

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 14th July, 2015

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

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

PRAYERS

MESSAGES FROM THE NATIONAL ASSEMBLY

PRESIDENTIAL MEMORANDUM ON THE PUBLIC AUDIT BILL (NATIONAL ASSEMBLY BILL NO.38 OF 2014)

The Speaker (Hon. Ethuro): Hon. Senators, I have three messages for you. The first one is a message from the National Assembly on the Presidential Memorandum on the Public Audit Bill, (National Assembly Bill No.38 of 2014).

Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.40(3) and (4), I have received the following message from the Speaker of the National Assembly regarding the Presidential Memorandum on the Public Audit Bill (National Assembly Bill No.38 of 2014).

“PURSUANT to the provisions of Standing Order Nos.41 and 142 of the National Assembly, I hereby convey the following message from the National Assembly-

THAT WHEREAS, in exercise of powers conferred on him by Article 115 of the Constitution, His Excellency the President refused to assent to the Public Audit Bill (National Assembly Bill No.38 of 2014), and referred the Bill to Parliament for reconsideration;

AND WHEREAS, the National Assembly, on Tuesday, June 23, 2015 reconsidered and passed the Bill, fully accommodating the President's reservations and without proposing any amendments to the said reservations;

NOW THEREFORE, in accordance with the provisions of Article 115(3) and (4) of the Constitution, I hereby forward the memorandum of the President containing his reservations to the Bill, to the Senate for reconsideration."

I thank you.

APPOINTMENT OF MEMBERS TO THE JOINT COMMITTEE
ON THE PRESIDENTIAL MEMORANDUM ON THE PUBLIC
AUDIT BILL, 2014 AND THE PUBLIC PROCUREMENT
AND ASSET DISPOSAL BILL, 2014

Hon. Senators, I wish to report to the Senate that pursuant to Standing Order 40(3) and (4), I have received the following message from the Speaker of the National Assembly regarding the appointment of members to the Joint Committee on the Presidential Memorandum on the Public Audit Bill, 2014 and the Public Procurement and Asset Disposal Bill (National Assembly Bill No.40 of 2014)-

“PURSUANT to the provisions of Standing Order Nos. 41 and 142 of the National Assembly, I hereby convey the following message from the National Assembly-

WHEREAS, the Presidential Memoranda on the Public Audit Bill (National Assembly Bill No. 38 of 2014) and Public Procurement and Asset Disposal Bill (National Assembly Bill No.40 of 2014) were considered and passed without amendments by the National Assembly on June 23, 2015 and June 18, 2015, respectively and subsequently forwarded to the Senate for consideration;

AND WHEREAS, on June 24, 2015, the Senate, by way of a Message, recommended the formation of a Joint Committee to consider the Memorandum from His Excellency the President on the Public Procurement and Asset Disposal Bill, (National Assembly Bill No.40 of 2014);

NOW THEREFORE, pursuant to Standing Order No. 213 and Rule 9 of the Houses of Parliament (Joint Sittings) Rules, the National Assembly by resolution appointed the following Members to the Joint Committee on the Presidential Memoranda on the Public Audit Bill, 2014 and the Public Procurement and Asset Disposal Bill, (National Assembly Bill No.40 2014 on July 09, 2015:-

- (1) Hon. Jakoyo Midiwo, MGH, MP
- (2) Hon. Samuel Chepkonga, MP
- (3) Hon. Hon. Mary Emaase, MP
- (4) Hon. Johnson Sakaja, MP
- (5) Hon. Abdikadir Aden, MP

Hon. Senators, you may recall that on Tuesday, 23rd June, 2015, I delivered a message from the National Assembly regarding the Presidential Memorandum on the Public Procurement and Asset Disposal Bill (National Assembly Bill No.40 of 2014). On the same day and pursuant to Article 115 of the Constitution and Standing Order Nos.158, 216 and the Fourth Schedule of the Senate Standing Orders, this Senate resolved to appoint the following Senators to the Joint Committee to consider the Memorandum by His Excellency the President on the Public Procurement and Asset Disposal Bill (National Assembly No.40 of 2014).

- (1) Sen. Billow Kerrow
- (2) Sen. Beatrice Elachi
- (3) Sen. Mutahi Kagwe
- (4) Sen. (Prof.) Anyang’-Nyong’o

(5) Sen. (Dr.) Agnes Zani

Hon. Senators, following the Message from the National Assembly on the Presidential Memorandum on the Public Audit Bill (National Assembly No.38 of 2014), which I have just read, I direct that the five Senators who were appointed to the Joint Committee on 23rd June, 2015, form part of the Joint Committee on the Presidential Memorandum on the Public Audit Bill (National Assembly No.38 of 2014).

I urge the Joint Committee to move with urgency and dispose of this matter. As you appreciate, it was one of those ones with a constitutional deadline.

I thank you.

REJECTION OF SENATE AMENDMENTS TO THE
FERTILIZERS AND ANIMAL FOODSTUFFS (AMENDMENT)
BILL (NATIONAL ASSEMBLY NO.36 OF 2013)

The third one is a message from the National Assembly on the Fertilizers and Animal Foodstuffs (Amendment) Bill (National Assembly No.36 of 2013).

Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.40 (3) and (4), I have received the following message from the Speaker of the National Assembly regarding the rejection by the Assembly of the Senate amendments to Clause 3 of the Fertilizers and Animal Foodstuffs (Amendment) Bill (National Assembly No.36 of 2013).

“PURSUANT to the provisions of Standing Order Nos.41 and 142 of the National Assembly Standing Orders, I hereby convey the following message from the National Assembly.

WHEREAS, the Fertilizers and Animal Foodstuffs (Amendment) Bill (National Assembly No.36 of 2013), a Bill concerning county governments was published by the Kenya Gazette Supplement No.150 of 1st November, 2013, and thereafter considered and passed by the National Assembly on 19th June, 2014.

WHEREAS, the Senate amendments to the said Bill were received on 15th April, 2015 for consideration by the National Assembly,

AND WHEREAS, the National Assembly on April, 29th 2015, agreed to all Senate amendments, save for amendment to Clause 3 of the said Bill.

NOW THEREFORE, in accordance with the provisions of Article 112(1)(a) of the Constitution and Standing Order No.148 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly, the consequences of which the Bill stands referred to a Mediation Committee.”

Hon. Senators, Article 112(1)(b) of the Constitution provides that if one House passes an ordinary Bill concerning counties, and the second House passes the Bill in an amended form, it shall be referred back to the originating House for reconsideration.

Further, Article 112(2)(b) of the Constitution provides that if after the originating House has reconsidered a Bill referred back to it under Article 112 (1)(a), that House rejects the Bill as amended, the Bill shall be referred to a Mediation Committee under Article 113.

For the benefit of Senators, Article 113(1) provides as follows:-

“If a Bill is referred to a mediation committee under Article 112, the Speakers of both Houses shall appoint a mediation committee consisting of equal numbers of members of each House to attempt to develop a version of the Bill that both Houses will pass.

(2) If the mediation committee agrees on a version of the Bill, each House shall vote to approve or reject that version of the Bill.

(3) If both Houses approve the version of the Bill proposed by the mediation committee, the Speaker of the National Assembly shall refer the Bill to the President within seven days for assent.

(4) If the mediation committee fails to agree on a version of the Bill within thirty days, or if a version proposed by the committee is rejected by either House, the Bill is defeated.”

Hon. Senators, in the circumstances, I concur with the Speaker of the National Assembly that we form a Mediation Committee in accordance with Article 112(2)(b) and Article 113 of the Constitution.

Hon. Senators, in this regard, I have received communication from the National Assembly that the Speaker of the National Assembly has appointed the following Members to represent the Assembly in the Mediation Committee that will attempt to develop a version of the Bill that both Houses will pass:-

(1) Hon. Adan Mohammed Noor, MP

(2) Hon. Chrisantus Wamalwa, MP

(3) Hon. Benjamin Washiali, MP

Hon. Senators, in this regard, I also hereby appoint the following Senators to represent the Senate in the Mediation Committee:-

(1) Sen. Kiraitu Murungi

(2) Sen. Henry ole Ndiema

(3) Sen. Peter Mositet

I thank you.

What is it, Sen. Khaniri?

Sen. Khaniri: Mr. Speaker, Sir, we thank you for the messages that you have delivered. On the second two messages, you have clearly given the way forward by appointing Members to the Mediation Committee. However, on the first message on the Public Audit and Asset Disposal Bill (National Assembly No.38 of 2014), you did not come out clearly. You just read the message and yet Standing Order No.40 (6) says that you may direct the message dealt with forthwith or appoint a day for consideration of the message or refer to the relevant Committee of the Senate. You did none of the three options that are provided on the first message.

The Speaker (Hon. Ethuro): Thank you, Sen. Khaniri. You are right. Yes, I did not do what I am expected to do on the first message on the Presidential Memorandum of the Public Audit Bill (National Assembly No.38 of 2014). This is because I intended, and I combined the Committee in the second message which was the Joint Committee on the Presidential Memorandum on the Public Audit Bill (National Assembly No.38 of 2014)

and the Public Procurement and Asset Disposal Bill (National Assembly Bill No.40 of 2014).

Since they were both referral matters, I concluded in the last two paragraphs, that the first one was on Tuesday 23rd, June, 2015; we had already appointed our Committee on the basis of the Public Procurement and Asset Disposal Bill (National Assembly Bill No.40 of 2014).

We initiated this process and we had appointed Sen. Billow Kerrow, Sen. Beatrice Elachi, Sen. Mutahi Kagwe, Sen. (Prof.) Anyang' -Nyong'o and Sen. (Dr.) Agnes Zani. Therefore, in the last paragraph, I added that, following the message from the National Assembly that I read on the Presidential Memorandum on the Public Audit Bill (National Assembly Bill No. 38 of 2014), again, I direct that the five Senators who I have just read and who were appointed to the Joint Committee on 23rd June, form part of the team on both Bills.

Sen. (Dr.) Khalwale: On a point of order, Mr. Speaker, Sir. I thank you for all those messages. However, I would like to remind you that two weeks ago, I raised an issue concerning a message that this House was expecting from the "Lower House" and you promised that you will make a ruling. This was in connection with the appointment of the Governor of the Central Bank of Kenya (CBK) which was done contrary to the provisions of the Central Bank of Kenya Act, Section 13(a) which specify that the appointment of the governor and the deputy governor shall be subjected to parliamentary approval and not approval by the National Assembly. I now request for that response from you.

The Speaker (Hon. Ethuro): Sen. (Dr.) Khalwale, I remember you sought that particular statement. I was expecting it to be delivered while I was away, but that did not happen. Therefore, I will deliver it tomorrow afternoon.

Next Order!

PAPERS LAID

REPORTS OF THE AUDITOR-GENERAL ON THE FINANCIAL OPERATIONS OF VARIOUS COUNTY GOVERNMENTS

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I beg to lay the following Papers on the Table:-

Report of the Auditor-General on the financial operations of Kakamega County Executive and Kakamega County Assembly for the year ending 30th June, 2014.

Report of the Auditor-General on the financial operations of Nyeri County Executive for the year ended 30th June, 2014.

Report of the Auditor-General on the financial operations of Murang'a County Assembly for the year ended 30th June, 2014.

Report of the Auditor-General on the financial operations of Kirinyaga County Executive for the year ended 30th June, 2014.

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Report of the Auditor-General on the financial operations of Nyandarua County Executive for the year ended 30th June, 2014.

Report of the Auditor-General on the financial operations of Meru County Executive and Meru County Assembly for the year ended June, 2014.

Report of the Auditor-General on the financial operations of Busia County Executive and Busia County Assembly for the year ended 30th June, 2014.

Report of the Auditor-General on the financial operations of the County Government of Busia for the ended 30th June, 2014.

Report of the Auditor-General on the financial operations/statements of Kakamega County Government for the year ended June, 2014.

Report of the Auditor-General on the financial operations of Tharaka-Nithi County Executive and the County Assembly of Tharaka-Nithi for the year ended 30th June, 2017.

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

Sen. Kagwe: On a point of order, Mr. Speaker, Sir. I have a Paper that I would wish to lay on the Table even though it is not on the list. Could I proceed and do so?

The Speaker (Hon. Ethuro): It is not on the list and you did not put any request until after I had called the next order, but proceed.

REPORT OF THE PARLIAMENTARY CONFERENCE
ON THE WORLD TRADE ORGANISATION IN GENEVA

Sen. Kagwe: Mr. Speaker, Sir, I beg to lay the following Paper on the Table:-

Report of the Standing Committee on Finance, Commerce and Budget on the Annual 2015 session of the Parliamentary Conference on the World Trade Organisation (WTO) held from 16th to 17th February, 2015, in Geneva, Switzerland.

(Sen. Kagwe laid the document on the Table)

Mr. Speaker, Sir, I know that unless you give permission, I cannot say anything about this conference at this moment. However, there is an item in the Report that is important for us, as a House and a country, as a whole. I wonder whether it is in order for me to mention something on it at this juncture.

The Speaker (Hon. Ethuro): Proceed.

Sen. Kagwe: Thank you, Mr. Speaker, Sir. The WTO as you know started off by having a parliamentary network with a view of bringing in a legislative framework on world trade, sometime ago. When we went for the conference with two Senators and two clerks, one of the things that came out is that Kenya will be hosting the next Ministerial conference on the WTO in December. The reason this is so important is because this is the first time ever in ten years that there will be a Ministerial conference within the African continent.

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We congratulate the Cabinet Secretary for Foreign Affairs and International Trade, specifically Amb. Amina, for the work she did to bring this conference to our country. It is an honour for Kenya and Africa. I would beg and appeal to my colleagues to acquaint themselves with this report so that we can participate in December this year.

Thank you, Mr. Speaker, Sir.

(Applause)

STATEMENTS

STATUS OF VARIOUS PROJECTS IN NAROK COUNTY GOVERNMENT

The Speaker (Hon. Ethuro): Let us take requests for Statements first.

Sen. Ntutu: Mr. Speaker, Sir, I rise to demand for a Statement from the Chairperson of the Standing Committee on County Public Accounts and Investments Committee (CPAIC).

The projects below were launched for commencement by the County Government of Narok during the Financial Year 2013/2014:-

These are: Grading of Eor-Ekule-Sakutiek Road, Siyiapei-Olchoro Road, Enengeetia-Olpusimoru Road and Naroosura-Morijo Road.

Construction of Mulot Bridge to connect the old Mulot Centre with Bomet side of town at Emalo River.

Construction of Olare-Orok Bridge along Olare-Orok Stream at Koiyaki of Maasai region; Naroosura.

Lastly, construction of Enaramatishoreki Bridge at Wuaso-Nyiro River.

The questions are as follows:

- (1) Did the projects commence after the launching?
- (2) Who were the contractors of each project?
- (3) How much is the cost of each project and how much has the county paid to contractors so far on each of the above projects?
- (4) What is the current status of each of the above projects?
- (5) When was the expected completion date of each of the projects?

The other question is with regard to the Mara Conservancy Revenue. This is an agency managing and collecting park viewing fees in the triangle side Maasai Mara Game Reserve. It has been remitting monthly collection to the county government.

In the Statement, I want the following questions be answered:-

(1) Could the Narok County Governments disclose how much revenue they have received from the Mara Conservancy in the month of February, March and April 2014?

(2) Mara Conservancy on their part should also disclose the amount of revenue collected and distributed in the above three months.

The last issue concerns millions of shillings which were stolen in the early hours of Saturday, 10th July, 2015 from one of the main Gates of the Maasai Mara Game Reserve called Sekenani Gate.

Could the Chairperson answer the following questions:-

- (1) Could the county government disclose how much revenue was stolen?
- (2) Were the suspects arrested and charged in a court of law?
- (3) How much armed game rangers were guarding the gate that fateful night?

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, as I listen to Sen. Ntutu, it is clear that these are aspects in that requisition for a Statement concerning accounts which have already been audited. I want to confirm that on Thursday, the County Public Accounts and Investment Committee (CPAIC) will sit to determine the issues for which audit as already been done.

On those ones, we will give the County Government of Narok priority so as to answer the Senator from Narok County expeditiously. However, you need to give further guidance on how we will deal with the issue of the theft that took place this month as CPAIC? Do we refer it to the Committee on Finance, Commerce and Budget or you will guide us on it?

All in all, we will give an answer in two weeks.

The Speaker (Hon. Ethuro): It is so ordered; in two weeks' time. You will also look at the issue of the theft at Sekenani Gate. It will be police matters as well, but you will find out where you play a role.

CLOSURE OF MOI UNIVERSITY AND THE UNIVERSITY OF ELDORET

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, I wish to request for the following Statement from the Chairperson of the Standing Committee of Education relating to the management of Moi University and the University of Eldoret both of which have been closed indefinitely. The Chairman of the Committee should inform the Senate on the following:

(1) The circumstances that led to the closure of the only public institution of higher learning in the north rift.

(2) What has the Ministry of Education, Science and Technology done to ensure normalcy returns to the University of Eldoret which has been faced with challenges related to management disputes?

(3) When will the universities re-open?

(4) What long-term measures will the Ministry put in place to avert challenges of this nature which are common in institutions of higher learning in the country?

The Speaker (Hon. Ethuro): Sen. Karaba, the Chairman for the Committee on Education?

Sen. Karaba: Mr. Speaker, Sir, I have heard. I will give the answer in two weeks' time.

The Speaker (Hon. Ethuro): It is so ordered.

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, noting the urgency of the matter and the fact that the students were about to do exams, could the Chairman undertake to make the time shorter; say maybe from two weeks to one week.

Sen. Karaba: Mr. Speaker, Sir, these problems have far-reaching consequences. That is why we need two weeks. Exams may be done after the problem has been solved.

The Speaker (Hon. Ethuro): Sen. (Prof.) Lonyangapuo, I think the Chairman's request is reasonable under the circumstances. I am sure you expect him to do a good and thorough job. Two weeks is reasonable.

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, indeed, I hope that the Chairman will bring the answer not after we have gone for recess. That is my worry; it should be within the stipulated time.

The Speaker (Hon. Ethuro): That is a reasonable explanation. It should not be later than the last day of this particular part of the session. We can qualify it that way. Sen. Karaba, the calendar is published so do your own calculations.

Do we have any statements ready to be responded to from the Committee Chairs?

CONSTRUCTION OF THE PROPOSED GATITU NYAYO TEA FACTORY

Sen. Ndiema: Mr. Speaker, Sir, I have a statement relating to a request by the Senator for Kirinyaga County, regarding the construction of the proposed Gatitu Nyayo Tea Factory in Kirinyaga County.

The issues were as follows:-

- (1) When will the construction work begin?
- (2) Which contractor was awarded the contract and what would be the estimated cost of construction at completion?
- (3) Which other social benefit will the people living in the neighbourhood accrue from the project?

Mr. Speaker, Sir, construction work was planned to start in the Financial Year 2014/2015, after a consultant did the design works in the Financial Year 2013/2014. Tenders were sent out the same year. However, The project was not implemented as planned due to the proposed merger of state corporations as guided by circular reference number OP/CAB9/1/5 dated 16th December 2013 on new projects and lack of funds as a result of reduced earnings from black Cut Tear and Curl Tea (CTCT) due to low prices in the world market. However, the corporation targets to start the construction of the factory in the coming Financial Year, 2015/2016, subject to availability of funds.

Mr. Speaker, Sir, on the second issue of the contractor, the lowest evaluated bidder was MSNK Brothers Limited and the estimated cost for both buildings and machinery was Kshs895 million and Kshs200 million, respectively. It is, therefore, envisaged that at completion, the project will cost approximately Kshs1.1 billion. Other social benefits to the people living in the neighborhood of the factory would be:-

- (1) Creation of employment; creation of market for farm produce, especially in horticulture, poultry and dairy sectors.

(2) Associated business, for example, construction of rental houses to house the factory workers, transport business, shops and other small agricultural based enterprises.

(3) Development of infrastructure, including roads, electricity and water supply.

(4) In the long run, this will result in construction and expansion of essential facilities like schools, medical facilities and other social amenities due to expected population growth.

(5) The factory will also have a major impact on tea production in the area as farmers are expected to boost production because of easy access to the factory.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Please proceed, Sen. Karaba.

Sen. Karaba: Thank you, Mr. Speaker, Sir, for the answer that has been given by my friend, the Senator for Trans Nzoia.

In his answer, he says that the factory was to be established in the Financial Year 2013/2014. I believe that is not true because it was to start when I was still the Director of Nyayo Tea Zone. That was in the year 2004. Therefore, the issue of the tea factory is as old as 2004, when it was supposed to have been constructed together with another factory called Kipchobo Tea Factory in Nandi.

Mr. Speaker, Sir, this factory is long overdue. It should have started earlier, but there are delaying tactics coming from the Ministry without proper explanation. Once it is completed, we are aware that it will ease the production of tea estates from Kirinyaga, Meru, Nyeri and some parts of Murang'a counties. This is in line with Vision 2030 Industrialization Programme. I asked this question because the people of Kirinyaga are already aware as they had been promised. I was even supposed to be there with the Minister for Agriculture, Livestock and Fisheries for the ground breaking ceremony which never took place.

This is something that should have started earlier and the reasons given cannot stand. Would the Chairman explain when this project will start off, because the ground breaking was supposed to have been done last year? I was there personally---

The Speaker (Hon. Ethuro): Order Sen. Karaba! You have made your point.

Please proceed, Chairman

Sen. Ndiema: Thank you, Mr. Speaker, Sir. I stand guided by the Senator on the issue of the year of construction. This is because the answer we have here is that the consultants did the design works in 2013 and 2014. The construction was planned to start in the following Financial Year 2014/2015. As to when it is going to start, I want to assure the Senator that in this answer, the corporation deems this project as an item of priority. In fact, after the other tea factory in Nandi is finalized, this will be the next one. Construction is intended to start in the Financial Year 2015/2016 subject to the issues that I have alluded to earlier on.

(Sen. Karaba spoke off record)

The Speaker (Hon. Ethuro): Order, Sen. Karaba!

Please proceed, Sen. Ndiema

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Sen. Ndiema: Mr. Speaker, Sir, I think that I should read again.

The Speaker (Hon. Ethuro): Order, Sen. Ndiema! The question is so simple. When?

Sen. Ndiema: Mr. Speaker, Sir, the corporation targets to start the factory in the Financial Year 2015/2016.

The Speaker (Hon. Ethuro): What is it, Sen. Karaba?

Sen. Karaba: Mr. Speaker, Sir, the problem here is that we are not getting specifics of what will happen in the Financial Year 2015/2016. The construction works were supposed to have started in the Financial Year 2014/2015. Indeed, some construction work had already begun. However, the delay which was occasioned by the Ministry of Agriculture, Livestock and Fisheries is what is causing concern to the people of Kirinyaga. We are worried that it may not start after all. Since, the groundbreaking was to take place, but nobody appeared, we need to know whether it was by design or within the programme.

Sen. Ndiema: Mr. Speaker, Sir, this is not information that I have readily. I would have to seek indulgence, so that I can get specific date when the project will start.

The Speaker (Hon. Ethuro): So ordered.

(Sen. Karaba consulted loudly.)

Order, Sen. Karaba! The Chair has been very generous to you. Do not push your luck too far. You need to trust your colleague. He says that he will communicate and give you an appropriate date. If he fails, you still have the liberty of this House to explain that he has failed. For now, let us trust him.

Please, proceed, Sen. Sijeny.

DEPLORABLE CONDITION OF THE MAI MAHIU-NAROK ROAD

Sen. Sijeny: Thank you, Mr. Speaker, Sir. I have a Statement which was sought by Sen. (Dr.) Machage, but he is not in the House. Could you, perhaps, defer it to Thursday?

The Speaker (Hon. Ethuro): So deferred to Thursday.

(Statement deferred)

Please, proceed Sen. Murungi.

STATUS OF BOUNDARY SURVEY BETWEEN
MERU AND ISIOLO COUNTIES

Sen. Murungi: Thank you, Mr. Speaker, Sir. I had requested for a Statement from the Chairman of the Committee on National Security and Foreign Relations on my county's border dispute with Isiolo County. I know that he has now gotten an improved answer. Is it in order for him to give it to the House?

The Speaker (Hon. Ethuro): Order, Sen. Murungi. You are a Member of the Rules and Business Committee (RBC) and you know that we exhaust the listed business first. If there is time, we will indulge you. So, for now the Chairperson is completely not in order.

Let us have the Statements listed.
Please, proceed, Sen. Onge'ra.

HAZARDS POSED BY NAIROBI DAM

Sen. Ong'era: Mr. Speaker, Sir, I sought a statement in May on the effluence in Nairobi Dam. Up to now, I have not received a response. When it came to this House, you directed that it should be issued in 14 days' time. Now, it is over three weeks since you issued that direction.

The Speaker (Hon. Ethuro): Order, Senators! Sen. Ong'era is also a Member of the Rules and Business Committee (RBC). What I just mentioned to Sen. Kiraitu applies to her.

COLLAPSE OF MUMIAS SUGAR COMPANY
IN KAKAMEGA COUNTY

Sen. Sang: Mr. Speaker, Sir, my Committee is supposed to deliver a statement sought by Sen. (Dr.) Khalwale. I have just mentioned to him that part of it was ready last week and the Chairperson of the Committee on Legal Affairs and Human Rights was ready to deliver it then. Unfortunately he was not around that day. I have tried to trace the response, but I have been unable to pick it. I am sure we can liaise with Sen. Wako's office and deliver the part that is ready tomorrow.

The other component of this Question relates to the Ministry of Agriculture, Livestock and Fisheries. The Chairperson indicated to me that there were discussions between us and the Chairperson of the Committee on Agriculture, Livestock and Fisheries, so that we find a way of receiving the necessary information from the concerned Ministry. I request the Senator to bear with me so that I bring the part relating to the Director of Public Prosecutions (DPP) and the prosecution tomorrow. The other can be addressed on Thursday, next week.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I have no objection. I will take the responses as he has stipulated.

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The Speaker (Hon. Ethuro): Sen. Khaniri, you should respond to Sen. Ong'era, but that will come later.

CONTROL OF "MATHENGE WEED"

The Speaker (Hon. Ethuro): I suppose Statement (a) on the Order Paper does not apply for now. So it is deferred.

(Statement deferred)

Sen. Khaniri: Mr. Speaker, Sir, the Statement that you are just ruling on falls under my Committee. It is listed on the Order Paper appendix as a Statement to be issued. However, I just want to bring to your attention that it has not even been requested. I think it is a mistake that it is to be delivered today.

The Speaker (Hon. Ethuro): Really? Okay, we will find out. Sen. Khaniri, it is actually Sen. Munyes to seek a Statement.

Sen. Khaniri: Mr. Speaker, Sir, what you have just stated is the right position. However, we all know that what is normally listed in the appendix are the Statements that are due to be delivered and not asked

The Speaker (Hon. Ethuro): I agree with you.

STATUS OF CASH TRANSFER PROGRAMME

The Speaker (Hon. Ethuro): Statement (b) on the Order Paper is deferred.

(Statement deferred)

The Speaker (Hon. Ethuro): I thought Statement (c) had been responded to unless there was a pending matter.

Let us now indulge Sen. Khaniri on Sen. Onge'era's Statement.

HAZARDS POSED BY NAIROBI DAM

Sen. Khaniri: Mr. Speaker, Sir, it is true that it has been about two months since the Hon. Senator requested for this Statement from my Committee. We were to get a response from Nairobi County Government and not the Cabinet Secretary (CS). We wrote to the Nairobi County Government, but we have not received a response, four weeks down the road. We even reminded them two weeks ago.

We have now invoked Article 125 of the Constitution. We have summoned the governor and his team to come and explain this matter to us. I had shared the same with Sen. Ong'era and we are waiting for the governor to appear before the Committee within 14 days.

The Speaker (Hon. Ethuro): I think that is self-explanatory, Sen. Ong'era.

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STATUS OF BOUNDARY SURVEY BETWEEN
MERU AND ISIOLO COUNTIES

Sen. Murungi: Thank you, Mr. Speaker, Sir. It is time for my colleague, the Chairperson of the Committee on National Security and International Relations to give the Statement.

The Speaker (Hon. Ethuro): Order, Sen. Kiraitu. I avoided whatever you had done because you did it at the wrong time. You can now put your polite request.

Sen. Murungi: Mr. Speaker, Sir, last week the Chairperson of the Committee on National Security and Foreign Affairs brought a statement to this House regarding the boundary dispute between Meru and Isiolo counties, but it was incomplete. It did not address the issues that had been requested for. You ordered the Chairperson to go back and bring us a complete statement. I understand that the statement is ready and I request it be given in the House, so that we test whether it is now complete or not.

Sen. Haji: Thank you, Mr. Speaker, Sir. It is true that Sen. Murungi was not satisfied with the statement which was given last week. As a result of that, and following, your ruling, my Vice Chairperson and I visited the Cabinet Secretary (CS) for the Ministry of Interior and Coordination of National Government. We had very fruitful discussions and he has written a statement to say that the Government is in the process of establishing an administrative boundaries dispute resolutions taskforce. It will comprise officers drawn from the Ministry of Interior and Coordination of National Government, the Independent Electoral and Boundaries Commission (IEBC), the Attorney General, the Ministry of Land, Housing and Urban Development and the National Land Commission. The taskforce will be mandated to address boundary disputes in the country, including that of Isiolo.

Sen. Murungi: Mr. Speaker, Sir, in my earlier request, I had mentioned that we were suspecting that the national Government was refusing to assist in the resolution on the boundary between Meru and Isiolo counties. We had given a very specific programme which had been agreed on between the leadership of Isiolo and Meru counties. The governors of Meru and Isiolo counties would appoint two surveyors each and pay for them. The Office of the President would then provide security for the boundary between the two counties to be marked through GPS. It was as simple as that.

Mr. Speaker, Sir, this answer confirms that the Government is actually avoiding marking that boundary because they are now saying that they are going to set up a taskforce whereas we provided the money and the personnel. I am not satisfied that, indeed, the Government is serious about setting up this taskforce. When will the taskforce be formed because they are saying that they are thinking about it?

Secondly, could the Chairperson confirm that once the taskforce is formed, the first boundary that they will mark is the boundary between Meru and Isiolo counties because our process with them had already started?

Sen. Mositet: Mr. Speaker, Sir, I listened to the answer given by the Chairperson, and considering that we have quite a number of constituencies which are disputing the boundaries of the counties, I think the approach the Chairperson has talked about is the

best. I would request that rather than the taskforce looking at the matter between Isiolo and Meru---

The Speaker (Hon. Ethuro): Order, Sen. Mositet! Put your request. This is not a Motion to be debated.

Sen. Mositet: Mr. Speaker, Sir, could that task force also look at the boundary dispute between Makueni and Kajiado counties?

Sen. Haji: Mr. Speaker, Sir, the question of boundary disputes is raging all over the country. As a result of that, the Cabinet Secretary has decided to form a taskforce which will go to all these areas and recommend solutions. As soon as the Cabinet Secretary establishes a taskforce which is already in the process, he intends to present to the Cabinet Security Committee. As soon as it is approved, the taskforce will start their work.

I cannot confirm that Isiolo will be the first on the list. However, I think that is a matter we can discuss with the Cabinet Secretary (CS) as soon as he forms the taskforce.

The Speaker (Hon. Ethuro): Chairperson, you said that the formation of the taskforce is already in process, but you have concluded by saying that as soon as the CS forms the taskforce. Which is which?

Sen. Haji: Mr. Speaker, Sir, I said that he is in the process of forming a taskforce and as soon as he completes, he will take it to the Cabinet Security Committee which will approve it. I said after the approval, that is when they will embark on the work.

The Speaker (Hon. Ethuro): Are there any timelines?

Sen. Haji: As soon as possible, Mr. Speaker, Sir.

Sen. Murungi: Mr. Speaker, Sir, I think it is obvious that the Government does not want to move with speed to resolve these boundary disputes. In our case, we provided the surveyors and the resources. All we wanted was some security supervision for the boundary to be marked through GPS. Could the Chairman tell us why that simple exercise cannot be done even as we wait for the taskforce which, dates when it will be formed are not known?

Sen. Haji: Mr. Speaker, Sir, the dispute is between Isiolo County and Meru counties. It is true that Meru County is prepared to allocate money for the surveyors to do the work, but unfortunately for unknown reasons, Isiolo County is not willing. It is as a result of that, that after our discussion with the Cabinet Secretary that he will form a task force without waiting for any county to decide to follow what was agreed or not and implement the same.

Sen. Murungi: Mr. Speaker, Sir, could I make a simple request that the Chairman and I visit the Cabinet Secretary so that I can hear from the horse's mouth why he cannot do this very simple exercise which we had agreed on with his predecessor Cabinet Secretary, Ole Lenku? It is even in writing in their files.

Sen. (Prof.) Lonyangapuo: On a point of order, Mr. Speaker, Sir. Did you hear the Senator for Meru talk about a Cabinet Secretary that does not exist? He mentioned Cabinet Secretary, Ole Lenku. Is he in order to introduce names that are not on the Government payroll?

Sen. Ong'era: On a point of order, Mr. Speaker, Sir. Is it in order for the distinguished Senator for Meru to request that this matter remains between him and the Chairman of the Committee when we know that this is a matter that has been laid before the Senate? This is a matter that belongs to this House. The Senator for Meru wants to personalize it between himself and the Chairperson.

Sen. Sang: On a point of order, Mr. Speaker, Sir. Is the Senator for West Pokot in order to mislead this House because we know that when the Cabinet Secretary Nkaiserry was appointed, we have never been told the fate of Ole Lenku? It is possible that Ole Lenku is still a Cabinet Secretary without portfolio.

Sen. Mositet: On a point of order, Mr. Speaker, Sir. I do appreciate the position of Sen. Sang that one of our sons is a CS without portfolio since we have never been told that he was sacked. Having listened to Sen. Murngi that the governors and the leadership of Meru and Isiolo counties had already agreed to make sure that the surveyors were to go to the ground and they were to meet the cost. We also know that within the same counties, there are security personnel and county commissioners in charge of security. Does it mean that those officers in the counties are not capable of carrying out that exercise or what else is it that they need the Cabinet Secretary to do?

Sen. Murungi needs to tell us what kind of security he is talking about.

Sen. Karaba: Mr. Speaker, Sir, what transpired between the Senator for Meru and the Chairman of the Committee leaves some of us more confused than before. We are yet to find out whether when we have similar problems we need to sort it out between ourselves or it is something which will be adopted by the whole House? I thought that when there is a boundary dispute, there should be a common approach to the problem.

The Speaker (Hon. Ethuro): Mr. Chairman, although the request from Sen. Murungi was really mild, you should give it an attempt given the other related interventions.

Sen. Haji: Mr. Speaker, Sir, from the discussions that we had with the Cabinet Secretary, I want to assure Sen. Murungi that the matter at hand is being handled through a taskforce that was formed. It is very difficult to resist a request of somebody like my friend, Sen. Murungi. However, to be very sincere, it will be useless to make statements if after every statement the Chairman follows a Member who requested for a statement to the CS to discuss the matter further.

To answer Sen. Mositet and Senator---

The Speaker (Hon. Ethuro): Mr. Chairman, I thought you could add that in your circumstance last time, your Vice Chairperson requested you to accompany her.

Sen. Haji: Yes, Mr. Speaker, Sir, then, you ordered so.

Mr. Speaker, Sir, to answer Sen. Karaba and Sen. Mositet, after the formation of the taskforce, the dispute about boundaries all over the country will be resolved when we meet. There is no discussion between me and Sen. Murungi regarding the matter. When I was presented with the statement, I decided that the taskforce would deal with all boundary disputes in the country. So, we should take that one first.

The Speaker (Hon. Ethuro): Order, hon. Senators! I think we have done very well on this particular Order. I do not want us to spend a lot of time on it. However, I find

the request by Sen. Murungi quite curious. Of course, the Speaker is not in the business of monitoring, expanding movement of Senators, or determining whom they see, when they see or how they see those persons. Of course, every Senator is elected by the people. He or she is at liberty to meet any CS.

However, I suppose that in the particular circumstance of the matter that the Senator has raised, which also attracted the attention of the other Senators, once the business comes before the House, the House is seized of the matter. It is good practice that some of the deliberations, not only inform the area around where the Senator represents, but also the country as Sen. Karaba put it very well.

In this particular matter, we are dealing with two counties. So, when the Senator for Meru County accompanies the Chairperson to see the CS, what happens to the Senator for Isiolo County?

To me, the import of the request by Sen. Murungi – which I think the Chairman must take quite seriously – this House has entertained quite a number of issues concerning boundaries. So, definitely, there is a problem. Therefore, the Government cannot run away because we all know the typical response of a Government to avoid a problem is to form a committee. Once the committee is formed, there is another committee to study its findings and so on and so forth, as Sen. Wako would put.

I think that Sen. Murungi was interested in a process that would come to some conclusion. The whole House and the country will be interested in the process even if it is suggested by the CS. It should have some proposed timelines so that the matter is brought to conclusion.

What is it, Sen. (Prof.) Lonyangapuo? We should be moving to the next Order?

KILLINGS IN MT. ELGON CONSTITUENCY IN BUNGOMA COUNTY

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, last Thursday, you directed the Chairman of the Committee on National Security and Foreign Relations to bring an answer to a statement that I requested regarding the killings that took place in Mt. Elgon. He has confirmed to me that he has the answer with him.

The Speaker (Hon. Ethuro): Order, Senator! I will not entertain the business of ambushing the Chair. The House must be predictable and move within allocated time. You should have approached me first so that I know about that. I would not have entertained the other interventions if I knew that another statement was forthcoming. Since you have put the request – many a time, Chairs claim that statements are not ready – I will allow the Chairman to proceed and respond to your statement. The other reasons I have not mentioned here are fully known to you.

Sen. Haji: Mr. Speaker, Sir, my response will be very short unless by brother, Sen. (Prof.) Lonyangapuo prolongs it.

Mr. Speaker, Sir, Sen. (Prof.) Lonyangapuo requested for a statement regarding the death of Mr. Isaac Kibet Kikwei and Mr. Silas Chepkech Mangumi in Mt. Elgon Constituency. The hon. Member wanted to be informed:

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(1) Whether the Government is aware that Mr. Isaac Kibet Kikwei and Mr. Silas Chepkech Mangumi were killed on their way home from grazing animals in Chepyuk Location, Kopsiro Division in Bungoma County by Kenya Wildlife Service (KWS) officers on 16th April, 2015.

(2) Whether the Government is aware that the matter was reported at Kapsokwony Police Station by the KWS officer who purported to have killed bandits and managed to recover a bullet magazine.

(3) The action that has been taken to establish the truth in this matter.

Mr. Speaker, Sir, I wish to state as follows:

The Government is aware that on 16th April, 2015, at about 2.00 p.m., corporal Isaac Leweri of Kaberua KWS Station reported at Kapsokwony Police Station vide OB. No.29/16/4/2015 that some rangers on normal patrol within Kamuneru Forest in Mt. Elgon were confronted by three suspected poachers resulting in an exchange of fire between the two parties. Two of the suspects were fatally shot while the third one escaped. The officers recovered one magazine loaded with eight rounds of 7.62 millimetres ordinary calibre. The officers called for reinforcement from Kapsokwony Police Station and KWS camp, but unfortunately, the search for the suspect was unfruitful.

The two bodies were later moved to Webuye Sub-County Hospital for identification and post-mortem. The deceased persons were later identified as Isaac Kibet Kikwei aged 27 years and Silas Chepkoech aged 20 years from Kaimugul Sub-Location, Chepyuk Location in Mt. Elgon.

Investigations were commenced vide Kapsokwony Police Station Inquest File No.2/2015 which was finalised and forwarded to the Office of the Director of Public Prosecutions (DPP) for perusal and advice.

Thank you, Mr. Speaker, Sir.

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, I thank the Chairman for bringing answers regarding what I had requested. However, his answers do not add up properly. They do not respond to questions that I sought. The allegations were that the two boys were herding cattle in the forest. He has now changed the story and referred to them as bandits.

Secondly, he also claims, in the answer, that when the two boys were killed, a magazine and some bullets were collected next to their dead bodies. He has not told us whether the gun was recovered because you cannot get a magazine of bullets without a gun. We need that to come out clearly because it is likely that somebody placed that magazine next to the dead bodies, to appear as though those people were bandits.

Lastly, 16th April, 2015 is about three months ago and when we met the Director of Public Prosecutions (DPP) last week he said that no file had been forwarded to him. Could the Chairman clarify those issues, so that the officers who killed these boys can be brought to book?

Sen. Ndiema: Mr. Speaker, Sir, the statement that has been given is not satisfactory. This is because we had raised several issues other than what Sen. (Prof.) Lonyangapuo had raised. We had sought to know what the policy of Kenya Wildlife

Service (KWS) is in respect to arresting or dealing with people suspected to be poachers. This issue---

The Speaker (Hon. Ethuro): Order, Senator! You must have raised all the issues then. You just need to seek clarifications now.

Sen. Ndiema: Mr. Speaker, Sir, we have not gotten all the answers as we had asked. We have been told that the file has been forwarded to the DPP. What is the file all about? Does it say that some KWS rangers did actually commit an offence and, therefore, they need the DPP to prosecute or what is it all about? It is true that we met the DPP---

The Speaker (Hon. Ethuro): Order, Senator! You are not getting it. Please, seek clarifications.

Sen. Ndiema: Mr. Speaker, Sir, could the Chairman seek to find out whether, indeed, the file has been forwarded to the DPP, because he confirmed to us in the Committee that the file has not reached them? Could he also confirm that these two boys were actually grazing their animals and had milk, which the rangers themselves drank? Could he further confirm that the boys were not armed? Indeed, they were not armed and just executed.

Sen. Haji: Mr. Speaker, Sir, I think what we are dealing here with is hearsay. According to the KWS, when the three were confronted there was an exchange of fire. In the process, unfortunately, two of them died. A magazine with bullets was recovered and one of the poachers ran away. We can only imagine that he ran away with the gun. I do not know what to say other than that.

Regarding the file being sent to the DPP, only last week together with Sen. Obure, we were with the DPP, investigating the case in Kinna. He told us that he only saw the file after we had invited him to come before us. He indicated that the file was being handled by other officers. The DDP's office has so many officers and so, it is possible that one officer might have seen it while another has not seen it.

Sen. (Prof.) Lonyangapuo: On a point of order, Mr. Speaker, Sir. I request that the Committee gives an undertaking to go and unravel the whole drama surrounding these killings by visiting Mt. Elgon, because there issues which do not add up. We are saying that these were herdsmen and the Chairman is calling them bandits. He also says that they were killed and a magazine recovered, but no gun was found. Now he has gone further to say that the third person may have run away with the gun. If they were bandits then each of them would have been armed with whatever type of weapon. Now that the Senate is the last hope for the people of Mt. Elgon, and that is why they raised this issue, could the Chairman and the Committee go and do further investigations on the ground and report to us?

Sen. Ndiema: Mr. Speaker, Sir, I support that proposal and request that the Committee takes it up in the same manner that it is investigating the matter concerning Kinna.

The Speaker (Hon. Ethuro): Order, Senators! I think the Chair agrees with the two Senators. Where the two Senators are in total disagreement with the Statement the best action to take is for you, as a Committee, to make a finding either by inviting the

relevant people to the Committee in Nairobi, by actually visiting the area, as suggested or even both. So, I direct that you commission investigations on that particular matter.

Sen. Haji: Mr. Speaker, Sir, without the Senators asking and Sen. Obure is my witness; we summoned the Director of KWS and raised this issue with him this morning. In future, instead of us directing this kind of request for a statement to the Cabinet Secretary, Ministry of Internal Security and Coordination of National Government, it should go to the relevant departments and services. This is because the Director of KWS told us that he was not asked about this issue. So, this statement could not have come from the KWS. I have asked him to write to us, explaining what transpired. As soon as he does that and we are satisfied we shall inform my colleagues. If we will not be satisfied, we will take the action that you have recommended.

Thank you.

The Speaker (Hon. Ethuro): It is so ordered.

COMMUNICATION FROM THE CHAIR

APPEARANCE BY THE CABINET SECRETARY FOR EDUCATION, SCIENCE AND TECHNOLOGY BEFORE THE COMMITTEE ON EDUCATION

The Speaker (Hon. Ethuro): Hon. Senators, I have a brief Communication to make at this particular moment. It relates to the appearance by the Cabinet Secretary for Education before the Committee of the Senate on Education.

The Cabinet Secretary will appear tomorrow at 10.00 a.m. in this Senate Chamber to respond to the request for a Statement on the predicament of students of the Garissa Teachers Training College resulting from insecurity.

The hon. Senators will recall that the matter of insecurity in the various parts of the country and in particular, the three counties of the former North Eastern region, namely Mandera, Wajir and Garissa counties and the plight of teachers who are teaching in these areas as well as the students who are affected by the absence of teachers, elicited a lot of interest and concern in Senate.

This is, therefore, to invite all Senators to attend the Committee meeting here in this Chamber tomorrow at 10.00 a.m.

I thank you.

Next Order!

BILL*Second Reading*THE COUNTY HALL OF FAME BILL
(SENATE BILL NO. 33 OF 2014)*(Sen. Sang on 1.7.2015)**(Resumption of Debate interrupted on 1.7.2015)*

The Speaker (Hon. Ethuro): Who had the Floor? I gather that it is Sen. Sang. He has a balance of 45 minutes.

Sen. Sang: Mr. Speaker, Sir, I moved this Bill. However, just to refresh our memories, this is the County Hall of Fame Bill (Senate Bill No.33 of 2014). It seeks to establish a legal framework that allows county governments to honour the heroes and heroines who have made exceptional contributions in the counties.

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

[The Temporary Speaker (Sen. Mositet) took the Chair]

Mr. Temporary Speaker, Sir, I indicated that the County Hall of Fame Bill (Senate Bill No.33 of 2014) seeks to fill the gap that exists. Currently, as we are all aware, we have the National Honours Act of 2013 that gives the opportunity to national Government officials, Parliament, the Judiciary, the Executive and county governments to recommend names of people to be feted and honoured. However, this framework does not address the issues within the counties.

I appreciate the fact that if you go to each and every county in this country, each has its own history, heroes, heroines, men and women who have made them proud and contributed to their history. However, a number of them will not succeed to find their way to recognition at the national level. That is why the County Hall of Fame Bill (Senate Bill No.33 of 2014) seeks to provide this legal framework to allow the counties to honour their sons and daughters.

Mr. Temporary Speaker, Sir, since Independence, we have had leaders, whether within the clergy, political scene and the communities contributing immensely to the development of people and communities within the counties, but we have never acknowledged or recognised them. This is because there has never been a legal framework to allow this.

In my county, we have had several heroes, one of course, who has been recognised nationally is Koitalel arap Samoei. We appreciate His Excellency the former President, Mwai Kibaki. When he was the President, he recognised Koitalel arap Samoei. In 2005, he went to Nandi and commissioned a mausoleum in honour of Koitalel arap

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Samoei. I thank President Uhuru Kenyatta and his deputy for taking that recognition of Koitalel arap Samoei a notch higher by supporting the establishment of Koitalel arap Samoei University in Nandi Hills.

Mr. Temporary Speaker, Sir, such are the recognitions that we need. Koitalel arap Samoei contributed to the fight against white domination in this country. We appreciate that in other regions in this country, for example, the Mau Mau played a critical role in ensuring that this country achieved Independence. Whereas, the Mau Mau was fighting for independence in this country, Koitalel arap Samoei led the Nandi Community in resisting the invasion by the British colonialists.

However, if you read the history books in this country, you will be forgiven for believing that it is only the Mau Mau who contributed to the fight for Independence in this country. There are many other communities, leaders and individuals who worked hard in ensuring that this country got its Independence, but they have never been recognised. Therefore, the County Hall of Fame Bill (Senate Bill No.33 of 2014) provides an excellent opportunity for each and every county to revisit their history, identify sons and daughters who have made them proud and honour them.

Mr. Temporary Speaker, Sir, the Bill provides and gives the opportunity to the County Hall of Fame Selection Committee to honour our heroes posthumously. That is important because we have had many heroes and heroines in this country. It is interesting that I am moving this Bill at a time when we have lost one of the artists in this country, Mzee Ojwang. Many discussions have gone on in this country in the last two or three days. We all know the contribution that some of these artists have made in this country. However, it is sad to see them live in abject poverty despite the fact that they have contributed immensely and exceptionally well to the development of this country.

I hope that with the passage of this Bill, county governments will sit and ask themselves as provided for by the law, how to identify some of those heroes within their counties and find a proper way of documenting them. A country that does not treasure its history, cannot chart a proper way forward. It is important for us to look at the past. We must understand our history so that we have a proper documentation of events in our country.

The Bill also provides for the establishment of a County Hall of Fame. It is not just enough to recognise and honour. We must provide a physical location within the county that will be gazetted and identified as a County Hall of Fame so that the list of all these people is documented. As I speak, the President, under the National Honours Act, for many years has honoured many of our sons and daughters, but we do not have a list of them. We do not want the same mistake to be repeated in the counties. The Bill seeks to establish a County Hall of Fame where we will have a register of all the heroes and heroines who will have been honoured and inducted into the County Hall of Fame.

Mr. Temporary Speaker, Sir, the Committee on Labour and Social Welfare has a number of amendments that will be moved in the Third Reading. These amendments will better this Bill to ensure that we do not have a law that will give an opportunity to governors, their deputies, and county officials to honour friends without looking at the merit. We must ensure that every individual who finds his way to the County Hall of

Fame is one who merits. That is why we need to look at the law and ensure that we do not provide a blanket legal framework for people, as it is known in this country, to honour their girlfriends, wives and children. We must ensure that we only honour exceptional contribution to our communities.

We are also providing that the county hall of fame that will be established under this Bill should be allowed to collect artifacts. As I mentioned last week, when Koitalel Samoei was killed by the British colonialists, they took some artifacts, but we managed to bring them back to Kenya 50 years later. However, more of those artifacts are still out there. We are giving the county hall of fame the right to accept artifacts. This will help this country to retrace our history and appreciate exceptional behaviour.

Within the Kalenjin Community and more specifically in my county, we have the Talai Community. This consists of the leaders that supported and led the Nandi Community all through. When the colonialists came and wanted to conquer the community and take our land, they realized that the first thing to do is to strike these leaders. Many of them were arrested and an Act of Parliament called the Laibon Ordinance Act was passed to put this entire community into detention. Some of them were taken to Gwasi, others to Mfangano Island and some were subjected to harsh climatic weather conditions and many of them lost their lives in the process.

In my county, there is a whole location in Nandi County where this Talai Clan was confined by the colonialists. For them to move out of that location, they had to obtain a pass from the District Commissioner (DC). Those are the inhumane conditions that some of the community leaders were subjected to. That is why we want a legal framework that will allow our county government to support and recognise the contribution that this Talai Community made in the development and leadership in the county.

I know this is a story that is repeated across the 47 counties. We have various stories from various communities. We used to hear of Luanda Magere and Mekatilili wa Menza. We also used to hear of various community leaders in various counties. Many of them have never been recognized or honoured. This Bill gives us that opportunity to honour them. I hope that as the counties honour some of these heroes, they will provide some token of appreciation.

If you have a leader or an individual who contributed exceptionally to the development and leadership of the county, and that person is living in abject poverty, it would still be prudent that the counties discuss among themselves and agree on how to provide a token of appreciation to lift these individuals from abject poverty. This will help avoid the kind of national shame that this country is facing when we look at the lives of people like Mzee Ojwang, who has made tremendous contribution in the art industry, but he has died miserable. We should provide a proper framework to enable our counties recognize and find a way of providing a small token to those individuals.

Mr. Temporary Speaker, Sir, I want to urge Senators that as protectors of our counties, we are also the protectors of the heritage in the counties, the history of the county and so on. Therefore, let us enact this Bill that seeks to provide that platform to enable us recognise our heroes. Looking at the contribution of the first Senate, and I am

not campaigning for the Senators to be in the county hall of fame, but 50 years down the line, the contribution of Sen. (Dr.) Khalwale, may not be recognized at the national level. However, I am sure the people of Kakamega will want to recognise him for the contribution that he is making in this first Senate under the new Constitution. The same applies to all of us.

Mr. Temporary Speaker, Sir, this is an opportunity where we are providing a legal framework that will inspire many leaders in the counties to aspire to do good knowing very well that such good works may be recognized in future.

With those remarks, I wish to urge Senators to support this Bill. I now call upon my very good friend, Senator, Retired Justice Madzayo, the Chairperson of the Committee on Labour and Social Welfare, to second.

I beg to move.

Sen. Madzayo: Bw. Spika wa Muda, asante kwa kunipa nafasi hii niunge mkono Mswada huu. Pia ninataka kumpongeza Seneta kijana shupavu, wakili ambaye ni Seneta wa Nandi, Sen. Sang. Ni jambo la muhimu kwake kuleta Mswada huu. Kwa mara ya kwanza tangu tupate Uhuru, tunaona mwelekeo hasa katika Serikali zetu za ugatuzi. Hii imekuwa changamoto hasa tukiangalia wakati huu ambapo tumepoteza mtu shupavu nchini. Huyu ni mtu ambaye tangu Kenya ipate Uhuru, amekuwa akichekesha watu, amekuwa akichekesha taifa nzima katika kipindi kinachoitwa *Vitimbi*. Huyu ni Mzee Ojwang.

Hivi sasa sisi sote tunaomboleza kama taifa kwa kumpoteza Mzee Ojwang. Yeye alikuwa anajulikana hata na watoto wachanga. Sisi wenyewe tumekuwa tukimtazama huyu mzee katika televisheni akichekesha wananchi. Hivi leo ni jambo la aibu kwamba mzee kama huyu amekufa kama mtu ambaye hakuwa anajivunia kuwa Mkenya.

Hakuna mtu yeyote ambaye anaweza kusema kwamba Serikali ilimjengea nyumba, kumfanyia jambo fulani ama kumtambua tu kwa sababu ya vitimbi vyake kwa miaka 30. Tunasema kwamba hili ni jambo la aibu. Inatakikana wakati mtu akifanya kitu chema kama vichekesho ama usaidizi kwa Wakenya, ni lazima taifa letu liweze kumtambua.

Hivi sasa tunasema kwamba Mwenyezi Mungu amuweke Mzee Ojwang mahali pema peponi. Wananchi wakati huu ni lazima waelewe kwamba sisi kama Seneti tumeona kwamba Mswada huu ni muhimu kwa wale ambao wametoa maisha yao kusaidia nchi au Serikali.

Tunajua kwamba jambo kama hili, kumekuwa na mapendeleo, kujuana na njia tofauti tofauti ama mbinu ambazo watu wanatumia kupata shahada kama hizi zinazotolewa na Serikali kuu. Kuna EGH, OBS na kadhalika. Watu wamekuwa wakizipeleka kwa jinzia ya urafiki na kwa kujulikana ili kutambuliwa na Serikali kuu. Sasa wakati umefika wa kaunti kupewa uwezo wa kutambua watu ambao wamefanya vitu ama waliotenda vitendo ambavyo viliweza kusaidia kaunti ambazo walitoka.

Tunajua wahenga walisema ya kwamba mwacha mila ni mtumwa. Ikiwa wewe umeishi katika ulimwengu na umewacha asili yako, unafanya vitu vya kizungu, umeendelea ama umesoma na hutaki asilia yako, basi wewe ni mtumwa.

Kipengele 3 cha Mswada ambao Sen. Sang ameuleta, kinaeleza maana kwa kina cha Mswada huu. Kipengele 3(a) kinaeleza kuhusu watu ambao wamejitolea maisha yao, kuweza kuinua hali ya maisha ya watu ambao watakuja baada yao wakishaenda mbele za haki.

Kipengele 3(b), kinazungumzia kuhusu kutambulika kwa watu ambao wameweza kuweka historia, kulinda na kuelimisha asili ama mienendo ya watu ambao wanaishi katika eneo au kaunti ambazo wametoka.

Hii inamaanisha ya kwamba kunayo mipangilio kabambe ambayo mtu hawezi kuchaguliwa ikiwa hatakuwa amewajibika katika sheria hiyo ya Kipengele 3. Tunajua watu ambao wameenda mbele za haki, hapo zamani, ambao walikufa, hivi sasa tunawaita marehemu. Kama alivyo sema ndugu yangu Sen. Sang, tuko na watu shupafu waliopigania Uhuru katika Kaunti ya Kilifi. Uhuru haukupiganiwa na Mau Mau pekee yake. Ulipiganiwa na Wakenya katika pande zote za Kenya. Pande zetu za Pwani, tulikuwa na watu kama Mekatilili wa Menza, Mepoho na pia tunatambua marehemu Emmanuel Karisa Maitha.

Kama marehemu Karisa angekuwa anaishi, watu wa Pwani hatungekuwa tunababaika leo. Tungekuwa na msimamo kabambe kuhusu kura zinazokuja mwaka 2017. Lakini yeye ni marehemu na sisi tutaendelea kufuata ndoto yake. Tunasema kuwa, hao watu waliweza kusaidia jamii zao lakini kuna mabibi wa waume shupavu. Tuko na mama bibi ya marehemu Ronald Gideon Ngala, aliyekua shupavu wa kisiasa katika mkoa wa Pwani. Mama huyo bado anaishi. Kuna wazee wengine wa Kaya ambao huwa wanaelezea mwelekeo. Wengine walifariki na wengine bado wako.

Bw. Spika wa Muda, katika Mswada huu kuna vipengele ambayo vinasema serikali za kaunti zitatakikana kujenga nyumba au jumba ambako kutawekwa vigango ambavyo vitaweza kueleza historia na asili ya watu kuanzia vizazi vilivyokua hapo awali hadi sasa.

Hivi juzi, maafisa kutoka Kaunti ya Nairobi waliweza kualikwa Marekani. Walienda kuchukua vigango ambavyo vingi vyao vilikua vya Kaunti ya Kilifi. Baada ya kuvichukua vigango hivyo, kutoka Marekani, walikuja nazo hadi Nairobi lakini hivi sasa havijafika Kilifi. Hata wakivileta huko Kilifi, hatujui tutaviweka mahali gani. Ndio sababu katika huu Mswada tunasema ya kwamba vigango hivyo ama “*artifacts*” kwa lugha ya Kiingereza lazima ziwekwe mahali---

Sen. Sang: On a point of order, Mr. Temporary Speaker, Sir. The Senator, while contributing, kept on using the word *Vigango*. I am sure myself and many other Kenyans may not understand what he meant. He has just mentioned that it means artifacts and I think that was important.

The Temporary Speaker (Sen. Mositet): Are you saying that you want him to expound on it?

Sen. Sang: Mr. Temporary Speaker, Sir, I stood on a point of order to request the Senator to explain what *vigango* means, so that Kenyans may know and follow him on this important contribution.

Sen. Madzayo: Bw. Spika wa Muda, vigango ni kama vidonga. Ni vitu ambavyo ni vya zamani za kale. Kama sanamu za Koitalel arap Samoei ambazo zilichongwa,

kutengezwa zamani na kuchukuliwa ili ile sura ya Koitalel arap Samoei isipotee. Katika vile vigango walivyovitengeza, wajukuu, vitukuu na kitukuu wa jemedari Koitalel, kama Sen. Sang na wale waliokwenda mbele yake, wanaweza kufahamu sura zao zilikua za aina gani. Vigango ni vitu ambavyo hatuwezi kuvisahau katika historia yetu.

Sisi tunasema ya kwamba katika Mswada huu, kuna kamati ambayo itaongozwa na naibu wa gavana. Katika hiyo kamati watapewa mamlaka ambayo mtu atakayechaguliwa lazima aingie katika ile historia. Wananchi pia watapewa nafasi ya kualikwa ili watu ambao wamechaguliwa waingie katika huu Mswada; wananchi wataweza kuandika barua na kuongea kuhusu yule mtu ambaye atakuwa amechaguliwa kuingia katika historia hii. Hiyo inamaanisha ya kwamba, hakutakuwa na mapendeleo. Haitakuwa kama vile ukitaka hadhi ya serikali ama *Elder of Golden Heart (EGH)*, itakua umefanya kitu bora katika Serikali kuu.

Hivi sasa, ni lazima wananchi wa kaunti wahusishwe na waamini ya kwamba huyu mtu ni ukweli alileta faida fulani katika historia ya kaunti. Katika Mswada huu, mtu akipatikana amesema uongo atapatikana na hatia na ataadhibiwa. Anaweza kutozwa faini ya Kshs1milioni, kufungwa kwa miaka miwili ama apigwe faini na pia kupelekwa ndani. Kutakua na sheria mufti ambazo zitahakikisha ya kwamba hakutakua na upendeleo na watu kusema uongo. Ukipatikana umefanya kitendo kama hicho kutakuwa na sheria za kukuadhibu. Tunasema sisi tunataka Mswada kama huu uwepo.

Naunga mkono ndugu yangu kwa kuleta Mswada huu wakati ambao tunahitaji zaidi ili tuweze kutambua wale wazee wetu waliotufanyia mema na ambao walituweka mahali tulipo. Itakua ni aibu ikiwa wale wazee walitusomesha kwa pombe ya mnazi.

Hivi sasa watu wanashikwa wakitengeneza na kunywa pombe ilhali sio haramu. Pombe hiyo haiwezi kudhuru au kuleta hasara yoyote kwa mwananchi. Pombe hiyo ni kama barafu ya mwili wa binadamu. Kwa hivyo, namuunga mkono ndugu yangu, Sen. Sang, kwa kuleta Mswada huu. Nataka kumhakikishia kwamba Kamati yetu ya Leba na Maslahi ya Jamii itaangalia Mswada huu vizuri na tutaleta marekebisho hapa Seneti. Nina hakika kwamba Maseneta shupavu walio hapa, watawasiliana na kuupitisha.

Asante sana Bw. Spika wa Muda. Ninaunga mkono Mswada huu.

(Question proposed)

Sen. Wangari: Thank you, Mr. Temporary Speaker, Sir. I rise to support this Bill and congratulate the Mover, Sen. Sang, whom we had the pleasure of hosting as a Committee to take us through this Bill. I must say that it is well thought out.

Article 11 of the Constitution recognizes culture as the foundation of the nation and as the cumulative civilization of the people of Kenya and nation. We have had an administration where these commendations, recognition of talent or honours were bestowed to the state. It has not been easy for 40 million people to be rated by one committee. There have been issues and we have always wondered who the people given commendations are, yet we have real heroes whom we think should get but are left out.

Mr. Temporary Speaker, Sir, if there is a group of people who should get commendation, it is the national volleyball team of this country; our girls, who are called

the Malkia Stars. We would have wanted to see them get medals and commendations from the state because of doing this country proud. However, there are always issues on how that is done. Thank God there is devolution and we can share this mandate with the counties so that they can recognize such talent as the Malkia Stars and leave the others to the counties. That way, we will not even have to complain because we will feel represented.

The tool of role modeling in this country has been kind of forgotten and that is why you find children looking up to fictitious fellows as their role models, because they are not interacting with their role models at a close range. However, with devolution, we can make sure that we preserve the people who are bringing changes to this country, shaping behaviour and who are heroes and heroines. This can be done at a close range. I remember when we were growing up, it was such a big deal to come to Nairobi and visit the Nairobi Museum. Every school wanted to take their children to the museum.

It is now our chance to make sure that we take it closer to the children at the counties, so that they do not have to travel all the way from places like Tana River and Kwale. Those who are unable to travel will have their local edition of a museum of artifacts that have been preserved for the county and history that has been preserved over the years.

Mr. Temporary Speaker, Sir, I have visited some countries that are very serious in how they preserve their culture. Specifically, Iran has kept history of centuries and you can trace it and tell a story; that every child born today can trace the history from hundreds of years back. Article 174 of the Constitution talks about the objects and principles of devolved government. Specifically, Article 174 (b) and (d) reads:

“The objects of the devolution of government are—

(b) to foster national unity by recognising diversity; and,

(d) to recognise the right of communities to manage their own affairs and to further their development.”

Looking at the several provisions of the Constitution, it then goes without saying that this Bill is timely and will make a difference in our children having somewhere to learn about things that happened before them. Even when we are out of these positions, we can still follow and make stories.

Just the other day, as the crackdown that was ordered by the President on illicit brew was going on in my county, Nakuru County, there was one police officer who was drunk and had threatened to shoot randomly in some estate. One woman, a Chief Inspector, Peninah Kamicha, after every other person had run away from the drunken officer, is the one who carried the day. She was able to overpower the drunk officer and wrestled the gun from his hands, and thus preempted a disaster that was about to happen.

Such a story may not hit the headlines, get her a promotion at the national level or a commendation title. However, to the people of Nakuru, she is a heroine and I think that these are chances that we will offer to Kenyans in public service and the public that they can have faith in how the selection is done. In the Bill, you can see that it is not the Governor who picks the people to be awarded. In fact, the Bill has taken into account the requirement that public participation is not an option in everything that we do. This is a

new era. As a member of the public, if you want to recommend someone, you simply do that to the committee. It will sit twice a year and they are evaluated.

The selection committee is not only as stipulated by the Bill. It not only has Government officials, but also people with disabilities, young people and women represented in that body. The few amendments that will come will relate to how this committee can be disbanded. If one resigns, he or she ceases to be a member of the committee. That makes sure that the role of selection is not left to one person. An exit clause will, definitely, be important.

Mr. Temporary Speaker, Sir, we had public hearings on this Bill and one thing came out to show how the public has little faith in political offices. The one issue that was recurrent by the members who presented is the issue of making sure that the select committee is given the mandate to actually choose where the hall of fame would be located. Of course, you realize that the public does not have some land or infrastructure that is idle. That is why it was recommended that even if we want to keep the Government away, the governor's office would be the right one to designate. This is because most of the infrastructure is either with the national or county Government. That way, we will make sure that we give the role models quite befitting honours that we are seeing today.

As my fellow Senators said, today, everyone is mourning *Mzee Ojwang Hatari*. However, how many commended him when he was alive? We must move away from waiting until someone is dead to honour them. We saw it with the late Wangari Maathai, when a whole park was dedicated to her in Peru, quite a far distance from here. I think we have another one in another country too. I think that it is time we learn to honour our heroes and heroines when they are still alive. This will make sure that counties treasure their own and pass this information to their children and grandchildren.

I support the Bill and hope that we will be able to bring the amendments at the Committee stage.

Sen. Ongoro: Thank you, Mr. Temporary Speaker, Sir. I also rise to support this Bill which comes at a very interesting time. It is true that different counties have different priorities in terms of economic and socio-cultural priorities. What speaks to, touches or is important to the people of one county may not necessarily speak to, touch or be important to the people of another county. It is only right and intelligent that the County Hall of Fame Bill (Senate Bill No. 33 of 2014) be left at the county level. This is because it is the people of that county who know who has done what in that community.

There are unique counties like Nairobi, Mombasa, Kisumu and Nakuru where there is a convergence of cultures and the entire strata of the middle to high class. What will be communicated and appreciated, for example, by the people of Nairobi could probably be somebody who will come up with a lasting solution to the perennial traffic jam or the garbage issue. These kinds of issues will not be appreciated in a county like Turkana or West Pokot where they do not as yet experience these problems. It is only proper that those who make the contribution in Nairobi County be left to its people to choose.

Mr. Temporary Speaker, Sir, those who have done things that have impacted positively on the lives of many people in Kitui Central where somebody will come up with an initiative to give them water will be more appreciated than somebody who does the same in Nairobi since the people of Nairobi take the issue of water for granted. If you go to a county like West Pokot, I think it is the person who will bring a lasting peace solution that will stop the inter-clan wars and cattle rustling that will be appreciated most.

Without belabouring, it is because of the different standards, socio-cultural backgrounds and economic status that the people who must be appreciated should only be nominated by the people of a particular county. In the past, we only saw people being appreciated posthumously especially those who have gone through their entire phase in life. However, we have very young children who undertake certain initiatives or do things that are worth of recognition. Recently, I saw a young boy who had saved four of his siblings from an inferno when their house was on fire.

Mr. Temporary Speaker, Sir, I support that this Bill be handled at the county level where, may be you will introduce an aspect of the different socio-cultural intricacies within specific counties so that in certain communities, you live it to clan elders of a specific clan or sub-region to nominate certain people who can then be considered at another level even at the county. This is because if it is just left at the county, there are certain minorities within counties whose input in their own communities might be looked at as backward, uncivilized or not impacting on a maximum number of people and yet if you talk to the people in that county, their hero could be a traditional birth attendant or somebody who makes circumstances more bearable at the family level.

If it is just left at the county level without having a clause that trickles it down to specific regions like Eastlands, Westlands and the informal settlements, then what is important as a contribution for the people in Kibera may not make much sense to those in Lavington. What may touch those living in Karen may be quite irrelevant to the people in Korogocho.

I beseech Sen. Sang to consider introducing those clauses at the Committee Stage so that as we decentralize it to the county level, we still factor in the different socio-economic and cultural issues that are found in every county.

I support.

Sen. (Dr.) Khalwale: Thank you, Mr. Temporary Speaker, Sir. Allow me to laud the Senator for Nandi for this very timely, thoughtful and well thought out Bill. Allow me to also encourage that adverse ruling that came from the High Court should not stop him there. You should study the ruling of the High Court so that we see how we can incorporate the criticism that was made by the Bench so as to enable that Board to continue. This is because whether we like it or not, we must create a forum whereby leadership can come and reflect on the projects and programmes of development in a county.

This Bill is coming at a time when just a few months ago I addressed the County Assembly of Kakamega. I spent quite a bit of time talking about the need for us to immortalize our heroes. I told the Assembly that when I remember the late Joseph Martin Shikuku as one of the people who fought for the second liberation of this country and

many other things that he did in this Assembly, probably we would advise the people of Kakamega to name our airport after him; that is, Kakamega Martin Shikuku Airport.

Mr. Temporary Speaker, Sir, Clause 6 of this Bill refers to the composition of the County Hall of Fame Selection Committee. I would like to suggest to the Mover of the Bill to consider amending this so that such an important task does not make the governor look like he is a big man seated in Kapsabet waiting for small people to bring him names. I suggest that the first member of this Committee be the governor himself who will serve as the Chairperson and his deputy to be the Senator of that particular county. These are the top leaders of a county.

I also suggest that you introduce elected and nominated Members of Parliament. They are the top leaders and they know who in which ward or village is a hero or has made a certain achievement that requires to be recognized included. The elected leader is the one who will warn you early in the sitting of that committee of a joker who wants to bring in his own father for personal aggrandizement; that let my father's name also be on the list. I think we should include them.

Mr. Temporary Speaker, Sir, Clause 11 attempts to give us the criteria upon which we can rely to pick heroes. I support it fully and I am so proud of you for this wave of thought.

In the case of Vihiga County, if you were to talk about the heroes of Vihiga County, the father of soccer in East Africa was Joe Kadenge who is an aged old man of over 80 years. He still lives in Nairobi as a taxi driver, trying to earn a living. Thanks to him having a very young wife, he has to take his children to school, but fortunately those children, old as he is, whenever they hit Nyayo Stadium, they always hit celebrity status in soccer.

Mr. Temporary Speaker, Sir, while talking about bravery and patriotism which you have identified, again takes me back to my county; Martin Shikuku was indeed brave and patriotic. It reminds me that to the people of Siaya; James Orenge is brave and a patriot. For those who cared to follow the new Kenya Television News (KTN) channel when they were running the history of the new liberation, the feature they kept on replaying on television footage was when Orenge was being arrested and when Timothy Njoya was being beaten outside Parliament because they were fighting for the removal of Section 2 A.

It takes me to my place where a little boy called Jairus Ingosi is the boy who, when we locked the then President at Kakamega State House for four hours because we did not want his choice of his successor, he was shot straight in the chest outside the current Masinde Muliro University. It reminds me of my collegemate, Titus Adungosi. The people of Busia would want this hero who was poisoned in prison and who was a colleague of ours with whom we fought the second liberation, immortalized.

On the issue of betterment of a county or the country, the people of Kiambu might want to remember Prof. Maina Mungai. This is the father of medicine in this country. He is the one who started the medical school at the then East African College in Nairobi. Medicine was only being taught in Makerere. The people of Busia County might want to

immortalize Prof. Nelson Wanyama Awori who was the first African to do a renal transplant. He did it here in Kenya.

“Madam Temporary Speaker, Sir”, in the strides of education, talking about my community---

The Temporary Speaker (Sen. Mositet): Order Sen. (Dr.) Khalwale. I am not Madam Speaker.

Sen. (Dr.) Khalwale: Sorry, Mr. Temporary Speaker, Sir. In fact on the lighter side – forgive me for that – there is something going on on social media that there is notice of a demonstration in Nairobi of 5,000 people on 23rd who will be moving in our streets stark naked. They want to make a statement that people who doubt one’s sex can see on that day. So, these things are there. How amazing Nairobi will be.

The people of Vihiga County can use this opportunity---

Sen. (Dr.) Zani: On a point of order, Mr. Temporary Speaker, Sir. Is Sen. (Dr.) Khalwale in order to suggest that for him to establish your gender that you might need to be one of those people who will be in that rally so that he can confirm anything?

The Temporary Speaker (Sen. Mositet): He is completely out of order.

Sen. (Dr.) Khalwale: Thank you. Mr. Temporary Speaker, Sir, for making that ruling. I will tell you how the gender of a Luhya boy is determined. It is determined during circumcision whether you are either a man or a woman or transgender. You are treated differently during circumcision.

The people of this country might want to remember that somebody invented Mpesa. How come a Kenyan invented Mpesa, he earns no royalties, nobody cares to even just recognize him and this has become the “in” thing. In fact, I was talking to an economist who told me that, to him, 20 years from now, all money in the world is going to be mobile. Which politician would want his Kshs100, 000 to sit in a bank in Barclays and you have to go there, you have to write a cheque and you know all the stories? When it is in your mobile account, you can use it as and when you need it. These are the great brains that we have in this country.

Mr. Temporary Speaker, Sir, the people of Busia County might want to be remembered for the boy who invented *Boda Boda*. *Boda Boda* was invented by a boy who realized that you could take soap – soap was only being manufactured in Kenya – to Busia Uganda and come back with beans. This was treated as contraband in those bad days the economy of Uganda was not doing very well. It then got on and on, and I remember in 2003 when I congratulated the *Boda Boda* invention, Members of Parliament from certain parts of this country mocked and laughed at me; look at you people, you are so poor that you transport people on bicycles. How nice it is that today, *Boda Boda* is the main transport in the entire Republic of Kenya and it is the answer to unemployment to very many Kenyan youth.

In Clause 16, we are being told that the governor can remove somebody posthumously. The Mover should not go that route because many of the beneficiaries will be politicians and they will be leaving a certain legacy. For example, if by happenstance and by good luck I was to make my way into the hall of fame, in Kakamega County, something which I highly doubt because sometimes I see the recipients of presidential

commendation in this country and I ask myself what do they have, is it education which I do not have? Is it fighting for the liberation of this country which I have not done? Is it fighting for the rights that I have not done? Is it because of winning the elections that I have not done? I realized that this is actually an elite sport. If we do not tie it, then some of us will never find our names in the hall of fame in Kakamega.

I can imagine if I was on the list and somebody whose son was facing my son in an election to become Senator or Governor for Kakamega, they might want to remove me so that they remove that advantage from my little boy or girl, although I do not support my daughters becoming politicians, with due respect to the female Members of Parliament here. I normally encourage them to be good wives.

[The Temporary Speaker (Sen. Mositet) left the Chair]

[The Temporary Speaker (Sen. Ongoro) took the Chair]

Madam Temporary Speaker, Sir, I now want to look at the provision here the Senator is suggesting that---

Sen. Mohamud: On a point of order, Mr. Temporary Speaker, Sir. Is the Senator for Kakamega in order to say that he does not support his daughters being politicians while we know that he himself is a politician and there is a Constitution which he has sworn to protect so that every gender is given the same opportunity?

The Temporary Speaker (Sen. Ongoro): Sen. (Dr.) Khalwale, are you in order to insinuate that the reason for which you do not support your daughter to be a politician, is because on the contrary, you want them to be good wives and, therefore, by implication, female politicians do not make good wives? You are completely out of order because female politicians are very good wives.

Sen. (Dr.) Khalwale: Madam Temporary Speaker, I withdraw and replace the words with what I actually meant. It was a slip of the tongue. What I meant is that young Halima was a classmate of my daughter, Cincy, at the university. So, she is trying to amuse Cincy wherever she is watching television. Concerning the serious point that you have raised, I withdraw. I meant good cooks. It is very difficult for a wife who is a politician to have time to be a good cook.

The Temporary Speaker (Sen. Ongoro): Order, Senator. You are completely out of order. Female Senators are very good wives and cooks. Since you cannot table anything substantial on the Floor of this Senate – you have not given all these female Senators the opportunity to cook for you in order to advise or ascertain whether they are good or not – you are completely out of order. You must withdraw and apologise.

Sen. (Dr.) Khalwale: Madam Temporary Speaker, I am very sorry for that. I withdraw and apologise. However, I blame it entirely on my colleague, Sen. Mugo, who once cooked *githeri* which smelled of smoke and nobody could eat it at home.

The Temporary Speaker (Sen. Ongoro): Sen. (Dr.) Khalwale, take your seat.

(Laughter)

Sen. (Dr.) Zani: On a point of order, Madam Temporary Speaker. Is Sen. (Dr.) Khalwale in order to insinuate that---. Could he substantiate that Sen. Mohamud has made a contribution in this august House for amusement of someone watching the television somewhere at home? Is that in order?

The Temporary Speaker (Sen. Ongoro): Sen. (Dr.) Khalwale, you are completely out of order for even mentioning Sen. Mugo adversely.

Sen. Mugo, I can see that you have logged in.

Sen. Mugo: Madam Temporary Speaker, could the Senator for Kakamega County substantiate where I cooked *githeri* and it smelled of smoke? He should withdraw and apologise for that. For his information, I am a very good cook and legislator.

The Temporary Speaker (Sen. Ongoro): Sen. (Dr.) Khalwale, you should withdraw and apologise all the comments that you have made. You are completely out of order.

Sen. (Dr.) Khalwale: Madam Temporary Speaker, I completely withdraw and apologise. However, Sen. Mugo's brother, Prof. John Mugo, was my lecturer of biochemistry. He taught me and told me about her weaknesses.

(Laughter)

The Temporary Speaker (Sen. Ongoro): Sen. (Dr.) Khalwale, you are completely out of order.

Sen. Nabwala: Madam Temporary Speaker, we should not allow a Senator to impute improper motive on another Senator by saying she does not know how to cook. This is being broadcast live. I know that Sen. Mugo is one person who carries herself very well. She has kept her marriage and she is very good in looking after her family. Therefore, Sen. (Dr.) Khalwale is out of order. Could he apologise and withdraw?

The Temporary Speaker (Sen. Ongoro): Sen. (Dr.) Khalwale, you were completely out of order. Could you apologise once more to Sen. Mugo?

Sen. (Dr.) Khalwale: Madam Temporary Speaker, apparently, Sen. Mugo was very happy when I reported that her own brother, Prof. Mugo, taught me biochemistry. There are some of the things that he leaked to me. However, I apologise and I have withdrawn.

The Temporary Speaker (Sen. Ongoro): Order, Senator. We cannot discuss here what Sen. Mugo's brother told you 50 years ago while you were still students. Could you also withdraw that one and apologise? Thereafter, you should conclude your contribution.

Sen. (Dr.) Khalwale: Madam Temporary Speaker, in conclusion, after withdrawing and apologising, I want to talk about the role of cultural heroes. This gives us a big opportunity for people from different cultures to appreciate their heroes. For example, in my community, we have traditional circumcisers who are very unique. There is no way you can immortalise them. I see an opportunity especially in counties like Kakamega and Bungoma and sections of Vihiga and Tiriki where we have cultural heroes. In our culture, we have two heroes who are the kings of *isukuti* playing. These are

Isanya Lisiakali and Lumati Walumasai . We also have heroes of bull fighting led by Mzee Shiberenje.

Thank you, Madam Temporary Speaker.

Sen. Ong'era: Thank you, Madam Temporary Speaker for giving me this opportunity so that I also contribute to this Bill. Like other Senators who have spoken before me, I would like to congratulate the Mover for bringing a very timely Bill into this House which is about honouring our heroes who struggled for freedom and justice to our land.

Madam Temporary Speaker, in the preamble to the Constitution, the second and third paragraphs of the preamble, if I may quote, says that:-

“HONOURING those who heroically struggled to bring freedom and justice to our land:

PROUD of our ethnic, cultural and religious diversity, and determined to live in peace and unity in one indivisible sovereign nation:”

Madam Temporary Speaker, the reason why I looked at this preamble was to link it to the fact that for the very first time in this country, we will devolve our culture and heritage and reward our unsung heroes and heroines in our counties; a thing that has never happened in this country.

Madam Temporary Speaker, should this Bill be assented to, it will mean that for the very first time, we shall award and induct many of our heroes and heroines at the grassroots. If that happens, we will make them our unsung heroes and heroines who many times we have ignored.

Madam Temporary Speaker, I want to go to the depths of this Bill. I want to look at Clause 6 of the Bill. I support the suggestion by the distinguished Senator for Kakamega County. We may need to consider changing the composition. I persuade the Mover to think about what the Senator proposed. We should not leave such an important task to the deputy governor and the county executive committee. We should consider the fact that the governor could be the chairperson. The Senator and Members of Parliament (MPs); both nominated and elected, should also be part of the composition.

Madam Temporary Speaker, Clause 7 of this Bill outlines the functions of the selection committee. I am very glad that the Bill has set out areas in which the selection committee should receive recommendations from various interests. I persuade the Mover to consider the issue of public participation at the grassroots which you talked about. There could be people with special interests from the counties or minority groups whose interests may not be considered. A provision should be set in so that public participation about who eventually should be heroes or heroines is taken care of. That way, we will avoid the practice of nepotism and issues of corruption.

Madam Temporary Speaker, Clause 11 outlines who may become a hero or heroine. I am very happy that issues of exemplary qualifications have been stated. For a person to qualify, he or she should be somebody who has had outstanding achievements. That makes me think about many unsung heroes especially in the Kisii Community. These include people like Nyantika Mayiora, Otenyo Nyaigoti and Moraa Nyangiti who

fought very hard during the colonial times. Some of them excelled in sports but were never considered for any national award in this country.

Madam Temporary Speaker, there are many people who have made many contributions in the Kisii culture and development of our heritage. They include; Mzee Zephaniah Mogunde Anyeni, Lawrence Sagini, James Nyamweya, Zachariah Onyonka, our own Mzee Simeon Nyachae, our own celebrated Senator, Sen. Obure, the Chairman of our culture, Mzee Matundura and many others who have never been talked about. There are many people who have never been honoured, for example, students who were executed and died in cold blood because of incidences of terrorism in Garissa University College who may never be remembered. These should be the heroes to be celebrated and inducted in the County Hall of Fame Bill.

Therefore, this Bill gives us a very good opportunity, so that we can recognize those we want to recognize in exceptional circumstances in our communities. However, we do not want this Bill to be used as a political reward and punishment measure by politicians. I, therefore, hope that there will be enough provisos in this Bill that will protect that, so that politicians do not use this as an instrument or weapon to reward their cronies or relatives and punish those who did not support them. I also hope that there will be no nepotism or corruption. One should not only reward their friends or supporters and leave out others who clearly deserve to be rewarded.

Madam Temporary Speaker, I also request the Mover to look at Clause 14 of this Bill. I am glad that there is a requirement for a register to be provided because it will actually be like a memorabilia which will enable those who have already been honoured to be noticed. However, I would like the Mover perhaps to consider making an amendment to this clause, so that this register not only consists of names, but also the assets including artifacts to the hall of fame which can be brought posthumously. Those artifacts can become the assets of that particular county. This is because many of those artifacts right now are lying in so many other counties. For example, you may find artifacts from Kisii County in the National Museum of Kenya. We would like these artifacts to be registered as the property of each of the counties.

Madam Temporary Speaker, with those few remarks, I would like to once again commend the Mover. I support this Bill because it really sets the trend of devolution in the manner that we want it to go.

Thank you, Madam Temporary Speaker.

Sen. Ndiema: Thank you, Madam Temporary Speaker, for allowing me to join my colleagues in thanking Sen. Sang for bringing yet another very important Bill that seeks to make devolution meaningful, as envisaged in the Constitution.

Madam Temporary Speaker, as we know, up to now, recognition of various contributions to society has only been at the national level. By nature of it, this has been lopsided and I do not think that all communities or regions have benefited from recognition. The heroes and heroines of this country date back to historical times. We can talk about the pre-colonial era where we had heroes in communities.

Communities did not just come into existence after the colonialists came. Of course, they came and there are those heroes who fought hard to resist domination and

colonialism. Some are documented, but there are so many other heroes who were silently forgotten, but are known in the communities they come from.

Madam Temporary Speaker, in Trans Nzoia, for instance, we have heroes of the indigenous communities in that area. There are people like Kasis who fought very hard to resist the taking away of the Kony land in Trans Nzoia County. There is also Sangula and many others, who really fought but were vanquished and the land was taken. The community remembers them, but today very few people know about them outside their own community. There are also those heroes who came post-Independence. In Trans Nzoia, we can talk about people like Masinde Muliro, who was actually a Member of Parliament and Minister in the first Government. There is also Sen. Wamalwa who was the first Senator - I am the first Senator under the new Constitution – and father of the late Michael Wamalwa, who also became the Vice President of this Republic.

Madam Temporary Speaker, in this country, we remember those we consider heroes by naming roads after them. But it is surprising that when you go to Kitale Town, some of the names of the real heroes are not there. You may even find streets named after people who have no history and are not known in Kitale and Trans Nzoia. You cannot tell how their names found their way on the streets of Kitale.

We also have heroes who were recognized initially and some roads named after them. I have in mind Cheptikit, who was a Member of Parliament in the first Parliament in Trans Nzoia. He was nominated to represent the indigenous communities. At some point, his name was removed and replaced by another name. Regulations must be made in a way that if recognition has been conferred, then subsequent regimes do not just come and revoke them. I believe that this Bill will put in place measures to ensure that names will not just be removed at the whims of an individual at a certain level.

Madam Temporary Speaker, I had the opportunity to travel with the Joint Committee on National Cohesion and Equal Opportunity to the United States of America (USA). We went to Alabama which is the home of the human rights struggle in America. We had the opportunity to visit their hall where they recognize their heroes; those who fought for freedom. I really felt that we have done very little to recognize our heroes. This Bill, therefore, is very opportune; that in every county, we shall have recognition for those who have contributed not only in the freedom fight, but also in various fields.

Sen. Ong'era enumerated heroes in Kisii County. I also read that in Kisii, there are those who performed brain surgery since historical times - I do not know their names – before even modern medicine came. I understand that even the modern doctors are trying to find out how they were able to do it. I am told that some of them were women. Those are the heroes or heroines. The Senator for Kakamega should realize that women also have contributed a lot to society, beginning with the lady called Maria, who brought forth Jesus to this world.

Madam Temporary Speaker, there are also heroes in various fields of art, sports and so forth. In my county, you will be surprised that there are so many Olympic and Commonwealth medalists who have never been recognized. You may not know that Ben Jipcho won the first Olympic medal in steeplechase and since then Kenya has dominated in that race. I do not think that we have recognised them well enough. Sportsmen such as

Mr. David Rudisha and others who have set new world records in athletics should be recognised.

Madam Temporary Speaker, I am happy that this Bill proposes committees to confer recognition to persons who have special qualities in counties. It has not left this responsibility to decide who should be recognised. At the Committee stage, I will be proposing that all communities be represented in those committees. This is because these communities know their heroes. It is important that this committee is inclusive enough to take into consideration all communities of interest, including, the marginalised and, particularly the indigenous communities in those areas.

Madam Temporary Speaker, apart from artifacts which have been mentioned here, there are also important sites for every community. For instance, in Bungoma County, there is Chetambe Hills and so on. In Mt. Elgon, there are famous caves which have cultural, historical and religious significance. Some of them have been destroyed or interfered with in a manner that does not promote the welfare of society, culturally. I believe that some of these sites can be identified, for example, the Kayas in the coastal region and be included as parts of the places to be safeguarded and recognised.

When it comes to removal of names from the hall of fame, it should be done in the same manner that they found themselves in the list. The same procedure should be followed. This responsibility should not just be left to the governor as seems to be proposed here, to decide that so-and-so is no longer qualified and, therefore, should be removed from the hall of fame. He will only do so after a petition, hearing and recommendation by this committee.

Once again, I thank the Senator for Nandi County for bringing this important Bill. It will be enriched at the Committee stage to ensure that it caters for all the interests of the communities in our counties.

I beg to support.

Sen. Mohamud: Madam Temporary Speaker, on the outset, I thank the Mover of the Bill for moving this important Bill. I support it. I had the opportunity to look at this Bill because I sit in the Committee on Labour and Social Welfare where we conducted public participation and hearing. It is a good Bill.

There are various heroes and heroines from different counties who are not recognised both at the national and county levels. For example, in the Somali Community, we have an old man by the name Mohammed Noor Ali. He is famously known as Mzee Ma Noor. At the age of 40 years, he became a councillor. In addition, he was a freedom fighter from the northern part of the country. He was detained together with the first President Jomo Kenyatta. To some extent, he was honoured by the first President of this Republic.

To my dismay, last month Mzee who is currently 80 years old, visited the immigrations office to get a passport to go to the Haji and perform his religious duties: It took him almost a month to get a passport. He is a true patriot who fought for the Independence of this country. So, it was not fair to treat him in that way.

In Mandera County, in the last incident of a terror attack where 14 people were massacred, there was a 22 year old lady; a wife of the owner of the house where the

attack occurred. She stood at the gate and said that she should be killed first before the others. I regard her as a heroine and a person to be remembered in this Republic and specifically in that county. She sacrificed her life to protect the lives of other Kenyans who were the target in that terror attack.

Madam Temporary Speaker, the Bill recognises that there must be a designated public building whereby, the governor identifies a permanent public site so that heroes and heroines can be recognised in those areas. That is a good suggestion.

The criteria for identifying the heroes and heroines should be strictly followed. In our country, we normally have the tendency of rewarding our cronies or supporters. I believe that we will stick to whatever the law states so that justice will be done to every person who in one way or another has contributed to this great Republic in specific counties and the nation at large.

With those few remarks, I beg to support.

Sen. M. Kajwang: Thank you, Madam Temporary Speaker, for giving me this opportunity to speak about this Bill. I thank the Mover of the Bill, Sen. Sang. There are people who assume that I am the youngest elected Senator in this House but credit goes to Sen. Sang. Over the years, he has proven that young Senators are also capable of doing a splendid job. I congratulate him on that.

As I speak about this Bill, allow me to pay tribute to the late comedian, Mzee Ojwang. Many of us cannot recall any other name besides Ojwang Hatari. He is one of those heroes that if this Bill would have become an Act while they were still alive, he would have ended up in the one of the halls of fame that we will be setting up across the country.

Allow me also to congratulate the Kenya Volley Ball Team. The ladies have done us proud. What we keep on forgetting is that this is not the first time that they have clinched a major title. When they come back to Kenya, we will, probably, go and meet them just for the sake of getting good photos for social media rather than meaning well for their welfare as a team. I urge those who will welcome and host these fair ladies to dinners, ballads and dances to have their interests at heart and not just try to milk publicity through our usual social media strategies.

Madam Temporary Speaker, the intention of this Bill is great because it intends to recognise heroes at the local level. We have relied on national recognition schemes to identify and recognise our heroes. Unfortunately, these schemes have a very limited view of the nation. We have seen that, mostly, it is politicians, public administrators, military, police officers and chiefs who have benefited from the national recognition schemes.

There have been accusations of nepotism, tribalism and political patronage in the award of national recognition schemes. It is a good thing that with devolved system of government, we are pushing the recognition to the local levels so that we do not have that monopoly of recognition being left at the national level.

This Bill does not mean that the national recognition schemes that are run by the head of State will come to an end. However, at least, at the local level, the halls of fame will talk about our local heroes and ensure that we immortalize them. Besides setting up a whole of fame, there are other approaches that have been used to recognise our heroes.

Just a few months ago, we witnessed the beatification of Sister Irene Stefani. This was a great event for those who profess the Christian faith and particularly those who come from the Catholic Church. If you recall, we were informed by the good Senator for Nyeri that beatification is one step towards Heaven and those who do not understand how the Christian faith works were left amazed that individuals can have such a definite path and a definite destiny to Heaven.

Madam Temporary Speaker, many of the Senators in this House, you will find that they are children or grandchildren of missionaries or people who gave up their lives to spread the word and adopted a new religion. Through that, they embraced education and raised their children to become leaders of the independent nation and to become successive leaders up to today. It is unfortunate that Sister Irene Stefani who did a splendid job and died a young girl in the jungles of Africa, was beatified but we have never taken time to think about our grandfathers and grandmothers who despite great hostility from those people who wanted them to retain and continue embracing their culture, they gave that up and adopted a new culture and religion called Christianity or Islam.

I hope when we go to these county halls of fame, we will recognize some of these early pioneers who, through their conviction, ensured that certain parts of this country adopted modern education and modern health practices and gave rise to the generation that has led this country since Independence.

Madam Temporary Speaker, while we were beatifying Sister Irene Stefani, it is ironical that we were able to find where she was buried but to date nobody has been able to tell us where Dedan Kimathi was buried. This tells us that our value system when it comes to recognition could be a little bit lopsided. Probably, if it was not for the efforts of the Catholic Church, Sister Irene Stefani, would still be lying somewhere in a grave. We must make sure that as we recognize some of the people who came from outside the country to do things in this nation, we also think about our local heroes.

We have also used monuments previously for recognition but unfortunately they have been used as tools of political domination. When the Whitemen were in this country, they started with monuments of the royalty, that is, the king and the queen. These were the first monuments in this country. They were opened with a lot of funfair. After that, they put up monuments of colonialists. It is a good thing that the monument of Lord Delamere was pulled down. After that, we went into monuments of those who were in the ruling class. We had monuments of Mzee Jomo Kenyatta and afterwards, it was monuments of the former President Moi.

Madam Temporary Speaker, monuments have been used as tools of political domination. I want to say on the Floor of this House that President Kibaki never set up a monument for himself instead he ensured that we set up a monument for the Late Tom Mboya and Dedan Kimathi. He had the choice to set up one for himself so that he could be immortalized and worshipped for the rest of his life but he made the noble decision not to put up his own monument. He thought about Dedan Kimathi and Tom Mboya. How I wish that successive generations will also think of themselves less and think of others more.

Madam Temporary Speaker, another approach to making sure we immortalize our heroes is on the issue of naming roads. As we speak, just a few months ago, one of the county assemblies and in particular the Nairobi County Assembly, moved a Motion that recommended that roads in Nairobi be named after the inaugural leadership of Nairobi County. That meant that a road would be named Governor Evans Kidero Road. In fact, there is a road that had already been named Governor Evans Kidero Road around Galleria. It is a good thing that the public pulled that down.

The Motion that came out of the Assembly stated that after the governor, there will be the deputy governor, the speaker and all MCAs would have roads named after them. There has to be away that this Senate gives guidance to our county assemblies. If we are not serious, we will end up with a national joke where every county will want roads to be named in their honour. Inaugural governors will be setting up statutes and monuments to immortalize them.

Madam Temporary Speaker, when I come to speak on recommendations on this Bill, I would want to encourage that as we talk about the hall of fame, we should not just be thinking of a role of honour that is just in a book somewhere. We must immortalize these heroes by making sure that we provide guidelines for naming of roads, buildings and institutions. They must be good guidelines that will ensure that people who are alive do not abuse it to entrench and perpetuate themselves to immortality without going through some good procedures.

In 1966, Joe Bedel Bokassa overthrew the President in his country and became the President. He declared himself an emperor in 1976. One of the remarkable things about his inauguration as emperor is that the commentator said that Joe Bedel Bokassa came to Bokassa Stadium which was next to Bokassa University which lay on Bokassa Avenue and which was next to Bokassa Statute. It was dramatic and laughable that emperor Bokassa in 1976 had all these institutions, roads and monuments named after him.

Sometimes, I wonder what some of our early leaders did to this country that they have not even been able to get a single building, road or institution named in their honour. I had said that President Kibaki is the one who broke away from that mould of hiding other people who did not toe the line. Before President Kibaki, it was inconceivable to think that we are going to have Dedan Kimathi immortalized. There are people in this country like Jaramogi Oginga Odinga, Bildad Kaggia, J.M. Kariuki and Robert Ouko - what sin did they do this nation that they do not even deserve to get a road or a backstreet named in their honour? In 1976, Joe Bedel Bokassa could go to Bokassa Stadium through Bokassa Avenue next to Bokassa Statue, look at it 37 years down the line.

The example I am going to give is in no way trying to portray our current head of state in any bad light because he has not been involved in some of these things or some of the nomenclatures of this nation. If the President was to come back from Addis Ababa, where he has gone to, he would land at Jomo Kenyatta International Airport (JKIA), take Kenyatta Avenue or Mama Ngina Street to come to Kenyatta International Convention

Centre (KICC) where Kenyatta statue sits. He could be welcomed by a singing band from Kenyatta University or Jomo Kenyatta University of Agriculture and Technology.

Why is it that we have concentrated the immortalization of heroes in this country to just a few people, restricted to the ruling political class? Again, I ask, what is it that people like Koitalel arap Samoei did to this nation that it had to take so many years to get a university named after them? Why can they not get a footnote in history and name place in the capital city?

Madam Temporary Speaker, I know that when it comes to the naming of roads and institutions, sometimes the Government might not have developed a proper policy. It had been left to the county councils but with the establishment of this Senate, we need to take measures to ensure that we provide good guidelines to the county governments so that we do not continue a perpetuation of that historical alienation. I would be very excited if the County Government of Kiambu was to name a road Jaramogi Oginga Odinga Road or if the County Government of Homa Bay would name a road J.M. Kariuki Road but they can only do that if they are well guided.

Madam Temporary Speaker, I support this Bill but at the relevant stage, I will make certain recommendations to the Mover. For example, we have Mashujaa Day which is on 20th October. This Bill should make it mandatory that 20th October on Mashujaa Day, at the county level, should be the day of unveiling the roll of honour coming out of the nominations of those counties.

Secondly, I encourage that this Bill must go beyond the hall of fame. It must provide guidelines for naming buildings, roads, statutes and other public structures at the counties.

Thirdly, regarding issues of recognition and privilege, the question would be, does it give me an allowance now that I am in the hall of fame? I have fought for this county and country, my name is on the wall. What does it mean? Do I have some privileges? I have noted that at the county level, there is a provision that regulations shall be drafted to ensure that issues of recognition, protocol and privileges are addressed. That needs to be emphasized.

We also need to go beyond politicians and public administrators and think about those people who brought Christianity to the villages.

Madam Temporary Speaker, finally, in this hall of fame, we must make a conscious decision and say that out of the three people who are nominated, one of them must be a woman. If we do not do that, we will think about the men who led the wars, who had the earlier opportunity to distinguish themselves and forget about the women who did other things which if not done, we will not be where we are.

With those few remarks, I beg to support.

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

Sen. (Prof.) Lonyangapuo: Madam Temporary Speaker, I want to join my colleagues in congratulating and thanking Sen. Sang and the entire Committee that worked to make sure that this Bill comes at such a time when we are beginning to put down the foundation for devolution, teaching our children and grandchildren where the counties began. Therefore, it requires guidance and a law that is going to remind us

where we begun and where we are heading to, using the people who were ahead of us and those who are here today.

I join my colleagues also in remembering the late Mzee Ojwang, who in the 1970s, 1980s, and 1990s before the coming of the coloured television, was a dominant factor. Every Sunday afternoon, after church, many families would be crowded around the television to watch the drama. There was only one television network, that is, Voice of Kenya (VoK) now known as the Kenya Broadcasting Corporation (KBC). In their sunset years, they have gone through a lot because we have forgotten about them. We are what we are today, courtesy of these people. I want to thank Sen. Sonko for taking him to hospital when he had eye problems a few months ago. The governor and the entire team should step in and assist these people wherever they are.

Madam Temporary Speaker, the Bill proposes the establishment of the county hall of fame in the 47 counties. We have one in the national Government where they recognize people, after Jamhuri Day every year, by giving them medals. Like somebody has mentioned, a number of prominent people like the then ministers and people who did not do much would be rewarded by giving them honours or medals because they are in a higher position. There are others who are never remembered yet they played a very serious role. We were using people like the District Commissioners (DCs) and chiefs to identify them. There was a tendency of bringing friends.

The President of the Republic of Kenya never chairs what happens in the national arena. There is a select committee that deals directly with the rewarding. They also have other committees in the counties to identify and take the names of these people to the national committee. For that reason, in the next stage, I will propose to the originator of the Bill, that instead of the Clause 6, which talks about the management of the county hall of fame and that each county shall have the county hall of fame selection committee which is supposed to consist of the county governors and others, instead of all those people who are in position elected or appointed, we should have a committee headed by an eminent person in that county, somebody that can be agreed upon by the elected leaders who chairs the County Hall of Fame Selection Committee. This should be removed from the duties of the governor because it is not listed for him to do.

At the point of submission of the names by the select committee, the governor, Senator, all the selected Members of National Assembly, women representatives, the leader of majority and minority and a few prominent people from that county sit down to agree on the names that need to be remembered.

Madam Temporary Speaker, this is key so that we avoid what we are seeing today, where if you put the governor- I am surprised at what is happening in our own counties- that the development agenda that is taking place in the counties is driven by one man because we do not have ladies who are governors for now. Governors are the ones who launch simple things like cattle dips, opening and closing of bridges and everything else, to the extent that some of them are looking excessively tired today.

One of them appeared today in the Committee of County Public Accounts and Investment Committee (CPAIC). The Senator for Homa Bay was present because the Governor for Homa Bay was present. There are certain things that we brought up in the

Committee and I liked that he owned up and said that he is sorry that he did not know the issues. It is very rare to get people to acknowledge that they are sorry. I was very impressed with the Governor. The officers know the things which the Governor does not know because they used to work in the centralized system. We were wondering why workers working in that country did not advise the Governor.

We need to have things that are making sense so that we have names that are not associated with the governors. We should look at the appointment of very key officers that are the anchors of devolution in our Constitution. This is the sub-county administrator who is parallel to the former District Commissioner, ward administrator who is parallel to District Officer of the national Government and the village administrator who is parallel to the chief. They are employed on permanent and pensionable basis and they are recruited by the governor and there is no input from the Senator, Members of the National Assembly and Members of County Assemblies (MCAs). So we end up with people pledging 24 hours allegiance to one person.

We need to come out of that by providing for a selection committee in this Bill which is free from direction by one person. This will assist us. I remember two years ago, Sen. Sang brought a Bill here which eventually became law, although it was overturned the other day by the court. It established the County Development Boards, which we never called the executive county development boards. It was just a board that would reunite all leaders. Unfortunately, there is no provision where leaders are supposed to meet and talk about the development of their counties, because the executive on the ground thinks there is interference when we are there.

Madam Temporary Speaker, if this Bill is passed into law, it will bring a lot of history and good understanding to our counties. This is because we will remember how counties came into being. I come from West Pokot County which has a rich history of people who led them from many years. We have the late Francis Loile Lotodo, who was our leader during the tough times. However, today when I walk around Kapenguria Town, the headquarters of our county, there is nothing that resembles his name. The children in nursery schools do not know where he came from or where he took the community to. So, when we talk about our heroes of that time, it is important that this committee is identified and history is rewritten about each of the heroes and what each of them ever did to bless the county and the country at large.

Madam Temporary Speaker, in 1950, before Mzee Jomo Kenyatta and the other five were brought to Kapenguria, there was a man called Kech who led a complete rebellion against the white people in Kolowa in Pokot East. Nobody knows what really happened but 500 people were killed in the rebellion. These are the type of people that we should bring up and the County of Baringo would have these names because that happened in their county. We also had strong men in West Pokot County such as Meshack Tinkou and Cannon Peter Rice, the white man who brought Christianity to the area and the ones who built AIC and Catholic Church in the late 1800. These are the people that we need to remember.

We need to remember who our first Members of Parliament in 1963 were. Our first Senator was called Kasachon, and I am now the second Senator, exactly 52 years

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later. We need to remember that and there is no other place that we can remember this other than having them identified and their names written and announced loud and clear on 20th October every year, when celebrating Mashujaa Day. We have eminent athletes like Tegla Lorupe who have brought fame and is now a peace champion. Her name needs to be there. The first person in my county to attain a degree was called John Ng'imor. This is the history that we need to remember.

Madam Temporary Speaker, I was talking to my brother, Sen. Sang, that historically in late 1800, in the communities of Nandi, Pokot and Maasai, there were key leaders who stood out and their names are in history. For example, during that time from my community, there was a man called Komol Kapel, who saved our community from being exterminated by the whites. This is because the white man rounded all the animals and wanted them moved but he resisted. He was asked to walk on burning fire for 100 metres if he wanted the animals released. If he overcame that alive, all the animals would be released. That makes sense to the pastoralists because it reminds them that there were people who sacrificed years ago for them to have their livestock.

Madam Temporary Speaker, Clause 11(2) (a) states the type of qualities that one needs to have as they are being identified. So, wherever the governor is mentioned, we should change it appropriately to the eminent person in charge of that committee. This Senate is composed of 68 Members. We are very few, but every year when it comes to honours and commendations, very few of us get them. It should be automatic because of the inaugural presence of the Senate. The first thing that the nation needed to do was to reward us and give commendation that is equal to our status. For example, at the level of Cabinet Secretary, we used to have the Elder of the Burning Spear (EBS). We can then say that this is the far we have come.

Naming streets and institution is good. For instance in my neighbouring county, Trans Nzoia County, they are talking about Wamalwa Kijana University. This is now the in thing; every university is named after a prominent person within the area it is located. However, for those of us who do not have universities in our counties, we should be asking when we can have the next university college established and named after our heroes and heroines.

The Temporary Speaker (Sen. Ongoro): Your time is up, Sen. (Prof.) Lonyangapuo.

Please proceed, Sen. Wambui Beth Mugo.

Sen. Mugo: Thank you, Madam Temporary Speaker, for remembering my other name.

I rise to support this Bill and thank the Mover, Sen. Sang, for thinking about it. I believe this Bill will play a major role in creating or writing the history of our country.

A people without a history cannot be a nation. As we look back, we have very little history. This is because, it is people who make history and because we do not have a lot of written history in our country about heroes, events and things that took place in our country before we got to where we are today, I would say that there is a vacuum. I hope that the hall of fame will fill that vacuum, because it would be impossible to put all

people on the current system of honours. No country has all people in their honours. There are always a few from each sector and a lot of criteria used to award the honours.

Recently, Parliament was included and we now have a committee that recommends names of the Members of Parliament who have served since Independence. I believe that is one of the ways of creating national history. However, in the same way, we also need constituency or county history which cannot all fit in the national honours which are given. I support this Bill very strongly. As I support this Bill very strongly, I hope that it will not be a divisive thing – something that will divide people of a county. We should have cohesion amongst those who have delivered in that area.

I thank the Senator who said that women should have a column in this. More often than not, women are not looked at as leaders, heroines or people who have contributed to the betterment of our society. No wonder my colleague, Sen. (Dr.) Khalwale, who came to Parliament after me – I think I have contributed equally if not more – thought that I cannot cook and be a leader. It is not just him but many men think that way.

In this hall of fame, we want to prove that women have contributed in our fight for Independence and developing our country. Therefore, each county has its heroes. Those are the heroes and heroines that we hope to see in this hall of fame and create history. The children from that area will even begin to learn and know their roots and where they have come from.

Madam Temporary Speaker, there are many in any area you can think of. In our area in central, we have Wangu wa Makeri who has not featured anywhere. She was a famous chief who ruled almost the whole of central Kenya. Whereas her name is legendary, it is not famed anywhere. Women like Rebecca Njeri and Sarah Sarai fought very hard for our Independence. We even had women who fought in the Mau Mau war but you never hear of them. Others like General Marshall Muthoni and others cooked food for the war veterans.

Each region has women. This is also one way of engendering women into fame. Therefore, when they are elected in their areas ---

Sen. (Prof.) Lonyangapuo: On a point of information Madam Temporary Speaker.

The Temporary Speaker (Sen. Ongoro): Sen. Mugo, do you wish to be informed by Sen. (Prof.) Lonyangapuo?

Sen. Mugo: Madam Temporary Speaker, I do.

Sen. (Prof.) Lonyangapuo: Thank you, Madam Temporary Speaker. I wish to inform my colleague, Sen. Mugo, that from the history books we read that Wangu wa Makeri was a very powerful woman who “sat” on every man around her. Is that why her name has refused to appear anywhere? It could be.

(Laughter)

Sen. Mugo: Madam Temporary Speaker, is that why men are afraid to honour her? Yes, she had to assert herself and I am glad she is in the history books. However, we also want to see her and others on the hall of fame. Thank you for the information.

Let me reiterate that we should not complain about everything because we have not stopped developing institutions. I do not think those who have been named after institutions or roads named themselves. It is the people who were there at that time who decided that we will name this after this person because of the contributions that they have made. We should appreciate that. We have many roads like Argwings Kodhek, Tom Mboya – a major road – and Ronald Ngala.

Madam Temporary Speaker, when you mention the founding father of this country, sometimes I feel sad because it is like belittling the contribution that he made. It is part of our history and it does not mean others did not make the history either. I hope that we will not look at these things and personalize them but we will view them as tangible contributions which create the history of our country. I hope that it will all be written one day and even many other heroes who have not been featured will be featured with time.

I also hope that we shall name something after the immediate former President, Mr. Kibaki, who contributed a lot. Nothing was named after him when he was President but it does not mean he cannot be named after one of the many institutions which are coming up. It is not a crime but part of our history. We cannot erase but build on history.

Madam Temporary Speaker, as I congratulate the author of this Bill, I appeal to counties that they will research and make documentation of who should be honoured and why. They should not be discriminative but inclusive of all those who have contributed. We also have young men and women who have excelled in sports. We hope to see them too on the hall of fame.

I support the Bill strongly and it does not take away anything from National Honours. It just adds.

Sen. Nabwala: Thank you, Madam Temporary Speaker. I would like to support the County Hall of Fame Bill (Senate Bill No. 33 of 2014), which has been brought to the Floor of this House by Sen. Sang. This is a very important Bill as it seeks to provide a framework for the recognition of persons who have made significant contribution to the county or our country.

We know that in the past, people have been recognised at the national level and counties have been forgotten. I say so because of devolution. We have devolved governance to counties and, therefore, we have to give them autonomy to choose persons of integrity who have contributed greatly to this country in different forms. For instance, in my county, Trans Nzoia, we have a man called Elijah Wanameme. He was a great man and people idolized him. He passed on but what he said came true. We also have many who died like Matungulu who was a great musician. After you are buried, people forget you.

Madam Temporary Speaker, I would also propose that we should rewrite the history of great people in the counties and, may be, name them after schools and universities just the way we have Masinde Muliro University of Science and Technology.

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We would also like to have one in Trans Nzoia County. I think a Bill was passed that the Kitale Technical Training Institute be converted to a public university. We would like that done since it is a good thing for the county. It is also good for remembrance. We will actually remember the late Masinde Muliro because he contributed immensely towards the democracy of this country.

This Bill also seeks to provide a framework for the preservation of history, heritage and culture of our country.

Clause 2 (a) says that the State shall promote all forms of national, cultural expressions through literature, traditional celebrations, science, communication, information, mass media, publications, libraries and other cultural heritages. This forms part of our history. For instance, I once read in the media that the University of Nairobi had been rated as one of the hundred top performing universities in the world. I felt so proud. I think even locally, we should be able to recognize those academicians who have made outstanding contribution to our universities.

Madam Temporary Speaker, when you look at Garissa University where over 148 students lost lives, I think such a university should be preserved so that in future, it can serve as a historical education. When you read the Bill, it says: "And a basis for the education of members of the public". I think in future, we would like our students to go to Garissa University where their colleagues perished where they can reflect a lot.

This law is, therefore, very important as it will give guidelines for the recognition of persons who have made significant contributions to the county. The guidelines will also ensure fairness and transparency in the vetting process. There is a select committee that will be in place which will have the responsibility to receive names of nominees from persons. I think it will be a fair committee because it is comprised of many people; it is not a one man decision.

Therefore, this Bill is good because we are moving from a one man decision to collective decision making. Equally, when you want to include or remove a person from the list of the county hall of fame, the same names should appear before the committee and reasons why the person is being removed or why he or she is being honoured should be very clear. The Bill states that the governor for the purpose of this county hall of fame will put up a structure where we can be able to preserve the history of famous people in our counties.

Former President Kibaki contributed a lot to this country but I have not seen a university or hospital after him. We did well in the past because the late President Jomo Kenyatta has been named after our biggest airport and universities. Former President Moi has hospitals and universities named after him. Equally, we can extend this fame to people presently playing important roles. I do not think we should only mourn people in death and not when they are alive.

For instance, Prof. Mazrui who passed away last year was highly recognized internationally but when he passed on and his remains were brought home, that is when we started eulogizing him and saying how good he was. I think we should honour people when they are alive so that they are also able to share those great moments with their families.

I support the Bill and want to encourage the young Senator Sang that he is doing well this being his second Bill in this House. The Bill is important because it is going to help our counties to recognize those people who have contributed immensely to the development of this country.

Sen. (Dr.) Zani: Thank you, Madam Temporary Speaker. I thank Sen. Sang for this important Bill that tackles culture and heritage which is very critical in our country. This is an area which has been ignored especially when we compare with the western countries where independence days are marked as national holidays. Towns are full of statutes and history about histories right from the pre-civilization time. It is really quite an honour for their families.

This Bill intends to do that for us in a devolved system which is critical for us because the basis of values and morals can go to the county level and not necessarily remain at the national level. Not that it is a bad thing, but it also gives more people a chance to be honoured. It is good that this Bill gives criteria for that process by forming a hall of fame selection committee that should be able to come up with rules on how to do the selection. This is clearly stipulated in the Bill so that at the end of the day, it is clear who should be chosen into this list. I know there is going to be a lot of competition and many people will feel that there are certain persons whose names have been omitted from the list. Criteria should, therefore, be well stipulated.

Madam Temporary Speaker, there is also criteria for registration, documentation, information, items and preservations that are going to be put there so that we do not have somebody sneaking in a name without a specific formula being followed.

Public participation has also been taken into consideration at Clause 13(2); there are going to be written submissions across all stages. People are going to participate to ensure that the right names are given. For us, the Mijikenda, we would not want Mekatilili wa Menza to be forgotten. She was a Mijikenda woman from the Giriama Community who became a hero of her time when very few women were able to come out and fight for Independence. We honour Mekatilili and she is one of the persons who I know for Kilifi County will definitely be considered.

People like Ronald Ngala who fought for Independence of this country is also another person from the coast region who should not be forgotten to be honoured. People like Timothy Ramtu from Kwale County are also important people because they headed some of the first commissions that were very critical for this country. There is also Chingoro Stephen Zani who was one of the first people within the Digo community to start the Anglican Church among many other people from the coast region.

Madam Temporary Speaker, I think setting up the criteria for nomination is very important. There is also the aspect of being able to come up with a petition for those who feel that they have been unjustly left out or have people they think should have been included but have been left out.

Another important aspect of the Bill is at Article 19 (c) that puts a penalty for liability of those who pretend to be members of the hall of fame and yet they are not there has been put into consideration.

Clause 21 is important because it creates a progress aspect of improving on this Bill and ensuring that the county executive committee member with the approval of the county assembly can overtime continue to undertake provisions to ensure that this Bill is put into place. This also ensures that there is a methodology of dealing with conflict resolution and ensuring that the procedure for consideration for petitions is taken seriously. The number of persons who may be included in the county hall of fame is controlled. This is where I would like to join other Senators in encouraging the recognition of women who have done things that entitle them to be in that hall of fame.

Clause 21 (2) (e) is not clear. I think it needs to be looked into. It states the manner in which an induction into a county hall of fame may be suspended or revoked. As we go into Committee of the Whole, we might want to make an amendment to that particular clause so that it is clear.

It would also be important to look at the definition of the “county hall of fame” and probably expand it more because as I read the Bill, it is not clear to me whether it is a hall somewhere, for example, in Oslo Norway where the Nobel Peace Prize laureates have been recognized. There are candles lit and history is given about them or whether it is going to be about naming roads after some people.

That definition does not bring the dynamism of what the county hall of fame might be and we need to be a little clearer as we move to amendments so that it is very specific. The idea that we can educate our Members and preserve historical documents is very key especially in our country because the history of this country is what will hold and bind us together as we move forward.

The representation of the Committee is also inclusive. However, as other Senators have said, let us not just put a lot of emphasis on a governor only. In fact, there seems to be a contradiction when you look at Clause 7 which is about the functions of the selection committee. That particular committee will make recommendations to the governor. The governor is not part of it. There is a lot to and from that might create a little bit of confusion. The fame selection committee should include other levels of leadership including the governor. If he cannot attend meetings, then, he could have representation that could articulate a particular view point will need to be put into consideration.

Madam Temporary Speaker, with those few comments, I beg to support.

The Temporary Speaker (Sen. Ongoro): Thank you, Senator. I now call upon the Mover to reply.

Sen. Sang: Madam Temporary Speaker, I wish, at this point, to thank Senators who have contributed to this Bill. I also appreciate the very valid and immense contributions that they have made to this Bill. I thank Sen. Madzayo for seconding the Bill. I know that his Committee has developed a number of amendments that will address a number of concerns that were raised by Members. I appreciate contributions from all Senators. Some of them have specifically given examples of the very many heroes and heroines that we need to recognise.

Madam Temporary Speaker, I know that even in biblical terms – this is very common in Kenya – that a prophet is not honoured at home. We rarely recognise our

own. This is a principle that we need to change. Our counties must start to recognise their own heroes and heroines within.

Madam Temporary Speaker, something that has also come out is that it is important for us not to limit the County Hall of Fame and recognitions to political figures only. We should go beyond that and, for example, look at the various clergy who contributed immensely to the welfare of the society. We must also look at sportspersons, academicians, musicians, comedians, artists and all the various heroes that we have within our counties. That is very important.

Madam Temporary Speaker, one of the greatest concerns across the board is about the selection committee. I think that is important. If we do not have a clearly defined and representative selection committee; that will mean that we will be unlikely to get the right people being honoured. Therefore, I appreciate the concerns and issues that have been raised. We will re-look at the composition of the selection committee.

The other aspect that has come out across all the presentations is about the criteria for selection. Whereas the criteria for selection is fairly clear, the criteria under which somebody could be struck out of the roll of the Hall of Fame has to be well built. That is something that we will re-look at during the Third Reading.

It is important to note that this Bill will not eliminate the national honours process at the national level. This is a complementary process that seeks to enlarge and ensure that we have more heroes in this country. Sometimes, we may appear as if we are a bit hard on ourselves. However, we should not just have one process, at the national level, of honouring our heroes. This country is blessed with many heroes and heroines. It may not be practical for all the heroes and heroines to be recognised at the national level. That is why this framework at the county level gives us the opportunity to ensure that we spread the recognition of heroes and heroines across the 47 counties in this country.

In my county, for example, we would expect that the heroes, who have been recognized nationally, should be recognized even at the county level. Already, even within the contributions that have been made, a lot of issues have been raised as to how we can honour our heroes beyond just appearing in the county hall of fame. I think the aspect of naming institutions or public facilities and roads within our counties after those heroes is one of the excellent examples.

So, I think we need to look at this issue from a wider perspective, so that then we can honour them by naming streets after them or even giving them some token. I think we need to look at a wider range of opportunities and privileges that come under the county hall of fame. If you have a hero who is ailing, it does not make sense to mention, honour and put his name in the county hall of fame, yet that person needs medication and cannot afford it. So, I think that it is important that we look at realistic chances and what needs to be done to some of these heroes as we move forward.

The other element that is very strong is the gender aspect. As Sen. M. Kajwang said, we must take concrete steps to ensure that as we honour our heroes, we have to look for heroes among our ladies. I think that is important.

Madam Temporary Speaker, I want to appreciate the Members for their contribution. During the Committee stage, we will address a number of the concerns that were raised.

I beg to move.

Madam Temporary Speaker, because of the numbers in the House, under Standing Order 54 (3), I request that you defer the putting of the question to an appropriate day when we have the requisite number to pass this Bill.

The Temporary Speaker (Sen. Ongoro): The request is granted. We will put the Question next week on Wednesday, at 2.30 p.m.

(Putting of the Question on the Bill deferred)

ADJOURNMENT

The Temporary Speaker (Sen. Ongoro): Hon. Senators, it is now time to interrupt the business of the Senate. The Senate stands adjourned until tomorrow, Wednesday 15th July, 2015, at 2.30 p.m.

The Senate rose at 6.30 p.m.