

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Tuesday, 12<sup>th</sup> October, 2021

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

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

### PRAYER

### STATEMENTS

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): We are on Statements pursuant to Standing Order No.48(1). Is Sen. (Dr.) Mbito here?  
Sen. Dullo.

#### DELAY IN ISSUANCE OF NATIONAL IDENTITY CARDS

**Sen. Dullo:** Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No.47(1) to seek a Statement from the standing Committee on National Security, Defence and Foreign Relations regarding the delay in issuance of national identity cards to those who have attained the age of majority. Individuals from border counties communities have been especially affected contrary to Article 12 of the Constitution of Kenya 2010 which entitles citizens to all documents of registration or identification.

At the present, Isiolo County has over 2,000 youth awaiting their National Identification Cards (IDs). The need for prompt issuance of IDs cannot be emphasized enough because lack of IDs has negatively impacted their access to employment and educational opportunities, including those prevented from joining university as well as some healthcare benefits such as COVID-19 vaccine and the ongoing voter registration exercise. This may prevent numerous youth throughout the country from exercising their political rights under Article 30 of the Constitution of Kenya, 2010.

In the Statement-

- (i) The Committee should apprise the Senate on the reasons behind the delay in issuance of national IDs.
- (ii) Urgently intervene to ensure issuance of ID cards in the affected areas to enable the Kenyans exercise their right to vote.

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- (iii) Recommend that the issuance of ID cards be conducted alongside voter registration.
- (iv) Provide timely and long-term solutions to the delay in issuance of the national IDs in order to prevent a repeat of the same in the future.

I thank you.

**Sen. (Dr.) Musuruve:** Thank you, Mr. Temporary Speaker, Sir, for giving me an opportunity to support this Statement from Sen. Dullo.

At this point in time, Sen. Dullo is bringing a Statement that is very important, especially at a time when we are almost getting to elections.

ID cards play very important roles. You cannot vote without an ID card. You cannot exercise your democratic right of choosing a leader that you so desire. Apart from that, you cannot do any financial transactions like bank transactions without an ID card.

It is mandatory that the Committee ensures that ID cards are issued so that voter registration can go on efficiently. In some areas, the Government has deliberately deployed officers to assist citizens get ID cards. There is also an IEBC desk where citizens can get voter registration cards. However, many Kenyans are not getting them. They are doing a disservice to themselves because come 2022, they will not have the power to choose the leader they want. They will not have the power to exercise their democratic rights.

I would like to speak to the people of Lugari, especially the youth. They should know that it is their right to vote and choose the leader they desire. However, they cannot exercise this democratic right until they have a voters' registration card and a ID card. In Lumakanda, Chevaywa and everywhere else in country, voters' registration exercise is ongoing. Residents of Lugari must ensure that they register as voters and be ready to vote for the leaders of their choice. As I said, you cannot exercise this democratic right unless you register as voters.

I urge Kenyans to register as voters. The youth who have not applied for ID cards to do so and be register as voters so that come 2022 they will exercise democratic rights of electing leaders of their choice.

This Statement should be treated with the seriousness it deserves. I thank Sen. Dullo for bringing it to the Floor of the House. It must be expediated and awareness created so that people register as the voters and those Kenyans who have no ID cards apply for them so that they exercise their democratic rights in 2022.

I support it.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Sen. Kavindu Muthama, proceed.

**Sen. Kavindu Muthama:** Thank you, Mr. Temporary Speaker, Sir, for this opportunity to support this Statement that Sen. Dullo has brought to the Floor of this House. It is a timely Statement because people are registering to vote. However, without ID cards, they cannot register as voters. I am calling upon the people who are concerned with the issuing of the ID cards to expedite this exercise so that our youth can register as voters.

I am calling upon the people of Machakos and all Kenyans to register as voters because their votes are their voices. At this time, we are politicking because of 2022 general election. I urge our youth to come out in large numbers and apply for ID cards. It is your right as a Kenyan to have an ID cards. Without an ID cards, you cannot get a passport.

I call upon officers responsible with issuing of IDs to ensure that our youth who have attained the age of 18 get ID cards so that they can register as voters.

I support.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Sen. Cherargei, you have the Floor.

**Sen. Cherargei:** Thank you, Mr. Temporary Speaker, Sir. I also want to thank the Deputy Senate Majority Leader, Sen. Dullo, for bringing this timely Statement as the month-long registration exercise of new voters continues. There is projection of around six million new voters for 2022 general elections.

The Independent Electoral and Boundaries Commission (IEBC) had told us that every week they had intended to register at least 1.5 million Kenyans. However, by yesterday, they had not achieved their target. They had registered less than one million new voters. This has been caused by the lack of ID cards. As a country, we need to ensure that we fast track the issuance of ID cards.

Last week, I indicated that there was information the printer being used for issuance of ID cards had broken down for better part of last year. No one within the Ministry and registration of persons had indicated to the country what happened. The slow issuance of IDs will affect majority of the young people who will not exercise their voting rights. They should be the key decision makers for their future and the person they hope to occupy elective positions in this country.

There was the rapid initiative of issuance of the ID cards by the Ministry of Interior and Coordination of National Government. However, the sad reality is that in sub counties and constituencies in this country that are perceived or imagined should not participate in election are being disenfranchised. They were not given enough funds or were left out completely, especially the Arid and Semi-Arid Land (ASAL) areas and the North Rift. The Ministry of Interior and Coordination of National Government thought it was wise to give other areas the rapid initiative of issuance of ID, but leaving out other areas.

We do not want to disenfranchise our people at this level. I cannot imagine areas with more votes than others because of this rapid initiative of issuance of IDs in this Republic was done selectively and in discriminatory approach where we saw some areas being given more resources and the necessary kits for mass registration ID cards.

It is right that we call them out because we know them. I hope when the Committee sits and evaluates this issue, they will tell this country the reason other areas were left out in rapid initiative of issuance of ID.

Mr. Temporary Speaker, Sir, another fact that we need to appreciate is that the issuance of ID in the northern part of this country is being done selectively. Kenyans that come from the northern part go through vetting before they are issued with passports and ID cards. In unlike areas where we come from, the issuance of ID cards is more efficient

than when you come from the northern part which is occupied by the pastoralists. There is vetting and it takes longer time to issue ID cards to individuals. This is one of the biggest hindrances, especially in the northern part and many other areas which are marginalised.

Another factor which the Committee should consider is a situation where you are using waiting cards. When you apply for your ID, you are issued with a 'waiting card', can the IEBC and registration of persons become innovative by allowing Kenyans who have waiting card – as they wait for the IDs – to register for this important exercise? The fact that you have a waiting card should give you an opportune to register as new voter because you will decide the future of this country.

Curiously, what many Kenyans are missing out is the fate of *Huduma* card number. We thought when you have *Huduma Namba* although it has been shrouded in secrecy, you should register as a voter.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Sen. Omogeni, what is your point of intervention?

**Sen. Omogeni:** Mr. Temporary Speaker, Sir, I want to inform my learned friend - because these proceedings are being watched live on television - that he has made a statement that IEBC should consider allowing Kenyans with waiting cards to register as voters. However, the law is clear that the only document you can present is either a valid passport or a national identity card. My learned colleague being a good friend of mine and a lawyer should not create the wrong impression that there is a lacuna in the law for waiting cards to be used.

What we should be doing is to urge the Government to facilitate issuance of ID cards unless we amend the law to allow those with waiting cards to register as voters. I thought it is important I inform my learned colleague what the position in law is as of today.

Thank you.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Sen. Cherargei, now you are informed.

**Sen. Cherargei:** Mr. Temporary Speaker, Sir, I do not know whether it was a point of order or information.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): It was point of information.

**Sen. Cherargei:** Mr. Temporary Speaker, Sir, mine is an opinion. If my learned Senior Counsel would listen carefully, I used the word 'innovative' if the IEBC and the registration of persons would be innovative and find a more creative way. The law is not static; we can amend it at any given time.

Mr. Temporary Speaker, Sir, I agree with him when he says the Government should expedite issuance of ID cards in this country. That is why I raised the point of rapid issuance of ID cards. I was questioning as to why some areas were given adequate money and human resource to do it while other areas left out. This was outright discrimination.

The IEBC can see how they can ensure that we can also use waiting cards. It is an opinion that should be considered.

Mr. Temporary Speaker Sir, when this process of registration of new voters started, the Government should have taken the initiative by rapid issuance of the Identity (ID) cards. When you go to other areas, you will find functions where chiefs are walking around with ID cards. Before issuance, there are allegations that they are being bribed. We should be very careful. We also urge Kenyans to check with the assistant county commissioners and the chiefs' offices.

Mr. Temporary Speaker, Sir, another problem we had is that IDs are already where the issuance was done, but no one is picking them. We urge Kenyans to really come out in large numbers and check with the local administration and the national Government Administration Officers and pick those ID cards.

In conclusion---

*(Sen. Khaniri spoke off record)*

I thought that Sen. Khaniri is well versed with the Orders of the House. You do not talk like you are at a funeral. You go on record.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Order, Senator!

**Sen. Cherargei:** In conclusion, I agree that this is a timely Statement, but Kenyans must come out in large numbers and register as voters. They say that bad leaders are elected by good citizens who do not vote. I think it is very important they get the ID and voters cards, so that they can participate in elections.

I thank you, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Sen. Faki.

**Sen. Faki:** Asante, Bw. Spika wa Muda, kwa kunipa fursa hii kuchangia Taarifa iliyoletwa Bungeni na Sen. Dullo, Seneta wa Isiolo.

Shida kubwa ya vijana, hususan wale wanaotoka katika miji ya mipakani, ni kupata vitambulisho. Hii inatokana na sababu nyingi, mojawapo ikiwa wanatakinana kwenda *vetting* kabla ya kupewa vitambulisho. *Vetting* inatumiwa vibaya na wale wanayoifanya kwa sababu wanataka hongo kutoka kwa vijana ambao hawajapata vitambulisho na kazi.

Kwa mfano, wengi wanaoenda *vetting* Mombasa wanasumbuliwa. Eti walete cheti zai ya shule, cheti cha kuzaliwa cha mzazi, mama au nyanya. Yote haya ni kujaribu kuwazuia kupata vitambulisho.

Kitambulisho ni kitu cha muhimu sana kijana wa kike au kiume anahitaji ili aweze kupata ajira, masomo, na *bursary* ya kumwezesha kujiunga n chuo kikuu ama Technical and Vocational Education and Training (TVET). Hii ndio kila kitu. Hata kama anataka kwenda kufanya kazi nje, lazima awe na kiutambulisho ndio aweze kupata pasipoti ya kumwezesha kwenda kufanya kazi nje.

Bw. Spika wa Muda, swala hili halijaletwa hapa kwa mara ya kwanza. Nilipokuwa katika Kamati ya Haki na Sheria, tuliangalia Ripoti ya IEBC kura ya mwaka 2017. Moja ya masuala illikuwa ni wangapi walikosa kupiga kura kwa sababu hawakuwa na vitambulisho?

Ripoti ya IEBC ilipendekeza kwamba wakati wa kutoa vitambulisho iende sambamba na watu kuandikishwa kama wapigaji kura. Mapendekezo hayo

hayajatekelezwa. Utaona vijana wengi ambao wamefikisha umri wa miaka 18 na wanatosha kupiga kura wanakosa kujiandikisha kwa sababu hawana vitambulisho.

Bw. Spika wa Muda, iwapo hawataandikishwa kwa sasa kama wapigaji kura wa mwaka ujao, watachukua miaka mingine mitano ndio waweze kupiga kura katika nchi hii. Hiyo ni kuwakosha fursa ya kikatiba ya kuchagua viongozi ambao wanawapenda.

Kamati husika ni lazima izamie suala hili kwa undani tuone ni sababu gani haiwezekani mashine za kutoa vitambulisho zipelekwa shule za upili ili wale wanaomaliza kidato cha nne wapewe vitambulisho vyao. Akitoka shule, anatoka na kitambulisho.

Wale wanaofanya *vetting* katika mitaa waharakishwe wahakikishe kwamba wale wanaostahili kupewa vitambulisho wamepewa ili kila mtu ajihisi kwamba ni Mkenya kamili.

Asante, Bw. Spika wa Muda.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Sen. Wamatangi.

**Sen. Wamatangi:** Thank you, Mr. Temporary Speaker, Sir. I also rise to support and commend Sen. Dullo for the Statement which is not only timely, but also very relevant to this time.

Sen. Dullo has sought the Statement on a very important issue. I would like to add that this is not a sectional problem anymore, but it is a national problem. It is in every community and county. It is everywhere within the country, to the few and the many.

Mr. Temporary Speaker, Sir, I think that a few things need to be put on record so that we can agree that there is a reliable system where people can expect that when they attain the age and fulfill the requirements, they are able to get an ID without necessarily hustling and being tormented.

If you look at our recent history, the reason why we came up with Huduma Centres is because there was a national outcry that when Kenyans require certain important documents, they could not get them in the right time and for various reasons.

Mr. Temporary Speaker, Sir, since the time we launched the Huduma Centres, why has that not expanded and devolved to even wards? It can become a necessity that if a young man is in a certain ward in Kilifi, he can just walk to a Huduma Centre and get it quickly.

I visited the Huduma Centre here in Nairobi and I ended up commending the person I found there. This is because I came in the morning and had lost an ID card. I gave my details and they started processing it and told me to come the following morning. When I came, my ID was ready. If that kind of service is given throughout six days a week in every ward, we would have no reason why our young people do not have IDs to enable them register as voters.

Mr. Temporary Speaker, Sir, it is important that we remember the true numbers of the young people. If you look at the number of candidates who sat for the Kenya Certificate of Primary Education (KCPE) and the Form Four examination this year, that would give you an estimate of how many young people are anticipating to get ID cards this year.

This being an election year has even helped much more. It is very important that we urge the relevant agencies and arms of Government that have been given this

responsibility, especially the Ministry of Interior and Coordination of National Government, who are very instrumental, together with the Ministry of Devolution, to deal with the establishment of those Huduma Centres.

Mr. Temporary Speaker, Sir, I do not understand why we make progress with one arm of what we want to do to modernize society and then retrogress on the other. For example, why was it found adequate and necessary that with just a pin number, you can get all your transactions and services like paying your taxes? Just that number identifies you. If you say your pin number, you can get your services. They know that the owner of the pin number is Wamatangi and it is not duplicated, including even a phone number.

In the course of modernization and making things easier, why is it important to continue warning somebody to come and register, go sit, wait and come back to collect a document when the world is digitizing? What would be the big story if the Government would think that all you need to be identified is a number? You go there and say your pin number and all your details are there. It says that this is a gentleman called so-and-so, and all those details. At the end of the day, one of the big problems that we have had according to the relevant Ministry is duplication.

You find that need to go and register and go through an entire lengthy process to get a passport. They will ask you for the same repeated documents. You then have to register for an examination. You go through the same process, register and bring things, then the process is over. Then you go to the national ID, and it is the same process.

Duplication of the system for purposes of identification must be brought to a halt. We urge relevant Cabinet Secretaries to think. They should not punish people, but make sure they offer services to Kenyans. If there are other requirements needed to identify somebody for any other reason, then it must be done expeditiously.

Mr. Temporary Speaker, Sir, as I support the Statement by Sen. Dullo, we should not forget what other Members have said. We will have elections in the next few months. As much as we want to uphold their rights, if there are young people who cannot vote because they do not have identity cards---

As I conclude, if we are to go digital, we must also think about voting digitally. The IEBC should be informed about the same because other countries have other methods of voting where you do not have to queue. There are countries where you can vote early through email. Why should we wait for one single day when every Kenyan must come out and queue and wait just for an election that can be conducted digitally by voting early so as to ensure that everybody gets an opportunity to exercise his right?

We are now more than 50 million. The IEBC cannot expect the same logistics that were used 20 years ago to apply in 2022. These are some of the things that we should urge the new IEBC team to consider. They cannot use the old rules to play a new game efficiently.

Mr. Temporary Speaker, Sir, as a laud Sen. Dullo, I urge that those issues be looked at and acted on, so that we have more efficient systems and a better country.

I thank you.

**Sen. Khaniri:** Mr. Temporary Speaker, Sir, I want to thank you for this opportunity. I join my colleagues in lauding Sen. Dullo for raising this matter because it is timely.

I have just gone through the Statement. Although she said under Standing Order No.47(1), I believe it should be Standing Order No.48(1), where you seek a Statement so that it can be assigned to a Committee and we get some responses.

Mr. Temporary Speaker, Sir, I thought this was a unique problem to my people in Vihiga and the Western Region at large. However, I am just learning that it seems to be a countrywide problem affecting even areas that we thought were enjoying better services in terms of issuance of ID cards.

The importance of an ID card in this country cannot be understated. We all know that you cannot survive as an adult in this country without it. Everywhere you go, you are asked for your identification card.

If you want to register as a voter or if you are looking for employment, you must have an identification card. Therefore, it is a very important document that the Government must take seriously in streamlining the process of issuance of the same to the people of this country.

I do not understand why our youth should go through what they go through just to get ID cards in order to be identified as Kenyans. Sen. Wamatangi stole this from me because I have been wondering.

When a child is born and it is on record, first, they must be issued with a birth certificate. It is at that point that I believe if we want to go digital, once you are issued with your birth certificate, then you must have your PIN, so that when it comes to issues like ID card, it becomes automatic.

The Government should know that somebody was born somewhere on a certain date and they have turned 18 and, therefore, they are entitled to that vital document. You do not even need to apply. It is supposed to be mailed to you. Once you attain the age of 18, your ID card should be mailed to you.

The committee that will look at this matter should engage the Government with a view of trying to have them embrace the idea that when one is born, they are issued with a birth certificate and get their PIN, so that other things follow and it is just a sequence.

When you become an adult, you should get your ID card without even having to apply for it. You just need to confirm that you are still alive. Although they have made it free to get an ID card, still our youth go through hell to get this vital document.

Even before they go digital, there should be communication. I heard from some administrators that there are so many ID cards lying in their offices and people are not collecting them. Wherever they are, maybe those youth do not even know that they identification cards are ready at their chief's or assistant chief's office. So, we must also improve our mode of communication. Whenever this document is ready, there must be a quicker way to inform the applicant that their document is ready for collection.

Mr. Temporary Speaker, Sir, we support this Statement very strongly. Let the process be streamlined, so that our youth get ID cards and participate in the forthcoming elections.

I urge those from Vihiga County that their vote is important. Those who have not collected their ID cards and maybe they are lying at the chief's office should go and collect. They should also register in large numbers. We want to show people that Vihiga has the numbers that we need in politically.



I thank you.

**The Senate Minority Leader** (Sen. Orengo): Mr. Temporary Speaker, Sir, I also rise to commend Sen. Dullo for coming up with this Statement. The issue of ID cards is very critical. As pointed out by Sen. Dullo, it springs from Article 12 of the Constitution where passports and identification cards are not privileges.

Every Kenyan who is born here or a Kenyan born of Kenyan parents is entitled to a passport and identification card. Those are the only documents that the Government can use to show that they recognise you as a citizen. If there are Kenyans out there without identification cards, it is a great disservice.

Every time I go particularly to the former North Eastern Province and Marsabit, Isiolo and Turkana counties, not to speak of the other counties also, the critical question you are always asked is about ID cards. It is not the citizens who ask for identification cards, but the Kenyan Constitution that states that it is a right. So, no excuse should be given to deny people ID cards particularly.

The Government should find a way of enabling even citizens in areas with conflicts or other challenges like in the northern and eastern counties of Kenya get ID cards. They should find some kind of procedure where somebody who applies for a passport or ID card and they are Kenyan to get it without too many roadblocks.

The other time we were in Garissa, we were told that there used to be an immigration office in Garissa and passports could be issued from there. However, that office has been closed for more than 10 years now. Something should be done to address that anomaly.

More importantly, I also join other Senators who have already expressed themselves on the importance of our ID. Article 38 of the Constitution gives every Kenyan the certain political rights, for example, the right to take part in the governance of the country through either political parties or participating in elections as candidates or as a voter. That right is denied every time somebody does not get a voters' card or ID.

I remember when we had the Election Laws Amendment Act here. We were thinking of having simpler ways to enable Kenyans to exercise their political rights. Unfortunately, some good parts of that good legislation were amended without justification.

I urge Kenyans now that we are already in the programme towards the elections to register as voters and also to find out where their IDs are if they have not collected them. They should also apply for IDs for those who do not have them.

Those who are going to win elections are going to do so on the basis that they have IDs. As Senior Counsel Sen. Omogeni was saying you must have an ID card and a voters card.

Nobody will be elected and no party will win elections whether presidential, senatorial or National Assembly until he elected by voters. That is the bottom-line. Nobody will give any Kenyans political power, except through the vote. Therefore, this is a very critical matter and I urge the people of Kenya take their time to go out there and look for IDs and register as voters for those who have IDs.

Sen. Dullo has raised critical issues in her Statement. The Government should find more innovative ways of making sure that even for those who have IDs lying at

chiefs' offices get them. Our system of Government goes to the grassroots. If an assistant chief had an ID card lying in his office, I am sure if they pronounced themselves on those issues in a *baraza* people would go for them. Some chiefs and assistant chiefs will put conditions that one can only get their ID if they do this and that.

Mr. Temporary Speaker, Sir, I request time and space to say something I saw in the *Daily Nation* newspaper today saying that my party the Orange Democratic (ODM) has already assured me of a ticket to contest the seat of governor. No, no. That cannot be true. I cannot be part of such an arrangement. I want the people of Siaya County to know that like every Kenyan they are the ones who will elect leaders for whatever position within the party.

I have always participated in elections with the high and mighty. The first person I defeated in an election was a Cabinet Minister. I enjoyed doing it because the people were given that right. I ask the *Daily Nation* and the Standard Media who carried those stories that sometimes it is better to determine the sources of those stories.

They are now interfering with voter registration in Siaya. The people are wondering why they should register as voters if Sen. Orenge is already nominated to be the next governor. They are saying they would rather not take a voters' card or register as voters.

From this forum I tell the people of Siaya that Sen. Orenge does not have any nomination certificate to be governor and I have not declared. I know the ODM party will not allow anybody to go behind in a smokescreen somewhere to get a certificate of nomination.

I thank you, Mr. Temporary Speaker, Sir. I needed to clarify that.

**Sen. Abdul Haji:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to contribute to the Statement and to thank Sen. Dullo for bringing this matter to the House.

It is true that this Statement is timely for most of the Members here because there is a registration going on. For me and many people who come from North Eastern Kenya this Statement is very important because it is a cry we have had from our people for many decades.

Our youth are not only disenfranchised, but disheartened. To echo what Sen. Cherargei has stated here very clearly without repeating too much this issue of IDs is being used as a system of discriminating certain communities in this country.

I am glad that what Sen. Orenge has raised it is something he has heard every time he has visited our region. If this matter is taken up by the relevant Committee, it is very important that we put the question to the Committee. They should ask the Registrar of Persons if the ID is being used as a system of discrimination. We, the people of North Eastern regions, which are so much affected by the issue should be informed if we are second class citizens.

There is nothing worse than a person walking around this country thumping his chest and proudly stating he or she is Kenyan. At the same time, somebody at the Registrar of Persons is sitting and saying that the person does not even know he or she is a second class citizen. It is important that they inform us so that we can walk the talk and behave accordingly.

Otherwise, the youth from our regions have suffered a lot in terms of not being registered as Kenyans. It is not only because of the registration of voters at the moment. We can imagine a youth who has completed form four education yet is not able to leave the boundaries of Garissa County. One cannot visit any part of this country because at every point there is a check-point, whether one is in a public bus or a private vehicle.

If one is not able to identify himself, he or she is either arrested or taken back to Garissa. This is the sorry state we are facing. They are not able to continue with their education or get any kind of employment.

Mr. Temporary Speaker, Sir, without taking too much time, I request that you ask the relevant Committee to invite the Registrar of Persons so that we can put these question to them.

**Sen. Kwamboka:** Asante, Bw. Spika wa Muda. Ninashukuru kiongozi wetu Sen. Dullo kwa kuleta Taarifa hii kwa wakati mwafaka. Wakati huu Wakenya wanahimizwa wajisajili kama wapiga kura.

Ukweli wa mambo ni kuwa tumechelewa. Wizara ambayo inatakiwa kufanya mambo hayo inafaa kujuwa kuwa watoto wakiwa katika kidato cha nne huwa wamefikia miaka 18. Ni jukumu la Wizara kwenda katika shule na kuwasajili ili wachukue vitambulisho kwa sababu kila mtu ana haki. Bila kitambulisho mtu hawezi kuajiriwa kazi au kupiga kura.

Wakati huu Serikali inawaambia wananchi waende wajisajili kuchukua kura. Ni jambo la kushangaza. Juzi nilienda katika ofisi ya chifu. Nilipata kuwa machifu ndio wanapigia wananchi simu waende kuchukua vitambulisho.

Je, wakati hao vijana walikuwa wanajisajili kuchukua vitambulisho, hao machifu walikuwa wapi? Kama hizo fedha hazitoshi, mbona hiyo Wizara isitueleze sisi hapa tuweze kuongezea bajeti ili vijana wetu waweze kupata vitambulisho?

Bw. Spika wa Muda, wakati mwingine vijana wanajisajili, wanaenda ofisini mwezi moja wakizungushwa. Kuna simu nilipiga wakati mmoja kwa ofisi 'kubwa,' na hapo ndipo huyo kijana aliitiwa kitambulisho. Hiyo ni kama kuongeza ufasidi katika nchi yetu ya Kenya. Haya maneno yanafaa yaachiliwe kabisa na kila Wizara ijue ile kazi inafanya. Vijana wetu wachukue vitambulisho ndio waweze kupiga kura.

Katika Jiji la Nairobi, watu 16,000 pekee ndio wamejiandikisha kama wapiga kura wiki iliyopita. Sisi kama vijana tunafaa tujitokeze na tujiandikishe kwa sababu inasemekana kuwa viongozi wanaowaongoza ni wabaya. Hapana! Kama wanataka kutekeleza demokrasia, waende wachukue kura na waje mwaka ujao wachague viongozi wanaotaka ama wafute kazi viongozi ambao hawafanyi kazi.

Kwa hayo machache, nampongeza kiongozi wetu, Sen. Dullo, kwa kuleta hii Taarifa. Kwa sababu mimi ni mwanachama wa Kamati ya Usalama, tutahakikisha kuwa wale wanaohusika na maneno ya kusajili na vitambulisho watatueleza jinsi maneno yanafaa kuwa.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Sen. Boy Issa Juma.

**Sen. Boy:** Asante sana, Mhe. Spika wa Muda, kunipa fursa hii ili niweze kuchangia Taarifa hii ambayo imesomwa na Sen. Dullo.

Tatizo kubwa hapa Kenya sasa ni ukosefu wa vitambulisho. Watoto wengi ambao wamemaliza shule miaka iliyopita, wengi hawana vitambulisho. Mimi mwenyewe

nimeshuhudia katika Kauti yangu ya Kwale, haswa sehemu ya Lunga Lunga ambayo ni mpaka baina na Kenya na Tanzania. Vijana wakienda kuchukua vitambulisho, wanaambiwa wapeleke hati ya kifo kama mzazi amekufa. Kama mama mzazi si mzima, wanaitishwa hati za familia mpaka uzeeni.

Bw. Spika wa Muda, vijana wengi wanavunjika mioyo. Mimi nimeenda mpaka ofisi ya Kamishna wa Kaunti kule Lunga Lunga kuuliza ni kwa nini shida hii iko, haswa katika sehemu za mipakani baina ya Kenya na Tanzania, pale Vanga, Lunga Lunga, Jasini na Jogo.

Watu wakifika pale wakati wa uchunguzi utafikiri kunatolewa *bursary*. Wananchi hufurika pale walingoja kuchunguzwa. Hili ni jambo ambalo chifu yuko pale, wazee wako pale, na ni kitu kinachochukua dakika mbili au tatu; kijana afanyiwe uchunguzi na apewe *waiting card* yake ndio achukue kitambulisho.

Leo tumepata fursa kubwa kwa sababu tumeambiwa kwamba kama mtu hajajisajili kama mpiga kura na ana kitambulisho, ajitokeze kwa haraka aweze kujiandikisha. Lakini utakuta kuwa idadi ya watu inayojitokeza saa hii ni ya aibu. Wengi hawana vitambulisho. Watoto waliomaliza Kidato cha Nne mwaka jana au juzi, hawajapata vitambulisho.

Watu pia hawaendi kuchukua vitambulisho vyao. Ukienda katika ofisi ya kusajili watu katika kaunti nyingi vitambulisho vimejaa. Mimi naonelea haswa machifu, naibu wao, Waheshimiwa Wabunge wa na sisi viongozi wote tuweze kuingia hizo ofizi za usajili ili hivi vitambulisho vipelekwe vijijini kwa haraka. Muda uliobakia ni mdogo sana, kama wiki tatu tumalize usajili wa kura.

Kwa hivyo, Sen. Dullo mimi naunga Taarifa yako kwa sababu ni ya ukweli kabisa. Ile Kamati ambayo itaangalia hili jambo ifanye haraka sana.

**Sen. Madzayo:** Asante, Bw. Spika wa Muda. Kwanza natoa kongole kwa Sen. Dullo. Ameleta Taarifa yake kwa wakati mwafaka, hususan wakati wa kujiandikisha kupata vitambulisho na hatimaye kuchukua kura ili kuweza kupiga kura zao mwaka ujao.

Bw. Spika wa Muda, sio Isiolo pekee yake ambayo shida hiyo imetokea. Ameleta hii Taarifa sababu katika Kenya mzima, kila mahali, kumeweza kuhusikana katika huu uandikishaji wa kura. Katika Kaunti ya Kilifi kuna vijana wa kike na kiume zaidi ya 5,000 ambao hawajaweza kusajiliwa kupata vitambulisho vyao, na hatimaye kuweza kuchukua kura.

Shida inayotokea ni kwamba, walivyotangulia kusema wenzangu, kunazo kamati za wazee na kamati za machifu na manaibu wao ambazo zinakagua kama huyo mtoto ni wa eneo hilo. Utaona kwamba ukaguzi huo au kuangalia stakabadhi za watoto ambao hawakuweza kujitambulisha hapo zamani, hivi sasa wametegemea pengine zile stakabadhi zao za shule; imekua ni vigumu.

Mara nyingi sio kwamba watu hawataki kujisajili kama wapiga kura, lakini kujiandikisha kupata vitambulisho kumekuwa kungumu sana. Kuna kizuizi kidogo au mvutano ambao unafanya wale wazee wapitishie zile stakabadhi kwa haraka ili vijana waweze kujiandikisha na kuchukua zile kadi zao ili wangojee vitambulisho vyao na baadaye wajiadikishe kupiga kura.

Zoezi hili linachukuwa muda mrefu kwa sababu ya ukosefu wa kupitisha kwa haraka. Wale wazee au machifu ambao wanatakikana kusajili au kuwatambua hao vijana

wanaotaka kuchukua vitambulisho, ni vizuri ikiwa wao watafanya kwa njia ya haraka sana. Tunajua machifu wanaishi na sisi.

Jambo la kusikitisha, kama waliotangulia kusema hapo awali, ni kwamba ikifika wakati wa kijana wa Kikristo hakuna shida. Inakuwa ni haraka sana kuweza kumsajili na kumwambia aendelee kuchukua kitambulisho chake.

Lakini ikifika kusajili kijana wa Kiislamu ambaye pengine hakupata nafasi ya kwenda kusoma - amekuwa akisoma katika Madrassa au misikitini ama hakupata nafasi hiyo - inakuwa ni shida. Anaanza kuulizwa mama yake ni nani na kama aliwachana na babake. Itakuwa namna gan? Anaanza kuulizwa aseme babu yake ni nani. Anaambiwa alete hati ya kuzaliwa ya babu yake ama apeleke kitu chochote ambacho kinaweza kuonyesha mama au baba mzazi au jamii na ukoo wake.

Wakati mwingine tunashindwa haya maswali yote yanahusikaje na usajili wa vitambulisho. Kama kijana ameishi na amezaliwa mahali fulani na tunamjua, hata kama mama yake aliolewa kwingine, haifai kumuuliza maswali mengine anapojiandikisha ilia apate kitambulisho. Haifa kumtesa kwa kumuuliza maswali, hususan kuhusu jamii yake na dini yake, alete kitambulisho cha mtu fulani na kadhalika, huu ni ubaguzi wa hali ya juu. Pia ni ukiukaji wa kuweza kutambua zile stakabadhi za wale vijana ambao wanataka vitambulisho.

Ikiwa kijana ni Mkenya, amezaliwa katika eneo fulani, sio dini itamfanya apate kitambulisho. Hiyo ni haki yake kupata kitambulisho.

Jambo la mwisho, hivi sasa, polisi wetu wafanye kazi za kutafuta na kuangalia amani katika nchi. Lakini, kwenda kujiweka mahali ambapo utaona kijana barubaru amekuja anataka kitambulisho na pengine mlikuwa na kesi naye ama mlikuwa mnamutafuta ama mulisikia, ndio sababu kunakuwa na uhaba wa vijana kujitokeza kujisajili kupata vitambulisho. Haya yanatendeka sana Kilifi. Tumesema ya kwamba kama ni namna hiyo, itakuwa vigumu sana kwa zoezi kama hili ambayo lina umuhimu fulani kufanyika, kwa sababu mwaka ujao watu watapiga kura na idadi ya watu watakojijisajili ili kuchukua vitambulisho itapungua.

Bw. Spika wa Muda, zoezi hili linatajikana liwe huru iwezekanavyo kwa sababu tunajua katika sheria kupata kitambulisho cha kuenda kupiga kura, ukijisajili na upewe kura yako, ni haki yako kuenda kupiga kura na kumchagua yule ambaye unataka apite katika ile kura. Hiyo ndiyo itakuwa ni muhimu sisi kuwaambia Wakenya.

Wakati umefika sasa. Wakenya wote wajiandikishe na wale ambao hawana vitambulisho wazichukue. Wale ambao kura zao zimepotea pia wako na wakati wa kujiandikisha ili wapate vitambulisho vya kura. Wale ambao hawajajiandikisha, kwa mfano vijana, tunawahimiza--- Mimi kama Seneta wa Kilifi, nitawaambia vijana wa Kilifi wachukue kura kwa wingi kwa sababu sisi tuko na kura nyingi. Tuko na kura zaidi ya milioni moja na nusu na sasa tunataka kufikisha milioni mbili. Kwa hivyo, tunahitaji vijana wachukue kura na wajitayarishe kupambana na kivumbi kile kitakachokuwa mwaka 2022.

Asante, Bw. Spika wa Muda.

**Sen. (Eng.) Mahamud:** Mr. Temporary Speaker, Sir, let me also thank my colleague, Sen. Dullo, for bringing this very crucial Statement.

Every Kenyan has the right to have an ID card. The Ministry of Interior and Coordination of National Government and the Registrar of Persons are not doing anybody any favour. That is the job they are supposed to do.

Issuance of ID cards has been shrouded in a lot of confusion because the process in which they do it is not very clear. When they register people, the documents which are sent to Nairobi take time to go back. There must be clarity. There must be a process through which people can actually track their IDs from the time they start registration to the time they receive them.

We have heard that a lot of ID cards are lying all over the place. This is because there is no system of tracking. If I go to a registration center today and my details are taken then I should know after how many months I should get the document. There must be a way in which I should be contacted.

It is unfortunate that we are now asking Kenyans to register en masse for voter registration but we are not asking people to register en masse for national IDs. This is because before you become a voter you must have an ID card. We sleep on the job until the last minute and then ask people to register.

Today the newspapers were reporting about the low turnout of people for voter registration. They said that it stands at 8 percent in the counties. There are two reasons for this. One, people did not turn up. Two, people did not have ID cards with which to register.

This matter brought by Sen. Dullo is very serious. In some areas where we come from, in northern Kenya, we have our own unique problems because registration of persons is taken as a privilege to be meted out by the Executive to the citizens there. It is our right to get it. Border towns have problems. There is no continuous registration of persons. They only release when they want and those that are there are not followed up properly.

It is a serious matter and the Committee on Security which has been asked to look into this matter, needs to sit down and see what can be done. There must be some change in laws because the obligation to give people ID cards rests with the Executive but they are not taking it seriously. It appears as if it is a privilege to give people ID cards and not a right.

In order for there to be mass voter registration, there must be mass issuance of ID cards to the mwananchi. Otherwise, we want people to vote for us, but we do not want to give them ID cards. It is a serious matter and I support the Statement. We should follow up this matter to its logical conclusion.

I thank you.

**Sen. Omogeni:** Thank you, Mr. Temporary Speaker, Sir. I also want to go on record in full support of this very important Statement that has been sought by Sen. Dullo.

It is very timely because this is the time that we want our youth who are the majority to be given an opportunity to have a say on, not only their representatives but also the Government that will make important decisions that will determine their future.

I do not know why the registration of persons is not as innovative as the IEBC in carrying out campaigns to attract more youthful Kenyans to register as voters. This is an issue that is of concern to the many of the people that we represent.

Last Saturday, I was in a function in a ward in Nyamira and I met two very senior citizens who have served this country with distinction. One of them is a former MP for West Mugirango, hon. Kegoro who was an MP in the 1970s. Another one was a retired chief called Chief Awaya. They raised a concern with me which I had never thought of. They posed this question to me: If the IEBC can go to the people down to the polling stations to register voters, why can the registration of persons not also be done at the village level?

Our Constitution now identifies the lowest administrative unit as the village and the village elders are recognized under our Constitution. If you go to the village, elders of my village they will tell you who my grandfather was. They will tell you that I am the son of Mzee Mogeni Kimaiga. They will tell you I am a son of the late Gekara Mogeni. They will tell you I am a son of Milcah Mogeni. They know everybody; they even know my brothers and uncles. So, why this hullabaloo of saying that people should carry letters from their uncles and relatives in order to be issued with IDs? Let them go down to the village, the lowest administrative unit where we all know each other. That way, we will make issuance of IDs easier.

If tomorrow these people want votes from all those village units, we will register our youth without so much hullabaloo. If you tell people that they must go to the sub-county level, some people do not see the value of an identity card. If you go to North Horr and tell somebody to use bus fare from the remotest area in North Horr to go and seek registration of an ID card, I can tell you there will be no incentive. However, if you go down to where these people are, you will get so many people registering as voters.

When the Committee retreats to consider this Statement, we must demand that the registration of persons must be more innovative. They must make it their duty to ensure that they go to the Kenyans and ensure that they are registered.

We can even have a mobile unit. If you walk to the office of the Registrar of Persons, they will just take your photo, ask for your birth certificate, a copy of your parents' ID, take your fingerprints and you get your ID. This is something that can be done using a mobile unit.

So, we must register our disaffection with the people who are tasked with this process because there are so many youths who have been left out there without ID cards and have not been registered and who unfortunately will not have their voice heard as we go to the elections.

These are the guys who want to elect people whose ideas resonate with them. These are the people we say are the leaders of tomorrow, who want policies that will create employment for them and we must give them a say.

I do not see why once your details are taken, you have to wait for close to one month. This should be real time business. Once your information details are taken, you should get your ID cards in real time. Passports are now being issued within two days. Why should an ID card wait for one month?

Why can our chiefs, assistant chiefs and village elders not make it their business to go the sub county headquarters collect these IDs for our youths? They know them and where they reside, they can deliver them. This is what we expect from our administrators.

I thank Sen. Dullo for this Statement. I hope the Committee that will be tasked to look into it, will have the interest of our youth at heart and will make it easier for all Kenyans to obtain their ID cards.

I support.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Sen. Zawadi, proceed.

**Sen. Zawadi:** Asante, Bw. Spika wa Muda, kwa kunipa nafasi hii ili nizingumze machache kuhusiana na taarifa ambayo imeletwa na Sen. Dullo. Kwanza, nataka kumpongeza kwa kuleta taarifa hii kwa wakati huu. Huu ni wakati mwafaka na imekuja wakati ambao unafaa.

Unapozungumza mwisho huwa mengi yamezungumzwa lakini kuna mengine ambayo nitasisitiza. Inasemekana kuwa kitambulisho ni haki ya kila mtu, nami pia naamini hivyo. Kuna masuala ambayo yanazungumziwa ambayo nitayazungumzia, kuhusu usajili wa vitambulisho. Wakati mtu anasajiliwa ama ameenda kusajiliwa, yale maswali yanaoulizwa yanaudhi. Wakati mwingine wale ambao wanahusika kwa usajili wanaandika majina yakiwa na makosa ambayo yanaleta shida baadaye.

Kwa mfano, mamangu alikuwa akiitwa Jumwachengo lakini kitambulisho chake kilikuwa kinasema Jumwarija, hiyo ‘chengo’ ilikuwa imeendikwa ‘rija’ ilikuwa shida sana. Akajaribu kubadilisha lakini kitambulisho kilipokuja kilikuwa na makosa tena. Nawasihi wanaohusika na uandikishaji wa vitambulisho, wawe makini sana ili majina yawe sahihi. Kule kwetu utakuta mtoto anaitwa Joseph Charo, anaandikwa Joseph Kyalo na sisi hatuna ‘Kyalo’ kule kwetu. Tuna ‘Charo’ Inabidi tena baadaye arudishe kitambulisho ili kirekebishwe jina tena.

Siku ya kuzaliwa inaandikwa makosa pia. Juzi nilisafiri halafu katika ile hali ya kutaka kutoa pesa na nimezoea kutoa na M-pesa nikawa nimesahau *Personal Identification Number* (PIN) yangu ya bank. Mwisho *nikablock* ile kadi yangu ya benki. Niliporudi Kenya nikataka *kuactivate* – poleni nitazungumza sijui maneno mengine kwa Kiswahili – kadi yangu ya benki. Kila nikijaribu inaniambia siku yako ya kuzaliwa haiambatani na ile siku ambayo iko hapa. Kwenda benki nikawaelezea siku yangu ya kuzaliwa, wakaniambia siku umesema hapa siyo ambayo iko hapa. Ikabidi nitafute kitambulisho. Nilipopeana kitambulisho, nilikuwa nimepoteza kitambulisho hapo nyumaye kwa hivo nikawa nimebadilisha kitambulisho kingine. Nilipopeana kumbe walibadilisha wakaandika tarehe ambayo si yangu ya kuzaliwa. Hiyo ingekuwa shida lakini benki walinieleva kwa vile mimi ni mwenyewe na wana picha yangu.

Kwa hivyo, wanaohusika na usajili wa vitambulisho wawe makini. Kule kwetu hatuna Kandzo Mwende tuna Kandzo Mwenda, tuna Mwenda sisi na si Mwende. Kuna Watoto kule kwetu mpaka sasa wanaitwa Mwende. Wale wahusika watakuwa wanaandika ama kuajiri watu wa kusajiri wahakikishe wanaajiri watu wa maeneo hayo. Hata kama watakuwa wawili watatu ambao mtu akisema jina ni rahisi mtu kuelewa anasema jina gani. Mara nyingi majina yamekuwa shida kwa kutamka.

Upande wa usajili, kuna wakati nilikuwa nataka pasipoti na nikaenda kwa ofisi ya usajili ya vyeti vya kuzaliwa. Nilipofika pale nilipata shida kwa kuwa mamangu alikufa



zamani na nikaambiwa nikatafute cheti chake cha kuzaliwa ambapo hakuwa nayo. Mimi sikuwa na cheti hiyo na hata yeye hakuwa nayo. Hii ndio maana nikawa nimeenda kutafuta cheti cha kuzaliwa kwa sababu nilikuwa nataka kupata pasipoti niliambiwa ni lazima niwe nayo. Kwenda pale nikaambiwa nipeleke cheti ya kuzaliwa ya mamangu na alikufa zamani na alikuwa hana cheti hiyo. Nitaipata wapi?

Baadaye nikaambiwa nitafute kitambulisho chake, sijui kilipotea vipi kwa kuwa mamangu alikufa kitambo nikiwa mtoto mdogo. Nikaenda kwa chifu kwa kuwa tunajuana na yeye - naenda hapo kwa sababu amezungumzia Sen. Omogeni kuhusu machifu - aliandika barua kwamba mamangu ni fulani na kuelezea ukoo wetu wote ndio mwisho nikapata huo usajili. Kuna maswali mengine ambayo yanaudhi.

Siku hizi muundo wa Serikali naupenda kwa sababu imeleta watu wa nyumba kumi. Kama watu wa nyumba kumi wako, ni kidogo ambazo yule mzee ana uwezo wa kujua kila nyumba ina watu wangapi na ni mtoto gani amezaliwa. Inafanya huo usajili uwe rahisi. Mpaka sasa ni shida, unatoka kwa chifu, *Deputy County Commissioners, County Commissioners*, mzee wa Kijiji mpaka mzee wa nyumba kumi. Serikali imeleta huduma mashinani kabisa. Iweje tena kama unataka kitambulisho mpaka ujibu maswali mengi?

Bw. Spika wa Muda, kuna huu ugonjwa wa UKIMWI ambao ulikuja. Watoto wengi wameishi hawana wazazi, kabla dawa za kuua UKIMWI ndio uishi kwa siku nyingi, watu wengi walikufa wakati ule. Watoto wengi ni mayatima, wanaishi na nyanya zao ambao walikuwa wazee na pengine walikufa. Ukienda kumuuliza maswali mtoto kama huyu hajui akwambie nini, mamake, babake na nyanyake hakumuona. Tukitaka taarifa ya huyu ni tujue kwa mzee wa kijiji ama mzee wa nyumba kumi ambaye ana taarifa ya mtoto alipozaliwa. Hospitalini kazi imekuwa rahisi. Kwa sababu watoto wangu wote nimewazalia hospitali naezaenda na kuuliza stakadhabu zake zote za mtoto wangu kuzaliwa. Iweje mtoto akitaka kitu mpaka aulizwe maswali?

Tuko kwenye ulimwengu wa kidigitali sio wa zamani wa kutapatapa. Kuna mahali wanaweka vitu vyetu, ukigonga tu vinajitokeza vyote. Mkatuletea huduma namba, mkasema ukipewa basi mambo yako yote yanaishia pale. Sijui ama ni kweli ama ni kitendawili? Nikiitishwa kitambulisho huwezi wapatia huduma namba. Kumaanisha inahudumia mambo mengine na kitambulisho mengine.

Nasihi wanaohusika na usajili wa vitambulisho wafanye usajili kwa makini. Sisemi wasiulize maswali lakini waulize maswali ambayo yanahitajika. Kuna maswali mengine ambayo yanafanya vijana wanahofu kwenda pale. Wanaulizwa maswali ya aibu mbele ya watu. Unamuuliza 'babako ni nani?' Watoto wengi tusifichane, hawana wazazi wa kiume. Poleni wanaume mko hapa na pengine wananisikiza lakini wameacha majukumu yao. Majukumu mengi huchukuliwa na mama. Ukiuliza babako ni nani mbele za watu na ameishi akiwa na mama unamwaibisha. Tafuteni maswali mazuri ya kuuliza, mtafanya watu wengine wasichukue vitambulisho waogope ilhali ni haki yao kuvichukua.

Hatuna makosa sisi, Mwenyezi Mungu ametupa mimba, tumezaa na tunalea watoto. Hiyo isiwe hali ya nikizaa mtoto aishi kama ambaye ana ulemavu kwa sababu hana baba. Mtoto yule si mlemavu ana haki zote za mtoto wa kawaida, ashughulikiwe.

Haya maswali mtakayouliza muulize maswali ya hadhi na mtoto hatajihisi kwamba amebaguliwa na kutengwa katika jamii.

Naunga mkono *Statement* ambayo imeletwa na kuna zile hatua ambazo zinafaa kuchukuliwa ili watu watajitokeza kwa wingi na kuchukua vitambulisho. Nasihi Kenya nzima na Kaunti ya Kilifi ambako natoka, kuna wakati kulikuja Mswada hapa Bunge, ni vile haukupita, kwamba shilingi moja, mtu moja, *one man one vote one shilling*.

Bw. Spika wa Muda, kusema kweli, kama Mswada huo ungepita, sisi watu wa Kilifi tungekuwa na shida sana. Hii ni kwa sababu tuko wengi, lakini wengi bado hawajachukua vitambulisho. Kwa hivyo, inakuwa shida kupiga kura kwa wapigaji kura. Huwezi kupiga kura kama huna kitambulisho.

Mimi nawasihi Wakenya wote, na nina sisitiza kwa watu wa Kilifi kuwa ni haki yao kupiga kura. Miswada huu haikupita juzi wala jana, lakini huko tuendako hatujui kama Mswada kama huu utakuja upite. Ukipita, tutakuwa kwa shida kwa maana Mswada huo utakuwa hautufai sisi hata, na hatutakuwa na la kufanya.

Kuzuia mambo kama haya yasitokee, ama hata yakitokea tusikue na shida kwa sababu tumejipanga kisawa sawa, tuchukue vitambulisho ili wakati wa kupiga kura ukifika, tupige kura kwa wingi.

Asante, naunga mkono.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Sen. (Dr.) Langat.

**Sen. (Dr.) Langat:** Thank you, Mr. Temporary Speaker, Sir, for giving me this chance to make my contribution to this very important Statement from Sen. Dullo. It was a coincidence that I was bringing my Statement on the same kind because these are the complaints wherever we go.

First of all, we should know the importance of having an Identification (ID) card in Kenya. As we talk about the importance of ID cards when it comes to elections, I want to emphasize the fact that apart from that, right now there are so many students hovering in universities. They cannot access the Higher Education Loans Board (HELB) loan because they do not have ID cards.

There is an orphan from Bomet who is now is the second year. She has been struggling through fundraisings and suffering many other ways trying to get funds because she has not accessed her ID card in the last two years. She got a form, applied, came to the headquarters in Nairobi and tried to get it. She was told that there was an error. She went back and started the process and up to this time, she has not gotten the ID card. Last week, she deferred examinations in the university because she could not get money.

Mr. Temporary Speaker, Sir, if this girl had an ID card, she would have accessed HELB loans to assist her continue with her education. Therefore, this process of lack of forms, the distance to be covered to get these particular forms and sometimes delays in getting these IDs is a great problem to the youth. Our youth are suffering because of this process.

It is unimaginable. It is very interesting because I hear that if you cross the boundary in Busia and go to Uganda, you just register for an ID card and you get it in three days. Here in Kenya, we take months to obtain it. We are in the era of the 21<sup>st</sup> Century where everything is almost within the modern technology.

Mr. Temporary Speaker, Sir, it is a shame to the Ministry concerned that getting an ID card is a problem. I also saw another problem during the weekend when I was going round in Bomet County. People are becoming suspicious. Through social media, they saw that in other counties, those forms were taken to high schools for students to register yet, to get a form in Bomet, it takes you weeks traveling to the county or sub-county headquarters to get them. It takes time. Even after getting the forms and filing them, the process for it to come to Nairobi and become an ID, then be brought back to the village takes a lot of time.

Mr. Temporary Speaker, Sir, people are becoming suspicious why some counties are sidelined. Why are very few forms getting to some counties, and yet they are very fast in other counties? If you register for an ID card today, in two weeks, you have it. The youth are communicating. They are really complaining and almost suspecting that some counties are being marginalized because some people do not want them to vote for a particular presidential candidate in 2022.

This thing is raising a lot of suspicion and the Government should come out clearly and tell us which are these counties that are immediately getting forms and why the process takes a shorter time while in other counties the process takes a long time. In Bomet, we are almost suspecting that it is a cartel to reduce the number of voters in 2022.

This process of getting ID cards should be fast tracked. The department of the registrar of births and deaths should come out clearly. They should make sure that registration in all counties is very clear. The processes and everything else should even be put in the media to create transparency so that it gets rid of these suspicions.

Mr. Temporary Speaker, Sir, the challenges that are faced in this process is first of all the process itself. It takes a long time. The requirement for the youth to get ID cards of people who have passed on is very tedious and unnecessary.

Secondly, registration forms are very few in some counties, like Bomet. I was told last week that there were no more forms in all the sub county headquarters. Number three is the delay and the distance. Why can these forms not be taken to the chiefs like long time ago? I even got my form in a chief's office, and it was so easy. Why can it not be reversed so that those forms are available in the closest office of an administrator?

Lastly, it should be clear that in some places, some students who are underage are being encouraged to have these ID cards. This should come out very clearly so that we live in harmony in our country and understand that equality is being exercised.

Thank you.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Sen. (Dr.) Ali.

**Sen. (Dr.) Ali:** Thank you, Mr. Temporary Speaker, Sir. We do not have to belabour this point. Discrimination is everywhere. Some of us have been part and parcel of it throughout. Even the population and census are being reduced to ID cards which are not available. How do you expect to compete with others when you are disenfranchised by design? It is unfortunate.

I am surprised when people are talking about ID cards being issued by chiefs. Those things do not exist in those areas of ours. This thing comes once in a year for three or four days and it disappears. On that day, people come from all over. They pay money to register, then they have to be vetted by somebody who does not know you.

Assistant county commissioners who has come from let us, say, Homa Bay or Makueni, and a District Commissioner (D.C.) who comes from somewhere else is supposed to vet you. What do they know about you? If things are not done properly the elders will be told, “*We! nyamaza!*” and that is the end of it. These issues are there.

Once vetting is done at that level, it is again brought to the national level. Another vetting of papers is done here. If you have been individually vetted, the elders are there and everybody has verified you, what is the use of having another vetting process at the national level? This is not right. It will continue, but we will fight it up to the end.

You can try to reduce the population and deny people identification cards but we will continue giving birth and increasing. In the long run, we will vote whoever we want.

The Government should not continue with this habit. Things have to change. We are told this is an issue of border counties. Why only Wajir, Mandera and Garissa? Why are the other border counties not having that problem?

I know of a person who is 45 years old. Every time there is registration, they go and register but their identification card never comes. In the long run, you are told a person has registered four or five times and their fingerprints are everywhere. So, it has to be done again. That is not right.

Senators have also talked about the issue of birth certificates. Some are asked for their grandmothers’ death certificates but they do not even know where they lived. Even right now, young people from nomadic communities do not get birth certificates. If you ask them their grandmothers’ birth certificates, where will they come from? Let us be realistic. Let us not harass people for no reason.

We registered for Huduma Namba but where are they? I applied but I even do not have it. Where is it? I applied for Huduma Namba here in Nairobi but my chief in Wajir North told me that he saw my son’s Huduma Namba. Why take it to Wajir North when I applied for it here in Nairobi? I even do not know where mine is. That is the same case to my other family members. Therefore, the issue of Huduma Namba will even be worse than the identification cards.

We are now talking about voter registration when people and animals are dying of hunger because of drought. Who is going to register? If the people of Nairobi cannot register, do you expect the people of Wajir to register?

The IEBC should be a bit serious this time around and think about the right time to do registration of voters. If Nairobi targeted over one million voters and only 12,000 registered, how many people do you expect Wajir to register, or other parts of this country where there is drought and people are suffering and animals are dying because the Government support is not there?

The issue is not only about the identification cards. It means that services to Kenyans are not there. Kenyans should get proper services. If the Government of the day cannot manage, they know what to do. I do not want to say they should resign but something has to be done. We all run around when elections are about the corner but we do not take care of our people.

Mr. Temporary Speaker, Sir, as stated by many Members here, the Registrar of Persons should make sure that registration for identification cards is done at the sub location level. That is the only way Kenyans can get identification cards.

I thank you.

**Sen. Mutula Kilonzo Jnr.:** Thank you, Mr. Temporary Speaker, Sir, for the opportunity. It is a sad situation that a Kenyan who is 18 years cannot get an identification card without identifying their mother or father, yet at birth, the mother and father were known.

We live in a country where getting a birth certificate, an identification card and a death certificate is a problem. Everything you need to get to identify you as Kenyan is a problem.

According to the Constitution, life begins at conception and you become a Kenyan at birth. Ideally, you should get your birth certificate immediately you are born. At that point, your mother is known by the midwife and your father is known by the midwife and the hospital. However, somebody will tell you to go and look for your mother and father in the village when you are 18. It is a sad story.

What is even more sad is that Sen. (Dr.) Ali, Sen. Dullo and Sen. Abdul Haji come from counties that have supported the Government since Independence yet they are treated as if they are second class citizens. That is unfortunate. It is not the problem of the people who border Somalia that there are Somali residents in Kenya because they did not make it happen.

We take pride in having the largest refugee camp. It is not the problem of the people that Sen. (Dr.) Ali represents that they cannot get identification cards.

*[The Temporary Speaker (Sen. (Dr.) Lelegwe) left the Chair]*

*[The Deputy Speaker (Sen. (Prof.) Kamar) in the Chair]*

Madam Deputy Speaker, I am not sure whether there was an amendment on the Registration of Persons Act. I can recall there was and I also made an attempt to have birth certificates issued for free to all children born in Kenya. It should be made available for free but the mothers of Makueni pay Kshs150 for every birth certificate. By the time a child is in Class Four or Eight, they do not have a birth certificate, hence the problem is transferred up to the time they are 18.

The Senator for Bomet mentioned this. If the identity of a child is known while they are in school, by the time they turn 18, it ought to be automatic and the school should submit the name of that child to the Registrar of Persons. It is because the child's mother and father are known while they are still in school.

It is unfortunate that we are lamenting again as legislators just like everybody else but what is the solution? We should encourage the Government to look for those solutions. However, it will also surprise you.

I hope this Statement will be referred to the Committee on Justice, Legal Affairs and Human Rights but my Chair has left. The biometrics of Kenyans since 1963 are available at the Directorate of Criminal Investigations (DCI) offices. Why do they take biometrics for elections and identification cards if the information is readily available?

It is just an avenue for Government functionaries to procure. It is an avenue, just like Huduma Namba, to get somebody a contract for nothing. It is like the contract for

printing money. It was an excuse about somebody that Sen. Murkomen knows so well. There was no reason to print new notes. The new notes are even older than the older ones. They are saying that the notes are old because we are using them. What are we supposed to do with them?

This is a country of non-functional things. It is a country where nothing happens because even a death certificate is difficult to get. The chief must certify that you are dead. Let me tell you the contradiction. The chief issues a burial permit then they have to write a letter to say that a person died, so that a death certificate is issued. It is unfortunate.

Sen. Murkomen was in my team when we did the audit of the register in 2016 to uncover the dead voters. It will surprise you. While they say that the system of death is automated, the dead remain in the register. In some cases, they are known to have voted.

Sen. Dullo, the solution does not lie with people sitting in Nyayo House but there is hope. This gentleman who heads the Immigration department, Mr. Muteshi, has revolutionalised the Passport Control Office and is the example you need to follow. Nobody steps into his office. Everything is digital. That is the reason that department alone per year is contributing Ksh14.5 billion to the Exchequer.

The law must change to the extent that at the time you turn 18 years, the Government should know and send your parent a message. If the bank knows the date of birth of my daughter or son, why cannot the Kenya Government as the custodian of all our information do the same for your son and daughter?

Sen. Dullo, as I support your Statement, my view is that this is a creature of successive governments to manipulate and gerrymander elections areas and just like the last time to deny you revenue. It is that. Either to increase revenue for one person or reduce for the other.

In the advent of devolution, the question of numbers has now been turned into the politics of resource allocation. We must continue telling the people who care to listen that devolution was not supposed to take care of the people who have been taken care of since independence but outliers. That is the same thing about ID cards.

One day, Sen. Dullo, as a leader of this House, somebody will ask you where you came from yet, you are known to wine and dine with the powers that be and everybody knows you. Somebody will ask your daughter or son who their mother is. It is unfortunate but we have allowed it. We have allowed the Registrar of Persons to do so.

I would love to co-sponsor a Bill with you to change the law so that our children do not have to go through this. At 18 years, the school should send their details immediately. You should get a message in your phone, "happy birthday to your daughter and son."

That is the country we are looking forward to. Not this nonsense of writing letters on Karatasi brand that, "this person is dead. This person was born." In fact, when you ask a chief to state that a child was born in a village, how is the chief supposed to know, yet he or she is not a midwife? It is unfortunate.

I do not know about you, Sen. Dullo. Perhaps when you sponsor the Bill, you will tell us. When children are born out there in the village, does the chief come to inspect or

with a register? How does the chief know a child has been born? It is something I would like to know.

I support.

*[The Deputy Speaker (Sen. (Prof.) Kamar) left the Chair]*

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

**Sen. (Dr.) Milgo:** Thank you, Madam temporary Speaker for this chance to contribute to this important Statement concerning ID cards. I thank Sen. Dullo for bringing such an important Statement. Identification card as the name suggest is an important document for identifying individuals as well as their citizenship.

In addition, ID card plays a critical role in pointing to those areas where the person comes from. That is the reason why we are asked to identify ourselves.

It is unfortunate that we are coming to speak about IDs after our country got independence 58 years ago. We got independence so that we could do our own things and have a seamless process in identifying ourselves and acquiring what is rightfully ours in this country. However, obtaining an ID card particularly for the youth has become a nightmare.

In addition to that even as adults, we have a problem with ID cards. Recently, I went to change something in my ID card after I lost it. There was a change of year of birth and I have since taken almost a year going for rectification.

An identification card is a very important document when it comes to very many issues in this country, for example, employment, banking, admission to various institutions and for health services. We need IDs as a matter of urgency to register as voters.

There are very many avenues that would have made registration of persons and obtaining of ID cards very easy. I remember in the past students completing secondary school would be registered for obtaining ID cards. That methodology was thrown away and crude and bureaucratic methods put in place. Nowadays, it is a challenge for our youth to go to places where ID cards are being issued.

At birth, every child gets a birth certificate. That is the point of collecting data from an individual born in this country. If these people who are registering people were serious enough, they would have obtained this data from hospitals and schools. Most of the children are born in hospitals and most also access schools after free education was offered in this country.

It shows there is no serious --- of ID cards. As most of my colleagues have said, it will bring about discrimination of certain areas because some people may not even be able to register now to become voters. That means they will not be able to determine or choose their own government. That is why year in year out, we are talking of low voter registration because of lack of such important documents.

In addition, I think the Committee that is going to look into the Statement should speak to items that are being asked while somebody is looking for an ID card. Some of the people are now born with different demographics. We have those from single

families, orphans and all shades of individuals that are living in this country now, yet, we are still asking them about their grandparents and clans. Our youths know their clan as that they belong to Kenya.

I would have wished we had an easier method of doing this. Some of our colleagues the *Nyumba Kumi* or village elders in addition to the chiefs and sub chiefs. Those are very important centres where we would obtain identification cards. For those youths who have already got them very many ID cards are lying at chiefs' offices and at the headquarters because of a lack of innovation.

It is only at such a time when we want to register voters that we take it as a matter of seriousness that we want our youths to have ID cards.

When I was speaking to the youth in Bomet County to register as voters, very many of them told me they had not obtained ID cards. They spoke of the many challenges that they go through in terms of obtaining those ID cards. Apart from the shortage of forms in my county, the fact is that there are many issues being asked. Children of single parents feel ashamed to register because they do not want to display their identity.

Madam Temporary Speaker, we call upon those who register people in this country to ensure that every individual, as long as they are citizens, obtain their IDs because we cannot go anywhere without this. This one can easily be compared to the difficulty we are having in terms of getting the *Huduma Nambas*.

We registered for *Huduma Nambas*, and as I speak right now, my daughter who registered in Nairobi got her *Huduma Namba* at home, yet I have not gotten mine whilst we registered at the same time. I do not know where my *Huduma* card is, yet my data has been collected. One would ask what the reason was for going round to collect data from people in the name of providing them with *Huduma* cards that would work as a one-stop shop card.

Sometime back, I heard that in a short while, we shall all have *Huduma* cards to use instead of ID cards. If that time comes, many people including Parliamentarians here, will be challenged because many have not gotten the *Huduma Nambas* that we registered for. How much more are the people in the villages going to suffer if *Huduma Nambas* will be the main document to be used?

Madam Temporary Speaker, I hope that the Committee that is going to take up this statement will go to the details and look at even the processes that go into obtaining an identification card so that if it is possible, we reduce some and also devolve this issue up to the village, so that we ensure we register everybody in this country. Registration is one way of informing the country on how to plan to provide the various services that are required in this country.

Madam Temporary Speaker, I support this Statement.

**The Temporary Speaker** (Sen. Pareno): Sen. (Prof.) Ekal.

**Sen. (Prof.) Ekal:** Thank you, Madam Temporary Speaker, for giving me the chance to also say something about this Statement, which I support. I want to say a few things that pertain to this particular Statement, one of which is the discrimination going on throughout the country. Discrimination of any form should not be in Kenya, which is a civilized country and should not be discriminating against particular individuals.



In my part of Kenya, people with Islamic beliefs are treated like second-hand citizens and are not given their IDs. As long as you say you are Mohamed or Issa or a name like that, you are told to prove your 'Kenyaness.' But, there are Kenyans of Islamic origin or people who have Islamic names, who are wholly Kenyans. It is not true to say that only those born in Wajir, because it borders an Islamic country, are the ones who are denied ID cards.

In Turkana, we have a large refugee camp with many Muslims, and not all those Muslims are foreigners especially if they have stayed there for a long time, they have produced children who are Kenyans by law. That kind of discrimination should be removed, so that people who have Islamic names should not be given a hard time just because they want identity cards. They too are Kenyans like the rest of us.

Madam Temporary Speaker, the other thing that is connected to that is discrimination of particular groups, in this case, the Turkana people. Turkana people live almost all over this country. If a Turkana lives in Baragoi, Isiolo, Trans Nzoia, Baringo or in any other county, they are asked to go all the way to Turkana to get their ID cards. There is something called vetting, which is very ugly. Vetting a Kenyan in Kenya does not make sense.

When these people want ID cards, they are told to go to their mother county to get them. Children may have been born in Mogotio or Kilifi. That is the only home they know. For that reason, they should be given ID cards. We have talked about this so many times, but nobody listens. The chiefs in whichever place break the law by telling those particular citizens to go back to their mother county to be given ID cards. That is not right; it is very discriminative and should be stopped.

Madam Temporary Speaker, denying people identity cards affects elections and populations of this country. You remember last year we had a problem with the formula. This formula was claiming that in particular counties, especially in the North Eastern part of Kenya, people were counted as being few because they did not have identity cards.

I can tell you for free that many Turkana people do not have identity cards because our people live in their own homes; in the mountains and everywhere, yet those who register do not go there. You find adult people without ID cards. There is nobody making the effort to get these people registered. When it comes to making big decisions, like how much money goes to Turkana, we are told that we are very few. They are not few; these are probably over three or four million people, but it is just that they do not have identity cards. Even in a town like Lodwar, there are people who do not have ID cards because the process of getting IDs is very complex and annoying.

As Sen. Mutula Kilonzo Jnr. said here, this thing should be automatic. When a child is born and registered; when they hit 18 years, an ID card should be given to this particular person, or their parents should be notified that their child is old enough to have an identity card. However, this kind of thing does not happen and, as a result, many Kenyans go without IDs and do not get to vote. They are also not counted in important issues like in the formula; how much money goes into particular counties or how many sub-counties we are going to have. It is so ugly and bad that somebody there is not thinking straight.

When it comes to changing the dates or names, as somebody said earlier, Turkana people have acquired strange names because the person registering does not know Turkana names. They come up with funny names, for example, like Kyalo. There is no Turkana by the name Kyalo, but because this person heard something different, a new name is given. When you want to make a change, it costs hell on earth to get that change because you are told that you have to bring your grandmother or grandfather. For God's sake, you are asking my grandfather for an identity card? There was never one. I made up mine; so, how could my grandfather have one, if he was still alive?

This makes it very difficult to change names or dates and to have correct data on the identity cards. As a result, when it comes to important functions, you are refused because it is said that you are not the same person, so go home and come back with someone who knows you.

Madam Temporary Speaker, I am asking all Kenyans, especially the Turkana people to go and register; get an identity card and a voting card. Register *en masse* so that people know that there are many of us here and we can make an impact in elections. Otherwise, when you do not register, you do not get to vote and nobody recognizes you. When you do not get an identity card, nobody even knows you are alive in Kenya. Let us go for it people.

Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Pareno): Sen. Poghisio, the Senate Majority Leader.

**The Senate Majority Leader** (Sen. Poghisio): Madam Temporary Speaker, I want to thank Sen. Dullo for her timely Statement. Any issue touching on identification is a national issue. It should actually be the concern of the State that when a child is born, the tracking of that child from the age of zero to the age of 18 years, should be the Government's business to identify where they were born so that at 18 years we do not have to labour so much to get an ID. This happens in developed countries and we are a developing country.

With the current situation in Kenya where we pride ourselves as being technologically apt and having data networks and telecommunication networks, we should be able, therefore, to process children when they are born so that there is a database. This is how we begin and then at 18 years, we will have no issue at all when a child goes to Form One and they need a birth certificate. It should be available. Right now parents have to go and pay money for birth certificates and start afresh as though the children were born on that day because there is no basic data about that child.

It is not very difficult to have all babies registered. The problem is that many babies are not born in hospitals partly because in many areas where we come from there are no facilities. Even then, the traditional birth attendants in the villages are sufficient. They know what they are doing but the only problem is that they do not register those babies. We need to train them so that they can be registered.

Coming back to the ID, this is a very important mark. It is a card that identifies you as a Kenyan. You cannot acquire a passport without an ID. It is something that you need as a precursor to a passport. Members have exhausted some of the things that I would have said about the difficulties that we go through to get IDs. I was very fortunate

when I was getting an ID because that was when they were just beginning to issue modern IDs. I think I was among the first 6 million Kenyans to get a modern ID. At that time, the Government was keen on issuing IDs.

Sometimes I feel in areas where some of us come from, especially those of us who live along international boundaries - my county is on an international boundary - we have to have a vetting committee. Some people are reluctant to go to the vetting committee because of the difficulties of being vetted. For example, they will ask you to bring the ID of your father or grandfather, which most people do not have. Even at my age, they will ask me to bring my grandmother's ID and yet I have never seen my grandmother. These are some of the issues that present difficulties. Also in those days, people were not able to access IDs.

I am just saying that let us be facilitative not prohibitive in issuing IDs. That vetting committee should be facilitative. If somebody says so and so can identify me, and that so and so is a person known in the community, then that person should be allowed to identify that person who is seeking an ID.

Any adult who has property like cows, is married and has children, and comes to say I want an ID, surely what other vetting does this person need apart from his resources? He has already been identified through his family. I do believe that it is possible for us to simplify and make it easy for Kenyans to get an ID. Of course, there will be times when security must come in to identify certain people because there are people who want IDs for wrong reasons. However, those are easy to tell.

One thing we must fight is the fact that there are people who might desire to become citizens of this country and there are processes for them to become citizens. There should be no shortcuts. People should be facilitated to become citizens because this country is very attractive.

Our laws are very clear how you become a citizen but there are Kenyans who are disadvantaged because they did not go to school. I am saying this because I come from a place like that where majority of the people did not go to school, did not go to clinics to have their babies and they do not know how to write records of when those babies were born. As a result, most of our passports indicate that everybody was born on 1<sup>st</sup> January and the particular year because some people do not know when they were born.

At least give us the IDs and make sure that we make it easy for our people. The interesting thing about our country is that you need an ID for everything. Bearing this in mind it should be made available. I want to urge the people from my county, particularly those living along the Ugandan border, those are the people who do not get IDs easily because they have to be vetted. I would like to urge those who have IDs that the ID is not just for you to keep in the house; the ID is required for voting. I want them to go and register as voters. I know sometimes our people do not know where to keep the ID and sometimes they lose them. However, those who have IDs or know their ID numbers should go and be registered.

Alongside the registration of voters, there should be people who can replace IDs for people who have lost theirs. Our people are pastoralists; they are nomadic. They do not have places to keep these documents and sometimes they lose them. However, they

know that there must be somebody who can replace that lost ID. Let us make it facilitative for our people. Let us not make it so difficult.

You will find a lot of people who have lost their IDs who are reluctant to get a voter's card. Some of us now who require people to vote end up having few registered voters because of lack of IDs. The ID is the right of a Kenyan. It is the identity of citizenship. Why do we make it so difficult for them to get an ID, especially people who we know it is easy to identify them?

We have young people who turn 18 years but half of them cannot register as voters right now because they do not have IDs. I want to urge those who have not registered as voters, if you have an ID right now in West Pokot or the rest of Kenya, please do yourself a favour.

Voting is not for the benefit of us, politicians. I think Kenyans sometimes think they are doing us a favour when we ask them to go and register as voters. They think it is for our good. Not it is not necessarily for our good. It is for their own good because they are the ones who elect leaders and bad leaders get elected. If they want to elect better people, if they want to give me their vote for example, they should go and register now. It is for their own good and not for my good only.

I want to thank Sen. Dullo for realizing that the issues of ID card and voter registration are interconnected. This is my moment to tell Kenyans that it is important to get your ID card. If you must rush for replacement of that ID somebody must make it facilitative and not make it difficult to get.

Madam Temporary Speaker, I support.

**Sen. (Dr.) Zani:** Madam Temporary Speaker, an ID is a right. I remember we had a Motion on this some time back that read along these same provisions.

It has been said that if a system is put into place right from the beginning at birth, the data is there. It is really a question of streamlining the data right across from birth. There is a whole 18 years in there, to consolidate all the information, cross check all the information. It can even be automated. It has been said on this Floor that you could actually have somebody aged 18 years being called to be informed that his ID is ready because everything that needs to be checked would have been checked by that time.

It is unfortunate that some people have to really struggle to get an ID. An ID is needed to do so many things; to get loans, to be able to vote, to be able to get employment, to be able to go to the university. Therefore, you are disenfranchising some people by having a very difficult process. This is a process that should be automated.

You can find that somebody has many documents; a passport, Identity Card and *Huduma* Card. All those documents can be used to consolidate the information. If there is any vetting that need to be done, it can be done earlier.

This Statement will be assigned to the relevant Committee and I request that they do a thorough job across the board for all Kenyans and not just in one county, because this problem is there in all counties.

**The Temporary Speaker** (Sen. Pareno): Sen. Murkomen, proceed.

**Sen. Murkomen:** Thank you, Madam Temporary Speaker. I thank Sen. Dullo for this important Statement. We need to go beyond making the Statement for the sake of it. We need to think. Most of our colleagues have described the problem and it is real. If you

go to border counties and the marginalised areas in the north, the problem is that many people will never get ID unless they are vetted.

In essence there is a class of citizens in this country, the presumption is that they are Kenyans unless proven otherwise. However, there is a class of citizens in this country, especially in Mandera, Wajir, Lamu, Tana River, Marsabit, Turkana, West Pokot and some parts of Kuria, where the presumption is that you are a foreigner unless proven a Kenyan. In these counties, it becomes difficult to get the ID card.

I would understand the situation as it was in the 1960s. It would make sense to worry about the possibility of infiltration by non-citizens in the country because we were a new nation. However, I wonder in the year 2021 way after the advent of technology and collection of information codified in form of data that up to now, we want our citizens verified manually by a committee that sit haphazardly without any organised structure of sitting. I do not know the situation in Kajiado where you come from because you are bordering Tanzania, but I would suppose it is the same as in Taita Taveta County.

I have a testimony of one student who was in a high school when he went to get the ID and he is from my county, he was told he cannot get his ID in Kericho where he was schooling, because he came from a county bordering a border county. Apparently, because he was close to West Pokot, he had to go back home to get an ID card to be vetted.

This process is barbaric and archaic. The question I ask myself is what we can propose. By law we should make it mandatory that every child before they go to grade one, they get a birth certificate which will be recognised as the official document of registration. If you are issuing the IDs, then they become over and above. Nevertheless, the original document that citizen should rely on is their birth certificate and must be presented to every citizen, whether they were born in a hospital or at home. The challenge we still have is that many people are still giving birth at home without going to any health facility.

I feel bad because of the stigma and perception everybody has in Nairobi and other places; that for people who come from North Eastern cannot get an ID in Nairobi even if they live here and their descendants came from the northern part of the country. They have to go back to their county to be vetted. It is worse if you go to the North Eastern counties. Even for children who barely know where their relatives live in that part of the world.

Secondly, we were lied to two years ago when we were told that we will have Huduma Namba. The single definition of Huduma Namba that was given to citizens is that it will be the single source of truth. The reality is it has ended up being the single source of lies. Up to now, we cannot tell exactly why we spent that amount of money to get Huduma Namba yet we still go back to ID card. We were told that it will integrate everything, including you ID, medical, driving licence. However, I still went to apply for my driving license a month ago. I had to do it separate from my ID, I still have my National Hospital Insurance Fund (NHIF) card. We have become a country of lies. We were told that the document was going to consolidate everything we want.

As I speak at the moment, it will be a scandal of monumental proportions when the Huduma Namba process, the products and resources applied are unveiled; this is a serious scandal that we must take responsibility for.

As we discuss the issue of ID cards, we must find ways of holding the State accountable and tell us exactly what Huduma Namba was. I have not even received the number and it has not cured the disease and problem we are facing as the people of Kenya.

We need to think beyond requesting for a Statement like Sen. Dullo has asked. Can the relevant Committee or Sen. Dullo, being our Deputy Majority Leader, in her personal capacity, or in her position in leadership, work with her Committee in National Security, Defence and Foreign Relations, to develop a Bill that will make it mandatory for birth certificates and IDs to be given at a local level.

The problem we have at the moment, particularly where IDs are seen as an important tool for registration for election, there is a skewed process of expediting the IDs. In some areas the IDs are provided, people are facilitated and assisted to get them. Whereas in some other areas, you do not get it. What that means is that it ends up disenfranchising many citizens from some parts of the country, depending on who is in powers and in control at that point in time. Those people will not vote and most of them are young.

Those young people are supposed to be represented here by two young people. One of them was appointed the other day and I have never seen him in this Chamber say anything about young people. The issue we need to deal with is to pass a legal requirement, that resources be given mandatorily and some level of autonomy be given to district registration bureau so that the bureau achieves certain targets. As leaders, if you come from Mandera, Elgeyo Marakwet or Turkana counties, you do not have to come to Nairobi to look for people to go and register your people.

Incidentally, Sen. Poghisio, Sen. Dullo and Sen. Farhiya are three out of four in the majority side of leadership who come from the most affected counties in the Republic on the matters of ID. I wish Sen. Farhiya would focus more on this issue than the way she focuses on the 'reggae business'. She would help people in Wajir. If she could take that as her most single achievement as a nominated Senator, she will make a difference in Wajir county and assist the residents to be part and parcel of decision making in the Republic.

**The Temporary Speaker** (Sen. Pareno): Some intervention from Sen. Farhiya.

**Sen. Farhiya:** Thank you, Madam Temporary Speaker. Is the Senator in order to discuss four Senators without any substantive Motion? I thought that was against the Standing Orders. One of the Senators, representing the youth, is not even in the House which is unfair. There is no substantive Motion for him to defend himself and the issue should not be discussed. Also, Sen. Dullo, the Senate Majority Leader and myself should not be discussed.

**Sen. Murkomen:** Madam Temporary Speaker, Sen. Poghisio will never complain because he has gone through this problem. He knows that if he has to campaign, he will campaign in the Kacheliba part of Kenya and cross over to Uganda to campaign. That is a fact. Our citizens operate from---

In fact, I can jokingly say that--- If I can still remember the story, Sen. Poghiso told me that he was chased from this House because somebody concocted a story that he was not Kenyan enough since he had relatives on both sides of Kenya and Uganda.

These are real issues. Sen. Dullo brought this Statement because this problem is worse in the Northern part of the country. It is a serious problem. I believe that through the remaining short stint in the leadership of this House, they can take advantage of this opportunity.

**The Temporary Speaker** (Sen. Pareno): Order, Sen. Murkomen! *Kuna hoja ya nidhamu kutoka kwa Sen. Madzayo.*

**Sen. Madzayo:** Asante, Bi Naibu Spika. Unaona kuwa Kiongozi wa Walio Wengi amenyamaza. Ndugu yangu Sen. Murkomen, Seneta wa Elgeyo-Marakwet ni Seneta shupavu sana. Amesema kwamba Sen. Poghiso, Seneta wa West Pokot, alimueleza kwamba yeye si Mkenya halisi.

**Sen. Murkomen:** Hapana. *I did not say that.*

**Sen. Madzayo:** Nataka kuuliza kama matamshi kama hayo yako ndani ya Bunge. Ninauliza Sen. Poghiso kama yaliyosemwa na Sen. Murkomen ni ukweli ama si ukweli.

**Sen. Murkomen:** Madam Temporary Speaker, let me start by saying that that I did not say---

**The Temporary Speaker** (Sen. Pareno): There is another intervention by Sen. Poghiso. *Pengine umechokoza nyuki.*

**The Senate Majority Leader** (Sen. Poghiso): Madam Temporary Speaker, I just want to inform Sen. Murkomen that I am so Kenyan, I am among the first six million Kenyans to get an Identification Card (ID). He said it correctly. Other people are the ones who said that, not me. There should be no doubt at all that I am a Kenyan.

**Sen. Murkomen:** Madam Temporary Speaker, I have never doubted the Kenyaness of Sen. Poghiso. It is only that someone raised some doubts 34 years ago. I want to tell Sen. Madzayo to remind himself that 34 years ago, Sen. Poghiso was in this Chamber. He was unceremoniously removed from this Chamber 34 years ago, so it is not a joke when I say that he understands the problems.

The truth is that the Pokots, who are pastoralists, do not know international boundaries. They only know that they have relatives on the other side in Uganda and on the part of Kenya. Just because of that, they are denied their right to receive documentation as the rightful people of Kenya.

Madam Temporary Speaker, I am perfectly in order to question the commitment of the Senators nominated to represent the youth in this House in defending youth issues. Giving an ID is a very important youth issue, but most of them are focusing on reggae more than the business that they were brought here for. Anyway, that is a matter for another day.

Let me conclude by saying that we need to ensure that we translate what we have debated here to law. We draft a law that makes it mandatory for registration. In any case, Article 6 of the Constitution talks about devolution of all functions of national Government, both at the national and county level.

Why can we not ensure that registration of person is devolved to the constituency level, which are sub-counties now? There are some constituencies that have more than

one sub-county. We can have these sub-counties become the center for registration, give them resources at that point in time, and make sure that leaders can hold the sub-county coordinators for registration to account.

Why do we not draft this law, deal with it and issue whatever we are able to do to ensure that we do not have a problem in future where some parts of the country are given IDs depending on the wishes of those who have controlled state resources at any particular time.

I beg to support.

**The Temporary Speaker** (Sen. Pareno): Sen. Farhiya.

**Sen. Farhiya:** Thank you, Madam Temporary Speaker. As we were doing our reggae, Sen. Murkomen was *tanga tangaring*, so it is even. Let him not attack us for supporting whoever we support as a party. The other issue is, if you want to discuss a Senator, please provide a substantive Motion. That is what the Standing Orders require.

Pastoralists are normally disadvantaged twice when it comes to ID cards. First of all, when there is a census, most of the counting happens in centers. Nobody goes to wherever the pastoralists are moving to. Nobody follows them there. At any given time, I am sure that any county with pastoralists, including yours, is normally understated.

They are disadvantaged twice. Not only are they denied IDs, even the ones who are in the settlement--- My county and many other counties in Northern Kenya are the only places where there is thorough vetting compared to other places. Even when they go through the vetting and have been identified as Kenyans at the local level, one year down the line their IDs still lies in the headquarters here. There are around eight people who have reached out to me saying their IDs have been processed at the local level and they have been stuck at the headquarters for one year now.

Madam Temporary Speaker, there is a legitimate concern raised by Sen. Dullo. Sen. Dullo brings a lot of Statements to this House that concern her county. I thank her for doing that kind of work. The Isiolo people are over represented in this House. You would think that they have five Senators in Sen. Dullo.

Secondly, there is somebody who was born in Kenya, the parents have IDs, and this person was even born in a hospital. Even so, when they want to get IDs, some funny person says that they do not know them. Unless they want to put a Deoxyribonucleic Acid (DNA) test as part of the verification process, which will now ensure that so and so is the parent of so and so, if your parent has an ID, you should automatically get an ID with no problem. However, where I come from, that problem still exists.

Madam Temporary Speaker, another problem is that there are some people who are in the refugee database with an ID card. It is not that they do not have an ID card, but they want to be in a refugee camp. When someone is hungry, they just go where food is. People are given food rations and stuff like that in refugee camps.

They therefore feel that it is more advantageous for them to be part of a refugee camp. They go and get food rations from there. The next time, they are told that they are in the database of refugees and therefore if their ID gets lost, they cannot get a replacement because their fingerprints have been captured in the database of the refugee camp.



What they should check is whether they got the ID or were in the database first. Those who are verified to have gotten their ID first with justifiable reason why they went into that should get their replacement cards. If they wish to be out of the database, they should easily be removed.

Madam Temporary Speaker, furthermore, there are people who have been in Kenya for so many generations. If they want to go for Hajj and want to apply for a passport, there are people who stay in this country and miss going for the pilgrimage because they do not have a passport.

This can happen even two or three times. They do not get a passport because it takes a longer time. I do not know what happens. If you are someone who looks like me and go to Nyayo House to get a passport, something just goes wrong. I think that it is only fair that if you are a Kenyan, you should get treatment that is equal to every other Kenyan in this country. Therefore, people should not be discriminated.

I also wish to join the Deputy Senate Majority Leader in urging Kenyans and especially the youth who have always complained of being underrepresented in Parliament and other elective leadership positions to get identification cards so that they can elect themselves. Similarly, I urge women to also register as voters so that we can achieve the two-third gender rule without having to struggle and complain that men are not doing as a favour by passing the “Gender Bill”.

As you are aware, I sponsored a Bill on the two-thirds gender rule which has not been passed from 2018 up to now. I urge the women out there to register as voters and vote their own. If a woman vies for governor or Member of County Assembly (MCA) or seeks any parliamentary seat, we should vote for them.

With that, Madam Temporary Speaker, I wish to support the Statement. I thank you.

**Sen. Nyamunga:** Thank you, Madam Temporary Speaker, for giving me this opportunity. I just want to support this Statement which is timely. What bothers me is the fact that we talk about the issue of identification cards every other day. Every time when we are about to have elections, we must talk about the issue of identification cards.

During our time, when I left Form Six, I had gotten an identification card. I do not know what makes it difficult for the Government to have a mechanism. In fact, those people should be sent to schools. I do not know whether schools used to be fewer and nowadays they are too many but I think it is lack of planning.

The Government came up with Huduma Namba. To me, it is neither here nor there because we cannot rely on it. If you have to get yours, it is sent to another place. It is fortunate that somebody who happens to have known us got my daughter’s huduma number card in Mombasa. Supposing that person did not know us, then that Huduma Namba card would not have reached us. That is happening all over.

The Government should be serious about the issue of identification cards. This is because before every child joins Grade 1, they are supposed to have a birth certificate. It is now mandatory that every child joining Grade 1 must have a birth certificate. That should help us give our children identification cards.

An identification card is a critical document because you have to carry it everywhere you go. It has to be provided for any service that you need.

There is a tribe at the coast whose origin I think is Zimbabwe. They were issued with identification just the other day. They used to suffer because they could not do anything or even use M-pesa. Their children could not be allowed in any school because they did not have birth certificates. I do not see why such an important document can become difficult to get.

Right now we are doing voter registration. Without identification cards, there is nothing we can do. We have many children who have gone through school in the past four years. Most of them do not have identification cards.

In my view, the Government should be serious. There is nothing difficult in giving an individual an identification card. It is just a matter of filling a form and it is done. There are some people who applied two months ago but up to now they have not received their identification cards yet we have only three weeks remaining for voter registration.

There must be some seriousness in how we handle issues and affairs of this country. We should not run this country as if it is a personal property. This country should be run with proper structures. When people need identification cards, they should have them. It should not take so long before they are issued.

The IEBC officials are saying they do not have any money and they cannot extend the registration. It means they will not even achieve the numbers they targeted. I wonder why it has to be done the last minute. Why do we not have a proper way of issuing out identification cards? We could have done it last year. We should do it together with voter registration.

Madam Temporary Speaker, I support this Statement by Sen. Dullo because it is timely. However, let something be done in the few remaining weeks. I think we only have two and a half weeks left before the registration of voters exercises is brought to a close.

I thank you.

**Sen. (Eng.) Hargura:** Madam Temporary Speaker, I would like to support Sen. Dullo for bringing this Statement. I also thank her because this is a situation many Kenyans are going through. That is what has come out clearly from the contributions by the Senators.

Coming from a county which borders Ethiopia, all including those that are not border communities, sometimes fail to understand why regulations or policies are not applied with a human mind.

For example, a sub county like Laisamis in Marsabit which is inhabited mainly by the Rendille who are not a border community and are not found in any other country but they are still subjected to the same requirements like those living along the border. That shows that when the law is applied, the officers do not look at the intent of the law. They just look at a border county.

You are still vetted even if you live 500 kilometres from the border. That is not fair. Even the vetting process needs to be done in a diligent way by officers who do it. We need to make sure that non-Kenyans are not registered but Kenyans should not be disadvantaged because there is a possibility of registering non-Kenyans.

I know of a case where in one of my sub-counties, the whole registration process was stopped on the pretext that some non-Kenyans were being registered. You ask yourself why the officers cannot do their work diligently and make sure that those who are being registered are Kenyans, instead of stopping a process and making Kenyans suffer. There was no registration for two years because of that kind of an allegation. Officers should take their work seriously.

The other problem with the registration is the funding aspect. Registration officers especially in the counties and sub counties get very little funding. You will find a registrar in a sub county of 10,000 square kilometres with officers who have to travel 200 kilometres to go and register Kenyans but with a limited budget for that process and there is no vehicle.

Sometimes it is a self-defeating process when you assign officers roles and you do not fund them but you expect them to provide services. It is only those with access to the headquarters who get services. One has to make a trip of 200 kilometres to go and apply for an identification card. That is unfair because other Kenyans walk to where the registration officers are.

Once the applications for identification cards come to Nairobi, it takes a long time. If you go to the Kenya National Bureau of Statistics (KNBS) offices, you will find that they have a charter. They will tell you that your identification card will be out within 30 days but it takes about six or seven months and sometimes it is not out. They also have to find a way of producing identification cards fast and where Kenyans can pick them once they are out.

I had to travel for 200 kilometres to pick my identification card. That is very unfair because sometimes people struggle. We should think of a herdsman who has to look after his animals instead of going to look for an identification card when there is a chief's office nearby. The Government should make sure that services are taken as close as possible to the people, so that an identification card is picked once it is out.

Another problem is staffing. When you have two or three officers based in a sub county headquarters that is 200 kilometres from where some Kenyans live, then it is difficult for even the officers to provide services. So, there is need to devolve further to maybe the former divisional headquarters which are close, or they should perhaps take it to the location level where we have chiefs. That way, we can be sure that Kenyans will get services.

In my area, registration has been done twice for a period of five years. In some areas it has been once. Since that time, how many Kenyans have qualified to get identification cards?

Some documents like birth certificates that people talk about do not exist in some parts of this country where people are nomads and the nearest place to get them is from the registrar who is based at the county headquarters. That could be 500 or 600 kilometres from where they are.

It is because of the recent education requirement that parents have to undergo that trouble. They have to look for a birth certificate before a child is registered to sit for Kenya Certificate of Primary Education (KCPE). Otherwise they never used to bother because the structures of providing this document are not even there.

I support the Statement and urge the Committee concerned to make sure we look elaborately into the systems of issuance of IDs in this country because as it has been said, we require them for every service.

Getting IDs has not been streamlined and Kenyans are not experiencing the same level of service in terms of getting IDs. There is need to make sure the document is easily and freely accessible to Kenyans at all levels.

**The Temporary Speaker** (Sen. Pareno): Honorable Senators, I note that we have no more requests.

This Statement, having some sort of urgency considering that the registration exercise will end at the beginning of next month, it is therefore directed to the Committee on National Security, Defense and Foreign Relations. The Committee should report back within a week so that the rest can be done before the expiry of the voter registration exercise.

Sen. (Dr.) Ochillo- Ayacko, do you have an intervention?

**Sen. (Dr.) Ochillo- Ayacko:** Madam Temporary Speaker I am not an expert on these gadgets but I have been sitting patiently here hoping that my gadget would reveal me to you. I have just learnt with a lot of sadness that I have been invisible to you.

**The Temporary Speaker** (Sen. Pareno): There were no more requests from my screen.

**Sen. (Dr.) Ochillo- Ayacko:** Mine indicates that I have been---

**The Temporary Speaker** (Sen. Pareno): I am surprised the intervention has shown but not your earlier request. We give you a few minutes to ventilate.

**Sen. (Dr.) Ochillo- Ayacko:** Thank you, Madam Temporary Speaker. You do not know how I am celebrating this opportunity.

My county is a victim of failure to issue IDs. My people are similar to those in Tanzania and Uganda. More often than not, they are treated as Tanzanians and Ugandans. When you go to Kuria East and West, we have four communities the Burenges, Bakiras, Nyandasis and the Lenchokas. They are treated as Tanzanians because they have similar clans in Tanzania.

You remember that several years ago when Jaramogi Oginga Odinga was running for presidency, some people declared him a Tanzanian because he belonged to a clan called Abasakwa. I also belong to that clan. Even my clansmen are being suspected to be Tanzanians. Yet, traced to several generations ago, I and others are Kenyans born in Kenya. Maybe some people, several centuries ago, were in another country but we have all been here.

This issue of issuance of IDs is a challenge everywhere. With my prominence and visibility in Kenya my daughters could not get it in time. I had to intervene. You can imagine the daughters of Sen. (Dr.) Ochillo- Ayacko could not get IDs. The daughters of somebody else who is not me would be in serious trouble.

Madam Temporary Speaker, this is a legitimate Statement from a patriotic Kenyan who understands the problem that our people face.

The youth in Migori county are 1.3million. Those registered as voters are 388000. If you go by demographic tendencies half of them should be having IDs and eligible for registration. When you do not see half of them being registered as voters and half of them

not having IDs, you begin to ask yourself questions. Why is it that they are not getting IDs? That is not for them to answer but for government.

Government does not seem - at least in the past – it does not desire to answer that question because it appeared to have been one that if it was correctly answered then “*Tialala Tibim*” party would be ruling in Kenya.

This is a questions that for all Kenyans; we must get an answer. Let us get an answer why my people in Rongo, Awendo, Nyatike and Kuria are not registered. Nyatike has two sub-counties, one bordering Tanzania. Suna West also has some other sub-counties.

For our young people it has recently been made compulsory that to be acknowledged by the Ministry of Education as being students, they must have birth certificates. The Ministry of Education I using those statistics to allocate resources to them. When they just reach the voting age they do not know what becomes to their legitimacy as Kenyans.

Why can the Ministry not just find out where these Kenyans who have just enrolled in class eight and transitioned to fourth are and give them IDs? Why do people have to beg? Why do we have to say it is expensive while we find them in primary and secondary schools? When it comes to being the age of majority so that they can vote all over sudden we start placing barriers.

The courts in Rongo, Migori, Kehancha and other places are packed with cases of not having an ID. That is the kind of crap people are arrested for daily. Police all over the nation – not just in Migori- are making a kill out of it. They have something they call “black maria” which also very common in Kajiado.

When you see that “black maria” and do not flee for your life, you might end up spending hours of inconvenience at the risk of COVID-19 in some dingy place called the police station.

In order to solve this, it is not just for voting. I think it is the right of people to be issued with documents that allow them to fulfil all their desires as adult Kenyans. It will enable them to enter into contracts, get married legitimately, to fall in love and out of love the way they wish because that is also common among young people who are unemployed. It is also their right to talk to anybody they wish to, to drink and not to and to smoke anything lawful.

This idea that you can be punished for not having a document that you cannot easily access, I think is not tenable or good.

I thank Sen. Dullo and to ask the responsible Committee to specifically look at Migori county. Why cannot the 1.3million people who are residents and “Aborigines” of Migori county be given IDs in large numbers and be looked for so that their political voices are heard? I think this is bad and sinful against our people.

I hope the government of the day and of the future will expiate for these sins and repent of them and allow our people to enjoy their rights.

I support.

**The Temporary Speaker** (Sen. Pareno): Hon. Senators, as earlier indicated, the Statement is directed to ten Committee on National Security, Defense and Foreign Relations to report back within a week.

Sen. Outa was present and I hope he has taken note.

Next Order.

I note that we are not able to process any Division today. Therefore, I defer Order Nos. 8 to 12.

### MOTION

#### ADOPTION OF REPORT ON THE PUBLIC FINANCE MANAGEMENT (EQUALIZATION FUND ADMINISTRATION) REGULATIONS, 2021

THAT, the Senate adopts the Report of the Sessional Committee on Delegated Legislation on the Public Finance Management (Equalization Fund Administration) Regulations, 2021, Legal Notice No. 54 of 2021, laid on the Table of the Senate on Tuesday, 28th September, 2021; and pursuant to Section 205 (4) of the Public Finance Management Act, approves the Public Finance Management (Equalization Fund Administration) Regulations, 2021, Legal Notice No. 54 of 2021.

*(Sen. Faki on 28.9.2021)*

*(Resumption of Debate interrupted on 29.9.2021)*

*(Motion deferred)*

### BILLS

#### *Second Reading*

#### THE DISASTER RISK MANAGEMENT BILL (SENATE BILLS NO.14 OF 2021)

*(Sen. Sakaja on 16.9.2021)*

*(Resumption of Debate interrupted on 29.9.2021)*

*(Bill deferred)*

#### *Second Reading*

#### THE KENYA CITIZENSHIP AND IMMIGRATION (AMENDMENT) BILL (SENATE BILLS NO.33 OF 2021)

*(Sen. Kang'ata on 30.9.2021)*

*(Resumption of Debate interrupted on 30.9.2021)*

*(Bill deferred)*

*Second Reading*

THE LAW OF SUCCESSION (AMENDMENT)  
BILL (SENATE BILLS NO.15 OF 2021)

*(Sen. Halake on 4.8.2021)*

*(Resumption of Debate interrupted on 5.10.2021)*

*(Bill deferred)*

*Second Reading*

THE PUBLIC PRIVATE PARTNERSHIPS BILL  
(NATIONAL ASSEMBLY BILLS NO.6 OF 2021)

*(Sen. Poghio on 5.10.2021)*

*(Resumption of Debate interrupted on 5.10.2021)*

*(Bill deferred)*

*Second Reading*

THE HEALTH (AMENDMENT) BILL  
(SENATE BILLS NO.26 OF 2020)

*(Sen. (Dr.) Ali on 5.10.2021)*

*(Resumption of Debate interrupted on 7.10.2021)*

**The Temporary Speaker** (Sen. Pareno): Sen. Dullo, you had 19 minutes to contribute to this Bill.

**Sen. Dullo:** Thank you, Madam Temporary Speaker. We ran out of time as I was contributing to this amendment. I wish to congratulate Sen. (Dr.) Ali for bringing this amendment, especially on human resource issues that affect our health sector in the counties.

As I said earlier, in the last Senate, we discussed the issues of standards that should be returned back to the National Government because the standards in the counties have gone down. This is something we seriously need to look into.

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It was a good thing to have health devolved, but with the kind of situation in HR and other things that are happening on the ground, we need to look into this issue. In most of the dockets that are run within the hospitals, standards are not kept. Secondly, Human Resource (HR) is also a thorny issue. Some of the dockets are headed by people who are not professionals in that field, which compromises the situation in those health sectors. With this amendment, this situation will be corrected.

You will find that in most hospitals, issues of management are a big problem. During the Covid-19 pandemic, the situation is very bad because we do not have experienced people on management of patients running those hospitals, especially at the county level. Unless we sort out the issues of HR, we will have challenges.

On issues of salaries, you find there are a lot of problems in the counties. We have seen several counties appearing before the Committee on County Public Accounts and Investments where they recruit casuals without knowing how they are going to deliver in those positions that area created. The wage bill is rising in the health sector without healthcare services improved in those hospitals.

In most counties, especially my County, community health workers were recruited. There is no proper supervision and these people are on record. I believe that with this amendment on HR in the Health Act, it is going to help us solve us the issues of health sector in our counties.

Madam Temporary Speaker, some of the counties generate a lot of revenue, but the revenue generated goes to the county headquarters, while that money should be kept at the hospital to run emergencies and also to make sure that the small issues that they need to handle are handled at that particular level.

We have encouraged county governments to come up with funds at that level, but unfortunately, most counties do not adhere to the advice by the Senate. That would have improved service delivery in our counties. Promotions in the hospitals and the health sector are based on who is politically correct and who is not. This is very wrong. Staff are demoralized and most of them are disenfranchised in those positions at the county level. There are no in-service courses for members of staff. I believe that if we approve this particular amendment, it will help our counties to ensure that we have taken care of the health sector in our counties.

Madam Temporary Speaker, there are issues of procurement in the hospitals, where there are people put in those departments, but they do not know anything about health procurement. It ends up with people procuring products that are not useful in some of the hospitals. This is the challenge we face in most counties and it has to be corrected. The Government has pumped a lot of money in the health sector. A big chunk of budget in the counties goes to the health sector but, unfortunately, we do not get proper service delivery. Unless we take care of healthcare in our country, we will not have a healthy population in our country. We will get a lot of diseases that are supposed to be treated and people get well, but unfortunately, they do not get service delivery in our counties. This is a matter that is affected by HR in our counties.

In a county like Isiolo, people travel all the way to Meru or Chuka for service delivery. Some of them come all the way to Nairobi. We had an issue with the Managed Equipment Service (MES) project where many issues would have been resolved, but



unfortunately, we did not get it correct. We established an *Ad hoc* Committee in this House, but, unfortunately, the report of this Committee was shot down. We must get it correctly as far as health is concerned in this country. Unless we do that, then we are not helping our people in those counties.

I wish to stop at that. I am sure that this has touched Sen. (Dr.) Ali because he is a medic as far as his profession is concerned. One of the reasons for removing the Governor of Wajir County is because of the health issues that affected that county. The current Governor appeared before us today and they seem to have improved in that area. If the Governor works closely with the Sen. (Dr.) Ali, they will be able to improve the health sector in Wajir County.

Thank you, Madam Temporary Speaker, and I support.

**The Temporary Speaker** (Sen. Pareno): Sen. Cherargei.

**Sen. Cherargei:** Thank you, Madam Temporary Speaker. From the outset, I thank Sen. (Dr.) Ali for this wonderful proposal. It is in the public domain that one of the main problems we face in counties, apart from the lowest standards of health in terms of facilities and client service, is the chaotic handling of human resources especially of our nurses.

I have had the privilege on several occasions to present petitions before this House on behalf of the Kenya National Union of Nurses and other unions that are part of the human resource, fighting for most of the issues that have been captured concerning the health professionals in this country.

One of the professions that are misunderstood in this Republic, especially by Governors and County Governors is health. There was push and pull and a proposal for creation of a health commission. When you go to counties, some counties are firing their staff, while others are re-hiring and intimidating them. The creation of this Kenya Health Human Resource Advisory Council is important. Kenyans should understand that this advisory is not only about remuneration, salaries, emoluments and allowances only; it is also about their welfare.

At the onset of Covid-19, there were issues where the health workers were complaining, being frontline workers on the issue of vaccination and the provision of Personal Protective Equipment (PPEs). All these issues have been on the table. All these issues have been at the table, where most of the health professionals have been complaining about their working environment. As a country, it has reached a point where we need to agree.

Madam Temporary Speaker, another critical point, apart from welfare, issues of salaries, allowances, good working environment and many others, is inter-county--- If you go to each of the 290 constituencies, you will find that every Member of Parliament of the National Assembly is constructing a Kenya Medical Training College. This means that in Nandi County we have about three branches of KMTC. Therefore, within no time, some counties will have more staff than others.

Therefore, when you talk about inter-county transfer of healthcare professionals, you realize that some counties do not have specific professionals like doctors, gynecologists, pediatricians and nutritionists among others, who can advise on issues of children.

From one level of government to another, when you are seconded by the national Government, a new governor comes, they do not like your face, you become redundant, but cannot go back to the national Government. What Sen. (Dr.) Ali has tried to encapsulate is very critical. It is good that the incoming Governor of Murang'a is here and should be taking notes because we do not want to see the chaos that we have seen in the health workers. I do not know whether he has met some people in hotels for interviews.

Another issue is the audit aspect of it because it was a straightforward amendment. It is the audit of healthcare workers in national healthcare system on the national Government. I know that for now we have the Nursing Council, which ensures that they register nurses. We have the Dentist Union that is similar to ours in the legal profession.

When you are auditing, you can see the professionals who do not want to adhere to the standards that are there. Promotion is one of the key issues that we must agree on. Everybody, when they perform well, would want to be promoted, so that they can be motivated to do more.

There is also the issue of training. There are refresher courses and training for nurses, doctors, dentists, among other health professionals. Tomorrow, I think the National Assembly is introducing the Mental Health Bill that we passed the other day. There is a new aspect of hiring mental health experts, so that they can help because mental health is becoming a real threat in this country.

I have mentioned remuneration. By and large, what we have to say in short is that we need to challenge our county governments, especially the County Public Service Boards (CPSB). I remember when I was in the Committee on Labour and Social Welfare, we had even met the CPSB members. We tried to come up with a uniform law on how there can be capacity building. The CPSBs should not only think that they are managing casual labourers for governor or investment; they must be aware of the framework of how to manage the human resource within the county. We are having a challenge because the workers are being victimized or intimidated.

Article 41 is very clear; there is always the issue of a strike. Industrial action is a constitutional right, but how do we handle it? You remember, there was a petition where over 300 casual labourers were being laid off. We should see how to incorporate other health professionals, but they are not health workers *per se*, like casual labourers within the hospital, watchmen and cooks. I think Sen. (Dr.) Ali should come up and see how we can incorporate them.

Another issue - and I hope I will be allowed to bring an amendment at the Committee Stage - is the inclusion of Salaries and Remuneration Commission (SRC). You cannot have a quality advisory council in which you do not have the chairperson or representative of the SRC being part of it.

I hope when the amendment comes, we will consult closely with the Mover of the Bill, to see how we can incorporate the Salaries and Remuneration Commission (SRC), so that you do not advise on something that SRC has not given particular parameters.

The health situation in the county is deplorable. There are no drugs in most of the hospitals in Nandi County. Even in the major one, Kapsabet Referral Hospital, there are

no drugs. The only thing available in Kapsabet Referral Hospital is the gloves and the tap water. The only achievement that the County Government of Nandi has done for the five years in the health department is the completion of a mortuary. You can see how disastrous we can be. In Nandi Sub-county hospital, the only achievement of my Governor is building a mortuary. They have given up on the process of ensuring that people access medical care.

Without going to specifics, our women in Nandi do not have adequate services of gynaecologists. We have only one or two dentists in Kapsabet Referral Hospital; other Sub-county hospitals do not have a dentist. We do not have a paediatrician who can assist our children, yet the county governments receive billions of shillings that go to healthcare. When you look at the budget we have in Nandi, it is millions of shillings with nothing to show for it.

Apart from the deplorable health situation, the workers have been tossed around and being hired based on their face, where they come from, how much they can give and how. It is not good for the health situation. You can imagine how deplorable the situation is. When we have an advisory council, redeemed Nandi County by God, allowing us to be in charge of the governance structure, we shall ensure that we implement this law to the letter.

I hope Sen. Kang'ata is listening to this carefully. We need to bring proper reforms within the management of the health sector going into the future.

Madam Temporary Speaker, with those remarks, I congratulate Sen. (Dr.) Ali. When this Bill will be scrutinized at the Committee of the Whole, we will come up with ideas on how to refine and make it better to serve our people.

**The Temporary Speaker** (Sen. Pareno): Sen. Kang'ata, proceed.

**Sen. Kang'ata:** Thank you, Madam Temporary Speaker, for giving me this opportunity to make a contribution on this important subject. Health is an important aspect of development in any Republic. Every year, the United Nations comes up with what we call Human Development Index, which is a ranking on how countries have progressed in several dimensions. United Nations look at three areas; namely, access of population education, life expectancy and the living standards of a country.

Our Human Development Index Value for 2019 was 0.601. We were position 143 out of 189 countries that were evaluated. This means that we still lag behind several countries in terms of Human Development Index. Definitely, there is a correlation of that score to the health standards of any country. As the Senate, we need to do an audit and inquire as to whether, since the year 2010 when we enacted a new Constitution, our health sector went up or deteriorated. This has a direct correlation to the extent to which our society is ranked in terms of human development and life expectancy, because it is directly connected to the health sector.

Madam Temporary Speaker, currently, counties are the ones that handle all hospitals and healthcare facilities from Level One to Level Five. If you come to Murang'a County, you will find that we have two Level Five hospitals, Murang'a County Referral Hospital and Maragua Rural Hospital in a population of about one million based on the 2019 Census.

It is within that context that I want to congratulate Sen. (Dr.) Ali for his decision to come up with a Bill that seeks to enhance matters health, in particular, the human resource. The health sector can be looked at from several dimensions from the human resource, the pharmaceutical and several other aspects of it. I think that the most important factor of production on matters health is the human resource.

Madam Temporary Speaker, this amendment is very innovative. I think that the Senator got very good legal advice to the extent that he appears to capture the aspiration of the workers in the health sector in a very innovative manner. He proposed to amend the Health Act to expand the functions of an existing advisory entity created by that law, so that it can have extra duties that may include the issue concerning inter-county transfers.

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

*[The Deputy Speaker (Sen. (Prof.) Kamar) in the Chair]*

I will give an example. I have a friend in Murang'a County who wants to move from Murang'a to Nakuru. However, you will find that one county agrees and the other one refuses. It may, therefore, make a little bit of sense when you have one singular national entity to handle such issues.

Another issue that I have seen in this proposed amendment is the idea to ensure that there is representation of the counties in this body, so that when these matters are discussed, counties are given an opportunity to be heard.

Madam Deputy Speaker, what I would urge my colleague to check is the constitutionality of the amendment. I guess the parliamentary staff ensured that these issues have been checked. I say so because the Fourth Schedule of the Constitution clearly gives counties what I would call exclusive powers on matters health. What is left at the national level is what we call a health policy.

To that extent, he needs to triangulate with legal experts to ensure that the proposal is constitutional and does not negate the powers of the counties to manage matters health.

Madam Deputy Speaker, beyond this proposal, we need to interrogate other gaps that exist in matters health. One of the major gaps that I see in the health sector is that very few homesteads in this country have health insurance. I will give an example of Murang'a County.

As per the 2019 Census, Murang'a County had 318,000 households. I checked with the National Hospital Insurance Fund (NHIF) and realized that about 18,000 households have been covered by NHIF through the head of the household being a public employee within my county. About 22,000 households have taken the NHIF cover privately. In a nutshell, only 40,000 households in Murang'a County have an NHIF card.

Madam Deputy Speaker, I always wonder what we can do to ensure that that number is increased. I am aware that there is a proposal to amend the National Hospital Insurance Fund Act, which is currently before the National Assembly to compel various stakeholders to take NHIF as a matter of law.

Maybe that is a good proposal, but the issue of affordability is outstanding. How many households in the Republic of Kenya can afford to pay Kshs6,000 per annum to get the NHIF card?

*[The Deputy Speaker (Sen. (Prof.) Kamar) left the Chair]*

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

Mr. Temporary Speaker, Sir, when you look at the average incomes of major household in Murang'a, you will realise that they earn about Kshs6,000 per month. When you compel them to take the NHIF cards, you will technically be taking away the entire income for a household in Murang'a to support healthcare. It is a good thing that is also logical but, remember, there are other competing needs in a household.

I think one of the areas we may need to consider as we celebrate the proposal to amend the law to address the issue of human resource is the idea of counties putting aside money to pay for NHIF for its poor citizenry, particularly orphans, widows, widowers and the aged. These are the so-called the vulnerable groups.

Assume, for instance, that Murang'a County sets aside about Kshs600 million per annum. The money can cover about 100,000 poor households. That would alleviate the problem of persons being detained in hospitals for lack of money or accessing poor healthcare facilities because they are not well funded.

As we debate this Bill, let us also be a little bit imaginative. We should focus on an amendment to the law that will help us ensure we increase the number of persons with the NHIF cover in this Republic of Kenya.

Another proposal is to increase the number of health facilities in our various counties. For instance, we need to build a brand new hospital in Murang'a County. That should apply to all the fast-urbanizing regions in our country. For example, the entire region from Del Monte up to Kenol in Thika is a fast-urbanizing region. We have Kenol, Kabati, Makenji and Githigiri near Thika Town, but we do not have any Level 5 hospital in that region.

The people of Gatanga, Kandara, Kigumo and Upper Maragua are compelled to seek medical services in Thika Town, which is not in Murang'a County. Therefore, they are discriminated because they do not get adequate services. If we were to build a brand new hospital in that region, I have no doubt that our people will be served well, and we will ensure our county has number one health facilities.

I have been holding medical camps in various parts of Murang'a County using my own resources. I have gone to Kigumo, Kangema, Mathioya, Kiharu, all the way to Gatanga, Kandara and Maragua. I think it is not the duty of a Senator to use their own resources to provide healthcare facilities to their people.

I strongly believe that if a good county government is elected, more resources will be employed in the health sector. There will be no need for free medical camps because they will be funded by county governments of the respective counties.

Be that as it may, I have taken advantage of medical camps to harvest data on disease patterns in my county. I have realised that the number one problem in my county

is what we call lifestyle diseases. These are diseases associated with lifestyle choices like poor diet. Examples include arthritis, high blood sugar, diabetes and hypertension.

To that extent, I think even as we consider the Bill, it is time to do major civic studies on public health, to teach our people the importance of eating more vegetables, fruits and more targeted interventions that ensure our counties get rid of lifestyle diseases.

One area this Bill can consider concerns county health workers, which is a new cadre of human resource within our county health system. They are underpaid. More often than not, they do voluntary work. I am not so sure whether if we now pass this Bill their rights will be taken into account.

Some counties pay those workers Kshs2,000 per month; others Kshs3,000 and they do not even have a formal contract. Remember, those payments are below the minimum wage, which is clearly set out by the Ministry of Labour, Social Security and Services. Once we pay a person Kshs3,000 per month, you are only negating advancement of healthcare in this Republic.

Another area we need to consider is how we can incentivize experts to move to county hospitals. There is an overconcentration of experts here at Kenyatta National Teaching and Referral Hospital and Kenyatta University Referral Hospital. I guess it is because they are the major facilities, which are in Nairobi.

Is there a way we can come up with a scheme or method that incentivizes our experts, who have PhD or professors in various fields of medicine? We need to see them in places such as Wajir, Murang'a, Mombasa or Marsabit. That is how we will uplift the health standards of this Republic.

We also need to look at whether this Bill can help in continuous medical training. All major professions including Engineering and Law have now come up with continuous education and development curriculums. Medicine is one of the most dynamic professions. Scientists are coming up with new gadgets to help diagnose diseases and new medicine is being researched.

I propose that if we were to introduce such kind of a scheme, we should ensure that our doctors and health workers are up to date. I do not know if this Bill will be able to address the issue of delayed salaries. To that extent, I think we need to ask ourselves how the workers tend not to get their salaries on time. Will this Bill remedy that recurrent problem? If we do not address it, it will continue being an issue affecting the health profession.

Finally, Cuba is a very small country, but it has one of the best health systems in the world. Why is it that it has outperformed Kenya? One of the areas, I guess, has to do with our few training institutions on matters health. Kenya Medical Training Center has been doing a splendid job in training our nurses and clinical officers. We need to expand our facilities, particularly medical schools.

I am happy that several universities have now introduced schools of medicine. I propose that the Commission on University Education compels all universities to have a faculty of Medicine. That way, we are going to churn out more doctors and establish more medical schools. The more the doctors we have, the better it is for this Republic.

Going forward, as the world increases the share of its aging population, health sector will be the most lucrative. We know of the shortages that other countries have.

Definitely, that is an area we can specialise as a society. We increase the number of persons who are doing nursing, clinical officers, doctors, pharmacists and medical lab technicians. That way, we can take that niche and ensure we export even labour in place where we have labour deficit.

The Temporary Speaker, Sir, I support with those comments.

Thank you.

**The Temporary Speaker** (Sen. Kinyua): Thank you, Sen. Kang'ata for your contribution.

Sen. Madzayo, proceed.

**Sen. Madzayo:** The Temporary Speaker, Sir, I was wondering whether I would get an opportunity to contribute to the amendment Bill. This debate will continue tomorrow, and I do not know whether we will have that chance. Looking at myself, I am -- I need clarification.

**The Temporary Speaker** (Sen. Kinyua): The chance is now. The Bill is already on the Floor, and you can contribute. Tomorrow, you do not have a chance because the Mover is here. You can proceed with your contribution, Sen. Madzayo.

**Sen. Madzayo:** Mr. Temporary Speaker, Sir, it is okay. I thank you so much for giving me that privilege, but I have not prepared myself properly. I guess I will do it at an appropriate time.

Thank you.

**The Temporary Speaker** (Sen. Kinyua): The only option we have now is for the Mover to reply.

Sen. (Dr.) Ali, proceed.

**Sen. (Dr.) Ali:** Thank you, Mr. Temporary Speaker, Sir. There have been a many issues which have been raised by the Senators who have spoken on this amendment Bill.

First and foremost, I thank all those Senators who have contributed to this Bill. That is a total of 18. The Seconder, Sen. Wambua; Sen. Wetangula, Sen. Farhiya, Sen. (Dr.) Musuruve, Sen. Mutula Kilonzo Jnr., Sen. (Dr.) Milgo, Sen. (Dr.) Zani, Sen. Kasanga, Sen. Murkomen, Sen. Kihika, Sen. Kavindu Muthama, Sen. (Eng.) Hargura, Sen. M. Kajwang', Sen. Cheruiyot, Sen. (Prof.) Kindiki, Sen. Dullo, Sen. Cherargei and Sen. Kang'ata.

Most of these Senators have talked about how the Bill will be nice and good if it can be implemented. Even the Council of Governors (CoG) has sent comments. I feel that they should not fear or see this amendment as a threat to devolution, but as an amendment to support the healthcare professionals, who are very critical to the county governments.

Mr. Temporary Speaker, Sir, many Members have talked about what happens if some of the county governments do not agree or listen to what the advisory committee does. I urge them to do it because the issue is how to help the morale and the working conditions of the county health professionals. Otherwise, it will just remain the same and not be helpful. We might need to change or bring about some amendments to the County Governments Act, so that the issue of constitutionality of the health professionals in the counties can be taken care of.

We also have to think of the SRC, as many Members have mentioned, because of the inequality of remunerations. Different counties pay different amounts. The proposal that SRC is incorporated into the authority is a good idea. They depend on what they discuss, so that at least the authority of SRC is put into place.

Mr. Temporary Speaker, Sir, we have to compare, as mentioned by others, with the original statutes to make sure that everything works. We also have to take care of the framework of the County Government Act on issues of the County Public Service Board (CPSB). We have to amend the County Governments Act, especially to accept the advisory that the CPSB makes sure they try and work with this.

We have also to align the spirit of the Constitution to this amendment Bill, so that we do not have discrepancies in the issues of intergovernmental agreements of Article 24 and 25 and Article 187 of the Constitution.

Mr. Temporary Speaker, Sir, I beg to move and request that pursuant to Standing Order No.61 (3), the putting of the question be deferred to another date.

Thank you.

**The Temporary Speaker** (Sen. Kinyua): Thank you, Sen. (Dr.) Ali. We defer putting the question to tomorrow.

*(Putting of the question on the Bill deferred)*

I will also defer Order Nos.14, 15, 16, 17 and 18.

#### **COMMITTEE OF THE WHOLE**

THE OFFICE OF THE COUNTY PRINTER BILL  
(SENATE BILLS NO. 13 OF 2021)

*(Committee of the Whole deferred)*

#### **COMMITTEE OF THE WHOLE**

THE INVESTMENT PROMOTION (AMENDMENT) BILL  
(SENATE BILLS NO. 2 OF 2021)

*(Committee of the Whole deferred)*

#### **COMMITTEE OF THE WHOLE**

THE NATURAL RESOURCES (BENEFIT SHARING) BILL  
(SENATE BILLS NO. 25 OF 2020)

*(Committee of the Whole deferred)*



**BILLS***Second Reading*

THE COUNTY BOUNDARIES BILL  
(SENATE BILLS NO. 20 OF 2021)

*(Bill deferred)*

*Second Reading*

THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL  
(SENATE BILLS NO. 17 OF 2021)

*(Bill deferred)*

**The Temporary Speaker** (Sen. Kinyua): We move to Order No. 19. Sen. (Dr.) Milgo, proceed.

*Second Reading*

THE HERITAGE AND MUSEUM BILL  
(SENATE BILLS NO. 22 OF 2021)

**Sen. (Dr.) Milgo:** Mr. Temporary Speaker, Sir, I rise to move that The Heritage and Museums Bill (Senate Bills No.22 of 2021) be now read a Second Time.

Heritage and Museums Bill is important in this country because museums and heritage sites possess power and trends in civilisation of the past, current and future. Therefore, it contains the memories of what happened in various countries.

Museums create many important sites, first, for education because they preserve knowledge. There is knowledge and skills are in various areas because there are documented historical monuments that can be used as study areas. There is preservation of archaeological artefacts, origins of mankind and various tools that were used in various civilisations.

Mr. Temporary Speaker, Sir, museums can also preserve different eras, even those of man. We can know how man has been evolving over time. Also, the antiquities preserve and indicate different issues relating to different eras in time.

National museums play a critical role in displaying various civilisation items that have been used by different ages and objects. It goes ahead to even speak to history like the case of the American National Museums. The diatom collections section of museum has been preserved and the stories of the Wright Brothers that started issues of aviation and the reason we have aeroplanes right now that carries people all over the world.

Mr. Temporary Speaker, Sir, we also have the Ohio Museums that has a preservation of the Mound Laboratory that speaks to issues of the Cold War. Coming to Africa, we have the major trail of the cradle of mankind and many other areas that

preserve history that is important in our country. We also have, like in the case of London, the Dukes of Cesare that unveils the beginning of live power used in electricity started by one Joseph Swan.

Secondly, museums play a critical role when it comes to research by universities and historians, research to obtain various information, languages, tools, the dress codes and others.

Mr. Temporary Speaker, Sir, thirdly, museums play a critical role when it comes to recreation centres and tourist attraction. We have had a lot of tourists coming to our country to look at heritage sites and different civilisation. This spurs the economy in various countries. In the case of American museums, approximately 850 billion people visit the museums each year.

Museums also play a critical role in creating a social impact in communities, like telling stories of tragedies, successes and how to overcome calamities. Communities get to celebrate what happened in the past. They play a critical role in communities in reducing conflict.

Mr. Temporary Speaker, Sir, the purpose of this Bill is as per Paragraph 2.5, Part I of the Fourth Schedule of the Constitution, which designates ancient and historical monuments of national importance, as part of the functions of national Government. Paragraph 4, Part II of the Fourth Schedule states that cultural activities, public entertainment and public amenities, including museums, are functions of the county governments.

The principal object of the Bill is, therefore, to repeal the National Museums and Heritage Act and enact a new Bill that conforms to the Constitution. The Bill proposes to retain the National Museums of Kenya already established under the National Museums and Heritage Act 2006; provide for a national and county Museums; provide for the preservation, protection and management of cultural and natural heritage at national and county levels of government; and, review the National Museums and Heritage Act 2006.

Mr. Temporary Speaker, Sir, Part I of this Bill speaks to issues of definition of different terms and interpretation used in this Bill. I will move straight to Part II. It speaks to the establishment of the National Museums of Kenya. Clause 4 of this Bill speaks to the establishment of the Kenya National Museums that is mandated to identify and conserve cultural and natural heritage of national importance.

Clause 4 (2) and (3) provides for national museums to establish county museums. Clause 5 sets out the functions of the national museums, all the way right from (a) and (b). For example, (b) is to serve as a national repository for things; (d), it will be an area of research; (g), develop results, standards and policies for the management of national heritage resources. It is not only in the national, but also county governments.

Mr. Temporary Speaker, Sir, Clause 6 speaks to powers of the national museums. National museums have got the power to lend objects to various institutions. For example, if we have international countries wanting to borrow certain items, the national museums have got that power to lend them. National museums also have power to loan out some items that have been reserved. They have got the power to purchase heritage sites and accept and receive some items that are of national importance, like international items within the country or so.

National museums also play a critical role in assessing the power of association of such items to various communities, to ensure that there shall be no conflict once this is transferred. They also play a critical role in bringing out standards and policies and best practices when it comes to heritage management. Apart from this, it plays a critical role when it comes to research and giving out information flow to various areas and entire country pertaining to things of national importance or heritage. They play a critical role in acquisition of special heritage sites in our country.

Mr. Temporary Speaker, Sir, Clause 7 provides for functions of the county government. County governments came into place after the Constitution, 2010. Therefore, this Bill is going to provide for functions of the county governments pertaining to county museums. That is the mandate to also collect, document, exhibit materials or historical, cultural and natural heritage that are of importance for respective counties. The county governments have also been given the role to implement national standards of museums and heritage, of course, borrowing this from the national museums itself.

Clause 8 speaks to the management board of the national museums. This one talks about the composition and qualification to get the tenure of office. Looking at the composition, one notable and important area is Clause 8 (f) that talks about two persons. That now brings on board the county governments. In the past, the county governments were not there. Right now, Clause 8 (f) brings on board county governments to speak to issues national museums and heritage.

Mr. Temporary Speaker, Sir, Clause 8 (4) also speaks to a critical area that if the chairperson is a man, the vice chairperson shall be of the opposite gender and vice versa. In the past, this clause was not there.

Clause 8, apart from speaking to the management board, speaks to how this management boards are appointed and how they shall conduct business. Clause 9 speaks to qualifications of these members of the board. The first one is the chairperson, who apart from having a degree, must have 15 years' experience in a relevant field related to heritage and museums. Clause 9 (2) speaks to members, who also apart from having a degree in any field, must have ten years' experience in a relevant field related to heritage and museums.

Clause 9 (3) speaks to conditions for discharging duties once they have been appointed. At the same time, it also speaks to conditions for being disqualified from appointment. Some of it includes the normal ones, such as bankruptcy, criminal offense and removal from any public office.

Mr. Temporary Speaker, Sir, Clause 10 speaks to the tenure of office of these members of the board. Of course, Clause 11 speaks to vacation of the office, coming in cases of criminal offence or absence in three consecutive meetings or when a person resigns or dies.

Clause 12 speaks to removal from office, again, in case there is mental incapacitation, gross misconduct and incompetence, or maybe serious violation of the Constitution. Clause 13 speaks to conditions of conducting meetings.

Clause 14 speaks to establishment of committees. This board has the power to establish committees to ensure that the job of this board is made effective. These same committees under Clause 15 can be delegated duties by the board to handle certain duties.

Again, before being assigned any duties in these committees, a member has got to disclose any interest. Clause 17 also speaks to issues of protection from personal liability, especially when a member is representing the board as chair or member.

Mr. Temporary Speaker, Sir, Clause 18 is on introduction for the first time of a director general. Director General is an important role bearing in mind that most of the institutions have been having a director general, except for the national museums. This Bill will provide for such an appointment.

Clause 18 (2) sets out the qualifications of this Director General. Apart from having a degree, he or she must have 15 years' experience in the relevant field. It goes on to display what is required of the Director General to be appointed.

Mr. Temporary Speaker, Sir, Clause 19 sets out the staff of the national museums. Clause 20 is on the code of conduct and Clause 21 is on the common seal of the museums.

Part III of this Bill provides for financial provisions. This contains provisions related to financial matters like allocation from Parliament. Also, any funds that accrue at the cost of maybe the functions of national museums.

Mr. Temporary Speaker, Sir, Clause 24 speaks to issues of annual estimates. Museums will be required to come up with annual estimates. It goes on under Clause 24 (a) to (c) to speak to financial accounting, just like any other institution. There must be accounting for the funds that are received by this organisation or that accrue at the cost of work.

It continues under Clause 24 (e) to speak about funds for research and development, liabilities in case museums are affected in any way and various sites for liabilities to compensate the people affected. Clause 25 sets out the mode of securing funds. In case the funds are invested, how is it going to be done? In case there are excess, then funds of the national museums can be invested in securities. In the past, this was not provided for.

Mr. Temporary Speaker, Sir, Clause 26 provides for submission of all funding accounts of the annual audit to the Auditor General within a period of three months. Clause 27 is on the report on the operations of the national museums that must also be displayed at the end of each year.

Part IV is on the management of national heritage. National heritage are very important sites. This Bill has provided for special management, so that we do not have damages accruing and see how important these heritage sites are in terms of enhancing economy in our country. It provides for the management of national museums. That is heritage, antiquities, monuments or national importance and even new discoveries.

Sometimes we have new discoveries. Recently, we discovered that man originated from Kenya. A skull was discovered in northern Kenya and these are new discoveries. How are they going to be managed and treated? This one is provided for.

Mr. Temporary Speaker, Sir, under Clause 29, this Bill provides for conservation of items that are under trade or animals, like the white rhino and endangered species, and

areas that are of aesthetic values as special sites. There are areas of importance like where some cultural groups normally associate.

Those areas should be preserved. Clause 29 (2) shows what the national heritage will include, such as building structures, equipment, places like I have just said historical settlements, landscapes, seascapes, open spaces, geological sites, scientific, cultural, archaeological or palaeontological sites. There are various areas that have been provided for, which act as monuments in our country.

Mr. Temporary Speaker, Sir, Clause 29 (3) speaks to the storage of all collection of national importance. How are they going to be stored? Clause 30 provides, again, for the first time very clear issues on public participation. We are happy for Constitution 2010 that provided for public participation.

In the past, issues or areas of historical sites would be battered away without involving the public. Therefore, Clause 30 provides for public participation before acquiring any heritage site, to avoid conflicts and compensate them. We have been seeing a lot of conflicts in the past. After the passage of this Bill, we shall have those sites being acquired following due process.

Mr. Temporary Speaker, Sir, Clause 31, provides for the gazette of a place or objects as national heritage. If it reaches a time that a place is no longer of importance, this also has provided a whole process of ensuring this one is de-gazetted.

Clause 33 also speaks to issues of disposal of objects, so that we have an ordered manner. In fact, there were some monuments--- You remember, Koitalel arap Samoei of Nandi had some instruments that he was using. They were stolen by the British colonialists and taken away. It was just recently that they were brought back. This one is speaking about how we can bring back these and dispose of others that are of no use or how other people can take it elsewhere.

Mr. Temporary Speaker, Sir, Clause 34 speaks to issues of temporary protection orders that can be issued to protect such. Clause 35 is now speaking to registering all heritage sites in our country, as well as how to gazette and ensure all heritage sites are brought on the data of national museums.

Clause 37 speaks to information on general principles for management of heritage resources, like providing information, policies and standards by the Cabinet Secretary (CS). These standards shall be applied all the way up to the county. Clause 39 speaks to research by the national museums that enables it carry out field researches of biomedical importance and in various areas. Also, to ensure what can be preserved in the museums that can be of medicinal value.

Mr. Temporary Speaker, Sir, Part V speaks to exploration licences. What happens to people having exploration licences or if somebody wants to conduct exploration, how do they acquire licenses? How are they going to go about excavation? For the first time, somebody cannot go to the field and begin excavation without getting a licence by the CS. Also, there is procedure for compensation.

Anybody who goes out to conduct any excavation, in case they cause damage to any people of any site, shall compensate. At the same time, upon excavation, they must notify the museums.

Mr. Temporary Speaker, Sir, Clause 41 shows the methods of revoking the license of any individual who might misuse the licenses that have been offered. Clause 42 (4) sets out the liabilities. If in this case the same person has caused any damages, how will issues of compensation be managed? What happens if they do not conduct compensation?

Clause 43 sets out what happens when such a person with a license does not compensate the affected people. There is a tribunal in Clause 43 that is going to hear and the mode of award. Clause 45 speaks to restrictions of moving objects, so that no objects can be moved. Clause 46 speaks to punishment if somebody moves the object. The punishment includes Kshs1 million or one year imprisonment, or both.

Mr. Temporary Speaker, Sir, Part VI talks about protected areas. It is the role of the CS. It shows how the CS will gazette the protected areas in terms of activities, so that there are no damages to such areas. Clause 50 speaks about a person who is found culpable of certain offences. Again, it is Kshs1 million or one year imprisonment, or both.

Part VII is on monuments. It speaks to what the monuments are, how to cut the monuments and inspect, repair and ensure that they are protected. Clause 54 speaks to a written agreement that should be done to the honours of some monuments. If a monument was found in some plot or private areas, what happens? There must be a written agreement to ensure there is proper or due process in acquiring such a monument.

Mr. Temporary Speaker, Sir, the last, which is Clause 58, speaks of removal, injuries and damages of issues that are of national importance. Again, the punishment is Kshs1 million or one year imprisonment, or both.

Part VIII speaks to antiquities and protected objects. This deals with such objects of recognition that are of national importance and how this will be treated in case they are found. Clause 62 speaks to exceptional cases like where some of the monuments can be given out as a gift or loan.

Mr. Temporary Speaker, Sir, Clause 63 speaks about compensation problem in line with Article 40. You realise that people in this country have had to suffer. Sometimes you have heritage sites, where we have our wild animals. They have been damaging crops and killing people, and then it has become a challenge and nightmare compensating. The compensation is that which was set out when this country gained independence. Once this Bill is assented to, it will provide for an updated kind of compensation and the procedure.

**The Temporary Speaker** (Sen. Kinyua): Order, hon. Members! Sen. (Dr.) Milgo will have a balance of 32 minutes when this Order comes up again.

### ADJOURNMENT

Hon. Senators, it is now 6.30 p.m., time to adjourn the House. The Senate, therefore, stands adjourned until tomorrow, Wednesday 13<sup>th</sup> October, 2021, at 2.30 p.m.

The Senate rose at 6.30 p.m.