



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fifth Session

Wednesday, 4th March, 2026 at 2.30 p.m.

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 4th March, 2026

*The House met at the Senate Chamber,
Parliament Buildings, at 2.30 p.m.*

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

The Deputy Speaker (Sen. Kathuri): Do we have quorum?

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

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

(The Quorum Bell was rung)

Hon. Senators, I now confirm that we have a quorum. Clerk, read out the first Order.

PAPERS LAID

The Deputy Speaker (Sen. Kathuri): There is a Paper to be read by the Chairperson, Standing Committee on Land, Environment and Natural Resources. The Vice Chairperson or any other member of the committee.

REPORT ON CONSIDERATION OF THE ENVIRONMENT MANAGEMENT AND COORDINATION BILL (NATIONAL ASSEMBLY BILLS NO.66 OF 2023)

Sen. Joe Nyutu: Mr. Deputy Speaker, Sir, I beg to lay the report of the Standing Committee on Land, Environment and Natural Resources on its consideration of the Environment Management and Coordination Bill (National Assembly Bills No.66 of 2023).

Thank you.

(Sen. Joe Nyutu laid the document on the Table)

(Loud consultations)

The Deputy Speaker (Sen. Kathuri): Very well.

Hon. Senators, there is some unpalatable noise from my right-hand side.

Next Order, Clerk.

QUESTIONS AND STATEMENTS

STATEMENTS

The Deputy Speaker (Sen. Kathuri): Hon. Senators, we have several statements starting from Statement pursuant to Standing Order No.52(1).

Sen. Hamida Kibwana, MP.

If she is not in the House, then her statement is dropped.

PROTECTION OF FREEDOM OF WORSHIP IN EDUCATIONAL INSTITUTIONS

(Statement dropped)

We move on to Statements pursuant to Standing Order No.53(1). We will start with the Senator for Embu County, Sen. Alexander Mundigi, MP. You have two Statements.

UPGRADING TO BITUMEN STANDARDS OF NGANDI ROAD IN MWEA AND MAKIMA DIVISIONS

Sen. Munyi Mundigi: Mr. Deputy Speaker, I rise pursuant to Standing Order 53(1) to seek a Statement from the Standing Committee on Roads, Transportation and Housing on a matter of countywide concern regarding the upgrading of Ngandi Road in Mwea and Makima Divisions, Mbeere South Sub County, Embu County, to bitumen standards.

Ngandi Road, which covers approximately 32 kilometres, traverses Kaluku, Kyauzini, Mbonzuki, Kalisa, Ndune, Mwanzo Markets, Kitloloni, and Mbondoni, before extending to the Masinga Dam spillway. It serves as the primary access route for residents of Mwea and Makima wards, facilitating the movement of goods and services within the region. Owing to its economic importance, the road requires comprehensive upgrading to bitumen standards, together with the installation of proper drainage systems to enhance durability, improve safety and ensure all-weather accessibility.

In the statement, the Committee should address the following-

(1) The plans the Ministry has put in place to fund the opening, grading, murraming, upgrading to bitumen standards and installation of drainage infrastructure along Ngandi Road and provide the timelines set for the upgrading and completion of the said road.

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(2) The timeline for upgrading the road to bitumen standards.

PROPOSED CONSTRUCTION OF NAIROBI-THIKA EXPRESSWAY

Mr. Deputy 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 intercounty concern regarding the proposed construction of the Nairobi-Thika Expressway.

His Excellency the President, in his Jamhuri Day Speech on 12th December, 2025, disclosed plans to construct an expressway from Museum Hill Area in Nairobi City County to Thika Town in Kiambu County. The proposed expressway would greatly ease traffic flow along the route, which currently experiences persistent traffic congestion. However, specific details on the project are not publicly available.

In the statement, the Committee should address the following-

(1) The proportion of the total project cost to be financed by the Government, including details on the budgetary allocation already set aside or proposed for the project.

(2) The alternative financing mechanisms being considered to support the implementation of the project.

(3) The expected commencement date for the project as well as the measures in place to ensure timely completion.

Thank you.

The Deputy Speaker (Sen. Kathuri): Next is Sen. Mwenda Gataya. He is not in the House. His statement is dropped.

RISING STUDENT FATALITIES IN BOARDING SECONDARY SCHOOLS

(Statement dropped)

Sen. Osotsi Godfrey. He is not in here. That statement is also dropped.

STATUS OF TALANTA SPORTS STADIUM PROJECT

(Statement dropped)

Senator for Nandi County, Sen. Samson Cherarkey, MP.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I have two statements and I hope you will allow me to read them consecutively.

FRAUDULENT DIVERSION OF FUNDS AT MTRH

Mr. Deputy 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 countywide concern, regarding fraudulent diversion of funds at Moi Teaching and Referral Hospital (MTRH), in which an employee, acting in collusion with an accomplice, siphoned approximately

Kshs10 million through manipulation of hospital payment processes linked to the e-Citizen platform.

In the statement, the Committee should address the following-

(1) The status of investigations into the alleged fraud at MTRH, including the officers implicated, the role of hospital staff and any disciplinary, administrative, or criminal action taken against responsible persons.

(2) The adequacy of internal financial controls, audit trails, reconciliation procedures, segregation of duties and supervisory mechanisms at the MTRH in Uasin County, and other public hospitals and the immediate corrective measures being implemented to prevent recurrence.

(3) The measures in place to protect patients from exploitation, wrongful charges, service denial or delays arising from fraudulent payment practices, including mechanisms for complaint handling, redress and sector-wide reforms by the Ministry of Health on revenue management and accountability in public hospitals using a digital platform such as e-citizen payment.

(4) Whether similar incidents have been reported in other health institutions using the e-Citizen Platform, or related government digital payment systems and the reforms being implemented on monitoring incident response, interagency, cybersecurity coordination and public safeguards to restore confidence in government digital platforms.

Mr. Deputy Speaker, Sir, with your permission, let me move to my second statement.

SECURITY VULNERABILITIES ON THE E-CITIZEN PAYMENT PLATFORM

Mr. Deputy Speaker, Sir, 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 e-Citizen system vulnerabilities following the fraudulent diversion of funds at the Moi Teaching and Referral Hospital (MTRH), through which approximately Kshs10 million was siphoned.

In the statement, the Committee should address the following-

(1) Whether a digital forensic audit or investigation has been conducted to establish how the fraudulent diversion occurred.

(2) The steps being taken to strengthen the security, integrity, auditability of e-Citizen platform and link payment interfaces, including safeguard against manipulation and unauthorized diversion of funds inside abuse and system level vulnerabilities.

I thank you.

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

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

The Speaker (Hon. Kingi): Senator for Nairobi City County, Sen. Edwine Sifuna.

SAFETY STANDARDS AT KISUMU INTERNATIONAL AIRPORT

Sen. Sifuna: Thank you, Hon. Speaker. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Roads, Transportation and

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Housing on a matter of countrywide concern regarding safety standards at the Kisumu International Airport after it was besieged by goons on Saturday, 21st February, 2026.

The International Civil Aviation Organisation (ICAO) through Annex 17 of the Convention on International Civil Aviation establishes the international standards and recommended practices for protecting civil aviation against acts of unlawful interference. ICAO requires all contracting states to implement and maintain a national civil aviation security programme to safeguard passengers, crew, ground personnel, aircraft, facilities and the general public.

The immense potential for Kisumu International Airport to develop into a major cargo and passenger hub for East Africa is at risk if political activities similar to those witnessed on 21st February, 2025 are allowed to reoccur.

In the statement, the Committee should address the following-

(1) The current safety and security protocols at Kisumu International Airport and whether they fully comply with Annex 17 standards and recommended practices of the International Civil Aviation Organisation.

(2) The circumstances under which unauthorised individuals gained access to and operated within the airport premises on 21st February, 2026, including any identified lapses in security enforcement.

(3) The specific corrective actions and long-term remedial measures that will be implemented to prevent a recurrence of such breaches and to strengthen airport security governance going forward.

I thank you.

The Speaker (Hon. Kingi): Senator for Machakos County, the Hon. Kavindu.

STATE OF URBAN ROAD NETWORK IN MACHAKOS COUNTY

Sen. Montet Betty: Thank you, Mr. Speaker, Sir. On behalf of the Senator for Machakos County, Sen. Kavindu Muthama, 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 countywide concern regarding the state of the urban road network in Machakos County.

Kivanguli Road is an important urban access road in Machakos County. The road connects Kadhome and Mua areas and serves a large and rapidly growing population. Despite its significance, the road has been neglected by the Kenya Urban Roads Authority (KURA) and is currently in a deplorable condition. This is not an isolated case as several other urban access roads across Machakos County are in similar condition. In the statement, the Committee should address the following-

(1) The assessment of the current state of all urban access roads in Machakos County under the management of KURA.

(2) The plans for rehabilitation of Kivanguli Road and other urban access roads in Machakos County that are in deplorable condition, including specific timelines for commencement and completion of rehabilitation works.

(3) The status of the roads maintenance funding at KURA, including strategies planned for implementation to address the systematic delays in road maintenance.

(4) The criteria used by KURA to prioritise roads for maintenance, including weather factors such as road condition and traffic volume are considered.

I thank you.

The Speaker (Hon. Kingi): Now, the statement by the Senator for Wajir County is dropped.

SEVERE DROUGHT SITUATION IN WAJIR COUNTY

(Statement dropped)

Sen. Abass, do you wish to say something. I believe this was done under your instructions.

(Sen. Abass spoke off record)

Your statement that was supposed to be addressed to the Standing Committee on National Security, Defence and Foreign Relations. Sen. Abass, approach the Chair, while the Senator for Kirinyaga County takes to the Floor.

Proceed, Senator for Kirinyaga County. Sen. Abass, please approach the Chair.

(Sen. Abass consulted with the Speaker)

MRADI WA KIWANDA CHA KUSINDIKA NYANYA,
KAUNTI YA KIRINYAGA

Sen. (Dr.) Murango: Asante sana, Mstahiki Spika. Nasimama kwa mujibu wa Kanuni ya Kudumu (53)(1) ya Kanuni za Kudumu za Seneti kuomba kauli kutoka kwa Kamati ya Kudumu ya Kilimo, Mifugo na Uvuvi kuhusu mradi wa kiwanda cha kusindika nyanya, kinachopendekezwa kujengwa eneo la Kangai, Kaunti ya Kirinyaga.

Kaunti ya Kirinyaga, hususan maeneo ya Mwea na Kangai ni miongoni mwa maeneo yanayozalisha nyanya kwa wingi nchini. Hata hivyo, wakulima wameendelea kupata hasara kubwa kutokana na kuyumba kwa bei na ukosefu wa miundo muhimu ya kuongeza thamana ya zao la nyanya.

Pendekezo la kuanzisha kiwanda cha kusindika nyanya lililenga kupunguza uharibikaji wa mazao baada ya mavuno, kuimarisha bei ya mkulima, kuongeza ajira na kukuza uchumi wa kaunti. Hata hivyo, kumekuwa na taarifa zisizo wazi kuhusu hatua iliyofikiwa katika utekelezaji wa mradi huo pamoja na ufadhili wake. Katika kauli hiyo, Kamati izingatie yafuatayo-

(1) Hatua zilizopigwa katika ujenzi wa kiwanda cha kusindika nyanya eneo la Kangai kufikia sasa.

(2) Ni lini ujenzi wa kiwanda hicho unatarajiwa kuanza na kukamilika.

(3) Kama upekuzi hakinifu, kwa kimombo feasibility studies, ulifanyika na matokeo yake ni gani.

(4) Kiasi cha fedha kilichotengwa kwa ajili ya mradi huo na fedha hizo zinatoka wapi.

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(5) Ikiwa kuna ufadhili kutoka kwa taasisi za kimataifa za maendeleo kama vile Benki ya Dunia au taasisi zinginezo na masharti ya ufadhili huo ni yapi.

(6) Mikakati iliyowekwa na Serikali kuhakikisha mradi huo unakuwa endelevu na wenye manufaa ya moja kwa moja kwa wakulima wa nyanya wa Kangai na maeneo jirani.

The Speaker (Hon. Kingi): Sen. Miraj Abdillahi.

IMPLEMENTATION OF FREE MEDICAL CARE FOR
CHILDREN UNDER FIVE YEARS AT CGTRH

Sen. Betty Montet: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53 (1) to seek a statement from the Standing Committee on Health regarding the implementation of the policy exempting children aged 0-5 years from medical fees at the Coast General Teaching and Referral Hospital (CGTRH) and the continued billing and collection of payment from families within this age bracket despite the stated exemption. In the statement, the Committee should address the following-

(1) The implementation status of the policy, including action taken to prevent, detect and address any charging of under five-year old patients.

(2) The total amount of funds used to finance the exemption including total funds disbursed to the Coast General Hospital for this purpose since adoption of the policy. The vote head/budget line from which the funds were allocated and whether the funds were ring fenced specifically for services to under five-year-olds.

(3) The number of incidents in which under five-year-old patients were billed and or charged fees including the accounts into which these monies were deposited.

(4) Whether the payments were receipted under the hospital's standard revenue streams and whether any reconciliation and or refunds were undertaken.

(5) Whether the exemption applies only to residents of Mombasa County, and if so the residents' verification criteria and documents required, including how the hospital handles under five-year-old patients referred from other counties, noting that Coast General Hospital is a regional referral hospital serving multiple counties.

I thank you Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Senator for Kisii County, the Hon. Richard Onyonka.

Sen. Onyonka: Thank you Mr. Speaker, Sir. I have two statements. I hope you will allow me to read them consecutively.

SECURITY BREACH AND ATTACK
ON KISII COUNTY MCAS

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations on a matter of countrywide concern regarding the security breach and attack on Members of the Kisii County Assembly, that occurred within the Assembly precincts on the 2nd of December, 2025.

In the statement, the Committee should address the following-

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(1) The circumstances under which armed individuals gained access to the Kisii County Assembly premises, and explain the specific security lapses or failures that led to this breach. This should include the Closed-Circuit Television (CCTV) camera and all the other stuff that is captured.

(2) The actions taken by the Ministry of Interior and National Administration, the National Police Service and the Kisii County Security Committee and the County Assembly Service Board in response to this incident.

(3) The long-term security reforms and the inter-agency coordinating measures being implemented to prevent the recurrence of similar security breaches in county assemblies across our Republic and to ensure that safety and protection of Members of the County Assemblies as they discharge their constitutional duties and mandate within the county precincts.

(4) The steps taken to investigate the incidents, whether they have identified the perpetrators responsible for the attack, vandalism, property destruction, human harassment, and whether there has been anything done to prosecute the individuals who perpetrated this crime within the law.

DEATH OF KENYANS IN UKRAINE AND CALL FOR GOVERNMENT INTERVENTION

I rise pursuant to standing Order No.53(1) to seek a statement from the Standing Committee of National Security, Defence and Foreign Relations on a matter of countrywide concern regarding the reported deaths of Kenyan nationals in the ongoing conflict of Ukraine and Russia, and the urgent need for government intervention to either inform Kenyans, investigate this matter, support the affected families and safeguard other Kenyans abroad on this war.

Mr. Speaker, Sir, deeply disturbing reports indicated that three Kenyan nationals; Mr. Dennis Ombwori Bagaka, Mr. Wahome Simon Gatitu and Mr. Clinton Nyapara Mogesa were killed in Ukraine in the ongoing Russia-Ukraine conflict and their bodies are said to have been recovered by Ukraine authorities. It does not seem like anybody knows where those bodies are after they were retrieved.

Of particular concern, is Mr. Bagaka, a former Member of the Kenyan Defence Forces whose family says they lost contact with him after he departed Kenya in September, 2025. His family is yet to receive official confirmation regarding the circumstances leading to his death or support for the verification of the reports and repatriation of the bodies of these individuals who have died abroad.

The lack of formal communication has also left these families in prolonged distress and uncertainty. This situation has raised serious national diplomatic and humanitarian concern about the state's responsibility to safeguard Kenyan citizens abroad and ensure their families receive truth, dignity and closure.

Mr. Speaker, Sir, the families would like to know how these individuals were recruited, whether the Government National Employment Agency played a role and what role it did.

In the statement, the Committee should address the following-

(1) Whether the Government has formally confirmed the identities of the Kenyan nationals reported to have died in Ukraine and Russia and clarify the circumstances surrounding their deaths.

(2) Steps which the Government has taken to verify this information with the relevant foreign authorities of foreign countries so that we can obtain official documentation relating to their deceased and or their bodies.

(3) Look at the measures currently being undertaken to facilitate the recovery and repatriation of the remains of the deceased persons and in coordination with the affected families.

(4) Whether there were any agreements signed by these individuals with the Kenyan Government or with any other body that took them to fight in this war.

Thank you.

The Speaker (Hon. Kingi): The Statement by Senator for Nakuru County is deferred.

ALLOCATION OF KISIMA LAND TO
CIVIL SERVANTS IN NAKURU COUNTY

(Statement deferred)

Sen. Osotsi, please proceed.

STATUS OF TALANTA SPORTS STADIUM PROJECT

Sen. Osotsi: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Roads, Transportation and Housing, on a matter of national concern regarding the status of the Talanta Sports Stadium project.

In the statement, the Committee should address the following-

(1) Comprehensive breakdown of the approved budget for the construction of the Talanta Sports Stadium with clear justification for the variation of the contract sum from Kshs35 billion to Kshs45.8 billion.

(2) The procurement process employed in awarding the contract including reasons for bypassing the open tendering system, and confirm whether all the statutory requirements were observed, particularly the need for mandatory approval of the Attorney General for contracts exceeding Kshs5 billion.

(3) The terms of contractual agreement, highlighting any provisions that may have resulted in obligations or imposition of heavy penalties upon the government.

(4) The current progress of the project including timelines, milestones achieved and whether penalty clauses exist that disproportionately burden the government in the event of delays.

(5) Measures undertaken to safeguard transparency and value for money including audits or investigation into cost overruns, procurement irregularities and illegal compliance as well as any disciplinary action taken against officers found culpable.

Thank you, Mr. Speaker, Sir.

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The Speaker (Hon. Kingi): Senator for Tharaka Nithi County, Sen. Mwenda Gataya, please proceed.

RISING STUDENT FATALITIES IN
BOARDING SECONDARY SCHOOLS

Sen. Gataya Mo Fire: Thank you, Mr. Speaker, Sir, for giving me another chance.

Mr. Speaker, Sir, I rise pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on Education on a matter of national concern, regarding the rising cases of student fatalities in boarding schools across Kenya.

In the statement, the Committee should address the following-

(1) The number of student fatalities registered in boarding schools across the country from 2023 to date and obtain information on the cause of death in each case.

(2) Establishment of medical protocols to ensure that the students presenting any other concerns receive immediate clinical review from trained personnel at the school and where case demands are promptly referred to hospital.

(3) Give the guidelines in place to ensure that schools adhere to the established medical protocols and the stipulated consequences for non-compliance.

(4) The steps being taken to address the rising cases of student fatalities in boarding schools, including whether there are plans to review and improve school policies and medical protocols.

(5) Check whether there exists a framework to provide psychological and other forms of support to the families that lose their children as well as the students of the affected schools.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): There is a statement pursuant to Standing Order No.58 by the Senator for Isiolo County, Sen. Fatuma Dullo.

THREATS TO THE LIFE OF SEN. FATUMA DULLO, MP

Sen. Dullo: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.58 to inform the House of a serious incident that threatens my life, my supporters and the safety of elected leaders in this country.

Mr. Speaker, Sir, on 20th February, 2026, I received an explicit and credible threat through social media from an individual who has since been identified as a supporter of the Governor for Isiolo County. The message stated, “we must stop Sen. Fatuma Dullo from progressing in her politics.”

Upon receiving this threat, I immediately reported the matter to the relevant security agencies and formally requested an investigation into its sources, nature and seriousness, as well as an appropriate security intervention.

I was concerned that the threat was politically motivated and posed a real and immediate danger to my safety and that of my team and supporters. Regrettably, no conclusive protective action had been taken by the time of the event that followed.

Three days later, on 23rd February, 2026, approximately 12.00 noon, my convoy arrived in Kina Township, Garbatula Sub-County, for a public engagement. I was standing on top of my vehicle as my media team set up equipment in preparation for my address, during which approximately six gunshots were fired in rapid succession from a distance of less than 200 metres from where I was.

The assailants were two individuals dressed in *Buibui* riding on a motorcycle. Four spent cartridges were subsequently recovered at the scene. The gunshots caused confusion among the attendants and members of my team and posed a risk of panic and possible stampede.

In order to safeguard members of the public and avert further alarm and potential disorder, I exercised deliberate restraint and maintained my composure, proceeding with the engagement in full confidence that the police officers present would take appropriate measures to contain and manage the situation.

Upon conclusion of my address at the Kina Township, I proceeded to Kina Police Station where I formally recorded a statement regarding the incident. I have further escalated the matter to the relevant national security authorities to ensure that a thorough, impartial and expeditious investigation is undertaken, including comprehensive forensic ballistic analysis of the recovered cartridges and a concurrent inquiry into the prior threats as part of a potentially coordinated criminal scheme.

Mr. Speaker, Sir, a day after the attack at a *baraza* in a place called Gafarsa, the Governor publicly questioned my mental wellness and alleged that the shooting was stage-managed. These remarks are reckless, offensive and intended to discredit me and undermine the ongoing investigation. The governor's rush to dismiss the incident raises serious questions about his involvement.

Separately, Mr. Abdullahi Bosso, who has been absent from Isiolo County for about six months, recently resurfaced and made false allegations that I used state security agencies to orchestrate his abduction. During his alleged abduction, he was reportedly making calls to his family members from Kismayu, Somalia, which seriously undermines his account. He convened a meeting with elders to repeat this accusation publicly. This is part of the same coordinated campaign to discredit me and divert attention from the real threats against my life.

I categorically deny this allegation. I, therefore, call upon the relevant authorities to formally investigate the true circumstances of Mr. Bosso's six-month disappearance and his active involvement activities in Kismayu, Somalia, during the period and take appropriate action thereon.

Mr. Speaker, Sir, since 2022, individuals who have criticised the county government and governor have been systematically threatened, attacked and maimed. A group of individuals appears to be operating above the law, using violence and intimidation to silence dissent and protect those in power.

The sequence of events that are the explicit threat of 20th February and the shooting incident of 23rd February strongly suggest a coordinated and politically motivated attempt to intimidate, harm or eliminate me.

I, therefore, formally put on record concerns regarding my safety and that of my family, associates and supporters. Should anything happen to any one of us, security

agencies are hereby put on notice to treat those behind the threats and the shooting as primary suspects and persons of interest.

(1) I impress upon the Cabinet Secretary for Interior and National Administration to take immediate cognizance of this matter and issue appropriate directions to the relevant security agencies to investigate both the prior threats and the subsequent shooting as they are interconnected and potentially coordinated.

(2) Impress upon the Directorate of Criminal Investigations to undertake a thorough, impartial and expeditious investigation to establish the identity, whereabouts and culpability of the two suspects reportedly dressed in *Buibui* and riding a motorcycle, who perpetrated the shooting.

(3) Request that the four recovered cartridges be subjected without delay to comprehensive forensic ballistic examination to determine the weapons used and to facilitate identification and comprehension of those responsible.

(4) Request that the social media threats issued on 20th February be investigated as integral components of the same criminal enterprise and that the individual responsible be identified, traced and held accountable in accordance with the law.

(5) I also request that the Cabinet Secretary for Interior and National Administration take immediate action to enhance security measures to safeguard and protect my person, my family, my team and supporters, pending the conclusion of the investigation and ensure legal proceedings.

Mr. Speaker, Sir, allow me to quote the famous, prominent German pastor Martin Niemöller. It says-

“First, they came for socialist and I did not speak out because I was not a socialist. Then they came for this trade unionist and I did not speak out because I was not a trade unionist. Then they came for the Jews and I did not speak out because I was not a Jew. Then they came for me and there was no one left to speak for me.”

Mr. Speaker, Sir, this is a very serious quote. If decisive action is not taken, we risk normalising political violence and emboldening those who believe intimidation is an acceptable tool in our democratic space.

Today, it is me; tomorrow, it will be another Senator, a Member of the National Assembly, a governor, or any leader who dares to serve independently and speak without fear. This is not merely about my personal safety. It is about protecting the integrity of our institutions and preserving the rule of law. Silence or inaction will send a dangerous message that elected leaders can be threatened with impunity. This august House must stand firm and ensure that accountability prevails before such acts become the norm rather than exception.

Mr. Speaker, Sir, the Senate must stand firm in affirming that violence and intimidations have no place in our democracy. I will not be silenced and neither should any leader in this Republic be silenced.

I thank you.

The Speaker (Hon. Kingi): Thank you. Before I allow comments on the statements that have been sought, the matter raised by Sen. Fatuma Dullo is a serious one. Since it touches on security of a Member of this House, I direct the Inspector General of

Police to investigate the matter and file a report with the Office of the Speaker in the next 14 days.

Hon. Senators, I am now going to allow comments for not more than 15 minutes on the statements that have been sought, starting with Sen. Essy Okenyuri.

Sen. Okenyuri: Mr. Speaker, Sir, I wish to comment on Sen. Cherarkey's two statements. The first one was vulnerability of the e-Citizen payment platform and the other one on diversion of funds at MTRH.

This is not the first time we are reading about loss of funds at MTRH. These two statements are actually intertwined, but they draw us to a report that was given by the Auditor-General back in August 2025. That report by the Auditor-General shed light on a lot that is happening in this country.

When you have an internal person colluding with someone, it begs the question; who has the credentials of the e-Citizen platform? When you go through this report, it shows you that the National Treasury and many other people in there are not able to provide documents to aid reconciliation. Without reconciliation, even if investigations are launched and follow-up for return of the money is pursued, it is very unlikely because there is no documented evidence to support the same.

The committee that will look into these two issues need to seriously dig deeper so that we know where the issue is. Apart from the system, do we pursue individuals? I thought the system was to curb corruption, but it is now working as an agent aiding corruption.

Mr. Speaker, Sir, as I conclude, when you look at the case of MTRH, it took over a year for them to realise that they were losing money. That shows that other organisations are losing similar amounts of money, but it has not been realised because of weak internal controls. Maybe there are so many people in the chain of loss of funds.

Mr. Speaker, Sir, this is not just like any other Statement. It is a serious Statement which concerns loss of public resources. We are talking about corruption and how we should eradicate it. We need to ensure that the e-Citizen platform works so that it does not serve as an agent aiding corruption.

I thank you.

The Speaker (Hon. Kingi): Sen. Osotsi, keep it under three minutes.

Sen. Osotsi: Mr. Speaker, Sir, I want to comment on the statement by the Senator for Nairobi concerning blockage of Kisumu International Airport by goons.

This is a serious matter. When I raised it, it earned me a suspension from this House, but it indeed happened. It was sad to see a group of about 500 goons with pangas stationed at the entrance to the airport to stop leaders who were to go for a rally in Kakamega from coming out of the airport. Fortunately, we got wind of what was going to happen the previous night and made alternative arrangements.

That aside, we cannot descend to that level of stationing goons and security officers at an international airport. When we talk about improving our tourism revenue, we cannot improve it when we are doing acts that are going to scare away visitors from different parts of the world to this country because of making our public institutions as avenues to target political opponents.

Regardless of which side you support, it is a matter that this House must take seriously because anything can happen. Tomorrow you might be in the opposition side, but you do not want that to happen to you.

The previous night before the blockage at the airport, I was with the Governor of Siaya when a similar incident happened at the Grand Royal Swiss Hotel in Kisumu, where another large group of goons was taken there to stop us from leaving. There were gunshots while we were in that hotel and we had to find a way of escaping. Even if we differ politically, we should not descend to the level of sending goons to private and public installations to scare our opponents.

We sent our forces to Haiti, but we should know that is how Haiti started. When the Government started using goons to carry out government operations, that is how goons became emboldened to start becoming a problem. Now the international community is focusing on Haiti because of the disorder there. We are going to go the Haiti route if we do not take this matter seriously.

This is a very important statement that I expect the Committee to look at with all impartiality and fairness, so that we stop this kind of habit and basically crude way of dealing with opponents.

Mr. Speaker, Sir, I support.

The Speaker (Hon. Kingi): Secretariat, the time per Senator speaking is not more than three minutes. Kindly configure that time.

Proceed, Sen. Joe Nyutu.

Sen. Joe Nyutu: Thank you, Mr. Speaker, Sir, for this opportunity. I would like to make a comment on the statement by Sen. Mwenda Gataya regarding safety of learners in educational institutions.

Having some experience in that particular field, in recent times, public schools should be indicted for that because they have been admitting way more than their capacity. Some students do not sleep in dormitories that are fit for the same because some of them even sleep in dining halls. When the committee looks into this matter, they should see to it that public schools, because they are the major culprits, observe the requirements by the Ministry of Education, especially on safety standards.

Mr. Speaker, Sir, I would also like to comment on a statement that was sought by the Senator for Embu, Sen. Mundigi, regarding a road that needs to be improved to bitumen standards. That road joins many areas of Embu and it goes by the name Ngandi.

We must be cognizant of the fact that committees of this House are very busy. Since we see the President announcing certain roads to be done, I think Sen. Mundigi should have taken the shorter route of asking the President because he is always in his company. He should take a shorter route of asking for that road to be improved other than, bringing this statement and giving our Committee on Roads, Transportation and Housing a job that he can do quickly because he is always in the company of the President and the Deputy President.

Finally, I will comment on the statement by Sen. Cherarkey of Nandi County on the siphoning of funds from Moi Teaching and Referral Hospital (MTRH) using Information Technology (IT). This is a very serious matter of loss of public funds considering that there have been reports that funds from the Betting Control and Licencing Board (BCLB) have been going to individuals directly. That matter should also

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be investigated because we cannot afford to continue losing public funds through cruel IT operations.

Mr. Speaker, Sir, I support.

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

Sen. Maanzo: Thank you, Mr. Speaker, Sir. I would like to comment on the statement by Sen. Gataya. Quite often, there are reports of injury or deaths of students from secondary, primary boarding schools and universities. When death occurs in such a situation, no one takes responsibility at the end of the day because you cannot blame the teacher or the Government. We must come up with a way of making sure that when such injuries occur, then the students in the school are properly insured.

It has been on the increase that a parent only gets a phone call from the school that their child has passed away. Even if the death occurred in a swimming pool, there must be proper mechanisms to ensure that whoever is in charge of the swimming pool ensures that the students are safe. It is a matter of big concern. I believe the Committee of Education will go through this matter so that we ensure our children are safe whenever they are in boarding schools, school transport or in classrooms because it has happened, we have seen it on the news.

Mr. Speaker, Sir, I thank you and I support.

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

Sen. Kinyua: Asante, Bw. Spika. Kwanza kabisa, Bw. Spika, nakushukuru kwa uamuzi wako wa hekima kuhusu taarifa ya Sen. Fatuma Dullo kwa sababu Seneta yeyote akiwa na ukosefu wa usalama, ni ukosefu wa usalama kwetu sisi sote. Nashukuru kwa kumuamuru Inspekta Jenerali wa Polisi kuwasilisha ripoti yake ya uchunguzi kwa muda wa siku 14.

Nitachangia kwa kauli ya Sen. Cherarkey inayohusu kufujwa kwa pesa kutoka hospitali ya MTRH. Nilidhani kwamba wananchi walipoambiwa watakuwa wakilipa pesa kupitia mfumo wa e-Citizen, tulijua kwamba mambo ya kufuja pesa yamekwisha ilhali, tunaambiwa ya kwamba pesa zinaendelea kufujwa.

Bw. Spika, ni jambo linaloonyesha ya kwamba wale ambao wamepewa jukumu la kuchunga zile hela na kutetea wananchi ili wasipoteze hela sio waaminifu. Kamati ambayo itashughulikia kauli hii inapaswa iangalie kwa undani kwa sababu hela zikifujwa, utapata kwamba huduma na vile vile dawa, hazipatikani katika hospitali. Kauli hii ambayo imeletwa na Sen. Cherarkey inapaswa iangaliwe kwa undani sana.

Kuna Kauli ya Sen. Murango inayohusu viwanda. Sisi kama Seneti, jambo tunaloshughulikia ni gatuzi zetu. Viwanda vya kuongeza dhamani kwenye bidhaa vinapaswa viongezwe kwa vile viwanda ambavyo vitatengenezwa. Kwa mfano, katika Kaunti ya Laikipia, tunapaswa tuwe na kiwanda ambacho kinaongeza dhamani katika ngozi ambazo zinapatikana Laikipia.

Vile vile, tukienda kule Kaunti ya Makueni, tunapaswa kuwa na viwanda ambavyo vitashughulikia mambo ya matundo kwa mfano, maembe. Haya ndio mambo ambavyo tunapaswa kuwa tunayaangalia.

Bw. Spika, nikimalizia, kuna Kauli ya Seneta wa kutoka Embu, Sen. Mundigi. Ameileta katika Kamati yetu ya Barabara, Uchukuzi na Makao akisema kwamba, Rais alitangaza kutakuwa na barabara kutoka Museum Hill hadi Thika. Yeye mwenyewe alitia taashwishwi na kusema ya kwamba haoni hela ambazo zimetengwa katika bajeti.

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Nilishindwa kwa nini Sen. Mundigi anatia taashwishwi na kutomuamini Rais wa Jamhuri ya Kenya?

Kwa hivyo, ametuletea mambo magumu; yeye mwenyewe pia angeangalia katika bajeti ili aone kama kuna hizo hela badala ya kuleta kauli hii katika Kamati ambayo mimi mwenyewe naivalia njuga.

Bw. Spika, nashukuru.

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

Sen. Onyonka: Thank you, Mr. Speaker, Sir, I will be very brief.

I retaliate by supporting my brother, Sen. Cherarkey, that the issue of mismanagement of resources using the e-Citizen is a big problem. All of us have said this because there is hemorrhaging of our resources either from the Government departments or intergovernmental departments. Something must be done.

The other issue is that of the story of goons attacking leaders or members of the public. This is becoming a matter that we must be seized of because if this does not stop, something is going to happen which will affect all of us. I really pray that this House will take its responsibility and magnanimity to sit and come up with a final solution.

The reality is that as the opposition, we will be having our say just as we accept that the Government must have its way. Why would anybody want to stop me from going to say certain things? We are just getting back into our old bad habits.

Mr. Speaker, Sir, thank you for your ruling. Madam Dullo has been going through this for the last two years. It has been a case of sadness and pain. I have attended some of the meetings in her county where we, as Senators, are targeted and insulted on social media simply because, she has been trying to oversight the governor. This is a matter that needs to be settled, once and for all.

Thank you.

The Speaker (Hon. Kingi): The Senate Majority Leader, proceed.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, mine is a quick comment on this issue regarding goons. This is a very serious matter, but I do not like the tone and direction it is taking.

First, I heard Sen. Osotsi say that he is a victim and I sympathize with him. For all good intentions, he actually wants the House to investigate which is the way we should go because we must nip that culture in the bud. That is not a culture that we need to encourage in the 21st Century in a country that respects itself.

I hope that at the next appearance of the Cabinet Secretary for Interior and National Administration, he will actually give a roadmap on this. We are headed to the 2027 General Election and yet, we have marauding gangs as the main political actors. It may never be possible for young people, women and all the vulnerable groups to participate actively in our elections.

Be that as it may, I am concerned because listening to his comments, he has requested the House to help unravel the issue, however, he has already concluded investigations on the Floor. He has said that he knows whose goons they are; that they belong to a certain government and he cannot be intimidated.

What happened to goodwill a forefront that when you raise a matter before the House, you give the House the opportunity to come and favour you with the requisite information on what happened? I believe that ought to be the tone and language of us, as

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leaders, especially during this question time. This opportunity to comment on statements is just for us to add information which we think will be useful in aiding the Committee find solutions to that particular problem, not to cast aspersions and make political leaning assessments of matters. That will surely derail the good effort of trying to get to the bottom of that particular matter.

Mr. Speaker, Sir, I agree with those who are saying that this is bad culture that we cannot allow in this country in the 21st Century.

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

Sen. Wambua: Thank you, Mr. Speaker, Sir. I rise in support of the statement by the Senator for Kisii County, Sen. Onyonka, jointly with the comments on the statement made by Sen. Dullo. Let us face it, we are living in very dangerous times. It may look very fashionable today for an elected leader to mobilise young people to fight their battle in exchange of whatever stipend given. However, what happens is that once that battle is won and done with, the same people will turn against you. Assemblies across the country are protected institutions. There should be no justification whatsoever for anyone to gain access to a county assembly and attack elected leaders or even staff working within assemblies. It is my hope that the police officers in Kisii and elsewhere will swing into action and ensure that we bring this thing to an end.

On the matter of Sen. Dullo, I know you have given direction on this one, but allow me just to say this. Sen. Dullo is here today to talk about what she has gone through. It could have been worse. A time has come that now the police must act as the police. They can never be seen to be taking sides on any matter. It does not matter who is mobilising. It does not matter whether it is the leaders allied to the Government side or leaders allied to the opposition. It does not matter who is mobilising for as long as there is a breach of the law and that lives are being threatened. I just shudder to imagine what would have happened if those bullets that Sen. Dullo is talking about hit the target. I just shudder to imagine what we would be talking about today.

Mr. Speaker, Sir, it is one thing to talk about these things casually and just tick boxes. Action must be seen to be taken. I like what the Majority Leader said that in the next few months, the political temperatures in this country will be hitting fever pitch. We must be careful that we will have an election or a campaign where Sen. Cherarkey will sell his policies, if he has any, freely, anywhere in the country. Sen. Wambua will be allowed to sell his policies anywhere in the country as well. That is the country that we want to build, not a country where when people do not agree with you, then they physically manhandle you. That cannot be allowed in this country.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir, we have policies and I confirm that to Sen. Wambua. He should just be keen on what we are saying.

On the issue of Russia-Ukraine conflict, I appeal to the Government because I was just cross-checking that the country has what we call Kenya Diaspora Policy 2024, which is supposed to work on repatriation of bodies, funeral costs and transportation of bodies. I call upon the Cabinet Secretary at the Ministry of Foreign and Diaspora Affairs to do their job because the policy is in place. There are so many ways in which this this matter can be handled, once and for all. I appeal to Cabinet Secretary Musalia Mudavadi to be on top of the game and implement the Kenya Diaspora Policy of 2024. It is catered

for; it is budgeted for. It is upon us to give the actionable process on how we can help Kenyans.

Secondly, I appeal to National Employment Authority (NEA) to ban all agencies that are transporting Kenyans to Russia to fight. That is the only thing we are asking. We will ask the Directorate of Criminal Investigations (DCI) to apprehend anybody or labour agencies that are taking Kenyans abroad.

Finally, on the issue of Talanta Sports concerning the Kshs11 billion; I appeal to the Committee to invite the immediate former sports Cabinet Secretary who is the current Cabinet Secretary for Interior and National Administration because I heard what Hon. Ababu Namwamba said. The Hon. Cabinet Secretary Murkomen must appear before that Committee and tell us what happened to the Kshs11 billion difference. He must be held accountable.

Mr. Speaker, Sir, I beg to I support.

Sen. Faki: Asante, Bw. Spika, kwa kunipa fursa hii ili nichangie kauli mbili ya Sen. Dullo na ya pili ni ya Sen. Miraj.

Mimi pia naungana na Maseneta wenzangu kusikitika kwa hali ambayo ilimpata Sen. Dullo hivi karibuni. Usalama wa Wakenya wote na usalama wa viongozi wao ni jambo muhimu sana ambalo Serikali inahitaji kuzingatia. Watu kuzururazurura na bunduki na silaha nyingine ambazo zinaweza kuharibu maisha kwa nchi yetu ni jambo la kusikitisha hususan wakati tunatenga fedha nyingi kwenda katika masuala ya ulinzi na usalama.

Suala la pili ni taarifa iliyoletwa na Sen. Miraj kuhusiana na kunyimwa huduma kwa watoto walio chini ya miaka tano. Katiba inasema ---

(Sen. Korir and Sen. Omogeni consulted while standing)

Kiongozi wa Walio Wengi, tuko katika Bunge.

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

(Laughter)

Sen. Faki: Mheshimiwa Spika, suala la matibabu kwa watoto walio chini ya miaka mitano ni la kikatiba. Katika Katibu ya Kenya, Kifungu cha 43, kinasema kwamba watoto wana haki ya kupata matibabu kwa hali ya juu kabisa. Kifungu hicho pia kimerudiwa katika Kifungu cha 16 cha Sheria ya Watoto. Inasema kuwa watoto wanapaswa kupewa matibabu ya hali ya juu kabisa. Kwa hivyo, kuzuiliwa kwa watoto kupata huduma kwa sababu labda anatoka kaunti nyingine ama mzazi wake hana kadi ya kura ya Kaunti ya Mombasa ama kaunti nyingine yoyote ni ukiukaji wa Katiba na sheria.

Hivi juzi kuna mtoto wa chini ya miaka tano aliyefariki katika Hospitali Kuu ya Makadara, Mombasa. Ilichukua siku 30 ndio mwili wa mtoto yule kupewa wazazi ili akazikwe. Hili ni jambo la kusikitisha. Kwa hivyo ninaunga mkono kauli hii na tungependa Kamati ya Afya – kwa sababu siku zingine wamekata ku---

(Sen. Faki's microphone went off)

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Ninaona bado inawaka na hapa imezimwa.

The Speaker (Hon. Kingi): I want to speak to Hon. Senators. Have you concluded? Okay, conclude your thoughts.

Sen. Faki: Kwa sababu Kamati ya Afya, mara nyingi tukizungumzia masuala ya Mombasa, huwa wanayapiga chenga na hawataki kuja Mombasa kufanya uchunguzi wa kisawasawa. Kwa hivyo, ninaiomba Kamati hii iliangazie suala hili kwa ukamilifu.

Asante.

The Speaker (Hon. Kingi): Hon. Senators, we have actually expended the 15 minutes allowable under this Standing Order. Therefore, we will move to the next order.

Clerk, proceed to call the next order.

Hon. Senators, we will defer Orders Nos.8 and 9 and straight away go to Order No.10.

COMMITTEE OF THE WHOLE

THE NUTS AND OIL CROPS DEVELOPMENT BILL
(SENATE BILLS NO.47 OF 2023)

(Committee of the Whole deferred)

THE OFFICE OF THE COUNTY ATTORNEY (AMENDMENT) BILL
(SENATE BILLS NO. 47 OF 2024)

(Committee of the Whole deferred)

BILL

Second Reading

THE CULTURE BILL (NATIONAL ASSEMBLY BILLS
No. 12 OF 2024)

(Sen. Cheruiyot on 25.2.2026)

(Resumption of debate interrupted on 25.2.2026 – Afternoon Siting)

The Speaker (Hon. Kingi): This is an interruption of debate on Wednesday. Sen. Maanzo had the Floor. He had a balance of 11 minutes. You may proceed, hon. Senator.

Sen. Maanzo: Thank you, Mr. Speaker, Sir. The Cultural Bill originates from Article 11 of the Constitution which recognises cultures as the foundation of the nation and as the cumulative civilisation of the Kenyan people and nation. This particular legal proposal should have been done as early as 2010 when the new constitution came into force. It is under Article (2(a) which states as follows-

“The State shall—

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(a) promote all forms of national and cultural expression through literature, the arts, traditional celebrations, science, communication, information, mass media, publications, libraries and other cultural heritage.”

Mr. Speaker, Sir, my contribution stems from the fact that in the African culture, there is science. That traditional culture had a way of medication. In fact, one of the things which is mind boggling is that the Maasai people, who live with snakes just like the Kambas, have a traditional way of treating snakebite. That is science which should be preserved and probably taught to other communities.

There are quite a number of other sciences which are culturally developed and need to be preserved. I am aware when I was growing up in Makueni that my grandmother knew the herbs whose roots one would chew to cure stomachache or even flue. As of now no one has kept this science. It is very important that these be preserved.

The Constitution is talking about libraries. Probably we should have a library of each culture. In Washington DC there are libraries that preserve history and museums that deal with certain aspects of development. We should museum our culture so that traditional dresses of different communities are preserved and known, so that during national days we should wear our cultural heritage attire.

There was a time we were trying to come up with an official Kamba dress. That research is going on so that we can have an identity of that nature. We have witnessed Kalenjin, Ogiek and Somalis. As the Swahili saying goes ‘*mwacha mila ni mtumwa.*’ We should not be slaves of other cultures.

When I attended the 2008 Olympics in China, the Chinese President spoke in his language. It was up to us to find anyone near that could translate so that we could follow the speech. I think we should be proud of our languages. They should be the ones, for example, used in universities to teach Mathematics and Geography. In Germany there are subjects that are taught purely in German. The same case applies to India and many other countries.

Mr. Speaker, Sir, this law is very important although it is late in coming. We could have further amendment to make it potent and better that we preserve all the gazetted cultures of Kenya. Our diversities in culture make us better so that even children can learn. When I went to primary school, I was taught Kamba, which is no longer a subject in schools. I can read the Bible in Kamba and write fluently. Children are only taught Swahili and English, which is a foreign language.

We need to preserve our cultures and this can be best done through the county governments. Different counties carry different cultures. In Nairobi we used to have culture preservation at the Bomas of Kenya. I do not know what is happening now because there is a very big modern hotel being built there. I still believe these cultures should be retained.

We should know and celebrate the Giriama, Pokomo, Kamba, Kalenjin culture and the Luhya bullfighting. It should not come to an end. I think this a very important piece of legislation that should be promoted through the counties. Instead of politicians taking on each other, they should be busy building the traditional culture.

African traditional cultures had very honest people. When King Leopold 11 went to Congo where most of us the Bantu came from, he found them very honest. He had to come up with a strategy to mess their way of doing things. In the Kamba culture, we do

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not steal from anyone. People know that one should not take what does not belong to them.

There are even myths which should be demystified. The other day Sen. Kinyua was asking me about the Kamba myth and some communities at the Coast, where you do not steal somebody's wife. They have a science that protects. Some of these myths should be protected. If somebody is caught, they pay a very heavy fine.

We had a Member of Parliament from the Coast who said he knew about that medicine, which is why he sits comfortably in Nairobi because he knows nobody will steal his property at the Coast. Whether a goat or whatever, he will catch the thief. If there is any science associated with these myths, it should be preserved and a lot of research done on it, so that it can be one of the things to be proud of.

In conclusion, when Moses went Pharaoh and laid down his staff that became a serpent, Pharaoh also called his magicians and they also did similar science. To show that God was mightier than the gods, Moses's snake swallowed Pharaoh's snakes. In fact, in the forest, snakes swallow other snakes.

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

Sen. Faki: Bwana Spika, singependa kumtatiza Seneta wa Makueni lakini amezungumza mambo hapa ambayo ni ya kutamausha. Hapa katika Seneti tuna Maseneta watatu pamoja na Spika kutoka maeneo ya Pwani. Mheshimiwa Maanzo amesema kwamba kuna Seneta wa kutoka Pwani ambaye huwa hana wasiwasi kwa sababu anatumia miti fulani ambapo mkewe hawezi kumwendea kinyume.

Sisi tunajuwa mambo ya *kamuti* yako Kitui, Makueni na Machakos na kwingineko. Je, ni sawa kutoa maneno bila kuthibitisha ni Seneta yupi?

The Speaker (Hon. Kingi): Seneta Maanzo, ikiwa huna ushahidi, tafadhali ondoa matamshi hayo na uendelee kumaliza hoja yako.

Sen. Maanzo: Mr. Speaker, Sir, I said these are myths. They are there in Ukambani. I would be very happy if somebody demystified. I only hear and wish they could be demystified.

The Speaker (Hon. Kingi): Umesema kwamba kuna Mbunge wa kutoka Pwani.

Sen. Maanzo: Alikuwa mbunge na rafiki yangu ambaye sasa si mbunge.

The Speaker (Hon. Kingi): Malizia hoja yako.

Sen. Maanzo: Hii sayansi ya jadi ifanyiwe uchunguzi kutoka kwa wazee wanaoielewa kwa mfano, kutibu sumu ya nyoka, watu na kuzuia wizi. Kule Ukambani, wakati mwingine ninasikia kuna wazee huwezi kuiba mali yao ata kama ni ng'ombe. Atasema yule aliyeiba ng'ombe arudishe. *The next day, that somebody is eating grass.*

The Speaker (Hon. Kingi): Sen. Maanzo, can you choose your language? It is either English or Kiswahili.

Sen. Maanzo: Mr. Speaker, Sir, my apologies. I will use English. Therefore, this is what happens with this science. Through this Bill, we want to know the research, myths, truths, facts, and what best can make our cultures better preserved for the benefit of the people.

I thank you.

Sen. Mungatana MGH.: Thank you, Mr. Speaker, Sir, for giving me the opportunity to support this Bill. A few months ago, the people of Idsowe Village practised a known Pokomo tradition, where if women feel that the decency of a fellow

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woman has been attacked, they would gather around the young man or whoever and practise a culture called *kufunya*. This means they would administer punishment by pinching that person like a mob justice of sorts. For example, this would happen if a young man knows that a woman is giving birth in a particular place and they approach it. They would risk that kind of punishment. When that traditional punishment was administered on a person, somebody decided to go to court to punish a whole village because they were practising their culture.

Our new Constitution that we created said that we must put in a Bill which is supposed to fill in the gap in the culture area. Up to now, there has been no Bill that has come to make reality of our cultures. Therefore, what happens is the European culture. This is because a person like that runs, gets a P3 and starts harassing an entire village for practising their culture.

I want to state it before this House that it cannot be that the European culture is superior to the culture of the African man. We knew what was good for us. That case is in court, and I am paying close attention to what is happening. This is because they picked one or two people and decided they are going to pay the price for the entire cultural practise.

Mr. Speaker, Sir, if this law was in place, it would protect people who are exercising and upholding the African culture, in a manner that keeps society together.

Amongst the Pokomo, if you do not participate in the burial of other people; if you are never there to dig the graves of other people when their families lose their loved ones, when your time comes, you will also not be supported. You will be expected to go out and look for those other people who you think are more important than the villagers to help you dig. So, you have to go outside and incur that expense.

If you offend the village, if you are the village goon or wizard who is hurting people and they have that information, you will be thrown out of the entire place. You are not allowed to even access your own house. These cultures kept our people bound together. They created boundaries and good behaviour for our people.

Mr. Speaker, Sir, to date, the way some people behave, the only way to deal with them is under cultural practises. It is time to have this Bill. Aside from practises that keep the cultures and people together, there was science around our people in those days.

I sat with an old man and he told me that in their community, in Tana River, they are able to tell when the rains are coming and whether they will be heavy or scarce by looking at the direction the insects are moving. They are also able to look and tell you whether there would be a dry period and therefore shift the animals to this other side. This science needs to be documented. Our people had herbs and ways of keeping the community safe by predicting the future. This law that we are passing today in the Senate is fundamental. Our Constitution got it right when they said that we need to document these things.

Mr. Speaker, Sir, the children we are bringing up nowadays are not like us. They did not see the rains, flooding, floodplain cultivation and the season of plenty where mangoes were all over and you could not punish anyone because there was no stealing when you pick a mango. They did not see the harvest time where you could eat anywhere, not just at your aunties or uncles. Food was in plenty. These people have been

brought up in a different culture. They do not even know our artefacts looked like. It is time we preserve this knowledge.

In my village, I am grateful to some of the leaders who retired from Government and took the opportunity to set up the Ngao Museum. I am grateful, to the Permanent Secretary for Culture, the Arts, and Heritage who came to open the place. Now when people go for holidays, when our children and for those of us in our age group who now have grandchildren, visit, they are able to see how our people used to live. They are able to identify why people do the things they do.

For example, in our culture, you cannot just bury a person who has died. You must take them to their house. There must be an all-night singing and it is a way of saying goodbye to the departed loved one. We are now learning from psychology that it is a way of bringing to closure what is inevitable and has already happened.

So, as a Senate, we need to pass this Bill. The only thing that I would emphasise is that where there is clash of culture and the English law, this law, so long as it is not repugnant to justice, should prevail.

I think we will need to bring a few amendments to put that into perspective. We want our culture to be respected. We want our people to know that they came from somewhere.

Our culture cannot be defined by television, soap operas, cartoons and series that people watch and grow thinking that is the culture of our people.

Mr. Speaker, Sir, when you hear of this transgender, that thankfully President Trump has come very strong against despite the fact that it originated from their places, they were being brought here in Africa. People are being told it is good, you need to let the boy be the boy or the girl be the girl, or to let him define his gender as they are growing. How now?

When President Museveni took a very strong stand against that kind of stuff, they even threatened him that they would stop supporting his foreign aid activities. We need to make this law a reality so that our people will not be product of soap operas, cartoons, series, and movies, to be part and parcel of our culture.

Some of these Hollywood-created cultures, people do not know that it became like--- In fact, some of the actors were giving their own testimonies that they refused to participate in parts that demanded of them to play homosexual roles. When you look at those movies, people think that is the correct thing, but there is an agenda that was being driven, and thankfully, this time, it has been held back. I do not know for how long. I hope the next President of the U.S.A will follow. When you are born a man, you are a man. When you are born a woman, you are a woman.

This Bill will help us give our children and the society we live in the Africanness in us. The thing about sharing, it was natural that if you went hunting, you would come back with the hunts, and you would share. You even knew these parts belong to the uncles, these to the aunties. These are for the uncles who are on the side of the father.

In our villages, we never used to have fences. I remember when I was young, I would wake up in the morning to go and say hello to the younger uncle, and across the village to the other uncle, to the other uncle, to the auntie and all of us cousins would move together. When we descend in the house of this uncle, we eat everything. Breakfast is there. They would come to my father's house for a midday snack. We would go to my

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auntie for lunch. We were playing and everything was shared. You would see the village at the beginning to the end.

Nowadays, the *mzungu* has said everyone must have a fence. It is dangerous. People are bad and everything has disappeared. Those happy days are gone when we used to go to the river and swim with abandon. I recall we never even used to have swimming costumes or things like that, and we never did bad things. We all knew the girls were downstream on the other side and the boys were upstream on the other side. We all knew the roads that we would use and where to go. Nowadays, people are not even allowed to go swimming in the river because we are told it is dangerous.

My prayer is that this Bill passes and we preserve what is good about our cultures. It is my prayer that even in every county and sub-counties, the way we are setting up hospitals, we should be able to set up museums so that our future generations can see what we used to do. I was in Uganda the other time, and I went to see how the people would use the reeds from banana leaf, and they used traditional ways to make it so nice.

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

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

Mr. Deputy Speaker, Sir, no one has recorded that science, but you just have small hearts where people are showing you this is how we used to do it. They would do it and they would come up with a beautiful traditional gown. That gown, even when you touch it, you feel it. All this science needs to be preserved.

In Kenya, we had various forms. My prayer is that we will support this bill and pass it very quickly in the Senate. If there are any amendments that we need to do, let us do them. However, in principle, it speaks to what the Constitution envisaged, that we need to have a legislation that protects our culture. With those many words, I pray to support. Thank you.

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

Sen. Wambua: Mr. Deputy Speaker, Sir, I thank you for this opportunity that you have given me to also contribute to this Bill, the Culture Bill 2024, which has been sent to us from the National Assembly.

From the onset, I must say it is a bill that perhaps should have been passed much earlier. Now that we have it, we can discuss it, debate it, and bring some life to it. First of all, I want to thank the drafters of the bill for attempting to do a very important thing, to put culture at the center of government. This bill, as captured by the drafters, is drawn from Article 11 of the Constitution on culture.

Allow me to say this, that perhaps it is only that now, these days, the Parliamentary Service Commission, and I am seated next to one of the commissioners here, does not seem to have sufficient resources to do proper facilitation and legislation of members. I am not saying this is not proper. I am just imagining how rich this bill would have been if, as we debated, we have a report from as far as Paraguay, in South America, where we have a community of the Kamba Nation, who, for more than 200 years, have stood firm, defended and protected their culture in a foreign land.

I want to say that when I looked at this bill, one of the things that struck me is that this bill talks almost very casually about the involvement or the role of the county governments in the preservation of culture. However, it has gone very heavy on the role of the Cabinet Secretary and the national Government, on what they should do to preserve a culture.

Mr. Deputy Speaker, Sir, protect me from loud consultations. I can hear colleagues here talking about the Kamba Nation. They are not in Mexico; they are in Paraguay. The preservation of culture, in this day and age, will serve us very well. You have heard the contribution from my colleagues, Sen. Maanzo and Sen. Mungatana, almost wishing that we could get back there in those good old days.

When we went to school, we were taught to read and write in our mother tongues and there was absolutely nothing wrong with that. Out of that, we are able to read our Bibles in our mother tongues. We are also able to sing hymns from hymn books written in our mother tongues. We cannot try that with our children. I was a student of literature and I believe that language is a carrier of culture. It will be difficult for people who cannot speak a language to advance a culture related to that language.

Mr. Deputy Speaker, Sir, something needs to be done to improve our ethnic diversities; the languages that we speak in this country. Those languages enrich our bond and make us strong. Our diversity makes us a stronger nation and a stronger people. From onset, that is why I will urge that sufficient funding be given to universities for them to do proper research and development of our cultures.

Mr. Deputy Speaker---

The Senate Minority Leader (Sen. Madzayo): On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Sen. Wambua, there is a point of order from the Senate Minority Leader.

The Senate Minority Leader (Sen. Madzayo): Asante, Naibu Spika. Ndugu yangu ametaja jambo fulani lakini hajalifafanua kinaga ubaga. Wakenya wanajua ya kwamba Wakamba wako katika eneo ya ukambani kama Machakos, Kitui, Makueni na kwengineko.

Yeye amesema ya kwamba Wakamba wako pia Paraguay ilhali sisi tunajua ya kwamba Wakamba ni Wakenya na wanaishi katika nchi ya Kenya. Je, anaweza kufafanua hilo jambo ndiposa tuweze kujua Wakamba ambao wako Paraguay? Tungependa pia kujua uhusiano wao na wale Wakamba ambao wako Machakos, Kitui, Mwingi na kwengineko.

Asante, Bw. Naibu Spika.

The Deputy Speaker (Sen. Kathuri): Sen. Wambua, fafana.

Sen. Wambua: Mr. Deputy Speaker, Sir, my leader has sought information, which is important. I, therefore, request that you give me more time if my time is up because I am spending this to educate my leader.

This House and my leader should know that in the year 1820, there was a general from Uruguay who came to East Africa to look for compatriots. He wanted people to fight on his side. He was directed to a certain nation and not a community. The nation was Kenya, which is in East Africa. He went to the southern part of the country and found the Kambas.

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When he came, he negotiated with the leaders of the community at that time to be given warriors to go and fight with him. Whereas most communities in our region went to the Americas and to Europe as slaves, the Kamba warriors who went to Uruguay, though they actually landed in Paraguay, went there after negotiating a deal with the general that he would take 250 of them. However, they insisted on going with their wives. They said that they did not want to go there then lose their culture. They said that they will go with their wives and fight on his side. They told him that if they are to win the battle, he was to give them a piece of land where they will settle with their wives, procreate, and become members of his community. However, they will retain their culture.

From that time to date, that community lives in Paraguay. They have retained their culture. In fact, they are known internationally for their culture in terms of music, dance and drumming. That should be sufficient information to my leader.

I can now go back to the Bill. We are talking about preservation of culture and there is a community that has demonstrated ability to preserve culture beyond where they live.

Mr. Deputy Speaker, Sir, allow me to advance my comments on the Bill. Part II of the Bill talks about management of culture and development of culture. We are not to inhibit or strangle culture. I expect the Cabinet Secretary responsible for culture to take it upon themselves to help all cultures in this country to develop, be shared and be passed on to future generations.

The wording of the Bill is that the Cabinet Secretary is supposed to help promote and rehabilitate cultures that are facing the danger of extinction. There is a responsibility on the part of the Cabinet Secretary to help in the rehabilitation of those cultures.

The Bill also talks about national cultural institutions. What came to mind when I read that is the Bomas of Kenya. Bomas of Kenya must be the melting pot of Kenyan cultures such that someone who goes there should have access to all cultural artifacts and cultural heritage. They should also interact with different people from different communities who will express develop and popularise their culture.

I have seen a lot of construction going on at Bomas of Kenya and I hope it will not compromise the need for us to preserve our culture. At the completion of that construction, I expect a Pokomo to go there and find a traditional Pokomo house and interact with the culture of the Pokomo people. A Kalenjin should go there and find a traditional Kalenjin hut. He should also be able to interact with the culture of the Kalenjin people, including the staple foods of their people. I reiterate that the Bomas of Kenya must remain the melting pot of our Kenyan culture. We must not lose that aspect in whatever modernity goes in there.

The Bill also talks about developing mechanisms for restitution and repatriation of illegally acquired cultural property. As we speak today, it is common knowledge that there is a lot of cultural artifacts that were taken away from our country to foreign lands, including the remains of the man-eaters of Tsavo. We need those lions here because they belong to us. They are part of our culture and heritage. We need them to be rehabilitated. That is what the Bill is speaking about.

As I said, universities must be properly funded to carry out research and development of culture. I have a small problem with Clause 6 of this Bill because it is the one that assigns roles to county governments. There was an argument some other day that

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we should begin to think about renaming our counties. If you go to Meru County, you will find that the majority of the people who reside in Meru County are people from the Meru extraction. They have a common history and shared destiny.

Mr. Deputy Speaker, Sir, the roles assigned to county governments in this Bill are too minimal. Clause 6 assigns those roles, but thereafter, reference is made to the cabinet secretary including the cabinet secretary determining benefit-sharing agreements from proceeds of cultural heritage.

That should not be allowed. We want the people of Samburu to decide the value they attach to their cultural heritage without reference to a cabinet secretary who may never have visited Samburu. The indigenous people must attach value to their culture. Once they have done so, they should determine levels of access. That role given to the cabinet secretary should go back to county governments.

The promotion of cultural activities among counties is important. There is an interesting conversation among members of the Council of Governors (CoG). I pity that Council. There are opportunities for great discussions and roadmaps to put this country on the right trajectory.

The other day, I was privileged to attend a medical camp organised by Kiio Wambua Foundation in Tharaka Ward, Kitui County. The ward is predominantly occupied by people from Tharaka. In that camp, I was honoured to be a guest during the initiation of young men of Tharaka origin. You see the beauty, strength and resilience of our culture and admire it.

I wish governors would spend more time discussing how to develop the diversity and richness of cultures in their counties. Put together, that forms the national culture. Instead, they sit and pretend they can determine who sits in the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration of the Senate.

Clause 8 aligns with Article 35 of the Constitution of Kenya, 2010 on access to information. People should access information on culture and cultural heritage. The problem arises from Clause 9, where the cabinet secretary in the national Government again takes centre stage. The Clause says that the cabinet secretary shall, in consultation with relevant stakeholders and county governments, establish mechanisms for determination and compensation on royalties.

Those of us who are students of language and linguistics know that when you say “relevant stakeholders and,” it means county governments are not relevant stakeholders. That should not happen. County governments must be at the centre of decision-making on payments and royalties for cultures in their counties.

Clause 9F talks about determining the amount of investment by a state organ in cultural heritage. What about the investment of county governments? They are assigned responsibility to develop cultures. When determining the value of cultural heritage, if you consider the investment of the state, you must also consider the investment of county governments.

All in all, this is a good Bill. Its time has come. I reiterate that the Senate should propose amendments. We must not make this a national government Bill. It is a national Bill, not a national government Bill. It must consider input and benefits accruing to both levels of government: the national and county government.

Mr. Deputy Speaker, Sir, having said that, I support the Bill.

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(Interruption of debate on Bill)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I wish to make this Communication, then we proceed with the Bill.

COMMUNICATION FROM THE CHAIR

VISITING STUDENTS FROM CUEA.

Hon. Senators, I would like to acknowledge the presence in the public gallery this afternoon, visiting students from the Catholic University of Eastern Africa (CUEA). The delegation comprises 60 students who are in the Senate for a one-day academic exposition.

On behalf of the Senate and my own behalf, I extend a warm welcome to the delegation. I wish them a fruitful and enriching visit.

Thank you.

Sen. Mutinda, you are smiling in a way suggesting you want to welcome them to the Senate. Is that true? Proceed under one minute.

Sen. Tabitha Mutinda: Thank you, Mr. Deputy Speaker, Sir. As the Senator for the Nairobi delegation, I take this opportunity to welcome our alumni. We normally say “comrades power” only that you cannot respond. I encourage and remind you that education is the only weapon you can have and nobody will take it away from you. Continue enjoying your studies. Some of us never had the privilege to be in the gallery of any Parliament, but you have it today. Make the best use of it. Be proud of your studies.

Lastly, you can also be in the spaces we are in. Focus on the right leadership. You have a structure of leadership within your institution. Kindly, respect it. I wish you God’s blessings and success.

Thank you.

The Deputy Speaker (Sen. Kathuri): Very well. Let us now hear the Abagusii perspective on culture issues through Sen. Omogeni Erick.

(Resumption of debate on Bill)

Sen. Omogeni: Thank you, Mr. Deputy Speaker, Sir. For the record, I agree almost entirely with this Bill that has been processed and sent to us by our brothers and sisters in the National Assembly.

It is very enriching sitting next to my colleague, Sen. Wambua. I have learned today that the Kambas have some people in Paraguay. If I ever travel there, I would like to see whether I would find someone resembling Sen. Wambua and I will report back that he has his people in Paraguay.

Culture is rich. Our Constitution was deliberate in Article 11. The drafters at Bomas of Kenya, refined by the Committee of Experts and passed at the referendum, stated that culture is the foundation of our nation. That statement would not have been

included if those who participated in drafting the Constitution did not acknowledge the importance of culture. Culture is a unifying factor.

Mr. Deputy Speaker, Sir, in Kisii, we have a strong belief that we, Kisiis and Merus are cousins. We have traced and know that somewhere in Tigania East, there is a location called Akivi. It is believed that the Merus could not pronounce Kisii, so they called that location Akivi. When a Kisii man approaches a lady, they will say, we know you Kisiis have tempers like Merus. So, culture is unified.

In my early days, when I used to sell in a shop in Migori, where Sen. Kajwang' comes from, the ladies there used to call me Jagot. There is no day they called me by my name. They used to call me Jagot to mean the person from the hill. I would feel nice. I would feel nice if Sen. Kajwang' calls me Jagot and I call him Jakanyanam. We connect through culture. However, when you are call me Sen. Omogeni and I call you Senator, we do not connect. One feels nice if you relate through culture.

I spent over six years, in my early days, schooling in Kericho. In primary school, I was in Kericho. In my high school, I was in a school called Kabianga, which is in the village where the Senate Majority Leader, Sen. Cheruiyot, comes from. We have a strong belief that Kisiis were residing in that region and that we only moved because we felt it was so cold and our children were dying. So, we call it Kabianga which in Kisii means "things have refused to work."

The people that I would visit in Kabianga would say we are your clan, referring to the Boncheri Clan, where the Cabinet Secretary (CS), Hon. Chirchir, comes from. When I was in Kabianga, I used to escape at times in the evening, and go to Kisiis around Kabianga. They would welcome me and say you are one of our own. That was near Kabitungu, if you know Kabitungu Secondary School. There is a clan you call *Mabasik*. In Kisii, the *Mabasik* are the *Ababasi* clan. There is another that you call *Motoborik*, who in Kisii are *Abatobori*.

Mr. Deputy Speaker, Sir, this Bill is telling us that we should unify the country by making our people to understand the roots and heritage of where you came from. You will find that all these communities had a lot in common. Sen. (Dr.) Christopher Langat used to tell me that his grandmother is from Kisii. Similarly, when I was the President of Law Society of Kenya in 2007, I had invited the Cabinet Secretary (CS) of Agriculture and Livestock Development then, the current President, Dr. William Ruto, over. I went to his private office to hand him a letter of invitation to come and address lawyers as our guest. He told me that his great-grandmother comes from Kisii, and said, Kisii and Kalenjins have a connection.

Mr. Deputy Speaker, Sir, I am really happy that as Kenyans, we have acknowledged that we need to celebrate our culture and pass this law, that will allow our children to understand some of these things.

Nowadays, I attend wedding functions, and you find people saying they want Kshs1 million. That is totally against our culture. I know that in the Kisii culture, when you are marrying, you take five cows and one bull. That is our Kisii culture. When I was negotiating dowry, as I was marrying my wife, Jacqueline, my sweetheart, I travelled all the way to Luo Nyanza, and told the Luos that for me to go back and tell my people that I have gotten a wife, four-legged animals must walk to your *boma*. That is what we did

with my elder brother, Kimaiga. We took four-legged cows, five of them, all the way to Luo Nyanza with a bull. Then I said, now I have gotten a wife.

We need to document this culture. The Gen Zs, our young children, will never understand this culture. I am sure even in the Meru---

The Deputy Speaker (Sen. Kathuri): There is a point of order.

Sen. Omogeni: Is it a point of information? I need to give you permission. Is it a point of order?

The Deputy Speaker (Sen. Kathuri): What is it? Is it a point of order?

(Sen. Wambua spoke off record)

The Deputy Speaker (Sen. Kathuri): Proceed.

Sen. Wambua: Mr. Deputy Speaker, Sir, the Senator for Nyamira is flowing very well, but he has twice made reference to four-legged cows. Could there be a three or two-legged cow somewhere? What are these four-legged cows that he is talking about?

Thank you.

Sen. Omogeni: Mr. Deputy Speaker, Sir, my good friend, Sen. Wambua, should liaise with his Party Leader, who is our *korera*, our in-law. He knows when you come to Kisii and tell us you have brought a cow, it is not complete till you say a four-legged animal. You can slaughter one and say you brought a cow to us. We want one walking, a four-legged animal walking to the *boma*.

As I was saying, I know even in Meru culture, where my niece is married, you have a very good culture on how you conduct weddings. I want these things to be documented so that our children can know that if they want to understand about culture, there is a law they can make reference to.

Mr. Deputy Speaker, Sir, on issues of circumcision, in our days, we used to go for circumcision with our age group. For instance, the people who went to circumcision with me can never oppose me politically, because we have a very strong connection. We were five of us. I was the first one to face the knife. We have a very strong bond of friendship. Nowadays, we are taking our children to hospital. The community never celebrates their rite of passage. Nowadays you wake up and someone tells you, my son now is a man. When you ask when it happened, you are told he was taken to hospital. Let us go back to our culture.

Mr. Deputy Speaker, Sir, in those days, circumcision was a big thing. During circumcision ceremonies, there was dancing, and you could eat, enjoy, and the whole village would know that the boy had become a man. I feel sad, that as a Senator, the people of Nyamira County have not given me an opportunity to attend any of these functions, because we have totally killed our culture.

There is nothing wrong for the community to know their children, because we say children belong to the community. So, when you do these celebrations, which the Constitution of Kenya, in Article 11, has acknowledged, you are helping these children to create friendship that will last forever. Even if your son schools in Nairobi, Sen. Wambua or Sen. Cheruiyot, and you take them back home to go through that rite of passage ceremony with other age mates, they will have a long-lasting friendship.

I was happy when the Senator of Narok County invited us, last year, to attend a celebration of his son. I was also invited by the Member of Parliament (MP) for Narok West, Tongoyo. That is what we want. My friend, Sen. Wambua told me some times back that in appreciation of that rite of passage, he took a bull to his herd. That boy will grow up appreciating culture.

Approximately four years ago, I was invited by my good friend, Governor Munya, to attend a naming ceremony of his son. That is when I learnt that for the Meru's, there is a time, when your son is around 16, you do a ceremony to name him "properly". I was happy to see the Meru elders, *Nchuri Ncheke*, appreciating that for them that is a big ceremony. That is what we want.

Mr. Deputy Speaker, Sir, even in marriage, there is a way you address your wife in culture. You do not wake up, for example, and say, "*Wewe Tabitha, kuja hapa.*" No. In culture, there is a way you address your wife. However, our children may not know. For example, I cannot just wake up and call my wife Jacqueline, no. There is a traditional name I refer to her by and everybody knows it. I call her *Omwanchi*. Yes, that is how I address her. Even when the *wazees* hear me say that, they say, 'this son of ours understands culture'. That is what we want to put down in our laws, so that our children also pick some of the very good cultures.

We do not want to say the only word you can call your spouse is sweetheart, no. Or honey, no. There are very good names. I am sure the Kambas, the Maasai, the Kipsigis and other communities have these names. I am sure if Sen. Tabitha has crossed to the Meru's, there is a name the Meru will call her and she feels nice. This is a celebration of culture.

If I may move to another point on dispute resolution, Article 159 of the Constitution of Kenya, 2010, acknowledges that in our various societies, we had ways of resolving disputes. The one that was famed which a friend of mine wrote a thesis on when we were at law school, was the Njuri Ncheke. Governor Munya's thesis was on the Njuri Ncheke. He wrote on Njuri Ncheke's role in dispute resolution as we were finishing our LLB degree.

There are so many disputes that should never go to our courts of law, that can be resolved by the Njuri Ncheke. I even saw that there was an attempt when Hon. Kawira Mwangaza, the Governor, was facing impeachment; I think the Njuri Ncheke had tried to arbitrate. I think society acknowledges that there is a role our old wise *wazees* can play in resolving some of these things.

In Kisii, we had a thing we used to call Ritongo. That is where people used to go to discuss and resolve disputes. I hope we shall enrich this Bill by elevating the role that our culture plays in dispute resolution.

Some of these things, like disputes arising out of succession, if you have unfortunately lost a parent and there are disputes within a family, these are things that can be solved by our *wazees*, who understand our culture. They know how to share property when somebody has died. When good things used to happen.

I do not know about the Kamba Culture, but for us, when rain came, there used to be a celebration. I can see that this Bill is saying that make a provision through laws passed by our counties or now have some of these celebrations. We used to celebrate rain because we wanted to thank our gods. When God has brought you rain, you celebrate and

we used to have songs for them. Forget about the ones you are seeing nowadays by Embarambamba and the others. We used to have good songs to celebrate rain.

Mr. Deputy Speaker, Sir, the names that we were given have a connection. I know in Meru you call people *Mugeni*. In my culture, people know that I am called Mogeni because we were visitors somewhere. That is how we got the name Mogeni, a visitor. That is what it means. We share that with the Meru.

If I were to marry from another tribe and we want to give that lady a name, we would call them Kwamboka, meaning you crossed a bridge. Mostly, we used to give it to the Luo ladies who had crossed over from Luo land to Kisi. We call them Kwamboka. Kisiis used to say Moraa talks a lot. Everywhere, *akipita na akisikia maneno*, they will say something. That is Moraa. Makori is the name of a person born somewhere on the road. That is why they are called Makori. If we do not preserve these things, our children will never know about them.

Finally, Sen. Cheruiyot, you know that the Kabianga area is predominantly populated by the Seventh Day Adventists (SDAs). It is because those were the first missionaries to reach Kisii, not that the Catholics were not good, but those were the first people to reach there. If you go to Kabianga area, there are so many people who go to the SDA church because of the background.

Senator, if you know Mr. Titus Korir, when I was in school, he used to be the Managing Director (MD) of Kenya Finley. His father is called Isaboke from Kisii. We are one; let politics not divide us, we are one people. This is why this Bill is nice. We are one people.

(Sen. Madzayo spoke off record.)

You know me, I am a mzee, he is a young man, so I have to tell you about this culture. The people who are in his location, Kabianga, the larger part of Kericho, and we, the Kisiis, are one people, I am telling you. If you go and sit with those wazees, they will tell you, when I see Chirchir, I know Chirchir is one of us, because his blood is from the Kisii people.

Mr. Deputy Speaker, Sir, I support this Bill with a lot of excitement. I hope once it is enacted, our governors can take the front line in implementing it. I support it.

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

This is a very entertaining Bill. Let us hear from Sen. Olekina Ledama.

Sen. Olekina: Thank you, Mr. Deputy Speaker. My dear good friend, the Senate Majority Leader, whom I have grown to respect because he believes in culture, but if you ask him today what culture is, he does not understand because daily, he walks with one foot in the modern culture and one foot closely to his traditional culture and that is why, God willing, he is going to be a kingpin of his community.

Mr. Deputy Speaker, Sir, I rise to support this Bill, which is important for us to define what culture is all about. I am happy that Senior Counsel has alluded to Article 11 of the Constitution, which really views culture as the foundation of the nation of Kenya.

If you look at the definition of culture, it is a shared set of beliefs, values, practices and symbols that we in the Maasai community, are what define who we are, our culture as a Maasai. I have read through the Bill and although I support the Bill, I tend to

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disagree with the sponsor of the Bill, the Majority Leader of the National Assembly, because of centralising too much control and power, giving all that power to the Cabinet Secretary and leaving out the elders.

Mr. Deputy Speaker, Sir, it is imperative that we define what culture is. A simple definition sets of beliefs. Who understands those beliefs more than the elders of our society? When you come to talk about compensation, you give that power again to someone else to determine.

There are sets of amendments. I know it is around 5.00 p.m. and there are so many of us who would like to contribute to this, but we must clarify so that we do not just over-legislate and control cultures. There are things that I would like to see in this Bill, for it to fully define the interests of my culture.

I want the definition of culture. I want the issues of royalties. I want our people, our elders, to have the veto power to say this is the right way or this is not the right way. We cannot leave certain things to Regulations. Someone will come up with draft Regulations. It will come to our committee here, but they will give all the powers. Why not just define it clearly and say, when it comes to the issue of royalties, let us define it like this?

Mr. Deputy Speaker, Sir, let us give the national Government 40 per cent, or the community 40 per cent, they are the ones that define the culture. Let us give the county government 30 per cent. Let us give an individual 30 percent. Let us not wait for these to be defined in the Regulations; we have an opportunity to amend this Bill. We need to recognise what defines culture. For example, if you ask what makes the Maasai culture, it is our way of life but what is our way of life?

If you go to places like Northern Kenya and Laikipia, for over decades, our people have been terrorized. When they try to graze their cows, they are arrested and told that they have encroached on other people's land and territories yet that was their land.

Mr. Deputy Speaker, Sir, we have an opportunity to amend Clause 15 and add New Clause 15A to clearly recognise grazing routes set aside for example by the Maasai people and allow them to graze their cows there because that is what defines their culture. We cannot leave that power to a Cabinet Secretary.

It is imperative that we recognise the importance of elders in this Bill but not politically motivated cultures where we have people appointed by certain governors to fulfill their interests. Let community elders such as *Njuri Ncheke* or Maasai elders elect their own representatives who will have veto power, so that if a Cabinet Secretary comes says no and tells them how it is supposed to be, we will tell them that they do not know our culture because we know better. I was impressed by the Akamba Community that went all the way to Prague and what they demanded. That demonstrated clear understanding of their culture.

I am going to talk to the secretariat because I will bring amendments so that they ensure that they are part and parcel of this Bill. We should set up corridors for grazing. That is what will define a Maasai culture. We should give the elders powers to veto certain regulations. Let us not leave the issues to be dealt with by the Cabinet Secretary.

What am I against in this Bill? I am against centralisation of power of the controller of culture because that will continue to marginalise our communities yet we are already marginalised. Why should we come up with a legislation that will further

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marginalise communities? Let us recognise the power of Maasai elders in determining what is right for the Maasai.

I was arrested in the last Parliament and taken to court because I said that Maasai issues can better be articulated by Maasais themselves and not anyone else and I still stand by that. Now we have an opportunity to recognise Article 11 of the Constitution and I will stand by that forever. I still insist that we can better articulate our issues. Let the community select elders and give them an opportunity to say what their culture is all about.

This Bill has spoken about a database. Do you let that database be centralised? To some extent it might be a good idea because, guess what, we will have a database but who will control it? I wish this Bill introduced a process of going back to the colonial masters and recovering all our artefacts. Everything that was taken to Europe should be brought back and put into that database. That way, that database will have a meaning. I feel that if we leave this Bill the way it is, it will have very weak community involvement in everything, including deciding what their culture is and how much royalties they should get.

Mr. Deputy Speaker, Sir, I respect this House. Your brother, the current Governor of Bungoma County, recognised the role of culture and allowed me to dress traditionally in this House. It is a pity that I am not dressed like that today when we are talking about culture. I hope when the Senate Majority Leader comes to reply, he will be dressed like Kipsigis elder. That will make sense of what we are talking about.

There are a few amendments that I think will enrich this Bill. I hope Hon. Kimani Ichung'wah will accept when we take them back to the National Assembly, so that we do not have to go to mediation.

Firstly, it is important to entrench an elders-led board. They include the Njuri Ncheke, Maasai elders, Akamba elders, Abagusii elders, Kalenjin elders, Mijikenda elders, Bukusu elders or elders in Tana River, so that we entrench it in this Act to enable them clearly define what their culture stands for. We must amend Clause 8 to require a minimum 30 per cent of the Maasai and other pastoral communities on that board.

Anyone coming to Kenya comes to see the wildlife in the Maasai Mara Game Reserve and to some extent the Maasai. Therefore, it will be fair for Maasais and other pastoral communities to make up 30 per cent of the boards of county cultural committees. All of them should define what it is that keeps their culture growing and fund them.

Every month I give a bull to Maasai warriors. In fact, tomorrow they will go to my home, head to the cow barn and pick a bull to go and slaughter. We want to continue encouraging "moranism" because that is what our culture is all about.

Due to changes as a result of Artificial Intelligence (AI) and all the crazy things that have been bought by the western world, we should go by what the Majority Leader says on a daily basis; one foot in the modern culture and the strongest foot in the traditional culture. It should be a bi-cultural approach to life.

Let us fund the morans and allow them. Let us not leave it to one or two individuals to give them a bull because they are many. It is only a few who are given. Let us give them what they need because we gain from it. A lot of our foreign exchange is earned because of our traditions and cultural practices.

We can also learn from other countries. If you lived in the states, you will realise there is a nation within a nation. For the native Americans, it is almost like a country.

When you go to Arizona, it is like you are in a native American country and they recognise that. The State of Arizona does not interfere with the way they live. In fact, many people go there and set up casinos and make money. Tribal chiefs and elders are recognised.

Mr. Deputy Speaker, Sir, since I can see my sister also wants to contribute, I would like to end by stating that it is important for us to have a balance. For once, let us allow our cultures to be the ones enriching our legislation.

When we talk about intellectual property rights, who is better to define how intellectual property rights are being violated than the Kamba or the Maasai elders? It is only them. That is why, I insist that they must be in this board to make the decision. I plead with the Majority Leader that we build consensus in bringing amendments. I will be amending Clause 15 by adding Clause 15(A) on cultural corridors and Clause 8 in terms of representation.

If the Building Bridges Initiative (BBI) would have seen the light of day, a lot of things would have really benefited this nation. One of my proposals for the BBI was to set up a 10-kilometre corridor from the Maasai Mara gates, such as the Sekenani Gate (Saganani), where there is zero development. Currently, we face a lot of human-wildlife conflict because many people came in and bought land from our people which had been set aside as a corridor for grazing and converted it into huge mansions. They have fenced the land which was not fenced before.

We need to recognise those cultural corridors, keep them and support the community so that they are not left behind.

Mr. Deputy Speaker, Sir, I otherwise support and ask the secretariat to ensure that I do not forget to bring those key amendments. I request the secretariat to work with me from today so that we bring those amendments. Senate Majority Leader, this Bill should not go without those amendments.

Thank you.

The Deputy Speaker (Sen. Kathuri): Sen. Madzayo Stewart, proceed.

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Naibu Spika.

Najiunga na ndugu zangu wote ambao wamechangia huu Mswada ambao umetoka katika Bunge la Kitaifa. Kwanza, natoa kongole kwa Bunge la Taifa kwa kuleta huu Mswada wakati huu ambao unahitajika sana. Mswada huu ni mswada wa uwasilu wetu kama Wakenya, yaani, *cultural Bill*. Ni Mswada muhimu sana kati ya Miswada yote ambayo tumezipitisha katika hili Bunge. Wahenga walisema, muacha asili ni mtumwa. Sisi kama waasilu, hatuwezi wacha asili zetu. Kwa hivyo, naunga sana mkono huu Mswada wa uwasilu.

Bw. Naibu Spika, zamani, hili bara la Afrika lilikuwa kama uwanja wa mpira wa serikali za ulaya, hususan, Waingereza na Wamerikani. Walifika sehemu hizi, wakachukua baba zetu na hadi sasa, katika nchi hizo, utaona kuna watu weusi zaidi. Kulikuwa na muimbaji mmoja maarufu sana aliyetitwa Bob Marley kutoka Jamaica ambaye alisema kwamba, ikiwa wewe una rangi nyeusi, basi, fahamu kwamba wewe ni Mwafrika.

Ni kwamba, Waafrika wametapakaa katika ulimwengu wote. Ukienda Jamaica, Amerika, Ujerumani na kila mahali, utawapata watu weusi wametapakaa. Jambo ambalo limenifurahisha ni kwamba, leo ndio nimejua kwamba Wakamba wako Paraguay. Natumai kwamba walienda na vitu vyao vyote kule na hawakuacha asili yao.

Siku moja nitapata nafasi ya kuona Wamijikenda wako wapi katika ulimwengu huu. Kuna vile vigango-vitu ambavyo tulitumia kitambo kujitambulisha. Vingine vilitumiwa kwa uganga na vingine vilitengenezwa ili kuhakikisha kwamba hakuna shetani au kitu chochote kibaya kinaweza kudhuru watu wakati janga linapotokea. Hivyo vigango viliwekwa hapo. Kufikia hivi leo, vigango vingi sana vilichukuliwa kutoka Kaunti ya Kilifi na havijarudishwa. Ingekuwa muhimu kama vigango hivyo vingetambuliwa na kuregeshwa. Zile nchi ambazo zimeweka vigango hivyo, zijue kwamba haviwafai kwa sasa hivi. Wazungu wanafaa wangeviregesha huku Afrika katika nchi ambazo walivichukua wakati huo.

Mswada huu pia ni muhimu sana kwa sababu tulisema hapo awali kwamba ukiwacha asili wewe utakuwa mtumwa. Kama Wamijikenda, tuna sherehe zetu za kiasili ambazo tunazifanya. Kwa mfano, mtoto wa kike akizaliwa, wazee hukaa na kunywa vitu zao kama vile pombe ya mnazi. Kina mama wanapika chakula ili washerehekee na kufurahi. Wanazidi kumuomba Mungu kiasili. Akizaliwa mtoto wa kike wanafurahi kwa sababu wamepata mali. Akichukuliwa wanapata *dowry*. Huko uzunguni, hakuna kitu kama hicho. Kwa hivyo asili kama hizo ni muhimu kwetu. Akizaliwa mvulana, amezaliwa nguzo ama ngome kwa familia.

Tuna uhifadhi wa uwasili wetu kule Bomas of Kenya kama vile alivyotangulia kusema ndugu yangu. Kawaida, tunaona makabila yote yaliyomo katika taifa letu la Kenya. Tunaongea lugha mbali kama vile Kisii, Kalenjin, Kamba, Mijikenda na zingine nyingi kutoka sehemu mbali. Huwa tukienda kule Bomas of Kenya, tunaona makabila yote pale na jinsi vile nyumba zao zilivyokuwa zikitengenezwa. Kwa sababu Serikali yetu inafanya marekebisho, ingekuwa vizuri kuona kabila zote 42, hata wale Wamakonde na Wahindi ambao walikubaliwa juzi kama kabila kuweka asili zao pale ndani ili watoto wetu na watu wengine wakienda kule, waone kwamba hapa Bomas of Kenya, ndio mahali pa utamaduni na uwasili zetu za Kenya.

Bw. Naibu Spika, nimeusoma Mswada huu kwa makini sana hapa. Lakini shida ya hii *Bill* ni kwamba kidogo tumepita mpaka na kumpatia Waziri wa Mambo ya Asili mamlaka mengi sana. Kama kule kwetu, kuna wale wazee wa Kaya walio na mamlaka lakini mamlaka yao pia sio mengi. Tungependa haya mamlaka, ambayo yamepewa na Waziri wa Wizara ya Utamaduni, yasiwe mengi kama vile inavyoonekana hapa. Mamlaka kama haya yapelekwe kwa wazee wa kaya kulingana na vile ambavyo tunaona ama pia vile yapelekwe kwa Serikali zetu za Kaunti. Ukisoma hii *Bill utaona* kwamba vipengele vya 6, 9, 11, 12, 13, 14 na hatimaye cha 15 kinampa Waziri mamlaka mengi sana juu ya kukata shauri vile hali ya utamaduni itakavyoendesha katika sheria hii. Kwa hivyo Waziri asipewe mamlaka vile ambavyo hii *Bill* ilivyo. Kwa hivyo itabidi wakati fulani tuifanyie marekebisho ili iweze kufanana na asilia za wale watu ambao wanahusika katika hizi Kaunti na yale madhehebu yote ya makabila mbali yaliyopo.

Bw. Naibu Spika Nashukuru kwa kunipa nafasi hii. Asante sana.

Sen. Lemaletian: Thank you, Mr. Deputy Speaker, Sir. I rise to contribute to this Culture Bill, something that I am very passionate and proud about. This is because I have

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served as a Commonwealth ambassador when I was reigning as Miss Commonwealth Kenya. I served as a culture ambassador for the Commonwealth at large. That continues to make me very proud to always speak and represent our beautiful culture within and without.

Mr. Deputy Speaker, Sir, I come from one of the most intricate cultures in Kenya, a culture that for a very long time has been held and applauded as the pride of Kenya, the Maa culture. It is important to note that the Maa in Kenya span over 10 counties. I augur with my brother, Sen. Ledama, that we have been extremely marginalised for a very long time. It is very shameful that the culture that is upheld as the pride and the face of Kenya globally still faces serious discrimination and marginalisation within our borders.

Sometimes I look at our history and the history of Kenya at large. There is a lot of misinformation that has reshaped our history, consequently affecting our culture. The history that we depend on today and we pass down to our young generations in school is the history that was written by the white man, the British, the colonialist. They took away the most prized possessions and parts of our culture, leaving a shell and a scale behind. That is why you see a lot of Kenyan communities with very diluted or almost extinct culture in the name of embracing modernity.

I remember one national leader, at one point, alleging that we should not touch Mt. Kenya. There is a need to know that Mt. Kenya actually belongs to the Maa. That is why the peaks of Mount Kenya are named after our kings, Olonana, Mbatian and the rest. They are buried there. So, this means Mt. Kenya is our heritage. If anybody would say it should not be touched, it should be the Maasai. Alongside with that, there is also another misrepresentation in our history about the Maasai collaborating with the colonisers. From history passed down to me by my great-grandfathers, who were leading the battlefront, in fact, they speak of being asked to pull huge trailers and trucks that belonged to the colonialists using their pierced earlobes. How does that sound, like a collaborator?

Again, there is a history of traces of the Maasai everywhere. As a good student of history, I became very curious about history when I was in Form Two. I was this very restless child in school trying to dig more than what was being taught. It is here that I discovered that the Nilotes and Cushites arrived in Kenya way before the Bantus came from the Congo forest. If anybody should play a central role in determining our culture and rewriting the true and proper history of Kenya, it should be these two groups of people.

Mr. Deputy Speaker, Sir, I love our beautiful country because Kenya is a diverse country with over 70 different ethnic communities with very diverse and beautiful cultures. The Maa, for example, are recognised through our intricate beadwork. I am a member of a group of the Maa that has tried to get a patented licence for our beads, a copyright for us to own our beads and our *shuka*. Shockingly, these beads and *shukas* are owned by the Chinese and patented by the Chinese. The first trace of beads and beadwork globally was in Israel. It is over 120,000 years ago when the Israelites would make beads from clay, shell, seeds of trees and bones. I believe Israel is in Africa. The second trace of beads was in Egypt, around 5,000 BCE. Here they would make beads using clay.

I, Hezena, growing up and properly raised as a Samburu girl in the village, I remember when we were young before it was easy to access the cities and buy the glass beads from China. We were taught and raised to make our own individual beads and we

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would melt plastic. There is a way we make beads from plastic. There are special seeds from trees that we used to make beads. At what point did these Chinese overtake us that they patented something that they also knew belonged to Africa? We need to do something about this collectively, not just as a country but as Africa at large. We need to take back our rights and our heritage.

The Maasai have named almost every town in Kenya. Nairobi, for example, Nairobi Nkare, the cold waters. The Kenyatta International Convention Centre (KICC), for instance, used to be the watering ground for the Maasai livestock. State House where our President stays used to be the *manyatta* or what we call the boma. That was the shelter for our cows.

Mr. Deputy Speaker, Sir, misinformation has continually dented the rights of the Maa community across Kenya. There is need to include this community, especially the elders, the bestowers of our national heritage, when national conversations about our heritage and culture are being held. The *Njuri Ncheke* need to be part of this. The Maasai Council of Elders, which is a very organised body needs to be included to ensure that there is no more continuous exploitation of our people while the world prides with our culture. There is need to channel resources for this purpose. We must give Ceaser what belongs to Ceaser.

When it comes to corporates, we have seen a lot photos of our women being exploited even by our national carrier, the Kenya Airways. The lady I see there has existed in the poster for years. I am very sure if she is a Maasai, she has not been paid her dues. As a former model, I know there is a pay for somebody to use another person's face for commercial purposes.

Mr. Deputy Speaker, Sir, when it also comes to Government institutions, we have the Bomas of Kenya, which we have all agreed should be the melting point for all our Kenyan cultures. I am so embarrassed, that the Bomas of Kenya has women from Bantu communities dancing as Maasai women, when these women could actually represent their culture and get the Maasai women to represent their culture. What does this lead to?

At one time, there was a Dubai Expo where Bomas of Kenya sent representatives together with the Kenya National Chamber of Commerce and Industry (KNCCI). To my shock, I saw women jumping in Dubai dressed in a Maasai woman's regalia. My culture does not allow me, as a Maa woman, to jump. That is misinformation, misrepresentation and also cultural misappropriation.

There was a time when *The Vogue*, one of the largest fashion firms, used women from Archers, Samburu, as models. These are tall, exotic, naturally beautiful women. They used them on the cover. I am sure if it was a model who is well informed about the use of an image for commercial purposes, they would have paid a lot. What did they do? They flew in their first-class flight, down to Africa, to exploit our women, taking their photos because they could not pay anything. They knew that the women did not have information regarding payment as models to appear in *The Vogue*.

Just for you to know, to appear in *The Vogue*, you have to be paid millions of monies as a model that is why they could not go for Kendall Jenner. They chose our local women so that they could exploit them for free. This needs to be addressed.

Mr. Deputy Speaker, Sir, there are also bits of our culture that are being misrepresented locally and globally; very beautiful parts of our culture that I would love

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to applaud. When it comes to polygamy, for example, people just talk about, oh, you Samburus and Maasai are marrying too many wives, but they have no clue that everything in our culture, from marriage, polygamy, death and divorce is structured. They are very intricate parts of our culture.

My fellow Kenyans, if they watch us doing it, they should just applaud us from a distance and say, that is fine. For example, a poor man cannot be polygamous in our community. You have to have the proper resources to be able to satisfy both one or 20 women, and each must be economically strengthened, just as the other. It is no cause to say that our people are poor because they are marrying too much. You will never find a poor man taking another wife.

We have beautiful parts of our culture, especially when it comes to the circumcision of boys. It is very hard to get a Maasai man who has gone through the proper rites of passage behaving in a certain way because there is a whole process for men to go through circumcision. They go, first of all, to fetch water and to collect gum arabic, which is done during a special event. This whole time, they are taken to the forest and taught how to behave like men and graduate from boyhood to manhood. That is why you find a very young Maasai man behaving more manly than a whole man from another community.

We have heard about something called beading for girls. Let me just take this opportunity today to explain what that means. While there are instances of early child marriages, it is a very streamlined process in the sense that it has been a battle between the authorities and our cultural custodians to ensure that child marriages are eradicated in Samburu.

There is a need to make sure that the elders and the lawmakers collaborate to make sure that they have a law that is favourable to both parties. There are many communities globally, that engage girls at a young age, but this engagement is very streamlined in the sense that you might not have intimate relations between the girl and the man.

In our culture, during the engagement process, there should not be any intimacy between the two partners. In fact, if a girl is too young, the mother-in-law has to take care of her until she becomes of age sometimes when she is past the age of 18 and old enough to carry a baby.

Mr. Deputy Speaker, Sir, there is also the beautiful part where women are the custodians of praying for the community in the Samburu culture. The work of praying for the Samburu community belongs to the woman. It is very hard to get a Samburu woman who is heartless in the sense that they believe that God listens to the prayers of a woman. Probably that is why Jesus Christ had to come to earth through a woman. We have Samburu women who go to the mountains to pray for the rain and miraculously, every time they do this, we always have rain.

There are also instances of abuse, misrepresentation and disrespect to our culture. Many communities in Kenya have lost touch with their culture. There are many communities we know, we might say have cultures, but in some of them we are just seeing a resuscitation of dead cultures, which we greatly applaud.

If you go back to history, most African cultures are completely against vices such as Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) and Gender Based Violence

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(GBV). Men today have diverted from their sole role of protection and providing. What are we finding today? People who have no shame, that they can actually beat and kill their wives just because they are a weaker gender.

These abusers come to social media to hang out their dirty linen. Many times, when you do a proper background check, there is always a problem with the history and origin of that person, especially how they were raised. There are always some loopholes as far as how this person was brought up. Either they were brought up without any culture or social norms. They were never shown the red line, which they must not go beyond. Sometimes you might find that none of the parents did not bother to teach these people that this is how you do things.

This is why I greatly appreciate my late party leader, Baba Raila Odinga. I remember one time some people were trying to malign my name for some useless things, disrespecting the fact that I had utmost honour for the elders of my community and I have no apologies for listening to their advice, by the way. When I went to see my party leader, all he told me was; “my daughter, do not worry because I know the Maasai culture. I know a Maa girl would never do that.” That really encouraged me.

I believe this is why he was able to interact with everybody, both in opposition and in Government because first of all, he knew a person's identity, character, and personality are greatly shaped by their culture and how they were brought up. Many people today live with boundaries as in respect of how they were brought up.

Another social vice is extravagance. We have seen cultures here that are prioritising too much money during marriages. You are telling somebody's son to bring Kshs4 million or Kshs5 million to marry your daughter. What for? Are you purchasing this girl or are you supposed to give your girl to somebody who will honour and respect them? It looks like a trade. In some cultures, like mine, the Maa culture, dowry has never changed, whether you are rich or poor. It is strictly eight cows in the Samburu and it depends. There are some things that might be topped up depending on the kind of family the girl comes from.

Like in my instance, I come from a royal lineage. So, in the event that somebody must marry me, then there is need for a thorough background check for so many things. If that family has a social vice or a debt that they have not taken care of, my family will not accept it. If they have killed somebody, my family will not accept it. If they did not go through the proper rites of passage, my family will not accept it. This is guided by the culture.

This is why I proudly wear my Samburu beads to remind people that besides being a tough, powerful, empowered girl, at the core of me is a properly raised Samburu girl who will not take any nonsense.

Last but not least, there is also need to ensure that when we come up with economic models, we take care of the needs of pastoral communities. I have heard many people asking us, why are you Maa and Samburu people following cows and that we should have alternative rites of passage.

I do not know any other life that is not directly putting me sentimentally attached to the cow. We cannot talk about where I am today without speaking about how many bulls my father has had to sell for me to go to school. I cannot talk about me today without remembering the hides and skin that I used as my mattress growing up.

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We cannot talk about who I am today without thinking about the shoes we make from goat or cow skin directly. Our culture is so intricate in the sense that we, and the cows, are inseparable. When the country is making decisions on economic models that we must use, these custodians---

The Deputy Speaker (Sen. Kathuri): Congratulations! You have successfully used your 20 minutes.

Proceed, Sen. Tabitha Mutinda.

Sen. Tabitha Mutinda: Thank you, Mr. Deputy Speaker, Sir. Allow me to start by appreciating the Majority Leader for this particular Bill that comes at a very critical time. It is timely. This conversation is ripe in as far as both the African beautiful culture, that we pride in as an African country and the Western culture.

Before I proceed, I want to put it on record that I come from the great culture of the Kamba community. We pride ourselves in different cultural perspectives and policies that I found in existence before I was born. I have been nurtured and brought up under the same cultures and hence the product of a Mutinda factor.

Culture is the foundation of a national identity. As a country, we cut across more than 42 cultures that bring together national unity. This is because we pride in sharing our different cultures.

I have just perused the Bill and I agree that we have different intangible and tangible cultures. Looking at the tangible cultures, the last time we were in the great County of Busia, I joined the Committee on Trade, Industrialization and Tourism, and we were able to come across historical sites that apparently carried a lot of rich culture. However, the county had not really put so much in terms of how to generate revenue from these tangible, cultural and historical sites.

As a Kamba community, we pride in our artefacts, like for example, the carvings that we do very well, among many other things. As I continue and talk about the intangible cultural aspects, apart from the art and the music, as Kamba women, we pride in our womanhood. The men who are married to the Kamba women can attest, because it is out there. As Kamba women, we pride in teaching our young girls these same values and ensuring that they continue enhancing the same.

The Bill has really focused on what the Cabinet Secretary will do. This House, supports devolution. A lot of responsibility has been left to the Cabinet Secretary unlike being handled at a county level. Clauses 14 and 15 have used an English word that talks about 'or.' Whereby, 'where the Cabinet Secretary or the county government refuses.' Where does this leave these two bodies? I would want the secretariat to note this.

When a Bill is much more of what the county or the Cabinet Secretary can do, then both of them are at leeway to bring out their own perspectives. So, we will be having two bodies that will keep on bringing about their own different views instead of narrowing this particular mandate to the specific body. That body should be none other than the county government through the Department of the Ministry of Trade and Industry within that particular specific county.

Some of these decisions should be narrowed. It is only right that at the point that this has been passed, the Cabinet Secretary should be informed and be aware of what each and every county has been able to settle as far as their cultural heritage is concerned. This is because this Bill not only brings in value of the culture that we need to enhance,

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but from where we sit, as Senators who support devolution and also personally from where I sit as Vice Chair of the Committee on Finance and Budget, I look at the revenue in the end goal.

We are going to ensure that counties are able to generate value from both intangible and tangible values of the culture, be it the sites that are in place and enhancing the cultural heritage within those different counties. Counties need to have an opportunity to set aside a small budget to continue showcasing the different traditions and cultures that are within those particular counties. The essence of devolution was not only for monies and revenue to just trickle down. It is time for the different 47 counties to bring out and nurture our culture.

A unique question comes in. Where does Nairobi City County, where I represent, fall? It is cosmopolitan and carries across the different cultures. We are privileged to have different sites and different museums that cuts across and carries the heritage of this country. For example, the Kenya Museum, the Karen Blixen, the Nairobi National Museum, among others.

Across the country, we have very few cultural sites. You find that children or students from the great county of Turkana will have to travel all the way to this city to see the same Kamba cultural pride. Why can that not be devolved to that particular region? This is because where we are in 2026, we are having a lot of intermarriage, which is encouraged. So, it becomes better. History is still a subject in our basic education. When this is narrowed down at the county level, it brings value, not only as an economic aspect, but also as an empowering aspect through the education system. Whereby apart from learning, because we learned a lot of cultures when we did history, it is high time for us to continue enhancing the culture, to be able to bring it at the education level back to our schools and those particular regions through the counties. All these are expenses that parents have to pay. A trip has to be undertaken all the way from different counties back to Nairobi and sometimes some parents are not able to afford. What happens to that kid that has not had an opportunity or a privilege to come and look at the different cultures that they have to be taught and learn in school? Cultures that today, I continue priding in. As a community, we pride in the bow and arrow.

The Maasai community will pride in the Maasai attire. As an African, we also pride in the Kitenge attire, among many other things. This goes a long way. Look at where we are. Our children are walking half naked. What is the problem? Have we faded completely away this culture? Have we ignored it? Have we allowed it? At times when you walk about and you see our young people and how sometimes they are dressed, it is sad.

When we use this opportunity to instill the cultural values, then it goes a long way for them and becomes much more impactful. The same culture, when we look years back, we have had even traditional medicine, traditional agricultural systems, that have gone a long way, that have also been good. Nonetheless, we have invested so much in what is western to a point that we have forgotten where we have come from. The current curriculum system has not forgotten, but it is trying to be practical, but not really showing the examples of it.

The examples can only be shown when we allow and continue supporting this Bill. It should be nurtured and brought about from the county level. If then this is not

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done, you find that it will not be able to impact what it needs to impact. It is not about just the revenue aspect of it. It is more of what we instill in our generation.

Mr. Deputy Speaker, Sir, as you are seated there, as a Meru man, you have your culture. Today, you cannot enter your mother's house or your mother's kitchen. It is your culture because that is how a Meru man has been brought up. That is true. However, look at our children today. We have given them probably the modern education. What about the culture? If you and me as parents do not instill the same, where do we leave them? Where do we leave their fate?

When we encourage this to go down at the county level and really remove a lot of these ministerial responsibilities, these Cabinet Secretaries have got a lot to do. One of our colleagues, Sen. Ledama, talked about the 30 per cent for minerals. It is a matter that where I sit, these monies have not, through the Ministry of National Treasury and Economic Planning, been really reimbursed back to these counties.

This is what the Cabinet Secretary should be able to deal with. However, when it comes to the matters of culture, let the counties continue. This is because it is at these counties where we have local leaders who automatically understand when we talk about culture. It sits well when these men and women from the different regions are able to continue promoting that particular culture because they have also been given an opportunity. Today, as we speak, what saddens me is the fact that we have the law, for example, the Marriage Act 2014, which clearly stipulates that marriage should only take place between two who are over 18; men and women in this country.

This law is in place, but there are cultures that still allow early childhood marriages. So, where is the problem? Is the problem the law or the culture? It is at this particular opportunity when we shall allow the Cultural Bill to be invested at the county level that shall help, especially the specific counties? I am looking at Narok, Kajiado, Samburu and even some parts of Migori where Female Genital Mutilation (FGM) is being practiced today. The law is very clear even on matters FGM. FGM is not allowed in this country but we have cultures that are still undertaking this.

The question is, where is the problem? When we say and encourage these particular local leaders to be part of the leadership of the cultural committee or whatever it is? They are the best ambassadors today to ensure that this animal called early marriages comes to an end. Sometimes I do not even understand how a 70-year-old has guts to put a 10-year-old in bed. It is a shame. Then we want to say it is culture.

How do parents agree to let their beautiful God-given daughter who's created in the image of God to undergo a knife cutting in the name of FGM in the name of culture? Where do you leave that part for this conversation and the Marriage Act in terms of early childhood marriage and the Child Act of 2022 that protects children? It is this Cultural Bill going to have an impact on ensuring the safety of the girl child is protected because the law is very clear.

I have heard one of our colleagues talk about culture, and I am happy Sen. Tobiko is still around in this House. I have a submission that in some cultures, you cannot marry a woman if your history is tainted or has got some question marks. Then I ask, where is the boy child? We have empowered the girl child so much and left the life and the future of the boy child at risk. Why am I saying this?

Mr. Deputy Speaker, Sir, I believe you are a father of sons. You have shown me three fingers. Congratulations. You can imagine your son having dated this particular beautiful girl for years and years. In Nairobi we say, *mrembo amekula* fare, for the longest period of time. Then eventually you tell this boy child, “you know what, boy, this cannot continue, because in your family, this happened.” Why did you not tell me in advance? Why did you not tell me so that this cannot continue? I have invested so much of my time, money and everything on you then in the end result you tell me that.

Some of these cultures are like this and it is good we are having this conversation so as to know. I am a mother too. I would not want a lack of this knowledge. It is prominent and it is key. As I conclude, this Bill will give counties an own-source revenue maximization. When these cultural sites are invested in these different counties that will be a source of revenue. When we are doing division of revenue, we are going to look at the different own-source revenues for this particular country.

As I speak, I am a business woman. I will always look at everything on how this one shilling is going to make another two shillings. I am from the city. We did not come here to count cars. We need to make revenue. This Bill will give an opportunity to counties to maximize on their own revenue.

As I conclude, I want to appreciate the Meru culture. I am proud and continue being a proud daughter of the Kamba community. I would like to encourage men to settle on women from the Kamba community. They will not make any mistake if they do so---

As I conclude, the secretariat should note that we have not agreed with that the Cabinet Secretary should take a lot of the responsibilities that should be handled at the county level.

With those many remarks, I submit.

The Deputy Speaker (Sen. Kathuri): Very well. Unfortunately, I did not hear you talk about the Meru culture. I am a bit worried. We have noted that with a lot of concern.

Can we hear from, Sen. Consolata Nabwire Wakwabubi?

Sen. Consolata Wakwabubi: Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute towards this Bill that is sponsored by---

The Deputy Speaker (Sen. Kathuri): Just a minute, Sen. Consolata Nabwire Wakwabubi. Approach the Chair.

(Sen. Consolata Wakwabubi consulted the Chair)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, we will suspend the sitting for three minutes. Sen. Consolata Nabwire Wakwabubi will proceed when we are back.

(The sitting was suspended at 6.03 p.m.)

(The sitting resumed at 6.07 p.m.)

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Consolata Nabwire Wakwabubi.

Sen. Consolata Wakwabubi: Thank you, Mr. Deputy Speaker, Sir, for giving me ~~this opportunity to contribute towards the Bill sponsored by Sen. Cheruiyot, the Senate~~

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Majority Leader. I want to concur with the speakers who went before me on their contributions about the Bill.

First, I want to acknowledge that culture is an important aspect to each one of us because it gives us identity, shows us our way of life, social interactions, values, institutions and our roots. A lot has been presented concerning the powers bestowed upon the Cabinet Secretary. I also feel that too much has been given to the Cabinet Secretary. The cabinet secretaries are picked based on meritocracy and some of them do not know their roots or cultural identity very well. Some of them have not grasped the grassroots identity very well. I am not disparaging the Cabinet Secretary. My view is that this should be given to the cultural practitioners and the grassroots holders: the people who have a lot of understanding of culture.

Clause 18(3) of the Bill states that a person who discovers an archaeological heritage shall be given a license by the Cabinet Secretary. That role should be given to the county government as it is an entity that is mandated to do that according to Schedule 4, Part 2 of the Kenyan Constitution 2010. We are looking at Article 11 and Article 54. Article 58 of the Constitution of Kenya, 2010 talks about marginalised communities. Let us pick the example of the Ogiek community. Let us involve these communities in participating in cultural matters.

Cultural safeguarding takes many forms. The Bill outlines documentation, research, preservation, protection, promotion, enhancement, transmission, rehabilitation of cultures and the cultural database. Kenya is a vibrant, diverse tapestry formed from about 46 gazetted communities.

Looking at the blended mix of ethnic cultures, incorporating colonial aspects and modern emerging trends, we find ourselves adopting Western culture and forgetting our own. It is time as a country and as legislators, to put in place a strong legislative agenda to protect and preserve our cultures within the 46 ethnic communities in Kenya.

I also propose we hold congressional cultural caucuses and foster intergovernmental participatory agreements to build responsive cultural systems. We must also foster intergovernmental cohesion in harnessing prevalent aspects of culture. National and county governments should have a common bond and apply the common aspects of culture important to our country.

As a student of literature, I participate in fieldwork to collect oral corpora. That is a digital or written repository preserving dynamic traditions, allowing researchers to study motives and structural variations of performers and communities.

As legislators, we should look at culture as a unifying factor that bridges communities and embraces peace in our nation. Let us embrace the Culture Bill (National Assembly Bills No.12 of 2024) and bring on board legal minds to dissect it, propose relevant amendments and ensure it is well-vetted before assent by the President.

Finally, let us showcase our cultural artefacts to shift mindsets, unlock local potential and connect skills to viable markets. Cultural aspects can be income-generating activities. I come from the Luhya community, specifically the Bukusu cluster, which has rich culture. This year, we look forward to an initiation ceremony performed by boys of age. It is an enjoyable session, but it has loopholes. That is why I am calling upon the Mover of the Bill to bring on board the cultural practitioners who participate in some of these practices.

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In our culture, a boy undergoes rigorous processes before he faces the knife. It is an enjoyable session, when you find me tagging along those boys and girls dancing, you will not know that I am of a voluminous size and heavy weight. I dance vigorously and enjoy the rhythms, because we want to emphasize to the boy to face the knife with a lot of bravery.

Mr. Deputy Speaker, Sir, during the sessions, girls tend to misbehave, and at the end of the sessions, normally in August, and by December, we get very queer results. So, we also need to stand up as women and advocate for the position of both girls and boys, to pack aside those retrogressive practices that might ruin their lives along the way.

I call upon the Ministry, at the national level, to incorporate the county government stakeholders. We can have a multicultural stakeholder engagement, so that we have a shared responsibility of sharing what we have from different or diverse communities.

As I conclude, I would like to thank Sen. Aaron for this Bill, and hope that the amendments raised by Members of this House will be looked into and corrected before the Bill is assented to.

Let us also not forget about fostering cultural tourism. There are a lot of cultural tourism sites in Bungoma County that have not been tapped into. For example, in Mount Elgon, we have a very interesting place in Kitum Caves, a place where elephants mate. It is known as an elephant maternity ward. It is a tourist attraction centre. We also have Mango caves in Malakisi, where the first Bukusu man was circumcised, traditionally. So, we need such sites to also be incorporated as our archives for reference.

I wish to emphasise that as legislators, let us try to put into place some of these cultural bits that can be shared with the young generation that seems to be moving away totally from the old tradition, terming it as wayward or rather primitive. It is those traditions that raised us to where we are and to what we are today. So, we want to embrace our culture in all ways.

I support the Bill, but with necessary amendments.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Very well.

Next is Sen. Tobiko Peris.

Sen. Tobiko: Thank you, Mr. Deputy Speaker, Sir I appreciate this opportunity.

Let me congratulate the sponsor of the Bill, the Senate Majority Leader. The Swahilis say, "*Muacha mila ni mtumwa.*" This Bill is very important.

It is coming to give effect to Article 11 of the Constitution. Kenya is a diverse country, culturally and in terms of ethnic orientation. Every Kenyan community has very rich cultures that, across board, we have a mosaic of cultures that do blend well. Each community will appreciate what the other community has. This Bill is important because it will encourage the promotion and protection of our cultural heritage.

Mr. Deputy Speaker, Sir, one of the things I have underlined in this Bill is the fact that when it comes into effect, it will ensure communities receive compensation or royalties for the use of their cultures and cultural heritage. I believe that if this Bill goes through, one of the communities that will benefit the most is the Maasai community. It is one culture that has almost come to be recognized as a Kenyan culture.

Today, you will find many Kenyans of different ethnic backgrounds, but they are wearing the Maasai dress. One time, I went to Washington, D.C. to attend an international function. I was given a standing ovation for wearing the Maasai traditional dress. They asked whether I was Kenyan. Everybody was just asking, are you Kenyan? They really did not know it was Maasai, to them, it was a Kenyan dress.

I believe that in this country, the Maasai traditional dress can actually be adopted as the national Kenyan dress and our community will be paid royalties throughout. You can imagine that. The Maasais would then benefit from what they have held as precious and which they have consistently improved on. It has become better over time and it is also a very respectful way of dressing. I can tell you and all Kenyans will agree that the Maasais have maintained their culture and have managed to represent Kenya well because of their nice traditional dress.

This Bill will also guide the nation on cultural development and national values. This is a very important Bill because it will also ensure equal recognition, equal respect and dignity for all our cultures. In our traditions, there are places that we hold sacred. We have movable cultural heritage and we have immovable ones. We have intangible ones. We have natural heritage sites and places for religious worship that need to be protected.

In my community, we have an unwritten constitution. It is not in black and white, but the dos and don'ts are very clear, and they are adhered to in a very respectful way. In my community, if one kills, whether accidentally or intentionally, there is a prescribed way of handling death caused by another person. There are prescribed charges for what needs to be paid.

If you kill, you pay 49 cows and that one applies up to today, whether the Kenyan Constitution is there or not. In my community, you will pay the 49 cows, whether you will be assisted by your clan or your family, but for you to be okay, for you not to have a miserable life later on even if it was an occurrence by accident, you will still need to pay.

If you steal livestock from another livestock keeper, there is a prescribed sentence and there is a way of paying. If you stole and they were found and returned, there is a way of being charged for causing torture to those cows. That is removing them from their usual environment. If you fight with someone and they lose a tooth, there is a prescribed sentence and a charge that you must pay for making someone lose their tooth.

We have unwritten law which people adhere to even more than the Constitution of Kenya. If every community had a set of laws, including the Bible, the Quran and the Constitution of Kenya, we would live in a peaceful society because there are rules that guide how people relate to each other and check on excesses of any person.

Our languages are also important and we need to protect them and teach our children. I sympathise with today's generation because most of them do not know their mother tongue. It is important to teach our children our mother tongue because it gives them a sense of identity and pride.

In my community, we have cultural events that have become internationally recognised because they are recognised by the United Nations (UN). We have rights of passage such as what they call *enkipaata* ceremony for boys who are preparing to be initiated into adulthood. We also have what they call *eunoto* ceremony for young men transiting to become elders.

Let me say that I am a proud Kenyan but a very proud Maasai lady because my society is organised culturally since it has not lost track of our rich culture. This Act will come to enhance what we have. It will also protect what we have and make all Kenyans to respect the various cultures that we have.

In countries like South Africa, you will find the Zulu speaking isixhosa or the Xhosa speaking isizulu. I would gladly learn other Kenyan languages such as Kikuyu or Kikamba. I have always advised my children to learn other Kenyan languages and not just Kimaasai. I think that is a way of interacting with others and bringing yourself to the level of another person if you are able to speak their language.

This is an extremely important Bill that our Senate Majority Leader has sponsored. I believe both Houses will not have an issue passing this Bill so that we have it in law.

Mr. Deputy Speaker, Sir, I appreciate. Thank you very much.

The Deputy Speaker (Sen. Kathuri): Sen. Tobiko, you will have a balance of 10 minutes when we resume debate on the same Bill.

ADJOURNMENT

The Deputy Speaker (Sen. Kathuri): Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until tomorrow, Thursday, 5th March, 2026, at 2.30 p.m.

The Senate rose at 6.30 p.m.