

**PARLIAMENT OF KENYA****THE SENATE****THE HANSARD****Thursday, 10<sup>th</sup> April, 2014***The Senate met at the County Hall,  
Parliament Buildings at 2.30 p.m.**[The Speaker (Hon. Ethuro) in the Chair]***PRAYERS****COMMUNICATION FROM THE CHAIR****LIST OF LEADERSHIP OF SENATE COMMITTEES**

**The Speaker** (Hon. Ethuro): Hon. Senators, I have a Communication to make. You may wish to recall that on Thursday, 13<sup>th</sup> March, 2014, I issued a communication directing the newly constituted committees to conduct the elections of chairpersons and vice chairpersons within a period of two weeks. I now wish to inform the House that all committees have completed the exercise of electing their chairpersons and vice chairpersons. The following is the full list of the leadership of the committees:-

**STANDING COMMITTEES****A. COMMITTEE ON AGRICULTURE, LIVESTOCK AND FISHERIES**

- |                            |   |                  |
|----------------------------|---|------------------|
| 1. Sen. Murungi Kiraitu    | - | Chairperson      |
| 2. Sen. Tiolo Ndiema Henry | - | Vice Chairperson |

**B. COMMITTEE ON EDUCATION**

- |                                |   |                  |
|--------------------------------|---|------------------|
| 1. Sen. Karaba Daniel          | - | Chairperson      |
| 2. Sen. Mohamed Abdille Halima | - | Vice Chairperson |

**C. COMMITTEE ON ENERGY**

- |                                 |   |                  |
|---------------------------------|---|------------------|
| 1. Sen. Moi Gideon              | - | Chairperson      |
| 2. Sen. Mwazo Mwakulegwa Danson | - | Vice Chairperson |

**D. COMMITTEE ON FINANCE, COMMERCE AND BUDGET**

1. Sen. Kerrow Billow - Chairperson
2. Sen. Mositet Peter - Vice Chairperson

**E. COMMITTEE ON HEALTH**

1. Sen. (Dr.) Kuti Mohamed - Chairperson
2. Sen. Kittony Zipporah - Vice Chairperson

**F. COMMITTEE ON ROADS AND TRANSPORT**

1. Sen. Chiaba Abu - Chairperson
2. Sen. Sijeny Judith - Vice Chairperson

**G. COMMITTEE ON LABOUR AND SOCIAL WELFARE**

1. Sen. Mwachiru Stewart Madzayo - Chairperson
2. Sen. Martha Wangari - Vice Chairperson

**H. COMMITTEE ON INFORMATION AND TECHNOLOGY**

1. Sen. Kagwe Mutahi - Chairperson
2. Sen. Kilonzo Mutula Jnr. - Vice Chairperson

**I. COMMITTEE ON LAND AND NATURAL RESOURCES**

1. Sen. Kivuti Lenny - Chairperson
2. Sen. Khaniri George - Vice Chairperson

**J. COMMITTEE ON LEGAL AFFAIRS AND HUMAN RIGHTS**

1. Sen. Amos Wako - Chairperson
2. Sen. Stephen Sang - Vice Chairperson

**K. NATIONAL SECURITY AND FOREIGN RELATIONS**

1. Sen. Yusuf Haji - Chairperson
2. Sen. Fatuma Dullo - Vice Chairperson

**SESSIONAL COMMITTEES****A. COUNTY PUBLIC ACCOUNTS AND INVESTMENTS COMMITTEE**

- |                             |   |                  |
|-----------------------------|---|------------------|
| 1. Sen. (Dr.) Khalwale Boni | - | Chairperson      |
| 2. Sen. Hassan Omar Hassan  | - | Vice Chairperson |

#### **B. COMMITTEE ON DEVOLVED GOVERNMENT**

- |                            |   |                  |
|----------------------------|---|------------------|
| 1. Sen. Murkomen Kipchumba | - | Chairperson      |
| 2. Sen. Lesuuda Naisula    | - | Vice Chairperson |

#### **C. COMMITTEE ON IMPLEMENTATION**

- |                                 |   |                  |
|---------------------------------|---|------------------|
| 1. Sen. Orengo James            | - | Chairperson      |
| 2. Sen. Nyongesa Kanainza Daisy | - | Vice Chairperson |

#### **D. COMMITTEE ON DELEGATED LEGISLATION**

- |                       |   |                  |
|-----------------------|---|------------------|
| 1. Sen. Sang Stephen  | - | Chairperson      |
| 2. Sen. Sijeny Judith | - | Vice Chairperson |

### **JOINT COMMITTEES**

#### **A. COMMITTEE ON NATIONAL COHESION AND EQUAL OPORTUNITY**

- |                            |   |                  |
|----------------------------|---|------------------|
| 1. Hon. Johnson Sakaja, MP | - | Chairperson      |
| 2. Sen. Hargura Godana     | - | Vice Chairperson |

#### **B. PARLIAMENTARY BROADCASTING AND LIBRARY**

- |                               |   |                  |
|-------------------------------|---|------------------|
| 1. Sen. Naisula Lesuuda       | - | Chairperson      |
| 2. Hon. Mustafa Salim Idd, MP | - | Vice Chairperson |

Hon. Senators, you will also wish to know that there are three other *ad hoc* committees that will elapse as soon as they conclude their business namely:-

#### **A. AD HOC COMMITTEE ON LEGISLATION AND HARAMBEEES**

- |                                 |   |                  |
|---------------------------------|---|------------------|
| 1. Sen. (Prof.) Anyang'-Nyong'o | - | Chairperson      |
| 2. Sen. Joy Gwendu              | - | Vice Chairperson |

#### **B. LEGISLATION ON ROYALTIES ACCRUING FROM NATURAL RESOURCES IN COUNTIES**

- |                          |   |                  |
|--------------------------|---|------------------|
| 1. Sen. (Dr.) Agnes Zani | - | Chairperson      |
| 2. Sen. Paul Wamatangi   | - | Vice-Chairperson |

**C. LEGISLATION ON PUBLIC COMPENSATION BUREAU IN ALL COUNTIES**

1. Sen. Chris Obure - Chairperson
2. Fatuma Dullo - Vice-Chairperson

Hon. Senators, as you are aware, Article 96 of the Constitution gives the Senate the role of representing counties and serving to protect and promote the interests of counties and their governments. Committees have a central role in the fulfillment of this and other constitutional roles of law making, determining allocation of national revenue among counties and providing effective oversight.

The enactment of properly thought out laws will therefore very much depend on proper scrutiny of Bills once committed to the above statutory committees. Similarly, effective consideration of public petitions or of other matters before they are brought to the Plenary will depend on the output of the committees. Effective public participation and the legislative process are also dependent on how committees engage the public and experts on Bills once they are committed to them. I hasten to add that it is, therefore, in this committees where legislation to promote representation of marginalized groups as well as other provisions in Articles 54, 55, 56, 57 and 100 should be initiated.

The Joint Committee on National Cohesion and Equal Opportunity in particular is mandated to, among other things, promote measures designed to enhance the equalization of opportunities and improvement of the quality of life and status of all persons, including groups that are marginalized. They have to play a major role in enacting that kind of legislation.

Thank you.

**PAPER LAID****REPORT OF THE SESSIONAL COMMITTEE ON DEVOLVED GOVERNMENT  
ON THE APPEALS FOR TRANSFER OF FUNCTIONS TO COUNTIES**

**Sen. Murkomen:** Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the House, today, Thursday, 10<sup>th</sup> April, 2014.

The Report of the Sessional Committee on Devolved Government on the Appeals for the Transfer of Functions to the Counties pursuant to Section 23 (f) of the Transition to Devolved Government Act, 2012.

**The Speaker** (Hon. Ethuro): Who was laying the Report on the Table from the Auditor-General?

Next Order!

**NOTICE OF MOTION**

ADOPTION OF REPORT ON THE APPEALS FOR TRANSFER  
OF FUNCTIONS TO COUNTIES

**Sen. Murkomen:** Mr. Speaker, Sir, I beg to give Notice of the following Motion:-

THAT, this House adopts the Report of the Sessional Committee on Devolved Government on the Appeals for the Transfer of Functions to the Counties pursuant to Section 23 (f) of the Transition to Devolved Government Act, 2012, laid on the Table of the House today, Thursday, 10<sup>th</sup> April, 2014.

**The Speaker** (Hon. Ethuro): Next Order!

**STATEMENTS**

CAUSE OF POWER BLACKOUT IN RHAMU  
TOWN, MANDERA NORTH

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, I have two Statements to make. The first Statement was requested by the Senator for Mandera County, Sen. Billow. This Statement was directed to the Committee on Energy but due to circumstances known to this House, it ended up as my responsibility. This Statement was ready by yesterday as you directed but somehow we skipped it. This is with regard to the cause of a power blackout in Rhamu Town, Mandera North District.

The Rural Electrification Authority (REA) undertook the construction of Rhamu Diesel Power Station in Mandera North Constituency among other off grid power stations in other parts of the country. The scope of the work included construction of the distribution line, civil works, mechanical works and generator installation and commissioning. This was done in liaison with the Kenya Power Company providing both technical assistance and management of the whole project.

Construction of the distribution line, electrical, mechanical and civil works was carried out by separate contractors. All these make up the components of the entire project and are interdependent. The station has two generators rated 150 KVA and 80 KVA.

The contract for the diesel generator was awarded to Allayas Southern Corporation in October 2010 and was to be completed around March 2011. However, the contractor encountered financial challenges and thus took more time than anticipated to complete the stations. In June 2012, the station was switched on for test purposes. Power was supplied to consumers who were connected. Though the tests were supposed to last for a shorter period of time, there was political pressure not to switch off the station though it was not fully completed. The station was thus partially commissioned by KPC in June, 2013. However, some defects had to be sorted out before KPC could take over the station. The 80 KVA generator was operational when the load was low but after the load increased, the 150 KVA generator started operating as per design.

On 5<sup>th</sup> February 2014, just one week before the scheduled handing over of the station to the KPC, the alternator for the 150 KVA generator of Rhamu Station developed

a major fault causing shut down at the station. The smaller generator could not manage the load and was hence switched off some days later.

As emergency measures taken by the Ministry of Energy and Petroleum, the contractor was requested to urgently repair the faulty alternator but raised the issue of not having enough money to repair the fault. The REA did its best and advanced the contractor Kshs1.8 million to be deducted later from the project's outstanding balance payable when work is completed. Unfortunately, the contractor did not get the money since the bank concerned, Equity Bank, through which it was paid, did not release it due to an outstanding loan the contractor had with it. The REA tried to negotiate with the bank since that money was purposely paid to the contractor for repair of the faulty alternator. The negotiations took longer than anticipated until the REA had to look for an alternative way of paying an additional advance to the contractor amounting to a total of Kshs1.8 million. This was done on 21<sup>st</sup> March, 2014.

In terms of when the power will be restored, the contractor's team is already working to sort out all pending problems. The faulty alternator was brought to Nairobi for rewinding. This has now been completed. The alternator is currently being transported back to Rhamu and was expected to reach there later yesterday. In the next two to three days, the contractor will work on putting back the alternator and thereafter, the next step will be for the REA to arrange with Kenya Power Company to take over the power plant for running by the end of next week, that is, 18<sup>th</sup> April, 2014.

In terms of long term measures being undertaken to address electricity supply, the REA has mandated the Kenya Power Company to procure, install and commission an additional 300 KVA generator. Kenya Power has indicated that they will supply this additional generator by the end of August 2014. Provision of three generators will guarantee adequate power supply to the town.

Mr. Speaker, Sir, finally, the Rhamu Diesel Station together with Eldas and Takaba Diesel Station were scheduled for hand over to KPC beginning February, 2014. This was after a final joint inspection carried out on 29<sup>th</sup> January 2014 between the KPC, REA and the contractor. However, as was earlier indicated, on 5<sup>th</sup> February, just one week before the scheduled handing over of the station to KPC, the alternator for the 150 generator of Rhamu Diesel Station developed a major fault causing shut down of the station. The smaller generator could not manage the load and was hence switched off some days later. The station could not be handed over to KPC until the fault generator was sorted out. Eldas and Takaba have since been taken over and are being maintained and run by KPC.

As also earlier indicated in this Statement, the work which is now ongoing is addressing the provisions facing the Rhamu Station, and which should be over by end of next week, 18<sup>th</sup> April, 2014 when REA has targeted to hand over the station to Kenya Power for management.

This information was received from Davis Chirchir, Cabinet Secretary for Energy and Petroleum. Thank you.

**Sen. Billow:** Thank you, Mr. Speaker, Sir. I appreciate the Statement by the Senate Majority Leader. You have heard, in the statement, that the contract to build the power station should have been concluded in March 2011. It is now three years and overdue. We will have a small power station of 150 KVA.

I appreciate that by 18<sup>th</sup>, according to the Senate Majority Leader, power will be restored in the town. I want the hon. Senate Majority Leader to confirm that come 18<sup>th</sup>, the people of Mandera North will not continue to be in darkness as it has been experienced in the last two months.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki: Mr. Speaker, Sir, before receiving this statement, I had a discussion with the Cabinet Secretary. I emphasized to him the finality and critical nature of the statements that we bring to this House. I was very firm that he should provide information that we can take to the bank. I am happy to assure the Senator for Mandera County that Rhamu Town will have power on 18<sup>th</sup>. If it does not, then somebody somewhere will have broken the law and action will be taken.

The Constitution is very clear in Chapter 6 on Leadership and Integrity that when you make a statement, as a public officer, unless there is what lawyers call an act of God - which is normally an act of the devil - you should be held accountable for the statement. By and large, unless there are intervening forces which fall under *force majeure*, power should be restored by 18<sup>th</sup>.

**The Speaker** (Hon. Ethuro): Senate Majority Leader, you said that whatever you have indicated is as good as taken to the bank. However, the last time you read your statement, when the Rural Electrification Authority (REA) took money to the bank; it did not reach the contractor.

(Laughter)

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, that money fell under the *force majeure* or an act of God. That is why I gave a caveat. Unless there is an act of God, that should be as good.

**Sen. Kittony**: On a point of order, Mr. Speaker, Sir. I am very concerned, as the Vice Chair of the Committee on Health about what has been happening to the people of Mandera who need power for lighting and also in operating theatres. Are we not endangering their lives?

**Sen. Karaba**: On a point of order, Mr. Speaker, Sir. In this country, there are several regions which have lapses in power. These are quite a number. The issues do not only apply to Mandera. Could the Minister for Energy and Petroleum think of providing an alternative source of power and more so one which is operated by the automatic generator which lights up immediately there is power failure? That would be a very good recommendation. They need a standby generator which is the mandate of the Ministry.

**Sen. (Dr.) Machage**: Mr. Speaker, Sir, as per the statement, as it has been read to us by the Majority Leader, it is evident that the ability of the contractor to supply quality machinery is in doubt. The machines broke down before hand over. Could he assure this House that the repaired gadget that has been fixed on the machine is of quality material and will last?

Two, how much balance does the REA owe to the contractor? Is it adequate to take care of the money that had been lent to the contractor and swallowed by the bank? We were told that he was lent twice to the tune of Kshs3.6 million. Is the balance enough to cater for that or will it pay the contractor and the contractor continues owing Kenyans some money?

**Sen. Murungi:** Mr. Speaker, Sir, this was a very comprehensive answer. I am familiar with this particular project because it was being pushed by the then Member of Parliament for that area who used to be the Assistant Minister for Energy, Amb. Mohamud.

It is unfortunate that it has taken long. However, in terms of providing long term solutions to the people of Mandera, we negotiated importation of 1,400 megawatts of electricity from Ethiopia at a cost of US cents 6 per kilowatt an hour. We are already supplying Moyale Town from Ethiopia. Could the Minister consider extending grid electricity from Ethiopia into Rhamu Town and to Mandera and other border areas because that is a more reliable source of power and quite reliable?

**Sen. Obure:** Thank you, Mr. Speaker, Sir. The issue of availability of power is not unique to Mandera. In a number of areas in the country, including Kisii, where I come from, there are frequent blackouts everywhere, particularly during weekends. Could the Senate Majority Leader, on behalf of the Cabinet Secretary, explain what long terms measures are being put in place to ensure that efficiency of supply is guaranteed?

**The Senate Majority Leader (Sen. (Prof.) Kindiki):** Mr. Speaker, Sir, I have heard the interventions and the input that has been provided by various Senators who have spoken. I would like to respond as follows:

First, with regard to emergency services, we need to ensure that patients and other persons who require these services do not suffer unreasonably. I undertake to follow up with the Cabinet Secretary to say that this House demands that even as we wait for the power to be restored on 18<sup>th</sup>; emergency aspects of these blackouts are taken care of.

The second issue is with regard to the suggestion by the Senator for Meru County, Sen. Murungi. Similarly, I will, in writing, communicate the recommendations from this House. Perhaps the way to go is to pull the power from the Ethiopian side. That can help us solve similar problems in this area.

Thirdly, the question raised by the Senator for Migori County, Dr. Machage, concerning the financial capacity, although he has put it differently. He said that the contractor does not seem to be providing quality equipment. I want to agree differently that my reading of the information supplied to me suggests that, perhaps, the financial capacity of this contractor is worrying. Why? This is because of two reasons.

One, he already has a problem with his bank. That is why when the first Kshs1.8 million was advanced; the bank swallowed the money because he had outstanding financial obligations which undermined his current contract. The second reason that I agree with the Senator for Migori concerning the financial capacity of this contractor is that if he cannot raise Kshs2 million and has to wait for REA, that raises concern.

Finally, the question was if the Government can assure you that the money advanced is adequate to be covered from the amount that this contractor is owed. Once more, I will be very surprised if the REA, which is a parastatal under the Ministry of Energy, can advance money over and above the contract sum. However, for the avoidance of doubt and abundance of caution, again, in my communication to the Ministry, I will communicate that this House demands that even as they engage in the business of advancing contractors money, they should ensure that public money is not overdrawn to support a contractor who for whatever reason may not be financially stable.

I beg to leave it at that and hope that Senators are satisfied with that answer.



There is one last issue about long term measures. As this House is aware, the Jubilee Government has an ambitious programme to triple the output of energy in five years, the 5,000 megawatts ambition is real. We not only want to triple the power generation but also to reduce the cost of energy. I know, for the benefit of this House, that the only subcommittee of Cabinet that is chaired directly by His Excellency the President is the one on Energy. Therefore, I want to give assurance that based on the 5,000 megawatts programme in the next five years and based on the fact that from next month, we will be putting into the national grid, the Olkaria component of geothermal power that has been off grid, some of these problems will be mitigated considerably so that we stabilize energy supply. Business will also have confidence in our economy and Kenya will retain its position as a hub for investment and have as many people as possible connected to reliable power supply.

**The Speaker** (Hon. Ethuro): Very well Senate Majority Leader. Do we have another statement?

BUSINESS FOR THE WEEK COMMENCING  
TUESDAY 15<sup>TH</sup> APRIL, 2014

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, I had another routine statement on next week's business. I will quickly go through it.

Next week, starting Tuesday, 15<sup>th</sup> April, 2014, the Rules and Business Committee will meet at 12.00 noon to schedule business for the week. On the same day, on Tuesday, the Senate will commence business on the following Bills that have matured for Second Reading.

The County Government (Amendment) Bill, 2014 which is sponsored by Sen.(Dr.) Boni Khalwale; The County Governments (Amendment) Bill, No.2, 2014 sponsored by Sen. Martha Wangari; The Political Parties (Amendment) Bill, 2014, again sponsored by Sen. (Dr.) Boni Khalwale and finally the Kenya Medical Supplies Authority (Amendment) Bill, 2014 which is sponsored by the Senate Majority Leader.

On Wednesday, 16<sup>th</sup> April, 2014, the Senate will continue with the business that will not be concluded today including the following Motions.

The first one is the Motion on adoption of the Report of the Sessional Committee on Devolved Governments on Transfer of Functions from the National to the County Governments.

The second one is the Motion by Sen. (Prof.) John Lonyangapuo on open and distance learning. The third Motion is one by Sen. Beatrice Elachi on the need for Kenya to strengthen relations with the United Nations. The fourth Motion is by the Senate Majority Leader on the need for corporation between the national and county Governments to enhance national security.

The fifth one is a Motion by Sen. (Prof.) Wilfred Lesan on the need for fibre optic connectivity to Referral and Level Four and Five Hospitals in all counties. The sixth one is a Motion by Sen. (Prof.) John Lonyangapuo on the need to mainstream research and cascade it to lower levels of education.

The seventh Motion is one by Sen. Halima Abdille on the need by the national Government to construct boarding facilities in established schools in every ward and in

Arid and Semi Arid Areas. The eighth Motion is by Sen. Peter Mositet on the need to restructure the Kenya Urban Roads Authority (KURA) and finally on Thursday, the Senate will continue with business not concluded on Tuesday, April, 15<sup>th</sup> April 2014 and consider any other business scheduled by the Rules and Business Committee.

I lay this document on the Table and thank you.

*(Sen. (Prof.) Kindiki laid the document on the Table)*

GOVERNMENT POLICY ON DEVELOPMENT  
AND USE OF INDIGENOUS LANGUAGES

**Sen. Murungi:** Thank you, Mr. Speaker, Sir. I rise to request for a Statement from the Chairperson of the Committee on Education.

In view of the clear provisions of Article 7(3) of the Constitution which makes it mandatory for the state to promote and protect the diversity of languages of the people of Kenya, to promote the development and use of indigenous language and to give the importance of promoting the development and use of indigenous languages in all the 47 counties of Kenya, I would like the Chairperson to address the following:-

(1) What concrete and practical steps has the Government taken to promote the development and use of indigenous languages in curriculum development in our schools?

(2) How much money has the Government allocated for development and use of indigenous languages in the Budget for 2014/2015 Financial Year?

(3) What steps is the Government taking to promote Kimeru Language in Meru County and,

(4) Could the Government delegate this responsibility to county governments which are the best placed to promote indigenous languages at the county level?

Thank you.

**Sen. Karaba:** Mr. Speaker, Sir, I have heard and the statement will be given in two weeks time.

**Sen. Murungi:** Mr. Speaker, Sir, in two weeks time, we are likely to be on recess. Could it be brought next week, because this is a very simple question?

**Sen. Karaba:** No!

**Sen. Murungi:** The Cabinet Secretary is a professor.

**The Speaker** (Hon. Ethuro): Order, the two of you! Mr. Chairman, what do you have to say to the request by Sen. Kiraitu for you to expedite the Statement?

**Sen. Karaba:** Mr. Speaker, Sir, as you are aware, we have to get these answers from other sources. If he had asked me, I would have given him an answer now. But we have to get the answers from many sources, and some of these people are not there. I know that they are involved in a taskforce which will be in place in a month's time. That is why I am saying that given time, I will be able to consult all those relevant officers.

**The Speaker** (Hon. Ethuro): I am satisfied that two weeks is necessary. I am sure that Sen. Kiraitu will appreciate that there is really no emergency in this matter.

**Sen. Murungi:** Mr. Speaker, Sir, I am at your mercy.

*(Laughter)*

ANSWERS TO ISSUES RAISED IN THE AUDITOR-GENERAL'S REPORT  
ON THE OPERATIONS OF NAIROBI COUNTY GOVERNMENT

**Sen. Mbuvi:** On a point of order, Mr. Speaker, Sir. I am seeking your indulgence on a matter that I raised in this House three weeks ago, where you directed the Governor for Nairobi County to appear before the County Public Accounts and Investments Committee. That has never happened up to now and so, I am seeking for your indulgence in the matter.

**The Speaker** (Hon. Ethuro): Sen. Sonko, which Committee?

**Sen. Mbuvi:** Mr. Speaker, Sir, I am told by my colleagues that he is supposed to appear before the County Public Accounts and Investments Committee, but initially it was supposed to be the Committee on Finance, Commerce and Economic Affairs.

**The Speaker** (Hon. Ethuro): Chairman, Committee on Finance, Commerce and Economic Affairs!

**Sen. Billow:** Mr. Speaker, Sir, the request was made by the Senator for Nairobi. He requested for a Statement and I think that, that was responded to. The matter that he is interested in is with regard to the audited accounts by the Auditor-General. Our Committee handed over all the audited accounts to the County Public Accounts and Investments Committee yesterday. So, I would advise the Senator to get in touch with the Chair of that Committee, Sen. (Dr.) Boni Khalwale.

**The Speaker** (Hon. Ethuro): Order! Order! Sen. Billow, I think that you should be offering a solution. Why ask the Senator to look for another Chairman? Since you were handling the matter and have handed it over, you could as well make a commitment, which you can persuade your colleague to pursue.

**Sen. Billow:** Mr. Speaker, Sir, we have handed over all the audited accounts of all the counties and the Committee that is headed by Sen. (Dr.) Khalwale is planning to draft the schedule to interrogate all the counties, Nairobi included. At the appropriate time that Nairobi will have been slotted its place, they will invite all the relevant people that they want to invite, to discuss that matter. So, I am convinced that the matter that had been raised by Sen. Sonko will be addressed at that moment.

**The Speaker** (Hon. Ethuro): Okay!

Next Order!

## MOTION

NOTING OF ANNUAL REPORT BY THE PRESIDENT  
ON THE STATE OF NATIONAL SECURITY

THAT, the Senate notes the Annual Report to Parliament on the State of National Security, submitted by H.E the President on 27<sup>th</sup> March, 2014 pursuant to Article 240 (7) of the Constitution and Section 16 of the National Security Council Act, 2012.

*(Sen. (Prof.) Kindiki) on 8.4.2014)*

*(Resumption of Debate interrupted on 9.4.2014)*

**The Speaker** (Hon. Ethuro): Sen. Karaba, you had the Floor and you have a balance of five minutes.

**Sen. Karaba:** Thank you very much, Mr. Speaker, Sir. At the close of the House yesterday, we were debating the Presidential Annual Report on Security, a document which has 84 pages. It was noted by many other Senators that it was rich in words. Some noted that there were very few recommendations on how to move forward. My suggestion was that once a document is issued to the affluent society like the one that we have in Kenya, it is upon the Kenyans themselves to interpret the document. It is like the people who are involved have already read and are going to implement what is already contained in the document.

Mr. Speaker, Sir, what puzzles me is that some of the people who read such documents are people who are well versed with knowledge. They have visited other countries and been to places where they can get information. They are people who can implement what they have seen outside the country they go to visit. The example that I want to give is that of Malaysia, Korea and Vietnam; the South East Asia, hence the countries called the Asian Tigers. These are the countries which faced many problems before us and at one time, we hear that we were equal. Surprisingly, Kenya is lagging behind those countries. There must have been reasons why that happened. One of the reasons is lack of security.

Mr. Speaker, Sir, we have seen how food and especially, agriculture, should be modernized, so that we can have enough food to eat. In this case, I was trying to suggest that the rivers whose sources are in the various water points, including Mt. Elgon, Mt. Kenya, Mt. Kilimanjaro and so on, can even be used for irrigation. We can divert water, so that those areas which are maybe in the rain shadow can also benefit from it in terms of irrigation. That has happened. Those people who have been to places like Israel know that is happening in areas which are dry and have water in isolated parts. Even in the United States of America (USA), such diversion of water for irrigation has helped a lot to increase food production. That has maintained the high population in some of these areas.

Mr. Speaker, Sir, also you will note that a country like China has a population of 1.3 billion. One wonders how these people are fed by one country and how security in such a country is maintained. But when you have people who are well fed, you will realize that even security will not be much of a problem. The problem will come when there is no food to eat. There will also be problems if we have high rates of unemployment among our people and those other vagaries of weather. As a result, as people try to adjust themselves, they resort to vandalism and form gangs, so that they can get something to eat. To some people, it is a way of life. So, if those suggestions which are contained in this Report can be implemented soon by the Ministries, I am sure that Kenya will leap forward and leave other countries in this region quite far.

Mr. Speaker, Sir, we notice that communication is a very important aspect of security. If we have proper and well done roads, which are, of course, repaired once they have potholes, this can solve various problems. But what we see is that the moment a

road is done, after only one month or maybe even before a year is gone, the road has potholes. For example, the Thika Super Highway has now developed potholes. The rail guards have already been ripped off and some have been vandalized by thugs. The same things are being exported to China and Japan to build vehicles which we will import later on. This is something that the Government should look into and see whether we can make a country which will generate income, which will go towards developing such ventures like infrastructure.

Mr. Speaker, Sir, I rest my case and note the Report.

**Sen. Sijeny:** Thank you, Mr. Speaker, Sir, for giving me the opportunity to also comment on this Report.

The President has given us a lot of data. The good thing about data is that it forms a basis upon which we shall judge his performance and that of the Government when it comes to the next reporting time. I wish he would have adopted the results-based management kind of reporting. It would have been clearer and straightforward. It would be telling us where he is coming from, where he intends to go, how and what are the indicators and milestones that he preempts that he is going to achieve. That way, we will not feel like we are lost or things have been just placed. These are just activities or ideas put on paper and we are not seeing a clear way forward.

Having said that, security is a very important issue, not only to our country, but to the region and the entire world. Many nations and development partners have invested heavily in Kenya. They have interests which must be protected other than loving Kenyans who are also very hardworking people. Therefore, security is a very sensitive issue. The President has said so many things and we have seen some of the things that he has started doing, like the latest crackdown in Eastleigh. The crackdown should continue not only in Eastleigh, but also in other towns like Mombasa, especially in Nyali where we feel there are many foreigners. We also have places like South C and even Kilimani in Nairobi. There are many areas which we feel are at risk. Even if the Government had sold land to certain foreigners and given them work permits and visas, there is need to re-vet all those documents which were issued. If they are found to be people who are not living in peace and whose intentions are not good, then the Government should do something. This is because that is where I believe the rain started beating us.

Mr. Speaker, Sir, security must also be beefed up along the borders. There should be clear measures on what is done. Other than just networking with other neighbours, the Government of Kenya on its own should be seen to be working very clearly, carefully and strictly. In countries like Ethiopia, for example, you cannot just walk into a *kiosk*. You will be searched thoroughly, leave alone in the big hotels. There is a bit of laxity in the country. After some threats, the Government gets very serious, but then after sometime it relaxes. Are there measures taken within our airports?

Mr. Speaker, Sir, we have our borders and ports and many things have been smuggled through them. The President should tell us the strict measures that he has taken about this issue. The main issue here is corruption. People pass through all these routes. Bombs are brought all the way from Somalia into Nairobi. Some are even discovered at police stations after staying there for some days. Surely, someone or some people really must be responsible and it cannot be only one person. It shows that there is laxity in the security system, which is very dangerous.

Mr. Speaker, Sir, on how the Government intends to tackle violence, we should know how many types are there. Domestic violence is becoming a serious threat to the security and peace of Kenyans. It is not only women who are butchered nowadays, but even men. As the saying goes “charity begins at home.” If you can do it to your family, then when you go out, what will you not do? At times, perpetrators are arrested and taken to court, but the next day, you will meet them out in the streets. Serious measures must be put in place.

Mr. Speaker, Sir, security is a major concern. I remember the days when we were young. I grew up in Nairobi and we used to go and watch movies every once a month, at around 7.00 p.m. All that our parents were concerned about was whether we were covered warmly. Once you had put on your jacket, you would walk to the movies. We used to call them “walk-in” movies. We would see movies and come back laughing. The entire society and neighbourhood was at peace and we would reach home safely. But nowadays even in broad daylight, you cannot leave without feeling insecure. We have seen leaders being attacked. The attackers even know when we are driving ourselves and they know how many of us are armed. They come and specifically ask for your gun. That is very serious and scary. The President and his Government should tell us the measures they have taken to protect us, leaders, and the wananchi.

Mr. Speaker, Sir, we have had a lot of waves of violence even within the villages. These are things which were never heard of. Villagers are being hacked and, of course, it is not from within. These are really things which should be investigated thoroughly. We have blamed the youth and said that they are idle and jobs have not been created. There should be clear ways in which the Government intends to create the jobs. There is also the issue of drugs. How do these drugs find their way? We have seen that some are intercepted in airports, but only when a deal goes sour. This means that someone has betrayed the other one. If everybody speaks the same language, then it will not be tracked.

Mr. Speaker, Sir, there is also the issue of cyber crime. As much as we want to go digital, there has to be good control. Our children are learning a lot of bad things from modern technology such as YouTube, Facebook and Twitter. They just forward anything to one another, including movies. Something should be done because people get those bad ideas on things like bank robberies and even terrorism. There was a movie called 24 where you would see serious crimes being planned and done and then the next day, you see it in Westgate and wonder really what is not happening.

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

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

Mr. Temporary Speaker, Sir, Kenya’s intelligence was always one of the best in the world when I grew up. I remember what the late Mr. Shaw did when there was an increased crime wave in Kenya. Why can we not even benchmark with other countries? In South Africa, apartheid was an eyesore and every time you switched on television, you would see Boers killing people and many other wars. Nowadays as Kenyans, we prefer

going to shop in South Africa. There are even Kenyans who are there and they do not even want to come back. Why is it safer to shop in South Africa than in Kenya? There are travel advisories for people not to travel to Nairobi or Mombasa. Tourism is suffering. What measures are we putting in place? Should Kenyans continue to lose their jobs because of insecurity and yet we know that---

*(Loud consultations)*

**Sen. Murkomen:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Am I the only one feeling that consultations are too loud?

**The Temporary Speaker** (Sen. (Dr.) Machage): You may not be the only one. Please, hon. Senators, could you consult in low tones?

Proceed, Sen. Sijeny.

**Sen. Sijeny:** Thank you, Mr. Temporary Speaker, Sir. I was also getting a bit distracted but I decided to go on in order to save time. As I was saying, this issue of not protecting our people or allowing the bad people to disturb us must be dealt with and someone must take responsibility. The blame game within our security forces should stop. In short, the President should show how he is going to stop this lack of coordination and team work. He should demonstrate how he is going to improve on the way the security forces are going to work together. It is not kind to report an issue and then you are tossed here and there and in the meantime, things are going wrong.

When we look at issues that touch on security, it is important to look at the budgets of the various security agencies. If we do not protect our country, then we are wasting our time. All these beautiful legislations that we are coming up with and the buildings that we are constructing every day will all go to waste if we are not secure. As the saying goes, Rome was not built in a day but it can be brought down in a day. The country will simply be bombed down and we will be left bare.

Mr. Temporary Speaker, Sir, politicians also need to help the President. He has not stated how he intends to network with politicians because I believe that some of them have a role to play in this insecurity in this country. I say this because of the violence that is caused before and after the general elections. When there are no elections, we are at peace with our neighbours.

The President ought to tell us what measures he has taken to engage the right development partners; partners who are going to contribute to the revamping of our economy and are willing to give and not only to take from us. Although we have a good working relationship with the Chinese Government, how much money are they giving us to tackle our problems? What is it that they are going to help us with? We also have good working relations with the United States of America (US), Britain and other western countries, but how are they going to help us irrespective of whatever they feel about us? They should be allowed to partner with us because they also have interests within the country. It is not enough to just say that we are experiencing challenges and not dealing with them. We are asking the President to give us a peaceful country that we used to have some time back. It was done before and it can still be done.

Thank you.

**Sen. Madzayo:** Asante sana Bw. Spika wa Muda. Kwanza, ningetaka kukupatia heko kwa kuketi kwenye Kiti cha Spika wa Muda adhuhuri hii.

Ningependa kutoa heko kwa Rais kwa sababu ya kutoa Ripoti yake siku ya 27 Machi, 2014 inayohusiana na nchi yetu ya Kenya. Hivi sasa imekuja katika Seneti ili tuweze kuijadili. Sheria za nchi yetu hasa nikisisitiza sheria za Katiba ya nchi hii, zinafafanua kikamilifu ya kwamba maisha, mali ya watu binafsi na mashirika ya Serikali yana haki kulindwa na Serikali ya Kitaifa. Hasa nikirudi hapo kwa maisha ama uhai wa Mkenya yeyote, hili ni jukumu la Serikali ya kitaifa. Maisha ama uhai hauna kabila ama dini. Ikiwa wewe ni Mwislamu ama Mkristo haina tofauti bora uwe ni binadamu. Haki hiyo unayo inalindwa na Katiba. Mimi nikiwa mzaliwa wa Pwani, nimeishi na nimesomea Mombasa ambako ni nyumbani. Miaka mingi iliyopita sisi tukikuwa, watu wa Mombasa na pwani kwa jumla wamekuwa wakilala katika nyumba zao bila wasi wasi milango na madirisha yakiwa wazi huku upepo unaingia na unapata burudani ya kutosha wakati uko usingizini. Watu wamekuwa wakitembea bila hofu wala kuangalia nyuma na kujali ni jambo gani linatendeka.

Lakini hivi majuzi, tumeona kwamba Mombasa sio raha tena vile tulivyoijua. Sasa Mombasa imekuwa na mambo ya ujasusi. Swali ambalo Rais angejuliza kwenye ripoti hii ni: Kwa sababu gani ujasusi umeingia katika nchi ya Kenya? Ningependa kusema kwamba ujasusi huu hauko Mombasa peke yake. Tunajua wakati kulikuwa na mkutano wa dini kule Mtwapa na wakati mahubiri yalikuwa yanaendelea, kukawa na mlipuko na watu wakafa. Wengine wakapata majeruhi na wakapelekwa hospitali kwa matibabu. Mtwapa ni mji ambao uko Kilifi. Tunajua kitendo kilichotendeka kule msikiti wa Masjid Musa tulipoona askari wetu wakiingia msikitini huku wakiwa wamebeba bunduki na wamevaa viatu, kuwapiga watu kiholela na kuwashika, kuwatoa nje na kuwapigisha magoti na hatimaye kutiwa ndani mwa lori. Vile vile tumeweza kuona katika vitendo hivyo katika kanisa la Jeshi la Wokovu ambalo ni kanisa lilokaribiana sana na mskiti wa Masjid Musa; kama mita 50 hivi. Hawa watu walifanyiwa vitendo hivyo, na hivi sasa wameshtakiwa na kupelekwa kortini, hatutaki kusema, lakini kuna wengine ambao mpaka hivi sasa hawajulikani waliko. Ikiwa hii Ripoti ni ya ukweli, basi wale watu ambao walichukuliwa hasa Hemed ambaye alichukuliwa katika mskiti wa Masjid Musa, yuko wapi hivi leo? Hatutaki iwe kama ile ndege ya Malaysia MH 370 ambayo ilipotea na watu 239. Hatujui kama ilipaa mbinguni ama kuzama chini ya ardhi au bahari. Hakuna utafiti ambao umeeleza. Maisha ya kila Mkenya yana haki ya kulindwa. Hata kama askari ana haja ya kushika mtu, ni lazima atumie nguvu ambazo zinahujumu ile Katiba wala sio kuenda na kumpiga mtu ama kumpigisha magoti. Hiyo hairuhusiwi katika Katiba kwa sababu utakuwa umepitisha kile kiwango cha kutumia nguvu zako.

Bw. Naibu Spika ningependa kugusia hawa maafisa wa polisi ambao wako katika nguzo za juu katika Serikali, kwa sababu kuna wakati nilikuwa mwanasheria nikitetea haki za watu na kulikuwa na jopo moja iliitwa Tume ya Akiwumi. Hiyo Tume ilianguka mambo ya mashamba na ilitoa sababu zake na majibu. Lakini maswali makubwa zaidi ambayo lile jopo lilizingatia yalikuwa mashamba na kazi. Sisi tunauliza; kama hiyo ripoti ya ujasusi iko hapa, kianzilisho cha huu ujasusi wote katika nchi ya Kenya ni nini? Jambo la kwanza, ni lazima Rais azingatie kwamba kama ni vijana ambao wako sehemu za pwani, mashirika yaliyoko maeneo ya pwani wapewe wale vijana walioko kule pwani. Tutaendelea kuongea usiku kucha, lakini ikiwa vijana wetu watabaki katika vibaraza na



watu wengine wanafanya kazi za mikono ambazo wanatakikana kufanya, basi ninafikiria kwamba shida kama hii ambayo tunaipata sasa haitamalizika.

Ningetaka pia kugusia upande wa utalii. Nguzo ya watu wa pwani ni utalii. Hilo ndilo tegemeo lao zaidi. Si Kilifi, Mombasa, Kwale, Taita, Lamu ama Tana River. Pwani yote inategemea utalii. Hivi sasa tukiwa tunaongea habari ya ujasusi kulingana na Ripoti ya Rais, ningetaka kusema wazi kwamba hawa ndugu zangu wote Maseneta walioko hapa, kila uchao, kukiwa na mkutano wa Kamati, zote zinafanya mikutano kule pwani. Ningetaka waniambie ni hoteli gani iliojaa na watalii kule pwani hivi sasa. Sisi tukienda kule, tunajipata peke yetu kama Masenata kwenye zile hoteli. Ukienda Serena, Whitesands ama Nyali, hakuna watalii. Tumejionea sisi wenyewe. Hayo yote yameletwa kwa sababu ya ujasusi. Ni kwa sababu gani tunakuwa na mambo kama haya? Katika ripoti kama hii, ni lazima vijana wetu waangaliwe ili wapate kazi katika hoteli zile. Lakini hivi leo ukiangalia kwa hoteli hizo na hakuna watu, watoto wetu watafanya nini? Ni lazima wataenda kwa barabara na kufanya mambo ambayo hayafai.

**Sen. Murungi:** On a point of order, Mr. Temporary Speaker, Sir. I do not want to compete with my learned friend about the use of Kiswahili, but if I understand him correctly, he is saying that the reason why the hotels are empty is because of *ujasusi* which I think means intelligence. I thought he should be talking about terrorism and that the hotels are empty because of terrorism. *Ujasusi* cannot be terrorism.

**The Temporary Speaker** (Sen. (Dr.) Machage): Ninakubaliana kabisa na Sen. Murungi. Ujasusi ni kazi ya kachero. Labda unamaanisha ujangili au jambo kama hilo.

**Sen. Madzayo:** Bw. Naibu Spika, unajua ndugu yangu mkubwa katika sheria, Kiswahili sio lugha yake ya ulimi. Kwa hivyo, ninafikiria ilimpita juu Kiswahili unaweza kukitafsiri kwa njia mbali mbali. Kama yeye haelewi mambo ya ujasusi, utamletea ugaidi, magaidi, wakora na watu wa aina mbali mbali. Lakini ikiwa wewe ni mjasusi, unajulikana kwamba wewe ni mtu ambaye hufai kuwa pamoja na Wakenya wengine. Lugha ya Kiswahili ni lazima watu waiangalie kisawasawa.

**The Temporary Speaker** (Sen. (Dr.) Machage): Nisingetaka kukupinga kwa mawazo yako kuhusu lugha ya Kiswahili, lakini ninafikiri kwa jambo hili, Sen. Murungi amekushinda kidogo kimawazo na kutafsiri neno ujasusi. Kwa hivyo, ningekuomba ukubali na uendeleo ama sivyo kwa sababu mmoja wetu hakubaliani nawe, tutahitaji utafsiri kwa kamusi hili neno.

**Sen. Madzayo:** Bw. Naibu Spika, ikiwa kamusi inaweza kupatikana, mimi sikitai; ninakubaliana na maoni yako. Lakini nitageuza niseme kwamba ni ugaidi.

**The Temporary Speaker** (Sen. (Dr.) Machage): Asante sana. Endelea.

**Sen. Madzayo:** Bw. Naibu Spika, ningepomba uniongezee muda kwa wakati huu ambao nimeweza kujadiliana na ndugu yangu.

Kuna uzembe, ulafi na ufisadi ambao hivi sasa umekita. Hii ni kwa sababu Rais ni mtu mzuri sana kama binadamu; roho yake ni safi, yeye mwenyewe ameumbwa sawa sawa lakini yeye pia ana mawazo yake. Serikali ya Jubilee iko na mipangilio yake na CORD ina mipangilio yake. Kama sisi tungechukua uongozi, pengine mifano yetu ingekuwa tofauti. Lakini Rais mwenyewe amesema kwamba watoto watapeleka vipatakilishi. Inafaa aangalie uzembe unaoendelea katika Serikali yake. Hata ikiwa nia yake ni nzuri, wale maafisa wake ni wazembe na ndiyo mambo kama hayo hayawezi kuendelea.

Nilikuwa mgeni wa heshima mahali fulani na nikaulizwa na watoto vile vipakatilishi walivyooahidiwa na Rais. Nikawaambia kwamba Ofisi ya Rais imejaa wazembe ingawa nia yake ni nzuri. Angalia upande ule mwingine ambao Rais ameseme ya kwamba---

**Sen. Getrude:** Hoja ya nidhamu, Bw. Spika wa Muda. Je anamaanisha uzembe ama ufisadi?

**The Temporary Speaker** (Sen. (Dr.) Machage): Yeye mwenyewe amesema ni uzembe.

**Sen. Getrude:** Ningependa kufahamishwa maana ya uzembe.

**The Temporary Speaker** (Sen. (Dr.) Machage): Ninafikiri hakuna jambo baya ambalo Sen. Madzayo amesema. Endelea Sen. Madzayo. Sen. Getrude atatafuta tafsiri yake mwenyewe kwa kamusi.

**Sen. Madzayo:** Asante, Bw. Spika wa Muda. Ninakushukuru. Mimi ninajua kwamba yeye yuaeleva uzembe ni nini lakini anataka mimi nitafakari.

Bw. Spika wa Muda, kwa upande wa mambo ya reli, hakuna Mkenya ambaye hataki reli ya kutoka Mombasa, Kisumu ama Busia ili asafiri kwa masaa mawili. Kila Mkenya anataka nchi yetu iendele. Wakenya wanataka Serikali na wananchi pia wapate maendeleo na kazi. Katika mambo ya reli, wale watu ambao wako katika maofisi kushughulikia mambo ya reli ni wazembe, wanahusika na ufisadi, ulafi na mpaka sasa hakuna reli. Tunasema mambo haya yatawezekana aje?

La mwisho, nataka kuiangalia Ripoti ya Rais. Katika kurasa 27, ameangazia mambo ya bangi na unga mweupe ambao unalevisha watu. Sijui nitumie *heroine* ama nitumie neno lipi.

Rais amesema katika Ripoti yake kwamba anajua kikamilifu bangi hutoka wapi. Amesema katika Ripoti yake kwamba bangi hutoka Mlima Kenya, kule Gwass Hill, Aberdares na Kyulu Hills. Anajua hayo. Amesema, *heroine* hupitia Jomo Kenyatta International Airport (JKIA). Ningependa kumuuliza Rais; ikiwa anajua hivi na kama anamjua Mkurugenzi wa Kiwanja cha ndege, Kenya Airports Authority (KAA) Managing Director, *that is where the buck stops*. Rais ndiye aliyemweka mkurugenzi huyo hapo. Alimchagua na akamwambia awe kiongozi wa kiwanja cha ndege. Imekuwa aje anatuambia *heroine* imeingia na hawezi kuchukua hatua? Nilisema uzembe, ulafi na hata ufisadi umo katika ofisi ya Rais. Lazima aisafishe ofisi yake.

Asante Sana, Bw. Spika wa Muda.

**Sen. (Dr.) Zani:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to note and contribute to the Annual Report to Parliament on the State of National Security that was given by the President of the Republic of Kenya on 27<sup>th</sup> March, 2014, pursuant to Article 247 of the Constitution and Section 16 of the National Security Council Act, 2012.

The Report appraises Parliament on the state of security in the country over the last one year. It goes on, first of all, to acknowledge the significance of a security threat. That is where the worry begins. Where such a significant security threat can be acknowledged at national level but also put to be a “significant” threat to the country.

That threat is elaborated in different ways. The question that comes to one’s mind immediately is what would happen if this threat was not there and what if we were secure as a country as we ought to be? That manifests itself in the problems that exist. In that

case, we would have no terrorists or minimal risk of terrorist attacks, we would have as few conflicts among pastoralists and there would be less poaching of wildlife. There would be a reduction on violent crime, less of human trafficking; a crime that is never expanded enough and that exists and affects women and young people who are taken to different countries as slaves.

The problem of proliferation of small arms is that it harms people. There is also the problem of road accidents. These challenges, unfortunately, have been in existence for as long as we can remember. For Kenya, it has been a continuous struggle to fight the security threats. We needed to hear, from the Report, how successful we have been in addressing the threats.

Sections of the Report indicate what the Government has done in terms of reducing this threat but there are no clear indicators, figures or results as to exactly what level of reduction has taken place. If we talk about a reduction of eight per cent, that might not be a reduction of any kind of crime. Indeed, this tells me that maybe Kenyans have lost their level of confidence in reporting crimes that are not acted upon. Therefore, the level of the reported crimes is what may have reduced. This gives a wrong impression that crimes may have reduced when in actual fact the crimes have increased in the long term.

There are various measures that have been put in the Report to counter various problems. Some of these measures include ways of countering terrorism, improving road safety, cyber security, having 100 days rapid result initiative to fight crimes, looking at food security and eradication of poverty.

As I was reading through this Report, my thoughts were on what efforts have been made. When have they been made and for how long have they been implemented? What was the success of those specific implementations that have been put into place? To what extent have these measures been successful? For example, when I look at the 100 days rapid result initiative to fight crime, I do not know when this was initiated. What were the indicators for success after 100 days? Did we make progress and what sort of progress did we make?

If you look at the data, you will see that it should be possible to say that in the 100 days initiative, a particular crime went down. They should say that they found more innovative ways, for instance, of dealing with a particular crime or they found solutions to the problems that exist. From that, we should tell what is working and what is not working.

Look at the issue of road safety. We do not have to go very far. The Michuki Rules were very effective. Was that about one person's initiative? Was it not about policy? If it was about policy, others should have come on board and still continued with the initiatives successfully and carried them through.

We seem to have a disconnect in the way programmes are carried out. One person carries out a programme and when that person is not there, someone else cannot effectively carry it out. That means that there is no direct procedure or policy that has been put in place to make it possible. That is what worries me again.

The Jubilee Government moved on to say that we have already introduced the *Nyumba Kumi* Initiative. At what level has this policy been implemented? To what extent has it been carried out? What sort of research went into it before to ensure that it actually

works? What is the implication of having *Nyumba Kumi* viz-a-viz the general national security? If we focus on only one trend and probably on *Nyumba Kumi*, then we do not quite agree that is the way to go. People may ignore other surveillance measures and ways of countering crime that may be critical.

If you look at *Nyumba Kumi* Initiative, you will note that this is a model that has worked in other countries. For example, it worked in Tanzania during the times of Ujamaa. The initiative of *Nyumba Kumi* now in modern Tanzania is not as effective as it used to be. So, even as we think about crime and how to counter it, we should know that crime affects everybody's life.

In the Report, we are looking at the indices, rates and differences, from 2013 to 2014. You will see that there is an increase across counties in the incidences that have happened. That means that there is something somewhere that needs to be addressed. I think this need to be addressed wholesomely after a long time and after a national debate and an agreement so that there is focus on what we are doing and we have a way to move in a particular direction.

The same can be said about the police reforms that have been talked about for a long time. How much has changed in the police force? What are the success rates of the police reforms? How much has the welfare of police officers increased? Have their housing conditions improved? How much have we improved on their training so that we are sure when we are giving arms and guns to police officers, we are giving them to officers who are trained, ethical and who will not give the arms to others to commit crimes?

It is in this same Report that offences that include police officers have increased from about 65 to about 95. If we are talking about crime concerning police officers being on the increase, this is worrisome. If we are talking about police reforms, that has to be addressed in a very comprehensive manner. We should not just speak and put issues in a policy and discuss them but go on a one to one basis, year after year, to see what changes have been there.

Mr. Temporary Speaker, Sir, I think we need to move to a level where we can say that we started off in this direction but the direction is not working and we need to move in another direction so that we do not recycle, replicate and change the language. If for certain crimes, the increment from one year to another and in 12 different counties, we have an increase in terms of indices that means that something is not right. We need to investigate.

If we look at crimes, for instance, rape, from January to March the graph oscillation reduced and it went up again to about June and again it went down. We have a graph oscillating up and down. We do not want to see those sorts of graphs. They do not help in any way. We want to see those graphs but at the same time an explanation of why we have the graphs and more importantly, what has happened in terms of apprehension and people being punished for various crimes.

The disconnect between the different arms in terms of law enforcement, the courts and correctional institutions including penology need to be put into place so that there is clarity about what happens at one place and another.

One other area that has been mentioned in the Report is the one on forensic science. That is where we have a big disconnect. It is very difficult for anyone who has been apprehended to be held accountable to the point for the crime. We need training in

terms of scene of crime where an area is cordoned off and evidence collected appropriately. The evidence should be used effectively in court so that we send the offenders to correctional institutions.

We now have crimes that are happening right inside prisons. When we have criminals operating in the same correctional institutions, we should have a lot to think about in terms of what is going wrong and how it can be improved for the betterment of this country.

The issues of identifying people to know where they come from; their address, where they reside and use of CCTVs have also been put as a way of apprehending crime. We need to move one step forward and look at what has happened in other countries. People do not just come in and out of a country just like that.

I come from Kwale County and it is very hurting to find that people who have been pedophiles in their home countries, mainly abroad, come to our counties like Mombasa and continue with their habits without anybody addressing it. In the areas that they come from, systems have identified them and they are known. When they appear, people know how to treat them. We need to move forward, not to say that we need a big brother society where we are being watched every time to move forward to quickly indicate who is who. We can even move towards the idea of having personal identification units or systems so that we know who is who and account for various people at various times. This is critical.

Various challenges have been identified in this Report. Again, this is a question of identifying the challenges but the solutions, way forward and indicators have not been given. One of the challenges is youth unemployment that stands at 11 million.

The promise by the Jubilee Government was jobs, jobs, jobs and an increment of that. It would be good if these statistics told us, for example, in the first year, how many jobs have been created and how they deterred crime.

Poverty, in the 2009 index stood at 49 per cent and it has increased. It could be way above the 60 per cent mark. What are we doing to address this issue if it is one of the causes for crime? The erosion of our social fabric and family disintegration has also been put down. That could as well have come from the frustration that comes from the same state of insecurity that is in our country. We have the influx of refugees, socio-economic challenges and other things that have been mentioned. We needed to take control of this and give a Report that says to what extent we are taking control of it and how we are addressing them in a comprehensive manner so that we move into the next level.

One of a parent's worst problems or nightmares is drugs. This has become a real issue. In this Report, those arrested and prosecuted, within this year stand at 1,087. Those are the ones who have been reported but the ones who have been arrested and prosecuted are only 247; a mere, 23 per cent. That, again, goes to the criminal justice system from the arrests to the punishment itself. There is something that is going wrong over there. It is not enough to report the type of drug and to talk about cocaine and the quantities that have been seized and whether the brewers have been arrested. After that happens, what changes have taken place? On a wholesome basis, that would be very important.

Again, on proliferation of small arms, we have about 500,000 illicit arms. Everybody now has a weapon. What have we done about this? Have we created stiffer punishment for those found to have these weapons and especially when this contributes

to cattle rustling? Have we found means and ways of coming up with effective disarmament programmes so that we are not just talking about it?

There is the problem of refugees. Other countries also have refugees. We are not stringent with refugees right from the word go. When people go to live in a country, they follow the rules and procedures of the particular country. Out of 6,646 refugees, we should have found ways and means of controlling and ensuring that they are not apprehended.

With those remarks, I beg to note.

**Sen. Gwendo:** Thank you, Mr. Temporary Speaker, Sir, for giving me a chance to add my voice and to note the efforts of the Jubilee Government through the Report by His Excellency the President on Thursday, 27<sup>th</sup> March.

I will start by saying that a lot has been said about terrorism. We also have to accept that this is not a problem that began with the Jubilee Government. The Jubilee Government has made efforts to try and curb terrorism and put the nation in a state that people are comfortable. We should have a command and control centre and also install CCTV cameras in strategic areas in Nairobi. We are also encouraging and hoping that we will see more CCTV cameras in Kisumu, Kakamega and Mombasa counties as well as many other counties.

Mr. Temporary Speaker, Sir, when it comes to the police, vehicles have also been added to ensure perfect mobility for the police officers, so that security is ensured.

Regarding police reforms, I want to talk about this out of my personal experience. The police reforms are actually ongoing and working. When I was arrested, I was treated like a normal Kenyan, with a lot of professionalism. These policemen did not know who I am and considering that I am Jubilee Senator, people would expect that I was given special treatment. I was not given that treatment, because they did not know who I was. At least, they are upholding the rule of law and ensuring that our roads and Kenyans are safe---

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Temporary Speaker, Sir. Did you hear the distinguished Senator saying that she was arrested? Arrests have been going on, including the one of Sen. Bule. So, when she says that she was arrested, the *wananchi* might think that she was arrested because of being suspected for terrorism. Could she clarify for what reason she was arrested, so that, that confusion---

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Sen. (Dr.) Khalwale! I overrule you.

Senator, you do not have reply to that. Continue!

**Sen. Gwendo:** Thank you, Mr. Temporary Speaker, Sir, for protecting me from the bulls.

*(Laughter)*

**The Temporary Speaker** (Sen. (Dr.) Machage): What did you say, Senator?

**Sen. Gwendo:** Mr. Temporary Speaker, Sir, thank you for protecting me from the bullfighter.

**The Temporary Speaker** (Sen. (Dr.) Machage): Can you refer to your fellow Senator by name, if you must because we have no bullfighters in here?

**Sen. Gwendo:** Thank you for protecting me from Sen. (Dr.) Boni Khalwale.

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

Continue!

**Sen. Gwendo:** Mr. Temporary Speaker, Sir, as I go on with the issue of police reforms, I would like to personally uphold and praise the use of Alcoblow. The only thing, maybe as a Jubilee Senator, that I would like to promote is that maybe this exercise is taken all over the country, because we have people who drink in other counties and Kenyans do not know the threshold that is supposed to sustain this Alcoblow. But it is safe and will keep Kenyans safe. If an hon. Senator like me can be arrested, what if I was coming out of City Mortuary and not Muthaiga Police Station; treated well by policemen who are actually upholding the rule of law?

Mr. Temporary Speaker, Sir, I would like to talk about the anti-poaching measures that the Jubilee Government has put in place. We know that right now a unit has been deployed at the Jomo Kenyatta International Airport (JKIA), to look at ways of creating awareness. I think that this should be the role of all us, as leaders. We need to make our people aware of the value of wildlife and revenue that it brings to us. In this way, they will appreciate it and help to raise this revenue.

Mr. Temporary Speaker, Sir, my next point is on the enactment of the National Government Coordination Act. This has enabled the Jubilee Government to have County Commissioners and chiefs who bring up issues of security, which the Jubilee Government can tackle from that point. As much as we might want to point fingers at the Jubilee Government and complain that security is still being handled at a higher level, we should remember that even Rome was not built in a day. One year later, we have cases that have been dealt with and people who have been arrested, and this is still going on.

Mr. Temporary Speaker, Sir, I would also like to talk about the Huduma Centres. So far we have four that are operational and serve 2,500 people per day. The other day, we heard the Cabinet Secretaries say that this exercise will go on in other counties.

**Sen. Hassan:** On a point of order, Mr. Temporary Speaker, Sir. My understanding of the Constitution is that there is an agency that is charged with investigations, and that is the police. There is equally an agency that is charged with the responsibility of prosecution, and that is the Office of the Director of Public Prosecutions. Then there is an agency which is charged with that prosecution and trying the matter in court. It is an independent arm, which is, the Judiciary. Is the Senator in order to constantly say that the Jubilee Government arrested or has prosecuted?

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. Omar, your fluency in the English language is never translatable to other Senators. Can you give Sen. Joy an opportunity to express herself in the best way that she can?

Continue, Sen. Joy!

**Sen. Gwendo:** Thank you, Mr. Temporary Speaker, Sir, for once again protecting me.

Mr. Temporary Speaker, Sir, I was talking about the Huduma Centres before I was rudely interrupted. The Huduma Centres facilitate issuance of documentation, and we can see that on page 13 of the Report. The Cabinet Secretary confirmed that we are going to have these Huduma Centres in more counties. For example, Mombasa residents

will actually go there and receive information and get documentation. This way, the Jubilee Government will be able to monitor and also help the Kenyan people.

Mr. Temporary Speaker, Sir, lastly, I would like to talk about the very serious issue of youth unemployment. I believe that the issue of youth unemployment is both your issue and my issue in this House. In my understanding, the Government is supposed to be creating fields and making it easy for people to then create opportunities for themselves. When the young people create opportunities for themselves, we, as leaders, should empower them to notice that these opportunities are available for them. I would urge the youth to also take advantage of the 30 per cent Government procurement that has been reserved for the youth and women. In this House, it is our responsibility to also create awareness and take advantage of the opportunities that have already been created for our people, and make sure that they use them.

Thank you, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. (Dr.) Machage): Whereas I know that we have heard many repetitions in this Motion, I am tied by the Standing Orders not to deny the Members who have not hitherto spoken, but my appeal is that you should try to come up with new information as much as you can.

**Sen. Hargura:** Thank you, Mr. Temporary Speaker, Sir. I would like to note the Annual Report to Parliament on the State of National Security, as submitted by His Excellency the President.

Mr. Temporary Speaker, Sir, in the Report, the President has raised or mentioned the situation as it is. He has also attempted to give what the Government has done to address the situation and even the shortcomings or challenges that we are facing. That could be a good approach, but we have to look at whether actually these issues are addressed as they are and the way we are addressing them will give us positive results. It is just a Report that says: "This is what is there. This is what we have done and still facing."

Mr. Temporary Speaker, Sir, as the ultimate authority, the President has to do a lot and tell us how we are going to get out of this situation of insecurity which we have. He has mentioned issues like radicalization of Kenyan youth into violent extremism. If we want to get out of this kind of situation which is blamed for being the cause of the insecurity that we are experiencing, the intelligence system of this country has to work and tell us actually when and how this thing started, so that we can address it effectively. But if we are just going to react by raiding mosques and estates, then we will not sort out anything. We might even be "radicalizing" - if that is the word to use - those who were not involved in these kinds of things. So, we have to invest seriously in our intelligence information gathering system, so that we analyze and sort these things out once and for all, if at all they are there. If not, then we will just have these reactions and always be a step behind those who are doing these things. We must be proactive and be ahead of them. We must take time and analyze why these things are happening.

Mr. Temporary Speaker, Sir, the coastal area, north eastern Kenya and areas like Eastleigh are predominantly occupied by Muslims. I can remember during the 2007 elections, the Muslim community raised some grievances through the Sharawe Commission which was formed by the President. I believe that these are the grievances that anybody who would like to incite them will use. So, there is need to have that Report



implemented, so that we can address these issues and anybody who may be using this excuse to incite the Muslims will not have grounds. This is because the Muslims have the right to be treated as any other person in this country. Of course, a Commission could not be formed to come up with a report if there were no grounds. I would like the President to look for that report and make it public, because it has not been made public, and try to implement whatever is there, because I think that those are things which will somehow sort out the excuses which are being used by those people who are said to be radicalizing youth.

Mr. Temporary Speaker, Sir, the issue of resource-based conflict among the pastoralist communities also needs to be looked at in a holistic way. This is because what there is right now in the whole of semi-arid parts of this country is like a norm. You will find that the Pokots and Turkana are fighting or the Turkana and Samburu are fighting. If you go to north eastern part of Kenya, there is clan-based fighting. If it is because of shortage of resources or availability of water points, a proper plan should be put in place so that investments are done in these areas. During the colonial times the colonialists imposed community boundaries and made sure that these things are respected and fighting over resources along those lines is also controlled. But in the modern Kenya, it appears normal. People kill and steal livestock from one another and it is taken as stock theft. If you look at it properly, it is basically robbery with violence. Somebody's life is lost and property taken. So, I think that it needs to be addressed properly as crime, as in any other area, so that it is not called resource-based conflict. This is because even when people rob banks, they are actually looking for resources, but the way they are dealt with is not the same way a cattle rustler is dealt with. So, the Government needs to treat all Kenyans equally so that these issues can be sorted out.

Mr. Temporary Speaker, Sir, there is the issue of poaching. I look at the graphs in the Report, it shows that there is poaching within the national parks or areas protected by the Kenya Wildlife Service and the private areas. If you look at the graphs, it shows that there is more poaching in the private parks than in the national parks. But when we talk, we just say that poaching is on the rise. We have to take responsibility because whether they are in private ranches or national parks, these are all national heritages for this country. So, we cannot put it under the responsibility of some individuals and then when they are lost, we all cry that there is poaching. So, the Government should have a holistic approach to anti-poaching activities.

Mr. Temporary Speaker, Sir, they should be providing security even in the private ranches. We should not leave it to the private ranchers alone, because when the animals are killed there, it is a loss to the whole country. So, the Government should also cover the private ranches, so that we can protect the wildlife wherever they are within the borders of this country. This is because we are losing more in those ranches.

Mr. Temporary Speaker, Sir, there are measures which are given in the Report, like the *Nyumba Kumi* Initiative. This is a system which is being used in a given country. Now everywhere, we have been told to use the *Nyumba Kumi* initiative, a system which was in Tanzania at a particular time. It was based on some structures and I think it was even part of the political system by then. The *Nyumba Kumi* system is like the former one-party system where the KANU chairman in that particular district was as powerful as the District Commissioner. Even the elders had a lot of authority. If you just transfer that

system here, it might not work. So, we have to study these foreign systems which we are trying to implement. We should not act out of desperation and pick any term which sounds like it can solve our problems without checking what this *Nyumba Kumi* initiative in Tanzania was anchored on. We need to do more research because it might have been anchored on a certain political system. Whoever was in charge of that village had more authority than the person you are going to select as the chairman of *Nyumba Kumi* Initiative. So, it might not have the same effect. Let us look at the systems that we are employing.

Mr. Temporary Speaker, Sir, much as we try all these, as the President has acknowledged, the security system is supposed to have done all the intelligence gathering and even proposed ways to implement it. But we know that we have not moved much. The way the Kenya Police Service reacts is the same way that it has been reacting all this time. Their attitude towards the public does not endear the public to them and that is why this information is not forthcoming. The other day, we talked to some elders from Eastleigh and asked them why they were not co-operating and they told us that when they go and report the matter to the police, the police officers inform the culprits and the next minute they come for their lives. Why would they lose their lives trying to provide information to a system which will not make sure of the information? Instead, it will use that information to raise more money from the criminals. So, I think we can do a lot if we reform our system. As one Senator said here yesterday, if we do not change the management in the police service, then we will not go anywhere. We will have just the same old police officers running a system which we say is reformed. The mentality of the police force is not changing. I think that is where we need to invest.

Mr. Temporary Speaker, Sir, of course, after that, there is the element of corruption. We all accept that it is even officially documented that 30 per cent of whatever resources that we generate go to corruption. So, when we talk of equipping and reforming the police service, we know that the major corruption scandals in this country are in the security system; Anglo Leasing and all that. So, what system will we have? I am seeing here the issue of the Forensic Laboratory. It was part of the Anglo Leasing scandal. Are we being told that there is anything better and things have been sorted out and that we should expect the laboratories to take off?

Mr. Temporary Speaker, Sir, the President is ready to fight corruption by having people held accountable. We cannot fight corruption by just saying that we are fighting it and yet nobody is taken to court and no action is being taken. The system will continue in the same way and we will not get out of this insecurity. Unfortunately, even those who are causing insecurity within our country are exploiting these same weaknesses that we have. That is why a vehicle loaded with explosives could enter the Kenyan border from Mandera and be driven for over 1,000 kilometers to Mombasa. If you go through that road, you will be surprised by the number of roadblocks that you will find, right from Mandera itself. If you come through Rhamu, you will find three or four roadblocks within a distance of 100 kilometres. If you come through the other routes, you still find them. One wonders how vehicles move with so many roadblocks on that road. How do they get to Wajir and Garissa all the way to Mombasa? We have weaknesses in our systems.

Mr. Temporary Speaker, Sir, I will sum up and say that we can improve our security system if we actually work on the issue of corruption. We should train our police

force. A system which has failed can only be solved by correcting the top. In a system which is failing, you remove the management. If you maintain the same management nobody will be accountable for anything. In such a case, do not expect any change. I do not think we will get a different report come next year if we have the same system in place.

Thank you.

**Sen. Ndiema:** Thank you, Mr. Temporary Speaker, Sir. First, I want to thank the President for fulfilling the constitutional mandate or requirement that he gives a report in the manner that he has given.

Secondly, I thank him for candidly expounding on the worrying situation of insecurity in our country. He has admitted that the situation is not good. He has gone ahead to give the challenges that we are facing. But I do not think he has done enough to expound on how these security challenges can be tackled and arrested. This document has only gone to confirm the worry that this country is becoming more and more known for all the negative things, including terror, mega road accidents, drug trafficking, kidnappings, poaching, *et cetera*.

Mr. Temporary Speaker, Sir, it is also confirmed in this Report that there is lack of coordination. Paragraph 5(4) says that there is lack of coordination in the justice system. However, we have not been told how this coordination will be brought about. The causes of insecurity are known. Of course, the rising levels of poverty and unemployment cause insecurity, but we have not been told how we can reverse the level of poverty and unemployment. If you look at all our sectors of production, we do not seem to be investing enough. Year in, year out, we are investing in areas of fire fighting, consumption and procurement that do not put wealth in the hands of our citizens.

If you look at agriculture, for example, very little of our resources are being put into this vital sector. Even in the blue prints, we have been told there are mega projects that are online for agriculture. These are the irrigation projects in Galana or Tana River. We are not told how these mega projects will put money in the pockets of the many Kenyans in various areas of our country. If we do not set aside money for many investments, then we are not going to achieve what we intend to achieve. I would rather these resources, including irrigation, are promoted within the small scale holder projects. We should revive our cooperative societies and promote the existing sugar industry which is almost collapsing with the COMESA problem now coming in. We have to see how to revive the cotton industry. The Kenya Meat Commission (KMC) is on the death bed. This is the only industry or factory that caters for the pastoralists or the marginalized areas. What will we do to address those issues?

Even if we were to irrigate 40,000 acres and plant maize in Tana River, it will not assist the maize farmers in Trans Nzoia County. Perhaps, that maize will even give them more competition in a manner that, that poor farmer with one acre will not get a market for his maize.

Mr. Temporary Speaker, Sir, when it comes to livestock, cattle rustling is a big problem. It is, indeed, an insecurity issue. It is the major reason there are many small arms coming to the country because if the pastoralists have to take care of themselves against cattle rustlers, they have to arm themselves. Those arms end up in our urban areas and cause havoc.

The issue of branding or identification of animals is a simple process that was used even during the colonial times. Every district then, as they were known, had an identification mark. It was a must that all livestock were branded so that if they were stolen it would be easy to trace them in the next district. But now we have technology and we can even do it electronically. We have been talking about branding of livestock, year in, year out. We seem never to have done it. I hope that this time round the branding will be done. We also need to look at the law that concerns branding because in this exposition of crime we have not seen proposals from His Excellency the President on how and which legislative agenda or amendments we need to bring into force to ensure that there is security. We, as the Senate, would have expected such proposals to come.

Mr. Temporary Speaker, Sir, investors, particularly the private investors have the capacity to create the employment that we so much need for our youth. But what environment are we giving to both local and international investors? When there is insecurity, of course, we do not expect investors. Those who are there will leave. There is also a lot of harassment of investors. We seem to view investors with suspiciously. We have put in so many regulations whether it is labour, tax, health, NEMA and so on, such it is difficult for one to operate. We even have the Alcoblow. Any move that an investor makes, there is a roadblock. All that harassment is quite discouraging to investors. We have to see what can be done to reduce the regulations and make things simpler.

Mr. Temporary Speaker, Sir, there is also the issue of power. Investors have come into this country and invested, but the level of power outages is so frequent such that a lot of man hours are wasted and workers are paid for what they are not able to do. This afternoon we have been told that there is cheap power from Ethiopia. Ethiopia is in the same geographical region as we are. They are able to generate cheap power. Why is our power expensive? There is something ailing the energy sector. There is too much corruption such that whatever is produced ends up being very expensive. Ethiopia is now our main competitor for investors. In fact, most investors, particularly those in the horticultural sector, are moving to Ethiopia because they are able to get whatever they need for purposes of investment, including security.

We are told that we do not have resources in this country to police our country effectively yet there are poorer countries in our neighbourhood Africa who have been able to bring order and security in their countries and we have failed to do so. A country like Rwanda which had gone to the lowest level is now a country where we go to learn from. They should be learning from us, but not the other way.

Mr. Temporary Speaker, Sir, when we come to the issue of coordination, many calls have been made here today and yesterday that heads must roll in the security sector. But it appears as if we have legislated in a manner that we have formed so many authorities and offices in this country in the security sector of equal mandate so that none is answerable to the other. Therefore, even if we want to move the buck, it stops nowhere. I am not sure whether by giving certain officers the security of tenure can make heads roll as we saying.

In the past, community policing has been done by the provincial administration including the chiefs. We now have that cadre of administration right from the County Commissioner, the Assistant County Commissioner, Chiefs, Assistant Chiefs; the *Mokasas* as we know them in our area. They do not seem to know where they belong to

or what their role is. They are frustrated. In addition, they were playing a very important role. We even legislated and removed the Administration Police (AP), which was the enforcement arm from the chiefs. If the chiefs do not have their own security, they are not secure. How will they apprehend the cattle rustlers? We need to relook into that area to ensure that the administration has an enforcement arm under their command. The APs are not even sure whether they fall under the command of the police or the county commissioner. They are an arm that seems to be operating independently.

Mr. Temporary Speaker, Sir, instead of addressing their core mandate the officers in charge of security operations are too busy handling procurement issues, accountability queries and so on.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! Your time is up.

**Sen. Ndiema:** Mr. Temporary, Speaker, Sir, I support.

**The Temporary Speaker** (Sen. (Dr.) Machage): I see no other Member interested in contributing to this Motion. I, therefore, call upon the Mover to reply.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Thank you, Mr. Temporary Speaker, Sir.

From the outset, I want to take this opportunity to thank the hon. Senators, my colleagues, who have made very useful contributions to this Motion. What has come out very clearly across the political divide in this discussion are three things: The first one is the significance and importance of national security as a bedrock upon which our civilization as a country is built. Therefore, I really want to say along those lines that this House has done justice. I have listened very carefully and I will listen even more because what I intend to do is to request for a copy of the HANSARD so that I can go through each and every contribution because I might have missed out some of the contributions and suggestions. This is with a view to doing two things; first of all, to share the sentiments, contributions and proposals of this House with the national Executive for further action. I believe it is for that purpose that the tabling of this Report to the two Houses of Parliament is required. Secondly, I also intend to work and liaise with the national executive to translate some of the proposals which are critical and have been made here into legislative proposals so that we do not just talk, we also translate some of the good ideas that have come from both sides of this House into a legal framework. That is really our mandate as Parliament. We intervene through bringing law that can help solve the national problems that we are confronted with.

Mr. Temporary Speaker, Sir, the second issue that has come out from the discussions other than the importance of security is that we have serious challenges. We have serious problems around security. I think there is consensus. I do not think there is anything political about it. We have serious challenges in our security apparatus as it is, especially if the benchmark as it ought to be, is the ability to keep our borders secure and for people in this country, both citizens and visitors, to go around their businesses free from fear. The freedom from fear is one of the greatest freedoms that we have ever craved for. This is the freedom to live a life where you have no fear about your liberty, security and your life.

I want to thank my colleagues, the hon. Senators who have contributed and also underscore that, as the Senate Majority Leader, I share the same sentiments that we have

serious problems. This has come out clearly and I do not intend to repeat what my colleagues have said.

Finally, the third issue which has come out clearly is that all is not lost. If all of us patriotically look for solutions, we will find them. We can make this country secure. It has come out very clearly that other countries have done it and we have not. Here we are not necessarily talking about the countries in the first world, but we are talking about countries whose circumstances are close to our own. Some of them are even worse in terms of the resources they have. If they can do it, Kenya can also do it. Therefore, what has come out very clearly is that we can save this country from the monster of insecurity.

I want to thank all the contributors for the wonderful suggestions they have made in terms of personnel changes and reorganization of the legal framework. But allow me to say that we need to appreciate the small things that are happening. It is in that connection that I want to take the opportunity to thank the men and women in uniform. They could be few, but I am sure they are there, especially at lower ranks, who have sacrificed their lives for the sake of keeping this country safe under very difficult circumstances. For the last eight years, hon. Members may want to know that the funding that has gone towards improving the welfare of the police and providing infrastructural support to the work of the police and security agencies has been very low. So, we need to appreciate police officers who have been in the frontline of serious security operations when we know that they do not have a life insurance. Most of these are young men and women, some of them hardly 30 years old with young families. Some of them have even lost their lives. Recently on 21<sup>st</sup> September, 2013, we lost a number of young people in the military operation at the Westgate Mall and at the operation in Mombasa at the Masjid Musa Mosque one police officer succumbed to a knife stab and died. These are young people who are leaving behind spouses and young children without a certain future. So, we, as a country, really need to appreciate them.

The fact that we know that there are serious concerns, especially at high levels of command and management, does not make us forget that the conditions in which the men and women in uniform operate in are inadequate. For this purpose, we must appreciate a number of things which the Jubilee Government is doing to correct this, including the commitment this year alone, to employ 5,000 police officers. That process is ongoing. This also includes the commitment in the next four years to employ between 8,000 to 10,000 police officers so that we can move nearer to the ratio that is recommended worldwide between the number of police officers and the number of the people that they protect.

**Sen. (Prof.) Anyang'-Nyong'o:** On a point of order, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. (Dr.) Machage): What is it Sen. (Prof.) Anyang'-Nyong'o?

**Sen. (Prof.) Anyang'-Nyong'o:** Mr. Temporary Speaker, Sir, far be it for me to try and interrupt the Senate Majority Leader, but is he in order to praise the Jubilee Government for recruiting 5,000 police officers when he knows very well that the training of these police officers in Kiganjo has been reduced from 16 months to 7 months thereby releasing in the streets half baked, half trained police officers who are going to be more dangerous to security than otherwise?

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. (Prof.) Anyang'-Nyong'o, I think he is in order. In his own view, he thinks they are well baked police officers.

Continue, Sen. (Prof.) Kindiki.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Thank you, Mr. Temporary Speaker, Sir. In any case, I was not talking about quality of training. That is a different issue all together. It is something that leaders and citizens can debate about. I was talking about numbers. Other than---

**The Temporary Speaker** (Sen. (Dr.) Machage): But, please, note the concern of Sen. (Prof.) Anyang'-Nyong'o.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Temporary Speaker, Sir, it is well noted in the usual obedience to the critical nature played by Parliament in terms of providing national solutions.

Mr. Temporary Speaker, Sir, other than numbers, the Jubilee Government from 1<sup>st</sup> July, 2014 will place every single police officer on a life insurance.

*(Applause)*

We cannot put these young people on the front line; young people with young families while they are not very sure that they will come back home without psychological backup of a life insurance. Other than that, the Jubilee Government is also increasing housing for the security agencies. Already the construction of 2,000 houses is ongoing. Let me also mention that two weeks ago, the ground was broken for the ever elusive forensic lab. This will also help us fight crime and help the police to be more accurate in terms of the people they identify as suspects and tracking the record of crime. Therefore, something is happening. Let us not paint a picture that something is not happening. However, we know for sure that we can do better. We ought to do better and we must do better.

It is for that reason that I want to say as I end, that I intend to, once the HANSARD is edited, to ask for a copy of these proceedings, especially on the Presidential Report on National Security. I will go through it with a tooth comb, and share this with the President and his Government, especially the criticisms. What is good is good. What we need to tackle is what is not working. But also with an intention of trying to be a part of a solution in terms of developing appropriate legislative framework, I can give two examples as I end on areas of intervention. Part of the business that has been approved for next week is a Motion on a very important issue which was brought on the Floor of this House. We have already prepared a Motion to deal with it. That is the need to involve counties into security issues. Our new constitutional structure envisages that a function like security, although it resides with the national Government, we must increasingly provide for supplementary support by counties.

Mr. Temporary Speaker, Sir, I have heard arguments about the constitutionality of that and things like those. I want to invite those who have been talking about the Constitution - as I understand it- to read Article 247, and they will note that actually you can have other police arrangements. For me, there is no other home for alternative policing arrangements other than the counties and the county governments so long as the policing arrangements are subservient to the Kenya Police Service (KPS) and under the command of the Inspector General (IG) of police. That is in Article 247. It is in that

connection that I brought the Motion on the role of counties, especially the two counties that are the gateway to Kenya – Nairobi and Mombasa counties – so that we can try and see how they can be given supplementary roles to play in having their own and transforming the already existing inspectorates into some kind of metropolitan police---

**The Temporary Speaker** (Sen. (Dr.) Machage): I hope you are not anticipating debate?

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Temporary Speaker, Sir, I am not anticipating debate. I am just offering solutions because, again, a question was raised here on what we are doing. Therefore, I will say no more about it again so as not to anticipate debate.

Mr. Temporary Speaker, Sir, but other than that is the issue of co-ordination. Most of the speakers spoke about co-ordination. They said that our security agencies have small problems in terms of working together and that they have small rivalries here and there which we must tackle by forcing them to work together for the sake of securing our nation, especially for emergency security threats like terrorist attacks in which we must have a way. Again, I hope that is another area we will hopefully be bringing legislation around to compel the military, paramilitary troops, police and border control officers to work together in investigating, analyzing evidence, making recommendations for action, but also more importantly, in actual operations in a multi agency manner under one command so that we do not have the kind of embarrassment that we were taken through when we were attacked by bad people on 21<sup>st</sup> of September, last year.

Mr. Temporary Speaker, Sir, I am a happy man. When I listen to my colleagues in this House, and that is how it should be, that we tackle this thing and it needs to be tackled. I must really thank everybody across the political divide and want to assure the House that we will support any proposals, be they from the minority or majority side that help us to make our country better and more secure.

Mr. Temporary Speaker, Sir, with those many remarks, I beg to reply.

*(Applause)*

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. (Dr.) Machage): What is it, Sen. (Dr) Khalwale?

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, I rise to beg for your indulgence that I commend the Senate Majority Leader for his assurance that he has taken seriously some of the contributions that have been made in this House and, more importantly, that he will share them with the President of Kenya.

Mr. Temporary Speaker, Sir, with that indulgence, allow me to remind him that under Article 132(1) (b) which reads:-

“The President shall—

(b) address a special sitting of Parliament once every year---“

The way he did. It also goes further and says:-

“--and may address Parliament at any other time;”

Mr. Temporary Speaker, Sir, I want to beg the Senate Majority Leader that the critique that was given by Members of this House was the only one that contained suggestions on a possible way forward. The President, by his own mouth, had said that he



would like both us in the Opposition and those in Government to come together to address the issue of security. Could he go and tell the President that we want him to come back for a joint sitting of the House and report back to us on what he has made out of the suggestions we have made in this House.

Thank you.

*(Question put and agreed to)*

Next Order!

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

**The Temporary Speaker** (Sen. (Dr.) Machage): Yes, Sen. Murkomen?

**Sen. Murkomen:** Mr. Temporary Speaker, Sir, I have seen the general struggle with this type of Motion and, in fact, I am sitting next to the Senator for Kisumu and the record will bear me witness. He ended his contribution by saying that: "I beg to note." Now, of course, he could have changed his mind between then and now, but for purposes of Motions of this nature which are just for noting, I am requesting you that a proper ruling and direction be put in place in future so that we are very clear on this one. If I was to vote that I do not want to note, what would that mean? Does it mean that the Motion is defeated or not? Such directions are necessary.

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. Murkomen, there are three ways that this House allows you to behave when it comes to voting; you can accept, refuse or abstain. So, if you decide to abstain from voting, nobody will hold you accountable because it is your right as a Senator. In any case, if you want us to go your way, then you have to initiate the change of Article 240(7) of the Constitution, which is a tall order.

Next Order, please, Sen. (Prof.) John Lonyangapuo.

ESTABLISHMENT OF NATIONAL OPEN AND  
DISTANCE LEARNING UNIVERSITY

**Sen. (Prof.) Lonyangapuo:** Mr. Temporary Speaker, Sir, I beg to move this Motion. It is directed to the Departmental Committee of Education, Science and Technology:-

THAT, aware that the Open and Distance Learning (ODL) offers flexible learning opportunities thereby freeing learners from constraints of time and place while enabling them to combine work and family responsibilities with educational opportunities; aware that there is minimum use of ODL in both primary and secondary schools in Kenya; appreciating that this mode of learning would facilitate access to education in areas where physical and socio-economic factors hinder access; the Senate urges the National Government to institutionalize and mainstream policies to support ODL through the development of an effective

regulatory and legal framework for ODL and to establish a national university dedicated to ODL.

Mr. Temporary Speaker, Sir, I present this Motion because of the necessity that is enshrined in our Constitution in Article 43(1), which says:-

“Every person has the right to education.”

How many people do we have in Kenya? There are nearly 40 million Kenyans. For that reason, it is decreed that every person has a right to education. If we think the education that we need is supposed to lift up our country to achieve Vision 2030 that we so aspire to achieve, then we really have no choice, but to drive and get to every person to be educated.

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

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

Mr. Temporary Speaker, Sir, some people have not understood this mode of learning called ODL and they call it so many other names. But we require it, especially at this time when we have gone into counties. We have to reach everybody in order to attain the aspirations that we have. We have people who are in far flung areas where there are no schools. We have people who have remained in homes for lack of fees, opportunities and time. Therefore, there is need to have a different mode of learning other than the face to face learning where the teacher stands in front, like the way I am standing here, and the students are seated. You are not students yourselves.

*(Laughter)*

Mr. Temporary Speaker, Sir, this type of learning that we require today is to enable us to attain what is put in our Constitution. Open and Distance Learning (ODL) is defined as learning that refers to a delivery mode in teaching and learning approach that focuses on increased access to education and training, where barriers caused by time, place and pace of learning are eliminated. The students can register at any time, they have a prescribed minimum and maximum time during which to complete their qualification, utilizing a specific number of assessment opportunities in their place of stay.

Mr. Temporary Speaker, Sir, as I looked at all the available documents in the Ministry of Education to support the education systems in Kenya, I found that we have very little that has been written on ODL. The only closest document that I came across was the one called Sessional Paper No.1 of 2005. So, we do not have a clear policy framework to implement this at all. Implementing this means that you have to create the learning materials and send them to the learners that are quite far in their areas of stay, wherever they are. For example, in cities like Nairobi, it is not everybody who accesses education. If you go to slums, you will find that people are unable to go to school. We have to come up with a document and a policy that will be able to drive this and send it to them. I am told that earlier attempts were done. They came up with something they called

the African Virtual University (AVU) which was based at Egerton University, but controlled from Australia. Not many people joined that programme. I am told that it is now closed because it required that you move directly from your location, and you had to go and sit in a certain hall from where you were taught from abroad. It did not work.

I am also told that today the World Bank wants to revive it again, but that is not open and distance learning. It is more like interacting with the teachers. There is very minimum use in Kenya, particularly in primary schools, secondary schools and colleges. Some countries have taken this direction and I will be naming them in a short while. We need to start home schools in far areas when we start this programme of open and distance learning like what the Government had started in the pastoralist areas. This programme enabled the participants to go to school in the afternoon and they also had mobile programmes. We also have special needs education which should also be adopted in this. What is lacking is that there is no policy.

Mr. Temporary Speaker, Sir, we are presenting this Motion so that the learner can choose for himself or herself to learn at their own pace for as long as they complete within the prescribed time and period. In this programme, location does not matter. You can sit under a tree and proceed with learning. Right now, we are in the digital era so a programme can be developed in such a way that these people can be shown how to access material in their computers and laptops. One can even use a mobile phone. If you go to the rural areas almost everybody has a mobile gadget and yet they have not gone to school. So, how did they learn to use them? It means that it is possible to come up with open and distance learning programme where materials can be accessed through the digital technology. You can even send money through Mpesa service to somebody who has not gone to school and he will know how to withdraw money. We are intelligent by nature.

Mr. Temporary Speaker, Sir, we need to develop relevant material in e-learning for the open and distance learning. What was required earlier is to have the capacity of teachers enhanced. They could have done that through identifying certain universities or institutes to mount the programme. Most of the people who have gone through face to face learning like you and I hate this thing called open learning. To them, it does not make sense. So we may have to come up with a policy and look for the people who have gone through this programme so that they can write the materials.

Recently we heard about the ambitious Jubilee Government programme of buying laptops for standard one pupils. This is what is required for open and distance learning. We should have laptops and computers which are solar powered. This will enable our people to be empowered as it is dictated by the Constitution. We also need to link all counties through the fibre optic cable. This Senate once passed a Motion by Sen. Kagwe which urged the Government to do the same. This will enable easy downloads. If possible, this policy should waive all taxes on laptops, tablets and so on. This will enable a number of adult students to benefit when acquiring the computers.

Mr. Temporary Speaker, Sir, what is also required is to form a task force or a commission which is composed mainly of people who were trained through open and distance learning. Never make a mistake of getting somebody who went through the face to face education to head it. One example of such an attempt that failed very badly was done by the NARC Government at the beginning of 2003. A group of very eminent

scholars was identified and most of them were old students who had gone through the face to face learning. They went all over the country and came up with views, but we do not have a document. I am mentioning this because some countries have adopted this programme. We have a country like South Africa which has a university called Open University of South Africa. We also have the Open University of UK. We have the Open University of India. We also have the Open University of Tanzania and so on. One of these universities came to Kikuyu Campus of University of Nairobi which deals with extra-mural studies which is mixture of face to face and open learning, but we now want strictly open learning where you do not have to know your teacher at all, but you can access materials.

Mr. Temporary Speaker, Sir, Kenya developed the document in Kikuyu Campus, but the document has benefitted counties like Tanzania and other countries. We have eminent people like the President of Zimbabwe, Mr. Mugabe, who is a student who earned many degrees through this mode of learning. We also have former President Mandela, President Zuma and the late Prime Minister of Ethiopia. The Government needs to start a serious department that is going to come with policies which will benefit us. What does it profit us here when we speak English and talk about Vision 2030, but three quarters of the population in the rural areas who are supposed to be the engine of economic growth cannot read and write? It is for this reason that I am moving this Motion. I think we need to go that direction and bring it up for people to understand that they can learn how to read and write while expanding their knowledge base.

We have livestock keepers and traders who are not able to read, but they know how to do business. They require this knowledge. It is our duty to make sure that we send them materials. Even in today's world, we have people especially in the middle class who have families, but also want to continue with school. These people can still study at home if we adopt this mode of learning. We also have single parents who want to remain with their children at home instead of going to the university or elsewhere for face to face learning. They can also benefit from this.

Mr. Temporary Speaker, Sir, we have no choice with this mode of learning because every country has adopted it. Kenya being a powerhouse in the East African region has to take this direction and lead always while others follow. I know Egerton University identified Kenyatta Campus with its 60 acres for this purpose. However, no money has been allocated for this purpose. I propose in this Motion that the Government in generating and in preparing the regulatory and legal framework, should set aside funds to build an Open University of Kenya that will be like a factory for manufacturing documents required for the programme. It might even be compulsory in a way because we have no choice, but to educate our people, just like we are doing with regard to security. Everybody should become a keeper and a custodian of this nation. It is in the same breath that we are saying that we have no choice, but to improve our skills.

With those few remarks, I beg to move and ask Sen. (Dr.) Zani to second.

**Sen. (Dr.) Zani:** Mr. Temporary Speaker, Sir, thank you for allowing me to second this Motion. Let me start by congratulating Sen. (Prof.) Lonyangapuo for bringing this Motion, especially at such a moment when this country is going through extremes like population expansion which stands at 43 million. Secondly, we have educational expansion. The educational expansion in this country has been so massive. At

Independence, there were only 840 Kenyans in primary schools in Kenya. At present, we have 9.9 million. From the figures of 2011, we have at least 1.7 million students in secondary schools. That poses lots of problems. Just look at the figures, it tells us that there is something about transition. Not enough students are transiting from primary to secondary. The question is: What do they do? Where do they go? What happens to their educational dreams?

Every time we talk about education, three important facets are very critical; the attainment for particular education, the access to education and the performance in education. All these factors have to be put into consideration. In terms of access, it is very critical that everybody gets a chance to have their educational dreams.

Mr. Temporary Speaker, Sir, it has been a tradition in many countries, especially in developing countries where we follow traditional system of education. We have put so much emphasis on a classroom mode of delivery that we think that is the only way to go. That is why I support this Motion by Sen. (Prof.) Lonyangapuo. We should begin to move away from the traditional systems and think of other systems like open and distance learning. This is education in a flexible way which allows people with various resources to still be able to go through the education system. We will find that envisioning and attaining the dreams of Vision 2030 and fulfillment of the Constitution in terms of social, cultural and economic development will be very difficult. I think it is just a question of policy and people beginning to think of this as an alternative and useful system for education.

Mr. Temporary Speaker, Sir, what makes open and distance learning very attractive is that you are able to learn what you want and you are able to determine when you want to learn it and how you want to learn. You are able to have the flexibility that is required. You are able to decide at what age you want to learn. This programme does not stop you from doing your day to day activities. The innovation with open and distance learning is that it uses technology to ensure that even if you do not go to a classroom, it is as though you have been to a classroom. If one has a computer and is able to access video conferencing one would feel as though they are in a classroom. This will also reduce the inequalities that we seek to reduce in this country. So, nobody will have a reason to say that they could not access education.

Therefore, it is very important to ensure that the quality of such a programme is very critical and that equalities that need to be address are addressed sufficiently. This means that there should be a policy to ensure that this technology is widespread across the country. Even as we talk about the laptop project, we have problems of ensuring that there is enough electricity across all the counties and primary schools. As we look forward to this programme, we should gear ourselves to face some challenges because here you are, you do not go to the classroom, but you have to find ways and means to get the materials on time whether it is through audio or any other means. You need to understand the material and be able to engage. There has been open and distance learning in Kikuyu Campus. But like most of the universities in Africa, at the University of Botswana and the University of Zambia, there has been a dual mode rather than strictly open learning. So, in a dual mode, you have both classrooms and open modes. I think that is where the problems begin. Because when it comes to issues of policy and who are the best people to give the delivery, then those already used to a classroom mode will try to

transfer the way they do things to an Open and Distance Learning (ODL) system. That might not work very well.

Mr. Temporary Speaker, Sir, I have already emphasized that this will ensure that the outreach is there to the marginalized and those who live far or distant from educational institutions. For those who, because of poor transport systems cannot get to schools and for those who have had limited opportunities because of resources, restraints or constraints of the mainstream sort of education and lastly, for those who are not able to pay school fees.

Mr. Temporary Speaker, Sir, the Sessional Paper of 2005 mentions ODL, but unfortunately, there is no policy framework that was put in place which is critical that should look at the content; what really goes in. What goes into ODL in terms of the form that it should take, the sequence, the courses, the levels, when they should be offered, to what pitch and for what sort of learners. They should standardize the material and information, and look for a legal framework that will make it possible for ODL to be mainstreamed into all institutions.

Having said that, and also being conscious of the physical challenges that members of the society face, it will also be possible for those who are physically challenged or otherwise challenged in any way to come on board easily and get that education.

Mr. Temporary Speaker, it is also important in terms of policy that clear partnerships have to be identified with key institutions to make sure that ODL works. We need to evaluate the outcome of such ODL in terms of efficacy. We need to establish ODL broadcasting stations and to build on them. We need also to develop and disseminate educational information thoroughly. We need to mobilize funds so that we can actually reach out to the wider population. We need also to disseminate ODL as an alternative mode of delivery for education that is accepted, especially in the case of Kenya.

Mr. Temporary Speaker, Sir, there is still a big gap at primary and secondary education as Sen. (Prof.) Lonyangapuo stated when he was moving this Motion, especially at the university level. It is very important that we come up with a legal policy framework that ensures that we have an institution at the highest level which is dedicated strictly to ODL. That way, we will begin to gain from its virtues. At the Centre for Open and Distance Learning at the University of Nairobi (UoN), there is already a little bit of that happening. But it is going to be more effective when it is actually put in such a way that it can actually cater for everybody in a certain way. It is important, therefore, to put the direct and clear performance indicators for the same. We also need to understand the various stakeholders that come into play in systems of ODL. Who are the stakeholders? Who are the learners? How do they perceive the learning? The degree to which the stakeholders also welcome ODL will be critical; do they welcome it openly or critically? Are they able to assess what happens? The training again has to be centred on people who understand the learners, especially those who take their education from ODL. That becomes very critical to them.

Mr. Temporary Speaker, Sir, various studies which have been conducted, for example, by Rai and Sharma, have shown that ODL helps to reduce stress because those who go through it are able to do so much. For those mothers who have small children and

those who have families, they can actually concentrate on their studies without worrying about the various outcomes because they can do it from the comfort of wherever they are. It, therefore, ends up providing the peace and tranquility that is sometimes required, especially in attention driven systems of education that we have in Kenya. Sometimes the attention really goes high because of that sort of system.

I, therefore, wish to second this Motion and say that it is very important that, as the Senate, we ask the national Government to institutionalize and mainstream such policies. No university is dedicated to ODL. ODL needs to be incorporated into this country's education system so that we can actually begin to reap the fruits. We have to be very careful that we do not go across it in terms of having a dual mode so that there is no confusion about how exactly it is going to be delivered.

Mr. Temporary Speaker, Sir, I think it is now time that educational experts and policy makers actually began to look at the challenges that we face as a country, and begin to find ways and means of being very innovative. I think just having the education in itself - even if we do not relate it to employment - means that the pitch of reasoning, thinking and doing things will change substantially in this country. I think whichever way we look at it we will be the ones who will gain.

Mr. Temporary Speaker, Sir, the reality of this country is that there is widespread poverty, diversity and the differences in regionalism. Therefore, this system of education is most timely for this country at this particular time.

With those remarks, I beg to second.

*(Question proposed)*

**The Temporary Speaker** (Sen. Murkomen): The Chairman, Committee on Education, Sen. Karaba.

**Sen. Karaba:** Thank you very much, Mr. Temporary Speaker, Sir. This is a very crucial Motion which has come at a time when the task force is going round the country trying to evaluate and come up with causes of the decline in education standards in various parts of the country. They are also finding out why some schools are not doing well and why accessibility is wanting to most of the citizens in Kenya.

Mr. Temporary Speaker, Sir, if you can recall, those early days when we used to be herded somewhere under a tree by the teachers to listen to radio broadcasts. That was a very popular programme with students. Every time we knew we were going to sit under a tree, we would relax. Pupils in Classes One and Two were always hoping and looking forward to getting out for those radio broadcasts. That can tell you exactly what it means when we have this Motion here. You can even remember that you felt that you were going out to relax. You were going out to be released from the boredom of the classroom to another environment. That is what calls for the change of education facilities. This is exactly what this Motion is addressing. This Motion is addressing change. It is addressing the monotony that we have in some of the classes. It is also addressing the shortage of facilities in some areas. It is also addressing the problems that are there in the families with regard to accessing educational facilities. As I talk now, there are some areas where you cannot get access to. Even during the time we were doing examinations, it got to a time when the Government was so shocked that there were examination leakages, just

because the Government could not get access to where the students were. To get examination papers to some areas becomes a problem, yet by now Kenya should be having helicopters to ferry the examination papers to where the students are. Those kinds of problems are there and they can be avoided. So, this is a wakeup call for all Kenyans to access education with discrimination.

When you talk about education for all - which is already enshrined in the United Nations (UN) Charter; that every country should realize the education objective of education for all by 2015, which is next year - it is a tall order if we do not adopt this kind of Motion. This is a Motion which should have been moved all over in Africa. This is a Motion that has been adopted by other countries. That is the reason we feel that it is the only option now which is left so that we can have more students getting access to education.

Mr. Temporary Speaker, Sir, you might have heard from the Mover that the transition rate from Standard Eight to Form One is very low. It is less than even 50 per cent. You find that every year, we have more than 500,000 Kenya Certificate of Primary Examination (KCPE) candidates, yet the Form 1 places are about 200,000. So, you will find that more than 300,000 graduates of Standard Eight will not go anywhere. The 200,000 pupils who will transit to Form One, maybe only 10,000 to 50,000 will join universities. That is a very serious trend of affairs.

Mr. Temporary Speaker, Sir, if we can now adopt this Motion which I believe we are going to, we should make sure that we then follow it up. I will ask the Mover, Sen. (Prof.) Lonyangapuo to make sure that he follows it up. I will help him as the Chairman to make sure that this Motion is not only going to be there, but we will make sure that the Implementation Committee will take it up. It will ensure that the only facility which is there at Kikuyu Campus is going to be expanded so that we can have more students being embraced in this kind of exercise.

Mr. Temporary Speaker, Sir, you will agree with me that a majority of people who are in Kenya cannot access what we call quality education. To me, this is a very serious situation. It is like we are trying to create a time bomb, and this time bomb is very serious. When we talk about insecurity, lack of basic education is one of its causes. If every other person was to be educated, I am sure we will not be having the kind of problems we are having today, because most of the pupils who finished Standard Eight have nowhere to go because the polytechnics are not enough. What else will these pupils do? They will not join Form One or even go to polytechnics. So, what can he do if he is lured to become a member of what we call "proscribed gangs?" These are the gangs which now start disturbing us. This situation can only be solved by accessing what we call education through ODL.

Mr. Temporary Speaker, Sir, this is a very important idea. It has been there and it has been tried by many other countries. So, I do not see the reason Kenya cannot try it. We should not lag behind as other countries forge forward. I was in Nigeria to study this model when I was the Chairman of the Committee on Education in the Ninth Parliament. We visited a place in northern Nigeria where this model of learning was to be started to cater for the communities which keep on moving from one place to another, just like our nomadic pastoralists here in Kenya. The Nigerian Government has managed to trace the movements of the Fulani through video and other latest technologies. They are even able



to get them as they cross into Mali or Mauritania to look for pasture and water for their animals, while they continue to learn. This is what we can try to borrow and implement here. A Motion moved by Sen. Halima was on the same concept. So, if we can concentrate on what happens after pupils fail to get admissions to Form One or even after Form Four, then we will be moving in the right direction. There are some people who may want to do masters degrees but the facilities are not there. As we talk about education facilities in Kenya, especially when you go to the top schools, you will be surprised. If you go to Alliance High School, the administration block alone is like a university. Some schools have better facilities than some of the universities which are mushrooming in Kenya. So, if somebody who is moving from Alliance High School, Mang'u High School or Kakamega High School and is told to go to a university where there is no good food like the one in their former schools, they will find it difficult to adjust. This kind of open and distance learning will enable everybody to access education. So, we are looking to a time when we shall have equal opportunities spread all over the country. Opportunities spread to those people who are rich and those who cannot afford.

I am sure that when the task force releases its details, you will realize that the cost of one student is about Kshs10 million. This is very expensive. You will be surprised to hear what a parent pays to enable his child get a mean grade "A" in Form Four. The cost of education in Kenya is high, but the demand for education is big. So, to strike a balance between the two, we need to come up with an equilibrium state where somebody living in northern Kenya should access university like somebody in Nairobi. Somebody who is living in Vanga, the furthest part of the former Coast Province should access university like somebody in Mombasa. This can only be achieved through this Motion. It is this Motion which will provide the facilities. It is this Motion which will make it possible for every other person in Kenya to be equal to one another. It is this Motion about open learning which will make mothers who cannot go to school due to pregnancy able to learn. I have seen this happen. I have interacted with some people who are already pursuing courses through the open learning programme and they are very comfortable. They do it when they want. They can do their economic activities any time they want to do. When they want to go to school, they will not rush to the big schools but adopt the open and distance learning programme. At the end of it, you hear that they have graduated. This is the kind of education we want. The students who will be engaged in this programme will feel like they are in school. They will be doing their Continuous Assessment Tests (CATS) and forward their papers for marking. Since we are already embracing technological advancement, we need to make sure that the optic fibre cables connections which are getting to the county headquarters should be used to put up video conferencing centres where people from the neighbourhood can be able to utilize the facility.

I believe that this is a programme that needs to be implemented.

With those few remarks, I support.

**Sen. Elachi:** Mr. Temporary Speaker, Sir, I also rise to support the Motion. I also want to thank Sen. (Prof.) Lonyangapuo. When we look at the Constitution, the Bill of Rights, Articles 43, 54 and 55 are very clear to every Kenyan. Every Kenyan should access education. It is the obligation of the Government to ensure that every Kenyan can

access education. When we talk of open and distance learning, it is a programme that will benefit those who can afford different programmes in the United Kingdom (UK) or the United States of America (USA).

Today when you look at the Report of the education sector 2013/2014, in their Medium Term Framework, there are established objectives and guidelines to ensure that we have enhanced access, equity and equality to education. They also promote and integrate open and distance learning.

When you look at the universities that we have today, the students undergo various challenges due to lack of resources. This pushes them to go and do other dubious jobs while the girls look for money in different ways. If we had open and distance learning, they would undertake their educational programmes at home so long as they can access a computer. As parents, we are supposed to be responsible, but it is very challenging because we have to go to work. In some homes, it is the house helps who are doing the homework for the children because the parents are so busy. Since she is also busy, instead of sitting down to do the homework with them, she decides to do the homework herself. So, she does the homework quickly so that she can go. So, as parents, need to ask ourselves how we are managing such issues. If you look at our university students, you wonder if they have genuine degrees or have even gone to class. There are some who have acquired a first class degree, but when you put him or her on employment, you will start asking questions. When one is on an open distance learning programme, he or she has an obligation because this is a very strict mode of learning. They are able to penalize you in case of cheating. It is very difficult to cheat because the three hours you are supposed to sit with your lecturer, you must be on that computer and he will ask questions and answers as you move on.

In this country, we have had different ways of doing open and distance learning. I know we have quite a number of universities which offer this programme. The African Nazarene University is now doing very well with their distance learning programme. They have very many students. The Jomo Kenyatta University of Agriculture and Technology (JKUAT) and Kenyatta University also have such programmes. As we start pushing for this programme, Sen. (Prof.) Lonyangapuo and the Chairman of the Committee on Education must think of how to bring a Bill so that we have an act or framework to guide the whole process. This is a vision for the Jubilee Government because if we have young people who start using laptops from Standard One, it means that by the time they join the university, they will have an option of doing their studies at home.

Mr. Temporary Speaker, Sir, I know many people fear change, but when you look at how we communicate on social media, it is part of distance learning. If someone is in Marakwet and sends a WhatsApp to another person, then it is a form of distance learning. Today it is very interesting what the students are doing. During exams, they take pictures of documents and send them to other students. Already this is distance learning. So, instead of them doing all that, this would be the best mode of education for us to adopt.

When you look at the work of lecturers, most of them teach in more than three universities at the same time. If the programme is open distance learning based, the lecturer will receive your papers online. I hope they will not need to print them because I know there are certain lecturers who are still in the analogue age and have to carry a heap

of papers. The online programme will enable them to mark on time and give feedback to their students. When we look at the opportunities and advantages of open and distance learning where there is increased access to education, it will enable those who are hungry for education to fulfill their dreams. We need to look at the affordability of this programme so that we do not start a system that is expensive. We need a programme that is more friendly and affordable. This programme should be affordable because today parents cater for accommodation, meals and other needs. When we go digital, we will need libraries within counties so that these students can go and read books, access laptops and computers.

Mr. Temporary Speaker, Sir, as I finish, I wish to say that to establish an open and distance learning programme will change the situation of intakes in the universities. There are very many people who work, but need to improve their education status. This programme will help them because they will be at work and do their studies online. They will only walk to the university when going to graduate. This will create more space in the universities for regular students. As the Chair of the Committee on Education said, some students wonder why they should go to the university where facilities are not adequate as compared to their former schools. These are some of the things we need to change and transform. When you look at the other universities, they are even worse. You have to rent a house somewhere. Some of those premises are like small cubes. You are in school, but you are also thinking about your landlord. So, we are saying that it is these things that have to change now.

I beg to support.

**The Temporary Speaker** (Sen. Murkomen): Sen. (Prof.) Lesan.

**Sen. (Prof.) Lesan:** Thank you, Mr. Temporary Speaker, Sir. First, I wish to thank my colleague, Sen. (Prof.) Lonyangapuo, for bringing this very important Motion. From the very outset, I wish to state that this Motion is very timely for things that we can see. One is that there is an exponential growth in the number of Kenyans seeking education, not because of instructions or by order, but on their own volition. They are, on their own wish desiring to have an education. I think this is a very important phenomenon that we need to probably take note and react to. The only way we can react to it, is by looking at the way we provide education. I am very happy that this Motion has been brought and that we can actually articulate the need for ODL to address some of these things that have arisen during our times.

There are a lot of Kenyans who are seeking education in all disciplines. We know that ODL can be applied in all these disciplines, even physical education and medicine. We need to improvise a little bit to improve some of the courses we use in ODL. In medicine, it appeared initially that it was not possible to use ODL. However, now with teleconferencing, it is actually possible to actually even learn a discipline like medicine using the ODL.

Mr. Temporary Speaker, Sir, the things that have happened in the last few years makes it very important that we consider this system. The Information Communication Technology (ICT) has certainly arrived here and every Kenyan – even in Nairobi – has a gadget for telecommunication in their hand. This is not for nothing. We must find ways of using these gadgets.

Our homes are filling up with computers as it is at the moment. These computers are coming with excellent software, including computers having drop boxes where we can drop our work for our teachers to look at from a distance. That these gadgets are here is not for nothing; we must recognize them.

Mr. Temporary Speaker, Sir, our skies are filling up with satellites moving all over the place and their cost is becoming cheaper. Each county is, probably, going to own its own satellite. These are modes of communication that we must find a way of using. Our roadsides are full of fibre optic cables that are moving and gradually reaching our villages. These are things that have happened during our times and it is important that we look at the best use of these resources. The best use of this convergence of new technology is ODL, and I think it is very timely that we now start addressing the very good use of ODL. The technology is here. Therefore, we do not have to do anything more except to utilize it for ODL. There are certain advantages that we can see immediately, for example, cost effectiveness. The infrastructure for these gadgets and technology is already in place because the infrastructure serves other purposes, other than ODL. So, the infrastructure is already in place. Therefore, the cost is already limited.

Secondly, the cost of putting up infrastructure like buildings can very safely be excused because we do not need to put up buildings to ODL. We can use our existing homes and shelter wherever we are to avoid spending phenomenal sums of money to put up physical structures for education. If we have an education that does not require these structures, then we will significantly reduce the cost of education. I think that is why this is very timely.

Mr. Temporary Speaker, Sir, if you look at the teacher-student ratio that we have at the moment, you can only have one tutor and about 60 students, but if you look at ODL, the number of students to one tutor is almost limitless. You can teach 3,000 students as one tutor. This is really phenomenal in terms of reducing the cost. Therefore, when an opportunity like this is within our reach, it is, perhaps, timely that we consider this type of education because you do not have to continuously prepare the materials. Once you have a Video Cassette Player (VCD), it can be used over and over again as long as you continue to renew the material. Therefore, this is a huge reduction in terms of the cost of education.

Mr. Temporary Speaker, Sir, with regard to research, data collection using ODL is far reaching that you can collect extensive material. We have seen that in this country. For example, Synovate researchers just sit behind desks and use the technology that is there, which is like ODL. They collect phenomenal material and come up with useful data without having to spend so much money to collect information manually. So, there is a lot of use for this ODL which we can utilize because of its ability to conduct research. Even the cost of conducting research is also significantly much lower.

If you open an ODL model type of communication, you are able to consult as wide as possible; not only geographically within your country, but you can consult in the whole universe. You can reach wherever you want with this kind of communication and system of education that we want to start using.

Mr. Temporary Speaker, Sir, personally, I think it is very timely that we take cognizance of the existence of this type of education. It is now within our reach and we can start it. It is only fair that we develop a roadmap for doing this. This Motion is very

timely because it is asking us to develop a policy, a guide, a roadmap and a strategy which we can actually apply this model of education. It is very important that we have a policy that describes the criteria for knowing who is capable or able. What must an individual have in order to provide ODL? These are the things that we are asking for a policy to be put in place so that we can use it.

It is also important that we have a policy that guides this process so that we can standardize. We can have quality assurance and we can verify what type of education we can give. That is why we probably need this policy laid in place to guide this very timely mode of delivering education to the population. I support this Motion very strongly and it is only fair that this Senate supports it.

With those few remarks, I beg to support.

**Sen. Wangari:** Thank you, Mr. Temporary Speaker, Sir. I want to start by congratulating Sen. (Prof.) Lonyangapuo. Even if I could not see exactly what Sen. Orenge was doing to Sen. (Dr.) Zani a while ago, I could see the amazement on his face on how these professors are articulating these issues. Some of us thought it is very technical, but with the doctors and professors in the room, you can see how easily it flows.

Mr. Temporary Speaker, Sir, the right to education cannot be limited, and as we know, it is entrenched in Article 43(1) (f) of the Constitution, which stipulates that:-

“Every person has the right—  
(f) to education.”

I used to think that we are young. We used to call ourselves “dotcom” until today I was attending a function I had been invited to in a school in Kasarani called Mt. Laverna Girls High School. They were having their prize giving day and I realized that we are actually not that young. There are people who are young. We are in a new era; these are the Twitter and Facebook generations. We are only trying to keep up with them. When I was talking to those girls today, it was very amusing to interact with such young souls who have such zeal for life, which is so different from what we think is happening.

I know we have done ODL, especially with our universities. I have seen my friends do distance learning. It is only a pity that we have not been able to streamline it here in this country. The advantages, as they have been enumerated by the Mover, Secunder and my fellow Senators, are really self explanatory. The flexibility that comes with ODL is working very well, especially at the university level. This is because you are actually able to do your work. Even in this Parliament, I know Senators and Members of the National Assembly who are doing their degrees and yet they are still serving us. It makes it very easy to interact even with the online population from all over the world because the technology that we have has really made this possible through teleconferencing and preset materials from correspondents. We can only help to entrench these gains in our system of education.

When I look at my son, who is not two years yet - I am sure you have young children - he picks my iPad and knows how to swipe. He even knows when to go for the camera, *et cetera*. I was looking at those girls today, even the very small ones who had come to see their sisters, using their parents' iPads to record what was happening. It is a different era. I know comfort zones have a reason for being called “comfort zones;” They are comfortable and you really do not want to leave the warmth of that comfort zone. But

to see the progressive nature of Sen. (Prof.) Lonyangapuo, despite him being older than us, I can say it is a challenge even to us who are calling ourselves “young” in this Parliament. He is able to see that the age his children lived is very different from the age his grandchildren are living today. It is different and we can only help in streamlining it.

Mr. Temporary Speaker, Sir, I know there are a bit of challenges and I am hoping that we can address them. One of these challenges would be connectivity. I know this House has really debated about the role of the ICT Ministry in streamlining and, in fact, making sure that all the counties have connectivity. We have not actually attained that connectivity. However, it does not mean that we deny the people who are able to reach out to this system the chance to go through it. It will be beneficial to many people.

We are increasingly seeing older people going back to school, for example, we saw Kimani Maruge. May his soul rest in peace. We have seen others who have come to class in their late 70s. We have also seen other cases of teen pregnancies. However, as much as we want to deny that they are happening, they are happening. We have seen girls being denied the chance to go back to school because of ridicule and the stigma that is associated with such kind of a return. We have seen even these old men and women finding it very hard. I have seen the Samburu Morans forming groups to support each other so that they can go back to school. This face to face system of education is not working for everyone. This system of education will give an option to those people who are not able to, for one reason or the other, complete their education. They now have a second chance to do it again and get into the field with everyone else.

Mr. Temporary Speaker, Sir, I am hoping that this Motion, as has been said by my fellow Senators, can be picked up so that we do not leave it at this. We must also look forward in terms of internet connectivity because this programme will be based on internet connection. I do not have statistics, but I am sure we can get that from the Ministry. The Jubilee Coalition Government has pledged to connect 5,000 schools with electricity. There are many schools which do not have power, but they need to be connected so that they can benefit from the laptop project. I am hoping that with the 5,000 megawatts plan we have for energy, we will be connected to schools and be able to cover a wider geographical range so that we can reach as many people as possible.

The other role that the implementers of this programme will do is to make it known. We need to demystify open and distance learning. When you say that you are doing distance learning, people think you are just playing. It is not that easy. In fact, it is more difficult and tighter than face to face learning. In face to face learning, I can call my lecturer and reschedule my time table. However, this has very strict deadline. In terms of instilling discipline even in our children as they grow up, it will be very good because it is self-reliant. It teaches you at a very early age to look out for materials for yourself and be exposed in the world of research and online social interaction. This will also be beneficial to the future generations of this country. I am hoping that we can get a way of streamlining the degrees or programmes that are being offered in open and distance learning to fit those taught in a classroom.

I want, therefore, to congratulate the professor and support this Motion hoping that we can expand and deal with areas that are still grey so that it comes in this House as a Bill in terms of endorsing what we have already contributed to.

With those few remarks, I support.

**Sen. Omondi:** Mr. Temporary Speaker, Sir, thank you for allowing me to contribute to this Motion. First and foremost, I want to thank the Mover of the Motion, my friend, Sen. (Prof.) Lonyangapuo. I want to say that it is a good initiative if well planned and if well implemented. With that I mean meaningful implementation and having a passion of enabling this programme to reach out to Kenyans who are really in need of education. It is enshrined in the Constitution that every Kenyan citizen has a right to education. It reminds me of a discussion in the disability movement when we were talking about what we are going to do so that the Ministry of Education can have a programme where learners with disability can acquire education in their homes. The Government should provide a programme whereby teachers can attend to learners with special or severely disabled people who need a parent or guardian to accompany the learner to school. We have a case where a young student disabled through a road accident with a pipe in his throat was required to be accompanied by the parent or the guardian to go to school in order to wipe the pipe all the time. So, this becomes a burden to a parent to balance between that learner, family activities and economic development of this country. That one is bringing us to that direction whereby if systems would be in place, such cases would be handled effectively.

Mr. Temporary Speaker, Sir, as we struggle to make learning institutions accessible, especially for physically disabled people in this country, this is one way of reducing the struggle. In most cases, institutions have to put in place a plan to sustain the learner who is physically disabled. I want to use my own example. Last year I was in college and it reached a time when I could not access the facility. So, I had to change the college. My former employer had paid for me the tuition fee, but I was forced to pay extra costs because I wanted to hire somebody to make for me learning materials to study at home. I want to tell you that I managed to pass that examination. I am sure this is something that can be done. If it is planned well, it will help Kenyans.

I also want to say that open and distance learning will reduce many riots that we see in our universities due to mismanagement. One only pays for tuition and buys the learning materials using the rest of the money. I want to tell Kenyans that this programme can work. Right now, the Ministry of Education is coming up with polytechnics and they have a programme in ICT. Instead of the youth engaging in other things which are not relevant they can turn to e-learning where they can access material through soft copies.

Mr. Temporary Speaker, Sir, people who cannot afford higher education will now access it because the cost of education which hinders them will be lower. Most people want to pursue further education, but the cost is too high. ODL is an effective method of learning because it opens doors and gives opportunity to potential students who want to gain education which they may not have received earlier. I would also like to say that people understand things in different capacities. We have people who are slow learners and they are in the middle of people they cannot even speak to. I remember when we were listening to radio programmes in primary schools. Some pupils were not able to make notes because of the speed at which the programme was being done. Others could grasp fast, make short notes and even make presentations. I am sure that learners who are slow, those who want private learning, those who are comfortable in quiet places and those who do not want to involve themselves in fishy things are going to be comfortable with this mode of learning.

Mr. Temporary Speaker, Sir, you find that when a child leaves home, he is humble, but when the semester is over, the child has changed simply because he or she entered another world that changed their character. With this kind of arrangement, the family will be together every day. So, it would be easier to control the character of our learners. It is easier also to balance our time between employment and studies. This will create room for all Kenyans to go back to class because they are able to balance their time between their duties, their domestic chores and still engage in studies.

With those remarks, I want to say that distance learning enables us, as Kenyans, to learn new skills. It will be affordable and also improve how people pass examination because you take time to go through notes and do research. I support this Motion because it will open up so many courses. Most learning institutions do not teach some courses because of the high cost of fees. When we use the arrangement of distance learning, the issue of learning facilities, cost of transport, and shortage of other essential facilities will no longer be a problem to us as Kenyans. With education, everybody can compete when given equal opportunity. We cannot achieve equality when people are not learned. If people do not have capacity to work, then their full potential will not be realized. I want to use the example of people with disabilities. We have the 5 per cent reservation for every employment, appointive and elective, but up to now, it is a problem because people with disability in my age, never went to school. As we push for the reservation of employment it is becoming a challenge because we cannot compete equally on the job market. When we have this, I am sure every Kenyan will get an opportunity to get an education and compete in the job market equally.

With those few remarks, I beg to support.

### ADJOURNMENT

**The Temporary Speaker** (Sen. Murkomen): Order, hon. Senators! It is now time for interruption of the business of the House. The House, therefore, is adjourned until Tuesday, 15<sup>th</sup> April, 2014 at 2.30 p.m.

The Senate rose at 6.30 p.m.