

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

THIRD ASSEMBLY – SECOND SESSION

Wednesday 5th March, 2023

House met in the Main Chamber at 2:30 p.m.

(The Speaker (Hon. Elisha Jack Oraro) in the Chair)

PRAYER

The Speaker (Hon. Oraro): Good afternoon Honourable Members. I want to request that due to the quorum hitch, and pursuant to the provisions of Kisumu County Assembly Standing Order No. 32 (2) that the Serjeant-at-Arms rings the quorum bell for five minutes.

(Quorum bell rung for five minutes)

The Speaker (Hon. Oraro): The Honourable Deputy Whip, please confirm if we have the requisite quorum.

Deputy Whip (Hon. Obonyo, MCA, South West Kisumu Ward): Thank you Mr. Speaker. There is quorum.

The Speaker (Hon. Oraro): Mr. Clerk, can you please take us through the Order Paper of today.

The Speaker (Hon. Oraro): Next order!!

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Oraro): Honourable Members, I want to welcome you to this session. I also want to take this opportunity to appreciate Members who were available when met the County Assemblies Forum Executive. The Secretary General has informed me to convey a message of appreciation for your time. Honourable Members, I also want to confirm that we have visitors in the gallery and they are students and teachers from Friends Secondary Mukuva in Webuye East

Sub County, Bungoma County. We have Mr. Ignatius Shikuku and Madam Nancy Makoha. Welcome to Kisumu County Assembly. Initially, we had some of our Members in this House but a few minutes ago and I trust that they are still held up in their lounge. We appreciate you for coming to Kisumu County. I believe you are here to witness what happens in the Assembly and it is my conviction that our Serjeant -at-Arms have taken you through the Assembly and if not, they will. I will give one or two Members a chance to welcome our visitors.

The Speaker (Hon. Oraro): Hon. Seth Okumu.

Hon. Okumu (MCA, East Seme Ward): Thank you Mr. Speaker. I want to join you in welcoming the Students from Mukuva Secondary School. I want to encourage the students that we were once students like you and what is most important is listening to your teachers. I usually inform students that all the teachers are trained in the same colleges. They are trained by the same lectures and I believe it is how dedicated you are on what they are teaching you that is going to transform your life in becoming what you want to be.

This House is a reflection what I am telling you. We are not only here as MCAs but, we come from different professions. We have engineers in this House like our Honourable Speaker Hon. Eng. Elisha Jack Oraro. We have Engineer. Reuben Rakwach who representing Kolwa East Ward. We have teachers like Hon. James Omollo. We equally have trained nurses like the Member from Kaloleni-Shaurimoyo Ward. So, you do not only become a Member of the County Assembly but you can also be a professional in this House and that helps you a lot to effectively produce in this House.

So, I want to encourage. This is to inform you that, we are not in these positions forever. I want to encourage you that wherever you are, you can become what you want to be only if you listen to your teachers. We are struggling as a county to bring nationhood to everyone and the schools is one of them where you don't want to be bothered whether somebody comes from Kisumu, Western or Mombasa but when you come here you look at ourselves as brothers and sisters. That is what we want in this nation. Please carry that on even after you are through with your education so that we see each other as Kenyans. So that we prosper as a country. Otherwise, thank you.

The Speaker (Hon. Oraro): Thank you. Now that you have mentioned Kaloleni Shaurimoyo, I will give Hon. Miriam Abeid a chance to say something.

Hon. Abeid (Nominated Member): Thank you Mr. Speaker. We are happy to have you here. I want to inform you that, there is hope in education. I know that we have had leaders in very high positions with questionable characters and my kids normally ask me why do we have illiterate Governor like Sonko and in my response, I inform them that the system is broken. Hopefully, we have the Right Hon. Raila Amollo Odinga that can fix the system so that young people can believe in education. Be a good person and be an asset to the society.

The Speaker (Hon. Oraro): Hon. Benny Pete Oiko. I would like to inform you that the Honourable Member standing before joining this House was also once a teacher.

Hon. Oiko (MCA, Kabonyo-Kanyagwal Ward): Thank you Mr. Speaker. I welcome our children from Western region, to Kisumu County. Western and Nyanza have had a long political history. My advice to the young ones, you have come to the political office, but it is not just a political office, it is an office that comprises all professions. This House is constituted of Engineers, Doctors, Accountants, and Businessmen. Therefore, people who have been elected have not just been elected without proper professional background. You need to prepare yourselves for your future so that you become whatever professional you would wish to be. At one time, you may develop interest in politics; and you will understand how important politics is.

Further, you will come to learn that, all that happens in the country must be endorsed by the politicians. I know you hear of the Budget Estimates being done every financial year and by 30th of June, you hear that the budget has not been passed, salaries cannot be paid and developments cannot take place. Why? This is because politicians have not endorsed the budget. See how important the political office is. They must endorse trillions of shillings to be spent. Before politicians give their nod or consent, nothing can be spent and that shows that those elected as politicians from the County to National government must be people worth their salt.

Again, as you reflect back home, who is your MCA, your MP, Senator, and Women Rep. That is how important they are to this country; in terms of the decisions making they make. I am happy that when we reflect back, from Western your big politicians, who had associated with our big politicians, like the late Masinde Muliro, the late Martin Shikuku, the late Moses Mudavadi, and the late Kijana Wamalwa. These were people who were very important in the political life of Kenya, though they all are gone. I am happy that young ones have also emerged, and now, the third in command in Kenya is the son of Mudavadi. You people know how important he is to the people of Western Kenya.

Finally, I want you to get the picture that politics is not a dirty game. It is a noble venture and those elected into political office should be people who are humble, people who can make a change in the society. I do not want to take a lot of your precious time. This would be a good exposure to some of you who may develop interest in politics. Thank you

The Speaker (Hon Oraro): Thank you very much. Next Order!! Mr. Clerk.

PETITIONS

The Speaker (Hon Oraro): Honourable Members, with me is a Petition that I want to communicate. The Petition is from one citizen of Kisumu County by the name Mr. William Odidi Ondigo. The Petitioner is appealing to the County Assembly of Kisumu against Rabuor Sub County Hospital in the matter of illegal dismissal without pay.

Honourable Members, the Petitioner is drawing your attention that he was appointed by the County Health and Sanitation Department on a three months Fixed Contract as a Casual Ambulance Driver on 01st October, 2021 and was attached at Rabuor Subcounty Hospital on a salary scale of Kshs 13,000 per month.

- a) THAT, the contract indicated that it could either be terminated or renewed after three months or early.

- b) THAT, during the interview period prior to the contract, the Petitioner was made aware that the salary could delay for up to three months or more.
- c) THAT, the contract would be renewed every month and he was able to serve the Hospital up to 31st November, 2022; and
- d) THAT, all that time, the Petitioner worked and carried out his duties diligently and within the terms and conditions as was prescribed by the contract and;
- e) THAT, on Friday 14th October, 2022 he received a text message from the Administrator Mr. Julius K' Auma informing him that the ambulance which he was operating had developed mechanical problem, and that they would get back to him once the issue of solved.
- f) THAT, he disregarded the text message as it was not an official communication as was required by law and continued to report to work until 31st November, 2022.
- g) THAT, their ensued a confrontation between the Hospital Management and him after which the Hospital issued him with a Letter of Termination which was backdated to 02nd November, 2022. The letter came after an order from Rabuor Police instructing the Hospital to do so.
- h) THAT, until today, the Hospital Management has neither paid nor made any efforts to pay his salary for a period of ten months amounting to Kshs.130,000 despite his request to them over the same.
- i) THAT, in December, 2022 he sought the help of the Department of Labour to have the issue addressed and resolved and his dues paid. They promised to get back to him but to no avail.
- j) THAT, the issues raised are not before any court of law, constitutional or legal body.
- k) THAT, his prayer is that the County Assembly intervenes so that he is paid his dues of Kshs. 130,000 owed to him by the Hospital before the contract was terminated.

Honourable Members, I have looked at the Petition. Procedurally, it meets the threshold. In terms of content, I have seen it wise to commit this petition before the Committee on Labour and Social Welfare to look at it. However, I want to request that as they look at look, do so keenly. I say that because I know it is the first petition of its similar nature and the decision that the Labour and Social Welfare Committee shall make shall form precedence of what happens next. Therefore, let this Committee look into this matter. As per our Standing Orders, I trust that 60 working days is enough for the Committee to look into the matter and report back as appropriate.

The Speaker (Hon Oraro): Next order!!

PAPER LAID

REPORT BY PUBLIC WORKS, ROADS AND TRANSPORT COMMITTEE ON THE
STATUS OF FLOODLIGHTS AND STREETLIGHTS WITHIN THE COUNTY

BY

HON. REUBEN RTAKWARCH, MCA, KOLWA EAST WARD.

(CHAIRPRERSON, PUBLIC WORKS, ROADS AND TRANSPORT COMMITTEE)

The Speaker (Hon Oraro): Hon. Rakwach.

Hon Rakwach (MCA, Kolwa East ward): Thank you Mr. Speaker, Sir. Pursuant to provisions of Standing Orders No. 182 (6) of the Kisumu County Assembly Standing Orders, I wish to table today Wednesday, 05th April, 2023 a report by Public Works, Roads and Transport Committee on the Status of Floodlights and Streetlights within the County. Thank you.

(Hon. Rakwach lays the report before the House for consideration)

The Speaker (Hon Oraro): Honourable Members, you remember I did make communication on how Statements should be handled. I want to appreciate the Committee on Roads for following the same. I want to confirm receipt of the report on the Status of Floodlights and Streetlights within Kisumu County by the Committee on Public Works, Roads and Transport, as has been laid by Hon Rakwach who is the Chair of the Committee. I want to commit this Report to House Business for purposes of scheduling for debate.

The Speaker (Hon Oraro): Next order!!

NOTICE OF MOTION

REPORT BY PUBLIC WORKS, ROADS AND TRANSPORT COMMITTEE ON THE
STATUS OF FLOODLIGHTS AND STREETLIGHTS WITHIN THE COUNTY

BY

HON. REUBEN RTAKWARCH, MCA, KOLWA EAST WARD.

(CHAIRPERSON, PUBLIC WORKS, ROADS AND TRANSPORT COMMITTEE)

The Speaker (Hon Oraro): Yes, Hon. Rakwach.

Hon Rakwach (MCA, Kolwa East Ward): Thank you Mr. Speaker. Pursuant to the provisions of the Kisumu County Assembly Standing Orders No. 45 (1), I wish to give a Notice of Motion that this House adopts the report on the Status of Floodlights and Streetlights within the County. Thank you, Mr. Speaker, Sir.

The Speaker (Hon Oraro): Next order!!

STATEMENTS

The Speaker (Hon Oraro): What is it Hon Bill?

Hon Oliver (MCA, Kobura Ward): Thank you, Mr. Speaker. I want to present a Statement.

The Speaker (Hon Oraro): I remember you had made a request. I would grant you that permission. You can proceed.

Hon Oliver (MCA, Kobura Ward): Thank you Mr. Speaker. Pursuant to Standing Order No 41 (2), (a),(b), I rise to seek a Statement from the Chairperson of the Committee on Administration of Law, Justice, Constitutional Affairs, Good Governance and Security on the failure by the Departments of Special Programmes and Disaster Management to act in a timely manner to avert the imminent flooding disasters in flood-prone areas within the County.

Hon Speaker, in Kobura, Ombeyi and adjacent Wards, the floods are already wreaking havoc characterized by blocked water ways, overflowing streams, canals and broken river banks causing backflows into homesteads, blocking roads and other public utilities.

In the Statement, the Chairperson should:

1. Give details of the outcome and usefulness of the survey conducted by the Department of Special Programs in the flood prone areas of Kobura and related Wards.
2. To explain why the Department of Special Programs and that of Disaster Management cannot have a prior Monitoring Mechanism based on Meteorological Data, and put in place mechanisms that help in averting and or cautioning the residents on the effects of perennial flooding in Nyando basin, Kano Plains, and other flood prone areas within the County.
3. To provide details of any or all Emergency Action Plans that the Department has put in place, to avert the already worsening effects of floods in the most affected areas of; my ward, we have *Kathoo* Location around (*Yuerayuera* area), *Kochieng'* West, we have (*Nyamware* area), and in *Kochieng'* East (*Wang'Achuodho* area) in Kobura ward. In Ombeyi ward we have *Kigoche* area, Ombeyi Market, Onyalo-Biro, Olasi, Achuodho and Kabar-Abuao areas.

Mr. Speaker, the rains are serious, and some people have started moving out of their homes due to floods. Otherwise, I would like to seek a statement from the Chairperson JLAC Committee.

The Speaker (Hon. Oraro): Honourable Members, Is the Chairperson of the JLAC Committee or Vice-Chairperson in the House?

(The Clerk consulting with the Speaker)

The Speaker (Hon. Oraro): Any Member of the JLAC Committee?

The Speaker (Hon. Oraro): Hon. Benson Adega.

Hon. Adega (MCA Kajulu Ward): Thank you, Mr. Speaker, I want to bring to your attention that, my chairperson is not around but maybe if you give us one week we as a Committee can provide a response to the statement raised this House.

The Speaker (Hon. Oraro): Honourable Members, I believe that that I listened carefully to the statement raised by the Members but at one point the statement was regarded as a matter of great urgency but I am also drawn to that fact that, this it is a matter that touches on the Special Programs Unit if it is clear in my mind.

The Speaker (Hon. Oraro): I am seeing Hon. Tom Onditi is up, what is it?

Hon. Onditi (MCA, Ombeyi Ward): Thank you, Mr. Speaker, I would want to slightly disagree with Hon. Benson Adega because this isn't something that needs time as it is a matter that should be treated with the urgency that it deserves. In my Ward, homes are already flooded and lives have been lost in the process. Mr. Speaker, this matter is quite serious and you have noticed that in the last two days I have not been in this House because we have been in the emergency program of trying to salvage people, property and even livestock. I beseech the Committee on

JLAC to move with utmost speed because this is not something we knew, because Hon. Bill Oliver and I have been talking about this being the third time of it. We even invited the Department of Special Programs before the rains started, and they conducted a survey. This is something that they are aware of, and I trust that the Committee needs at most two days to respond to this quest to ensure that lives are saved. Otherwise, thank you.

The Speaker (Hon. Oraro): What is it Hon. Tom Nyaoke

Hon. Nyaoke (MCA, North Nyakach Ward): Thank you, Mr. Speaker, I just want to add my voice to this weighty matter that the people affected by this unprecedented condition of flooding, kindly request that the arrangements be done as soon as tomorrow. Mr. Speaker, as we speak, people are fleeing their homes and as representatives, we cannot stay in our houses because of this, and it is not our failure as we made a communication through the Department concerned way back in February. Unfortunately, until now nothing has taken place following that communication. It is high time we took these issues seriously and these people are assisted as soon as possible, thank you.

Hon. Oiko (MCA, Kabonyo-Kanyagwal Ward): Thank you Mr. Speaker, I want to alert him...

(Laughter)

The Speaker (Hon. Oraro): Hon. Benny Pete Oiko, I have noticed you but let me give Hon. Rakwach go first.

Hon. Rakwach (MCA, East Kolwa Ward): Thank you, Mr. Speaker, for giving me an opportunity to also add my voice to the issue in the House. Honourable Speaker, I have to bring to your attention that this is a very weighty issue out here and some residents of the said areas have already left their homes and should therefore be treated with the urgency that it deserves. This one should be a statement that should be treated under the certificate of urgency. Hon. Oliver has talked of Kobura and Ombeyi Wards, and other related wards and I trust that the other related ward is East Kolwa where I represent because I am his immediate neighbor, and my people have also been invaded by the floods. Mr. Speaker, we are therefore requesting that this matter be treated with the urgency that it deserves, otherwise thank you.

The Speaker (Hon. Oraro): I have noticed you Hon. Seth Okumu but I had promised a chance to Hon. Benny Pete Oiko.

Hon. Oiko (MCA, Kabonyo-Kanyagwal Ward): Thank you Mr. Speaker. The matter of floods in Kisumu County is a very serious one, and outside there, the members of the public have concluded that we have abdicated our roles. This conclusion is because we wait up until the floods come and damage has been done, then we struggle to salvage the situation. This is something that we should have done to prevent three months prior. We know that there are two funds in this County that is; the Disaster Special Programs Fund Act, 2015, and the Emergency Fund Act, 2018.

Mr. Speaker, the House needs to be enlightened on how these two Funds work, because the truth of the matter is that the Disaster and Special Programs Fund, we are referring to now, had no allocation, and they are waiting for the Supplementary Budget. It is the Emergency Fund Act,

2018 that had an allocation of Kshs. 100 million in its account. Fellow Members, we need to take the Office of the Governor and the Office of Finance to task to explain to us how our people can be helped before the havoc occurs. We must be in a position to understand how the government works and how allocations are done. The matter brought now is being addressed to the Office of the Governor, in the Department of Disaster Special Programs, which has been crying foul that they have no allocation to undertake these programmes.

Mr. Speaker, when this Assembly appropriates money, no one bothers to look into that. Fellow Members, the budget is coming, let us open our eyes on the Department of Disaster and Special Programs and gauge the allocation they are to be given, what work they are doing to our people, so that we do not raise issues at the last minute when there is already an outcry. The fund that might have helped us is the Emergency Fund Act, 2018 which is anchored under Finance Department. We should bring another statement here so that the Department of Finance and Economic Planning can explain to this County why they have been allocating that money to Finance as opposed to the Department of Special Programmes, and which also ought to work in collaboration with other departments. The Department of Finance and Economic Planning just enables but does not implement, and has a huge amount of Kshs. 100 million that cannot be implemented without collaboration with other departments. Mr. Speaker, these are issues that should be canvassed openly and should reach the ears of the Governor as well as those in the relevant departments. We need to help our people and should not talk for the sake of it so that if we need a follow up we can refer to what we said before. Fellow Members, this is very serious, let the Department of Special Programmes explain itself on the measures it has put in place, thank you Mr. Speaker.

The Speaker (Hon. Oraro): Lastly, Hon. Seth Okumu

Hon. Okumu (MCA, East Seme Ward): Thank you Mr. Speaker, I want to challenge my colleagues from the disaster prone areas just like my brother Hon. Oiko has just said, not to wait until the rains start. Mr. Speaker, the Hon. Member from Kabonyo-Kanyagwal ward who is here...

Hon. Nyaoke (MCA, North Nyakach Ward): A Point of Order Mr. Speaker!!

The Speaker (Hon. Oraro): What is it Hon. Nyaoke?

Hon. Nyaoke (MCA, North Nyakach Ward): (*On a Point of Order*) Mr. Speaker, is it in Order for the Hon. Member to insinuate that we wait until the clouds open and yet I personally wrote a letter on the same issue three months before the floods, and it is on record and can be produced before this House? So, let him withdraw that statement and probably suspend his submission.

The Speaker (Hon. Oraro): Yes, Hon. Seth Okumu.

Hon. Okumu (MCA, East Seme Ward): Mr. Speaker, I am not privy to that letter, and I cannot comment on a letter I have not seen or heard being mentioned in the House. All I can remember is Hon. Oiko of Kabonyo-Kanyagwal walking in his ward with members of National Youth Service that they have gotten money and they are going to do...

Hon. Oiko (MCA, Kabonyo-Kanyagwal Ward): A Point of Order Mr. Speaker Sir,

The Speaker (Hon. Oraro): What is your Point of Order?

Hon. Oiko (MCA, Kabonyo-Kanyagwal Ward): Mr. Speaker, what Hon. Seth Okumu is saying is an insult to me because I have gone to the Office of the Governor, the office of CEC Member for Finance, and I started last year and there is no help I have received. I can even show you from my mobile phone the kind of effort I have made. Hon. Seth Okumu is fond of defending the Government of Prof. Peter Anyang' Nyong'o.

(Laughter)

Hon. Oiko (MCA, Kabonyo-Kanyagwal Ward): That is what Hon. Seth Okumu is fond of doing. Moreover, since he has little language that he can challenge people. He knows that I started this matter since last year and it is on record. When an opportunity came that the National Government could help, what is wrong with that? That is not someone's money but rather tax payer's money. Please stop using that as an excuse.

(Laughter)

The Speaker (Hon. Oraro): *(Laughs)* Hon. Okumu!

Hon. Okumu (MCA, East Seme Ward): Honourable Speaker, I have gotten the information from my brother. However, when you go privately to the Executive offices without seeking help from this House, we do not know how to help you. That is because; if you go there as an individual capacity while as a House we do not know. The way Honourable Bill Oliver has brought it here; we can now do a follow up as County Assembly of Kisumu. Then, if you go there as a person, how do we come in as Members of County Assembly of Kisumu? So, to the Honourable Members, that is what I was saying that if you guys can bring these Statements so that we treat them as disasters. In addition, in Disaster Management, we do mitigation that is; we prepare early by desilting so that when the rains come, we now handle emergencies. Places that we thought we had desilted now we are having excess waters...

(Hon. Pete consulting loudly)

Hon. Pete (MCA, Kabonyo Kanyagwal Ward): On a point of order Mr. Speaker Sir!

The Speaker (Hon. Oraro): Honourable Bennie, what is your point of order?

Hon. Pete (MCA, Kabonyo-Kanyagwal Ward): Mr. Speaker Sir, Honourable Seth is trying to play with our intelligence. There are departments in charge of their works and the one for Disaster and Special Programme has its activities cut out. When you see the Members coming here to complain, that means there is a disconnect somewhere. What had the department initially done to save the people of Kisumu County? Nothing, and that is why Members are talking about it. So, let Honourable Seth knows that we only come in when there is a disconnect where the government has not done its part, which is why you hear Members talking about it.

The Speaker (Hon. Oraro): Hon. Seth.

Hon. Okumu (MCA, East Seme Ward): Mr. Speaker, as I conclude, I really want to help my brother Honourable Oiko Pete. Therefore, I am just advising that we are going to another

budgeting cycle. Last financial year, we did appropriation to the Emergency Funds to the tune of Kshs one hundred million shillings. On behalf of the other Members, the Member would have brought a Statement here seeking to know how we can mitigate what has been there in his ward way earlier so that we push those people and do desilting as I was mentioning. So that, by now what we should be addressing is just the excesses. However, Mr. Speaker, if we wait until the rain starts and then we bring the Statements here, then, we will be hurting our people. I am just humbly requesting Members from the flood prone areas that, for this one, yes let us push emergency to be done to those places. But, next time, please, follow this money as early as possible immediately we pass the budget so that they do those desilting early so that by now we only handle the emergency aspect. Imagine right now we are handling both disaster and desilting with the little fund we are having. Thank you Mr. Speaker; that is my submission on the Statement brought by my friend Honourable Bill Odhiambo.

Hon. Oliver (MCA, Kobura Ward): On a point of information Honourable Speaker.

The Speaker (Hon. Oraro): Honourable Bill, what is it?

Hon. Oliver (MCA, Kobura Ward): Through your Chair, I want to inform Honourable Seth Okumu. Honourable Member, the Members whose wards are affected by floods; we have talked to the relevant authority that before it rained the departments sent officers to our wards to undertake the necessary mitigative measures. Until today, we have not seen any mitigative measures been taken and we are suffering in our wards. So, if you want to insinuate that Honourable Members are not doing anything, it is not in order, thank you Mr. Speaker.

The Speaker (Hon. Oraro): Honourable Members, I have listened to...

Hon. Adonijah (MCA, Chemelil/Tamu Ward): On a point of order.

The Speaker (Hon. Oraro): Honourable Member, what is the point of Order?

Hon. Adonijah (MCA, Chemelil/Tamu Ward): Thank you Mr. Speaker. I just want to remind my brother Honourable Seth that the matter which is being discussed here is a very weighty one. So, the Member should also remember that even Honourable Bill also was in Nairobi. So, I do not know whether that Statement is going to be considered or not because he was part of those people. I have also heard him talking about *sijui* Government and what have you. Which is very wrong because, when we are discussing these things, we are not supposed to bring such matters or other things...

(Loud consultations)

The Speaker (Hon. Oraro): Honourable...

Hon. Adonijah (MCA, Chemelil/Tamu Ward): Mr. Speaker, I believe this is now the third time I am hearing Honourable Members when we are talking or rather contributing, we are being blamed for what? But, I have realized that there are some members here who want to confuse our brains because these things, it is not good at all at all. In addition, on the other side, we are saying that Prof. Peter Anyang' Nyongó is working. It is not very fair Mr. Seth. You should withdraw that statement before the Speaker makes his ruling. I am not happy.

Hon. Rakwach (MCA, Kolwa East Ward): On a point of information.

(Hon. Odari and Hon Rakwach are consulting loudly)

The Speaker (Hon. Oraro): Honourable Odari, what was your point of order?

Hon. Adonijah (MCA, Chemelil/Tamu Ward): Mr. Speaker, as for me, I do not want any other information from any other Member because I was addressing you. I am a learned chap though I normally do not talk much. However, I do not want any information. I do not want to be informed.

(Honourable Reuben rises on his feet)

The Speaker (Hon. Oraro): Order!! Honourable Reuben. I was carefully listening to the submissions by Honourable Odari. He stood on a point of order, I listened to him but I was not getting his point of order. That is why I was asking that what is the point of order?

Hon. Adonijah (MCA, Chemelil/Tamu Ward): Mr. Speaker, I want Honourable Seth to withdraw the statement that he made concerning Honourable Oiko going to Nairobi to visit the National Government.

(Laughter)

Hon. Adonijah (MCA, Chemelil/Tamu Ward): So, I was saying that even Honourable Bill who brought the Statement here before us was part of the delegation that travelled to Nairobi.

(Laughter)

Hon. Adonijah (MCA, Chemelil/Tamu Ward): Mr. Speaker, for that matter therefore, it means that this matter should not be taken into consideration.

The Speaker (Hon. Oraro): Honourable Seth.

Hon. Okumu (MCA, East Seme Ward): Thank you so much Mr. Speaker. I believe the Honourable Member might have been resting his eyes while I was submitting. In my statement I never mentioned anything to do with Members travelling to Nairobi. Further, I never even mentioned anybody doing anything. I do not know how he came up with the issue of Nairobi. Honourable Speaker, you can check with the Hansard. There is no mentioning of Nairobi in my statement until now that he has talked about it. So, I trust that you should rule him out of order.

(Hon. Rakwach rises on his feet)

(Laughter)

The Speaker (Hon. Oraro): Honourable Rakwach, I want to put that matter to rest. Honourable Members, I want that matter to come to a rest. Honourable Rakwach, if it is the same issue, I want to make a ruling on that statement. That is because I am seeing that....

Hon. Rakwach (MCA, Kolwa East Ward): Mr. Speaker, I just arose on a point of information. I want to inform the House.

The Speaker (Hon. Oraro): Permission granted.

Hon. Rakwach (MCA, Kolwa East Ward): Thank you very much Honourable Speaker for allowing me to give out my point of information. To Honourable Seth, through the Speaker, I am one of the Members that come from flood prone areas. However, I stand guided and advised on the statement given by Honourable Seth on the floor. It is very inappropriate for some of the Members to insinuate that our Governor is not working. I believe I followed up and some desiltation had been done in my ward. That is why this time round the flood is not very much in Kolwa East. There are some Desiltations, since I started in time and I have been following up. For that matter, some good work of desiltation had been done and I was still following it up. Even Honourable Seth is aware of it. So, to the Honourable Members, be encouraged to start these programmes early enough and let us make a follow up. If there is a statement which should come to the Assembly, let it be done on time. However, do not come late then make a lot of noise Mr. Speaker, thank you very much.

The Speaker (Hon. Oraro): Order!! Honourable Members, please allow me to give guidance on the statement raised by Honourable Bill. I have carefully listened to it. It is a matter of both Special Programme and Emergency. Even though the manner in which he presented was addressed to the Administration of Law, Justice, Legal Affairs and Good Governance and Security Committee which is more or less like emergency. You are also aware that matters of Special Programme are anchored in the Finance and Economic Planning Department.

Honourable Members, now therefore this is my ruling. That the Committees of Cooperatives, Finance, Trade and Enterprise Development and that one of Administration of Law, Justice, Legal Affairs and Good Governance and Security the co-chairing, you can have a team of seven Members each from those two Standing House Committees. The Committee of Cooperatives, Finance, Trade and Enterprise Development to produce seven members and the Committee of Administration of Law, Justice, Legal Affairs and Good Governance and Security to equally produce seven of its members including their Chairpersons. Then the author of that Statement who is Honourable Bill Odhiambo becomes part of the team. Honourable Members, from there you look at this matter conclusively, when I say that, you go beyond what Honourable Bill has sought but should include the plans that they have as at now in terms of emergency programmes and also what plans they have put in place. You also propose to the House what it needs to do. You have heard Honourable Bennie Pete Oiko talk of two Laws; the Kisumu County Emergency Fund Act, 2018 and the Disaster Special Programme Fund Act, 2015. There should be a possibility of merging these two Acts so that they work together. So, your mandate will be go beyond what Honourable Bill has raised. Being a matter of urgency, I will not work in accordance with the Standing Order period of reporting which is fourteen days but for this one you will be required to report back within one week. By this direction, I authorize you that you will convene including on the Assembly days and even recess if need be. Therefore that is my ruling..

Fortunately, Statement time is one hour and we have exhausted it. So, if you have a Statement unfortunately I will not allow you to give it. We will have another session tomorrow.

The Speaker (Hon Oraro): Clerk; let us go to the next order!!

MOTION

ADOPTION OF THE REPORT OF CHILDREN, CULTURE AND COMMUNITY SERVICES COMMITTEE REPORT ON CONSIDERATION OF KISUMU COUNTY CULTURE POLICY

BY

HON. NANCY MATARA, NOMINATED MEMBER.

(CHAIRPERSON, CHILDREN, CULTURE AND COMMUNITY SERVICES COMMITTEE)

(Hon. Were rises on his feet)

The Speaker (Hon. Oraro): What is it Hon. Were? Yes Honourable Were.

Hon. Were (MCA, Nyalenda B Ward): Thank you Mr. Speaker, I wanted to read the report on behalf of Honourable Nancy Matara who is the Chairperson. Hon. Speaker, pursuant to the provisions of the County Assembly of Kisumu Standing Order No 193(5) (g) which mandates Sectoral committees to make reports and recommendations to the County Assembly as often as possible including recommendation of proposed legislation, the Sectoral Committee on Children, Culture, Gender and Community Services prepared a report on the County government of Kisumu Culture and Arts policy.

The committee in its sitting noted that since the House was to proceed for Recess effective 2nd December, 2022 to 14th February, 2023 and there be pending tasks that had not been concluded, it was important that the Committee make a formal request to the Office of the Speaker to authorize the committee to convene sittings during Recess.

The Office of the Speaker consented to the request and Committee was instructed to prepare a report with clear objectives for the intended activities which was a report on Kisumu county Culture and Arts policy. The Committee obliged and was approved by the Hon. Speaker, thereby the exercise was conducted on Monday the 16th to Saturday the 21st of January 2023 within Nakuru County.

LEGAL FRAME WORK AND COMMITTEE MANDATE

Mr. Speaker and Hon. Members, the Committee bestows its mandate pursuant to the provisions of the Standing Order 193(5), the Committee on Children, Culture, Gender and Community Services shall among other supervisory duties:-

- (a) Investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned department.
- (b) Study the programme and policy objectives of the department and the effectiveness of the implementation.
- (c) Study and review all County legislation referred to it.
- (d) Study, assess and analyze the relative success of the department as measured by the results obtained as compared with their stated objectives.
- (e) Investigate and inquire into all matters relating to the assigned department as they may deem necessary, and as may be referred to them by the County Assembly.

- (f) To vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 187(Committee on Appointment).
- (g) Make reports and recommendation to the County Assembly as often as possible, including recommendation of proposed legislation.

Further, pursuant to the provision of the Standing Order 193(Second schedule), the Committee is mandated to inquire into, investigate and report on;

All matters relating to cultural activities, public entertainment, public amenities, including betting, casinos and other forms of gambling, racing, liquor licensing, cinemas, video shows and hiring, libraries, museums, sports and cultural activities and facilities and county parks, beaches and recreation facilities; children's welfare; and control of drugs and pornography.

COMMITTEE MEMBERSHIP

The following are the members of the Committee on Children, Culture, Gender and Community Services as currently constituted in line with the provisions of Standing Order No 193 (6)

No.	NAME	DESIGNATION
1.	Hon. Nancy Matara Ochieng -	Chairperson
2.	Hon. James Were -	Vice Chairperson
3.	Hon. Mildred Ajumbo -	Member
4.	Hon. Boitone Ratib -	Member
5.	Hon. Jenipher Obonyo -	Member
6.	Hon. Vincent Obuya -	Member
7.	Hon. Zacharia Okoyo -	Member
8.	Hon. Maurice Ngeta -	Member
9.	Hon. Eunice Alandoh -	Member
10.	Hon. Benny Oiko Pete -	Member
11.	Hon. Samuel Dedeh -	Member
12.	Hon. Regina Kizito -	Member
13.	Hon. Mariam Abeid -	Member
14.	Hon. Reuben Rakwach -	Member
15.	Hon. Joachim Oketch -	Member

Secretariat

- | | | |
|---------------------|---|------------------------|
| 1. Annebelle Wabuge | - | Senior Clerk Assistant |
| 2. Naomi Orutwa | - | Clerk Assistant. |
| 3. Judith Akoth | - | Sergeant-at-Arms |
| 4. Valarie Achieng | - | Hansard Reporter |

Acknowledgement

Speaker, on behalf of the Committee on Children, Culture and Community services members, I wish to extend our gratitude of the invaluable support accorded to the committee by the office of the Speaker and Clerk of the County Assembly towards ensuring that the committee mandate is achieved within the time allocated.

I wish to thank the members for their commitment and participation during the whole process and wish to assure them that the observations and recommendations therein were unanimously agreed upon by all members as objectively as possible.

On behalf of the Sectoral Committee on Children, Culture, Gender and Community Services pursuant to the provisions of the County Assembly Standing Order No 163 (c) and 182, it is now my pleasant duty and privilege to submit this report on Culture and Arts Policy to this House for consideration and approval. Thank you

THE KISUMU CULTURE AND ARTS POLICY

Hon. Speaker, the constitution of Kenya 2010 recognizes culture as the foundation of the nation and cumulative civilization of the Kenyan people. It consequently commits the Government to promote all forms of cultural expressions and protect the intellectual morality rights of the people herein, the people of Kisumu County.

Culture and arts in this Policy context includes the performing and visual arts, crafts and fashion/design, community art, media, digital, film, television, language, literature, writing, publishing and all forms of creative thinking and expression.

Heritage on the other hand is something inherited from our ancestors and valued enough today to be carried along for future generations. Heritage incorporates both tangible and intangible and presents itself in form of buildings, objects, languages, landscapes, landmarks, customs, and ceremonies among others.

Kisumu County as a dynamic, contemporary and cosmopolitan County that actively appreciates, protects and promotes the values of the Luo Culture demonstrated through cultural heritage sites, libraries, art galleries, museums, sports and events, building, parks and recreational facilities and also the lake. , while it esteems all residents, neighbors and visitors in pursuit of their own values and culture. The county is thereby committed to support cultural diversity and fullest expression and dissemination of culture in all their facets among all their residents and neighbors.

POLICY FRAMEWORK
CULTURE AND HERITAGE

1. TANGIBLE CULTURAL HERITAGE

Hon. Speaker, tangible Cultural Heritage refers to objects, movable and immovable, which men and women use to benefit for their physical environment. Tangible culture is therefore the outcome of design and product development that incorporates our past and adds value to our future. This includes the archeological findings which testify to the past degree of our past civilization, as well as contemporary architecture.

It constitutes of

- i. Visual Arts which The County Government of Kisumu delves on encouraging public art initiatives on County Government property and cultural centers and also develop a virtual museum to increase public access to the entire county heritage sites and showcase web based exhibits.
- ii. Health and Medicine that aims to protect traditional healing methods and indigenous knowledge thereby preserving natural resources as a source of traditional medicine. In addition establish regulatory measures and licensing guidelines with the adherence to international standards for herbal medicine and practice of traditional medicine.
- iii. Use of cultural centers as official outlets of growing, preserving, preparing and serving of inter-ethnic traditional foods and drinks as well as promoting the role of traditional Luo diet in enhancing healthy and sustainable dietary patterns in the county.
- iv. Tangible Cultural Heritage also consists of Historical Sites, Monuments and Physical Environment that the County Government of Kisumu undertakes to establish a heritage sites management fund, raise donations and funding from individuals, private and nonprofit sectors and apply funds to develop and promote Kisumu's heritage sites

It also seeks to align official calendar of annual festivals, commemorative cultural events, thematic years and exhibitions with cultural center activities together with allocating appropriate annual funding to conserve and maintain county heritage sites.

1. INTANGIBLE CULTURAL HERITAGE

Hon. Speaker, intangible Cultural Heritage Refers to the practices, representations and expressions, knowledge and cultural spaces associated therewith that communities, groups and in some cases individuals recognize as part of their cultural heritage. It manifests itself through oral tradition, performing arts and practices concerning nature and universe and traditional craftsmanship.

- I. Under the constituent of Performing Arts, The County Government of Kisumu has a goal to ensure that appropriate administrative and regulatory framework is put in place to ensure equity and cohesion in the use and accessibility of performing arts center both local, provincial and at the national level. It also seeks to develop some open public parks into cultural parks where regular culture and arts activities such as performances exhibitions and games will be continuously held. Together with decentralizing cultural and arts events to all parts of the county to increase participation by all residents.

- II. The County Government of Kisumu also intends to use community cultural centers to revive, preserve and promote traditional forms of sport, games recreation and entertainment.
- III. The County Government of Kisumu pursues the use of community cultural centers to promote and train clients in local languages including non-verbal, sign and text languages.
- IV. On Culture talent identification and development, the County Government of Kisumu implores to Set up and implement Kisumu cultural industries career forum for youth in partnership with local universities, colleges and training institutions. In addition, develop and implement a privately funded creative county culture and arts revolving loan programs to provide seed funding for new cultural offerings to attract cultural tourists to Kisumu County.

2. CULTURAL INDUSTRIES

Hon. Speaker, with the globalization of cultural exchanges and server cultural exchanges with the severe international competition accruing from it, the promotion of strong cultural industries has become a strategic challenge for Kisumu County.

In this regard industries such as the publishing industry, Cinema and Audio visual industry, multimedia industry and recorded music industry seeks to encourage activities in their respective reference an enabling environment that contributes to the dissemination and development of Kisumu County Cultural industries and that of the overall economic development of Kisumu County.

3. THE FAMILY

Hon. Speaker, the family as the smallest unit of society and kinship relationship is faced with the advent of modern culture and have gradually embraced contemporary concepts of family brought about by inter marriages.

Kisumu County Government seeks to provide easy access to families by developing cultural activities at local level i.e. libraries, facilities for performing visual arts for the benefit of small rural communities.

4. PROTECTION OF COMMUNITY RIGHTS

Hon. Speaker, the people of Kisumu have unique cultural innovations that result from long term interactions with the environment. These cultural expressions are threatened with extinction by internal and external influences leading to the need to adopt interventions geared towards promotion and protection of Kisumu County Culture. The County Government of Kisumu pursues to ensure protection of the rights of all people and particularly promote the rights as are enshrined in International legal Instruments by either adopting or domesticating them to curb extinction of cultural community rights by internal and external influences.

5. PROTECTION AND PRESERVATION OF INDIGENOUS KNOWLEDGE

Hon. Speaker, Luo Traditional Knowledge generally means traditional practices and cultural knowledge of plants and animals and their methods of propagation. This includes beliefs, rituals and Community laws, expression of cultural values and knowledge regarding land and

ecosystem management. The County Government of Kisumu strives to create a framework for the recognition, understanding, integration and promotion of Luo people's indigenous knowledge, wealth and resources. It also pursues to enact legislations to protect indigenous Luo knowledge, traditional cultural expressions and the holders of such Knowledge against exploitation.

6. HEROES AND HEROINES

Hon. Speaker, persons who fall in this category include individuals who through patriotism, integrity, commitment and vision contributed to the liberation, struggle, prophecy, knowledge, cultural values and practices, arts, sports, and other special achievements of the Luo culture. In their recognition it is in order to celebrate and accolade them both in existence and fallen.

7. MEDIA

Hon. Speaker, this constitutes of Cultural information, Print Media and Electronic Media. The County Government of Kisumu seeks to encourage dissemination of positive cultural information about Kisumu County Communities through all media, and undertake further ensure that organizations, individuals and institutions in all forms of media offer Kisumu residents culturally oriented programs which are competitive in terms of relevance and aesthetics.

8. EDUCATION

Hon. Speaker, Education is a continuous process in which knowledge, skills and values are passed from one generation to another. It can be formal informal institutionalized or occasioned by various social dynamics within the society. Education should lead to appreciation and strengthening of one's cultural identity as well as other diverse cultures.

The county Government of Kisumu seeks to encourage and support holistic education process to enable learners develop their personality and identity thereby enhancing their broad prospects.

9. CULTURAL TOURISM

Hon. Speaker, Cultural Tourism being a vital foreign exchange earner and a major employment sector falls short on negative values that may come with tourism and globalization. This in turn leads to distortion of aesthetic and ethical values. The County government of Kisumu seeks to encourage tourism activities that contribute to increasing public awareness and support for the protection and conservation of Kisumu Cultural heritage whereas ensuring sufficient revenues derived from local tourism activities go towards its management and conservation.

10. CAPACITY BUILDING

Hon. Speaker, a sustainable County Policy on Culture requires highly trained and informed professionals in all sectors in order to ensure its implementation and achievement of its goals. Due to globalization of the cultural markets and the diffusion of their products the training of Kenyan nationals in the field should have an intellectual look. This necessitates the establishment of capacity building programs in all cultural sectors including cultural project management, cultural research and information, cultural administration, regional and international cultural cooperation.

COMMITTEE FINDINGS AND OBSERVATIONS

Hon. Speaker, that the committee in its sittings observed that the policy is addressing key issues in the County which includes;

- 1) THAT, the department address gaps in the delivery of arts, heritage and cultural programming and services
- 2) THAT, the department proposes the establishment of cultural community centers or hubs for development, promotion, preservation and dissemination of culture and substantially serve as Centers of intercultural dialogue for Kisumu residents and its neighbors.
- 3) THAT, the department identifies new opportunities for engagement within the arts, heritage and cultural subsector
- 4) THAT, the department expands its engagement in the Sports sector and youths to be majorly incorporated.
- 5) THAT, the department maps out Kisumu County's cultural identity through creative and cultural expressions.
- 6) THAT, the department expands cultural participation and broadens the impact of arts heritage and culture.

CONCLUSION

Hon. Speaker, the Committee would like to implore this House to consider adopting this report on the consideration of the Kisumu County Culture and Arts Policy. Mr. Speaker, please allow me to call upon Hon. Okoyo to second, thank you.

The Speaker (Hon. Oraro): Yes Hon. Okoyo.

Hon. Okoyo (MCA, Central Kisumu Ward): Thank you Mr. Speaker I arise to second.

The Speaker (Hon. Oraro): Honourable Members now that the Children Culture and community Services Committee have presented their report on Kisumu County Culture and Art Policy presented by Hon. James Were on behalf the Chair and seconded by Hon. Okoyo. As per the provisions of our Standing Order, I want to propose a question and I propose that, the report by the Standing Committee of Children, Culture and Community Service on the Kisumu County Culture and Art Policy is open for debate.

The Speaker (Hon. Oraro): Honourable Member, I know Hon. Kizito must be having an issue with this policy, so the floor is yours.

Hon. Kizito, (Nominated Member): Thank you Mr. Speaker, as a member of this committee and being that we came up with some recommendations, just a minute.

Hon. Omollo (MCA, West Nyakach Ward): Point of order Mr. Speaker.

The Speaker (Hon Oraro): What is the point of order?

Hon. Omollo (MCA, West Nyakach Ward): (On a point of order) Mr. Speaker on the report, I think the mover has skipped or omitted some very vital information which is the recommendation bit that he has not read. I therefore beg for your guidance that before he goes to the conclusion bit. Let the Member reads the recommendations so that we get to know them. Thank you.

The Speaker (Hon. Oraro): Hon. Were there is a point of order that is pointed to you.

Hon. Were (MCA, Nyalenda “B” Ward): Thank you Mr. Speaker I stand guided.

The Speaker (Hon. Oraro): Proceed.

Hon. Were (MCA, Nyalenda “B” Ward): Under recommendation, the committee resolved that legislation be made to address the following:

- a) THAT, a policy be approved in accordance with article 185 of the constitution for implementation
- b) THAT, a bill to be tabled to ensure that a legal and administrative framework is established to expedite the identification and recognition of Heroes and Heroines.
- c) THAT, there is need to establish strategies that ensure the maximum protection and optimized preservation of indigenous knowledge.
- d) THAT, there is need to adopt interventions modeled towards promotion and protection of community right as are enshrined in International legal Instruments by either adopting or domesticating them. Thank you Mr. Speaker.

The Speaker (Hon. Oraro): Hon. Omollo, I hope you are now you are satisfied.

Hon. Omollo (MCA, West Nyakach Ward): Yes Mr. Speaker you know recommendation is the basic of this documents. Thank you.

The Speaker (Hon. Oraro): Hon. Kizito you were on the floor.

Hon. Kizito, (Nominated Member): Thank you Mr. Speaker. As a nominated MCA representing the youth and equally a member of this committee, I believe that through the findings that is if you refer to findings number four, that the policy expands its engagement in the sports sectors and youths to be majorly incorporated. I support this because it is going to touch on the lives of the youth and anything touching on the lives of the youths of Kisumu County, I will support.

The Speaker (Hon. Oraro): Hon. Ouko MCA West Kisumu Ward.

Hon. Ouko (MCA, West Kisumu Ward): Thank you Mr. Speaker. I would like to thank the committee for going down and doing this work which is one of our roles as Members and what is remaining is the implementation part. The guidelines are already given clearly and the inputs from every sectors. Mr. Speaker, just as it has been confirmed by the representative of the youths in this committee. Mr. Speaker, moving forward the most important thing will be implementation and we have a big problem with that. I believe that the committee charged of implementation should come clear and ensure that those in charge of execution do it as required. Otherwise, I support the motion.

The Speaker (Hon. Oraro): Hon. Henrietta Bodo, Chair Implementation Committee.

Hon. Bodo (Nominated Member): Thank you Mr. Speaker. We have a problem, as it has been reiterated by Hon. Ouko, the Implementation Committee is not working as it is supposed to work and we are looking into it on how it is going to improve from where we got it to the near future. Thank you.

The Speaker (Hon. Oraro): Hon. Peter Obaso.

Hon. Obaso (Nominated Member): Thank you Mr. Speaker. I would like to first thank the committee for the job well done. Mr. Speaker, if you look at the recommendations, you will realize that we still have a long way to go. If this is implemented then we will be somewhere. I want to thank the County Government of Kisumu for what it has done through this committee. We have a Social Hall which was renovated and named after one of our heroes. Previously, we had witnessed how our heroes have been celebrated and I want to really appreciate the county government for that. Lastly, in the past, I used to see tournaments and cultural practices being included in the budget and were being given allocation to the tune of Ksh.500,000. I would wish this Honourable House and County Government of Kisumu to consider that. I support the report, thank you.

The Speaker (Hon. Oraro): Hon. Pamela Oyoo Migosi Ward.

Hon. Oyoo (MCA, Migosi Ward): Thank you Mr. Speaker. I arise to support this report on culture because it is a very important report in this House and our society has borrowed many things that are not in line with cultural practices. Recently, we saw the Supreme Court approved the LGBTQ which is not part of our society. If this policy is adopted then, our children will know where we are coming from and where we are supposed to go to. I trust that culture is an important aspect in our society because our children will know that this is not our culture or why should they follow it. Mr. Speaker, it is my belief that, this report should be implement and included in the in school curriculums so that our children may learn that whatever they are seeing on televisions or social media, some of them are not our culture which is very important and they should follow.

Secondly, I want to say that when we come up with sports, arts and talents which have been recommended by this report. Such occasions will bring cohesion and friendliness among neighbors and this will also assist in identifying talents among our children at an early age. Many children out here are surviving on talents and therefore it should be encouraged because not all of us after completion of formal education must have white collar jobs, because some of us must leave on talent.

Thirdly, I want to state that because of cultural norms, we pass our belief from one generation to another. If your mother was a Christian you will know it is important to go to church and you will borrow the Christian values which will help you grow and will equally assist you to be aware of how to leave in the future. I therefore believe that culture should be impacted in our children and it should be encouraged for them to know that it is important and get role models. When culture is encouraged we will recognize our heroes and what they did to the society which will lead to the children emulating their heroic acts. When the policies are implemented, they will protect our society from infiltration from other beliefs that are not part of us. I rest my case and support the report thank you.

The Speaker (Hon. Oraro): Honourable Members, please allow me to be biased to Hon. Nyaoke and give Hon. Millicent before I come back to you.

Hon. Omuya (MCA, North Seme Ward): Thank you Mr. Speaker. I am rising to support the report and mine will be concise. I want to remind the committee.

The Speaker (Hon. Oraro): Yes Hon. Omuya.

Hon. Omuya (MCA, North Seme Ward): Mr. Speaker, I would like to express my support for the report and bring to the attention of this House a significant historical heritage within our debating chambers that cannot be found anywhere in the Nyanza region or Western Kenya. It is a Role of Honor that holds great importance in this County and County. I kindly request that the committee consider finding a way to refurbish it when implementing their recommendations because this will allow visitors to recognize and appreciate its significance. At times it is important for the students taking history to go through the role of honor. Thank you.

The Speaker (Hon. Oraro): Yes Hon. Nyaoke.

Hon. Nyaoke (MCA, North Nyakach Ward): Thank you Mr. Speaker. I want to express my gratitude towards the committee responsible for producing this report. They have noted in their findings and observations that indeed this policy has successfully filled gaps in the provision of Arts, Heritage, and Cultural Programming and Services. The report highlights some of the issues and gaps in the industry, including the identification of certain areas that can be utilized for income-generating activities.

Mr. Speaker, I would like to bring to the attention of the House that several countries, such as China, have effectively established heritage sites and cultural destinations that generate substantial revenue. It is imperative that we consider and borrow these successful models and potentially replicate them within our own cultural sector. If we as a County can practice this in our wards, this can act as an income generating tool and subsequently to the whole County. These are things that if we put to practice assuming that we have such kind of activities, programmes and places in all the seven Subcounties, then, we can be doing local tourism within ourselves and that will help us generate more income.

Mr. Speaker, I really want to implore and urge the committee responsible for this report to diligently and conscientiously implement the recommendations they have put forth. It is my sincere hope and prayer that, the valuable insights shared during the deliberations are translated into practical action. Thank you.

The Speaker (Hon. Oraro): Yes Hon. James Omollo.

Hon. Omollo (MCA, West Nyakach): Thank you Mr. Speaker. I rise to express my support to the report moved by the Children, Culture and Social Welfare Committee. It is imperative that we establish a comprehensive policy to preserve our heritage for future generations. By doing so, even our great grandchildren, when they find themselves in our shoes, will have a clear understanding of what was once present. Further, it is important that we, as current custodians of our laws and heritage, have a deep understanding of our history and cultural roots.

Mr. Speaker, as we strategize on the mapping out of cultural sites, it is essential that we prioritize their economic potential. We must ensure that these centers serve as revenue generators for the youth and women within the localities in which they are situated.

Mr. Speaker, it has been recommended that there be a Bill which will be an Act of the Assembly so that this is enshrined in our local laws so that even when we will not be there, those who will come after us will have to adhere to what we had put in place. This will go a long way in terms of establishment and in terms of taking care of our Heritage and Cultural Centres because we have several of them. We have basic ones which need to be protected at all times.

Mr. Speaker, as a community, we need to identify certain cultural practices that are outdated and are no longer aligned with our current values and beliefs. For instance, wife inheritance was once considered a significant cultural value by our forefathers. However, in our modern society, it is a retrogressive practice that we must discourage. We cannot continue to engage in such activities in the same manner as it was practiced in the past, especially in this civilized era. Therefore, it is imperative that we educate our people on the need to abandon such practices and adopt more progressive ones that align with our current cultural values and current times.

Mr. Speaker, I believe that we have the authority to guide the community we live in so that they can really take the positive cultural activities and do away with the ones which are not good. Honorable Pamela Owuor aptly highlighted the issue of Western influence on our cultural values. Even sometimes the rulings made by our Supreme Court do not align with our cultural beliefs and practices, due to the influence of Western ideas. It is not customary within any African community for women or even men to marry from the same sex orientation. Those are very retrogressive cultures activities that cannot be allowed to penetrate our own culture. The formulation of such laws is crucial in ensuring that our future generations do not stray away from our cultural values. With the widespread use of social media, our children and grandchildren are easily influenced. Therefore, it is essential that we provide them with guidelines to help them maintain their cultural heritage. In the past, it was customary for all Luos to extract six of their lower teeth. Medical treatment options were limited, and a common treatment involved receiving injections in the arm to boost one's energy levels. At that time, it was believed that the six lower teeth could be used to feed an individual during times of extreme weakness or sickness. But right now with the advanced technology and availability of medicine, we cannot go back to those kinds of outdated cultural practices. We only need to educate our children that this used to happen in the past and the reasons were because of certain factors. Thank you.

The Speaker (Hon. Oraro): Yes Hon. Eunice.

Hon. Alandoh (Nominated Member): Thank you Mr. Speaker I wish to call the mover to reply.

The Speaker (Hon. Oraro): Hon. Were.

Hon. Were (MCA, Nyalenda “B” Ward): Thank you Mr. Speaker. I would like to express my sincere gratitude to your office, as well as that of the office of the Clerk, for facilitating the committee's meeting and enabling the production of this report. The report contains valuable recommendations that address issues related to children, gender, and cultural services in our county. I would also like to express my appreciation to the members of my committee for their

unwavering dedication and commitment and investing their valuable time to produce this report. Finally, I wish to express my gratitude to the entire House for engaging in constructive discussions on this important issue. I am aware that when we pool our collective expertise and develop policies that prioritize the welfare of our people, particularly in regards to children, gender, and cultural heritage, we can make significant progress. Otherwise, I beg to reply.

The Speaker (Hon. Oraro): Honourable Members, now that the report from the Standing Committee Children, Culture and Community Services on Kisumu County Culture and Arts Policy has been presented, seconded and debated upon, I want to put a question. Honourable Members, however, before I do so, I would like to remind Members that if you look at the recommendations of the committee; it is recommended as follows;

1. The approval of the policy in accordance with Article 185 of the Constitution for implementation.
2. That, a Bill be tabled to ensure that appropriate legal and administrative framework is established, for the identification of heroes and heroines.
3. Establishment of strategies that ensure maximum protection and optimize preservation of indigenous knowledge.
4. The adoption of interventions of model towards promotion and protection of community rights as enshrined in international legal instruments by other adopting or domestication.

Honourable Members, as you are going to vote you have to understand that you are going to vote for all those four recommendations with the discussions therein. With that I proceed to put a question on the adoption of the same.

(Question put and agreed to)

The Speaker (Hon. Oraro): Honourable Members, the Children, Culture and Community Services committee report on Kisumu County Culture and Arts Policy is hereby adopted today Wednesday, 05th April 2023 at 1611 hours. Honourable Members, I want to direct that the communication be effected immediately to the relevant department for purposes of implementing the same.

The Speaker (Hon Oraro): Next Order!

ADJOURNMENT

The Speaker (Hon. Oraro): Honourable Members, there being no any other business to transact, the House stands adjourned to Thursday, 06th April 2023 at 2.30 p.m.

(House rose at 04.13 p.m.)

Addendum

The Hansard Team

Zablon Otiende – Senior Hansard Reporter (Ag. Editor)

Edward Odanga – Hansard Reporter

Fanuel Okode – Hansard Reporter

Patrick Okoyo – Hansard Reporter

Jacklyne Otieno – Hansard Reporter

Jesca Otieno – Hansard Reporter

Vallery Achieng' – Hansard Reporter