore, I am requesting that we zero rate the cameras, phones and videography, so that our young people can shoot some of these short videos to upload on *TikTok*, *Facebook* and *Twitter* and ensure that they earn something.

One of the things that we were taught in the Literature Class, was that this is *Kioo cha Jamii*. Allow me with your indulgence to quote that. Nowadays, we have changed the literature aspect of passing a message through the *TikTok*, *Facebook*, *Twitter*, and *WhatsApp* or *X* as people prefer social media. While we appreciate that young people have been given opportunity to shoot within the city without harassment, we want to see that applied in most counties.

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We want to request county governments, although I have not seen it in this Bill - I hope Sen. Eddy will look into this - let us allow the young people to record the short videos across the country and even pictures without necessarily being subjected to police harassment or enforcement officers from counties.

I want to request the young people to shoot these videos. They should record to educate, entertain, encourage and bring the unity of the country. We do not want this to be used as an avenue to incite and destroy the social fabric of our nation. We also want to discourage the content that might not be palatable, like pornography issues.

Madam Temporary Speaker, this county is funny. You say something on the Floor of the House, and if somebody somewhere is uncomfortable, they just share your number and say, 'inject.' The Data Commissioner of Data Protection Commission must protect Kenyans. Severally, I have been a victim of that. The people who send the messages will use *WhatsApp* and they will SMS you very bad insulting messages.

I want to challenge the Data Commissioner and Data Protection Commission. We have the Bill in place. They must protect us and Kenyans. Somebody cannot wake up and share the number of Sen. Omogeni in *Twitter* or *X* and say 'inject.' They send you messages the whole night. Consequently, your spouse might think you are the one doing it, but somebody is harassing you somewhere. They are stalking you.

I support the Government that all social media like *Meta*, *X* or *Twitter*, *TikTok*, among others establish their physical offices in Nairobi or in Kenya, so that accountability and transparency can be upheld. By the fact that on *X* accounts, somebody posts and says, "Speaker Mumma, this is her number, inject," what are they injecting? In fact, they are injecting the wrong thing. They are not even sending you sensible things. They are even sending Kshs1 bob to your M-Pesa line, which borders harassment.

We have moved from physically harassment to harassment through the technology on our phones. Therefore, I request that young people, as they use this forum, to bring order. I did not see the offences, Sen. Eddy. I hope one of the offences is that this scheme should self-regulate and ensure young people do not abuse this space. We want this space even as technology grows. This is a digital and information era, but let us use it for the betterment of this country.

I celebrate YouTubers. They are 'eating' well. People like Njugush, Crazy Kennar, Flaqo and Mungai Eve. I do not know whether she broke up with the boyfriend, and the *YouTube* account died. There is also Butita and Obinna. Therefore, these are young people. I know when I say this, my generation will understand what I mean. I know our Clerk Assistant Kavata is aware of this because she is in our generation, therefore, she should be able to understand.

*YouTube* has been monetised and I want to give numbers. When you have one million views, you earn between Kshs100,000 and Kshs150,000. It is so beautiful. Which P1 teacher earns Kshs100,000 to Kshs150,000? We must regulate this industry, because this is where there is gold mine. Leave the Kilimapesa in Migori, this is where the gold mine is.

Madam Temporary Speaker, can you imagine if you have one million views by just sitting in your house, you are earning Kshs150,000. Additionally, even on *Facebook*,

for a thousand views, you are getting between \$8 to \$20. That is the aspect of monetising the process.

If this Bill becomes law, it will be one of the greatest legacies of the Fourth Senate, courtesy of the Chair of the Committee on Roads and Transportation. The young people who are frustrated and do not have opportunities, the 35 per cent of the youth population and the 2.9 million Kenyans who do not have opportunities, will always be grateful. I am happy that the future of young leadership, courtesy of Sen. Eddy, looks very bright and the young people should feel encouraged.

Madam Temporary Speaker, they should not feel frustrated, even as we move around. That is why the President is moving for labour mobility and apart from that, traditional jobs. I did not see, and I hope Sen. Eddy will look at this, that the Government is pushing for the establishment of 290 digital hubs. I propose that we should establish digital hubs at the ward level, so that the young people can walk to where Internet is and work on online jobs. That will give them opportunities and protect the creative industry, even in innovations. That is why I was proposing that the Creative Economy Support Bill should read as the Creative Economy and Innovation Support Bill.

Madam Temporary Speaker, how do we support the young people? I met an artist the other day in Tinderet, and he was only requesting for Kshs10,000 to record a song. Why are we reducing our upcoming artists to beggars? There is a guy called Malot; I think he is from Kaptagat. He is a young man and he is struggling. He wants to record a song and share. Nowadays, it is very easy. You record and release it online, maybe through the *YouTube*, and you get your views; and with monetization, you will get your money. Therefore, apart from labour mobility, what is important is the establishment of digital hubs across our country.

I have seen the role of PWDs in this Bill. I encourage us to give more attention to the issues of PWDs in this country, so that they can have opportunities going into the future. I do not know how we should marry the issue of content creators and the role of PWDs.

There is the aspect of punishing and I have seen these incentives. Apart from incentives, the last point I wanted to make is that there will be appropriation of money from Parliament. There is also the aspect of intellectual property.

Madam Temporary Speaker, in Parliament and especially our colleagues, in good faith, you will introduce a Bill and you take it to the National Assembly. They write back and say it is a money bill. Then before you know it, someone in the National Assembly publishes. Is that not plagiarism? I hope they will not sabotage this Bill and then before you realize it, reintroduce it in another form and shade, but with the same content. Even as we protect intellectual property rights, we need to ensure the young people have the opportunity of their songs and their creations. We do not want to see plagiarism.

There is Samson Maombi from Kisii. I do not know whether Sen. Omogeni knows this. He sings Adventist songs as country music. There is another person who came all the way from Europe and he wanted to play *lukumba lukumba*. I am happy he had good lawyers. You know, the Kisii Community has many lawyers and brilliant lawyers come from that community led by Sen. Omogeni, the Senior Counsel. Samson Maombi could detect that there was an agenda. The foreigners wanted to finish his songs

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by plagiarism. How do you protect people like Samson Maombi, who has sung Adventist songs in country music tones?

These are intellectual property right, and Madam Temporary Speaker; you are a very senior lawyer in this country. I am happy that you have introduced something called intellectual property rights. There was the issue of shooting. The Kenyatta International Convention Centre (KICC) was closed from Friday to yesterday. We could not access it, and I am told they did dancing waters outside there worth Kshs100 million, but it is dysfunctional.

The PSC Commissioner is here, and we know that the KICC is a landmark used by content creators. He should tell KICC to allow young people to use their grounds because it is a heritage of Kenya. However, the KICC is poorly run. The toilets are pathetic. The corridors are badly lit. You see cockroaches and rats walking around in the KICC, and they dare close KICC because Parliament has not paid them money?

Madam Temporary Speaker, as much as we are telling the Parliamentary Joint Services to pay money to KICC, the people running it should know it is a heritage, like the National Archives. They should allow young people to go up to the helipad and shoot their short videos. That is the least we can do for the young people.

Even Parliament should allow young people to do short videos. We do not need the Gen Z protests for them to access here and shoot videos. We should have an orderly manner on how they can walk into the Chamber with the protection of Serjeant-at-Arms and the organization of the Clerk of the Senate and the National Assembly. Let us open up these spaces for young people to create their content and earn money. That is the least we can do. We cannot create for them jobs. Even for us, we beg for jobs to be here. The only thing we can do is allow them---

**The Temporary Speaker** (Sen. Mumma): Your time is up.

**Sen. Cherarkey:** Madam Temporary Speaker, one minute for me to say that I support.

**The Temporary Speaker** (Sen. Mumma): Okay, one minute.

**Sen. Cherarkey:** Even the Senior Counsel says that. Madam Temporary Speaker, I was saying that even us, the Senators, who are here telling the young people to go and look for jobs, could not employ ourselves. We had to go and beg for a job from Kenyans to be here. Therefore, the least we can do is create an enabling environment for content creation.

With those remarks, I beg to support this Bill.

**The Temporary Speaker** (Sen. Mumma): Sen. (Prof.) Kamar?

**Sen. (Prof.) Kamar:** Thank you, Madam Temporary Speaker, for this opportunity. I will be brief.

Firstly, I would like to congratulate Sen. Eddy Oketch for such a wonderful piece of law. I congratulate him because creative economy is something that has been ignored for many years. The creative industry enables one to use their brains to build ideas into products, to make the intangible tangible but it has not been recognized in most cases. In most cases, you will find that photocopy or copy other people's ideas because you do not know where to go with your own idea.



Recently, I met a young fellow whose idea was to use his mother's telephone for a programme that merges M-Pesa and this would be much better for the banks. This is a Form 4 student. I had to persuade him to go and complete his Form 4 first because he is the boy is brilliant; he gives you ideas. In fact, he was babbling with ideas. I told him that when he completes Form 4, I will give him a mentor. The reason was that I did not want him distracted, but how many parents have stopped their children from being creative because we want to finish the Form 4 first or we want to finish the degree first? There are many.

Our children are extremely creative. I still keep asking because we asked this when I was the Minister for Science and Technology but we did not get an answer. Who exactly came up with the idea of M-Pesa? No one wants to talk about that because banks say it is because of their intellectual property but we had heard of young people who were complaining that they were the ones who came up with the idea. Whether it is true or not, it is another story. This is because there was no protection and there was no law to protect anybody's ideas.

We are grateful that the law on intellectual property rights had arrived. However, this law on intellectual property rights in this country came very, very late, in the late 90s. I remember I was in the University at that time and when we came up with the intellectual property rights, it was one of its kind because no other university had it. We did it to protect the idea of one Professor whose idea was almost stolen by a Belgian because they had the law and we did not have such a law.

I therefore congratulate my colleague because this is going to protect the ideas and it is going to protect the creativity of our people.

Creativity, skill and talent development is something that is natural. It is in the heart of the African behaviour. A few hours ago, you talked of the creativity of beads and what the beads mean. You said that no African woman or man wears a bead that has no meaning. Everything has a meaning, yet nobody has accurately documented the meaning of those beads. The African culture is extremely rich. It has creativity inculcated in it but documentation has not been done and it has not been protected.

The Bill by Sen. Oketch Gicheru will nurture and protect creativity. I thank him for these many Kenyan things have not been protected. In the North Rift, we use a lot of beadwork from the Maasai Community during weddings, especially the cross-cultural weddings. In cross-race weddings, the beadworks are used to identify our girls. We end up using Maasai beads without telling them that those beads are from the Maasai. We do not even discuss where they have come from, yet we know that they have originated from there. These are things that need to be protected, and they need to be built.

When you look at this Bill, you will realize that a lot has not been protected by law. The Maasai beads are not called Maasai beads. We just refer to them as beads. What we do not know is that somebody can discover that loophole. A good example is the *kiondo* which was a product of Mt. Kenya, but it is now called the Chinese *kiondo*. Why did that happen? Is it because we did not know it was creative and a product of indigenous group. The Chinese discovered that we were making *kiondos* and called it Chinese *kiondo*. We could not change that because they had a law to protect it. So, laws like this will help.

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Additionally, I am impressed by the incentives for creativity. The question is: who pays you to think? Who pays you to give an idea? Who pays you to nurture the idea? A young man told me that he was in Form 4 and he has an idea but he does not know how-- - I told him to protect it until he finishes his studies. Who will pay such a child, who has not even finished paying his school fees, to grow their idea to something? This is what this fund is going to do. I am excited that we will have a fund that will help our youth to nurture their talent.

This Bill is timely because we are transitioning from the 8-4-4 system to the Competency Based Curriculum (CBC) system. The CBC system is full of creativity. In the CBC pathways, we have Science, Technology, Engineering, and Mathematics (STEM) pathway, social science pathway, and arts pathway. The Bill by Sen. Oketch Gicheru covers the arts pathway.

Madam Temporary Speaker, have you ever asked yourself how football became an international game? Football was actually an idea of some community. It was a game in a community and it has become international and people earn money from it. Who has stopped us from creating other games that are ours? In Kenya, we are very good in music.

Every community has a unique way of expressing itself through music. It is possible to create an international music festival. The problem we currently face is that our music is sometimes available on *YouTube* without payment. If someone wants to watch a Pokot dance, they can simply click and enjoy it, while the Pokot community gains nothing.

It is important to gather and document our ideas for monetary value. When I read this Bill, I saw that it aims to transform our creativity, skills, and talent into financial and economic gain. I thought this is the time to integrate all our creative efforts into it.

In other countries, you may be invited to an opera costing around \$500, where people perform music for three hours, and they are paid for it. You might wonder, if we had such an event at the Bomas of Kenya for \$500, audiences would experience Luhya, Kamba and Taita dances. That would generate solid revenue due to the creativity involved.

What other countries showcase is nothing compared to what we have. However, they have packaged their creativity in a way that holds economic value. This is exactly what this Bill aims to achieve. It will protect our creativity and talents while showcasing them with value. This will add value not only to the country, but also individuals who stand to benefit from it.

I am very impressed that we will have incubation programmes. Again, we must remember that our highly creative youth could easily be exploited. We were discussing exploitation, even between us and our sister House. When a Bill crosses over to the other House, it gets delayed, mutilated, altered, and then reintroduced. Creativity can be manipulated in the same way, mutilated and someone comes with other ideas. For this reason, it is excellent that we will have mentorship and protection for our children. Through these incubation programmes, we can safeguard individual creations. Naming a creation is essential, without a name, it does not truly exist. Once named, it becomes recognized as a product that belongs to its creator, allowing them to sell it and enjoy the benefits. Incubation programmes and mentorship are essential.

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As I told a young man I met the other day, our children's ideas are developing rapidly, and they are real and valuable ideas. Before they can be stolen, we need mentors, experienced individuals who can guide them on their journey. Information Communication Technology (ICT) is becoming a major force. For our youth to be champions, they need mentorship.

I believe this is precisely what the fund aims to accomplish. It should create an environment where innovators can thrive and ensure the protection of creative individuals. Knowledge can be nurtured, transferred and preserved. This is precisely what we seek to achieve through this Bill.

I am deeply grateful to our brother for bringing it forward. Creativity and innovation are the way forward. Integrating them into economic development is the sweetest part of this Bill. This ensures that the creative sector contributes to individual economy while also playing a role in building the national economy.

I am happy about Clause 22 on credit guarantee scheme. It means that any creative person will not be limited. The problem is that the most creative person may not be the most endowed as far as financing is concerned. It is good that a Fund will be established to guarantee credit.

Somebody can only have an idea. For you to transform that idea into something tangible or that which can give you economic value, you need somebody to walk the journey with you. That is some financial support to take you through. That is why we need a credit guarantee scheme.

According to Clause 22(2), the aim of the credit guarantee scheme is to provide for accessible financial support to the creatives. When this is explained to our youth, you will see how creativity will boom.

Madam Temporary Speaker, we used to have science congress. During science congress, our youth were supposed to come up with ideas that were not in the books. Students used to come up with ideas that were amazing. They used to come up with many ideas which were never implemented because there was no funding. After presenting their ideas during science congress, upon finishing Form Four, they went away.

It is important to have a credit guarantee scheme to provide accessibility to financial support and a framework for the creatives. That is important because not everybody who has ideas can finance them to maturity. They need somebody else to support them, so that they incubate their ideas and work on them.

I also like the proposal that they are going to access research information. That will inform them about what has happened in other corners of the world so that they do not duplicate. However, they can build on that and grow. That requires a lot of research and that must be provided for. I am happy that this Bill has provided for that.

Issues of mentors and resource persons have been articulated. Issues of intellectual property rights as part of capacity building have also been outlined and that is good. We also have the issue of projects and existing incubation programmes. They need to have that information, so that they do not redo what is going on.

To me, this Bill is extremely good. It will be a game changer to the lives of our youth, especially now that we are transiting to Competency Based Curriculum (CBC).

Madam Temporary Speaker, with those remarks, I support.

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**The Temporary Speaker** (Sen. Mumma): Next is Sen. Abass.

**Sen. Abass:** Madam Temporary Speaker, first and foremost, I want to applaud Sen. Eddy who is one of the youngest Senators. I am sure he felt the need to support the creative arts. I thank him for bringing this good Bill which everybody should appreciate.

Kenya is a diverse country full of contrast. When you attend music and drama festivals where our school children participate, that is the only time you feel that this country is rich in creative arts.

When you see the young girls and boys in schools presenting the ideas that they get from their teachers, you will see that there is need to support those ideas and build on them, so that those small minds that have come up with those kinds of creative arts are supported.

Today, in the United States of America (USA) and Europe, there are so many Africans who have been given scholarships because of having that kind of creative thinking, and sports. However, in a country like Kenya, with all its beautiful diversity and arts available within our rich society, some of our young, and talented people, sportsmen and women, are going to become citizens in the Arab land and Rwanda, simply because we do not appreciate them. Probably, we have plenty of them, such that, we do not see the necessity of having this.

Madam Temporary Speaker, creative arts encompass a lot of things in human activities. It encompasses imaginations, expressions, arts, history, among other things. If this is actually conserved and preserved, that is going to be an intellectual issue that can be referred for any purpose. If you go Maasai Mara, for instance, you see white men and foreigners coming and they appreciate the attires that our Maasai sisters and men wear. In Europe, or the big hotels, for instance, you will see people wearing the Masai *Shuka*, and it is actually even sold at expensive prices. However, in Kenya, we do not even appreciate that. Instead, we say it is backwardness and barbaric to have these kinds of cultures. It is not so. So, it is high time that we support the creative economy.

Madam Temporary Speaker, in the past, we used to have a Department of Culture and Social Services. That was a very strong institution. They used to support the creative arts. There used to be competitions in schools and in traditional dances, celebrating every public holidays. They used to come from every corner of Kenya. However, these days, people are called from the slums, and given one minute to dance, and thereafter you talk about speech and political issues. It is high that time need to move forward and at least be able to appreciate it.

Madam Temporary Speaker, most of our cultural ambassadors and creatives are wallowing in poverty. The likes of *Mama Kayai* and her team of *Vioja Mahakani* are wallowing in poverty. They have nowhere to run to. They have nobody to support them. If this kind of economic support for the creative arts group can be done, this country will move forward, and we will appreciate those people who teach our young ones. In the era of *TikTok*, instead of our children thinking about creatives and our cultures, they are just seeing dirty things and spending most of their time looking at *TikTok*'s, naked women, and obscene things. However, if our traditions are aired on television, and the media in general...

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I remember when I was a young man, before I learned anything, we used to get mobile cinemas, who used to go to every corner of Kenya, showing people about agriculture, and how to produce food. They used to show us traditional dances. I did not know about the Maasais. When I came from Wajir, I had to appreciate the Maasai Culture. When we saw people ploughing and farmers competing, we could say, now we need to do these kinds of things.

Mr. Temporary Speaker, we need to learn from one another but of course, if we do not give time to those kinds of creative arts, then we will miss the point and the Gen. Zs will be only thinking of the *TikTok* dances and funny things. Therefore, it is high time and I want to urge the sponsor of this Motion that we must move forward and put resources on this kind of creative arts.

With those few remarks, I beg to support.

**Sen. Omogeni:** Thank you, Madam Temporary Speaker for giving me an opportunity to also contribute to this Creative Common Support Bill that has been sponsored by Sen. Eddy Oketch.

I want to join my colleagues in registering my accolades for the Senator for Migori, Sen. Oketch, who comes from a city that is famed for music.

If you know a song that was sung trying to bring to the attention of Kenyans the devastating effects of HIV/AIDS, it was sung by the late Prince Julie, who was based in Migori, where Sen. Eddy Oketch comes from. The song was called “Dunia Mbaya”.

If I am not wrong, there is a musician in Migori called Uncle Eddie. So, Sen. Eddy comes from a county that will benefit immensely if this Bill was to become law. I know the massive talent that is within not only the county of Migori, but within all the four counties of the Luo Nation.

So, I thank you, Sen. Eddy for demonstrating a desire to ensure that you pass a Bill that will immensely benefit not just the people of Migori, but also the people of Kenya.

When we came up with the 47 counties, the dream and wish of Kenyans was that each of the 47 counties will be famed for something. For example, if you go to USA and want to listen to good country music, then you will land in Tennessee; the homeland of this lady who sang very good country music. Her name is disappearing but she is now retired.

If you are in Tennessee Valley, that is the home of country music, that is the home of blues and nice music. If you want to go to a city of entertainment, you know that you will end up in Los Angeles. So, in this country, if I want to pick a county that is famed for music, you will not get any.

I hope that this Bill will give us an opportunity to ensure that we have counties that are famed for something. If it is culture, I want somebody to know that if I go to Nyamira County, I will get the best cooked bananas.

If you are traveling to Migori, you should say I will stop in Nyansiongo, enjoy a meal of bananas before I proceed to Migori. That way, you create job opportunities for our young entrepreneurs. You can run a restaurant and earn money, maybe more money than what Sen. Cherarkey can earn.

These establishments we see called 7-Eleven, they were started as a small shop store, but now, it is a big franchise in many cities in the world. I hope that once this Bill becomes law, that is what we will expect. I do not know whether there is any city as blessed as Nairobi with a game reserve at its boundaries. However, I do not think in the world we can say we are famed for a city that is most known for gaming. We are not. Instead those accolades are taken by San Francisco that does not have the kind of facility that the Nairobi National Game Reserve gives us.

This is a very good Bill. I hope it can take the structure of our own Law Society of Kenya where we come up with a remuneration order, so that people who have demonstrated talent can be remunerated.

Madam Temporary Speaker, who in Kenya does not know Embarambamba, that musician from Kisii? If you ask how much he has been paid by the Government, you will find it is a few shillings here and there. It is proposed in this Bill that we come up with proper remuneration for our musicians. We listen to their music on KBC and *Citizen* televisions, but at the end of the year, do they benefit?

Talking about fashion, the Maasais are famed for the *shuka*. If one goes to Sarova White Sands Hotel in Mombasa, every tourist who comes to Kenya wants to clad themselves in the *shuka* not because they saw the Senator of Narok. That is what the Maasais are famed for.

Who has created an intellectual property right over those Maasai *shukas*, so that if you come to Kenya and you want to get a dress that is identified with the Maasais, there is somebody somewhere who will benefit from that industry? It is not there. I hope hon. Senators will pass this Bill because there are a number of people who benefit from it.

When we talk of the creative industries we see online from our youth, I do not know whether there is any country that has attracted the attention in Tik Tok more than Kenya. They post things we all laugh about and share. At the end of the day, those young people do not earn anything from it.

I hope, Sen. Eddy, the body that you have proposed in this Bill can be strengthened. This is because I can see you are mentioning one person nominated by the association representing the largest member of person on the music industry. How will we pick and know who has the largest number of persons in the music industry?

I think we need to tie it there. I think we should create a body where people will apply, register and then we are able to say that they elect themselves or apply in a competitive way and pick the person who is best in that industry.

Madam Temporary Speaker, for the lawyers, I would propose we reserve this slot for a young lawyer. You have proposed that we should get an advocate of the High Court of Kenya nominated by the Law Society of Kenya. Sen. Cherarkey, I will propose that we reserve that slot for the young lawyers.

If we say “an advocate” and give it to a 67-year-old, that person may not be in tune with the happenings. Let this be reserved for the young lawyers. The beauty with the Law society of Kenya is that they have an association, so it will be very easy.

Going to publishing, there are a number of Kenyans who write articles in our weekend editions of *The Sunday Nation*, *Standard*. I want to spend one minute to

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eulogize the late Pheroze Nowrojee who wrote articles. I think the last was penned last year.

Madam Temporary Speaker, I am told from those articles, the newspapers pay Kshs100,000 per article. Now, if this thing is well regulated and you have somebody who is talented in penning articles to these newspapers, you are talking about somebody who is earning an income of Kshs400,000 a month just by writing an article to our local newspapers over the weekend.

I know there is a time one of our lawyers, George Kegoro, used to also write for *The Sunday Nation*. Each piece, every Sunday, you read George Kegoro's article, he was pocketing some good money. That is what we want for our young, talented professionals.

I do not know whether Cleophas Malala, who was a Senator with us here and who pens plays that are sometimes controversial, but plays that capture the imagination of the nation, gets any earnings from writing those plays. Nonetheless, if you have a law like this that takes care of all these talented Kenyans, somebody will earn an income.

I am sure it is not just Malala who can write plays. However, if people know that the country recognises their talent, they know that if you write a play, there are chances that you will make good money that may change your fortunes, you will attract many people.

I always wonder, when I grew up, I knew of Bata Bullets, a company that made shoes in Limuru. However, the Nike boots that are used for making football are not associated with any company in Kenya. Therefore, if people are creative enough, we can also come up with a new invention. We can create a new brand of football boots that is made in Kenya through a company like Bata bullets.

There are many musicians who are young. In Kisii, I know there is one called Omosayansi. I have mentioned Embarambamba. All these guys sing songs, but if you visit their homes, there is nothing to show for it, compared to other celebrities like Maria Carey, who have made good money from singing and the likes.

I want to support this Bill by Sen. Eddy. I hope that it can be enacted into law, so that our locals can enjoy. I hope the Government will support them. Let us give them some tax waivers for a while and ensure we make our young people smile.

Madam Temporary Speaker, as somebody said, if we do not put money in the pockets of these young people, we are courting a revolution. This is one way of coming up with innovative ways of ensuring that our young people have money in their pockets.

I carried a document that was tabled before the Committee on County Public Accounts and Investments (CPAC) by my County of Nyamira. When you look at it on the face of it, you will think that there is a group somewhere of youths or women that have benefited. If you look at the receipts that I have, it says 'a cash sale from a group called Woteki Self-Help Group'.

Madam Temporary Speaker, when you look at the receipt, it tells you that this group hired a Public Address System to the County Government of Nyamira, and they were paid Kshs25,000. However, I am sure, if you looked up, you would never find such a group called Woteki Self-Help Group.

Nonetheless, if this is something that was truly happening on the ground, you would be saying; we are helping some people somewhere on the ground that have a talent

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of hiring you a Public Address (PA) system and they also act as a Master of Ceremony (MC).

Madam Temporary Speaker, however, if you followed this Wotek Self-Help group, you will find that this group does not exist because that receipt has got no date and it does not say that the payments came from the County Government of Nyamira. If you look at another one I have just picked, you will see another one called JUDKIP Enterprises. It says that these were paid some Kshs25,000 on 24<sup>th</sup> February, 2021, to act as MC in a function that took place in Nyamira.

If this was to be something that is happening on the ground, we would all be celebrating and saying; there are people who are benefiting from devolution. However, chances are that these receipts were manufactured by somebody at the county and there is no beneficiary on the ground.

Therefore, I support this Bill and hope that once it is enacted, it will be transformative and it will assist us to protect intellectual property rights of our young people. We will also create a legal framework that will protect those who have talent, those who are creative and those who are entertaining us on YouTube, etcetera.

With these remarks, I will stop there and thank the Senator for Migori, Sen. Eddy Oketch for coming up with this Bill. I also hope that everyone in the industry will remember that it is Sen. Oketch who changed the fortunes of their lives when this Bill eventually becomes an Act.

**The Temporary Speaker** (Sen. Mumma): Sen. Sigei.

**Sen. Wakili Sigei:** Thank you, Madam Temporary Speaker. I have watched patiently the Senator, my neighbour, as he was closing hoping that he would give me the opportunity to even introduce my support for this Bill.

I congratulate my friend, Sen. Oketch Eddy, for such an industrious Bill. In his moving notes, he ran us through the aspects which informed the decision to sponsor such a futuristic Bill. I will go a long way in joining the rest of my colleagues in supporting Sen. Oketch and the Bill he has brought before this House.

Madam Temporary Speaker, I am just trying to align my thoughts but I will start by saying that from the statistics which I have picked, the creative industry and the creative sector contributes Kshs38 billion to the economy of this country. These are the statistics of the 2023/2024 Financial Year from the Kenya National Bureau of Statistics (KNBS) alongside Kenya Film Corporation (KFC). An amount of Kshs38 billion is such a huge sum of money and in that report, they noted that if it is streamlined and the legislation along the creative industry is refined enough, this amount is not even 50 percent of what the economy of this country can enjoy.

Madam Temporary Speaker, this Bill has come at a time when we have to appreciate and monetize the importance of the creative industry. I come from the county of Bomet and in the future, we will definitely name it as the county of music. The reason is because, the entirety of the Kalenjin musicians come from my constituency, Chepalungu.

I also would like to mourn one of the legendary musicians, Solomon Manori, who passed on last week. He will be buried on Saturday. He is one of those musicians who have entrenched the importance of art, the importance of music, the importance of talent,

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such nurturing and monetizing it. Unfortunately, we lost him out of a situation that he had gotten into and as we bury him, I will be celebrating that gentleman with the support of this Bill, which I know will go a long way in history.

### ADJOURNMENT

**The Temporary Speaker** (Sen. Mumma): Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. Sen. Sigei, you have 17 more minutes.

The Senate, therefore, stands adjourned until tomorrow, Wednesday, 14<sup>th</sup> May, 2025, at 9.30 a.m.

The Senate adjourned at 6.30 p.m.