

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Tuesday, 26<sup>th</sup> April, 2022

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

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

### PRAYER

### COMMUNICATION FROM THE CHAIR

DEMISE OF HIS EXCELLENCY HON. MWAI KIBAKI,  
THE THIRD PRESIDENT OF THE REPUBLIC OF KENYA

**The Speaker** (Hon. Lusaka): Hon. Senators, I take this opportunity to welcome you back from a recess period that was packed with political events. In spite of this, I hope that you have had time to attend to your constituents and spend time with your families.

Hon. Senators, Friday, 22<sup>nd</sup> April, 2022, will be remembered in the history of Kenya as one of its bleakest moments when the country lost the third President of the Republic of the Kenya, His Excellency Emilio Mwai Kibaki, CGH. He died at the age of 90.

His Excellency the late Mwai Kibaki was born on 15<sup>th</sup> November, 1931, in Gatuyaini Village, Othaya Division, in Nyeri County. He started his schooling at Karima Mission Primary School then went to Mathari School, currently Nyeri High School, where he also learnt carpentry and masonry.

He later proceeded to Mang'u High School where he studied between 1947 and 1950. He then joined Makerere University in Uganda where he studied Economics, History and Political Science. During his studies at Makerere University, he was the Chairman of the Kenya Students' Association.

In 1955, he graduated with First Class Honours. Later on, he was awarded a scholarship to undertake further studies at the London School of Economics in the United Kingdom (UK) where he obtained a First Class Honours in Public Finance in 1957. He was the first African to score a First Class Honours at the London School of Economics.

In 1958, he returned to Makerere University where he served as an Assistant Lecturer in the Economics Department. In 1961, he resigned to take up the position of Executive Officer of the Kenya African National Union (KANU).

In 1961, the late Mwai Kibaki married the First Lady, Her Excellency, the late Lucy Muthoni Kibaki, the daughter of a church minister, who was then a secondary school headteacher. He is survived by their four children: Judy Wanjiku, Jimmy Kibaki, David Kagai and Tony Githinji.

Hon. Senators, His Excellency the late Mwai Kibaki enjoyed a rich career in the public service. In 1963, when Kenya won its Independence, he was elected Member of Parliament (MP) for Donholm Constituency in Nairobi, subsequently called Bahati and now Makadara, where he served for two terms.

In the 1974 General Elections, he moved his political base to his native Othaya Constituency in Nyeri which he represented uninterrupted until his retirement in 2013. He will be remembered in the annals of history as the longest serving Member of Parliament having served 10 consecutive parliamentary terms, thus totaling to 50 years in service.

During this period, His Excellency the late Mwai Kibaki served the Government in various positions, including the Parliamentary Secretary to the Minister for Finance between 1963 and 1965; Minister for Commerce and Industry between 1965 and 1969; Minister for Finance and Economic Planning between 1970 and 1978; and the Fourth Vice President of the Republic of Kenya between 1978 and 1988.

As Vice President, he continued to serve as the Minister for Finance up to 1983 and later as the Minister for Home Affairs and National Heritage between 1983 and 1988. After the 1988 General Elections, he was appointed Minister for Health until 1991 when he resigned from the ministerial position and from the then ruling party KANU.

Following the reintroduction of multiparty politics in 1991, he founded the Democratic Party (DP) and contested the 1992 presidential election coming third. On his second attempt at the presidency in 1997, he came second and became the Official Leader of the Opposition and the Chairperson of the Public Accounts Committee (PAC).

In the General Elections of December 2002, he contested for president under the National Rainbow Coalition (NARC) ticket and was elected President on the Grand Coalition ticket at the age of 71. In the 2007 General Elections, he won a second term as President under the Party of National Unity (PNU).

Hon. Senators, in his lifetime, His Excellency the late Mwai Kibaki made innumerable achievements that transcend beyond the current generation and even beyond our borders.

He led Kenya in a tumultuous period and oversaw the passage of the Constitution of Kenya, 2010, that introduced the devolved system of governance, expanded democratic space and ensured there were more checks and balances on the institutions of governance.

His dedication to economic transformation and regional integration will be remembered by many generations. During his first term as President, the country's Gross Domestic Product (GDP) growth rate rose from 0.6 per cent to 7 per cent at the end of his first term.

The former President laid the economic and infrastructural foundation for the country. Some of the emblematic developments were the construction of the 44.5-kilometre Thika Superhighway that links Nairobi to Thika, the expansion of the Jomo

Kenyatta International Airport (JKIA) and the rehabilitation of the Nairobi-Nakuru-Eldoret-Malaba Highway.

He revived key economic institutions such as the Kenya Meat Commission (KMC) and the Kenya Cooperative Creameries (KCC), Mumias and Nzoia Sugar Mills and Webuye Pan Paper, among many others.

Hon. Senators, His Excellency the late Mwai Kibaki was a progressive leader who believed in gender equality and women's empowerment.

You will recall that the political party that he founded, the Democratic Party (DP), had the highest number of elected women Members of Parliament (MPs) in the Seventh Parliament.

Further, in his first Cabinet of 2003, he appointed a number of women as Cabinet Secretaries (CSs), among them Governor Charity Ngilu; Sen. Beth Mugo, MP; Hon. Martha Karua, MP; Hon. (Prof.) Hellen Sambili, MP; and, Hon. (Dr.) Linah Jebii Kilimo, MP.

Furthermore, during his tenure he catalysed the mainstreaming of gender equality in the public service, including the Judiciary. His tenure was the genesis of more women joining the Judiciary. Key amongst them is the current Chief Justice (CJ), Lady Justice Martha Koome, who joined the Judiciary as a Judge of the High Court from private practice in 2003.

The late former President, in the quest to advance Universal Primary Education (UPE), introduced free primary school education. This move was applauded worldwide, including by the United Nations (UN). Millions of children have been beneficiaries of this programme. The programme is viewed as a step towards achieving universal basic education and as a contributor to economic growth and poverty reduction.

Further, he liberalised education in the country, leading to the significant growth in the number of public and private universities.

Hon. Senators, you will also recall that during the late former President's tenure, landmark legislation governing the water sector was passed for the first time since Independence. Further, he supported many institutions' initiatives aimed at making portable drinking water accessible to communities in his capacity as the Patron of the Millenium Water Alliance (MWA).

The MWA is multi-donor-funded initiative that seeks to make portable drinking water accessible to communities that are under threat of water security and scarcity. Following this, His Excellency the late Mwai Kibaki was designated the United Nations Education, Scientific and Cultural Organization (UNESCO) Special Envoy for Water in Africa in April 2016.

Furthermore, during his tenure, he opened the political space, liberalised media and promoted freedom of expression, which led to unprecedented increase in the number of media outlets in the country. He strengthened the Communications Authority of Kenya (CAK), previously the Communications Commission of Kenya (CCK). He also cautioned that media must at all times be responsible and uphold key pillars of journalism, particularly tolerance and objectivity.

He expanded development of telecommunication through the Kenya Rural Telecommunications Development Project (KRTDP) and developed the banking sector.

Hon. Senators, Kenya and the world over has, indeed, lost a national statesman, a patriot, an accomplished economist and a selfless leader. He exemplified focused,

purpose driven and responsive leadership. He possessed impeccable passion for public service and served the nation with utmost commitment and determination.

At this point, may I also point out that he appointed me twice; first, as the Secretary, Provincial Administration, in his Office and as a full Principal Secretary (PS) in the Ministry of Livestock Development. This is a feat that I must always remember and must be on record.

Today we honour his legacy and mourn his loss alongside his family and friends, the people of Kenya, Africa and the world in general. On behalf of the Senate of the Republic of Kenya and on my own behalf, I convey our heartfelt condolences to his family and to the people of Kenya.

Following the demise of the former President, the Senate Business Committee (SBC) held a meeting this morning and resolved to defer the regular business of the Senate in order to afford the Senate and the Senators an opportunity to eulogise the departed President and condole with his family and the nation.

Hon. Senators, as you will observe, in the Supplementary Order Paper, the only business this afternoon will be the Motion on the Tribute of the Senate on the demise of the third President of the Republic of Kenya, His Excellency the late Emilio Mwai Kibaki, CGH.

In honour of His Excellency the Late Emilio Mwai Kibaki, CGH, I request that we all stand and observe a moment of silence.

*(Hon. Senators stood up in their places and observed a minute of silence)*

Thank you.

Like I said in my Communication, normally people would contribute to what I have said as the Chair. However, we have a substantive Motion. So, we will all contribute under that Motion and we will have a lot of time.

Next Order.

## NOTICE OF MOTION

TRIBUTE TO H.E. THE LATE EMILIO MWAI KIBAKI, CGH,  
THE THIRD PRESIDENT OF THE REPUBLIC OF KENYA

**The Speaker** (Sen. Lusaka): Proceed, Senate Majority Leader.

**The Senate Majority Leader** (Sen. Poghio): Mr. Speaker, Sir, I beg to give Notice of the following Motion:

AWARE THAT the late former President Emilio Mwai Kibaki, CGH, was the Third President of the Republic of Kenya between December, 2002 and March, 2013, in addition to serving as the fourth Vice President of the Republic of Kenya between 1978 and 1988;

NOTING THAT the late former President Mwai Kibaki had a long and illustrious career in public service, spanning over 50 years, where he served as Member of Parliament for Donholm and Othaya Constituencies for 10 parliamentary terms from

1963 to 2013, and as a Cabinet Minister in various Ministries for 28 years from 1963 to 1991;

APPRECIATING the late President Mwai Kibaki's work in setting the foundation for Kenya's socio-economic turnaround and infrastructural development; liberalization of education, including introduction of free primary education; enhancement of the Bill of Rights; liberalization of the media, including promotion of media freedom; championing of women's participation in politics and leadership; promoting environmental conservation, including sustainable management of water and natural resources; and deepening of telecommunication services and overseeing the unprecedented growth in the banking sector, among other milestones;

FURTHER APPRECIATING the late President's efforts in governance and institutional reforms throughout his public service career, that culminated in the promulgation of a new Constitution in 2010, that ultimately ushered in a new governance paradigm;

COGNISANT of the Presidential Proclamation of Friday, 22<sup>nd</sup> April, 2022 communicating the passing on of former President, Mwai Kibaki, CGH;

NOW THEREFORE, the Senate resolves that the condolences of the Senate be recorded in honour of the late President, Mwai Kibaki's service as a selfless Statesman, a national hero, an accomplished economist, and a Member of Parliament, for his contribution in nation building and Kenya's socio-economic development.

Thank you.

**The Speaker** (Hon. Lusaka): Next Order.

## MOTION

TRIBUTE TO H.E. THE LATE EMILIO MWAI KIBAKI, CGH,  
THE THIRD PRESIDENT OF THE REPUBLIC OF KENYA

**The Speaker** (Hon. Lusaka): Proceed, Senate Majority Leader.

**The Senate Majority Leader** (Sen. Poghisio): Mr. Speaker, Sir, I beg to move the following Motion:

AWARE THAT the late former President, Emilio Mwai Kibaki, CGH, was the Third President of the Republic of Kenya between December 2002 and March 2013, in addition to serving as the fourth Vice President of the Republic of Kenya between 1978 and 1988;

NOTING THAT the late former President Mwai Kibaki had a long and illustrious career in public service, spanning over 50 years, where he served as a Member of Parliament for Donholm and Othaya constituencies for 10 parliamentary terms from 1963 to 2013, and as a Cabinet Minister in various Ministries for 28 years from 1963 to 1991;

APPRECIATING the late President Mwai Kibaki's work in setting the foundation for Kenya's socio-economic turnaround and infrastructural development; liberalization of education, including introduction of free primary education; enhancement of Bill of Right; liberalisation of media, including promoting of media freedom, championing of women participation in politics and leadership, promoting environmental conservation including sustainable management of water and natural resources and deepening of the

telecommunication services, overseeing the unprecedented growth in the banking sector among other milestones.

FURTHER APPRECIATING the late President's efforts at governance and institutional reforms, throughout his public service career that culminated in the promulgation of a new Constitution in 2010, that ultimately ushered a new governance paradigm.

COGNIZANT of the Presidential proclamation of Friday 22<sup>nd</sup> April, 2022 communicating the passing on of former President Mwai Kibaki C.G.H.

NOW THEREFORE, the Senate resolves that the condolences of the Senate be recorded in honour of the late President Mwai Kibaki's service as a selfless statesman, national hero, an accomplished economist and a Member of Parliament for his contribution in nation building and Kenya's socio-economic development.

Mr. Speaker, Sir, it is indeed a sombre moment for us all, especially for those of us who worked with and personally knew the late President. I happen to be one of those who served as the Minister for Information and Communication under the late Mwai Kibaki's Government. I would like to acknowledge as I have said elsewhere, that I found him to be the best boss one could work for, especially if you were doing your work and doing it well. I thought I would begin by that declaration of interest.

We are all aware that the most that we can think about the late Mwai Kibaki is probably his contribution to our economy in terms of the period he took over as President. In his earlier life when he was Vice President, I had a chance to meet and know him just before he had to resign and join opposition politics.

I got to know him and served with him in the Sixth Parliament. That was the shortest of my terms of Parliament. President Mwai Kibaki who was then the Vice President and MP for Othaya was a very friendly person when the rest were quite hostile in the party.

I closely worked with him in 2003 when he was President for his first term. I served with him again as MP for Othaya and the President of Kenya and I was then MP for Kacheliba. It was not easy during that time because KANU was in the opposition. Therefore, I had a personal connection then with the President even though I was in the opposition.

Mr. Speaker, Sir, my tribute to the late Mwai Kibaki will mostly centre around the time when he became President in the second term of his presidency. That was the most difficult moment for anybody to be the President. That was the time we had the post-election violence. At that time, I was appointed to take care of a very difficult docket. It was a difficult docket in the sense that I had to be there to receive information about what was going on in the country, which was burning at that time.

I had joined the Government ranks and the rest of Rift Valley had been in the opposition ranks. It was difficult for me personally because although I was a Minister, many times it was difficult for me to travel through Rift Valley, my own province. This is thanks to my being at that time the Chairman of Senator Wambua's party right now. That is how I ended up being in the Cabinet

I was extremely grateful to have worked with the party leader Hon. Stephen Kalonzo Musyoka who happened to be a good friend. During that time, most of Rift Valley was opposed to anyone being in the Government. Many times just being courageous, I would drive through Eldoret which was a very hostile territory to get home.

Mr. Speaker, Sir, when all was said and done, President Mwai Kibaki handled the matter in his own style; in a style where he was able to do it without emotions, without having to chest thump, or be controversial and antagonistic.

Those of us who remember that time, he formed half of his Government and left the other half unfilled. He knew exactly that a moment was going to come when he would need to bring the country together. That is the gentleman we are talking about that lies in State today in this Parliament.

Mr. Speaker, Sir, a lot can be said about that period of time, but when the Government of national unity was formed - it was baptized in Kiswahili as *nusu mkate* - that cooled the temperatures. It was more akin the handshake of today. It was very important for that moment for him to accept to form a Government of national unity. There was a lot of effort because some of my colleagues here were involved, particularly in negotiations that led to the formation of that Government. If I am not wrong, Sen. Wetangula and Sen. Orengo were key in some of these discussions.

Mr. Speaker, Sir, we have come here to mourn a fellow who was a President and a hero in his own right. On the crisis moment like the 2007-2008 period, he stood tall and actually saved the country which was going to burn and go to the dogs.

Mr. Speaker, Sir, besides that when all had settled down our economy had hit rock bottom. There was no economy to talk about. The growth had gone below one per cent. Can you imagine that the President then being an economist, by the end of his term, the economy had grown to about seven per cent; the highest ever? I do not think we have easily gone back to that kind of growth.

I am saying this because in about a year, we eulogized the former President Moi and now former President Mwai Kibaki. I want us to understand that Parliament plays a very key role in this particular process because we have made it a tradition that it is a place where former Presidents, retired Presidents or late Presidents lie in State and the citizens now have a chance to come and see their President and pay their tribute.

Mr. Speaker, Sir, this is a tradition which we must have picked from somewhere, but it is a tradition that has been maintained. This is the third time we are doing it as country. The first time was when the first President of the Republic of Kenya passed on, the second time was just about year ago and now this is the third time.

I would like for Members to personally come here to the House and pay their tribute to the departed President. That is why today the SHBC decided today that instead of doing the hybrid and people trying to pay tribute over zoom. It is important for those who seriously want to pay their tributes to come personally and pay them. That is the decision of the Senate Business Committee (SBC).

Mr. Speaker, Sir, we have two days to do this. Those who are unable to come in today can come in tomorrow to pay their tributes. Until the body of His Excellency, President Mwai Kibaki is removed from these premises, we will continue to speak and pay our tributes.

I quote William Shakespeare in his play Julius Caesar. He said,  
“His life was gentle; and the elements so mixed in him, that nature might stand up and say to all the world, THIS WAS A MAN!”

The late President Mwai Kibaki was indeed a man of the people. He felt the heart of the nation of Kenya and captured her aspirations and inspirations in the policies he made which were people-centred. He captured and addressed the needs of farmers, small

businesses like the bodabodas without losing sight of the big businesses, which make Kenya, the economic powerhouse of the region.

Before President Mwai Kibaki, we never used to have many motorbikes in the country. However, once he took over and the economy grew, small business people started owning motorbikes. We have them now in business. His policies were *wananchi* friendly.

The late President also realized the youth and women in the country were left behind and were not empowered by previous regimes. A good number of our founding fathers joined Government when they were young. The late President Mwai Kibaki was one of them. He realized the energies of that time - 1960s - could still be tapped and utilized for the young people of today. He appointed a number of them to senior positions. He founded the Youth Fund and the National Youth Council Kenya. The late President Kibaki eventually appointed young people and women to the Cabinet.

Mr. Speaker, Sir, as you said in your Statement, President Mwai Kibaki appointed women to his first and second Cabinet. He is a living proof of how a fine person can work and be. He was a good boss to his fellow church members, including myself, a loving husband to his wife and a devoted father to his children.

The character of the life he lived can be summed up in a few words – a sincere, earnest and a loyal person. He was loyal as he served the late President Moi. The only thing that made them part ways was the fight for democratic space. He decided at the last minute to not stay longer in that Government and moved to the opposition side.

Mr. Speaker, Sir, I remember the late President as a happy man. He was cheerful and also gave much cheer to others. He had a sense of humour and a gentle demeanour. He was bright, logical and systematic in his thinking.

He was always willing to share his ideas and opinions on matters that were important to the nation. He was passionately interested in ordinary people's lives. When you meet him, he would ask about the people in your constituency. He would always advise us in his Cabinet, especially when things were not going well. He would be interested in your affairs as a Cabinet Minister.

Mr. Speaker, Sir, the late President Mwai Kibaki worked with passion, integrity and zeal in his career as a politician. As the President of the nation, he led the country in a way that exemplified true leadership. He gave all his energy. When he first became the President, he was in a wheelchair and he gave all his energy to serving the nation. He would be in his office to always conducting business. Many things can be said about the late President. A number of us will go on speaking about him.

The Senate has now resolved that their condolences be recorded in honour of the departed President Mwai Kibaki as a selfless statesman, a national hero, an accomplished economist and a Member of Parliament for his contribution in nation building and Kenya's economic development. I, therefore, urge Members to take up this opportunity to offer condolences not from ourselves, but also from our constituents in our counties.

Mr. Speaker, Sir, on behalf of the people of West Pokot whom I represent, I give my condolences to the family and pray that God will rest his soul in eternal peace.

I thank you.

I move and ask Sen. Orengo, the Senate Minority Leader to second.

**The Senate Minority Leader** (Sen. Orengo): Mr. Speaker, Sir, I thank the Senate Majority Leader in his remarks. I stand to support the Motion.



If there was a summary of the person, the departed President Mwai Kibaki on what he was and he did, that speech would contain a lot of things about this great man. To add on the speech that the Senate Majority Leader has made and in our usual tradition, we can prepare a volume of the HANSARD to give to the family of the late President.

Mr. Speaker, Sir, as I said in the beginning, we have covered a bit of what Kibaki was and what he did. The Senate Majority Leader has done the same, talking about infrastructure. We know what President Mwai Kibaki did in the improvement of infrastructure in this country, including some of the on-going projects.

We know what he did in the universal free primary education. It was unattainable, but he did it in such a way that for the first time, Kenyans realized that at the primary school level the Government could build infrastructure for schools. Many schools during his term and period began to see changes in their infrastructure and in the field of education generally.

Mr. Speaker, Sir, in the area of health, there were phenomenal developments during the tenure of President Mwai Kibaki. The other thing I also appreciated about him was showing that the Government does not always use coercive instruments of the State to make citizens carry out their obligations was in the area of revenue collection. You remember President Mwai Kibaki pleading to Kenyans to pay taxes voluntarily. That is a lesson to be learnt by the Kenya Revenue Authority (KRA) that using coercive arms of the State is not always the best way.

Mr. Speaker, Sir, I want to talk about Kibaki; the man in politics. If there was ever a politician that loved Parliament, it was the late President Mwai Kibaki. He enjoyed this institution. You needed to be in the House when he was addressing Parliament. Unfortunately, these days we do not have anybody in the gallery. People would come in droves when there was a controversial issue to be discussed or debated in Parliament.

True to form, some of the best speeches would be made by the late President Kibaki. He used to address the Parliament in two components. He will start by addressing the formal part of his address. When you saw him looking at the Press Gallery and the Gallery, then there would be complete silence in the House, because he did it effortlessly and very eloquently.

I think to his death, he respected the institution of Parliament, not Parliament as an arm of the Executive. There are a lot of things that happened during the late President Kibaki's time, where he eventually agreed with the Parliament. Although the Executive were planning other things, he eventually agreed to take the position that Parliament took.

For example, although it started during the late President Moi's time - the creation of the Parliamentary Service Commission (PSC) and enlarging the Constituency Development Fund (CDF) which was very difficult to do in our earlier times.

I remember when Minister Mwiraria was trying to move the budget and there was a stalemate because Members of Parliament insisted that there must be sufficient allocations to the CDF. The late President Kibaki, understanding that development has to go to the grassroots, instructed Minister Mwiraria that time that that stalemate was totally unnecessary. We were able then to begin to see the difference in terms of size and the quality of allocations which were being made to the CDF.

Mr. Speaker, Sir, many times he came to Parliament. I remember when we were trying to have the Grand Coalition Government after the post-election violence in the year 2007, he came to Parliament personally to convince Members of Parliament and to

participate in the process of trying to bring peace to the country. This was possible because the late President Kibaki was always looking at the big picture. Never looking at little things that caused differences unnecessarily. If it meant agreeing with those that he did not share ideas, but the big picture obliged him to come to terms because the country needed to move in a certain direction, the late President Kibaki would do it.

What I loved about the late President Kibaki is his character and style. You get very few leaders, in fact, for this Kenyan Republic to grow to a better democracy, I am hoping that we will have somebody in State House in the character and style of the late President Mwai Kibaki.

I remember when people went to see him with a long wish list. If it was something that did not fall on his tenure, responsibility or jurisdiction as a President, he would tell you that you were in the wrong place and direct you to the people that actually have those responsibilities.

To that extent, I hope all leaders would be like that and should be like that. That, he would listen, and if you were right, he would agree with you. If you were wrong, he would tell you off. The difference between that leadership and why it worked, is that the late President Kibaki was prepared to listen to the other side and the contrary opinion.

He never wanted people to tell him what he wants to hear. He would be happier with you if you are telling him what he needs to know. If you want to tell him what he wants to hear, very quickly he would tell you “*acha fitina, acha Kizungu. Hiyo sema huko nje.*” That is the problem with Africa and the Third World. That, we have leaders who never want to listen and entertain the contrary opinion. That is why democracy can never thrive in Africa and the Third World because we all want “Yes men”.

The greatness of the late President Kibaki was that even when he was in Government, he would associate himself with those in the opposition. I remember when we were the “Seven Bearded Sisters” and we were not well regarded in Parliament, he took it upon himself to visit our constituencies.

He went to the hon. Abuya Abuya and Chibule wa Tsuma’s constituencies. In fact, I was to be the last person. The day he was to come to my constituency, the late President Moi asked: “What is this political tourism which the Vice President is engaged in?” I had built a small house because I did not have a house at that time, hoping that President Kibaki would come to my home, but that was not to be. He valued that friendship because subsequently he came to Ugenya Constituency and came to my village. As President, he also came to Ugenya Constituency when I was a Member of Parliament for Ugenya Constituency.

In this true spirit, I remember when there was a lot of criticism against Kenya about extra judicial killings, there was the meeting of the International Human Rights Commission in Geneva. A delegation was going to Geneva to defend our position. We were called to State House as Ministers in his Government. I remember the Rt. Prime Minister Hon. Raila Amolo Odinga, the late Minister Saitoti and Justice Minister Martha Karua. Sen. Wako was there as the Attorney-General and civil servants.

We demanded that the civil servants walk out of the room. That we wanted to talk as politicians about Kenya and these adverse reports that were being made about Kenya. There was a chopper waiting outside State House because the President was supposed to go at a formal function at Gilgil. The late President Kibaki just ordered those top civil servants, including the director of intelligence, out so that we could have a discussion.

Instead of sending the Minister in charge at that time, he decided that we go as a delegation and accept the criticism that had been levied against Kenya. We went to Geneva to defend ourselves. I think Mutula Kilonzo Snr. was also there. To have people like Mutula Kilonzo Snr. on your side of Cabinet was something quite good because he was very frank even though he belonged to the other side.

I think Sen. M. Kajwang' would support me on this because he was also quite like Mutula Kilonzo Snr. Dr. Miguna Miguna was also part of the delegation. You can imagine the discussions we were having at Geneva after the President had allowed us to go.

What I am trying to say here is that he allowed us to go even though we differed with the position that the civil servants were taking on the question of the extra judicial killing. When we convinced him, he agreed that we go to Geneva. He instructed us to tell the world the truth and what Kenya was going to do about it.

One of the things that I must say that happened to the late President Kibaki which probably President Uhuru does not have, is that his first Vice-President who was a brilliant Kenyan, the late hon. Wamalwa Kijana, gave him a supportive role. You could call the President names out there, but he offered a supportive role at a time when he had suffered injury and was indisposed.

Subsequently, after the death of Kijana Wamalwa, Uncle Moody Awuori took over and equally offered him a supportive role. He was not by any means a sycophant in the Cabinet. Then we had Vice President Steven Kalonzo Musyoka who had stood against President Kibaki, but he gave a supportive role. That is why Kibaki was able to achieve all the good things.

When Raila and his team joined, with Raila as the Prime Minister, we had two parties. One was initially in the Opposition, but there were two parties in the Government. The late President Kibaki would tell you that when they were working with Raila Amollo Odinga, we had a lot of differences even in the Cabinet, but he had a supportive role in the Government. That is why he was able to have achievements in those 10 years.

That is what vice presidents should do. Vice presidents who do that tend to make it. Biden made it, Kijana Wamalwa nearly made it, Moi made it and Kibaki made it because he also gave Moi a supportive role under difficult circumstances.

Part of the problem of the Jubilee Government was dysfunction. I am glad Kibaki did not suffer dysfunction during his tenure. I hope that those who are not in Jubilee Party, but are in Jubilee Government can correct their ways in these three months just to make President Uhuru achieve something. They include my learned friend, Sen. Wetangula. Just three months to enable President Uhuru finish his tenure.

We have seen what has happened since the "handshake." My learned friend, Sen. Wetangula, was part of the "handshake." It is only when people think about power and position that they go their separate ways. I am sure in his mind and commitment, there is a lot that could have been done during this presidency minus absent dysfunction in the Government.

Not everybody can be perfect. Even Churchill was not perfect. He lost an election, but they say probably he was the greatest Englishman that ever lived. In the first days, he could never be elected. He served in the opposition and was a party hopper, yet he came

out to be one of the greatest Prime Ministers in the British history, but he had many faults. Even after winning a war, he was defeated in an election.

The late President Kibaki was not necessarily perfect because he was working under a particular environment with politicians who made too much noise. At that time, handouts were probably the most important thing for politicians to get from political positions. President Kibaki told us that that was not the way. He did not agree with the idea of handouts.

The Government can provide revenue to build schools, health centres and infrastructure, so long as you have the right people. Therefore, President Kibaki could not miss Hon. Kenneth Lusaka. I think you are a man of many talents. However, you needed a president who could notice those talents. He did not have anybody that he could protect to the end albeit what they had done.

Who did not know that my friends Hon. Kiraitu and Hon. Murungaru were the most powerful people in the Government, particularly during the first six or seven months? When trouble came, they had to go and sort out their problems. President Kibaki was the first one to tell them to go and get back when they had sorted the problem. Some of them never sorted their problems.

Who did President Kibaki love more than Hon. Mwiraria? I do not think there was anybody who was as close to President Kibaki as Hon. Mwiraria. That is why he was made the Minister for Finance because of his closeness to President Kibaki. President Kibaki was watching what was happening at the Treasury all the time. He needed a loyal friend. However, when Anglo-Leasing scandal was unmasked, Minister Mwiraria had to fight for his freedom in the courts. Unfortunately, he did so until his death. In fact, he died before conclusion of that case.

We need leadership that loves institutions. The late bMboya said that a country is as strong as its institutions. Many leaders we have had before do not respect the institutions. They do not believe in the institution of Parliament and that Parliament can differ with the Executive. There is no part of the template of our work to always agree with the Executive, even if it has an overwhelming majority in the House.

When we had a one-party system, that is when we had the most virulent opposition. We had people like J.M. Kariuki, George Anyona and Philomena Chelegat. Some of the Members here could not say things they used to say in the House. The late Martin Shikuku was the best of them all. People like Muliro could dare face the President that we did not get Independence to kill each other. When he was supporting the J.M. Kariuki Report, he differed with the Government. He was a Member of the Cabinet, but he differed with the Cabinet. That is how he ceased to be a Cabinet Minister.

Nowadays people love Parliament because it is friendly than the Executive. A country cannot develop when Parliament does not play its role institutionally as required under the Constitution. You may win the day, but you may not have a great country in the end if you weaken Parliament.

If you only want a system of courts that only makes decisions in support of the Executive, you can never have strong institutions. In fact, the greatest democracies, including the USA, have emerged because of strong legal systems. Some of the most important decisions in our courts were delivered in the early days during the presidency of Jefferson.

I can see my learned friend from Nyamira County smiling. In the UK, where they had absolute monarchies, it is the system of courts, in their many divisions, that brought order in the realm. So, we must believe in strong institutions.

I imagine having courts that whatever we do as the Executive or as Parliament--- Please continue being strong because if democracy dies, you will not have done something in honour of President Mwai Kibaki.

There is a time when there was a rumour - it was not a rumour because later on it turned out to be true - when everybody in the first Kibaki's Government wanted Amos Wako out as the Attorney-General. It was quite a fight. People were being approached to be recruited to that position. However, President Kibaki said he needed somebody who had learnt the ropes like Wako, who could be a true legal advisor. Whenever you confronted President Kibaki with a position and told him that he could not have it in a certain way, so long as it was right, he would listen to you.

He was prepared to change his mind.

Now if you have a leadership that cannot be advised, listen to reason or what the representatives of the people like ourselves are saying and they are the ones who wield Executive power, then that is the beginning of the end for any nation.

Mr. Speaker, Sir, this great man is lying in State in the precincts of Parliament. It takes a long time to find a gentle giant like him who is a great listener and who would rule, not with a cartel. He would not weaponise the presidency to settle scores. He wanted to do justice for the country.

Mr. Speaker, Sir, many great men of this country whom we never honoured have gone. It is very bad that in this country, unfortunately, we tend to honour leaders such as President Kibaki who make it to the top.

We have many great leaders who suffered for this country. For people like J.M. Kariuki, we remember them when it is necessary in an occasion or when we want to politicise his life for our own good. We have families of people like Hon. George Anyona who really suffered. There was also Hon. Philomena Chelagat Mutai who was in Parliament when it was difficult to say the kind of things she used to say. No Kenyan would ever remember her. Not even in the corridors of Parliament here would you see a picture of Hon. Chelagat because we forget.

At least if you go to the courts, thanks to CJ Willy Mutunga, you will see a bit of the history of this country and not just about the Judiciary. If you got to what used to be dungeons in the Supreme Court, where many of us were taken before, you will see events, photographs and paintings of people who contributed to making Kenya a democratic nation.

I am hoping that as we remember President Kibaki, one of these days we could probably have a hall of fame here to remember the Argwings Kodheks of this world, a great barrister. Who remembers Argwings Kodhek? In Parliaments all over the world, people like those are remembered, but here the only thing is partly colonial history. You see pictures of people who were Speakers here and I am not talking about Speaker Lusaka. Speakers are not by themselves the Parliament. Parliament is us and everybody.

*(An Hon. Senator spoke off record)*

*(Laughter)*

Mr. Speaker, Sir, I hope one day when the people from Bungoma County walk along the corridors of this Parliament, they will see a photograph or painting of Sen. Wetangula, Sen. Mutula Kilonzo Jnr. or Sen. Wambua who wants somebody to be number two, who has made a difference in a few years.

**Sen. Mutula Kilonzo Jnr.:** Oh my goodness! I tell you.

*(Laughter)*

**The Senate Minority Leader** (Sen. Orengo): Mr. Speaker, Sir, let me say something about it because the late President Kibaki was also a number two. At the end of the day, the exercise of presidential powers rests on the President. To treat the presidency as an arranged marriage is wrong. Arranged marriages never really work. Do not force yourself into a marriage. Never! It would be like being forced into a marriage like Marie Antoinette whose mother arranged a marriage between her and King Louis XVI. Later, she found out that he was not really a man. I will not go into details. Arranged marriages are just like that.

I believe that when you are a gracious lady and you want to enter into a union, you make some kind of choice.

**Sen. (Dr.) Ochillo-Ayacko:** On a point of information, Mr. Speaker, Sir!

**The Speaker** (Hon. Lusaka): Do you want to be informed, Sen. Orengo?

**The Senate Minority Leader** (Sen. Orengo): Yes, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Proceed, Sen. (Dr.) Ochillo-Ayacko.

**Sen. (Dr.) Ochillo-Ayacko:** Thank you, Mr. Speaker, Sir. Forced marriages only work if one party submits. I wanted to inform my senior that when one party has the potential to rebel, the marriage breaks down. That is the problem we have had in Kenya. You get into a forced political marriage then one rebels. I think it can work if one partners submits to the other, so that it fits what has processed our family.

I hope that one of those who are forcing themselves into political marriages will submit.

**The Senate Minority Leader** (Sen. Orengo): Mr. Speaker, Sir, submission sometimes is not enough. It is performance.

*(Laughter)*

I am just taking a little bite on this ongoing debate. Let me predict something; the next President is going to secure a five year term, depending on what he does in the first one year. In the next one and a half years, he can secure his second term. However, if you have a relationship where there is dysfunction, that President fails the moment you he is sworn-in.

Kenyans do not have space for that. People are actually suffering in this country. When I walk out there, there is suffering. Not out of the fault of the Government, the COVID-19 pandemic and now with Ukraine, there are many problems out there. Many things like building the Expressway, have been done, but are we going to be able to pay for it, amidst the rise in the cost of living and fuel prices?

I know who the next President is going to be. I can see Sen. Mwaura smiling because he knows what I know and he knows it is true. From that very first month, things

will happen. A good example is when President Kibaki's National Rainbow Coalition (NARC) Government came to power. My friend Sen. Wetangula was there and the very first month, things were happening. The public had confidence and Kenyans were the happiest people under the sun because the Government was performing from the very first day of taking authority in the land.

Mr. Speaker, Sir, I hope that President Kibaki leaves us with a sense of goodwill in the nation. I hope that we will have peaceful elections and learn from his very rich legacy what we can do to turn this country around. That is not to say that he did not have his faults. I had many differences with President Kibaki when we were sitting on the opposite sides of the House, but he enjoyed a good debate.

The other good thing about him is that he always stayed behind in the House. He would spend hours until midnight. He had a famous tree there where some of you know what happens under that tree. He would listen and have camaraderie with Members. After a debate where you were having political differences arguing against each other, you would go for a cup of tea or a glass of something. You would then continue with the debate and come into a semblance of understanding.

As I finish, let me give my two experiences with President Kibaki. One, whenever I spoke to President Kibaki about Argwings Kodhek, he could spend an hour talking about him. I think that is the politician he admired most.

If you go to the HANSARD, you will realize why Kodhek liked humour, he liked wit. He was good on his feet just like Kibaki.

I remember one of the cases that Argwings Kodhek did when he was defending people who had been arrested for loitering with intent. Argwings' defense in court was that if you are a normal human being, you cannot loiter without intent. Most of the time when you are walking, you must have some intentions of going somewhere. Kibaki would repeat that one.

Another thing that I want to say that I remember him for was when we were having a final meeting at Harambee House in the presence of Presidents Kikwete, Mkapa and Dr. Koffi Anan. He was there alone sitting with the former Prime Minister Raila Odinga discussing the trouble that occurred after the 2007 Elections. The only person who was called to that room was Amos Wako as the Attorney General. Hon. Raila insisted that he needed his lawyer to be in that room. I was privileged to be in that room. Many questions and arguments were thrown around in that room.

When we reached some understanding, everybody who was in the Government was standing outside the President's Office, knocking the door wanting to come in; and Kibaki would keep on saying: "No! no! do not allow them. *Wataleta tu fitina.*" He would say in Kiswahili.

So, at the end of the day when an agreement was reached, I was dispatched with Wako to go to Serena and do a draft which was signed that very day. I can imagine if we had all receded to our teams, the Grand Coalition Government would not have been formed. President Kibaki had the sense of saying *wachana na hao watu ambao wako nje*. That shows he was somebody who was seeing the bigger picture of what needed to be done at that moment.

I mourn President Kibaki. I mourn with other Kenyans that President Kibaki goes down in history as one of the greatest parliamentarians, one of the great debaters, one of

the best presidents and one of the best academic scholars that this country has ever produced.

I thank you, Mr. Speaker, Sir.

*(Question proposed)*

**Sen. Wetangula:** Thank you, Mr. Speaker, Sir, for an opportunity to eulogize Kenya's best President ever. Shakespeare once said that some men are born great, other men acquire greatness and yet others have greatness thrust upon them.

President Mwai Kibaki was not born great. He acquired greatness through sheer hard work and a commitment to patriotism for his country. We can say and identify those upon whom greatness has been thrust and how they have been unable to carry the weight of greatness. At the time, President Mwai Kibaki left the presidency and the leadership of this country, he was the longest serving Member of Parliament in the Commonwealth, having served his motherland for 50 illustrious years as an MP. None of us will reach there.

When I first came to Parliament, my role models in debate on the Floor of the House, included Mwai Kibaki, Kijana Wamalwa, Martin Shikuku, James Orenge, George Anyona and many others. Of course, you cannot leave out Kennedy Kiliku in Kiswahili and Prof. Rashid Mzee. These were debaters on the Floor of this House that anybody even if you did not agree with them, you could not but admire.

During the times when the budgets would be delivered, Hon. Mwai Kibaki would stand on the Floor of the House - and Sen. Poghio can bear witness to this - and for a full hour, if not two, three hours and that time there was no time limit on debate, he would bisect and dissect the budget from A to Z. If he did not agree with it, he would finish by saying *bure kabisa* and then walk out to go and have his cup of tea. I do not know of anybody that Mwai Kibaki violently disagreed with, even those that they differed in opinion.

I was given the privilege to work with Mwai Kibaki very closely. I was his Assistant Minister of Foreign Affairs for four and half years. I was then his Foreign Minister and my duty enjoined me to be very close with him in whatever we did particularly in matters foreign.

When he came to power in 2002, it is instructive to put on record that as the leader of the NARC Coalition that brought together FORD-K, DP and the then Charity Ngilu's NAK and then LDP, he chose the leader of our party FORD-K as his Vice President.

He was a man whom they walked with across Kenya, they trusted each other and they worked so well together. Unfortunately, my party leader did not live long enough to do what he could have done to change this country.

Kenyans will remember Mzee Mwai Kibaki as a man who came to the presidency at a very difficult time. The Kenyan Shilling was at its weakest level; the economy was in tatters as it is today. Many other things had gone wrong. However, when he left the country, we all look back with nostalgia and amazement as to how a man could do so much for a country within such little time.

Mr. Speaker, Sir, when the late President Kibaki came to power, within the first three months, those of us who were there like Sen. Poghio, can say that Kenya was rated by the United Nations Development Programme (UNDP) as the happiest country on



earth. Kenyans were classified as the most hopeful people in the world because the late Mwai Kibaki arrived with a message of hope.

He promised free primary education and within the first two months of his government, Kenyans tasted the sweet cake of free universal primary education. The enrolment in primary schools quadrupled. Children who had been hidden in the villages looking after cattle or working as house servants, all came out and went to school, to the extent that we had a seventy- or eighty-year-old man called Mr. Kimani Maruge, who came out and went to school; he started his primary education. That is how His Excellency the late Mwai Kibaki will be remembered.

Mr. Speaker, Sir, the late Mwai Kibaki was a President with a difference. Sen. Poghisio and Sen. Orengo whom has just left worked with him in his cabinet. They will tell you that he never entertained cheap gossip of any nature. The only time you sat with the late Mwai Kibaki as his Ministers, apart from those who worked with him like in the Ministry of Foreign Affairs, was after Cabinet, when you would all be invited to lunch.

There was no group gossip where people walk to State House and ruin other people's name or career and destroy them. I remember my brother Sen. Poghisio was forcefully removed from Parliament through those State House gossips. His Excellency the late Mwai Kibaki never entertained that kind of gossip. He was a serious person. You went to his office and there was no time that you did not find him busy reading, analyzing budgets, Ministry and international agency reports. At the end of the day, many people who worked with His Excellency the late Mwai Kibaki even started underestimating him, thinking that they could take advantage of him because of his quite demeanor.

He would always tell those of us who were close to him, "Listen, young man. Your biggest strength in your life and politics in particular is to always appear not to know what you know." That was his clarion call. Always appear not to know what you know. Let people think that you are a fool, but you can see right through them". That was His Excellency the late Mwai Kibaki for you.

He was a man who believed that this country had the potential to explode. He was a man who believed in equity and that every corner of this country deserved something. Even as he did not go to many places, His Excellency the late Mwai Kibaki would always ask his Ministers, "You have brought this project about this area, what about those other areas?"

Mr. Speaker, Sir, one of the greatest selfless conducts of His Excellency the late Mwai Kibaki is when they finished the Thika Super Highway. We went there and some excited civil servant said, "Mr. President, we are going to name this road "Kibaki Super Highway." His Excellency the late Mwai Kibaki asked him, "*Na kule barabara hii inaenda, hakuna majina?*" He did not want the grandiose of being named after everything. Everywhere you turn, international airports and high schools, it is so and so. His Excellency the late Mwai Kibaki did not entertain that. That is why even as he was the best President in this country we have very few things that are named after him.

I would like Sen. Poghisio as the Senate Majority Leader to bring some Motions in to this House so that we name some national icons. We can name one, two or three after this great man, so that we also immortalize his name for the future of this country. Everywhere you go, there is "Moi" or "Kenyatta". I do not know if it is the first or the second "Kenyatta" but they are all over. We do not slight them. They were named by

Kenyans, but we also want His Excellency the late Mwai Kibaki to have his space in the history of this country.

Mr. Speaker, Sir, nothing can be remembered even more about His Excellency the late Mwai Kibaki than his commitment to the peace and security to this region. It is through His Excellency the late Mwai Kibaki that we created the African Union Mission in Somalia (AMISOM) to look after the challenges of peace in Somalia. We created AMISOM and rallied our neighbours. He entrusted me as his Minister of Foreign Affairs, to work with the United Nations (UN) and the African Union (AU) to make sure that we bring peace and normalcy in our neighbour, Somalia.

Mr. Speaker, Sir, when there was a flare up in the Democratic Republic of Congo (DRC) with the Banyamulenge, he sent me overnight to look for Mr. Ban Ki-Moon, the Secretary-General of United Nations. Within 24 hours, we had assembled in Kenya the Presidents of Uganda, Tanzania, Sudan, Congo, Rwanda, Burundi, Nigeria, South Africa the UN and the head of AU, to sit in Windsor hotel. We had to bring and put together President Obasanjo and President Mkapa, as eminent persons, to bring peace and normalcy to Congo.

Another President would have said, who cares? I do not share a boundary with Congo. In fact, there are two other countries in between. Let the burning burn. However, he had that feeling for every African. That whatever happens in Congo affects Kenya. Peace in Congo is peace in Kenya, instability in Congo can be instability in the whole region.

Mr. Speaker, Sir, when we had electoral challenges in the year 2007, His Excellency the late Mwai Kibaki demonstrated statesmanship beyond any comparison. We in his side of Government, who believed we had won elections and some of my colleagues who are hard liners, would not hear anything like let us engage the other side. However, within that frightening period, when the country was burning, His Excellency the late Mwai Kibaki called and told me, my Minister of Foreign Affairs, can you run to the AU and call them to come arbitrate what is going on here.

That is how we brought in President Kufuor as the Chairperson of AU at that time. That is how we agreed on the eminent persons of Dr. Kofi Annan, President Benjamin Mkapa and Mama Graca Machel. Mama Graca Machel, of the three, is the only one living. May the other two souls rest in eternal peace.

Mr. Speaker, Sir, the eminent persons came to Kenya and we had long-protracted sittings at the Nairobi Serena Hotel under Dr. Koffi Annan. Sometimes, things were not working and when things were irretrievably breaking down, His Excellency the late Mwai Kibaki called us and said that I will take charge of this because leadership alone cannot let us burn our country. We must sit together as compatriots.

The Rt. Hon. Raila Odinga and his group are not our enemies. They are our compatriots. The fact that we do not agree politically does not mean that we burn our country. Where do our children go? We sat together. He then asked me to call President Jakaya Kikwete, who was not a member of the eminent persons, but had taken over as the Chairman of the AU from President Kufuor.

Mr. Speaker, Sir, President Jakaya Kikwete came here and in 24 hours, we were able to narrow the gap and agree to agree. We had an agreement signed, came to Parliament, altered the Constitution, created the position of the Prime Minister and had the Grand Coalition Government. In fact, some of my colleagues like our team leader,

Hon. Martha Karua, did not agree with what we did. She even boycotted the signing of that agreement. At the end of the day, we look back and say that hardliners were wrong, but His Excellency the late Mwai Kibaki was right because we brought peace to our country, which rediscovered its trail and moved on.

Mr. Speaker Sir, H.E the Late President Mwai Kibaki respected everybody who worked with him. As Sen. Orenge has been saying here about forced marriage, when you have a forced marriage and it does not work, you end up with what I told you here in the Senate, a messy and noisy divorce. You can see that noisy and messy divorces are happening because people have to respect each other even if you do not agree.

Today we look back to what *Mzee* Kibaki did for this country. He left Kenya when a bag of fertilizer was Kshs1,800. People like Sen. Poghiso here are farmers where they come from. Today a bag of fertilizer is Kshs6,800. That is what President Kibaki left us.

For the ten years that Kibaki was our president, even during the troubles of 2007-2008, there were no petrol queues in this country. We never saw them. Today as we pride into mega projects people are queuing for food and going hungry. They are queuing for food and petrol; farmers cannot afford inputs; the cost of fertilizer and seed is unreachable. Everybody in Kenya is living on tenterhooks.

We remember *Mzee* Kibaki; that he that never left our country in a situation where Kenyans started regretting being Kenyans. He made everybody proud. He made all of us look back and say this is our country. It was truly the giant in the region.

Mr. Speaker, Sir, when we had a problem with Mizingo Island, when Uganda was claiming it, we said that it was our Island. Many people started issuing very bellicose and belligerent statements that we go to war and fight. *Mzee* Kibaki just laughed and said that Kenya and Uganda have so much in common to fight over an island.

He called President Museveni to come to Kenya. They sat and instructed us to put together a team from Uganda and Kenya and resurvey the international boundary between Kenya and Uganda starting from Kibish in the north, down to the T-junction of Kenya-Tanzania-Uganda boundary.

In fact, it is then that we found where Sen. Poghiso comes from. The international boundary beacons had been uprooted. We had to put them back without quarreling, fighting or doing anything. That is Kibaki for you. A man who believed in peace and tranquility of this region.

As I eulogise President Kibaki, I also want to remember my brother Hon. Kalonzo Musyoka who was President Kibaki's Vice-President for a full term. Brother Kalonzo did us proud because we worked together. I was his Assistant Minister in the first term of Kibaki and in the second, I was a Minister and he was the Vice-President. We deed a sterling job. We had no backstabbing or endless gossip. We had no situation where anybody looked down upon the other in whatever circumstances we found ourselves.

My brother Kalonzo has heard messages here from Sen. Orenge and Sen. (Dr.) Ochillo-Ayacko that he is in a marriage that is forced. Do not get into a forced marriage. You have many options in your life, including but not limited to engaging Kenya *Kwanza*. We are available to have you because we know what you are and how dedicated and patriotic you are. You do not deserve what you are going through.

When you became the Vice-President of President Mwai Kibaki in the most difficult circumstances, you were not interviewed to be given the job. You served for five

years. You were Rt. Hon. Raila Odinga's running mate in the year 2013, 2017 and now it is most appalling---

This, I address to you, Sen. Mutula Kilonzo Jr., and Sen. Wambua, that your party leader is now being demeaned to go for an interview to be a running mate. How can you allow this to happen? He was not interviewed to be President Kibaki's Vice-President. He was not interviewed to be hon. Raila's running mate in 2013 and 2017. What has happened to his quality, status and stature as a politician?

Sen. Wambua, I want to send you to tell my brother hon. Kalonzo that in Kenya *Kwanza* house, there are many rooms and those rooms are available to everybody including him. We need good people including him to work together.

Let me finish by touching on one or two things about Kenya *Kwanza*. When those of you who have opportunity to read, I know that many of us in Parliament are sometimes too busy with too many things, just pick the HANSARD and read the debates of *Mzee* Kibaki.

Pick the HANSARD and read the debates of the late hon. Martin Shikuku, the late hon. George Anyona, and the late hon. Wamalwa Kijana. You will see that actually in Kenya the stature of politicians is shrinking rapidly. This is because sometimes you listen to debates and you wonder whether this is a kindergarten or a House of Parliament.

Those leaders were patriots. They had their facts; they had their feelings for the country and they stood and spoke facts and they spoke well. The late President Kibaki is on record as one of the debaters who never carried notes to the podium to speak. He had everything scrolling through his mind and was never ruled irrelevant by any Speaker. We are remembering that man.

There are those of us who had the privilege to work with *Mzee* Kibaki such as Sen Poghishio here, the tycoon from Nyeri, my brother Sen. (Eng.) Maina; Sen. Orenge and Sen. (Dr.) Ochillo-Ayacko. We will remember that in him was a gift to Kenya. In him we had the best President Kenya ever had. In him the economy grew. Through him Kenyans loved each other. Through him, Kenyans embraced each other. Through him, tribalism was put at the back burner of our country. Through him, Kenyans felt they had the President to be proud of.

Even when there was a disturbance after the disputed election in 2007, we regrouped together and everybody recognized President Kibaki as our President. The Rt. Hon. Prime Minister Raila worked with him as our President. We sat in Cabinet with H.E Kibaki as our President.

Mr. Speaker, Sir, for your information, during *Mzee* Kibaki's days, we had cabinet meetings every Thursday of the week to make the country move. Today, I do not know when the last Cabinet meeting was held. This is because it is not a secret when a Cabinet meeting is held, it is made public and Kenyans know that the Cabinet met and made resolutions.

The Constitution today even obligates that every Cabinet decision must be in writing, signed, sealed and made public. We do not hear of any Cabinet meetings anymore. The country is run by decrees by a couple of a few conspirators and people who do not consult others. This is a big shame.

We remember *Mzee* Kibaki with a lot of nostalgia. May God rest *Mzee* Kibaki's soul in eternal peace. We travelled much with you, Judy, your brother Jimmy, Tony and David around the world with *Mzee* Kibaki. We wish you well and strength now that you

are orphans. You lost *Mama Lucy*, you have lost *Mzee Kibaki* but that is part of life. *Kuzaliwa ni bahati, kifo ni lazima kwa kila mtu.*

We celebrate the life of *Mzee Kibaki* as one like no other. Some men are born great, other men have greatness thrust upon them while others acquire greatness. *Mzee Kibaki*, through sheer hard work acquired greatness. We cannot say the same of others.

May God rest *Mzee Kibaki's* soul in eternal peace. Thank you.

**The Speaker** (Hon. Lusaka): Before I call Sen. (Eng.) Maina, I remember, as the Permanent Secretary (PS) in livestock, when we went to brief him, he asked us: "These cows we have seen in Nairobi and the ones we are going to see in Mombasa, what is the difference? You are just going to show us the same cows that we have picked from here."

So we had to change our programme because now we had to think outside the box. *Hawa ng'ombe tumeona hapa ndio wao hao tunaenda kuona huko.*

**Sen. (Eng.) Maina:** Mr. Speaker, Sir, I stand here to share my memories of one of the greatest men in this world. *Mzee Kibaki* comes from Nyeri. He was the MP for Othaya for a long time. The people of Othaya---

*(An hon. Senator spoke off record)*

True, he started in Donholm and eventually the people of Nyeri fished him from here back to Nyeri. The people of Nyeri had total confidence in *Mzee Kibaki*. Even during the times of *mlolongo*, *Mzee Kibaki* was among very few people who had no challengers. Some of you may not remember what *Mlolongo* was.

I knew *Mzee Kibaki* more than 40 years ago. What struck me is how he was able to relate to me as a young man. We were close until his final days. The people of Nyeri and the country at large know that *Mzee Kibaki* was a great leader who always thought good of other people. He was a man who, in spite of his greatness, respected all the people. We have truly lost a great man.

Remembering the words of Mark Anthony that:

"I come to bury Caesar, not to praise him".

Praises for *Mzee Kibaki* cannot be enumerated through a single speech. The greatest of all was his character.

Today, we recollect the good times we had with him as the President of this country. When he was the Minister for Finance, he did a lot to improve the economy of this country and the lives of many ordinary Kenyans.

There are many things he did in this country, beginning with the major cash crops such as coffee, tea, sugarcane and the dairy industry. Others include cashew nuts factories at the coast. We also had the KMC for pastoralists. All those were done when he was the Minister for Finance.

As the Minister for Finance and working under *Mzee Jomo Kenyatta*, *Mzee Kibaki* foresaw the Africanisation of the economy and businesses in this country. That is how bodies like the Industrial and Commercial Development Corporation (ICDC) were conceived and became the driving machinery for the African business people. Today, those bodies are not serving their purpose.

We also had the Agricultural Finance Corporation (AFC), which was formally Agricultural Bank. All those bodies were established during the time of *Mzee Mwai*

Kibaki as the Minister for Finance, using policies that were put up during the time of *Mzee* Kenyatta and Kenya was one of the shining countries in the world.

When *Mzee* Kibaki became the President, he had a clear vision of what he wanted. He wanted to see improved livelihoods of ordinary Kenyans. He brought a milestone in the education sector. Have we learnt? There are many things we can talk of about the greatness of a man but the greatest thing to remember a man for is his respect for humanity.

*Mzee* Kibaki conceptualised Free Primary Education (FPE) in recognition that there were many children whose parents could not afford school fees. That was a great thing. I remember his Minister for Finance then, the late Prof. George Saitoti, telling me that it was through sheer effort and encouragement of *Mzee* Kibaki that that programme took off. Many people did not believe that it would take off but it did. He was a great man who thought about the future of ordinary children who cannot afford to go to school. He ensured we had FPE, which I must say it is not running in the manner it used to during the presidency of *Mzee* Kibaki.

The other great thing we will remember *Mzee* Kibaki for is being content with what he had. In spite of being in the Government for many years, having served as the Minister for Finance, Vice President to *Mzee* Moi and finally as the President, you can hardly hear his name being mentioned anywhere in relation to corruption, which appears to be glorious because we have designed a system where you only become rich through corruption. In the midst of all evil, he remained upright and pure.

When he became president, he declared zero tolerance to corruption. True to the matter, he did not spare even the closest to him. One time the late Karisa Maitha came to my office and sent me to *Mzee* Kibaki to convey a message that he was a bit upset that he was being bothered with some *maneno* at City Hall regarding some insurance. When I went to see *Mzee* Kibaki at State House, it was not an easy discussion between us because he could not understand how I was going to talk on behalf of somebody who was being mentioned.

As we continued talking, without realising how the matter was deep in his heart, he shouted at me to go and tell that man to stop the habit and he stopped there. *Mzee* Kibaki was very clear on zero tolerance to corruption and he had no time for anybody mentioned to be involved in corruption.

Mr. Speaker, Sir, I know how it pains many Kenyans. How many have been mentioned to have made billions from COVID-19 funds, including some in this House. Governors come to this House faced with impeachment but nothing happens. They all seem to walk out there. We then witness a country that is bleeding economically.

Mr. Speaker, Sir, we must truly commend *Mzee* Kibaki for being so clear minded. To him, the only way to save the country was to save it from these kind of people; scavengers who believe in scavenging on the public resources. That is what made Kenya what it is. *Mzee* Kibaki brought a culture of hard work in this country. He preached hard work to everybody and that you do not have to steal to be rich.

The other most notable thing to learn from *Mzee* Kibaki is the fact that to be poor is not a question of what you have. Neither is being rich a question of what you have. To be poor is a question of what you wanted to have, minus what you have. *Mzee* Kibaki lived with contentment with what he had and we all admire that kind of spirit.

Mr. Speaker, Sir, we also remember *Mzee* Kibaki as somebody who had the capacity to cooperate even with people he did not agree with. I have witnessed various incidents. I remember one time I had courage and dared to go to State House. It took me a year to reach a decision to go there. When *Mzee* Kibaki took over, there were skirmishes between the former people who were in Government and those who were in his new Government. I recommended to *Mzee* Kibaki that it would be good if he invited *Mzee* Moi for a cup of tea. He then asked me “*Sasa tutatuma nani?*” I gave the name of Bishop Yego and they started discussions with *Mzee* Moi.

*Mzee* Kibaki was somebody who appreciated any idea, old as it looked. That is one of the greatness of men. Nyeri County will remember *Mzee* Kibaki for certain things. One of them is that he managed to settle the people who had been chased out of Mt. Kenya Forest and were living under the *Shamba* System in Mt. Kenya and Aberdare forests. He settled them in Solio village, which is 15,000 acres.

Those people had lived miserably on the footpaths of small rural roads for over 20 years. They had been removed through some dubious, miscellaneous accusations that they could be harbouring insecurity problems. These people had lived helping in conservation of Mt. Kenya and Aberdare forests. Today, we see how the forests have been depleted.

Therefore, *Mzee* Kibaki will be remembered by those people and all the people around Nyeri and Laikipia counties, as somebody who came to their rescue for their livelihood.

Mr. Speaker, Sir, one of the other most trying moments was the time of Mr. J.M. Kariuki. I was a young man and *Mzee* Kibaki had the hardest time but he stood to his form as a man of his character. I remember at the burial of Mr. J.M. Kariuki, he said that even if it took 100 years, the truth would be known. *Mzee* Kibaki lived upright in spite of all the ills that surrounded him.

We also learn from *Mzee* Kibaki about things to do with democracy, the rule of law and freedom of speech. During *Mzee* Kibaki's time, he took over and he liberalised the media to a very admirable extent. He did not mind criticism. He believed that criticism was the way to improve a country and that people have to be allowed to air their views.

As we mourn *Mzee* Kibaki as a country and as a people, we also remember him as somebody who wished to set up a governance system for all the people in this country. It was one of the best governments of the world.

In this regard and particularly at this time of political campaigns, let us remember *Mzee* Kibaki and follow his example. Let us ensure that despite the struggles, developing bitterness and rising temperatures, we should always emulate him and ensure that Kenya remains a peaceful country. We should have a peaceful election for the sake of the welfare of our people.

I say this sincerely because we have already witnessed the high temperatures, which will get even higher. We should always remember that we are all one Kenya, as *Mzee* Kibaki showed when he shook hands with *Mzee* Raila Odinga. At that moment, Kenya became one, united country moving in good state. Therefore, I call upon the likes of my brother, Sen. Wetangula, despite the divisions, let us remember that there is always shaking of hands and the country will be one.

*(Sen. Wetangula spoke off record)*

Fine.

Mr. Speaker, Sir, I am only calling upon Kenyans that as we go to the next elections, let us ensure that we keep peace and unity in this country. Despite the results of the elections, let us remain together as brothers and sisters and carry on in the memory of *Mzee* Kibaki.

I must also call upon Kenyans and the Government, as *Mzee* Kibaki had set an example, that he will not tolerate anything to do with corruption. This country is bleeding with corruption. The billions that we read about. I keep telling people that Kshs1 billion, which most of us have not seen, is not little money.

*(Loud consultations)*

If you keep Kshs1 billion in the house and use Kshs10,000 every day, it will take you 267 years to finish that money.

Therefore, when we read about the Kshs2 billion a day being stolen by individuals, honestly, let us remember the memory of *Mzee* Kibaki. Those thieves who steal money and resources are the cause of lack of medicines in our hospitals and proper equipment in our schools. The same people who are subjecting this country to high cost of living, let us ensure - I call upon everybody - that these people are put in Kamiti Prison where they belong and Kenya starts being the country that we envisaged it to be.

Let me also say that *Mzee* Kibaki was a believer in free economy. I brought the Price Control Bill to Parliament and it was supported by the whole Parliament. It was talking about 10 items, which Kenyans are still crying about even today; maize, maize flour, rice, cooking oil, paraffin, petrol and diesel. I enumerated 10 things that I felt that the Government should be actually having control on prices, because I do not believe that we should be living in a country where common people cannot afford basic commodities.

Mr. Speaker, Sir, despite the major opposition from many people in the Executive, I would like to say, to this day, I am very grateful to *Mzee* Kibaki because he signed that legislation into an Act of Parliament although it has not been enacted to date.

In the memory of *Mzee* Kibaki, I would call upon that law to be enacted so that we can have price controls on *unga*, rice and cooking fat, so that every Kenyan can feed. Some of us do not believe that we should be in a country where some people go hungry when others are throwing food into the dustbins. I would like to say that is one of the things that I feel should be done in the memory of *Mzee* Kibaki; enacting that law which he signed.

There is a lot that we can learn from *Mzee* Kibaki, some of us who have had time to share with him personally and also as our leader. I want to tell the family of *Mzee* Kibaki that what has happened is a natural thing. God is the one who actually decides when we are in this world and we shall leave this world.

I take this opportunity to send my condolences to the family, to the children starting with Judy, Jimmy, David, and Tony. As the Senator for Nyeri County and whatever else I will become tomorrow they can rest assured that they will always have me to do all that should be done when they need my service.

May the soul of our *Mzee* rest in peace among the angels of heaven.



Thank you.

**Sen. Mutula Kilonzo Jnr:** Thank you, Mr Speaker, Sir. Allow me to pass my condolences, those of my wife Anita and the people of Makueni to the family of the late Mwai Kibaki and the country in general for losing such a great man. The young people like myself and others can only repeat sentiments of what we have heard. We have not had the opportunity and privilege like Sen. Wetangula, Sen. (Eng.) Maina, Sen. Orenge and Sen. (Prof.) Ongeru of working with this good man.

Stories are told about this man and allow me to recall the sentiments that my late father shared about this good man. He said this is one man that Kenya will miss. I do not know what he meant then but watching him lying in this Parliament reminds me of the words of Solomon: 'All is vanity'. I hope our presidential candidates and the people who want to rule this country can learn some lessons about this good gentleman, Mwai Kibaki.

Sen. Orenge did mention that when he was Minister for Lands and after assuming office, the first thing the mandarins of the NARC Government wanted to do was take away the property of *Mzee* Moi, but this good gentleman, President Kibaki instructed Sen. Orenge to deliver the title deed of Kabarnet Gardens to *Mzee* Moi. While he would have taken revenge and while in 2003 he had the power and influence to punish those who were in KANU at the time, President Kibaki did not do so. We want a president who will not revenge. We want a president who will consider every Kenyan, those who voted for and against him as part of this country.

Mr. Speaker, Sir, Shakespeare once said that the evil that men do is written in brass and the good deeds that they do are written in water. I am not sure that the politicians of this country believe in what Mwai Kibaki believed in. We do not. He left a country that was less corrupt. We are very corrupt. There is actually a picture of something he said, I cannot remember it off head but it is a very nice picture on the 6<sup>th</sup> or 2<sup>nd</sup> floor of Harambee House about what Kibaki thought about corruption and service to the people. It nearly appears as a contradiction that it appears in that place because a lot of the bad things that have happened to this country, some of them happened in that building.

I remember this President after he left office as a gentle man who I saw every other Sunday at the Consolata Shrine where we used to go every Sunday. I am not quite sure whether somebody is going to write a book about this man, I am not sure whether we are going to produce a man like this but many things need to be written about the late Mwai Kibaki.

I remember vividly the story about the Constitution told by my late father. He said that if it was not for Mwai Kibaki remaining firm, many people in his Government did not want a new Constitution. He just remained very firm. Every time they used to conspire, he sought for my father's opinion and he would say what the Minister has said he will follow. He followed and listened to advice.

I admire this gentleman for his patience and listening. We are quick to judge, we are quick to anger, we are quick to punish our enemies and since I do not aspire to be a president, those who are aspiring to be presidents of this country must borrow a leaf from Mwai Kibaki. He led a Cabinet of 42 Cabinet Ministers from the ODM, Wiper and his own party. All these people; Anyang'-Nyong'o, Orenge, Raila and others were in the same Cabinet.

The current Government is having problems with just 20 Cabinet Secretaries. He led a Government and he found a process. He believed in processes. We are going to miss Kibaki.

I recall a time when I was asked to speak about Building Bridges Initiative (BBI) and I said: “You are going to miss President Mwai Kibaki and what he did for us to get a new Constitution”. The Constitution that he promulgated in 2010 is untouched so many years later. Why? Because he believed in processes. We got a new Constitution despite opposition to it because this man believed in processes. I am saying, if we want to believe in the legacy of Mwai Kibaki we must follow process.

Those who speak about ill-gotten wealth---

Together with my late father, we represented two people, who were said to be very close to President Kibaki. One of them was the Governor of the Central Bank of Kenya (CBK), who was also his economic advisor. When he was alleged to have committed crime as the CBK governor, he went to him stating he was innocent. The late President Mwai Kibaki told him to go and defend himself in court. True to his word, Governor Mulei was found innocent of the crimes for which Cabinet Ministers in Kibaki’s Government conspired to have him removed from office.

The second gentleman from Nyeri was also a good friend to him. His name was John Munge.

**The Speaker** (Hon. Lusaka): What is your point of order Sen. (Dr.) Ochillo-Ayacko?

**Sen. (Dr.) Ochillo-Ayacko:** On a point of Order, Mr. Speaker, Sir. I hate to interrupt the very eloquent present and future colleague. He will also be your colleague at the Council of Governors (COG). He said that Cabinet Ministers conspired to have somebody charged.

I was in that Cabinet. I do not want to say much because I will steal his thunder. There was no such conspiracy. If it took place, it was not at the Cabinet level. It was in the kitchen.

Thank you.

**Sen. Mutula Kilonzo Jnr.:** Mr. Speaker, Sir, I know the people who wanted Mulei charged. One time I met one of them who had been charged alongside him and I reminded him of the same. He was now being charged. I believe the point is made.

The second gentleman is called John Munge. He used to run Shah Munge and Partners. He was a good old buddy of the President. He was charged on a matter involving Eurobank. When he went to his friend and told him he was innocent. He was then the Kenya Revenue Authority (KRA) Commissioner-General. He asked the President to help him but the President told him to go and defend himself in court. John Munge was found innocent. He passed on recently. May his soul rest in peace. It exemplifies what I am talking about.

If the example of what Kibaki believed in was followed in the current government, a lot of people would either be in jail or in court facing corruption charges. As we go to bury this man, a lot of us are going to make statements we do not believe in. The late President Kibaki never protected his friends. He allowed processes to be followed. Since he was a good Parliamentarian as has been mentioned by Sen. Orengo, he allowed Parliament to do what it is supposed to do.

We must tell our presidential candidates that they must emulate Mwai Kibaki. Do not preach water and drink wine. You must believe in processes. Mwai Kibaki was sued when he appointed the County Commissioners. He never pointed a finger. He allowed the case to proceed. The next chief executive of this Republic must tell us that he will follow the footsteps of Mwai Kibaki in terms of allowing for processes. That is what this gentleman believed in.

I cannot fail to mention the question of debt. This man left this country with no or very little debt. Since we are eulogizing him, let us say things as they are so that somebody can learn a lesson. Was it because this Makerere Student was a good economist? Did the economist disappear soon after Mwai Kibaki? The answer is, no.

What he did is that he had an economic council, the National Economic Council that advised him. That is the reason our economy was thriving in his time. It is the reason we borrowed less. These are some of the lessons; as we eulogize him, we must call it as it is. This country has been mismanaged after Kibaki. I will say it for the record and for his grand children to read.

The late President Mwai Kibaki led a peaceful transition. If we do not remember him for anything else, he is a gentleman who handed over the sword of leadership in a manner that left this country in one piece. When I say so, I am speaking to the current President. This man lying in Parliament was your mentor. You must leave Kenya in peace when you hand over power because there will be no other President. I believe President Uhuru Kenyatta is going to do the right thing as his predecessor did.

It is unfortunate that the country has lost all other presidents who have left us. I have suggested that in future any president who leaves office must form an elder's council where they can guide their successors on matters management of the country. A time will come when we will have five or more retired presidents. We cannot just let them go into their retirements. Retired presidents should be given an opportunity to guide like it happens in America.

As we eulogize the late President Mwai Kibaki, I pray that this country will have a peaceful election. Those like Sen. Wetangula who have spoken about my party leader who successfully deputized President Mwai Kibaki must be reminded that Kalonzo Musyoka, our party leader, is like Job. The man is going through trials. The good and peaceful Kalonzo Musyoka is quiet. It is not because he does not know what to do or what to say. We are peaceful people and we are watching all of you. It does not mean you take advantage of him or us.

Nobody is going to marry us by force. We are going to do everything willingly because this country is bigger than all of us. At some point everybody must think about the country more than we love ourselves. We have taken your advice and as usual we are going to take notes. Those of you inviting us, we are watching you. You are not going to invite us and then we walk in there as if we are jilted. We are not.

**Sen. (Dr.) Lang 'at:** Mr. Speaker, Sir, thank you for giving me this great opportunity to eulogize this great man, the late President Emilio Stanley Mwai Kibaki. He was a great leader and will be remembered because of what we can see today, out of what he did.

I pass my condolences on behalf of the people of Bomet to the family and to the Kenyans that this man touched their lives in a very special way. The late President Mwai Kibaki was a great man right from the family level. He worked closely with his wife

when he was President. He even went ahead to protect his family through a press statement declaring Lucy Kibaki as the only wife he had.

You know it was great, and I tend to think he set a great example to most men in this country.

In leadership he was an economic giant who rescued this country at the point of need. When we were expecting that everything was in disarray economically, there came a time when H.E Kibaki arrived as the President and saved the economy of this country. He will be remembered forever.

When he declared free universal primary education, most people doubted that it would have succeeded. It succeeded so much that I remember when I was in university, almost every student was researching on the success of free primary education in this country.

Most of the people went back to school, as Sen. Wetangula has said, including an elder by the name Maruge. Most of the people left looking after the cattle to go back to school and today most of those people are working in various sectors in this country. Therefore, he gave hope to most Kenyans on matters education.

As far as infrastructure is concerned, the Thika Highway is a living example for the rest of our lives to remember *Mzee* Mwai Kibaki. On fight against corruption, he set a good example. He could not even spare his closest friends. Whenever they were mentioned, he was the first one to tell them to step a side for investigation to take place.

Many times, those who stepped aside and were investigated came back cleaned those most also fell casualties. He was a man who fought corruption by action and improved the economy of our country.

From the time he was the Minister of Health, I remember the health sector was so much improved especially during that time when Nyayo Wards were being established across the country. He was a pragmatic leader. He believed in action-oriented leadership and I think that is why he spoke less. Most of his words were demonstrated in action when he was the President of this country.

As far as this character analysis is concerned, he was the most forgiving human being I have ever experienced in life. There were people who tormented him in his attempt to become the President of this country. Everybody expected him to revenge when he came to power but he simply forgot about it and forged ahead. He forgave them and even rescued their wealth so that they could continue well. When it comes to learning on forgiving our enemies, we get a lot of lessons from Mwai Kibaki.

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

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

He was also very resilient. Remember he suffered so much. He became the President of the republic of Kenya while he was sick but nevertheless, he led the country the right way. I can also learn to be a fighter to get whatever I want. He was a go-getter. He fought so many times to become the President of this country and at the point where everybody was almost declaring him irrelevant in the fight, that is the moment he clicked to leadership in this country.

His spirit of fighting will always remain as an example to most of us in this country. There is always hope for those who are hopeful. He was a very humble leader and a very brilliant scholar that we shall always emulate.

Mwai Kibaki was a great leader, we have a lot to borrow from him. For those of us who are still fighting as far as leadership is concerned, we must always borrow a lot from him. On behalf of the people of Bomet, may his soul rest in peace, and may he live forever in our lives. More so, in actions that we can see today and forever.

I condole with the family and Kenyans. May his soul rest in peace.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Senator. Proceed Sen. Wambua.

**Sen. Wambua:** Thank you, Madam Temporary Speaker, for this opportunity to also add my voice in paying my tributes to a great man. It has been said and I add my voice that indeed the late president Emilio Stanley Mwai Kibaki had a checkered political career.

I think he is going down in history as the longest serving Member of Parliament having served for over 50 years. I am being reminded by my leader here, Sen. Wetangula that he is probably the longest serving Member of Parliament in the Common Wealth. He served this country over 50 years, as a member of Parliament in Donholm and Othaya constituencies having served---

**The Temporary Speaker** (Sen. (Prof.) Kamar): There is a point of information Sen. Wambua. Would you like to be informed by Sen. (Dr.) Ochillo- Ayacko?

**Sen. Wambua:** Madam Temporary Speaker, I will take the information.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Okay. Proceed, Sen. (Dr.) Ochillo- Ayacko.

**Sen. (Dr.) Ochillo- Ayacko:** Thank you, Madam Temporary Speaker, I would like to inform my colleague that I think he is second to Sir Winston Churchill who served for 51 years. That is the correct information in the Commonwealth.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you.

**Sen. Wambua:** Madam Temporary Speaker, I do not know whether to take that because my colleague is not very sure. He is saying perhaps he is second to Sir. Winston Churchill. Unless we get the facts right, I will stick to eulogizing my fallen president as the longest serving Member of Parliament in the Commonwealth.

It would be remembered that the late President Mwai Kibaki successfully served as the fourth Vice President of the Republic of Kenya. He had a successful career in the Cabinet in several dockets including finance, home affairs and health, just to mention but a few. He was a founder Member and leader of Democratic Party (DP). He rose to be the Official Leader of the Opposition in Parliament and eventually became President and served for 10 years.

On my own behalf, my family, the people of Kitui County, the people from the Lower Eastern Region and the Wiper Party fraternity spread across the country, I convey our condolences to our fallen President. The family of *Mzee* Mwai Kibaki, we say we condole with you.

I want to say a few things about the late President Mwai Kibaki. I did not have the opportunity to serve directly under him as did Sen. Wetangula, Sen. (Dr.) Ochillo- Ayacko, the Senate Majority Leader (Sen. Poghisio), the Senate Minority Leader (Sen. Orenge) and the rest of the Senators that served under the late President Mwai Kibaki.

Madam Deputy Speaker, I am a direct beneficiary of the benefits of the good leadership of our fallen President. When I served in the media for 16 years, from 2000 to 2016, within which time he was the President for 10 of those years, we enjoyed real press freedom. It is during the late President Mwai Kibaki's tenure that media space in this country was expanded and journalists had the opportunity to report on everything under the Sun.

In fact, it was under the late President Mwai Kibaki's leadership that we as media people boldly reported about the ills in Government without looking over our shoulders. We took on Cabinet Ministers without looking over our shoulders without being harassed. We served under a president who believed and lived the principles of journalism that a free media is a nation talking to itself. Under the late President Mwai Kibaki, the media enjoyed great freedom.

Madam Deputy Speaker, it was under the leadership of the late President Mwai Kibaki that we got the Constitution, 2010. It shall be remembered that this Constitution has been applauded across the world as the most progressive Constitution for this side of the world.

Under the Constitution, 2010, we in this Senate are creatures of that Constitution. In the Judiciary, we have the Supreme Court and in the Executive, we created the Office of the Deputy President.

Those are the highlights of the Constitution 2010, not forgetting devolution, the Bill of Rights and all the good things that are to be found in our supreme law. The late President Mwai Kibaki played a lead role to ensure that Kenyans gave themselves this wonderful Constitution.

The development record of the former President, our fallen hero, speaks for itself. The road network and the road from Nairobi to Thika, the so called Thika Superhighway, has been mentioned in many places outside this country as a piece of good work.

We will not forget to mention the FPE. Without saying any bad things about anyone, I draw a parallel between the achievements of FPE under the late President Mwai Kibaki and what is there currently. The late President Mwai Kibaki inspired hope among people.

When the doors were opened for FPE, people willfully took their children to school. Adults left their farms and trooped back to school. We all remember the images we got from Olympic Primary School where children from all over Nairobi went to school.

Madam Deputy Speaker, last year, I remember there was a Government edict that chiefs and assistant chiefs are supposed to walk in homes to drive away children to go to school. If there is goodwill and people see hope in what they are being offered, there will be no need to use Government mandarins to force people to go to school. The question that many parents are asking themselves today---

We have been elected to speak for and on behalf of the people that brought us to this House. Many questions that parents are asking themselves is whether the FPE is really free. There is still so much money that parents are supposed to pay for their children to access school.

Yesterday I received an anonymous call from a voter in Kitui County. The caller was complaining, almost shedding tears, that they were given contracts to construct the so called Competency Based Curriculum (CBC) classrooms. They have constructed the

classroom and the details in regard to the contracts have been filled and submitted to Jogoo House.

However, when they come for payments, they are being taken round in circles and they are not being paid. In fact, in his own words, people at Jogoo House are indirectly asking for bribes to pay the contractors who have been asked to build classrooms.

During the days of the late President Mwai Kibaki, such things would not happen. I want to challenge the Government of the day, as we eulogise the late President Mwai Kibaki, to call up on the Cabinet Secretary for Education to make sure that if money was set aside for people to get contracts to build CBC classrooms in our institutions, it is only fair that they are paid. There should be no conditions at all. Just pay them because they have done the work.

There is a sector that must forever be grateful to the late President Emilio Stanley Mwai Kibaki. That is the *boda boda* sector. It was during the time of the leadership of the late President Mwai Kibaki that the sector started to grow in this country. Today, it is probably the only sector that is growing. Since the late President Mwai Kibaki planted the seed, I would ask the current and future governments to do what is right for the young people in the *boda boda* sector.

Madam Deputy Speaker, this is a sector that has grown to a level that we need a stand-alone legislation and regulation for it to operate as a sector in this country. I want to challenge the government of the day and future governments to look into ways and means of making the *boda boda* sector a real sector of our economy as an employer, a contributor to the GDP, and a means of getting our young people employment.

**Sen. Wetangula:** We shall do it!

**Sen. Wambua:** Madam Deputy Speaker, I can hear Sen. Wetangula saying “We shall do it.” I do not know what he means by “we”, but I guess he can explain that better.

Lastly is the issue of debt. This has been said by almost every speaker. By the time President Mwai Kibaki was leaving Office, the economy was doing extremely well. The price of basic commodities was fairly affordable. Cement was between Kshs450 to 500. I was in Turkana County the other day and they are buying a bag of cement at Kshs1,200.

Madam Deputy Speaker, by the time President Mwai Kibaki was leaving Office, wheat and maize flour were affordable at Kshs60 at most. Today, they retail at Kshs150. The cost of fuel, if and when it is available, has become completely unaffordable. Most times it is not readily available.

Madam Deputy Speaker, how much time do I have?

**The Deputy Speaker** (Sen. (Prof.) Kamar): You have five minutes.

**Sen. Wambua:** Thank you, Madam Deputy Speaker. By the time President Mwai Kibaki was leaving Office, our debt was around Kshs1.2 trillion. Today, in less than 10 years, we are at over Kshs10 trillion. It is incumbent upon this and future governments to cushion Kenyans against the high cost of living.

On the fight against corruption, President Mwai Kibaki walked the talk. I mention this respectfully. Some people brought allegations against my colleague, the Senator for Bungoma County. That Sen. Wetangula had been involved in the sale of an Embassy in Japan.

The President asked him to step aside for investigations to be carried out. If he is found to have been involved, he should be taken to court and lose office. If he got cleared

by the investigations, he would return to office the following day. After investigations, our colleague was found to be white as snow.

When the President got the report, Sen. Wetangula, was recalled to office. That is President Mwai Kibaki for you. A man who when it comes to public service, there were no friends or enemies and the law had to take its course.

Today, we have many people of questionable character who have looted public resources. However, they are still in Government serving at the pleasure of the President. A time has come for us to emulate Mzee Kibaki and do the right thing for this country.

Madam Deputy Speaker, if I have run out of time, I kindly ask for a minute. Sen. (Dr.) Ochillo-Ayacko and Sen. Orengo made reference to my Party leader; H.E. Dr. Stephen Kalonzo Musyoka in relation to the leadership of this country. I want to make it clear on my own behalf and on behalf of the Wiper fraternity, that we are not offering any bride for any marriage. Whether consensual, arranged or forced, no one is offering any bride for any marriage.

I have listened to the words of Sen. Wetangula with more than passing interest. He said they have open doors. We have heard that before. I want to make it clear for this country to hear and to know, that Dr. Kalonzo Musyoka has served this country with distinction. If there is one man that we have to pay accolades, respect and treat with dignity that is due to him, that person is Dr. Kalonzo Musyoka.

Madam Deputy Speaker, when Hon. Kalonzo was President Kibaki's Vice President, he supported the Government of the day with everything that he had. He made it possible for his boss to deliver services to this country. When there were chaos in neighbouring countries, he took responsibility and duty of care to help form and stabilise governments in the Democratic Republic of Congo (DRC), South Sudan and Somalia.

If I were my leader, Sen. Orengo or my senior colleague, Sen. (Dr.) Ochillo-Ayacko, I would perhaps address Dr. Kalonzo Musyoka differently.

I submit.

**Sen. (Dr.) Ochillo-Ayacko:** Point of order, Madam Deputy Speaker!

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you.

Sen. (Dr.) Ochillo-Ayacko, he has already cleared.

**Sen. (Dr.) Ochillo-Ayacko:** Madam Deputy Speaker, just allow me a minute.

**The Deputy Speaker** (Sen. (Prof.) Kamar): To inform?

**Sen. (Dr.) Ochillo-Ayacko:** Madam Deputy Speaker, to inform. The fact that I have not been given the microphone, please do not rule me out of order without hearing me.

**The Deputy Speaker** (Sen. (Prof.) Kamar): The problem is that he cannot be out of order when he is not on the Floor either.

**Sen. (Dr.) Ochillo-Ayacko:** Madam Deputy Speaker, the records will bear me out.

*(Loud consultations)*

**An hon. Senator:** He can inform him.

**The Deputy Speaker** (Sen. (Prof.) Kamar): You know you will have your turn. Craft it around your turn. He cannot be corrected when he had already vacated the Floor. I did not see your click earlier. You should have pressed your button earlier.

Sen. (Dr.) Mwaura, proceed.



**Sen. Mwaura:** Thank you, Madam Deputy Speaker. This is an important moment to eulogise the fallen Third President of the Republic of the Kenya, H.E. Emilio Stanley Mwai Kibaki.

I start by reading a quote that is famously attributed to him:

“Leadership is a privilege to better the lives of others. It is not an opportunity to satisfy personal greed.”

Another quote that is associated with President Mwai Kibaki is that when he faced challenges in the 1988 Kenya African National Union (KANU) nominations, he still won but he said that even rigging has manner.

Madam Deputy Speaker, the shambolism that is associated with party nominations has been rampart across the political divide. It has been used to deny the country great leadership of people who have contrary opinion. This is especially because even the turnout is usually very low to the detriment of good leadership.

At times, going by his assertion about leadership and rigging, you have to make a covenant with the devil if you decide to rig yourself into power. It has been said before that political corruption is the mother of all corruption. That is the malaise that has affected our leadership in this country, to the extent that we have not got the dividend of our democratic engagement.

Personally, I stand here very happy because the fallen President---

*(Sound of trumpets)*

You can hear the trumpets of the brass band as his body is being escorted out of Parliament.

The President came to power on a wheelchair. This is very significant. He had gotten an accident and as a result, he ended up on a wheelchair. It is out of this that President Kibaki promulgated the Persons with Disabilities Act No.14 of 2003 into law.

That was a watershed because it enabled persons with disabilities whose Bill had actually been in limbo in this Parliament for 10 years since 1993, to see light of the day. It is actually out of that that in 2004 under the leadership of my colleague Sen. (Dr.) Ochillo Ayacko, I was appointed to sit in the first board of the National Council for People with Disabilities (NCPWD); a body that was created to superintend over the affairs of people with disabilities by ensuring the implementation of the very law that created that body. I am a direct beneficiary of the leadership of President Mwai Kibaki in 2004.

Earlier on, it was quite interesting because there was a very serious scheme to deny him to become president. When I first registered as a voter in 2002, I could not vote for President Mwai Kibaki, the reason being many names that started with an O and M had been omitted in the voter register. I also remember at some point Raila Odinga's name was missing at Olympic Primary School polling station on 29<sup>th</sup> December, 2002.

However, he still went ahead and won resoundingly, with over 2 million votes, at 63 per cent of the votes. That is how he was declared president “*yote yawezekana*” under the NARC banner.

It should be remembered that Mwai Kibaki kind of became a president by accident. He had tried to become president in the 1992 but he was a good number three, although in politics, there is no number two or three.

In the year 1997, he became number two, then eventually, he was a president of consensus because the then opposition formed the National Alliance Party of Kenya (NAPK). It was a constituent party of the DP, a party that he founded Social Democratic Party (SDP) and such other parties that came together. Later on they were joined by Liberal Democratic Party (LDP) led by the then KANU renegades, under the leadership of Raila Odinga and others like the late Prof. George Saitoti - May his soul rest in peace - and Kalonzo Musyoka.

When he got into power there was a lot of hope and over 500,000 people thronged Uhuru Park to see his swearing in. There was a lot of desire to change this country.

Indeed, I remember, as a young university student that time there was a lot of hopelessness in this country. The economy was in the doldrums. I remember, knocking the doors of Parliament at the Continental House bringing my friend Martin Obiero Okumu, to see his then Member of Parliament the late Archbishop Ondiek, who had replaced our senior, Sen. Orenge as the Member for Ugenya. Martin Obiero Okumu, a blind man - I was his guide - was looking for school fees. We were chased away very badly at the gates. We could not be allowed to be close to Parliament at that time. It was good because we learnt our lessons, although we went through college.

Again the benefits of Kibaki's Government were again to have a direct impact on me because student leadership was banned in all public universities. I remember, that time we could have been at the university as a vice chancellor in Moi University. When it was reinstated, I happened to have been elected as a student leader at Kenyatta University, one out of the seven student leaders at the Kenyatta University Student Association (KUSA) together with my dear sister Hon. Gladys Wanga, the incoming Governor of Homa Bay County.

It was that gesture that those who had clamoured for reforms at the university level, that got an opportunity to exercise leadership under the new democratic dawn that the NARC administration birthed under the leadership of President Mwai Kibaki.

I remember we led a protest against the then Vice-Chancellor, the late Prof. George Eshiwani - may his soul rest in peace. It is out of that that President Mwai Kibaki gave us a new Vice-Chancellor Prof. Everett Maraka Standa, the poet, who of course ended up governing the university in a better way.

I am here standing as a direct beneficiary of President Mwai Kibaki's leadership. Further, I remember with a lot of nostalgia that there was a boom to the economy so much so that, many of my colleagues who finished schools with us were able to get jobs within their first year. They did not tarmac for long because the banks were employing. They were hawking loans, there were so many businesses. Credit was available.

I was speaking to Jimmy Kibaki, the son this morning after I had viewed the body, that that is the inspiration of the Kenya Kwanza Coalition, the United Democratic Alliance (UDA) bottom-up economic model, that you can actually stimulate the economy from the bottom up and create many opportunities for so many millions of people.

It is very well documented in terms of micro economics. That is the only way you can ensure a country has been able to rise again. However, if you have a very constricted economy with very few people at the top, I think it is very serious that then you create a lot of poverty.

I have just come from a very fractious, engaging and grueling campaign process and the levels of poverty that have been created in the last 10 years are horrible. We have

actually relegated so many people in the doldrums of poverty and that is not what our Government should do. It is a total failure.

When President Kibaki left office, he left the country with a public debt of Kshs1.8 trillion because he borrowed very well, every year about Kshs200 billion for infrastructural projects. At that point in time, the economy was financed locally and domestically at 93 per cent of the GDP. We were only borrowing about 6 per cent. Today, all of our development budget is borrowed because of poor fiscal economic strategy.

When he was there in power, I remember as a young public servant at the very young age of 22 years, having got my first Government appointment, we used to practice what you call the medium term expenditure framework. This is was a three-year budgeting cycle, so that you would know your resource envelop three years in advance. It was incremental. Today, it is yearly and about 8,000 Government projects are yet to be implemented because they are whimsical. I remember President Kibaki saying when he took over power in the year 2003 that the country shall not be led under the whims of an individual.

He believed in the rule of law and as a result, he promulgated the new Constitution in 2010. He never felt the embarrassment as to the loss in 2005 “no referendum” that he actually lost to his erstwhile political nemesis in Government and allies led by Raila Odinga. He still kept the fire burning. It is actually rumoured and documented that in 2007 he was ready to relinquish power because he was a democrat until some forces prevailed upon him. Of course, there was the Grand Coalition Government.

However, even then, he was very witty and an intelligent man. When he constituted his first cabinet, he only appointed 17 members of the Cabinet - I can remember very well - and left the other 17 to the then opposition. However, the Cabinet later on was increased to 42 Members, so that we could then have ODM and PNU coalition get into power.

He was a President who never glorified himself. He removed his face from the currency even before this current constitution so provided. The only currency that bears his portrait is the Kshs40 coin, just because it was a new one. Otherwise, he refused to have himself named after every other thing that he launched. We will remain grateful to him for that.

In fact, recently, one or two years ago, he was approached to have the Othaya Referral Hospital named after him, but he actually recommended that it be named Kenyatta National Hospital Annex. That is a great man. I think all of us would rush at the slightest opportunity to name anything after ourselves because we feel that is the only way we can be remembered.

President Mwai Kibaki, the great economist, the great orator, who in 1982, was named in the Time Magazine as one of the 100 greatest leaders. For sure, he lived up to this expectation. At some point, of course people were disillusioned with his leadership because maybe in the way in which he spoke. I think he was very intelligent. People may have taken him for a fool because of the manner he presented himself in public. However, that made him to survive the longest. He survived many people, at some point he was called a perennial fence sitter, in fact, he was called a general *kiguoya*, but he finished last and finished strong.

I am happy because 70 years is biblical. The late President Kibaki became President at the age of 72 years. Therefore, he has lived his life to the full at the age of almost 91 years, to see the tail-end of the term of his successor, President Uhuru Kenyatta, who also happened to have had the privilege of being his godfather upon his baptism.

Madam Deputy Speaker, the late President Mwai Kibaki was a star. The first President, Jomo Kenyatta, must have identified that he had a great future as to occasion a situation where he would be the godfather of his own son. This is a great man from the word go.

The late President Kibaki was not a typical politician *per se*. He borders on the academic because he was plucked from Makerere University. In fact, very interestingly, Jaramogi Oginga Odinga was impressed by the manifesto of the then ruling party under Milton Obote in Uganda. He asked, “you have a very good manifesto”, and he said, “actually, it is not us who did it. It is a young Kenyan in Makerere University who did it.” It happened that Mwai Kibaki is the one who actually made the manifesto of the then ruling party of Milton Obote’s government. That is how the late hon. Jaramogi Oginga invited him to become the executive officer of the then Kenya African National Union (KANU) party. He rose to become an Executive Officer/Permanent Secretary.

He is a man who changed with the times. When he could not secure Donholm Constituency, which was Bahati Constituency at that time, he moved to Nyeri and formed his base very well. When he could not take in, he stayed in and waited for the opportune moment to start his Democratic Party (DP). I can imagine the embarrassment he went through when he had to be dropped as a Vice President, and was still retained in the Cabinet as Minister for Health. It must have been a very trying moment. He stayed for 10 good years in the Opposition. I wonder whether he would have become a good President had he not stayed in the Opposition for all those years.

It is a question of seasoning, so that by the time he became President, then he knew the suffering of Kenyans. If you live in this bubble of leadership after leadership, you may be bereft of the realities of the people that you would want to lead. He was meant for the moment. I am afraid that under the Jubilee administration, one that I have served and campaigned very seriously for; we have rolled back the economic gains that the late President Mwai Kibaki had made. If we had continued with that legacy, we would be far. However, we have eaten it off. We are currently about 15 years back, where we were before.

There is a question of whether devolution and an expanded Government, the two tiers of Government, then it is the reason. I beg to differ. I remember President Kibaki struggling with the new governance led by Alfred Mutua and others, who were then vocal, by him insisting that we are a unitary Government. It is only that in expansionist and via building behaviour of public servants, we did not scale down what had been devolved as to occasion a reduction of Government expenditure at the national level. Why for example, today, is Kshs98 billion being used at the national headquarters at the Ministry of Health instead of going to help our public universities?

The late President Kibaki opened up public universities in a very big way. It is out of that that we have had so many people graduate. The quality maybe arguable, but at least, today, so many people have gotten degrees that they would not have otherwise

gotten. He was very futuristic in terms of education. As someone said earlier, Kimani Maruge, an 84-year-old man, showed up in school.

In fact, Bill Clinton, the former President of the United States of America, when asked whom he would want to meet, said “I want to meet Mwai Kibaki” That is because when he became President, he provided free education and a million children showed up in school. He came all the way from the USA to have a chat with President Mwai Kibaki. I also remember him being hosted in Washington by the then President George Bush. Those meetings were very important; that the DP leader was an icon of democracy. If you look at the current celebrations, there are not overrated and being outdone like they have always been before on other people. That in itself and his quiet demeanor is very important.

I was speaking to Jimmy Kibaki today and he told me that it is the first time that he is stepping in Parliament. For the first time! Even when his father had served here for 10 terms, that is 50 years, he never allowed public service to be mixed with family and that is the reason he stayed at State House; so that he could have more time with his family and grandchildren could visit him. He separated family from public office, something maybe some of us are not good at doing. It is a lesson that we may want to learn from him, so that there is some of stability going forward.

Madam Deputy Speaker, I stand here tall and happy that we have a role model that we can look up to; someone who put the country first and was paid for it. The journey was treacherous. He had to wait for so long to become President. He was bypassed by so many people who looked better and good than him but, still, the hand of God made sure that he became the best President that I can say confidently here, out of the four presidents, he shines, stands tall; a man who should be emulated.

I end by a story a friend of mine was telling me about. He was a policeman at State House, but had taken a whole night watching football and was fatigued, then decided to sleep in a banana plantation at Statehouse. It was in one of the quarters because it is a big piece of land. When he was sleeping, he only woke up when someone tapped on him, only to find that it was the Commander-in-Chief. He asked, “*wewe unajificha hapa,*” and they had a very good conversation. He still let go and asked him, “Are you happy because I have increased the salary for the police officers?” He made a lot of police reforms.

Madam Deputy Speaker, the 2010 Constitution that he promulgated has mentioned persons with disabilities 18 times. It is the same Constitution that has enabled me to stand here today. First, in the 11<sup>th</sup> Parliament as a Nominated Member of the National Assembly, and today, as a Nominated Senator. It is the same Constitution, when I was being illegally removed from the Senate that defended me under the rule of law, and after seven months, I was able to come back to finish my term.

I thank God for the late President Emilio Stanley Mwai Kibaki, a great man to be in this country. May his soul rest in eternal peace.

I thank you.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Senator. Hon. Senators, we still have five members and have slightly less than an hour. I say this because there was no limitation that was given at the beginning and so, we cannot start limitation now. However, I want you to be conscious, so that you can be fair to one another.

Proceed, Sen. Halake.

**Sen. Halake:** Thank you, Madam Deputy Speaker. I rise to eulogize our third President, the late President Emilio Mwai Kibaki. As we grieve for our third President, we should honour his memory and celebrate his life, which is rich in family, and more importantly, rich in achievements.

His towering achievements have been spoken about by everybody here in this House. However, for some of us who come from Northern Kenya, if we were to list some of the things that the third President achieved, we would be so proud as to say that he linked us to Kenya properly. There was a time that beyond Isiolo County, which is my county, you could not go to Marsabit County because there were no roads at all. During the late Kibaki's tenure as the third President of the Republic of Kenya, he connected the great North to what we had previously called ourselves 'not Kenyans proper.'

We honour his life, legacy of towering achievements that has been said by all colleagues, from free primary education, expanded higher education, to great infrastructural developments that today our economy runs on, to a lot of other things that he did in this country. We celebrate his life. As I said, it is a life that boasts of towering achievements.

Madam Deputy Speaker, the grief over the loss of any person is felt most by the family, but a country constitutes a larger extended family too. We, as Kenyans, grieve for the loss of our third President. However, we are more in celebration because of the kind of leadership he showed us.

A leadership that lived within its means and that is why everybody that stood up today spoke of him having borrowed and used it wisely. He believed that every citizen, including himself, must live within their means and that showed very clearly in his legacy as the President that had the least debt so to speak.

At the same time, the towering achievements that he achieved were the then investments that were made very prudently, cautiously and with priority and focus to strategic direction.

Our late President had a distinguished career - as had been mentioned - of 50 years from 1963 to 2013. Leadership is given by God. As it is said in the Quran and the Bible, he is an anointed one in the sense that you cannot have somebody lead for so many years. It is not to say that he has not had challenges and shortcomings, but he has led and had the privilege of serving this country in very many capacities, in all of which he excelled.

Our third President did not expect results from what he knew; he expected them from what he did. One of the mistakes we make, especially those of us who are younger, think that we know a lot because we have studied a lot and expect the knowledge we have to give us achievements and results, but leadership is action. He believed in action. He actioned by making roads, schools, free primary education and promulgated a new Constitution. He did all these things because he knew that you do not get results from what you know and boy, did he know a lot! He was so smart. He was an economist and the person who was behind some of the manifestos in Africa that were really the best of that time. He actioned and practiced leadership as action. For that, what a great mentor he has been for the youth of this country.

I have had the privilege of working for the President as a youth. When he conceived the Youth Enterprise Development Fund (YEDF), he did not give it to the old people to execute. He gave it to the young people, I included, to go and put meat to it.

We sat down although we did not have an office and created the YEDF. When we brought it to him; with a very small amount because in our little minds we thought Kshs300 million or Kshs1 billion was a lot of money, he asked what kind of money that was. I quickly said that we could, in fact, reduce it to Kshs200 million, because in my mind then, that was a lot of money. He said nobody would take us seriously and doubled that money. He gave us Kshs2 billion and in the three years to follow it became Kshs5 billion.

On top of it, the YEDF that was conceived by his Excellency President Kibaki and given to the young people of this country to execute, became the basis on which the Women Development Fund and the Uwezo Fund were developed. When I read the documents, I can speak out sentences that we contributed as the youth of this country and the first board members.

Of course, we quit because, at the time, we felt like we were being used to put in place a very robust system that was going to allow people to steal, and we did not want to be part of that. Looking back, we should have stayed and fought. That having been said, he put his thoughts where his thoughts were. He did not just conceive something and give it to the older people to do. He gave it to the young and for that, we were very proud.

It was our first experience with government, of which we are very proud. We continue to show the results that we have achieved for this country during his tenure. He saw the people behind the labels at the time when the youth were being called “*Mungiki*,” “time bomb” and many other names. He actioned and put the YEDF, which to-date, continues to fund the youth.

He had his principled stance on a lot of issues, including living within your means, zero tolerance to corruption and not entertaining certain things, and asking people to take responsibility for their lives. Today, as we go campaigning, we come face to face with people who do not take responsibility for their lives. They probably think that politicians should take care of their lives.

President Kibaki had such a principled stance against any of these issues. He would say, “Yes, *Serikali itasaidia*, but within the environment which you work for yourself.” That is the mentorship and direction that a leader should give and he gave it very well.

When that comes from northern Kenya, talk of the great north or the big bold north. It is a dream for most of us who would like to go into leadership to achieve that dream. We will be walking on the great road that his Excellency President Kibaki made.

For those and many other things that he has made, he quietly achieved them. You would never hear him chest-thumping. I have heard people saying that the Jubilee Government has brought very bad things; they have done so many things and borrowed too much.

In my mind, the Jubilee Government is Uhuru-Ruto. We campaigned for Uhuru-Ruto; it is not just President Uhuru alone. If there is any responsibility to be taken, the two should do it and nobody should apportion blame and take credit at the same time. That cannot be.

Today, we eulogize our third President, who has achieved quite a lot. He has in the last 50 years of service to humanity and his country had the privilege of public service, and he did justice to it. Today’s public service is a shadow of what it should be.

Public service that is supposed to be compassionate, capable and put in place the capable people is nothing close to that. We are relying on other measures of public service. He embodied the public service that is a privilege to serve in, and one that should be delivered with compassion. That should be given to capable people to achieve great things; believes in action and achieves results for the most vulnerable in this society.

He was one of the people that achieved the Millennium Development Goal (MDGs) for universal access to education, and this is at the primary level. We celebrate our President and this country for producing such an outstanding leader. Right now, we are experiencing the failure of the nerve of leadership and the crisis of leadership. I hope that his death and his legacy that has been revived will remind us as we aspire to leadership that we should emulate him and walk in his giant footsteps.

Many of my colleagues were saying that they do not aspire to be President and, therefore, are asking other people who are aspiring to be President. I cannot rule out my aspiration to be President because I am following in the footsteps of such giants. What should stop us from aspiring if we have that canvas and rubric that has been provided to us by our forefathers, President Jomo Kenyatta, Daniel arap Moi and Mwai Kibaki? All have shown us what public service and selfless service should look like.

I will not belabor and repeat all the good things that have been said. On behalf of all the people of Isiolo, my own family and the people of the great North, where I come from, and whose voice we, in Parliament are, I say *pole sana* to the family of our third President.

We look forward, as the people of Kenya, because his death is coming at a very opportune time for us to make sure that we emulate him. As we aspire to greater office, let us walk in his footsteps and serve this country with diligence, compassion, all the capabilities that we have, but more importantly, with love.

Rest in peace our third President and may God continue to bless this country.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Sen. Halake. Proceed, Sen. (Dr.) Milgo.

**Sen. (Dr.) Milgo:** Thank you, Madam Deputy Speaker, for this chance to add my voice in mourning the great leader that our country has lost. He distinguished himself and served his people and this country diligently. He became the longest serving leader because he offered services to his people, was honest and accountable and lived true to his saying that leadership is a privilege to better the lives of others and not an opportunity to satisfy personal greed. Due to his long service, if he were like some of the leaders that we have, he would be one of the billionaires.

We are mourning a great leader that touched the lives of many people in this country. Standing here as the Chairperson of Standing Committee on Education, I mourn the great icon that turned around education in this country.

He knew that education is an equalizer between the rich and the poor. That is why when FPE was started, many children and even the elderly went back to school. We all remember Mr. Maruge, who was one of the oldest people to go to school. Unfortunately, he passed on before completing his secondary education.

As an economist, he thought about introducing FPE and later on Free Day Secondary Education (FDSE) because he knew that a country is as good as its education system. Education provides the skills, knowledge and competencies to spur development.



He achieved one of the Sustainable Development Goals (SDGs) on education. That is the fourth goal, which aims to ensure inclusive, equitable and quality education that promote lifelong opportunities for all in Kenya. It is my wish that the next government will continue with that and even provide free education up to the university level.

After the implementation of FPE, he went ahead to build infrastructure in the entire country. That is why when Kenya Certificate of Primary Education (KCPE) and Kenya Certificate of Secondary Education (KCSE) are released, including those that were released recently, it is not uncommon to find students who have done well from day schools and humble backgrounds. This is because they can enjoy learning, just like other pupils.

Our third President will be remembered for many years because of turning around an economy that was doing badly by the time he took office. He pulled resources and fixed infrastructure. That went a long way to turn around investments in infrastructure. He put in place many plans to ensure that the economy turned around. My colleagues have said that borrowing reduced during his tenure as a result of proper management.

Today, we are mourning a great icon, who played a critical role in promulgating the 2010 Constitution, which is one of the most progressive constitutions in the whole world. This Constitution did not only ensure that we have a two-tier government, that is, county governments as well as the national Government. Since he knew that he would not be in power to implement it, he put in place a committee to ensure that county governments took root, having been properly established.

County governments have turned around the lives of many people, particularly in the counties where funds are managed well. We have seen a lot of infrastructure and lives turn around as a result of businesses in the counties because of the money that goes even to the villages as a result of the Constitution, 2010.

In the 2010 Constitution, there is an Article that talks about not having more than two-thirds of any gender. That is the gender rule, which requires that in all Government institutions, including Parliament, there should not be more than two-thirds of one gender.

It is unfortunate that up to date, that has not been implemented and is still a nightmare because part of the largest population, which is 52 per cent, is still left behind. The great economist knew that 52 per cent of the population is made up of women. Therefore, he ensured that, that is put in the Constitution.

It is my prayer that the incoming government will implement that fully. While I thank the current Government because they have tried, in some sectors, that is not fully implemented.

We thank this great leader for remembering the women. Today, we are here as products of the Constitution that requires that in cases where the two-thirds gender rule has not been achieved, we should have affirmative action.

President Kibaki went ahead to oversee the conceptualization of the Vision 2030, which is now a blueprint. It is now a point of reference whenever we talk about any development. If the Government sticks to it, I am sure we will have many developments in this country.

President Kibaki will go in the books of history as a great mentor. We have many leaders today because of his mentorship. I remember during his time, even Cabinet

Secretaries were given the opportunity to use their skills to manage various Ministries as they deemed fit. He would only intervene when one messed up. That is why we had a lot of competition between Cabinet Secretaries and many of them turned around most departments in this country. That went a long way to touch the lives of the people of this country.

President Kibaki will be remembered for turning around many issues in this country. He touched the lives of the youth by allowing the *boda boda* sector to thrive. It is my prayer that the *boda boda* sector will be in order. It should be managed well because it has assisted our youth.

As we know, 75 per cent of the youth that we churn out of school every year are not employed. The *boda boda* sector has assisted them. He also ensured that there was money not only for the youth, but also for the women to be able to turn around the economy of this country.

Today, we are mourning a great icon. That was a leader who distinguished himself and was recognized not only in Kenya, but all over the world as being a no-nonsense President. If somebody emulates his steps and actions, even if it is just a quarter, I am sure we will have better things in various countries and the region at large.

There are many things that he did as the President. I will not go without mentioning the Constituencies Development Fund (CDF), now the National Government-Constituencies Development Fund (NG-CDF). I remember one time when he was touring some place in Bomet County and people asked for money, he asked what it was for and told them to go back and work. He returned the money that used to be given as handouts into the CDF kitty.

The CDF kitty has done so much. It has changed the lives of people. The only thing is the fact that corruption has become rampant and all we need is good management. Otherwise, he put in place infrastructure and came up with very many functions that only need to be managed and actually help our people.

Madam Temporary Speaker, I do not want to go on for long. Time is not even enough to enumerate the many things that the third President of the Republic of Kenya did.

On behalf of my family and the people of Bomet County, I say *pole* to the family, the people of Nyeri County and all the people who were touched by the actions of the third President. May his soul rest in eternal peace.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Senator.

Proceed, Sen. Madzayo.

**Sen. Madzayo:** Asante Bi. Naibu Spika, kwa kunipa fursa hii. Kwanza, ninaungana na wewe kutoa rambirambi. Ningependa pia kutoa rambirambi kwa niaba ya familia yangu na hususan watu wangu wa Kaunti ya Kilifi ambao walinipa nafasi hii kuwaakilisha katika Bunge la Seneti. Rambirambi ziwaendee watu wa Kaunti ya Nyeri, eneo Bunge la Othaya na familia ya mwendazake, marehemu Mwai Kibaki.

Kitu cha maana cha kumkumbukia marehemu ni ushupavu wake katika mijadala Bungeni. Katika historia ya waniasia waliokuwa Bungeni, yeye alikuwa mmoja wao wa kipau mbele. Alikuwa Bungeni kwa zaidi ya miaka 50.

Bi. Naibu Spika, wewe na mimi tunaalewa ya kwamba kuketi kwa hili Bunge kwa miaka 50 ni kwamba umechaguliwa mara 10 na wananchi. Ninampa

kongole kwa mfano mzuri ambao ulimwezesha kuchaguliwa kwa mihula kumi. Ikiwa muhula mmoja ni miaka mitano, mihula 10 ni miaka 50. Ni jambo ambalo sisi wengine hatujui ikiwa tunaweza kufanya. Aliweza kufanyiwa hivyo kwa sababu ya ujasiri wake.

Bi. Naibu Spika, cha kwanza, lazima tuangalie na kuzingatia huyu Rais Mwai Kibaki alikuwa mtu wa aina gani. Alisomea Shahada la Uchumi wakati ambapo watu wachache sana walikuwa na hii Shahada. Alikuwa mmoja wa waliotambuliwa ulimwenguni kwa taaluma ya Uchumi, ambayo ingemwezesha kuwa kiongozi na kusaidia nchi yake.

Bi. Naibu Spika, tunakumbuka alipochukua hatamu za uongozi, benki zilifungua milango na watu kuitwa wachukue mikipo. Kabla ya yeye, kupata mkopo ilikuwa ni vigumu. Baada yake, tumerudi palepale ambapo ni ngumu kupata mkopo wa benki.

Jambo la kushangaza ni kwamba wakati wa Rais Mwai Kibaki, magazeti yalikuwa yakichapisha kwamba aliye na haja na pesa aende achukue. Ninakumbuka wakati huo *uchumi* ulikuwa mzuri kwa sababu watu walijinufaisha kwa mikopo. Hivyo basi, watu waliweza kuendelea kwa sababu uchumi ulikuwa bora.

Mimi binafsi nilifanya kazi na Rais Mwai Kibaki kwa muda wa miaka mitatu. Tulifanya kazi kwa karibu sana. Ninasema hivyo kwa sababu, nilipochaguliwa kama Mwenyekiti wa Shirika la Ukulima nchini Kenya, Mhe. Mwai Kibaki ndiye alichaguliwa kuwa Rais. Huo ndio wakati ambapo tulikutana wakati wa Maonyesho ya Kilimo, ambayo yanafanyika kila mahali nchini Kenya.

Tulizunguka na yeye nikiwa Mwenyekiti wa Shirika la Ukulima naye akiwa Rais wa Jamhuri ya Kenya na *Patron wa kilele* cha wakulima wa Kenya. Kila tulipokuwa na maonyesho hayo, kama *patron*, ilibidi aje kufungua maonyesho kirasmi.

Nilikuwa karibu sana na yeye kiasi cha kupanda gari la *Commander-in-Chief* pamoja na yeye. Hilo ndilo gari ambalo tulikuwa tukitumia kuzunguka wakati wa kufungua maonyesho ya ukulima. Huo ndio wakati ambapo nilikuwa karibu naye na nikajua alikuwa mtu wa aina gani. Alipenda nchi yake na alihisi kwamba lazima wakulima wasaidiwe.

Ninakumbuka ni wakati wake ambapo bei ya mbolea ilishuka chini. Wakulima waliweza kumudu bei ya mbolea; walilima na nchi ikawa na mazao tele. Wakati wa Rais Kibaki, hapakuwa na baa la njaa jinsi ambavyo watu wanaaga kwa njaa siku hizi. Rais Kibaki alifungua uchumi na kuwapa wakulima mbolea kwa bei nafuu ili wakuze chakula cha kutosha nchi nzima.

Bi. Naibu Spika, nikimalizia, ningependa kusema kwamba wakati wowote Serikali ilipofikiria kutengeneza barabara za Pwani, ilikuwa inafikiria watalii wala sio watu wa Pwani. Wakati alipochukua hatamu za uongozi, aliamua watu wa Pwani wanahitaji barabara. Alitambua kuwa barabara nzuri ingewezesha wakulima kufikisha mazao yao katika soko la Marikiti na masoko mengine, kabla ya kuharibika. Barabara moja ambayo tutamkumbukia ni ile ya kutoka Malindi hadi Mombasa. Barabara hiyo ilipanuliwa na ikasaidia watu wengi sana.

Tukiangalia upande wa elimu, tulikuwa tunafikiria haiwezekani watoto kusoma bila kulipa karo. Hata hivyo, ilikuja ikatokea. Maajabu ni kwamba

uchumi ukiwa bora, mambo mengi yanatengenezeka. Rais Kibaki alionyesha mfano bora wa uongozi na mambo ambayo unaweza kufanya ukiwa kiongozi wa Taifa. Ndio sababu watoto waliweza kusoma pasipo kulipa karo, na tunamshukuru kwa hilo.

Bi. Naibu Spika, ninataka kuwachia hapo. Kuna mengi ya kusema na watu watamkumbuka mwendazake. Sisi kama viongozi katika hii inchi, tuige mfano wa marehemu Emilio Mwai Kibaki.

Nawaambia wale watoto wake waliobaki ya kwamba waweze kushikilia familia. Letu litakuwa ni kuomba Mungu awajaze na imani wakati huu. Sisi tutazidi kuwaombea Mungu awape mwelekeo na waweze kuepukana na mtihani kama huu ili wapate nguvu; wao na wajukuu waweze kuwa na maisha bora mbeleni.

Bi. Naibu Spika, la mwisho ni kwamba, ufisadi ulikuwa haupo katika orodha yake. Alipokuwa uongozini ufisadi ulikuwa umerudi chini sana. Hivi sasa tunaona ufisadi umechipuka zaidi.

Tunaomba ya kwamba ikiwa kuna kitu chochote tunaweza kuiga, tuige mwenendo wa mwenda zake Rais Emilio Mwai Kibaki. Ikiwa yeye alikuwa hataki ufisadi, basi hivi sasa tunapoelekea kufanya uchaguzi wa Rais, tunamjua atakaye kuwa Rais. Siwezi kusema ni nani sasa, lakini tunajua yule Rais wangu ndiye atakaye kuwa Rais wa Jamhuri ya Kenya.

Kwa hivyo, ikiwa ni yeye ndiye atakaye kuwa Rais, tuna imani kwamba yeye ataweza pia kuiga mfano wa Rais Kibaki, kwa sababu walikuwa pamoja katika Serikali ya “Nusu Mkate.” Ikiwa yeye ataenda kuongoza hii nchi yetu, basi jambo la kwanza la yeye kufanya kama Rais wa Jamhuri ya Kenya ni kupigana na ufisadi kama vile Rais Mwai Kibaki alipigana na ufisadi.

Asante Bi Spika.

**Sen. (Dr.) Ochillo-Ayacko:** Thank you Madam Deputy Speaker, for the opportunity to join colleagues in the Senate, the National Assembly and Kenya to mourn our departed third President of the Republic of Kenya.

President Kibaki is a President who is fondly remembered by foes and friends as a person whose tenure was remarkable. I joined this Parliament in 1997 and at that time, Hon. Mwai Kibaki had been a Member of Parliament for 35 consecutive years. Some of us who were rookies then, found him in Parliament. We served together in opposition benches and in Government.

Kibaki was a very calm opposition leader. He was a committed Member of Parliament who consistently offered leadership by coming to Parliament, staying in Parliament; debating in Parliament and leaving Parliament late after it adjourned. He would sit in the common room with Members and take his drink.

In short, hon. Mwai Kibaki, before he became President, was a very available and accessible person who passionately loved representing the people who had elevated him to be a Member of Parliament for Othaya.

He sat with many of us and most of those who were in Parliament with him at that time are now deceased. I remember he used to have a beer very closely with the late Hon. Ojode. He used to have a beer very closely with the late Sen. Kajwang’ and myself. There are others who are still alive; Jimmy Angwenyi, Norman Nyagah and others.

He never talked much when we were outside Parliament, and still never talked much when we were inside the Chamber, but he kept us company and would marvel at the excitement that young people brought around him as a Member of Parliament.

He was my leader as an opposition leader because I was also a member of an opposition party at that particular time. I had the privilege at that particular time of being the Chairman of Public Investments Committee of the National Assembly and he was the Chairman of the Public Accounts Committee of Parliament. We had sittings at almost the same time and after those sittings, we would sit together and listen to anecdotes from him. He would also listen to us and understand more from us about the areas that we were representing and what was going on there.

The late President Mwai Kibaki was a keen listener, a fatherly figure and a very friendly person. He did not underrate or mistreat any of his colleagues. He was a true replication, representation and embodiment of a Member of Parliament. He did not treat anybody with disdain or hostility. He was always available to colleagues who wanted his counsel.

When I joined Parliament at that time, it was the 23<sup>rd</sup> department of the Office of the President. We had very little by way of salaries. We absolutely had no autonomy. President Kibaki then as the official leader of opposition did not agitate much for anything, but keenly listened to how we were structuring our reforms that have led to the autonomy and the independence of Parliament that we enjoy today.

That reform movement that had been initiated by backbenchers of Parliament at that time was led by one Hon. Castro Peter Oloo Aringo. It comprised of a team that had Hon. Jimmy Agwenyi, Hon. Norman Nyagah, other members who may not be Members of Parliament today and I. They had the counsel and support of the leader then, President Kibaki.

There was a time that we had the eagerness and excitement of trying to increase our salaries. When we had brought the Motion to Parliament and it went through then, it came to the calculation of what was supposed to be truly ours. Our minds at the particular time were driven by the fact that Kenyans wanted development and the Kenya African National Union (KANUs) policy during those days was that development would be premised upon how many *harambees* a Member of Parliament would initiate in his or her backyard.

The late President Kibaki looked at the figures that Hon. Jimmy Angwenyi and Hon. (Eng.) Karue had worked on and asked why we wanted to raise our salaries to that amount of money. We said that we were doing it because we were tired of having to part with our already strained and little salaries to put up public institutions. He just asked us one question: 'How much is enough money?' He told us, "you could as well raise it to Kshs2million, but once the public will know that you have Kshs2 million for development, they will still come for it, and you will keep none." He advised us that we could raise it modestly, but think of a way that constituencies will have a fund that is dedicated for public development, and that is what birthed the idea of the Constituencies Development Fund (CDF).

The CDF that has revolutionised and changed rural constituencies into constituencies where modern services are offered to Kenyans was an idea that came off-the-cuff from a remark made by President Kibaki while he was the Official Leader of the Opposition because he was opposed to giving handouts. He is one President, one public

figure that you would never find carrying loads of cash to dish out to people. He was a stickler to fiscal policy and budget. Once a budget had been passed, he would ensure that the budget is executed and implemented the way it was passed.

He did not believe in having roadside declarations. He believed that if you wanted to do something successfully and in a measurable manner, you had to plan and budget for it. If you stuck to the implementation of that budget, then you would have the outcome that you desired.

He advised us that we could not base our desire to satisfy the unmeasured means of our constituents by raising our salaries. He advised that we needed to have a fund and up to date. We have that fund courtesy of and accolades to the departed President that we are eulogizing today.

Madam Deputy Speaker, he was a great person in terms of management and discipline. Former President Kibaki as a Member of Parliament (MP) would restrict his debate to parliamentary matters. He would always be orderly. For the period that we were together in Parliament and for the period that I have cared to research about Parliament, he is the one and I think only MP who had never been called to order by the Speaker. He was orderly.

I can challenge any of us to research the HANSARD and find any instance where the Speaker had to look at the Standing Orders and rule him out of order. He was an avid reader, a thorough debater and a stickler to the rule of law and adherence to the Standing Orders.

When we were in Parliament, because of the heated exchanges that we had as we were trying to match the ruling party, the Kenya African National Union (KANU) at that particular time, most of us had to talk loudly and dramatize many things in order to catch the eye of the Speaker. The late President as an opposition leader never needed to do that.

He was always calm and his arguments were so powerful that he did not need any drama to make his point. I advise those who will be joining Parliament after August not to be rowdy and disorderly in order to be understood. They should emulate the behaviour, character and qualities exhibited by the departed President that let your points be persuasive. Let your arguments be authoritative.

You may not need to be vocal because vocality at times may not be heard, but you need to be persuasive, incisive and very clear in what you want to be understood. That is what he did. His parliamentary tenure before he became the Head of the Executive was exemplary. Those of us who want to stay in Parliament should look at that. Many will talk about him as President, but many should also look at him as an MP.

One of my colleagues here, Sen. Wambua of Kitui County, indicated with the concurrence of Sen. Wetangula that he is probably the longest serving Member of the Commonwealth. That is a high achievement, but it is not correct although the person that he comes second to was an outstanding Parliamentarian.

Winston Churchill beats the record that President Kibaki set. Winston Churchill became a MP in 1900 and served in Parliament continuously from 1922 to 1924 up to 1966, serving for 61 years. Therefore, President Kibaki comes second by serving for 50 years. The late President Moi served for 49 years. You can see Kibaki, Moi and Winston Churchill are special people because of the longevity of their tenure and their contributions to policy, legislation and representation in the nations that they served.

They are also special people because of the confidence that the people they represented had in them.

For you to be elected consecutively and continuously for 10 terms, that is a milestone. To be elected for two, three and eventually 10 terms, you must be a great person.

If the Constitution had not limited the tenure of presidency or allowed a retired president to come back to Parliament, I believe the people of Othaya would still have elected him unopposed because of the orderly, structured and effective manner in which he represented his people.

During his tenure as the President and the Head of the Nation, he was a great person. I had the rare privilege of serving in his Government as his first Minister for Energy and Petroleum, and later as the Minister for Sports, Culture and Social Services. I did not canvass or lobby for that appointment. I guess he picked me because he saw promise and honesty in me and really supported my tenure as a Minister.

I remember his commitment to Kenyans when I was his Minister. I was a Minister full of ideas. As a young person in early thirties, I thought the world was in my pocket and I was atop the world. At one time, I took a Cabinet Paper to President Kibaki full of English and what I would call bombastic language that was not very clear, now that I look back at it from a calm position. He looked at it and told me: "Hon. Ochillo, just tell me two things; when will the cost of energy come down and be affordable to Kenyans? That is what he asked me.

He said that all those nice words I had written were nothing to Kenyans if the cost did not come down. He said that, that was good, but he wanted to know when the cost of energy would come down. I went back to my Ministry and looked at it. That is when we came back with the idea of unbundling the energy sector. We took away Kenya Electricity Generating Company (KenGen) and made it an infrastructural institution, so that the cost of generation of electricity would not be passed on to consumers.

We left Kenya Power and Lightening Company (KPLC) as a distributing entity that was supposed to charge modest revenue and the cost came down and became stable. President Kibaki became happy about that.

When it came to petroleum products, however much there was pressure to place taxes on petroleum products, he was consistently saying that was a no-go-zone because that would increase the cost of energy and would affect the cost of living of Kenyans.

President Kibaki was very sensitive to something that would cost Kenyans more. He is a president we should have had today, this week, last week and this month, because nobody seems to know how to handle the rising cost of energy and energy products. Kenyans are suffering everywhere.

President Kibaki, at the time we had a crisis of similar proportion, did not go out there to talk. He acted and everything calmed down. That was President Kibaki speaking loudly through his action and not noise.

We all remember that he was at one time dropped as a Vice President and made Minister for Health, a situation that other people could not countenance. I do not want to talk negatively about the late Simon Nyachae with whom we served both in Government and Opposition ventures.

The late Nyachae could not countenance being dropped as Minister for Finance and assigned another Ministry. Kibaki diligently served as Minister for Health, having

been dropped from being the Minister for Finance and also the Vice President, but he never complained about it.

In the current situation, you can hear loud and disruptive complaints that come from the Office of the Deputy President on matters that we do not know.

If Kibaki were the Deputy President now, he would keep it to himself just like Moi kept it to himself. The noise and the misunderstanding that would be there in Government would not be visited on Kenyans like us and make us suffer.

Madam Deputy Speaker, is my time up?

**The Deputy Speaker** (Sen. (Prof.) Kamar): For the convenience of the House, I will give you your last two minutes.

**Sen. (Dr.) Ochillo-Ayacko:** Thank you, Madam Deputy Speaker. In conclusion, the Office of the President, not only in Kenya, is an awesome Office. It is an office that everybody in the world looks up to. It is not just in Kenya, but any nation where such Executive authority is vested in an individual. It requires a person with emotional intelligence, even temper and unmatched magnanimity.

President Kibaki, whom we are eulogising today, was such a person. He was never angry at his adversaries. He was never vindictive towards anyone. In spite of the fact that we parted ways in an acrimonious way, he did a lot to advance my career outside politics. He appointed me to various public positions and supported my career thereafter.

I tell the family and the nation how sorry we are. May the good Lord rest his soul in eternal peace.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Senator.

### ADJOURNMENT

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, it is now 6.32 p.m., time to adjourn the House. The Senate, therefore, stands adjourned until Wednesday, 27<sup>th</sup> April, 2022, at 2.30 p.m.

The Senate rose at 6.32 p.m.