

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

Tuesday, 11<sup>th</sup> March, 2014

*The Senate met at the County Hall,  
Parliament Buildings, at 2.30 p.m.*

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

### PRAYERS

### PERSONAL STATEMENT

#### COMMENDATION TO MS. LUPITA NYONG'O FOR WINNING AN OSCAR AWARD

**The Speaker** (Hon. Ethuro): Sen. (Prof.) Anyang'-Nyong'o, you may proceed.

**Sen. (Prof.) Anyang'-Nyong'o:** Mr. Speaker, Sir, I rise to make a Personal Statement. I thank you for allowing me to do so.

Last week, when I was away with your permission, to attend the Oscars in Los Angeles, this House graciously paid tribute to my daughter, Lupita Nyong'o, on being the first Kenyan and the first black African to win an Oscar Award as the best supporting actress.

*(Applause)*

Mr. Speaker, Sir, my wife and I, and the whole of the Nyong'o family, is extremely humbled by the gratitude that this House expressed and the privilege that we had to be addressed by the Senate of the Republic of Kenya. My daughter, in particular, sends her warm greetings and gratitude for the recognition you have given her.

*(Applause)*

Mr. Speaker, Sir, while saying so, let me also pay tribute to all those Kenyans who have expressed solidarity and support for this great event. I would also like to pay tribute to the teachers and schools that my daughter went to, beginning with Waridi Day Nursery School, Lorento Convent, Msongari, Rusinga School and St. Mary's School. All these schools have contributed to the development of Ms. Lupita. I also wish to pay

gratitude and tribute to Phonenix Players and all those in the Republic of Kenya who are in the fraternity of acting and drama.

Mr. Speaker, Sir, lastly, let me also appeal to the House that while we are paying tribute to Ms. Lupita, let us understand that the film industry in this country is still in its nascent stage. Just a few days ago, some Kenyans won accolades at a festival in Lagos, Nigeria, for their contribution to the entertainment industry, to acting and drama. But we could do better if we supported the arts and drama in a much more fundamental way. As I speak today, if you are coming into Kenya brining film equipment to shoot a film in this country you have to pay 16 per cent VAT and another 30 per cent taxes. That makes it 46 per cent of taxation. That is rather heavy for anybody trying to develop a film industry in this country. So, I would like to appeal to the Government to give more support to the film industry which will contribute tremendously to job and wealth creation in this country.

Mr. Speaker, Sir, I thank you.

*(Applause)*

## STATEMENTS

### OUTBREAK OF FOOT AND MOUTH DISEASE IN WEST POKOT COUNTY

**Sen. Khaniri:** Mr. Speaker, Sir, I rise, on behalf of my committee, the Committee for Agriculture, Land and Natural Resources to issue a Ministerial Statement that was sought by Sen. (Prof.) Lonyangapuo on the Outbreak of Foot and Mouth Disease in his county.

Mr. Speaker, Sir, the first cases of the current foot and mouth disease in West Pokot County were reported on 31<sup>st</sup> December, 2013, in Kapenguria sub-county in Nangei Ward---

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

**The Speaker** (Hon. Ethuro): What is it, Sen. Danson Mwakulegwa?

**Sen. Mwakulegwa:** Mr. Speaker, Sir, the Professor is not in. Therefore, he will not be able to interrogate this statement. I think it has been a tradition that if the person seeking the Statement is not in, that Statement is deferred until the person who has asked for the statement is in.

**Sen. Khaniri:** Mr. Speaker, Sir, my understanding is that the statement belongs to the House. I gave a very firm undertaking. If you remember very well, because of the urgency of the matter, you wanted me to issue this statement in a week's time and I requested for two weeks. Two weeks elapse today. The statement was sought two weeks ago. Therefore, given the urgency of this matter, I feel obliged to give this statement. I will supply the written statement to the Clerk's office so that Professor Lonyangapuo can also have a look at it.

**Sen. Chelule:** Mr. Speaker, Sir, I---

**The Speaker** (Hon. Ethuro): Order, Senator! Do you want to make a statement?

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

**Sen. Chelule:** Yes, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): Order, Senator! Let us dispose of this other matter first.

According to our records, Sen. Khaniri, the statement was due on 6<sup>th</sup> March, 2014. So, when the Member actually raised the issue, it was the Committee chairperson who presented representation that was lacking. Given the circumstances, I am persuaded by Sen. Mwakulegwa for you to issue the statement when the Senator will be present. I agree it is the property of the House. However, given that kind of background, it is only fair if we proceed along those lines. Of course, the same Member will have more issues than everybody else. Let us allow that for now.

**Sen. Khaniri:** Thank you, Mr. Speaker, Sir. I stand guided.

**The Speaker** (Hon. Ethuro): Senator Lisa Chelule!

#### STATE OF MOLO-OLENGURUONI ROAD

**Sen. Chelule:** Mr. Speaker, Sir, I rise to request for a statement from the chairperson of the Standing Committee on Energy, Roads and Transportation regarding the state of the Molo-Olenguruoni Road. I want the Chairperson to:-

- (1) Give a comprehensive status report on the progress of construction so far.
- (2) Why the construction has taken so long considering that the road is only 54.5 kilometers?
- (3) Why has there been a change of contractors?

As I am seeking for this statement, this project has taken around seven years. Around three contractors have undertaken to do work on this road. So, I wish to know why there has been a change of contractors several times. I also wish to know specific timelines, indicating the date of completion of the project, bearing in mind that it should have been completed in 2012.

**The Speaker** (Hon. Ethuro): Are you requesting for the statement?

**Sen. Chelule:** Mr. Speaker, Sir, I am requesting for the statement.

**The Speaker** (Hon. Ethuro): From whom?

**Sen. Chelule:** Mr. Speaker, Sir, from the Chairperson of the Committee on Energy, Roads and Transportation.

**Sen. Mwakulegwa:** Mr. Speaker, Sir, we will respond to this statement on Thursday, next week.

**The Speaker** (Hon. Ethuro): We will get the statement on Thursday, next week.  
Sen. (Dr.) Kuti.

#### EXTENSION OF TIME FOR TABLING OF COMMITTEE REPORT

**Sen. (Dr.) Kuti:** Mr. Speaker, Sir, as you are fully aware, you had ordered the Committee on Health, Labour and Social Welfare to bring a report on the appointment of two nominees to the Parliament Service Commission. This issue came to the House and the Committee through a Message from the National Assembly.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

**The Speaker** (Hon. Ethuro): Order, Senator! We have just spoken---

*(Sen. (Dr.) Kuti spoke off the record)*

**The Speaker** (Hon. Ethuro): You had ordered for the 11<sup>th</sup>? How much time do you need?

**Sen. (Dr.) Kuti**: Mr. Speaker, Sir, we will table it tomorrow, if it is allowed.

**The Speaker** (Hon. Ethuro): Granted.

Sen. Mwakulegwa.

#### CAUSE OF POWER BLACKOUT IN GARISSA TOWN

**Sen. Mwakulegwa**: Mr. Speaker, Sir, there was a statement sought by the distinguished Senator for Garissa County, Sen. Haji, on the power blackout in Garissa. This statement was due today. I have not yet got an official statement, but I got one from the Kenya Power (KP). However, I am waiting for one from the Cabinet Secretary. I will deliver it tomorrow.

**The Speaker** (Hon. Ethuro): I also do not see the Senator here. So, tomorrow should be fine.

Next order!

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

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

**Sen. Billow**: Mr. Speaker, Sir, the hon. Senator for Garissa County had sought an urgent statement regarding the power failure in Garissa. He is out of the country. He had requested that if this matter is noted, I could find out for him.

**The Speaker** (Hon. Ethuro): Then you can stand for him. Sen. Mwakulegwa, you may proceed.

**Sen. Mwakulegwa**: Mr. Speaker, Sir, what I had indicated is that I have a statement which had been forwarded by the Managing Director, Kenya Power (KP). I do not have a signed copy by the Minister. Can I go ahead and read the one from the KP?

**The Speaker** (Hon. Ethuro): There are two issues here. One, we made a determination last time that committees are not just conveyors of communication. While we appreciate that the source of that information should be from Government, to that extent, you should do it. But yours is even from a parastatal. Let us give you until tomorrow.

Next Order!

#### MOTION

##### ADOPTION OF REPORT ON FAMILIARIZATION TOUR OF KPA, KPR AND KPC IN MOMBASA COUNTY

THAT, this House adopts the Report of the Standing Committee on Energy, Roads and Transportation on a familiarization tour of Kenya

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

Ports Authority, Kenya Petroleum Refineries Limited and Kenya Pipeline Company Limited, in Mombasa County between 5<sup>th</sup> and 8<sup>th</sup> August, 2013 laid on the Table of the House on Thursday 27<sup>th</sup> February, 2014.

*(Sen. Mwakulegwa on 6.3.2014)*

*(Resumption of debate interrupted on 6.3.2014)*

**The Speaker** (Hon. Ethuro): Chairperson of the Standing Committee on Energy, Roads and Transportation.

**Sen. Mwakulegwa:** Thank you, Mr. Speaker, Sir. I had started moving this Motion on Thursday, last week. It is about the Committee visit to Kenya Ports Authority (KPA), the Kenya Petroleum Refineries Limited (KPRL) and Kenya Pipeline Company (KPC) made last year between 5<sup>th</sup> and 8<sup>th</sup> August, 2013.

Mr. Speaker, Sir, we visited the three corporations to familiarize ourselves with their operations, challenges and workings. We also wanted to develop a working relationship with the key people working in those corporations and acquaint ourselves with all the necessary policies which are in place. We also equipped ourselves with any legislation that could come to the floor of the Senate. Therefore, during our visit, one key observation came to play. We all agreed that all the key corporations be involved. We know the KPA is the key port in East Africa. We also found out that one of the setbacks in the operations of the three corporations is unreliable power supply. That impacts the corporations to an extent that two to three hours are lost due to unreliable power supply. As you know, the port in Mombasa is the only major port in East Africa from Tanzania to the Red Sea. This port is basically relied upon by northern Kenya and also the hinterland countries like Uganda, Southern Sudan, Burundi, Rwanda and the Eastern part of the Democratic Republic of Congo in terms of conveying products to and fro.

Mr. Speaker, Sir, the KPRL is the only refinery in East Africa. This refinery was set up in 1963. In 1971, the Kenya Government acquired 50 per cent shareholding. In 1974, the second production line was installed. From 1974 to date, there has been very little upgrade in these facilities. Therefore, the installed capacities of four million metric tonnes per annum are basically not realized. Currently, they are operating at between 30 to 35 per cent. Therefore, it has become almost obsolete.

The Government of Kenya has had a policy to protect the KPRL that led to massive loss to the economy resulting in higher consumer prices in the last 28 months. As at the time we were visiting last year, the country had incurred a loss of Kshs13.05 billion. This is the difference between the product sourced from the refinery and the refined products imported directly to the market. If we are to upgrade KPRL in Changamwe at the current facilities, we will need US\$1.5 billion. Even with that, the four million metric tonnes have already been surpassed. The current demand in Kenya is 4.5 million metric tonnes.

Mr. Speaker, Sir, when it comes to the KPC, the Mombasa-Nairobi pipeline is 35 years old and requires a lot of rehabilitation with some of the equipment being obsolete. The tear and wear is also very frequent. We only have one jetty for fuel off-loading and

loading at Kipevu. This handles 99 per cent of the country's imports. Therefore, it exposes the country. If there is any disruption or catastrophe, then this country will go without fuel.

Let me take this opportunity to give an update of these three corporations. I will start with the KPA. The KPA has five major facilities; the Container Terminal, the Conventional Cargo Area, the Old Port, the Cruise Ship facility, the Bulk Handling facility and the Oil Handling facility. Prior to our visit, the President had visited KPA in July. During his visit, he had given KPA directives to improve operations there.

There were four directives given as follows:-

First, for the Kenya Revenue Authority (KRA) to inspect the products three times a day. Prior to that visit, they used to do it once between 10.00 a.m. to 1.00 p.m. This directive has been implemented and has since seen the cargo handling and transportation improve. Prior to his visit, it was taking seven to eight days to move products from Mombasa to Malaba or Busia. After his visit and putting in place these measures, we have reduced the turnaround time to 4.8 days.

Secondly, all agencies working at the Port of Mombasa administratively were to report to the Managing Director of the KPA and then technically to their own organizations. This enhanced the working at the port because prior to that the KRA would report to the commissioner who was based in Nairobi. The other organizations would also work in silos. But through these directives, there has been synergy. This has helped for the KPA to attain the reduction from seven to 4.8 days turnaround from Mombasa to Malaba.

Thirdly, the KPA was also mandated to operationalise a national single window in order to enhance efficiency and transparency at the Port. From that, a few achievements were reported last year which have never been reported before. One is that we have reduced the turnaround time to 4.8 days and the global standard is three days. They are working very hard for us to attain the global standards. Two, the Berth 19 has been commissioned. This berth is able to receive vessels of 300 to 350 metres long. For the first time in August and September last year, we received vessels of 300 metres long. This will be able to handle more containers. Therefore, this is one of the major steps.

Again, the KPA was able to score some high record performance. For example, in July, when the President was there, for the first time, they were able to load and offload 5,300 containers. In one day in July, they were able to move 1,759 containers. This has never been achieved not only in Mombasa, but also in Durban, which is the best performing port in Africa.

On top of that, they have also improved the moves per hour to 30 from 48. As I speak, the KPA has plans to achieve the one million containers in 2014. This will be a good achievement even considering that Durban handles 1,400,000 containers. We are closer chasing that record. On top of that, again, they have done dredging at Berth 17 and 18; these now have a depth of 13.5. Therefore, they can handle major vessels.

Mr. Speaker, Sir, the second container terminal is ongoing. It is actually 50 per cent complete. Therefore, by the end of the year 2014, it will be operational. In order to consolidate the position of the Port of Mombasa in terms of transport and logistics, the road and rail system have to work together so that we can improve efficiency in terms of

moving products from the port to the border of Kenya. As a port of choice, we can attract the hinterland countries and also the local customers here in Kenya.

From the above findings, we made only three recommendations because during our visit we found them to be motivated. They were already working on improvements. I am happy to report that the management is already working on the recommendations.

The first recommendation was that the KPA to operationalise the national single window system in order to enhance efficiency and effectiveness at the port.

Second, the operations of the clearing agents at the port be legislated to ensure that their activities are properly streamlined and that they operate within a harmonious system and framework with the KPA and the KRA, and with the other stakeholders. We are also talking about them having a professional body, so that not every Tom, Dick and Harry can become freight and clearing agents. Therefore, there is a body that is being formed. We have a curriculum at Bandari College whereby all clearing and forwarding agents will be trained and, therefore, improve the services at the Port of Mombasa.

Thirdly, we recommended that the Kenya Railways Corporation Act be amended to provide for the KPA to manage and maintain the inland ports within the country. A port like Kisumu is managed by Kenya Railways. With the problems at Kenya Railways, there has been very little activity at the ports in Kisumu and Lake Turkana where we need to introduce some activities across the border. Therefore, we recommended that the Act be amended so that KPA can play a key role to that effect.

Mr. Speaker, Sir, I allow me now to move on and give a highlight of our visit to the KPRL. As I said, this was commissioned in 1963. In 1971, the Kenya Government bought 50 per cent shares. Only in 1974 was the second line commissioned. From that time to date, nothing much has happened, not even upgrading the current facilities. As I said, the installed capacity is four million metric tonnes. But the actual production is between 30 per cent and sometimes 25 per cent. Therefore, it is giving 28 barrels per day instead of 80 barrels. This has resulted into backlog in terms of supply and shortages. Therefore, the policy of protecting KPRL resulted into a loss of Kshs13 billion in the 28 months as of last year. But I am happy to report that the KPRL in Mombasa ceased the operations of refining. It is now being utilized as a storage facility for KPC. We recommended at that time many of the employees working for the refinery be absorbed by the oil marketers, the multinationals. Something is happening on that. But we still have 50 per cent of employees who are still holding on there. The Ministry is still discussing with the players to absorb all the manpower.

The shareholding prior to ESSAR was that Chevron Global had 16 per cent, BP had 17 per cent and Shell 17 per cent. Of course, the Kenya Government has 50 per cent. In 2010, the companies sold their shareholding to ESSAR, therefore, making the shareholding 50-50; the Kenya Government and ESSAR, 50 per cent. The unfortunate part of it, is that since 2010 nothing has been invested to upgrade the facility, neither the Government of Kenya nor the ESSAR Group have invested money to upgrade the facility, therefore, making it a loss making operation and thus contributing to the problems that affect the refinery to date.

As I said earlier, even if you continue to produce at 25 per cent capacity, it is a very expensive product compared to the imported refined products which would be

cheaper. Therefore, we recommended to the Government to take steps that would be of better interest to Kenyans at large. The operations there are basically product delivery, toiling to KPC and also, at the later stage, it was merchant mode kind of exercise where the oil marketers brought the products to be refined at Mombasa, still not at very good efficiency.

Mr. Speaker, Sir, one of the challenges that kept on facing KPRL is that the product off-take was slow because of the production inefficiency. That impacted negatively, financially. Therefore, they could not be able to run a good operation because of the production hiccups. They also could not meet their financial obligations. Therefore, the status of the refinery, as it is now, I would actually describe it as obsolete. Even if we are to upgrade the current facility, it will require US\$1.5 billion, but that would only give us four million metric tonnes and the current Kenya demand is 4.5 million metric tonnes and growing steadily. Therefore, it can only serve Kenyans, but after we have spent US\$1.5 billion. Therefore, our recommendations for the KPRL were that:-

(a) The Ministry of Energy and Petroleum to request the Cabinet to allow the conversion of the refinery to become an oil storage facility. This was granted and it is now an oil storage facility.

(b) Kenya Pipeline Company to manage the storage facility and use it as a national reserve for other products and also for Kenya and the other countries.

(c) The Government to agree with ESSAR on the best exit clause in order to ensure that investor confidence is maintained and restored. Remember the ESSAR Group invested in 2010. If we were to do anything, that is why we are saying that the Government has to be careful; look at the exit strategy that will be good for the ESSAR Group and also for the other investors because doing otherwise would send a wrong signal to investors.

(d) All pending loans with financial institutions be paid through the selling of products. This was done. However, it was not adequate, but the Ministry is handling this.

(e) The Ministry of Energy and Petroleum to negotiate with oil marketers, as I said, to absorb some of these employees, if not all. But those who had neared their retirement age should be let go and only the productive ones should be absorbed. The multinational oil companies could actually take them because they have the expertise, they can use them.

(f) Lastly, we recommended that a strategy on the discovery of oil deposits in Kenya be immediately expedited and also the building of the Lamu Port as it was planned in the Vision 2030, so that if it comes up in the very near future, it will give room for the Mombasa Refinery, maybe for a better upgrade because, currently, as I said, it is obsolete and it will need a lot of investments.

Mr. Speaker, Sir, the last one was the Kenya Pipeline Company (KPC). As I said, the Nairobi-Mombasa pipeline was installed 35 years ago. So, it is an old line, experiencing a lot of tear and wear. In fact, it is almost obsolete despite money being spent here and there to keep it running. We have depots in Mombasa, Nairobi, Nakuru, Eldoret and Kisumu. Many products being pumped are premium grade that is super, diesel, kerosene and jet A-1 aviation fuel. The KPC also has a modern laboratory testing

the quality of the products they get before they dispatch it to the customers. They also have back loading refined products at Kipevu. Remember we have one jetty, but they also have a back-loading facility for any products to be loaded from Mombasa to other countries, which could be taken by ship. They have facilities for transferring products to oil marketers in their own depots. We have depots in Mombasa and Nairobi. There are also facilities at the airport hydrant services at Moi and here at JKIA. These facilities are hired from KPC by the oil marketers. Our recommendation going forward as I will tell the House is that we would want this facility and the service to be offered directly by the KPC.

Mr. Speaker, Sir, they are also doing a good job in terms of delivering these products to Nairobi and the other areas. Their many customers are international oil marketers. In terms of the facilities, KPC has a network of 1,227 kilometres of which Mombasa-Nairobi, which is line one, is 450 kilometres with a 14 inch diameter, KOSF-SOT Spur Line is 2.5 kilometres with a diameter of 12. Changamwe to Moi International Airport is 3.8 kilometres. Nairobi-Nakuru-Eldoret (Line II) which is 325 kilometres has a diameter of 8 and 6 inches. Nairobi-Eldoret (Line IV) is 325 kilometres with a diameter of 14 inches and Sinendet- Kisumu (Line III) is 121 kilometres with a diameter of six. So, these are the facilities that KPC have that they continue to operate with.

Our recommendation to KPC, therefore, is that the Government needs to replace the aged line from Mombasa to Nairobi as a matter of urgency. Otherwise, pilferation and all other activities on this line could expose, not only to KPC, but also the people residing near the pipeline.

Secondly; that the Government supports KPC's endeavors to source external funds and loans for the development of all major oil pipeline infrastructure in the country.

Three; that the government to enforce the ban of trucking of transit fuel products from Mombasa to upcountry. This would save the road infrastructure and also increase the utilization of KPC facilities. As you drive from here to Mombasa, there are still fuel tanks piling up on that route, while we have the KPC with a functioning pipe. That is why we are saying that we need to enforce the ban, so that all fuel tanks take fuel to Nyeri and other places where they do not have a pipeline.

We also recommended the Government to assist the KPC to implement and take over the hydrant and loading operations at the two international airports' petrol stations. This would enhance controls and reduce any risks like what happened last year in Mombasa Airport. For about two days, the airport could not get jet fuel because of the people who were handling it; there was a risk, there was almost a fire outbreak. Therefore, we are saying that KPC who have expertise and capacity should take over not only by taking the fuel there, but also selling the fuel to the airlines.

The other recommendation is basically to enhance assistance to KPC in making sure that we delineate and secure the company right of way. On all the facilities, we find there is terrorism, vandalism and sometimes you find people poking holes into the pipeline, trying to steal oil. Our recommendation is to get a KPC police unit, just like we have KRA and KPA, so that they can secure the right of way and the facilities in case of vandalism or anything like that because if it happens, and there is a fire disaster, then the

damage would be huge. Therefore, we are recommending that we have a police unit to safeguard the facilities and the right of way for KPC.

We also recommended that the Government had at one time wanted to sell KPC. We are saying they should defer that and allow KPC to concentrate in building infrastructure so that it can enhance its net worth. Therefore, when time comes to sell, they will sell it for good money.

**Sen. Muthama:** On point of order, Mr. Speaker, Sir. I am standing to raise a concern which I know affects many hon. Members. We are supposed to have the report which is being read by the Chairman. However, if you are on page one, page two is missing. In this report, there are several pages missing. I can see page five, but pages four, six, eight, ten and 12 and so on are missing. I would like to know whether the report is wrongly numbered or whether there are pages that are missing. We cannot follow what the Chairman is referring to.

**Sen. Obure:** On a point of order, Mr. Speaker, Sir. I do not know what Sen. Muthama is referring to. However, the report I have here, has all the pages. I can make all references in line with what the hon. Mover is referring to.

**The Speaker** (Hon. Ethuro): What is the situation with the rest?

**Hon. Senators:** The situation is the same.

**The Speaker** (Hon. Ethuro): The situation is same as what? There are two parallel positions? Is the situation the same as Sen. Muthama's or Sen. Obure's?

**Hon. Senators:** Sen. Muthama.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir. In view of what Sen. Muthama has pointed out, would I be in order to request that since we have other business that is ready for disposal, we move on to the next Motion so that we allow the Clerk and the Chairman of the Committee to put their report in order and approach us accordingly?

*(Sen. Karaba spoke off record)*

**The Speaker** (Hon. Ethuro): How is the copy of the Mover?

**Sen. Mwakulegwa:** Mr. Speaker, Sir, mine has all the pages. This is just a problem of filing. A few of us have the correct version. I will request that you give me about five to ten minutes to do my recommendations and have the Motion seconded. After that, the clerks can supply the correct version. The papers were laid on 27<sup>th</sup> February and we circulated other copies last week.

Hon. Members had adequate time since last week. If this was missing, then you should have brought it to our attention so that we correct. I was just about to complete my recommendations. I request you, hon. Speaker, to allow me to do so.

**The Speaker** (Hon. Ethuro): Order, Senators! I have heard your pleadings and I sympathise with you. However, I also have a responsibility. Once a matter has been raised and it definitely concerns certain Members, being a House that is supposed to get everything right, we do exactly that. Pagination must be correct. Sen. Muthama wanted to approach the Chair so that we remove the poorly paginated copies and replace them with the correct ones. That should be the procedure for the future. For now, I am afraid that we

will have to withdraw the business. Recently, this House appreciated small things and the problem of small things. If it is good for them, then it must be good for us.

So, we will suspend this business until we have proper documents in the House.

**The Senate Majority Leader** (Sen. Wetangula): On a point of order, Mr. Speaker, Sir. As we lay that Report to rest, on a situation like this, who is supposed to be responsible for documentation of reports? We do not expect the distinguished Senator for Taita Taveta to be responsible for the numbering, stapling and other issues concerning the Report. There should be someone else to take the responsibility apart from the Chairman of the Committee.

**The Speaker** (Hon. Ethuro): I do not think that the Chairperson of the Committee takes responsibility. Pagination is definitely not the task of the Chairperson or Members of the Committee. There are two documents in circulation. One is a good one while the other one is not good. I think in the process of making copies, one may have punched the wrong key. This is just a photocopying problem. I am sure that the Clerk has heard you and that he will ensure that due diligence is done at the photocopying room.

**Sen. Ndiema**: Mr. Speaker, Sir, I had a chance to look at both of them. The one that seems to contain all the pages has not been signed by you, Mr. Speaker. The one you signed is the one with missing pages. The one containing all the pages has not also been signed by the Chairperson. The correct one could be a draft that was not signed.

**The Speaker** (Hon. Ethuro): You can now appreciate why I have suspended it.

**Sen. (Dr.) Machage**: On a point of order, Mr. Speaker, Sir. I seek your guidance. Since the report that has been given to us is not the proper one and has not been signed by you and the Chairman, and since you have suspended debate on it, is the suspension effective from the first page of the report? We take cognisance of the fact that the Chairman has been presenting the report and he stopped at a certain point.

**The Speaker** (Hon. Ethuro): Sorry, Sen. (Dr.) Machage. What issue did you raise?

**Sen. (Dr.) Machage**: Mr. Speaker, Sir, I wanted your guidance or ruling on the report. You said that you had suspended debate on the report. Does the suspension apply from the first page of the report or will the Chairperson continue from where he left and report to us?

**The Speaker** (Hon. Ethuro): I have suspended the debate on the report because there are assertions that there are two reports in circulation. One, there is the correct one that has been signed by the Chair, with all the pages and some Members can confirm that there is such a report. Other Members have said that there is a report which is not proper. So, on the face of it, that is why copies of the proper report which was tabled on the Floor are produced and given to the rest of the membership. We should also withdraw any other report that was not tabled. Let us not belabour this issue. This was a matter of photocopying, and pagination was not obtained properly.

**Sen. (Dr.) Khalwale**: On a point of order, Mr. Speaker, Sir. I hope that you will not throw me out. We all know about the efficiency of the Office of the Clerk. Obviously, there might be a problem of capacity and that is why there is not enough human resource. In view of this unique situation, allow me to bring two qualified *boda boda* boys from Mumias so that they are employed to do photocopying work.

**The Speaker** (Hon. Ethuro): On the face of it, Sen. (Dr.) Khalwale, how does photocopying and *boda boda* relate? We cannot allow you to solicit employment for your constituents on the Floor of this House. That, you will do elsewhere.

*(Motion deferred)*

Before we move on to the next order, let me dispose of a few other things.

### COMMUNICATIONS FROM THE CHAIR

#### APPROPRIATE MODE OF DRESS FOR SENATORS IN PLENARY AND COMMITTEE MEETINGS

**The Speaker** (Hon. Ethuro): Hon. Senators, I have a communication to make.

You will recall that on Tuesday, 25<sup>th</sup> February 2014, the Senator for Elgeyo-Marakwet County, Sen. Murkomen, rose on a point of order and sought guidance from the Chair on whether the Senator for Garissa County, Sen. Haji was properly dressed within the meaning of our rules. For the benefit of Senators who were not in the House at the time, the Senator in question was dressed in a *kanzu*. I then allowed several Senators to comment on the matter as custodians of our practices and procedure and, consequently, promised to give a ruling on the same at a later date. Hon. Senators, the mode of dressing for Senators is defined in the Speaker's Rules.

In particular, Rule 5 states as follows:-

“Members are required not to enter the Chamber, lounge or dining room without being properly dressed”.

Proper dressing, therefore, has been defined as a coat, a tie, long trousers, socks and shoes or service uniform, or decent national dress for men, an equivalent standard for women, with hats optional.

Hon. Senators, the question of proper dressing or otherwise in the House, so defined in the Rule quoted above has been a constantly recurring phenomena in Parliament over the last 50 or so years that Parliament has existed as an institution in independent Kenya. As Senators may expect, several communications have been made on the subject matter. For instance, as early as 16<sup>th</sup> April, 1968, the Chairperson, while responding to an objection on the dressing of a Member ruled as follows:-

“Hon. Members, as I have said on other occasions, we have no Standing Orders concerning dress which I can enforce. It rests on the collective opinion of the House as to what is or what is not proper dress. If Mr. Mbugua does not meet with the approval of hon. Members, he will doubtless hear about it”.

Similarly, on Tuesday 9<sup>th</sup> November 1993, the then Speaker of the National Assembly made this ruling, and I quote:-

“As a guide, hon. Members are allowed in the Chamber while wearing a coat, collar, tie, long trouser, socks and shoes or service uniform or decent national dress for men and an equal standard for ladies. As practice also, hon. Member of the Islamic faith

have, in addition, been allowed to wear a white *kanzu* buttoned at the neck and with a jacket, preferably a black one worn on top, a cap, socks and shoes”

Hon. Senators, I can go on and give you numerous other rulings on the matter. As a matter of fact, a Motion was moved in the House on 18<sup>th</sup> July, 1963, urging the Government to set up a dress committee to recommend the design and form of an official dress to be worn by Members of the House. From the records, the Mover of the Motion appears to have been wearing what could be described as a traditional dress. As you can deduce from the foregoing, therefore, the application of the Speaker’s Rules on dressing has been applied with some degree of wide latitude. This is further compounded by the elusive concept of a national dress.

However, let me reiterate the position taken by the Speaker of the National Assembly on 7<sup>th</sup> May 2009, on the same subject. I wish to quote:-

“Hon. Members, the essence of this communication is not restricted to the concept of proper dress code, but extends to capture a deep reflection on the need to uphold the dignity of the House which you have jealously protected and defended over the years”.

The issue, therefore, of appropriate dress is still evolving. In the meantime, I request any Senator with any suggestion or suggestions on the appropriate mode of dressing in the Chamber, Committees, lounge and dining areas to forward them to the Chairperson so that we can have a fresh discourse on this particular matter. Under the circumstances, I, therefore, find that the Senator for Garissa was properly dressed on the material day within the meaning of our practices and procedure.

Thank you.

**Sen. Billow:** Mr. Speaker, Sir, I want to thank you for that very elaborate ruling. Indeed, as you read from the history of this Parliament and this country, Members of the Muslim faith in particular have been wearing the *kanzus* in the previous Assemblies and we appreciate that. I wanted, on the basis of the Statement you gave, to give further clarification, especially with regard to the Committee sittings. Does that dress code extend to the sitting of committees because there are incidences where Members of Committees tend to appear in the meetings very casually dressed?

**The Speaker** (Hon. Ethuro): I want to thank Sen. Billow for raising that particular issue. I wish to confirm that what is considered proper, acceptable dressing in the plenary is the same dressing expected in the Committees, unless, of course, you are in some public rally. If you are in a seminar that is up to you, but any business relating to your role as a Senator in the House either through Committees or through the plenary, the same dressing is expected of you. I really want hon. Senators to get this very right. It has been a worrying trend where Members go to the committees in any manner of dressing, oblivious of the fact that actually a committee of the House is an extension of the plenary. So, let us get it right from today henceforth. The Chairperson of a Committee in his or her capacity as the Chairperson of the Committee has all the powers and privileges of the Chairperson of the plenary. You can throw out any Senator who is not properly dressed.

Thank you.

**Sen. Kivuti:** On a point of order, Mr. Speaker, Sir. While I appreciate the directive, I am aware that when we go to Mombasa, we actually sit as committees outside

the Chamber. Does that ruling still apply because I have even seen the Chairperson not in a tie in such sittings?

**The Speaker** (Hon. Ethuro): The issue of Mombasa is a matter of environment. If I borrow from even the language of the Constitution, sometimes when some procedures are not properly spelt out, you will be told that with proper modifications of another procedure. So, for purposes of the environment and not only in Mombasa; in places like Kisumu, north eastern and northern Kenya where the temperatures can be as high as above the human body, it will look completely nonsensical to continue remaining in your tie and jacket and you are sweating thoroughly. So, make sure it is the acceptable, proper and decent dressing.

ELECTION OF SENATORS TO PRESIDE OVER SITTINGS PURSUANT TO  
STANDING ORDER NO.18 AND ARTICLE 107(1) OF THE CONSTITUTION

I also have a small procedure to dispense with. As you are aware, the Standing Order No.18 provides for presiding in the Senate. It states:-

“The Speaker shall preside at any sitting of the Senate but in the absence of the Speaker, the Deputy Speaker shall preside and in the absence of the Deputy Speaker, pursuant to Article 107(1) (c) of the Constitution, another Senator elected by for that purpose shall preside.”

Pursuant to Standing Order No.16, provision is now made for the panel of three Senators, known as the Chairpersons Panel. In the last Session, there were two Members of the Panel only. This Motion is for the approval of the Members who have been serving, upon their election, for purposes of Standing Order No.18, and as provided by the Constitution. They have been presiding in the absence of the Speaker and the Deputy Speaker. When, as in the present case the Deputy Speaker and Members of the Panel are away on official business, and the Speaker requires to be relieved from the Chair, the House has been electing a Senator to preside for the particular sitting or for a number of sitting days.

The Deputy Speaker is away on ACPU and the two Temporary Speakers who are Members of the Panel will be away on the Commission of the Women and the Pan African Parliament. So, the Speaker is left alone on the Chair. I hope you will sympathize with me. The procedure is for a Senator to move a Motion without Notice that some other named Senators be elected to preside in the Senate in the absence of the Speaker, the Deputy Speaker and Members of the Chairperson’s Panel for a particular sitting, or for a defined period of time.

The Motion will be seconded and the Question proposed in the usual manner and then the Question put. It is unusual and has never happened to us to have debate or for the Motion to be opposed. I have, therefore, requested the Senate Majority Whip to move that Motion.

**MOTIONS****ELECTION OF SENATORS TO PRESIDE OVER SITTINGS PURSUANT TO  
STANDING ORDER NO.18 AND ARTICLE 107(1) OF THE CONSTITUTION**

**Sen. Elachi:** Mr. Speaker, Sir, I beg to move the following Motion:-

THAT, pursuant to Standing Order No.18 and Article 107(1) (c) of the Constitution, the following Senators be elected to preside over the sittings of the Senate in the absence of the Speaker, the Deputy Speaker and Members of the Chairpersons Panel for the period 11<sup>th</sup> March to 20<sup>th</sup> March 2014; Sen. (Dr.) Machage and Sen. Mositet.

Mr. Speaker, Sir, this is a straightforward Motion. I know with the work we have bestowed within your office, it will be very difficult to say that you can sit on the Chair the whole time we have a sitting.

I ask Sen. (Prof.) Anyang'-Nyong'o to second the Motion.

**Sen. (Prof.) Anyang'-Nyong'o:** Mr. Speaker, Sir, I stand to second the Motion moved by my friend, Sen. Elachi, and the reasons she has given are enough and sufficient to persuade the Members to support the Motion.

I beg to second.

*(Question proposed)*

*(Question put and agreed to)*

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

*[The Temporary Speaker  
(Sen. (Dr.) Machage) took the Chair]*

**COUNTRYWIDE CIVIC EDUCATION  
ON NEW DEVOLVED SYSTEM**

**Sen. Wako:** Mr. Temporary Speaker, Sir, I beg to move the following Motion:-

THAT, noting that the Constitution of Kenya (2010) fundamentally changed the architecture of the Government in the country, aware that many people in Kenya including elected leaders are not conversant with the new structure, especially the devolved system; the Senate urges the national Executive to undertake comprehensively well structured and systematic civic education countrywide on the new system, so that the Kenyan people can understand and positively participate in its implementation.

Mr. Temporary Speaker, Sir, civic education is always very important, but it is particularly important at a time such as this when we are moving from one---

**Sen. Muthama:** On a point of order, Mr. Temporary Speaker, Sir. The Motion that is being moved is very important, and yet the Senate Majority Leader is grouping all the Members there to have a different meeting, when the actual business of the House is being conducted here. Is he in order? Instead of applying discipline, he is actually the one who is breaking the rules.

*(The Senate Majority Leader (Prof. Kindiki)  
stood in his place)*

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! Order, Senate Majority Leader! Sit down and listen.

**Sen. Wako:** Thank you, Mr. Temporary Speaker, Sir, for that particular ruling. This Motion is so important that I hope that the Senate Majority Leader will truly convey the strong sentiments of the Senate on this Motion---

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Sen. Wako! Continue.

**Sen. Wako:** Mr. Temporary Speaker, Sir, our new Constitution in itself attaches a lot of importance to citizens' participation in its implementation. The preamble of our Constitution states that it is the aspiration of all Kenyans to have a Government based on essential values of democracy.

Mr. Temporary Speaker, Sir, our Constitution in declaring Kenya a sovereign Republic, states that Kenya shall be a multiparty democratic state, founded on certain values and principles. When you go to Article 10 of the Constitution which deals with values and principles of governance, one of those values and principles of governance is democracy and participation of the people. If you now move to the chapter and those parts of our Constitution which deal with devolution, it states that the objects and principles of devolved government are to promote democracy, give power of self governance to the people and enhance participation of the people in the exercise of the powers of the State and in making decisions which affect them. It also gives the right to the communities to manage their own affairs.

Mr. Temporary Speaker, Sir, moving away from the Constitution and going now to the County Government Act, Section 91 provides that structures shall be established that will allow, permit and facilitate citizen participation, including such places like town hall meetings, budget preparations, development project sites and citizen fora at the county and decentralized units. As Chair of the Committee on Legal Affairs and Human Rights, we shall be bringing a Bill to this august Assembly, which will provide for the structures of the citizen fora at the county and decentralized units, enabling Kenyans to participate in matters that touch on governance within the county.

Mr. Temporary Speaker, Sir, it must be recalled that we are now operating under the new Constitution, which has changed in very fundamental ways the system of Government that we had before, but more basically from a centralized to a decentralized system. The Constitution also which has one of the most comprehensive provisions of the Bill of Rights---In fact, it has been said that our chapter that deals with human rights, is on one of the most comprehensive in any constitution in the world.

Mr. Temporary Speaker, Sir, we know that under Article 1 of our Constitution all sovereign power belongs to the people of Kenya. It is the people of Kenya who will then delegate their powers to Parliament, the national Executive, the county executive, the Judiciary and independent tribunals. I know that we have provided for many institutions, checks and balances and so on. But at the very centre of implementing this Constitution, it is the people of Kenya who have delegated the powers to us, and, therefore, have an oversight role over all of us. You cannot have an oversight over all of us, unless you are properly informed of what the provisions in this Constitution entail. It is Parliament which is exercising the sovereign power of the people of Kenya through legislation.

Mr. Temporary Speaker, Sir, it is important that the people of Kenya know the roles of the National Assembly and the Senate. Speaking for myself, and I am quite sure that a number of Senators can bear me out, up to now, I do not think that many people in Kenya know what really the role of a Senator is in a county. We are still in the old system; that I am a Member of Parliament and, therefore, I am actually there to look after their personal interests, if I may say so. They think of us just like any other Member of Parliament. It is really the Member of the National Assembly, through the Constitution, who looks after the direct interests of the people at that personalized level. That is why we have the Constituencies Development Fund (CDF) which we give them. The Uwezo Fund has also gone there and so on, to enable them to play that particular role.

Mr. Temporary Speaker, Sir, the Senator has no public funds to be able to also meet the needs of our people at the local level. However, the people at the local level are really looking up to the Senator of the county to meet those needs. They are looking at the Senator to pay school fees for some of the children, meet medical expenses and do all sort of things, without realizing that, actually, the Senator has no public funds and the Senator's role is a bit different from the role of the Member of National Assembly. Therefore, civic education is very necessary for people to understand what our role is, so that when it comes to 2017, they judge us properly on what our role is and not what they thought our role ought to be.

Mr. Temporary Speaker, Sir, I do not think that the people of Kenya really know where the national Government stops and county government takes over; what the functions of the county government are, and so on. It is so mixed up. I think that civic education will enable this to happen. When I talk about the people of Kenya, I am not just referring to the people at the grassroots level, but even us. We are also part of the people of Kenya. We need to educate ourselves on what our role should be. The holders of the various constitutional offices also need to educate themselves on what their role should be under the new Constitution. Likewise, the Members of the Cabinet need to educate themselves on what their role should be. This applies also to the Members of the County Assemblies, the Judiciary and so on.

The mindset of some people is still the mindset of the way things used to happen under the old Constitution which was centralized. They have not yet made that shift; that this is a new system altogether. Therefore, civic education has to be mounted at all levels; that is, the level of the people, Members of the National Assembly, the Judiciary, the Executive and, more particularly, civil servants in the Government. This is because the civil servants whom we have today are the same ones who used to be there under a

centralized system of Government. Therefore, their entire mindset is about a centralized system of Government. It becomes very difficult for them to change that mindset to now come to the level where they will now say: This is a decentralized system of Government and although I used to do this thing this way in the past, now it is not for me to do it this other way; it has to be devolved to the devolved government. So, civic education is necessary.

Mr. Temporary Speaker, Sir, it is to this lack of understanding and lack of civic education that I can attribute many of the problems that we have encountered today in the implementation of our Constitution, and will still encounter them up to today. People need to be educated. Fortunately for us, the aim of civic education has been clearly set out. If you look at Sections 98 and 99 of the County Governments Act, they have clearly set out the principles, purpose and objectives of civic education. The principles of civic education are intended to promote empowerment and enlightenment of citizens and the Government. People must be empowered and enlightened on the provisions of this Constitution. People must be aware that, in fact, this Constitution has empowered them. One sometimes tends to get the feeling that they are still not aware. They still bow down to institutions and so on, when they should really know that they are actually the bosses of those institutions. They should not only know that, but act that way.

Mr. Temporary Speaker, Sir, the principles of civic education are to continually and systematically engage citizens and the Government. The purpose of civic education is to educate the people on the values and principles of devolution in the Constitution. It is only when people are aware of the values and principles of devolution that they will be prepared to stand up and defend it.

Mr. Temporary Speaker, Sir, Article 99 talks about the purposes and objectives of civic education. Among the objectives of civic education are improved understanding, appreciation and engagement in the operationalization of the county system of government and also knowledge of Kenya's transformed political system and so on. So, when you talk about the principles, aims and objectives of civic education, it is all there laid out, particularly in Articles 98 and 99 of the Constitution.

Mr. Temporary Speaker, Sir, I have already stated that many of the problems we have today, particularly problems which relate to the mistrust of the various stakeholders of the various organs of government, the misunderstandings that are happening, the fight for having your own turf and so on, it is all because people have not clearly understood what our new Constitution is all about. Under our laws, the Transition Authority (TA) was supposed to undertake this civic education under the relevant law, Section 1(g). True enough, they have developed a training manual and a curriculum. They have developed a booklet on civic education. They have also developed a question and answer booklet on issues which arise out of the implementation of the Constitution.

Mr. Temporary Speaker, Sir, the Ministry for Devolution was also supposed to be involved in civic education, develop standard guidelines for civic education, but they have not been able to do so because of lack of finances. The Ministry of Justice, including the Attorney-General and the Department of Justice, came up with the Kenya National Integrated Civic Education Programme, but it lacked funds. The United Nations Development Programme (UNDP) began funding this particular project, but now it is no

longer going on. I know the Japanese Government has about Kshs100 million which it can give, but provided the government allocates counterpart funding. However, that said money has not been forthcoming. Therefore, that money has not been utilized.

Mr. Temporary Speaker, Sir, let me just tell you that in a country which is in a transition stage like Kenya, they have thought it necessary to have a more comprehensive civic education system. If you look at Germany, when the Berlin Wall of 1989 fell, a special minister for civic education was appointed to educate the people of Germany on the new structures of a united government. In addition, there was a special parliamentary committee appointed just to oversee what that ministry on civic education was doing. In Ghana, they have a whole national commission on civic education and many other countries have a commission focusing on civic education and so on. In Japan, again, after the World War II, a whole proper programme which was comprehensive and properly funded was put in place to educate people on issues relating to democratic processes and so on.

That is the stage in which we are when it comes to developing of constitutionalism, hence, the importance that we should all be trained; and hence, this Motion which calls upon the Government to put in place a proper structure, well funded and systematic to ensure that each and every person in this country does actually receive civic education and, in particular, public officials. We should all get civic education to ensure that we play out our role and ensure that this Constitution is properly implemented.

Mr. Temporary Speaker, Sir, there are very many other steps that can be taken immediately, aside from the straight forward civic education. We would urge in our educational system, that is, the school curriculum, that we start teaching this Constitution at various levels of the education system so that by the time the youth come out of the system, they are very much aware of what this Constitution is all about. We would urge, like it is happening in Europe, the United Kingdom and so on, if you have to become a citizen of UK or the United States of America (USA), you must show that you are aware of their constitution. You do not just become a citizen because you have stayed in the country for five or six years and you can pay the requisite fee at the immigration department or that you are a good citizen. You must in addition show that you are aware of the Constitution of that country.

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

**Sen. Wako:** Mr. Temporary Speaker, Sir, with those few remarks, I beg to move.

**The Temporary Speaker** (Sen. (Dr.) Machage): Who is seconding your Motion?

**Sen. Wako:** Mr. Temporary Speaker, Sir, I want to call upon a professor this time to second this very important Motion. That is none other than himself, Sen. (Prof.) Anyang'-Nyong'o, the father of Ms. Lupita Nyong'o.

**The Temporary Speaker** (Sen. (Dr.) Machage): That is enough, Sir.

**Sen. (Prof.) Anyang'-Nyong'o:** Thank you very much, Amos.

Mr. Temporary Speaker, Sir, I rise to second this Motion and to underscore one aspect of this Motion which I think is very important, "that the Senate urges the national executive to undertake comprehensive, well structured and systematic civic education

countrywide on the new system so that the Kenyan people can understand and positively participate in its implementation”.

Mr. Temporary Speaker, Sir, Sen. Wako, Senator for Busia, has clearly gone through the Constitution and the relevant laws regarding devolution, and stated various aspects of the Constitution and the County Governments Act which brings out the importance of devolution and the aspect of devolution that has not been clearly understood in this country.

**Sen. Muthama:** On a point of order, Mr. Temporary Speaker, Sir. Here is a chairman of one of the most important committees and he is having a conversation while standing and the attention of the whole house is going there. Consultation is a must, but we must maintain the discipline of this House. So, it is unfair for a Senator to come, stand and start chatting when debate is going on.

**Sen. Sang:** On a point of order, Mr. Temporary Speaker, Sir. Is Sen. Muthama in order to mislead this House that Sen. Murkomen is a chairperson of any Committee in this House? Could he withdraw and apologise or substantiate?

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Temporary Speaker, Sir. Is Sen. Muthama in order to suggest that Sen. Murkomen is chatting? Senators do not chat in this House, they consult. Is he in order?

**Sen. Muthama:** On a point of order, Mr. Temporary Speaker, Sir. First of all, I said that Sen. Murkomen is a chairman of one of the most important Committees in this House. So, get it well. Secondly, I said consultations are allowed, but they should be done in a very disciplined manner. Not in a manner like one of the chairmen of one of the most important Committees here is doing. He has just stood up and consulted.

**The Temporary Speaker (Sen. (Dr.) Machage):** That is enough, Sen. Muthama. Sen. Muthama is very much right and especially knowing that Sen. Murkomen is a Member of the Speaker’s panel. I expect him to understand the Standing Orders of this House which prohibit Members to stand when another Member is talking unless you are in motion on your way out. The Standing Orders are very clear on that.

**Sen. Murkomen:** Most obliged, Mr. Temporary Speaker, Sir.

**Sen. (Prof.) Anyang’-Nyong’o:** Thank you very much, Mr. Temporary Speaker, Sir, for saving me from Sen. Murkomen.

One of the first things that we should do in educating the nation, particularly the national executive, on devolved government is for us to answer one primary question: Why did we create a devolved government? It is a long struggle from Independence which finally came to fruition when we established a new Constitution in August, 2010. Why did we do this? Sen. Wako has said that one of the reasons we created devolution was to encourage participation from the grassroots level, but also to ensure that there is equitable distribution of development in this nation, which is true. There are very many of us here in this House who write columns in newspapers trying to educate Kenyans in various aspects of the Government and development, but that is not enough because not all Kenyans read newspapers and not even those who read newspapers remember what they read.

The art of advertising tells us that the more you repeat a message to people, the more they get the message. I remember when I was growing up and the Corolla car first

came into the market in 1965 or thereabouts and at that time the Ford brand was very popular in this country, and Toyota came up with a very powerful advertisement:-

*“Corolla comes from Toyota”*

*(Sen. (Prof.) Anyang’-Nyong’o sang)*

That was repeated over and over again in the radio to the extent that the corolla car wiped out Ford from the market in no time. For Kenyans to understand the importance of devolution, we need messages on radio and television that explain to Kenyans the importance of devolution, just like it happened in the southern state of the United States of America (USA). When African-Americans were freed from slavery, for quite some time, some did not realize that they were free. In fact, they were longing to go back to their masters.

This is what is really happening in this country. Some people do not understand and realize that there is devolution and that more and more attention should be put to devolved government. So, we need to drum up the benefits of devolution and the reasons for devolution. If we did, we would not have heard the debate I was seeing yesterday at the Kenyatta International Conference Centre (KICC) about the wage bill. We are trying to climb the tree from the top. If we had started by understanding where these fundamental changes in the Constitution can change the face of this nation economically, issues of the wage bill would become secondary. For example, one of the reasons the NARC Government did very well between 2003 and 2007 was because the problem was posed in a fundamental manner. We came up with the Economic Recovery Strategy for Wealth and Employment Creation (ERSWEC). Create wealth first, then other things will follow.

One of the reasons why devolution was created and has been struggled for, for so many years, is because it is a way of creating wealth from the grassroots level. When you talk about empowering people, you do not empower people with words, you empower people with material well-being. So, if we could, first of all, grasp the one fundamental fact about devolution, that investments must begin from the grassroots level and empower people with wealth, then other things will follow.

Mr. Temporary Speaker, Sir, unfortunately, we are trying to approach this from the national executives point of view by following old methods like creating funds like Uwezo Funds and creating various entities away from devolved government to handle these funds, particularly within the national government structure. That defeats the purpose of devolution. Get all these investments within devolved government, empower devolved government to handle wealth creation properly, eliminate those weaknesses in governance at the devolved government level. Do not do away with the empowerment of devolved government because of some of the problems inherent in running a government; then we shall begin creating wealth from the grassroots level and we shall empower people from the grassroots level. When we do so, empowered people from the point of view of material well-being will be able to pay taxes.

But you cannot begin taxing people who do not have the material well-being to produce the money. You will only stifle the ability to empower these people to create wealth. So, if, indeed, the national government was then prepared to have this debate of enlightening people about devolution through radio, television and so on, then Kenyans will come up with a lot of ideas. I see people in this Senate who have very good ideas about devolution that can educate people. However, they are silent about it because they do not have an avenue to express these things. It is the responsibility of the national Government to create these avenues of dialoguing with the Kenyan people so that we know more about devolution.

Mr. Speaker, Sir, it is not good to cry, wail and complain. There seems to be a chorus in this country with regard to who is responsible for killing devolution. Everybody is claiming that everybody else is responsible for killing devolution and nobody is taking the responsibility for killing devolution. We are wondering whether this is a real issue or whether it is a mere battle for finding where the yellow logarithm is. You know that problem in Mathematics? Nobody has ever found out where the yellow logarithm is.

In that regard, I would like to appeal now as follows. First, devolved Government is here to stay. However, it is also true that while it is here to stay, this must result into some kind of concrete change in the lives of our people. These are the people at the grassroots and we must make devolution meaningful to them. It is not good to have devolution when a most fundamental aspect of Government – security - is becoming a problem at the grassroots level. For example, what is happening between Nyakatch Constituency and Konoin; the one next to it, is absolutely ridiculous. In this day and age, we need to profile ourselves as a stable prosperous democratic nation. If we will have news nationally and internationally that portrays us as tribal warlords fighting each other over a border and torching each other's houses, this makes a complete ridicule of devolved Government. The national Government which has monopolized security because this is under the national Government must demonstrate, first hand, that when such things happen, they are dealt with expeditiously because it is a hindrance to good governance and prosperity.

I never knew that there would be a Government that would not have a security wing to it as its responsibility. So, when we talk about two levels of Government; devolved Government and national Government and one level becomes devoid of any security aspect; that becomes a problem. Of all the things that we must do as we discuss devolution, let us find out the aspects of our Constitution that undermine devolution. One aspect that undermines devolution is the issue of security.

If you go to America where devolution has been in existence for a long time, you will find that state Governments control security. There is a Sheriff. If you go to New York, you will find the New York Police Department. If you go to Los Angeles, you will find the Los Angeles Police Department. We must accept that our county governments can have some security that the Governors have authority over. Is it difficult for a security problem to erupt at the boundary of Nyakach and Nandi and for somebody to respond from Nairobi immediately because they are very far away. One idea of devolution was to improve participation and give power to the local level. There is nothing more fundamental in terms of participation and power than security. These are

some of the things that if Kenyans are given leeway to debate about, they will debate and demand.

I beg to second.

*(Question proposed)*

**Sen. G.G. Kariuki:** Mr. Temporary Speaker, Sir, I want to take over from where my brother has left off. Sen. (Prof.) Anyang’-Nyong’o, has just given us very informative information regarding what he perceives civic education to be.

There must be a good reason for civic education. We know, for sure, that our people are not informed about their Constitution. Therefore, our main objective in this Motion is that civic education must be renewed to create a new political culture that we have lost since Independence.

Another point I would like to mention is that hon. Sen. Anyang’-Nyong’o talked about killing of devolution being related to lack of material support. However, the reason for this kind of Motion is to empower people with knowledge. I would prefer that people are given more knowledge than material. After they have the knowledge of the Constitution, then they are empowered to demand from their leaders. They are also empowered to determine the destiny of this country. After the elections, they allow leaders to lead them anyhow because they do not understand their authority and power.

Mr. Temporary Speaker, Sir, it will take some time for Kenyans to understand devolution unless we move a Motion of this nature. This will take a long time and we will continue to have the problem we are having since we started working on the new Constitution. The new Constitution is very clear. There is no room for the two Houses or for the people of the county government to collide because it is very clear on who is doing what and who should be doing what. However, we are taking advantage of the lack of knowledge of our people.

We can continue to make statements knowing very well that they are not capable of understanding what we are saying. It should be known that unless we allow our people to be as knowledgeable as we are, we will remain in the problem of running this country in a bad way. We want to be accountable to our people for whatever we say in this Chamber. We want them to understand why hon. Wako brought the Motion. They should know that he is bringing it, on their behalf, for them to be empowered. There are some who may not understand what type of civic education we are talking about.

If you look at what happened in 2013, you will see that the organizations that were supposed to train people on devolution were Non-Governmental Organizations (NGOs). We must understand that we get money from NGOs to educate our people. However, we cannot depend on donations in a situation like this one. We must have our own money to train the people on the content that we want them to understand. However, we get money from our friends who end up coming with their own material of content and inject their own ideological beliefs.

The national Government – whichever Ministry - must have a big vote as it has been suggested by the Mover to ensure a deliberate effort by the nation to educate our people so that they know their rights. When we look at all constituencies, you will see

that only 210 constituencies were allocated money for training. These are the constituencies which were in existence previously. So, that tells you that the matter has taken a back seat. When you behave like that and yet we have a lot to do, that means that we are either not very genuine with our people or, possibly, we want to use their lack of knowledge so that they can continue to elect us. Since they do not understand, they remain in their tribal cocoons or clanism. They do not elect someone because of the good that he will do for the society.

The purpose of this Motion is to ensure that civic education providers focus on areas within their accessibility, in the interior where people need to know what is happening. For instance, we have Lamu, Laikipia and many more places which have never enjoyed training because they are far. People who are closer here are trained by the civil society. We cannot have our Government relying on the civil society to train our people. How can you ask me to give you money to train someone unless I also know what kind of training you will give? Therefore, the key areas of civic education should allow people to oversight the programmes and expenditure of our Government. We have 40 million people in our country who only rely on 500 Members of Parliament to be their guide.

It has been suggested that students in secondary schools and universities must own the Constitution and understand it. Once they do so, we will have no problem here. Since we were elected on the basis of our people's knowledge of the Constitution, we need to change our minds in this House and the lower House. Our people must know why Anyang'-Nyong'o was elected and what he is supposed to do. What is expected from him? If we have somebody making statements and then he goes back home to condemn a certain tribe or boundary, then we will not be developing our politics the right way.

We have to change our political culture by aiming at educating Kenyans to be able to make good decisions. For example, for the wrangles going on between the Governors, the Senators and many other institutions to end, one should not make statements which may provoke people. I think we should get out of this mess which has been created by the leaders themselves and not the people of this country. We are not ashamed when we travel around in big cars knowing very well that we are deceiving the public. I think we should change our attitudes. For devolution to take root, we also need to devolve our minds and let our people understand us so that they have reason to elect you. Personally, I believe that I need people who are fully knowledgeable about the situation in this country.

With those few remarks, I support.

**Sen. (Dr.) Khalwale:** Thank you Mr. Temporary Speaker, Sir. I would like to congratulate my brother-in-law and the longest serving---

**Sen. Njoroge:** On a point of order, Mr. Temporary Speaker, Sir. How many minutes is a Senator allowed to cross the Floor before resuming his place? I think Sen. Murkomen has overstayed the other side. I do not know what he is doing that side for that long.

**The Temporary Speaker (Sen. (Dr.) Machage):** I just want to remind you of the Procedural Motion that you passed at the beginning of this Session and it is very clear on how much time you are allowed to speak on a Motion. If you look at the Order Paper, it

clearly shows you how many minutes you are supposed to speak. For now it is 10 minutes.

**Sen. Njoroge:** On a point of order, Mr. Temporary Speaker, Sir. The point I raised was with regard to the Sen. Murkomen overstaying the other side of the House. I do not think---

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! A Member of the Senate can stay in either side of the House as long as he wants.

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, I request that my time be restarted because those points of order were not against me.

**The Temporary Speaker** (Sen. (Dr.) Machage): Your time starts now.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Temporary Speaker, Sir. I want to thank Sen. Wako who is my own brother-in-law and the longest serving Attorney-General in Africa. This House will remember that not long time ago, he brought a similar Motion on training and now he has brought one on civic education. This is the way we should move if we want to move with the rest of the electorate and the rest of the populace of the country.

The first contribution I want to make is that it is important to incorporate teaching of the Constitution in our school syllabus right from primary school, to secondary school and beyond. Because of your grey hair, you will remember the good old days when you used to be taught civic education in primary schools. No wonder because of that kind of grounding, the older members of the society in Kenya are better placed in providing leadership. Otherwise, without that civic education, people like Sen. G.G. Kariuki and Sen. Wako would not be in positions of leadership in this country. The youth would have knocked them out. But because we have not been preparing our youth very well, this is why we still have senior members of society still in positions of leadership.

Mr. Temporary Speaker, Sir, if we embark on this serious issue of civic education, then for the first time, the Republic will ask itself: When we were voting for the Constitution, when we were expanding the number of representatives at all levels of Government, what was going to be the consequential cost of running Government? It has now become very clear that the kind of Government structure that we have in place at the moment---

### COMMUNICATION FROM THE CHAIR

VISITING DELEGATION OF FACULTY AND STUDENTS  
FROM WOOSTER COLLEGE, OHIO, USA

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Sen. (Dr.) Khalwale! You will have your time.

Please allow me to recognize the presence of a delegation of faculty and students from the college of Worcester in Ohio, USA. They are led by the President of the college, Prof. Grant Cornwell and the professor of Anthropology, Dr. O'Connell

The visit of the delegation underscores warm mutual relations between the people of Kenya and the United States of America. Four Members of Parliament in the Eleventh

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

Parliament were students of Prof. Grant Cornwell at St. Lawrence University in New York State. They have accompanied the group. They are: Hon. Lekuton of Laisamis, hon. Chachu Ganya of North Horr, hon. Lati Lelaliti of Samburu East and hon. Kenneth Akoth of Kibra.

You are welcome.

Proceed, Sen. (Dr.) Khalwale.

**Sen. Murkomen:** On a point of order, Mr. Temporary Speaker, Sir. Am I in order to tell our visitors when they go back to greet for us Lupita and Obama?

*(Laughter)*

**The Temporary Speaker** (Sen. (Dr.) Machage): It is very much in order and I hope they will take the message.

*(Debate on the motion resumed)*

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, as I was saying, it will then offer the first opportunity for members of the public to reflect on whether this country needs and can afford 350 Members of the Lower House and 68 Members of the Upper House. I want it to be on record of the Republic of this country that I personally do not believe that our economy can afford that kind of expanded structure of Government. I am convinced that the affirmative action that was meant to be played at Independence was intended to attract special talent into leadership; talent that could not be elected through competitive elections.

It is my hope that at the end of this civic education, Kenyans will be persuaded that this expanded room for nominated Members of the Lower House and nominated Members of the Upper House is something we should reconsider. I am saying this without any prejudice against any of the nominated Members of Parliament both in the Lower House and the Upper House. I know that in these five years, they will use this opportunity to ground themselves politically and they will win not just the coming elections, but many more elections to come. We need to address that issue.

Through this civic education, we are going to remind ourselves that we have created far too many commissions. Today we have ten commissions under the Constitution. Many of them are sitting on a continuous basis, unnecessarily. For example, the Parliamentary Service Commission, the Judicial Service Commission and many others can sit on “a need to” basis. Through that national conversation, we will be able to say it is completely unreasonable for a distinguished Senator, an hon. Member of Parliament to sit for eight hours and he earns Kshs5,000 as sitting allowance and a member of a commission makes a technical appearance in a boardroom and is paid Kshs80,000. These are the things we must address and not an easy way out the way – with all due respect – His Excellency the President thinks.

The President must realize that the issue of the wage bill is multi-factorial and complex. It is not as simple as saying, I cut my salary. We do not want to be taken back to the days when I was a young doctor, newly qualified from the University of Nairobi

and used to earn Kshs4,700. At the end of the month, you would go and find that the Government of former President Daniel Moi has taken away Kshs300 from your salary. You wonder where the money has gone and they tell you that is the money for Nyayo Wards and stuff like that and so on. This kind of punitive approach only exposes the executive to the extent that Kenyans realize the Executive is not alive to the provisions of Article 41 of the Constitution which provides that every citizen of Kenya is entitled to proper remuneration. If you are the head of Government and you are unable to fix the economy, you should not visit misery on Kenyans to the extent of breaching the Constitution.

Mr. Temporary Speaker, Sir, through this civic education, members of the County Executive Committee and the Governor and his Deputy will be brought to the reality of the provisions of Article 209 of the Constitution of Kenya. This Article in Sub-sections (3) (4) and (5) clearly speaks to the issue of taxation. All over the country, members of the public are hitting the streets, including in Kakamega, where we have been having running battles for three days. All that the people are saying is that they are being taxed unconstitutionally, where they cannot afford and duplicating some of the taxes that they are already paying to the national Government.

How would a committee of the executive of the County Government fail to read Article 3 which only limits taxation to property rates and entertainment? Before they levy any other tax, they are supposed to seek concurrence of the Senate and the national Assembly. Our leaders at the county government have moved on, they have become big men and big women and they are not bothered about the suffering of our people. I want to request my colleague Senators here not to be intimidated. We must build that pressure real hard on all of them until they realize that the only organ under the Constitution as far as the county governments are concerned, mandated to do oversight is none other than this Senate. Do not bother and listen and answer them in the press. What you need to do is just to exercise resilience. Now that you have sent Wambora home, if you sent one or two more home, for example, the Chairman of the Council of Governors who keeps on making a lot of provocative statements, you will see order in the country and the country will move on.

Mr. Temporary Speaker, Sir, somebody was trying to intimidate me earlier on in my speech that I was seen leading demonstrations in Kakamega County. I am telling you that I have a twin brother who looks exactly like me and he did it very well. What I am happy about - I would like to tell Sen. Murkomen - is that as a result of that pressure, that thing has been suspended.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! Address the Chair and not Sen. Murkomen.

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, as a result of that tough pressure from the people Kakamega, we got an injunction from court and as we are waiting for hearing and determination of the matter, the Governor has been gracious enough and suspended the Bill and I have just learnt from e-mail that the invoices that had been prepared to invoice people at the higher rate are now being shredded. Pressure is solid gold. Even Section 2A went because of pressure. Even colonialism went because

of the pressure of MAU MAU. Even the slave trade went because of pressure. This Senate must continue putting pressure.

Mr. Temporary Speaker, Sir, the final point that I want to make is about the disturbing issue of the stalemate between the Lower House and this House. This is all, again, because of lack of civic education. If we gave civic education to the Speaker of the Lower House and some of the Members of the Lower House, they would see the futility of what they are doing. Also, the President needs civic education, because how on earth did he come to assent to Bills that had not passed through the Senate when he knows that he is not a President under the unicameral system, but under the bicameral system?

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Sen. Khalwale! I have been giving you the latitude, but remember that discussing the character of the President in this House requires a special Motion. Please, desist.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Temporary Speaker, Sir, for bringing me back to the way. Because of the seriousness of this matter, sometimes we digress. I am guided.

Mr. Temporary Speaker, Sir, I want to conclude by urging Members that we should support this Motion and do everything possible---

**Sen. Wamatangi:** On a point of order, Mr. Temporary Speaker, Sir. I stand disturbed by an earlier comment from the contributor. This is because he indicated that he has a twin brother. As a matter of record, probably---

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Sen. Njoroge! Your point of order is frivolous.

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, I beg to support.

**Sen. Elachi:** Thank you, Mr. Temporary Speaker, Sir. I also stand to support this Motion, knowing that for the last ten to 15 years my main job, when I was in the civil society, was civic education. It was within this job that we were able to go down to the rural and remote areas of Ijara, Pokot and Turkana. In some places, we slept in manyattas. In places like Ijara where you cannot train men and women together, we were forced to train women in the afternoon and men in the morning or *vice versa*.

Mr. Temporary Speaker, Sir, this civic education has yielded a lot because today when you go to those constituencies you have members and opinion leaders within the community who are able to stand and fight for their rights. I want to thank the Mover because I looked at a research that was reported the other day and realized that only 10 per cent of Kenyans know what the Senate does. Therefore, 90 per cent of our voters do not understand why we have a Senate, what devolution is, whether it is the job of only a Governor to defend devolution or we have an overseer in the national Government – the Senator – who, in fact, does most of the work to ensure that the Governor is able to implement devolution.

Therefore, when we talk of civic education, as a Senate, we would want to see the Governors also taking charge and making a register. This is because there is no register to show them even their map. Even when they are told that they have assets, they do not know where these assets are. Nobody has even told them: “You have natural resources, but remember within the Constitution, the national Government still holds onto them.”

Therefore, you will find them having conflict with the national Government over those resources.

Mr. Temporary Speaker, Sir, the national Government has even refused to inform Kenyans that sometimes when you go beyond some feet of your land, you are interfering with national land. Kenyans do not have that information. Even as we talk about counties, we need to establish information centres. I would want the Senators to be in charge of civic education. Since we sit three times a week, we can decide to have at least, a public forum every Friday in one of the counties. In that forum, we can talk about the Senate and money that has been devolved to the counties. We can even merge some counties into regions where once in a while the Senators go and give people information on what is happening at the national Government and county governments.

As a country, we have really neglected civic education. We have left it to the civil society and we keep on complaining when the civil society goes on the ground and gives civic education based on what they believe in and the objectives of their programmes. You will find people complaining and questioning why the civil society has gone to their region. But in the end, we need to ask ourselves: "How will our people understand good governance?" It is only through civic education that we are able to entrench good governance and make people understand that we are not here to give money, but find ways of developing processes for them to move on.

Mr. Temporary Speaker, Sir, today, we are talking about the wage bill, but nobody is coming out to say that when the *mheshimiwa* goes back home, he or she is the bank for thousands of people. It is something that we also need to bring to the public and talk about it. When we talk about the wage bill, we must remember that every day, people walk to their Members of Parliament or Senators ask them for school fees, medical fees and many other social welfare challenges. How do we deal with that? The President needs to also start telling himself: "While I am talking about this, I know that there is this other challenge." We are talking about the wage bill, but we are telling Kenyans that, indeed, it is in the Government where we have the highest wastage, where a biro pen can cost Kshs120 and photocopy paper Kshs800 per ream.

When you look at the costing in Ministries you wonder. A serviette that normally costs 70, costs Kshs300 in the Ministries. When you ask, they tell you: "This is Government." So, if the Government is crying because of the wage bill, what about the Kshs300 billion? How do you explain to a Kenyan that Kshs300 billion is wasted every year? Where does it go? What we are trying now to do is civic education to caution against people who are going to use the tender processes to corrupt the society.

Mr. Temporary Speaker, Sir, we should ask ourselves why former President Kibaki decided that people should have good salaries. It was one way of ending corruption that was there but today we are back. This is something that we must debate through civic education. If we do not do this, we will have a lot of unrest from different quarters of workers. They will come out because of lack of civic education. Civic education, as the Senator for Kakamega said, has to start in schools. It is within civic education that you would bring programmes on cohesion and governance. It is within civic education that our young people in high schools and universities will understand why, indeed, we decided to have county governments and it is important to respect

governance structures. It is within civic education that even our members of society will understand the difference between the Judiciary and the Executive. They will understand Chapter Eight of the Constitution. They have no idea that when we pass Bills, that determines their lives. They understand the Bill of Rights, because it deals with their social rights, but it is important for them to understand why we have a bicameral House. It is because of specifically Chapter Eight of the Constitution; that deals with legislation and how it affects the society.

Mr. Temporary Speaker, Sir, when we talk about public participation, the words that come to mind is civic education. I believe that when the late Michuki started urging people to go to *barazas*, it was one way of trying to make people understand what the Government was doing. The Governors may not wish to start civic education because they do not want the electorate within the counties to know what is happening – they fear. We know that information is power, so when we talk about civic education, we are talking about empowering people and their minds to understand what is really happening in the country.

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

**Sen. (Dr.) Zani:** Thank you, Mr. Temporary Speaker, Sir, for this opportunity to contribute to this very important Motion that has to do with civic education.

Mr. Temporary Speaker, Sir, as you might be aware, there is a lot of civic education that took place during the making of the Constitution, but very little has happened after the promulgation of the Constitution. I think that after the promulgation of the Constitution, it was just taken for granted that everybody understood the Constitution. A lot of effort was put before. I remember seeing in the newspapers the constitutional making process, appraisals and updates. People began to engage, but I think we need to remember that the Kenyan society does not have a highly encouraged reading culture. So, you will find that a certain group of people, especially the elite will read and understand. Another big group will not read and understand that efforts have to be put in place to ensure that they are moving together with everybody else and the process.

Mr. Temporary Speaker, Sir, so even as we speak about the need for civic education, it is very important, first, to emphasize that in the constitution making process, participation has to be there before, during and after. Participation after promulgation of the Constitution is probably the most important process. This is because after promulgation, some people are keen on the process of implementation, without thinking and going through the role of the citizenry, which is very important. For example, there is the constitutional provision for members of the public to participate during county assembly hearings. The citizens need to put leaders in check, by listening to what they say and think through it. The people will have an opportunity to also respond and give an idea of what is going to happen.

Mr. Temporary Speaker, Sir, the Constitution is very rich and various key chapters on legislation, governance and devolution – the creation of the national and county assemblies – are very key and important. Therefore, I think that we should not take it for granted that people understand. We need to make sure that we go out there, so that we can continue to enhance the capacity and create the knowledge and interest in public affairs – in fact, in matters constitutional – so that they know what is happening

and are able to bring it to life. For example, with regard to the Bill of Rights, very few people are demanding for their rights. This is because they have not yet understood the role and power that they have been given, as citizens, to push for their agenda and make sure that they are actually included and have a say.

Mr. Temporary Speaker, Sir, a civic education programme, therefore, needs to really be inclusive. There are certain categories of people like the marginalized – women, youth and members with special abilities – who have been put aside. So, when it comes to the general knowledge sharing, they have been left out and it has been taken for granted that they understand what is going on. We need to think of specific programmes that will target them, but also look at areas in the Constitution that are completely relevant to them and help them to understand those sections and come up and participate. Such a programme needs to be open and very credible, so that it tackles various backgrounds in terms of class, culture and issues within an ethnic or religious background and ensure that those interests are taken into consideration.

Such a civic education programme should not be a one-time event. It should be a continuous event and it should be continuous for the next five years. The programme should be broken up into various sections and phases and be ongoing so that people can understand what is happening. Once that happens, we should be able to inculcate a culture of ownership, a culture of direct participation and legitimacy of the Constitution because they will be part and parcel of what is happening. We should make the message easier for them to understand the role of senators is, the role of governors, the role of county governments, the interconnection between the Senate and the county governments, the role of the National Assembly and also the county assemblies. If they go through this, then they will be able to raise questions. It is difficult for members of this country to ask questions when they do not know the right questions and they cannot ask the right questions if they do not understand what the Constitution is talking about. So, this is a process that starts with knowledge and understanding, then that way, we shall have participation enhanced at different levels.

Mr. Temporary Speaker, Sir, I mentioned about a group of people who might not read directly and therefore, we need to think about audios as an innovative way of giving them civic education or even thinking about ways of role playing, that is, people acting out various phases, chapters and articles of the Constitution which are important for a specific audience so that they can learn what needs to be done and how it should be done. It has to be a continuous process. Countries like Rwanda and South Africa have been successful in having a continuous programme as shown in the level of understanding that comes from people in those countries.

The civil society played a key role in civic education but it almost disappeared after the promulgation of the Constitution. It is important that civil societies continue to play that role. The advertising should go on, media campaigns should go on, workshops for civic education should continue in various areas so that people can understand what is happening. We should also have direct messages so that nobody feels that it is somebody else's responsibility. It should not be seen as the role of Members of the County Assemblies (MCAs) or the role of the Governor. It is our role. If we begin to take out messages for example in Swahili "*Ni haki yako*" for example, so that people know that it

is your right to participate. As Senators, we can be questioned by governors on certain issues, but how much so for the civilians who then have to stand up and speak about certain issues. It will give people the power and the sense of connection.

In the long term, these programmes have to be evaluated in terms of their effectiveness so that we can see if there has been effect over time. We are talking about posters, leaflets, radio, talk shows, call-in programmes so that people can ask questions about various articles in the Constitution and be given direct answers. I think more people are now moving towards a situation where you can ask few questions and you can be given key answers and that becomes very critical for them. Therefore, they get reminded over and over again about the importance and the need to continue to remain alive.

Therefore, civic education gives us an opportunity to begin to dream the real dream. If, for whatever reason, we do not make Kenyans understand what the Constitution is all about and it is going to take a lot of time -, about 7 per cent, in a study that was conducted, had not read the Constitution. They had not understood the Constitution. Therefore, when it comes to the need for civic education, I think this Motion is so timely. If we were to reap the fruits of Constitution making and especially the Constitution of Kenya 2010, then we need to put civic education at the forefront at all levels and let us use all the avenues possible.

There is an avenue that has been suggested within the school curriculum, like it happens in the United States of America (USA) where key articles in the Constitution will be part of the syllabus. Therefore, children will grow knowing that they are part and parcel of that process. So, at any one time, they can come up and feel that their voice needs to be heard, they can talk when they want to talk; they can share when they want to share and so on. It is not a mean fit but if we have to reap from the Constitution and constitution-making, then we have no other way out.

Mr. Temporary Speaker, Sir, one of the tenets of that Constitution is the key role for participation and there are certain counties who have been able to put themselves into *barazas* to talk about the type of development they want in their counties, the socio-economic development, the cultural development and looking at specific constitutional provisions that allows them to do. That gives them a forum to engage with the Governor, the Senator and so on to push their agenda. It also helps to have a direct oversight because we have citizens looking through what the county governments are doing.

We have talked a lot about the budget-making process and the role of citizens as participants. Both are ways of directly over-sighting. If we have the eyes of all Kenyans at any one time looking on to see what is happening, I think that is going to be the best way that will ensure that everything that has been advocated for in the Constitution will be enhanced. I think four years or five years from now, we will say that it was possible because we made everybody aware and that everybody knew and participated. Nobody will say he did not know or understand the Constitution. So, let us give ourselves a chance.

Sen. Wako, thank you for bringing up this timely Motion and I hope we will push this agenda, have civic education entrenched and ensure that we really improve in terms of adhering to the Constitution and everything that is expected, by ensuring that civic education is enhanced.

**Sen. Karaba:** Mr. Temporary Speaker, Sir, thank you for giving me this chance to contribute to this Motion which, according to me, is very timely. It has come at the right time. This is a Motion that should have come before all the other Motions because it is the mother and father of our mood and nationalism that we have. When we were passing the Constitution in 2010, it was noted that some communities elsewhere did not need to read the Constitution because only one person was required to read it and interpret it. I will not elaborate. When it was asked whether they understood the Constitution---

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Temporary Speaker, Sir. It is the intention of the same Constitution that we want to give civic education to Kenyans that we should respect all Kenyan communities. Is the Member in order to impute improper motives against that Kenyan community?

**The Temporary Speaker** (Sen. (Dr.) Machage): That is not a point of order. Continue.

**Sen. Karaba:** What happened was that certain communities believed that when one or two people understood the Constitution, they have also understood it. I said I am not going to elaborate.

**Sen. Sang:** On a point of order, Mr. Temporary Speaker, Sir. The hon. Senator has repeatedly made the same remarks that Sen. (Dr.) Khalwale sought your guidance on. Is he in order to suggest that certain communities in this country believe that once an individual has read the Constitution, it means that they all understand it? If that the position, could be substantiate?

**Sen. Karaba:** The Chair had ruled that to be out of order.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order!

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

**The Temporary Speaker** (Sen. (Dr.) Machage): What is your point of order?

**Sen. Muthama:** Mr. Temporary Speaker, Sir, the hon. Senator has made it very clear that one individual read the Constitution and his people believed in what he told them. We know we have leaders in this country---

**The Temporary Speaker** (Sen. (Dr.) Machage): What is your point of order?

**Sen. Muthama:** Is it in order for the Senator to make this House believe that there is one community that is so stupid that---

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! "Stupid" is not parliamentary language. Can you refrain from using that word? Use another word.

**Sen. Muthama:** Mr. Temporary Speaker, Sir, could the hon. Member clarify that there is a community that is so ignorant that they can be told by an individual that this is the way and they follow that way? We know Kenyans have great brains to think for themselves.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Members! Every Senator has his own right to have his own opinion. If the Member's opinion is that shortsighted, allow him to continue.

**Sen. Karaba:** Mr. Temporary Speaker, Sir, I will not repeat but it means the way I had said earlier.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! You can see many Members do not appreciate that language and approach. I have given you the latitude to change but you do not seem to want to change.

**Sen. Karaba:** Let me now continue from that point because it is generating a lot of heat but it is true that in Kenya, when you teach history, some people will believe in what you are teaching and others will not agree and will criticize. That is what we call dynamic teaching. That person teaching is called a dynamic teacher. In the Democratic Republic of Congo (DRC), we have Congo which is now divided into various regions; there is Katanga which mines copper and there is Kivu which is known for coffee and other cash crops. We have some other fellows who stay in Kinshasa and they are famous for music. During those days, the then president would go to Kinshasa and ask them to sing. They would sing a lot more until they would earn money from it. That was their way of living. Then the president would go to Katanga and tell people to continue mining copper and he would take all the copper to Belgium. That also happened to the side of the Eastern DRC. So, those who were busy singing and drumming thought that they were the best in Congo, those who did not know anything like pygmies thought that they were the only people living in the deep forest of Congo. So, every group had its own role to play, and they complemented one another.

By the time we came to 2010, there was a song for “Yes” and “No” where there was a serious campaign but later on we settled on Yes. That is what happened. Therefore, the Constitution brought something that was understood by everybody. Some people understood it the way the DRC understood; they can sing and drum and they all still lived in Congo. In Kenya, some people believed that their seniors understood and that was all. So, when the Constitution was to be implemented in 2010, there are so many problems because of misunderstanding. People do not understand exactly what the Constitution was all about. That is what I am trying to drive at.

We used to learn a lot about the British Constitution. There was a subject taught called History and Government. We learnt about the roles of the Queen, the King, the House of Commons and the House of Lords. In Kenya, just after the Independence, we learnt a lot about the Government at that time.

However, as we went on, we forgot about learning about the country. We stopped learning about our country and started learning about other countries like America and how it gained Independence in 1776. Of what use is it to us? We know that America got Independence on 4<sup>th</sup> July, 1776 and this was a Tuesday. Surely, must we go there to learn that? We should tune ourselves so that the Constitution is a teaching area. It must be taught from Class Four to whatever level. Children should be taught this and the teachers must have been taught in colleges. The colleges should be turned into teaching of the Constitution colleges so that as soon as teachers graduate from those colleges, they teach fellows who are in the villages. This is the only way we can approach this problem. If we do not do that, we will be having problems of masses who will not understand what this is all about.

This Motion, therefore, calls for an overhaul in the education system. This is a requirement because if we do not change the education system, we will not understand what it means to have a new Constitution. Today, even as we go home, we will meet

people who are of the view that we are fighting other people. You have your own position as a Senator which is different from a Governor. Some people do not know the role of a Governor, Senator, Member of a County Assembly (MCA) and the President. Some do not even know their Senators. They do not know the equivalent of an MCA at the national Government. This is what should be taught in class. It is only after this that some people will understand the Constitution.

**Sen. Murkomen:** Mr. Temporary Speaker, Sir, I would like to thank the Chair of the Justice and Legal Affairs Committee, Sen. Amos Wako, for such a well thought-out Motion in terms of what we need to do as a nation.

The country is suffering from acute malnutrition when it comes to understanding the Constitution and particularly with regard to the devolved system of Government. Very many people understand devolution from the perspective of where they stand. There has been a lot of emphasis depending on which office one holds. Devolution is a very important aspect in terms of taking resources back to the people. If you want to understand what devolution is all about, you have to read Article 174. My emphasis on Article 174 is governance by the people. Article 174 says that people should have their own government and determine how they will carry out development at the local level. In fact, Article 174 talks about self-governance at the local level. Devolution, therefore, unlike what many people think is not about a Senator or the Office of the Governor. Devolution is not the County Assembly but the people of Kenya, at the local level, having an institution that they can call their own.

Many people have asked us why we are emphasizing issues related to accountability at the local level and yet we are not asking the same question to the President and the Deputy. Every time I answer this Question, I remember that not very many people have had the benefit to read the Constitution.

It is important to emphasise to our people that the reason we want to get accountability at the local level is because the national Government is rotten. They knew corruption is rampant at the centre. They knew that the centre has too much bureaucracy. They knew that the centre has been controlled by cartels; men and women who have done business with the Ministry of Finance since 1963. Some are men and women who have done business with the Ministry of Immigration and Registration of Persons since 1963. There is no Government, since I became aware of politics in 1990s whether it was the fourth movement or the Narc Government that did not have a manifesto about corruption because this has taken root. Kenyans know that we have formed commissions after commissions because of corruption.

We want to have our own government at the local level. We need to start on a clean slate and ensure that we have a system that is free of corruption. We want a county government that people can call their own. We want a county government where the Governor is not shielded by mean looking black men who stand around him to protect him from access by *mama mboga*. We want a Government that is open and accessible to people. That is why if we do not carry out civic education, Kenyans will allow corruption at the county government to take root. We will go back 20 years down the line. We will start having commissions of inquiry to find out why Elgeyo-Marakwet County did not develop or why Kakamega County has not developed after 20 years. This will be because

we did not put the systems in place from the word go, that would ensure that accountability is the bedrock of our county governments. Civic education will solve this problem.

I have heard some people, including Governors, saying that because the Senate is being bothersome, they have to do away with the Senate. There is not a worse statement of ignorance and gullibility than that. If you want to scrap the Senate of the Republic of Kenya, then you must scrap the entity known as the county governments represented by this House. If you scrap the county government, you will have scrapped the Governor. If you scrap the Governor, you will have scrapped the MCAs. I want to tell Governors and MCAs out there who are gullible enough to talk about the scrapping of Senate that they will not scrap the Upper House without scrapping themselves. That is the civic education we need to carry out.

There are serious issues of corruption at the county level. I have established, including my own county – I was quoted with regard to what I said on Sunday in my county – one of the things that we realized about Embu County was the fact that once the Governor came into office, he chased the Deputy Governor one kilometer away and brought the County Secretary close to himself, and brokers and cartels started taking hostage of the county Government. That is not in Embu alone; it is the same in Elgeyo-Marakwet. I am sure it is the same situation in Kakamega, Kajiado and Nairobi counties.

There are new groups of cartels that have left Nairobi to go to the local level to take our local governments captive. If we want to salvage our counties from the frontiers of corruption, then we must ensure that our people are educated enough so that when someone goes to the county headquarters, he will have the courage to say that he wants to pass through the county government offices and to find out what they have done with regard to many issues.

This is the Government of the people. It is not a Government that is there to benefit individuals. Devolution is not just about counties. It is about the national Government level. Article 174 tells you that through devolution, services from the national level should be taken to the lowest level. We expect the police to tell us how far they have gone in devolving police services. We expect Commissions like the Kenya Anti-Corruption Commission (KACC) to tell us how far they have gone in devolving KACC services. We expect national Government offices to conform to Article 174 and ensure that devolution is not about the counties but about how national entities can take services to the local level.

The discussion now in the Government is about lowering the wage bill. Many people have talked about cutting salaries. I am on record saying that what I donate to the people of Elgeyo-Marakwet County in terms of supporting projects, whether you call it harambees or whatever you call, it is more than what I earn in this House every month.

So, Mr. Temporary Speaker, Sir, when it comes to giving whatever we want to give back, we can give but there is the bigger question; the County Governments Act tells the county governments that once they come into place, they must find out how many staff they want. They must be very clear on how many members of staff they are going to absorb and once they absorb the ones they have absorbed, the County Governments Act is very clear; they let go the other staff to the national level so that the national level can

start having a conversation as what to do with the staff that cannot be absorbed in the county government. But you see, when we tell our Governors this, they say that they have been told to carry a huge wage bill. We wonder who told them that. Were they told by a Cabinet Secretary at the national level or the President? Do they listen to them or listen to the law?

The county governments must only absorb men and women who are needed by that county. Otherwise, what is the business of them having County Public Service Boards? Is that one of those demonstrations of the ignorance and gullibility of our counties? Sen. (Dr.) Khalwale talked about civic education starting from the Presidency. I do not think it is a bad thing. Civic education must start from the highest level going down because it is becoming almost clear that the highest level of ignorance when it comes to matters of devolution is actually resting at us who are at the highest level. The people of Kenya seem to be the only ones who understand what they wanted from devolution. If you asked them what devolution is, they will tell you, for example, that it is for water to come to Msekekwa Hospital in Elgeyo Marakwet County where before---

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! Are you suggesting that the Head of State of this country is ignorant?

**Sen. Murkomen:** No, Mr. Temporary Speaker, Sir. However, none of us if they have the necessary humility can be able to say that they know everything. All of us will have to work together to understand a new frontier of issues. It does not matter whether it is the Head of State, Kipchumba Murkomen or somebody in the village. I do not want anyone to pretend even on our side to be speaking for the President because if the President even knelt in Kasarani Stadium to be prayed for, he is even more humble to learn new issues about devolution. I think if you were to ask him to lead by example, he would be happy to sit somewhere and listen to presentations about devolution. It is important that we ensure that this knowledge is disseminated from the highest office to the lowest office.

Mr. Temporary Speaker, Sir, before you asked for clarification, I was saying that if we do not do this, it is only the people of Kenya who actually understand devolution. The leaders do not understand because the Governors understood it to be the flag and the big office complete with a political advisor. The leadership has understood differently but the people of Kenya are still waiting for water, roads and hospitals. When I was campaigning, in one of the hospitals in Elgeyo-Marakwet County called Msekekwa Hospital, I was told that for any woman to be admitted for maternity, they are told to carry along 20 litres of water. Without the 20 litres of water, they cannot be admitted whereas devolution was meant to ensure that that hospital has water. It is not who drives how many cars and who goes to what places.

There are so many people saying things that I do not understand. They tell us that the Senator is desirous of going for the money that is at the county level and that we are envious. I want to ask even those who write newspapers, do you want to justify that I, Kipchumba Murkomen, is so envious that if I was allowed to go to Elgeyo-Marakwet County, I would then go there to steal the money? What would drive a man to be envious of money that is not his but is supposed to be used for the benefit of the people?

I support this Motion and let devolution reign.

**Sen. Nobwola:** Thank you, Mr. Temporary Speaker, Sir. I would like to support this Motion and congratulate Sen. Wako for bringing it to the House. As we have rightly heard from the last speaker, he said that civic education is very important and it must start at the top. That is very good because it is coming from the Jubilee side. We have seen Bills being signed into law and I think that is a very good message that you have sent out there.

Civic education is very important because it will sensitize the public so that they are able to interrogate the work of the leaders. The public does not understand the work of the leaders. For instance, in my county, you will find people calling you and asking you about bursaries and many other things which do not involve Senators. So, if we can actually roll out this programme to the grass roots so that people can be able to understand what to expect from their leaders, be it the Governor, the Member of Parliament, Senators and Members of the County Assembly (MCA). One MCA said that he wanted to recall the delegation of Senators from Trans Nzoia because they were not working hard enough for the county. They expected to get more money but got less money; I think Kshs3.9 billion instead of Kshs4.2 billion. What the MCA did not understand was that there are formulae that the CRA and Treasury use to arrive at the money that they give to the counties. My county is well known because our population is not very high; we are about 818 million people. So, such kinds of statements, I am sure---

**Sen. Karaba:** On a point of order, Mr. Temporary Speaker, Sir. Sen. Nobwola is talking of a county which has 818 million people and yet even the Kenyan population is about 40 million.

**The Temporary Speaker** (Sen. (Dr.) Machage): What is not in order?

**Sen. Karaba:** Is it in order for her to mislead the House that she comes from a county which has a population of more than 800 million people?

**Sen. Nobwola:** Mr. Temporary Speaker, Sir, the population of Trans Nzoia County is 818,000 and not 818 million.

It is very important that people are made aware of what devolution is because it is new. People must accept change because devolution is here to stay. The purpose of devolution was to move the power and the resources to the people. In essence, what I am trying to say is that we should all understand what devolution is all about. We should make sure that counties are allocated more money so that they are able to provide services to the people.

When we talk about public participation, it is very important because if the public understand the Bill of Rights, they will be able to interrogate how their money is being used. Over the weekend, it was very unfortunate, when I went to some remote area of my county and people have never seen the leaders they elected since they voted for them in March. So, to them, they do not understand what devolution is. People still carry water on their heads and mothers have to walk three to four kilometres to fetch this water. I was so embarrassed and I did not know what to tell them because I am a nominated Senator. I only told them that I was going to see how I can be able to go back there and dig even one borehole using my little resources. If I do not have the machine to dig the borehole, we may have to do it manually.

Mr. Temporary Speaker, Sir, leaders should understand their roles. If you are elected as a Governor, you should use those resources that you have been allocated in a wise manner so that you are accountable. Today, we are being labeled anti-devolution and yet we are not. The message I would like to pass to the Governors is that they should concentrate on the utilization of funds because that is the main issue.

We have the Auditor-General who goes round and audits their records. Senators do not go to the counties to check records, but we receive reports from the counties through the Controller of Budget and the Auditor-General. These are the reports that we interrogate. Particularly in the case of Embu, we used the reports that were brought to this Floor and the Motion from the county. So, it is actually the Members of the County Assemblies (MCAs) that should play a very vital role in the counties, because they oversight the executive. But I think that the problem that we have is that they are oversighting an executive maybe which is wiser than them. So, we need to carry out civic education so that the MCAs can understand their work. That way, they will be helping the Senate. They should not think that the Senate is anti-devolution, because we cannot cut a tree from the bottom, when we are standing on the branch of that tree. This is because it means that the whole process is going to collapse. But I just want to assure everyone that the Senate is here to support devolution.

Mr. Temporary Speaker, Sir, I just want to ask the national Government to roll out immediately this civic education, so that people can be aware and interrogate what is happening out there. This is because the public is the best watchdog for the people.

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

**Sen. Musila:** Thank you very much, Mr. Temporary Speaker, Sir. I do not know whether anyone congratulated you for being our Speaker this afternoon. In case it was not done, please, accept my congratulations. You are doing very well.

Mr. Temporary Speaker, Sir, I want to thank and congratulate my brother, Sen. Wako, for this timely Motion. If there is anything good that has ever happened to this Republic, it is the new Constitution that embraced devolution. As you know, this was attempted before after Independence, but those who did not mean well for this country abolished devolution. We would be very far if the devolution that was envisaged after Independence was allowed to continue.

Mr. Temporary Speaker, Sir, the Motion today calls for education and I want to start from where Mwalimu Karaba left. Yes, we are going to educate the population as it is today – and I will speak about that in a while – but I think that the most important part of education will be to gauge our curricula and ensure that education on the new Constitution and devolution is impacted on the young ones. I will be very sad to hear that as of now, the Ministry of Education has not moved to change the education syllabuses and content of subjects, to ensure that we embrace devolution as our new way of Government. It is true that many people in this country do not know what the new Constitution and devolution are all about. We have heard very irresponsible statements being made even by elected leaders; that we will abolish the Senate, reduce the number of counties or amalgamate Machakos, Kitui and Makeni to be one. It just goes to show that we lack this education.

Mr. Temporary Speaker, Sir, there are two institutions which we put in the new Constitution. They are the Transition Authority (TA) and the Commission for Implementation of the Constitution (CIC). I think that from the word go, we ought to have put funds and resources into either of these institutions or both, to deliberately carry out civic education, to ensure that people understand what devolution is.

Mr. Temporary Speaker, Sir, Sen. Murkomen alluded to the fact that the people on the ground know that devolution means their government. They elected their MCAs, Governor and Senator, and a year now is gone. We have lost a whole year doing nothing but squabbling about who is more superior than the other, while the people are suffering. I know that in our head institutions, for example, in Kitui County, just where the central Government---

**Sen. Kisasa:** On a point of order, Mr. Temporary Speaker, Sir. Is the hon. Senator in order to say that we have been doing nothing for the whole year?

**The Temporary Speaker** (Sen. (Dr.) Machage): I did not hear that.

**Sen. Musila:** Mr. Temporary Speaker, Sir, I respect the gracious lady. Even if I said that, which I doubt, I did not mean literary that. It means compared to what we ought to have been doing.

**The Temporary Speaker** (Sen. (Dr.) Machage): Did you actually say that?

**Sen. Musila:** Mr. Temporary Speaker, Sir, I doubt whether I said that. But if I did, it is to mean that if we did what we ought to have been doing, if we were performing properly, we would be very far today. Nevertheless, I know that the gracious lady knows that we work very hard, but have not reached the target of what we should be doing. We would be doing better if there were no squabbles and superiority contests. In fact, there is no need---

**Sen. Omondi:** On a point of order, Mr. Temporary Speaker, Sir. Is the hon. Senator in order to say that a year has elapsed and we have done nothing rather than rubbing shoulders?

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! Order! Allow the Senator to put his point.

Please, continue.

**Sen. Musila:** Mr. Temporary Speaker, Sir, you will forgive me, but I do not know why the gracious ladies are---

**The Temporary Speaker** (Sen. (Dr.) Machage): Proceed!

**Sen. Musila:** Mr. Temporary Speaker, Sir, what I am saying is that the squabbling that has been going on among the leaders has not been helpful to devolution. Therefore, this is why I am supporting the Motion that we educate the leaders even more than the wananchi. This is because the wananchi know what they want and expect from the devolved government. It is only the leaders who are not up to what they would like to be. You can notice that I am very careful with my words after the first challenge.

Mr. Temporary Speaker, Sir, the Fourth Schedule gives the responsibilities of the two levels of government. But today when you look at what is going on, people are jumping up and down; leaving their areas of responsibility and moving to another area of responsibility. I say this because we have seen activities in some counties that are clearly not meant for those counties; that would not be termed to be a prudent manner of

managing resources. As we have seen in the report that has been produced by the Auditor-General, it shows clearly that resources have been misapplied. All this goes to show that some leaders in the Government, including Governors and so on, are not following the schedules as given and not even waiting for the Senate to allow the devolution of those areas that they want to do. I say this because we know for certain that there has been misappropriation of funds by some county governments.

Even governors are making certain statements; for example, the Governor for Vihiga said that the Senate has become a monster. That statement by the Governor of Vihiga that the Senate has become a monster was uncalled for and irresponsible. All these is because the Committee charged with oversight had summoned governors to come and explain some areas that were not clear or even matters raised by the Auditor-General. I would like to plead that as soon as we pass this Motion, the national Government takes upon itself, first and foremost, to ensure that the Ministry of Education puts education on our Constitution in the curriculum and also the national Government leads by example. For example, we have the Provincial Administration in the field which was supposed to be restructured to be in conformity with the new system of the devolved government. What has happened? The national Government has gone ahead to strengthen further the Provincial Administration. So, what has happened with the county governments? They have created a parallel system of administrators who are going to be in direct conflict with the Provincial Administration.

So, there must be a deliberate way of ensuring that everybody embraces devolution and that everybody plays his role. Everybody should make sure that he does not get into an area that is reserved for another person under the Constitution. Above all, that everyone respects devolution; everybody respects the system of government that has been put in place by the new Constitution. Without this, we will not be able to move forward.

Therefore, I strongly support this Motion and appeal to the national government - because passing a Motion is something else and implementing it is another - to start a long-term programme of educating our youth. Immediately thereafter, through the Transitional Authority (TA) or the Commission for Implementation of the Constitution (CIC), the government should ensure that civic education programmes are commenced, through the radio, television and print media with the aim of educating people about the role of various institutions created in the new Constitution.

With those few remarks, I beg to support.

**Sen. Chelule:** Mr. Temporary Speaker, Sir, I also rise to---

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

**The Temporary Speaker** (Sen. (Dr.) Machage): What is your point of order?

**Sen. Muthama:** Mr. Temporary Speaker, Sir, as the Whip of this House, I am trying to see how contributions can be made, I found out that we have about nine contributors who are waiting including the one who is about to speak. If each one takes ten minutes, they will take 90 minutes; that is, one-and-a-half hours. Looking at the clock, we have only about 35 minutes to contribute. So, my kind request was to ask Members if they will agree that we do five minutes because that will give us the opportunity to cover the nine contributors and ten minutes for the Mover to respond.

**The Temporary Speaker** (Sen. (Dr.) Machage): May all those in favour say Aye.

*(Question, that the allotted time for each contributor be reduced to five minutes, put and agreed to)*

**Sen. Chelule:** Thank you, Mr. Temporary Speaker, Sir. I also rise to support this Motion and I want to thank Sen. Wako for bringing this Motion to the Floor of the House. Indeed, it is very necessary for the people of this country to be taken through the Constitution. It is a necessary activity that the Government should plan and sensitize the people of this country about the Constitution.

As I speak today, I know there are those who do not even have a copy of the Constitution. We all know that most of the people in Kenya were very negative about this Constitution because of the confusion that was brought by the referendum. We can all agree that there was a referendum and there were those who voted for the Constitution and those who were against it. So, it is our responsibility as leaders of this country to make it clear to the people that the Constitution is a real document that there is no way we can ignore it. It is a document that is mandatory for all of us. We are not talking about the Government alone but we, as Senators or Members of Parliament, need to do something about it. Whenever we are somewhere, we can use any means, be it vernacular stations and any other programme that you can plan as a leader from your respective area to make sure that we do something about civic education.

Mr. Temporary Speaker, Sir, you will be shocked that today if you go to the grassroots, some people do not even understand the Constitution. They think that the Constitution is different from devolution. You will be surprised to hear from these people that devolution is another document. So, Sen. Wako has brought this Motion at the right time and I support civic education to the people of Kenya.

With those few remarks, I support.

**Sen. Madzayo:** Asante sana, Bw. Spika wa Muda. Kwanza, nataka kumtumia heko sana aliyekuwa Mkuu wa Sheria katika nchi yetu ya Kenya, Sen. Wako, kwa Hoja hii.

Kwanza, ni kwamba wananchi wa Kenya mpaka hivi sasa tokea tugeuze Serikali yetu iende mashinani, yaani, serikali ya ugutuzi, wengi hawajaelewa maana ya serikali za ugutuzi. Kwa hivyo, kuna umuhimu kwa Serikali kufanya juhudi ya aina yoyote ili watu waelewe uongozi na maana ya ugutuzi katika serikali za mashinani. Mimi nataka kuuliza tu kwamba wananchi wengi wanajua kwamba kuna seneta, gavana, mbunge wa maeneo na vile vile wabunge katika serikali za mashinani. Wananchi wengi hawaelewi tofauti ya mheshimiwa mbunge katika bunge la kitaifa na mheshimiwa katika bunge la mashinani. Kwa hivyo, kunahitajika Hoja kama hii kutiwa maanani zaidi ili kuona ya kwamba wananchi wanaelewa haswa uongozi wa aina hii ya ugutuzi unaweza kueleweka namna gani. Kwa maoni yangu, naona kwamba uongozi huo bado haujafahamika na wananchi.

Kuongezea ni kwamba vile vile, sisi ambao tunatoka Kilifi, tuko na chuo kikuu kimoja. Wengine wamebahatika kupata vyuo vikuu vingi lakini sisi tunasema kwamba kuna umuhimu katika silabasi ya wanafunzi wa vyuo vikuu, wanafunzi wa sekondari,

wanafunzi wa shule za msingi na silabasi ama somo kuhusu katiba ili watoto wetu wanapokuwa, waelewe Katiba ya nchi yao.

La mwisho mimi ningependa kusema kwamba hivi juzi kumekuwa na mtafaruku wa kutangazwa kwamba watu wakatwe mishahara. Jambo hili ni jambo gumu. Hata katika sheria ya wafanyakazi ulimwenguni zinasema ya kwamba mwananchi anayefanya kazi mishahara unaweza kuwachwa pale ama kuongezwa lakini sio kupunguzwa. Kwa hivyo, itakuwa makosa kwa mtu yeyote katika nchi hii kusema kwamba watu wapunguziwe mishahara. Mimi sikubaliani na kitu kama hicho. Sio mimi tu lakini najua kwamba kuna Waheshimiwa wengi ambo wamechukua mikopo mikubwa ambayo wanalipa. Saa hizi, mishahara wanayopata ni duni. Ukisema akatwe pesa asilimia 20, ataenda nyumbani bila pesa. Hivyo, tutakuwa tumeongeza ufisadi kwa sababu lazima mheshimiwa aendelee kuishi na anapofika katika eneo lake la Bunge, aweze kuonekana kwamba anatoa pesa katika harambee. Ikiwa sheria hii itafuatwa, ya kusema watu wakatwe mishahara kwa kiasi fulani, itakuwa makosa.

Kulingana na Katiba, Kipengele 41, kila mwananchi ana haki ya heshima katika kazi yake. Kila mwananchi ama mfanyakazi ana haki ya kupata mishahara ulio sawa. Itakuwa aje mtu mmoja anaposimama na kusema mishahara ikatwe? Hiyo naona si haki.

**Sen. Gwendu:** Thank you, Mr. Temporary Speaker, Sir, for giving me a chance to add my voice to this Motion which is very important to this House and to our people back at home. If you want to know that our people do not understand the roles of our leaders and that they do not have the basic knowledge of the Constitution, start with people close to you or people who are not legislators.

Recently, I sat with friends who came from Nyanza. They did not know who their Senator was. They did not know the difference between the Senator, the Member of the National Assembly or the Governor. This is probably because they have not taken a keen interest or because we have not taken time to repeat it to them. If we embark on serious civic education, then implementation of the Constitution will be done to the letter.

When we were dealing with the Wambora issue, people said all manner of things. Some people said that the Senators were fighting the Governor. I believe that if the electorate understood the role of the Governor and that of the Senate, then we would not hear such cases.

A country like Rwanda, before it went into a referendum, it held civic education for two years. We are not an exception. The more we educate our people, the more devolution will work. We know that learning is a process. It does not end today, neither does it end tomorrow. The more you drum something into people's heads and tell them the role of the Senate, the more we will save a lot. This will make Kenyans know how to access certain things. For instance, they will know who should sort out issues regarding roads, school fees and hunger, among other things. Once we understand devolution and the Constitution, all these things will fall into place. This will only happen if we carry out civic education.

**Sen. Omondi:** Thank you, Mr. Temporary Speaker, Sir for allowing me to make my contribution towards this Motion. I want to agree with my fellow Senators who have made their contributions.

First and foremost, I want to thank the originator of this Motion, hon. Sen. Wako. Indeed, I have been wondering how this would happen. I thank God because this has been brought to our attention and that we are making our contributions to this Motion. The issue of creating awareness to the public especially the common citizen at the local level is very critical and timely.

The marginalised groups like the illiterate women in the local areas and people with disabilities cannot understand what is happening today. The culture of our Kenyan people is that they would like to feed others with wrong information. The wrong information does not allow a common *mwananchi* to buy ideas, support them, and help the Government to develop. Last weekend, I went to meet people of my constituency; these are the people with disabilities in Kisii and Migori. I was ashamed because the answers these people have been getting from the county government are not good. They go to the county offices and are told that issues concerning people with disability were not devolved. They are told not to claim anything. They are not allowed to request for any services at the county level. If such remarks can be told to a Kenyan citizen, then where are we heading?

I support this Motion because it is for the benefit of Kenyan citizens.

**Sen. Sang:** Thank you, Mr. Temporary Speaker, Sir. Before I make my remarks, I want to take this opportunity to condole with the families of 15 people who lost their lives this morning in a grisly road accident in my county. This was a 14 seater matatu travelling from Eldoret to Kisii, I am told. The most unfortunate thing is that the 14-seater had 20 passengers. The question we are asking ourselves is, from Eldoret to Nandi Hills, where the accident occurred, there must have been over ten police road blocks. How do we have a 14-seater matatu going through these road blocks?

**Sen. Kisasa:** On a point of information, Mr. Temporary Speaker, Sir. It is unfortunate but we must all take charge. If there were 16 passengers and yet they were supposed to be 14, why were they expecting the police to take care of them?

**The Temporary Speaker** (Sen (Dr.) Machage): What is the information?

**Sen. Kisasa:** Mr. Temporary Speaker, Sir, we must all be responsible as Kenyans. We should not wait for the police to take care of us.

**Sen. Sang:** Mr. Temporary Speaker, Sir, I regret having accepted to be informed because that is not very relevant. However, law enforcement officers must take responsibility. We hope that as we investigate the circumstances under which that accident occurred, the traffic police officers will take responsibility, especially the Traffic Commandant within my county and Uasin Gishu County.

That aside, I want to take this opportunity to congratulate my Chairman for bringing this Motion. Some of us, during the 2010 Referendum, opposed this Constitution. We are lucky that you were part of the team that opposed the new Constitution. However, whereas you and I have understood the contents of the new Constitution, those with whom we worked so hard to ensure that we defeat the Constitution have remained at the same level. It is important that we are able to carry out civic education especially with regard to devolution. The kind of ignorance that this country has witnessed courtesy of serious leaders like Governors---

I have been to forums where Governors stand up and ask wananchi; what has the Senator done? Which road or bridge have they built? They know very well that all the resources that are available to county governments and to those Governors are actually devolved and taken back to their counties by Senators. Therefore, it is dishonest and I think these are some of the lies and myths that we have to deal with when we carry out some of these serious civic education programmes.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! You should desist from using the word “lie” because it is unparliamentary. You could use “untruth” or something like that.

**Sen. Sang:** Mr. Temporary Speaker, Sir, I would say “intentional misinformation” by some of these individuals. We have seen county governments putting a lot of resources in functions that are not devolved. It shows clearly that some of these county governments do not understand their mandates because they should be able to put resources to functions that have been devolved. But if you find a county government putting a lot of resources in security or building a public university when these are functions of the national Government; functions which have not been devolved and yet they are not addressing the core devolved functions---. These are some of the issues that we need to address as we move forward.

I support.

**Sen. Kananiza:** Mr. Temporary Speaker, Sir, the Constitution is a document that embodies a social contract between the state and its citizens. It is through this Constitution that the citizens are actively involved in their own governance. That is why, on this note, I stand to support the Motion brought by Sen. Wako to ensure that through civic education, we are able to get to the grassroots so that people can be able to understand a number of things.

Just as my colleague had said earlier on, it is true that in 2010, some people believed in their leaders; that if so-and-so has read the Constitution, so be it. The same applied to others who if their leader had said “no”, that was it. That was a real mistake and it is important that we do not leave this responsibility to the civil society or some other independent organizations. It is now the responsibility of the Government, with the new system in place, to ensure that people understand the Constitution.

Mr. Temporary Speaker, Sir, in our counties, people think devolution is a Governor. Devolution is a big system that involves many players. That is why you hear Members of the County Assemblies being influenced by Governors to recall their Senators just because we are querying how they are spending public funds. It is very important that people are properly educated. We are also aware through the Ministry of Devolution and Planning, that there is a lot of money that it is holding that is meant for civic education. It is important that they set up information centres in different counties, putting in mind that we are living in a digital era and people no longer go to *barazas*. They could also create a twitter handle where they are able to put their information; young people will be able to re-tweet or put their comments on it.

I also want to echo the comments made by two Senators about including civic education in the school syllabus. It can be put as a subject or it can be taught alongside other subjects like history. We have been learning about other countries and it is time that

Kenyans understood their own system. As a result of lack of knowledge, people's rights have been violated. Women are not able to get what they should get because they do not know what their rights are. Even the young people only hear of Article 55 that talks about the rights of the youth, but in real sense, they do not know which way to approach it. It is also true that civic education must start at the top.

I support the Motion.

**Sen. (Prof.) Lonyangapuo:** Mr. Temporary Speaker, Sir, I also join my colleagues in thanking Sen. Wako for thinking and speaking his mind and putting his knowledge onto pen and paper so that all of us can begin to go back to what we really brought to the forefront in 2010. There was a lot of euphoria in 2010 when everybody thought that when the new Constitution comes into effect, the lives of Kenyans were going to change immediately including having health care that is affordable in the villages. For the first time, people were salivating, thinking that at the end of August 2010, we would get piped water in every household. These were the stories that were being played around.

It is true that on 27<sup>th</sup> August, 2010 at 10.27 a.m., we created this document which I can confess – I was a Permanent Secretary then – that for the next two to three months there were activities trying to inform Kenyans at the top level what this Constitution was going to do. The darlings of the Constitution were running around and explaining to us what it was all about. Eventually, this disappeared at the beginning of 2011 and they ended up inserting themselves in commissions as commissioners. They ceased to come out again with a programme to explain to Kenyans what this Constitution was all about.

Mr. Temporary Speaker, Sir, today, the villagers or the people that we represent in the villages still remember the old Constitution. They have heard that there is a new one but nobody has even shown it to them. This is why I support this Motion by saying that it is now time the national Government began to come up with a programme. This Financial Year, we voted for over Kshs80 million to the Ministry of Devolution and Planning. It is meant to make sure that we understand the Constitution and the aspects of devolution the way we know our Bible for those of us who are Christians and the Quran for Muslims.

Nothing is happening on the ground. We have 47 new kings in the villages called Governors. Some of them did not even participate in the writing of the Constitution. They never even read it and that is why they are interpreting it the way they want. I am surprised that in some counties when a Senator requests for some clarification, they run around peddling lies including using local radio stations claiming that the Senator has gone bananas or berserk; that he has left Nairobi to come and disturb and that he is a looking for an opportunity to be a Governor in the next elections. This is quite a lie. I even read in the newspapers that some MCAs were being told that although the Chair is active in the House, he should be recalled.

We have people who are misrepresenting the facts. If you look at some of the procurement rules and procedures that are being broken left and right, and when they are pinpointed, they say that the Senator is interfering. I think we must move on with devolution and face the reality.

Mr. Temporary Speaker, Sir, we have the Transition Authority and the Constitution Implementation Commission (CIC). Where is the CIC and what was its role when it was commissioned? They are supposed to be in radio stations and newspapers ,educating everybody.

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

**The Temporary Speaker** (Sen. (Dr.) Machage): If you all wish, after Sen. Muthama, we can each take two minutes, so that everybody has a chance. I also hope that Sen. Wako will give one or two minutes out of his time.

**Sen. Wako:** Mr. Temporary Speaker, Sir, I think that I am entitled to ten minutes, but I will donate five or six minutes. Four minutes will be enough for me.

**The Temporary Speaker** (Sen. (Dr.) Machage): Very well!

**Sen. Muthama:** Asante sana, Bw. Spika wa Muda. Nasimama kuunga mkono Hoja hii.

Bw. Spika wa Muda, mimi ni mmoja kati ya wale waliofanya kazi ya ziada sana katika Bunge la Kumi kuuza Katiba hii mpya. Malengo na mategemeo yetu yalikuwa kutoa pesa kutoka kwa ofisi ya juu hadi mashinani. Tulitaka kuona kwamba wananchi wanapewa uwezo wa kupanga na kulainisha mambo yao. Ninamshukuru mwenzangu, Mkuu wa Sheria aliyestaafu, kwa kufanya jambo nzuri sana la kuleta Hoja hii na zingine kuhusu elimu na mambo mengine. Hii inaonyesha umaarufu wake.

Bw. Spika wa Muda, ni kweli kuwa wananchi wanataka kufunzwa na kueleza. Haya yalianza na Mhe. Boni Khalwale aliyesema kwamba mafundisho yapelekwe hata katika shule zetu ili wanafunzi waweze kuelewa maana ya Katiba mpya na serikali za ugatuzi. Tuna viwango vitatu vya uongozi katika taifa letu. Kiwango cha kwanza ni Serikali inayoongozwa na Rais mwenyewe. Cha pili ni Seneti na serikali za kaunti. Katika serikali za kaunti kumekuwa na utata mwingi sana na kutoelewana. Wananchi hawana habari kwamba waliwachagua Wawakilishi wa kaunti kuangalia, kuchunguza na kuandama maspika wasiibe na kufanya mambo mengine. Wamesahau kazi hiyo na kuchaguliwa katika mabaraza ya maspika. Wameungana na maspika na kupanga mambo yao. Mpaka leo, wananchi hawajui ni magari mangapi ambayo serikali hizo zinafaa kuwapa magavana. Wananunua vile wanavyotaka. Wananchi wakiwaona wanafikiri wao ni kama Rais. Wananunua hadi magari 20 ya kuwafuata wanakoenda. Wananchi wakiwaona hawajui hata hayo magari yamepeanwa na nani.

Bw. Spika wa Muda, mipango yetu ni kuwa na maji, hospitali, elimu nzuri kwa watoto wetu na barabara. Ukimpatia Mwafrika maendeleo hayo, hataki jambo lingine. Lakini sasa imekuwa ni kazi ya uzembe na kuharibu. Hiyo ndio maana tunataka mambo haya yapelekwe haraka. Kama tunataka kuwafunza Magavana wanaofuja pesa na kuiba, ni lazima sisi wenyewe tujiulize: Je, tunapongea mambo ya mishahara ni wananchi wangapi Kenya wanapata kitita cha zaidi ya Kshs200,000? Hivi leo, asilimia 50 ya pesa zinazokusanywa katika taifa letu zinatimika kulipa mishahara. Kati ya hii asilimia 50, asilimia 48 inaenda kwa wale walio na vyeo vya juu. Sasa tutapunguza mishahara kumsaidia wa juu ama chini?

Kama tunataka kulainisha taifa hili ili tusiwe kama taifa la Ugiriki, ni lazima tuangalie mapato yetu ni kiasi gani. Tusikae hapa na kuona ni pesa ngapi tutachukua, kisha tukose kuona safari ya mwendo mrefu tunayoenda. Itakuwa ni jambo la kuudhi

sana kuona kwamba anayepata mshahara wa juu Kenya hapiti Kshs300,000. Ingekuwa vizuri kama mtu wa chini ambaye ni askari anayepata mshahara wa Kshs11, 000 angepata Kshs40,000. Hii ingemaliza wizi. Bila mabepari wenye pesa ambao wanaweza kununua kile wanachotaka, bei ya vitu itaenda chini. Lakini tukiwa na watu kumi ambao wanaweka Kshs5 milioni katika akaunti zao kila mwezi, bei ya vitu haitapungua.

Kwa hivyo, sikubaliani na hatua ya Rais ya kukatwa asilimia 20 ya mshahara wake. Tunataka apunguze mshahara wake hadi Kshs300,000. Yeye anapewa magari, askari, stima na kila kitu. Je, huu mshahara wa Kshs1 milioni ni wa nini? Wacha tuongee ukweli kwa sababu ikiwa tutaongea ukweli, tutapeleka taifa hili mbele. Tusipoongea ukweli, tutazunguka tu bila kwenda mahali popote.

Bw. Naibu Spika wa Muda, naunga mkono.

**Sen. Kisasa:** Bw. Spika wa Muda, naunga mkono mjadala huu wa leo. Tumesema kuwa wanafunzi wanafaa kufunzwa kuhusu Katiba shuleni. Je, wale vikongwe ambao wako nyumbani? Ningependekeza kuwa tukiwa kanisani tunaweza kusoma kipengele kimoja. Kwa mfano, kwenye ajali utakuta watu wamejazwa kwenye matatu moja kama ambao wanabebwa bure. Kwa hivyo, wakielimishwa kuwa matatu ndogo inafaa kuwabeba watu 14 tu, hawatajaa. Hii itapunguza visa vya ajali nchini.

Bw. Spika wa Muda, pia Magavana hawajui majukumu yao kwa sababu hawakufundishwa vile Katiba inataka. Utawakuta wakiajiri watu waliowapigia kura tu kwa sababu wanajiona kama wao ndio ndume wanaoweza kufanya vile wanavyotaka, bila kuzingatia Katiba. Hoja hii imechelewa sana. Tungefaa kuenda kwa haya mafunzo kabla hata kuja katika Seneti au kuwa Gavana au kazi nyingine yeyote.

Bw. Spika wa Muda, Hoja hii ni ya maana sana na namsifu Bw. Wako kwa kuileta. Naomba sote tuiunge mkono.

**Sen. Hargura:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity. I stand to support this Motion.

Mr. Temporary Speaker, Sir, we know that there are organizations which have tried to carry out civic education, including Uraia, but the Motion is talking about comprehensive, well structured and systematic civic education. That is where we need to concentrate, because right now, the system has taken off and the participants, that is, the leaders and public, are not aware. That is why we have what we have now. The Governors are doing whatever they want and the MCAs are still behaving like the councillors in the old system. They are not checking the systems. The public is not aware of what they expect of this and so, there is need for all these people to be educated.

For example, there are rights in the new Constitution for areas that we come from where we have community lands. The way the community land is to be governed under the new Constitution is very different. It gives the communities more say in whatever is done with that piece of land. They can even be allowed to register as community. But now we are not aware and the system is still operating as before. So, I support this Motion because once people are educated, then they will participate very well in the systems.

Mr. Temporary Speaker Sir, I beg to support.

**Sen. Bule:** Mr. Temporary Speaker, Sir, first of all, I want to congratulate you for the new position that you hold.

Mr. Temporary Speaker, Sir, secondly, I would also like to thank Sen. Wako for bringing this timely Motion. Kenyans have been suffering from lack of understanding. So, it is time for them to know their rights in the Constitution. There are two ways in which this civic education can be undertaken. This civic education can be taught in schools as part of the syllabus or some Kenyans can be trained as paralegals who can teach people in the villages. So, we need the Government to take this seriously and put more money in it. They also need to amend the Constitution and know their rights.

With those few remarks, I support.

**Sen. Ndiema:** Mr. Temporary Speaker, Sir, I also stand to support this Motion and thank Sen. Wako for bringing it. This Motion is in tandem with our mandate of defending and protecting devolution. The enemy of devolution is ignorance of the provisions of the Constitution. I say this because we have had a lot of misrepresentation and misinterpretation of the Constitution even among the most learned people we have. We need civic education at all levels. The Constitutional Implementation Commission (CIC) should be taught about the Constitution. I believe that they are themselves not educated about the Constitution. If they were educated, the chairman would not stand up to say that by establishing county forums or development boards, it would be unconstitutional.

The Constitution says that there should be participation and inclusiveness in all matters of counties. Even wananchi should be involved, leave alone Senators and Members of Parliament. The omissions and commissions by state officers in the counties would not be there, the audit reports which indicate that there are so many ills would not be there, if indeed the officers had been educated. I recall and Sen. Wako also recalls that even in those days of the old constitution, whenever there was a new policy, there was civic education. You recall the district focus, the structural adjustments and so on. People were briefed at all levels but this is a Constitution.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! I call upon the Mover to reply.

You have four minutes.

**Sen. Wako:** Mr. Temporary Speaker, Sir, mine is to thank all my colleagues who have contributed clearly and effectively. They have shown that they are really committed to the implementation of the Constitution of this country. If properly implemented, this Motion will be a milestone towards that because the basis of devolution is not the Senators or Governors but to give self-governance to the people so that they can govern themselves and manage their own affairs. They can only do that if they had power, and knowledge is power. They can only get this knowledge through civic education.

I thank you all for your contributions.

**The Temporary Speaker** (Sen. (Dr.) Machage): Thank you. As per Article 123 of the Constitution, I rule that this is not a county Motion. Therefore, I will put the question.

*(Question put and agreed to)*

## PROVISION OF EDUCATION FOR DECEASED OFFICERS' CHILDREN

**Sen. Muthama:** Mr. Temporary Speaker, Sir, I beg to move:-

THAT aware that many officers serving in Kenya's national security organs die in the line of duty, further aware that most of them are very young with those who are married having young spouses and children; concerned that the compensation given to their next of kin is not adequate to cater for the needs of their immediate family members, particularly their children's education, family upkeep and other basic needs; the Senate calls upon the national Government to provide for education of deceased officers' children up to university level and to cater for the basic needs of their immediate families.

Mr. Temporary Speaker, Sir, this Motion is to the Department of Interior and Coordination of National Government. This is a very simple Motion, clear and to the point. It touches on the lives of our children and grandchildren. We have grand-fathers, grand-mothers, fathers, brothers and sisters here. If this country will have to get somewhere or move and show respect to Kenyans and more so, the leaders, we must apply laws that take care of every citizen in this country.

By moving this Motion, I want to focus and look at the lowest class of people in this country. These are people who do not have the capacity and the ability to move into this House and demand for their pay or their rights. We saw the other day at Westgate---

**The Temporary Speaker** (Sen. (Dr.) Machage): The Mover will continue with the Motion when it appears next on the Order Paper. You will have 12 minutes to continue.

**ADJOURNMENT**

**The Temporary Speaker** (Sen. (Dr.) Machage): Hon. Senators, it is now time for interruption of business. Therefore, the Senate stands adjourned until tomorrow Wednesday, 12<sup>th</sup> March, 2014 at 2.30 p.m.

The Senate rose at 6.30 p.m.