

PARLIAMENT OF KENYA**THE SENATE****THE HANSARD****Thursday, 7th November, 2013**

*The Senate met at the Kenyatta International
Conference Centre at 2.30 p.m.*

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

PRAYERS**QUORUM CALL AT COMMENCEMENT OF SITTING**

(The Speaker consulted with the Clerk-at-the-Table)

The Speaker (Hon. Ethuro): Order, Senators! We now have quorum. Let us proceed.

NOTICES OF MOTIONS

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, I beg to give notice of the following Motions:-

**REVIEW OF EDUCATION POLICY TO
MAINSTREAM STI**

THAT aware that Science, Technology and Innovation (STI) are critical to the attainment of Kenya's Vision 2013, cognizant of the fact that harnessing of STI would stimulate industrialization and immensely contribute towards sustained growth of the country's economy, the Senate calls upon the national Government to review education policies, to mainstream STI by ensuring that the curriculum at all levels of education right from pre-primary school level, meet the skills and demands necessary for fostering science, technology and innovation.

**ESTABLISHMENT OF NATIONAL OPEN AND
DISTANCE LEARNING UNIVERSITY**

THAT aware that the Open and Distance Learning (ODL) offers flexible learning opportunities thereby freeing learners from constraints of

time and place while enabling them to combine work and family responsibilities with education opportunities; aware that there is minimum use of ODL in both primary and secondary schools in Kenya; appreciating that this mode of learning would facilitate access to education in areas where fiscal and socio-economic factors hinder access, the Senate urges the National Government to institutionalise and mainstream policies to support ODL through development of an effective regulatory and legal framework for ODL and to establish a national university dedicated to open and distance learning.

MEASURES TO DEVELOP RESEARCH IN KENYA

THAT aware that research is a mystified domain which remains a preserve of selected Government agencies, academic institution of higher learning and a few other organizations; concerned that even in the said institution of learning, research is usually introduced at post-graduate level, further concerned that research has not been prioritized and very low funding is channeled towards it, the Senate calls upon the national Government to:-

(a) Take deliberate measures to cascade research to lower levels of education right from early childhood education level;

(b) Inculcate and institutionalize research by introducing it as a compulsory discipline at all levels of education;

(c) Develop a clear policy and a legal framework to guide the development and sustainability of research at all levels of education; and,

(d) Increase funding for research by allocating at least 1 per cent of the national Budget to research.

Thank you, Mr. Speaker, Sir.

FORMATION OF A COMMITTEE TO UNDERTAKE SECURITY REVIEW IN KENYA

Sen. G.G. Kariuki: Mr. Speaker, Sir, I beg to give notice of the following Motion.

THAT, aware that national security is a prerequisite for containing a stable nation/state; concerned that Kenya continues to be confronted by factors that threaten national security such as terrorist attacks, road carnage, cattle rustling, inter-ethnic conflicts, food shortage and floods; further concerned that various forms of threats to the national security such as cyber crimes and terrorism constantly mutate thereby posing a challenge to security organs; appreciating the efforts of successive governments to safeguard national security; noting with concern that despite the efforts, insecurity continues to increase; further noting that no security review has been carried out since Independence to forge a common strategy on safeguarding national security, the Senate urges the national Government to constitute a committee to undertake a

comprehensive security review with a view to formulating modern strategies capable of containing crimes and safeguarding national security interests.

The Speaker (Hon. Ethuro): Next Order.

STATEMENTS

The Speaker (Hon. Ethuro): Even if there are no Statements, where is the Senate Majority Leader?

Is there a Statement from the Senate Majority Leader?

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

The Speaker (Hon. Ethuro): Sen. Chelule, I am not aware you have been appointed the Senate Majority Leader.

Sen. Chelule: Mr. Speaker, Sir, I was on the Floor yesterday and I wanted to respond to some Statements sought by Sen. Lonyangapuo.

The Speaker (Hon. Ethuro): Then proceed.

Sen. Chelule: Mr. Speaker, Sir, I am standing here as the Acting Chairperson for the Committee on Agriculture, Land and Natural Resources. I am standing in for my Chairperson.

The Speaker (Hon. Ethuro): Proceed, the Acting Chairperson.

STATUS OF "ONE MILLION ACRES"

IRRIGATION PROGRAMME

Sen. Chelule: Mr. Speaker, Sir, I wish to issue a Statement in regard to queries raised by Sen. (Prof.) Lonyangapuo on the status of the one million acres irrigation programme as provided by the Ministry of Agriculture, Livestock and Fisheries.

Mr. Speaker, Sir, agriculture in Kenya is mainly rain-fed and cannot satisfy the country's food needs. To increase agricultural production, there is need to increase the area under irrigation. At the moment, irrigation accounts for only 1.7 per cent of the total land area under agriculture, but directly contributes 3 per cent to the Gross Domestic Product (GDP) and provides 18 per cent of the value of all agricultural produce. Kenya has an estimated irrigation potential of 1.3 hectares and a drainage potential of 225,000 hectares; however, 540,000 hectares of the irrigation potential can be developed with the current available water resource base. The remaining 800,000 hectares will require water harvesting and storage equivalent to annual water storage of 25 billion cubic metres. Currently, over 150,000 hectares and 30,000 hectares of land is under irrigation and drainage, respectively. This translates to 27 per cent and 13 per cent of the existing irrigation and drainage potential. However, the area under irrigation is only 9 per cent of the possible 1.3 million hectares that can be irrigated and integrated with water storage development.

Vision 2030 provides a clear indication of the commitment by the Government of Kenya to enhance and promote irrigated agriculture to ensure food security. The first Medium Term Plan (MTP) 2008 to 2012 had set a target of developing 40,000 hectares of irrigation annually through various stakeholders. In addition, Parliament passed a Bill in 2010/2011 for development of 800,000 hectares of irrigation in each constituency.

Despite the set target, funding to the irrigation sub-sector has been low. Irrigation development is expansive and on average to develop one hectare will cost Kshs500,000.

The target set by the Jubilee Government in the manifesto over a five year plan of 2013 to 2017 aims at increasing the irrigated area by 800,000 hectares, that is, 200,000 hectares per year. This will need a budgetary provision of, at least, Kshs40 billion per year, besides water storage requirements. Financing irrigation development is geared towards rehabilitation and completion of existing schemes, investigations and designs of infrastructure construction of new schemes, development of water storage facilities and capacity building of both technical staff and communities.

Sen. (Prof.) Lonyangapuo wanted the Committee to confirm whether the Government is committed in putting over one million acres of land under irrigation during the current financial year as promised by His Excellency the President. The Government is committed in realization of putting the one million acres of land under irrigation in the next five years as promised by His Excellency the President and stipulated in the second MTP. The Government has identified 1.7 million acres which are located in Galana and Kulalu Ranches situated in Tana River and Kilifi Counties, respectively, to achieve the above target. Further, the Government intends to exceed the stated target through nationwide expanded irrigation programmes initiated in 2010 across counties.

The Senator also wanted to know from the Committee whether the exercise has commenced and if not, when it will commence, especially in the interest of elapsing time. The exercise has commenced and will be implemented by the Government and other related agricultural sector stakeholders over five year span.

For Galana and Kulalu, the Government advertised for expression of interest in June, 2013 to carry out detailed engineering designs and is in the process of awarding the consultancy among major projects being implemented towards one million acres programme which include:-

- (i) Galana/Kulalu Food Security Project – one million acres
- (ii) Expanded national irrigation – 500,000 acres.

Mr. Speaker, Sir, the Senator also wanted to know which areas have been earmarked for the implementation of the programme, in which counties and also quantify the work done, if any, during the first quarter of the current Financial Year 2013/2014. The Government is already implementing a number of projects across the country to realise one thousand acres---

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

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

Sen. Billow: Mr. Speaker, Sir, with all due respect to the hon. Senator, she is reading an extremely long Statement and I can see that there are very many pages remaining. Could we request that she tables for the relevant Member to look at it and simply summarize it?

Sen. (Dr.) Khalwale: On a point of order, Mr. Speaker, Sir. It will help the Chairpersons of Committees, to realise that under the Presidential system they are now doing the work that Ministers used to do in the old system. When you are given the whole Statement, you are not supposed to read it, you read the highlights and the balance of information is to help you to take charge of supplementary Question. If they do not know, then they should go for training.

Sen. Chelule: Mr. Speaker, Sir, in fact, I am doing a summary. I have a bulky report and what I am doing is just a summary. I am almost through. So, allow me two minutes to clear.

The Speaker (Hon. Ethuro): Finish the Statement.

Sen. Chelule: It is almost done, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Sen. Kerrow, you are looking at the document from very far. Most of the papers are attachments and I am sure she cannot read them.

Sen. Chelule: Mr. Speaker, Sir, Galana and Kulalu ranches are targeted to contribute one million acres. This will cost the Government Kshs250 billion. During the current financial year the Government has allocated Kshs3.2 billion. The Government is undertaking dam rehabilitation, road infrastructure and developing model farms, including soil suitability analysis. The expenditure to date is Kshs40 million. The expanded national irrigation programme is being implemented nationwide in the various counties since 2010. The Ministry has identified 180 community based irrigation projects across the country. This encompasses small holder irrigation schemes, medium community schemes and public schemes. To implement these projects, the Government, during the Financial Year 2013/2014 has allocated Kshs11,182,000,000. This will increase the area under irrigation by 1.5 million acres.

Thank you, Mr. Speaker, Sir. I will give a copy of this report to Sen. (Prof.) Lonyangapuo and leave the original on your table.

(Sen. Chelule laid the document on Table)

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, first, I thank you for ordering the Committee yesterday to issue this Statement. You can see that some of my colleagues were impatient with the answer given because some of information is not very relevant to what I had asked. In this manifesto, it had been clearly mentioned that one million acres will be done within the next five years. That translates to 200,000 acres per year. Sen. Chelule says to irrigate 200,000 acres of land will cost them Kshs40 billion. This means that Kshs40 billion was supposed to be set aside this year for irrigation. From the answer, it is only Kshs3.2 billion that has been set aside. Is this project going to take off if what is required is Kshs40 billion and they have set aside only Kshs3 billion in this financial year?

Secondly, they need to clarify the issue where an advertisement for expression of interest for consultancy was done in June. They are now in the process of awarding the consultancy. It means that when the consultancy is given, there is a possibility that the real actual work to be done on the ground might not take place this year, given that only Kshs3 billion has been set aside.

I had also asked about the agenda of the Government to eliminate hunger that has become very stubborn in Kenya for long. Why were Galana and Kulalu private ranches in Tana River and Kilifi chosen when we know we have 47 counties? I expected the cake to be shared so that hunger can be mitigated. In Turkana County, for example, a lot of water has just been discovered. I expected a huge amount of about Kshs50 billion or Kshs100 billion to be spent in order to irrigate and produce food for the people in the north rift. In West Pokot County, we have prime rivers like Murunyu River, Kerio and Weiwei River.

About 1,000 acres of land is under irrigation. This is done by the Italians. They are planning to do 10,000 acres which will cover part of Kaino plains.

Mr. Speaker, Sir, I plead with the Government to spread irrigation activities across the country because this was the reason we went for devolution. If we have to do irrigation, we have to do it very close to where the problem is.

The Speaker (Hon. Ethuro): Order Senator! Ask for clarification and not another submission.

Conclude.

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, I want to hear clearly the criteria used to identify the two areas rather than all the other areas in Kenya.

Sen. Billow: Mr. Speaker, Sir, this is a very important matter. This is the pledge of the Jubilee Government. I would appreciate if the Acting Chairperson of the Committee, in addition to what Sen. (Prof.) Lonyangapuo said, could clarify for the 180 community-based irrigation projects across the 47 counties. How are these projects selected in terms of the criteria? There are studies which have been in this country which clearly show that for every shilling invested in the Arid and Semi-Arid Areas (ASAL), you stand to make a return of Kshs5 as opposed to every shilling that you invest in the high potential areas. So, what criteria will the Government use to identify 180 community-based projects?

Sen. Kanainza: I am waiting for the Ministry of Devolution to respond.

An hon. Member: Use the microphone!

The Speaker (Hon. Ethuro): Order! Sen. Kanainza, you need to follow the proceedings of the House. Once a Statement is made, clarifications are sought and the Chairperson must respond before we dispose of the matter.

Sen. Chelule: Mr. Speaker, Sir, I have taken seriously the questions raised by the two Senators. You know I am only six hours old in that chair and I was only tabling a report. Therefore, I need to be given two weeks to critically look at the report. I will come back to this House with good answers.

Sen. Billow: On a point of order, Mr. Speaker, Sir. You heard the Acting Chairperson of the Committee say that she was only given a Statement to come and read. The Acting Chairperson came here to represent the Chair, therefore, *anatosha*. So, she is required to respond to the queries which arise from the Statement that she raised. I think if the Acting Chairperson is not ready, she should not come and read a Statement on which she cannot answer supplementary questions.

Sen. Keter: On a point of order, Mr. Speaker, Sir. It is only fair that the Acting Chairperson is requesting to be given two weeks in which she will come back to respond. At the moment, she does not have facts, but she has taken note of the questions, otherwise, she is capable of answering them.

Sen. Ong'era: On a point of order, Mr. Speaker, Sir. This is also a House of learning. When will Sen. Chelule get an opportunity to learn? It is by doing the way she is doing. I think she is doing a commendable job. I only plead with my brother Sen. Kerrow who is senior and has been in Parliament for a longer time to let us young ones also grow and learn.

The Acting Senate Minority Leader (Sen. Abdirahman): On a point of order, Mr. Speaker, Sir. I tend to agree with Sen. Kerrow for the simple reason that this supplementary questions emanate from the responses from the various chairperson. If

there is any specific issue that will actually require that she refers back to the Ministry she can be given more time. The other day our Deputy Speaker did very well and responded on behalf of the Committee although he said he was there for necessity purposes. So, as a matter of setting up good standards or good practices, we should not allow her to get away with this. If there are issues, we defer that specific issue, but they should not be given some blanket waiver.

(Sen. (Dr. Kuti) stood up in his place)

The Speaker (Hon. Ethuro): Sen. (Dr.) Kuti, are you are on a point of order?

Let us dispose of those points of order. I want to start with Sen. Janet's plea of learning. By the way, she is not even the Vice Chairperson. She is just a Member of the Committee who has been delegated because the Chairperson and Vice Chairperson are away on official business. But on her own admission, she has confirmed that she has been sitting pretty on that Chair for six hours. Six hours is a lot of time for one to read a report, digest it, consider supplementary issues, get back, if in her own mind, she is not clear, so that by the time she comes to the Floor, she is fully prepared. Given that Sen. Janet Ong'era also talked of "when do the young ones learn"; that was a natural opportunity for her to learn. I think she has just refused to learn.

(Laughter)

It is really important, for purposes of making use of the House, either we are ready to do the Statement or not. You know we can always allow for more time so that you can come back with a report. But two weeks is also a long time. In fact, we get fresh Statements within a week. So to get another week for clarifications, you can imagine what that will mean. Two weeks to get the Statement, two weeks to get clarifications and, maybe, when further clarifications are sought, another two weeks. We will be talking of over a month. So, we will excuse the Senator for today because, at least, she is holding brief. Maybe, she was not given sufficient brief. But I think for the Chairs, the Vice Chairs and others who volunteer, including agents of necessity, they must learn to do their homework.

Thank you.

Sen. Murkomen, maybe, you want to start with Sen. Daisy's Statement.

MANAGEMENT OF UWEZO FUND

Sen. Murkomen: Thank you, Mr. Speaker, Sir. I would like to make a Statement in reference to the request by Sen. Daisy Kanainza. I wish to state as follows.

In reference to the first Question which is confirmation of when the Government intends to disburse the Kshs6 billion through the Constituencies Development Fund (CDF) model, the response is as follows.

The Uwezo Fund was a pledge by His Excellency the President to allocate Kshs6 billion that was meant for the presidential runoff to youth and women groups. Following from this, the National Treasury allocated this money and Parliament approved the sum of Kshs6 billion to go towards this Fund in the budget covering Financial Year

2013/2014. His Excellency the President, the national champion and overall patron of Uwezo Fund, officially launched the fund on 8th September, 2013. The objectives of the fund are as follows.

1. To expand access to finance through grants and credit.
2. To promote youth and women businesses and enterprises at the constituency level and thereby move towards achievement of Vision 2030.
3. To generate gainful self-employment for Kenyan youth and women.
4. To model an alternative framework in funding community driven development.

Mr. Speaker, Sir, the Uwezo Fund will employ the principle of table banking and revolving funds to create a unique blend of financing for youth groups and will be disbursed at the constituency level, modeled along the CDF framework. This will enable women and youth to access funds at the local level, thereby reducing the transaction costs that they would have otherwise incurred. The implementation modalities for the Uwezo Fund will be supported by the following structures: The Uwezo Fund Oversight Board, which will provide overall management besides oversight of the fund. The board will be supported by a secretariat.

The Ministry responsible for youth and women affairs will facilitate and oversee the operation of Uwezo Fund Oversight Board in the implementation of Uwezo Fund. The Ministry will specifically be responsible for capacity building to Uwezo Fund recipients and table banking, business and entrepreneurship, public procurement and other business development areas. The Constituency Oversight Uwezo Fund Management Committee (COUFMC) will be modeled along the CDF framework. The role of the Committee will be to facilitate the establishment of the COUFMC to manage the funds at the constituency level. Membership of the COUFMC shall include the sub-county commissioner or his representative, the sub-county development officer or his representative, the sub-county accountant responsible for national Government operations, the sub-county representing national Government responsible for youth and women and a representative from each ward in the constituency following consultation between the county women representative, the National Assembly and the constituency Member of Parliament. The ward representatives will comprise youth and women and the total tally of representatives from the wards must have equal number of men and women, of whom the women quota shall have a third of women and youth as minimum. The others are one person with disability per constituency while the CDF Fund Manager will be an *ex-officio* member of the Committee and secretary.

Question two was asking us to State whether the Fund is a grant or a loan to the youth, knowing that the youth have fallen prey to many false promises. From the total fund allocation of Kshs6 billion, a one-off administration charge of 3 per cent will be deducted, while the Kshs500 million will be earmarked for capacity building of groups in order to ensure that the recipients have skills, knowledge and market linkages necessary to run the respective enterprises. The balance of the fund thereafter will be divided between all the constituencies, with 75 per cent shared equally among all constituencies, and 25 per cent being shared on the basis of poverty index for equalization purposes.

Of the total amount received per constituency, 20 per cent will be earmarked for religious institutions as a grant to administer to women and youth groups within their jurisdiction. The balance per constituency thereafter will be administered as 75 per cent

loan and 25 per cent grant for each beneficiary group. The money will be payable only to a group from a minimum of Kshs50,000 and not exceeding Kshs500,000 at a time. Interest rates on loan component of the fund will be set annually and charged between zero to a maximum of one per cent. The interest rate chargeable this financial year is zero per cent.

The hon. Senator wanted us to explain why the Fund could not be managed at the county level in line with the principles of devolution. The fund is a national Government initiative geared at reaching youth and women groups at the local level. The women and youth are not devolved functions.

Fourth, the Senator wanted us to state whether the youth who are the key stakeholders were involved in the arrangements to have the Fund launched soon. In the preparation, various stakeholders were consulted and they made invaluable contributions. Just to mention a few, the National Youth Council, the Kenya Women Parliamentarians (KEWOPA), the National Assembly Committee on CDF, 25 women under the umbrella of Maendeleo ya Wanawake, Women Political Alliance, FIDA, Caucus for Women in Leadership, Action Women International, Coalition on Violence Against Women, National Council of Women of Kenya and Young Women Leadership Institute. Others are the Inter-Religious Council of Kenya, which is a coalition of all faiths in Kenya; the National Coalition of Persons with Disabilities and various Government departments and agencies. The process of consultation will continue to be broadened and deepened as we move to the next phase of capacity building and implementation of the fund.

The Statement is signed by Anne Waiguru, the Cabinet Secretary.

Mr. Speaker, Sir, I delivered a copy more than three hours ago to Sen. Kanainza. I table this other copy to the House.

(Sen. Murkomen laid the document on the Table)

The Speaker (Hon. Ethuro): Sen. Kanainza.

Sen. Kanainza: Thank you, Mr. Speaker, Sir. The Senator has tried to answer my questions that I had asked three months ago. However, I have some concerns, especially with respect to the first response because they have really deviated from what I really wanted to know. The reason I stand here to speak is because I have the heart of the youth in me. I am their representative and want it to go on record that I am concerned about their issues. Therefore, the voice of the youth must be heard. We are not just here for some people to make decisions on our behalf---

The Speaker (Hon. Ethuro): Order, Sen. Kanainza! Seek clarifications. This is not a public *baraza*!

(Laughter)

Sen. Kanainza: Thank you, Mr. Speaker, Sir. I am not going to be scared.

The response given regarding the key stakeholders who have been involved - we have seen here that they only talked about the National Youth Council. Most of the organizations which were involved were the women organizations, whereas the youth constitute a bigger percentage. There are women and men in the bracket of youths. Women groups comprise of women alone. The reason I say this is because I have been in

touch with the National Youth Council. They were not brought on board. I want to know why they were not involved when this fund was launched. They have just mentioned something about the youth agenda submitting a memorandum. In fact, they were called one week ago to submit the memorandum. When did the Ministry sit down to make decisions on behalf of youth without involving youth organizations? When I talk about the youth organizations, I am even talking about---

The Speaker (Hon. Ethuro): Order, Sen. Kanainza! If you have no clarifications to seek, just take your leave!

Sen. Kanainza: Mr. Speaker, Sir, I have a clarification.

The Speaker (Hon. Ethuro): Order, Sen. Kanainza! There are rules in this House.

Sen. Keter: Thank you, Mr. Speaker, Sir, for giving me this opportunity. Today, I want to be on record saying the way this model has been done will be a total failure. The hon. Cabinet Secretary, Anne Waiguru, will really fail on this. I say so because---

The Speaker (Hon. Ethuro): Order!

Sen. Keter: I want to seek clarification. The reason I am saying that---

The Speaker (Hon. Ethuro): I thought you were going to, at least, make a difference!

(Laughter)

Sen. Keter: Mr. Speaker, Sir, I am saying this because in my former constituency, I had started table banking, which is revolving about Kshs200 million. Therefore, I am talking from a point of knowledge. But I want to seek clarification from the Chairperson; how sure is he is that 75 per cent of that fund will be revolved? How will he determine that the 20 per cent which is going to be given out as a grant will get to the intended groups? Is he sure it will not be a one-off thing and people will not return the money? Those are the few clarifications I am seeking.

The Speaker (Hon. Ethuro): That is better.

Sen. Billow: Thank you, Mr. Speaker, Sir. I would appreciate if the hon. Senator would clarify on the issues of sustainability of this fund with regards to two areas. One, in terms of the fund itself, does the Government intend to inject a similar amount every year, or is he simply relying on the devolving aspect that people will repay?

Secondly, again in terms of sustainability now on the beneficiaries, the amount between Kshs50,000 to Kshs500,000 would mean an average of about maybe Kshs100,000. Most people would, probably, make Kshs100,000 or Kshs200,000. Would that really make a difference in terms of what the people want to do with their money?

The Speaker (Hon. Ethuro): Hon. Senators, as you can see, there is a lot of interest on this issue. So, we should really restrict our issues to just one request. You should formulate it before you reach the Dispatch Box.

Yes, Sen. (Dr.) Kuti.

Sen. (Dr.) Kuti: Thank you, Mr. Speaker, Sir. I just want a clarification. Any lending enterprise should have a structure to follow what has been lent out and to see that it is paid back. I just want to know whether there is infrastructure in place to ensure that what has been lent is paid back so that this becomes a revolving fund.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, one success story in this country is that of the CDF. The reason the CDF succeeded is because we created an Act of Parliament.

Could the Chairperson tell us whether the Government has any plans, before releasing this money, to put in place an Act of Parliament that will govern this money? Secondly, why are Senators and Governors not involved?

Sen. Elachi: Mr. Speaker, Sir, during campaigns, the first target group was the youth. However, it now seems as if women will benefit more than youth who were initially earmarked to benefit from this money.

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, I want to hear clearly why we are using Members of the National Assembly and yet, even today, we have an issue with the way they oversee CDF funds? Who sits in their committees? It is the people who campaigned for them. Who benefits from the money? It is the same people who have been working with them. I thought that this money was supposed to be given to sort out issues without any affiliation to any politicians? Those who stood against the current Members of Parliament will not benefit from it. That is what I know from the ground. We need to know how they will make sure everybody benefits from this money. We do not want to see people shedding tears for the next five years.

Sen. Sang: Mr. Speaker, Sir, I would like to seek two clarifications. One, how will the Uwezo Fund dovetail with the Women Enterprise Fund and the Youth Enterprise Fund? Are we likely to see a situation where the Uwezo Fund is taking up resources that may have otherwise gone to the two previous funds?

Secondly, how does the Ministry intend to carry out capacity building for the young people in this country? Many of them are asking what is happening with regard to the Uwezo Fund and who has been given the tenders to distribute it to all the regions in this country.

Sen. Nabwala: Mr. Speaker, Sir, I stand here to talk for the youth, especially those in my county Trans Nzoia. I would like to seek a further statement from the Chairperson who gave a reply to Sen. Kanainza's statement. In my county, the youth have complied with all the conditions.

Sen. Wangari: On a point of order, Mr. Speaker, Sir. Is it in order for the Senator to seek a fresh statement when we are still interrogating the one that was issued knowing very well that there is procedure for doing that?

The Speaker (Hon. Ethuro): The Senator is completely out of order! In fact, she started by admitting that she is out of order by saying that she wants to talk---

(Sen. Nabwala stood up in her place)

Order! Continue to sit.

Sen. Kanainza, I will give you time to talk because you have requested. I know that you have spent a lot of time trying to formulate your issues.

Sen. Kanainza: Thank you, Mr. Speaker, Sir. I think I have learnt something.

I would like to seek two clarifications. I would like to know why youth organizations such as the National Youth Council, the Youth Agenda, African Youth Trust and the National Youth Sector Alliance were not consulted. What will happen to Youth Enterprise Development Fund?

The other clarification I want to seek is about the composition of the people handling the funds. We have the sub county commissioners and development officers, among other people. My concern is that we have the District Youth Departments which

harbour youth officers. At the moment, these people are not being involved in the management of this Fund and yet, they oversee activities of the youth at the grassroots or the constituency level.

The Speaker (Hon. Ethuro): Order, Senator! You did well in the first one. However, on the second one, you went back. Just ask why youth officers are not part of the team. It is that simple.

Sen. Kanainza: Mr. Speaker, Sir, the Chairperson should explain why the district youth officers are not part of the team. The other clarification, as Sen. Sang has said, is about the people who are given tenders to carry out capacity building. This is of great concern because young people are very worried about this issue. We are also worried about the Public Procurement and Disposal Act (PPDA) and whether the real youth will access the 30 per cent contracts set aside for them.

Sen. Ong'era: Mr. Speaker, Sir, I stand to seek a clarification from the Chairperson of the Committee on Devolved Government. I would like to know why the Uwezo Fund is being given to politicians to run. Is this another gimmick by the Jubilee Government to buy Members of the National Assembly to support them? Why is this money not being given to the known organizations of women and youth?

Sen. Murkomen: Thank you, Mr. Speaker, Sir. I would like to thank Sen. Kanainza for asking those questions. The clarifications that have been sought are very critical, some of which I do not have the answer to.

First, there is the concern from Sen. Kanainza about the involvement of the youth. To me, it appears that the women side is more comfortable with the list I read out regarding those who are involved. However, the youth are not. The statement reads: in preparation and development of the Uwezo Fund, various stakeholders were consulted and they made invaluable contributions. I will mention, but a few; the National Youth Council, a substantive memorandum from the National Youth Agenda. I am a board member of the National Youth Agenda and I am aware that they prepared this memorandum.

The Speaker (Hon. Ethuro): Mr. Chairman, Sen. Kanainza is aware of the memorandum. The timing is the problem. This one was sent last week. When was yours sent?

Sen. Murkomen: Mr. Speaker, Sir, I am also aware that the memorandum was sent, but I do not know when. However, the point is this.

(Laughter)

I am very happy because you have been following this issue very closely without writing notes. The depth of participation and involvement is still in question and I do not know what measurement can be used. However, I think the Cabinet Secretary has indicated, in her Statement, that consultations were not done once, but are continuous and will go on. It is important to note, at this point, that in response to the request for the statement from Sen. Kanainza, the Government will continue to engage and deepen the consultations.

Sen. Keter made a very bold and scary statement that this Fund will fail. I am hoping that it will not fail because it is good to try new things. We, as a country, need to

be optimistic and we should try it. The Cabinet Secretary should incorporate the concerns that have come from this House to avoid it being a failure.

The other issue is whether the money will be devolved. I am not sure about that. The other question is what the intention of the Fund is. I cannot answer that and I do not think that the Cabinet Secretary can answer it either. There will be a practical process of giving out the money. Once the money goes to the ground, the intention is to revolve it.

The actual usage on the ground depends on the structures that have been put in place. We need to urge the Ministry to put in place protective measures and also ask the youth and women on the ground to be more vigilant. These are public funds. We should ensure that the money is not wasted. We should have enough oversight and participation as members of the public. We must remain vigilant to make sure that this money is not misappropriated. Once the Auditor-General does the auditing of these funds and we table a report here, we have to sit down again and see whether the Ministry obtained its objectives. If there will be some failures, we know who should take responsibility.

Are we going to inject this money every year or will it be a one-off thing? This was the question by Sen. Billow Kerrow. This is a one-off fund which was the Kshs6 billion. This money is expected to be revolved and to move from one group to another. Once one group has acquired enough capital to do business, the returned money will go to another group so that it builds business for other groups. That also answers question by Sen. (Dr.) Kuti.

Will the money make a difference? I do not know. This project is still in the process. We hope that it will make a difference. It is being run like the CDF which has been praised by Sen. (Dr.) Khalwale. We all know that the CDF made a difference in some constituencies, but failed in others depending on who was the Member of Parliament at what time and the structures that were put in place.

The Acting Senate Minority Leader (Sen. Abdirahman): On a point of order, Mr. Speaker, Sir. You heard the Chairman say that he is not sure whether the money will make a difference. Development principles demand that outputs are predetermined at times. That is measurable. The indicators are known. The output and final results are also known. He has done well considering that this is his first presentation. However, it is not in order for him to tell us that he is not sure whether this can make a difference. This causes doubts in all of us.

(Several hon. Senators stood up in their places)

The Speaker (Hon. Ethuro): Mr. Chairman, proceed. I have not given anybody else the opportunity. I only saw the Senator for Murang'a County just like the rest of you standing, but I did not speak.

Sen. Murkomen: Mr. Speaker, Sir, it is very clear that the Jubilee Coalition manifesto and the programme being pursued by the Ministry - this is also very clear in their minds - is going to make a difference. The question which has been asked is whether it will really make a difference. Anyone who says that it will make a difference will be out of hope just like the manifesto. As I said---

The Speaker (Hon. Ethuro): Order Sen. Murkomen! Your own response to the bold statement made by Sen. Keter was that we, as a country, must remain optimistic. So, why are you denying yourself?

Sen. Murkomen: Thank you, Mr. Speaker, Sir, for reminding me. We are optimistic that it will make a difference. However, we will also be cautious that even we, as leaders, the youth and the women, must take the precautionary measures so that it makes a difference in their respective constituencies.

The Speaker (Hon. Ethuro): I have sorted that matter.

Sen. Billow: On a point of order, Mr. Speaker, Sir. The clarification I sought that he is responding to has been taken out of context. Will the 50,000 limit for a group make a difference? It is not whether the whole Fund will make a difference.

Sen. (Dr.) Kuti: Mr. Speaker, Sir, I just want to emphasize the point raised by Sen. Abdirahman on the technical evaluations. What he sought to know was whether there were technical inputs to pre-determine the desired results? I think that is a key question that we need to answer.

Sen. Murkomen: Mr. Speaker, Sir, from the Statement, it appears that that was done. Consultations were carried out, but I am not very sure as to what kind of consultations and so forth. I can find that out from further clarifications.

I would like to tell Sen. Billow that even Kshs10,000 will make a big difference to a group of women who have grocery shops. So, Kshs50,000 will still make a substantial impact in their lives.

There was a good question from Sen. (Dr.) Khalwale on whether there will be an Act of Parliament to regulate the management of this Fund. There are regulations that have been tabled in the National Assembly to give a legal framework to this. From my perspective, this House should have been involved in one way or the other in this Fund, either as Senators themselves or even as the Senate. Hopefully, when those regulations are tabled, it will come through the normal procedure which the Speaker of this House will determine whether they relate to counties or not, so that we can have an input as a House.

There was a question as why Senators, Governors or Members of the County assemblies are not involved in the management of this fund. I am still baffled why they were not involved. I will make a follow up to ask the Cabinet Secretary why we were not involved because we are all representing certain interests. Even the Senator who requested for the Statement is representing youth interests in this House.

With regard to affiliation to politicians, I think the Constituencies Development Fund (CDF) model is affiliated to politicians. The Governor and Senators are both politicians. So, in response to Sen. (Prof.) Lonyangapuo's question, I think the question should be why all leaders are not involved. Time will come for us to debate Sen. Sang's Bill. If the framework that brings the leadership in the counties was there, we would have had the opportunity to also have an input in such a framework.

Sen. Sang sought to know the linkage between the Youth Enterprise Fund and the Women Enterprise Fund. Again, this was not in the initial Statement sought and so we will seek to be given that answer. It appears from the Statement that this Fund, unlike the other one, attracts zero interest and so those who are beneficiaries of this Fund can graduate to the other Fund which attracts interest. They will now be able to borrow more money from the Youth and Women funds. That appears to be the position, but we shall seek for more clarification.

With regard to capacity building, the Cabinet Secretary has said that the process for procuring a consultant is on-going. Again, we will find out when the results are out who has been given the work for that purpose.

When they refer to the youth, the Constitution defines them to be those up to age 35 years. So, there can be no other fake youth because you are either a youth or you are not although I heard Sen. Ong'era earlier referring to young Senators, including herself.

Thank you.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I did not want to interrupt Sen. Kanainza when she said that she represents the youth in this Senate. I think it is important for you to confirm whether that is a statement of fact, because to my understanding she is a Senator, who according to the Constitution gives an opportunity to the youth to play a role in protecting the interests of the counties and county governments. Her statement implies that she is not here to protect the interests of the county and the county governments, but to protect the interests of the youth. Where in the Constitution is this founded? I have looked at Articles 96 and 98 to come to this concern.

The Speaker (Hon. Ethuro): Sen. (Dr.) Khalwale, I thought yesterday you had a very good treatise on the Political Parties Act. Today you have deliberately become selective. Article 98 (1) (c) states that there shall be two Members; one man and one woman representing the youth. What we need to confirm is whether Sen. Kanainza falls in that category. But in terms of the composition of the Senate, definitely representing the youth is a very valid function of the Senate. The Constitution also in other parts gives a range of other categories of persons; the elderly, the children, the youth, *et cetera* are all factored there. So, it is a constitutional obligation for each and every Senator - and even those who are not youths are under duty to protect the interests of youths. Of course, you know Article 100 also talks about Parliament representing the minorities or the marginalized.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, indeed, I want to thank you for that correction. I would like it to come out clearly to the public that upon coming to the Senate as a Senator, you have a function and the function as founded in Article 96 is to protect the interests of the county and the county governments, which includes all the youth, persons with disabilities, all the young persons and everybody else. The intention of Article 98 was to make sure that in protecting the counties and county governments, also the youth and persons with disabilities participate. I do not want a situation where the youth will start thinking that I am no longer their Senator in Kakamega; that they have to look for Sen. Kanainza.

(Laughter)

The Speaker (Hon. Ethuro): I have every reason to believe that the voters of Kakamega who voted for you appreciate your responsibility and they cannot be looking for any other Senator when it comes to matters of that particular county.

I want to encourage the Chairman of Devolved Government that a matter of this nature, given the kind of interest it has generated, that the Committee will continue pursuing the matter, not only on the issues that you need more information, but to look at the entire Fund. So, if you did that and then brought a report to the House, then the Members will be able to make their various contributions.

Next Statement!

BUSINESS FOR THE WEEK COMMENCING
12TH NOVEMBER, 2013

Sen. Keter: Mr. Speaker, Sir, Sen. (Dr.) Khalwale is worried of Sen. Kanainza because she comes from Kakamega. I want to assure him not to worry.

Hon. Senators pursuant to the provision of Standing Order No.43 (2) ---

The Speaker (Hon. Ethuro): Sen. Keter, what authority do you have to issue that statement? What is it that you know that the rest of us do not know?

Sen. Keter: Mr. Speaker, Sir, when I was seated there, Sen. (Dr.) Khalwale seems to have been worried about Sen. Kanainza taking the whole youth population which constitutes about 60 per cent.

Hon. Senators, pursuant to the provisions of Standing Order No.43 (2), this is to present the Senate Business for the coming week from Tuesday 12th November, 2013. The Rules and Business Committee (RBC) will meet on Tuesday 12th November, 2013 at 12 noon to schedule business of the Senate for the week commencing 12th November, 2013. The Senate will continue with the Business in today's Order Paper that will not have been concluded and consider a Motion by Sen. (Prof.) Lonyangapuo calling upon the national Government to review education policies to mainstream and promote science technology and innovation at all levels of education.

The Senate will also consider a Motion by Sen. G.G. Kariuki urging the national Government to constitute a Committee to undertake a comprehensive security review with a view to formulating modern strategies capable of containing crime and safeguarding national security interests.

In addition, the Senate will consider a Motion of Adjournment by the Senate Majority Leader to enable Senators to participate in public hearings on the appeals for transfer of functions to county governments.

On Thursday 14th November, 2013, public hearings on appeals for transfer of functions to county governments will commence. I hereby lay the Statement on the table.

Thank you.

(Sen. Keter laid the document on the Table)

POLLUTION OF ATHI, GALANA AND SABAKI RIVERS

Sen. (Dr.) Kuti: Mr. Speaker, Sir, after I responded to the Statement by Sen. Wamatangi, on the issue of pollution of rivers by sewage from Nairobi, this response generated more interest and you ordered that we visit the site which we did yesterday. I would like to report that what is happening at that site and, in fact, downstream is a national disaster. We saw raw sewage being poured into the river at a rate of 30,000 metric tonnes every day. River Sabaki, Nairobi River and Athi River have all been affected. We came back and a report has been developed, but most of it contains letters of blame after blame from the companies and firms that are concerned; trying to avoid responsibility. So, we would like to seek your indulgence that we call the officers concerned and bring a more comprehensive report, after what we have seen. I am sure

that it will generate more interest and we would like to respond to this next week on Thursday.

The Speaker (Hon. Ethuro): You will respond the following Tuesday.

Sen. (Dr.) Kuti: Most obliged, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): I think that we must commend the Chairperson of the Committee on Health, Labour and Social Welfare for that initiative. Of course, from your findings you have now agreed with what the Members were actually expressing. So, you need that time really to dig into the matter some more and then give us a comprehensive report.

What is it, Sen. Wamatangi?

Sen. Wamatangi: Mr. Speaker, Sir, I would also like to thank the Chairperson for having taken that immediate action. There was a suggestion that was made here in the House that, indeed, that this is a national disaster, and desperate times call for desperate measures. I want to propose to the Chair that when they summon the officers who are concerned, they should even look into the possibility of ordering or requesting even assistance from our able forces, probably, to go and help in the construction of that main duct that crosses the rivers taking the sewage, so that we can save our people.

The Speaker (Hon. Ethuro): Sen. Wamatangi, you are also at liberty to participate in the proceedings of the Committee.

Next Order!

BILL

Second Reading

THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT) BILL

(Sen. (Dr.) Khalwale on 6.11.2013)

(Resumption of Debate interrupted on 6.11.2013)

The Speaker (Hon. Ethuro): Who had the Floor?

Sen. Wamatangi!

Sen. Wamatangi: Mr. Speaker, Sir, I rise to continue seconding this Bill by Sen. Khalwale.

Mr. Speaker, Sir, I second this Bill with a clear conscience that it is well intended. This Bill has sought to do three most important things which, since the promulgation of our new Constitution, have been requiring to be set clear. The first one and most important is setting out of the order of precedence. This Bill seeks to set out that order very clearly. The order has been set in the Bill, but I would also want to request Sen. Khalwale, at the Committee stage, to consider correcting or amending that order of precedence. I believe and know that he had already insinuated that he would like to do so.

Mr. Speaker, Sir, elected officials or officers of this country are the people who do well as far as our Constitution is concerned. The elected officials are the ones who hold power on behalf of the people of this Republic. Senators, Governors and Members

of the National Assembly are elected officers. In the order of precedence, it is only right and fair that those elected officials be immediately following in the order from the President, Deputy President, Chief Justice, Speakers of either House of Parliament and then the Senator, Governor, Member of the National Assembly and downwards to the appointees of the Government. I do not think that it is right that appointees of the Executive should be higher in the order of precedence than the leaders who hold power on behalf of the people of this Republic.

Mr. Speaker, Sir, as I laud this Bill, I would also want to propose to my good friend, Sen. (Dr.) Khalwale that also, we do streamline the order of precedence at the county level, so that we also sort out the chaos that is in the counties. This will ensure that when county functions are also being held, the protocol and order of precedence are also very clear.

Mr. Speaker, Sir, this Bill also has conferred titles as necessary. As it confers the titles, I would also want to point out that it is important that we have the county speaker also. This is because this Bill proposes that the Speaker of either House be addressed as “the Right Honourable Speaker.” The speakers of the county assemblies can be addressed, probably, as “the honourable speaker.”

Mr. Speaker, Sir, when this Bill was first published it generated a lot of heat in the counties and within the entire Republic. This is because some people touted this Bill as one that was intending to limit the powers of Governors, especially in as far as flying of flags is concerned. But, indeed, once one goes through this Bill, you will find that it is exactly the opposite. This is because this time the Governors can fly the flags legally. They do fly their flags as provided for in this Bill.

Mr. Speaker, Sir, with those remarks, I beg to second this Bill.

(Question proposed)

The Acting Senate Minority Leader (Sen. Abdirahman): Thank you, Mr. Speaker, Sir, for allowing me to contribute to this very important Motion. We feel that this will put to rest some confusion that we have experienced in the recent past, as it deals with three major items.

The Speaker (Hon. Ethuro): Order, Sen. Hassan! It is not a Motion.

The Acting Senate Minority Leader (Sen. Abdirahman): Sorry, Mr. Speaker, Sir. It is a Bill. Thank you for the correction.

Mr. Speaker, Sir, this Bill will put to rest the confusion that we, as a country, have had from the inception of our new Constitution, particularly, with regard to political offices.

Mr. Speaker, Sir, the Bill deals with three major items. We all know that each of these elective offices have specific roles to perform. Many a times instead of complementing each other, we tend to overlap and want to really cause some unnecessary power struggles at county and national levels. Actually, that contributes significantly to the confusion that Kenyans have had in the recent past. I want to thank Sen. (Dr.) Khalwale for proposing a number of amendments.

Mr. Speaker, Sir, I want to particularly single out the flying of flags by Governors. When I look at the list, the Attorney General, who is the principal legal advisor of the Government, is listed as one of the people who can fly flags. I think we

need to look at that because he is a legal advisor and that is not an elective office. It is an office that principally advises the Government. Therefore, I do not think that we need to put him in that category. Some quarters equally feel, through our consultations, that the Cabinet Secretaries too should not be allowed to fly flags, because we are told that these were technocrats who were drawn either from the private sector or may have had some experiences in the Government.

Mr. Speaker, Sir, in terms of the order of preference, there has also been serious confusion even at the county levels, where we have people representing the national Government and also those who represent county governments. In that same order of preference, I am glad that the Senate has been put in its rightful place. This dispels the notion by those doubting Thomases, that Senators are people who lie below a number of elective offices, including that of the National Assembly and Governor. It puts the Senate in its rightful place. I am sure that it is a solution to actually the predicaments that we currently face as a House.

Mr. Speaker, Sir, the other issue which I wanted to comment on is the use of official titles. These “grandiosis” in the Kenyan leadership ought to die a natural death. It can only die through such kind of legal provisions, such as this current Bill. The fact that Senators can be referred to as “Senators” and Governors as “Governors”, puts to rest also the constant confusion constituencies, counties and national Government had to face. Much of the demands by the office bearers on the national Government and also the high expectations from our local populace can be addressed through the provisions of this Bill. So, I support the official titles the way they are.

Mr. Speaker, Sir, I support the Bill.

Sen. Kembi-Gitura: Mr. Speaker, Sir, I rise to support the Bill that has been brought by our colleague, Sen. Khalwale.

Mr. Speaker, Sir, we, as elected leaders, have an extremely important duty, because the 40 million Kenyans that we represent look upon us to represent them. They hope that we shall represent them without fear or favour. It is a very big undertaking that must be done with humility and respect for the people that we represent. Since we were elected, and as everybody in this country knows, there have been fake or what has been dubbed as “supremacy” wars between the Senate and the National Assembly and also sometimes, between the Senators and the Governors of the counties. We, as Senators, represent counties under Article 96 of the Constitution. In my opinion and belief, we have a much higher calling where we must show sobriety and lead from the front.

Mr. Speaker, Sir, the issues that are brought by this Bill may seem mundane to some people because they may not quite understand what we are doing, and they may tend to think that we are perpetuating that so-called war of supremacy, but we are not. I think it is high time we understood the purpose of titles and why they are used. Titles are not to show how big you are in a county. I do not know whether people in this county appreciate the sheer poverty that our people have to undergo every single day. I sincerely believe devolution is the thing that will help this country devolve from that abject poverty and ensure that it brings us closer to the dreams and aspirations that we have for this country.

Mr. Speaker, Sir, what is happening at the moment is that when you open the newspapers every day, you find big advertisements from counties spreading over two, three, four or even five pages of a national newspaper with a national circulation,

advertising certain jobs which could be done in their websites and in the process, save them substantial amounts of money. But every day you open a newspaper, somebody has a forum where they are inviting people to come and invest; they buy space and we never get to hear the results. But I believe that these are things that can best be done and dealt with in a cost-saving way.

Mr. Speaker, Sir, if you travel to the counties and the Governor happens to be travelling, you will find traffic jams in sleepy towns that have never seen traffic jams because of the number of vehicles being used by the Governor to wade through a poverty-stricken countryside town. When people see this kind of opulence, and knowing the level of poverty they are going through, I wish to submit that it comes out as an insult to the people that we say we are representing. This is not the time, in my view, to show opulence. This is the time for the county governments to come out with policies to tell the people how they will come out of abject poverty; how they are going to have food sustainability; how they will take their children to school; how the Mutahi-Kagwe Report on Education will be implemented; how we will build Early Childhood Development (ECD) classes; how an ECD class will not cost more than Kshs100,000, and how several ECD classes may be built in a county out of the purchase of only one limousine which is being used on those dusty roads by the Governors.

We need to understand what it is that we want to achieve as a country and what it is that we are trying to show our people. We need to understand that our country has not suddenly become rich and powerful just because we have devolution. We need to show that devolution is supposed to be a means to creating wealth for those counties. That is why I was very shocked to read that the lady, Agnes Odhiambo, was saying that she is not releasing money to the counties because they have not reached the threshold of making a budget. This means they do not have the capacity in a good number of them even to create budgets. Is the way forward to use big titles, buy big cars, and make people poorer by not meeting their budgets? Or is the way forward to work in such a way that our people are empowered?

Mr. Speaker, Sir, I have had the privilege of serving as an Ambassador for this great country. Out there where I served, on every official function, I was referred to as “Your Excellency.” But the only reason for that was because I was a personal representative of the President of the Republic of Kenya.

(Applause)

But the moment I arrived at Jomo Kenyatta International Airport (JKIA), I could not and cannot be referred to as “Your Excellency;” I am called “Ambassador Kembi-Gitura” but not “Your Excellency,” because we also must have that pride of understanding nationhood. It has become quite embarrassing when you are sitting in a meeting attended by the President and the Deputy President and you refer to “Your Excellency the President” and then you are also referring to “Your Excellency the Governor.”

(Laughter)

Mr. Speaker, Sir, in my very honest opinion, it is not right for anybody to say that we have 48 governments in Kenya. We have only one national Government in Kenya and

47 county or devolved governments. It is important that people should understand this. The use of titles is important. That is why I want to submit that this Bill by Sen. (Dr.) Khalwale, if it goes through, and I am sure it is will, it will settle this matter once and for all. We are going to call Governors that very honorable name and title: "Mr. Governor of such or such county." This is an extremely important title because he is the Chief Executive of the county in which he was elected. However, in the country called Kenya, we have only one Chief Executive and one Deputy Chief Executive. That is the President and the Deputy President. So, we only need to start understanding these things. The bottom line, pure and simple, is to understand our role as elected leaders. We are elected to serve the people. We are elected to serve with respect and dignity, particularly for the people we represent. This fight for supremacy and power should not be there. In my opinion, it is a shame and an embarrassment to the calling that we have as leaders of this country.

Mr. Speaker, Sir, even without going deeper into this, I want to commend my friend and colleague, Sen. (Dr.) Khalwale, for coming up with this Bill. I also had an issue with the flying of the flags, but Sen. (Dr.) Khalwale has tried to convince me otherwise. In his original Bill, the flying of the National Flag was not allowed even for Governors because every county has a flag and emblem. I was of the view that, that is what should be used in counties, but Sen. (Dr.) Khalwale has tried to convince me. I do not want to take too much time on this; but maybe it is okay if they fly National Flags within the counties they represent. But once they are out of there, they then remove the flags. This could be cumbersome and they might choose not to fly them at all.

(Laughter)

Mr. Speaker, Sir, as pertains to decorum or to Clause 2(a)(c) about the order of precedence, I do not want to put too much emphasis on this. But there is one small little thing that Sen. (Dr.) Khalwale tells me does not fall within this Bill; I think it will come at a later time. This is the issuance of diplomatic passports and things like those. Maybe that will come under the Immigration Act. But maybe it would have best come under this Bill because the Immigration Act as it exists, at the moment, says clearly who can get a diplomatic passport and one of those persons is not a Member of the National Assembly or the Senate. Considering the travels that we make, maybe that is something that needs to be looked at.

Mr. Speaker, Sir, thank you very much for allowing me the opportunity. I also want to thank my colleague and say that this Bill should be understood in its correct perspective and context. Let people not talk and say that we are fighting for supremacy, because that is not what we are doing. What we are trying to do is to streamline the way that servant leadership should be shown and dealt with. We, as Senators, must be at the forefront of showing what servant leadership is all about.

Mr. Speaker, Sir, I beg to support.

(Applause)

Sen. Wangari: Thank you, Mr. Speaker, Sir. I rise to support the Bill and really congratulate the Mover, because this is one of the Bills that I would refer to as a bold Bill.

Mr. Speaker, Sir, when Kenyans voted overwhelmingly for the Constitution that is governing this country, they had very high hopes. In fact, 10 years ago – and I know that came with the NARC revolutions – Kenyans were voted to be one of the happiest people in the globe. That is because they had high expectations which were put in this Constitution. We had already suffered in the centralized kind of Government and we hoped that we would get better delivery of services, not only better, but closer and, of course, easier to access, and not for self glory. When the elections came this year, of course, people went out and voted and several months down the line, the citizens are already wondering whether this was really what they had voted for.

There is one author called Robin Sharma – for those who read – who has done a very interesting book, *The Leader Who Had No Title*. He tries to explain that you do not need to be defined by a title for you to be a good leader. You can do good and you can do great without having very powerful titles preceding your name. In fact, we have had people in this country who have done great things, being recognized nationally and internationally without having to carry the title “His Excellency, Her Excellency”. They have done good things and great things for this country. We are talking about Very Important Persons (VIPs) as they are referred to in this country. When we do so, we are talking about 47 Governors, 67 Senators, 349 Members of the National Assembly, 47 Speakers of the county assemblies, two Speakers of the two Houses and over 2,000 Members of County Assembly (MCAs). If this madness is not tamed, I do not see how devolution, five years down the line, will be evaluated as having helped *wananchi*.

Mr. Speaker, Sir, as I support this Bill because it will tame what is already going on, where everyone wants to show that they are fighting or they are more superior than the others. This House has been credited by being very modest and that can even be shown by the way we debate in this House. We not only have very experienced Members, but we have people with decorum. This has been demonstrated by all of us and no one can deny us that. We are not doing this so that we wear a very big hat to brag on the streets. I think everyone here is above that and my appeal is that this Bill is not taken out of context because we are a House of order. Even in the country, we have a Constitution. That is why we make laws so that we streamline things that were not there initially.

This new Constitution, together with all these positions that have been created, definitely need a legal framework so that people do not just wake up and decide; “I am now Her Excellency.” Every time I sit down and hear “Her Excellency, the First Lady” thinking that you are referring to the First Lady that we know, only to see that there is another “First Lady.” I think this Bill will bring a lot of order in the country. I hope it can be supported across the board because it will bring order to this country. This Bill will definitely tame the errant ones because not everyone out there is bad. It will also tame those who think they own this country and others do not. It is very important that we do not lose the focus of devolution. Let people work very hard to make sure that services get closer to the people, instead of making it harder for citizens to access these services. The fact that now you are at the county and you are still not reachable to your people, then

what difference does it make from the centralized form of Government that we had and what we are already implementing now?

Mr. Speaker, Sir, I support this Bill very strongly and I hope that everyone, even in the other arms – in the county assemblies and in the National Assembly – can look at this Bill very objectively and not mix it up with pity, supremacy or imagined supremacy.

Thank you, Mr. Speaker, Sir.

(Applause)

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

[The Deputy Speaker (Sen. Kembi-Gitura) took the Chair]

The Deputy Speaker (Hon. Ethuro): Senate Majority Leader.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Thank you, Mr. Deputy Speaker, Sir. I also rise to support this Bill. In so doing, I would like to thank profusely the sponsor of this Bill, the Senator for Kakamega, Boni Khalwale, the great son of Kenya and one of the most prolific legislators that Kenya has had over the years. I say that with a lot of sincerity in spite of the small political skirmishes we have had with him before. I respect his acumen, intellectual ability and clarity of issues, especially on issues that touch on the welfare of our country.

Mr. Deputy Speaker, Sir, we need a paradigm shift in this country; from a country where we worship titles and privileges to a country where we adore humility and service.

Mr. Deputy Speaker, Sir, we should, going forward as a country, as we think about Kenya in the next 50 years, create a society where leaders are servants of people and not the bosses of the people who have put us in office. We are a country where if you are humble, you are seen to be a coward. On the contrary, I want to say, just as Sen. Wangari and Sen. Kembi-Gitura have said, among others, the greatest leaders are extremely humble, are assured of who they are. They do not go around creating hullabaloo; they do not try to be noticed or to impose their importance on people. Therefore, this Bill tries to help us reconnect with the leadership that is based on humility and such values.

It does not matter what title you give me because I will still remain Kithure Kindiki. That is simple. Even if you refer to me as honourable or a Senator, I will still be the same person and will still do the things that I do. I have seen elected leaders - let us talk about ourselves - when they are asked to introduce themselves saying; my name is hon. Kithure Kindiki or Senator Kithure Kindiki. Your name is not Senator. The term Senator is not a name. Your name is Kithure Kindiki. It is the rest of us who should refer to you as Sen. James Orengo. You should not call yourself Sen. Orengo. It is other people who should call you Senator. However, in this country, everybody gets up to say; my name is honourable, Mr. or Mrs so and so. I think we need some decorum because it is very clumsy when I refer to myself as honourable. It is people who should be refer to me as honourable.

It is in that connection that I vehemently support this Bill. In fact, at an appropriate stage, I think this is a Bill that needs some amendments so that it is improved and made better. For example, I agree that the title, “His Excellency” should be reserved

to the Head of State. This is any person who acts within the ambit and direct instruction and personalization of the Head of State.

The Deputy President, for example, exists as a personification of the Office of the President. Therefore, for the President and the Deputy President, the term “His Excellency” represents the sovereign authority and sacrosanct of the nation of Kenya. So, when you refer to someone else as His Excellency, does that mean that they are leaders of independent states? Are they presidents of Trans Nzoia, Tharaka-Nithi, Mombasa or of which country? This does not make sense. We must reserve the term “His Excellency” for the Head of State and for his Deputy. As my brother, Sen. Kembi-Gitura has said, the Ambassador who represents His or Her President in a foreign country is referred to as “His or Her Excellency” in that country on behalf of the people and leadership of Kenya. However, when you come back here, you become one of us.

Secondly, this is not an attack on Governors or Members of the National Assembly. That would be a petty way of looking at it. There is another way of looking at it. There are people who are referred to, in law, as Members of the Executive Committee. This is in the Constitution and in the County Government Act. The people who assist Governors to run office are called the Members of the Executive Committee. However, these days, they refer to themselves as Cabinet Secretaries. I have a few cards from a few people. In some county somewhere, there is a Minister for Transport. If you look at that Minister for Transport, you will wonder whether the term has changed its meaning. My goodness, has this term changed its meaning?

Mr. Deputy Speaker, Sir, this Bill will provide clarity as well as help us clean some of these things. It should become illegal to use some of these titles carelessly. We not have Ministers in counties, but Executive Committee Members. The title Member of Parliament – that is why this Bill should be improved to capture these things – is being used by our brothers in the Lower House to refer to Members of the National Assembly. You cannot call yourself Member of Parliament because Parliament means both Senate and the National Assembly. Therefore, I am a Senator, but the other is a Member of the National Assembly and together, we are Parliamentarians. I am an MP as a Senator and so is the Member of the National Assembly. However, they cannot take the term MP to mean Members of the National Assembly exclusively.

As I speak, I know that there are very good Governors out there; extremely humble people who are working very hard to try and transform the lives of the people that they lead. They are very thrifty in their spending and are trying very hard to reach out to investors. They have no problems and are very secure with their positions. However, these form the insignificant minority. Majority of leaders at that level are people who think that the more cars one drives, the more people you scare out of the road, the more important you become as a leader. Time has come for us to bring order and sanity in our leadership structure.

Time has come for us to talk about the flying of the flag. Maybe I need to talk about the flying of this flag so that other Senators can also contribute. We cannot allow, as a country, to have a situation where everybody is flying the flag everywhere because the National Flag is the symbol of our nationhood. It is a sacred document that shall remain scarce. Therefore, for example, the President and the Deputy President as the Heads of the National Executive can fly the flag. The Chief Justice is the Head of the Judiciary and should fly the flag. The Speakers of the Houses of Parliament as Heads of

Parliament should also fly flags. However, I do not see why a Cabinet Secretary, someone who was somewhere using a lot of English in a university classroom like I used to do before I became a Senator, should fly a flag because nothing has changed. I do not think that Cabinet Secretaries should fly flags. I do not think that the Attorney-General who is just an adviser to the Government on legal matters should fly a flag. There is no rationale in that.

Only heads of institutions, the three arms of Government should fly flags. This is the head of the Executive, Legislature and the head of the Judiciary. These ones symbolize the three arms of Government. The other people should be humble enough. This does not change who you are. If you are the Cabinet Secretary for Foreign Affairs and you are not flying a flag, you still remain the Cabinet Secretary for Foreign Affairs. Everybody knows that.

I support this Bill and will be suggesting serious amendments to the Bill so that we can sensitize and transform leadership in this country and become a better society. We should become servants and not bosses of the people that we lead.

I support.

Sen. Murkomen: Mr. Deputy Speaker, Sir, I would like to follow in the footsteps of my former university professor and Senate Majority Leader, Sen. (Prof) Kindiki, in congratulating Sen. (Dr.) Khalwale.

As you all know, I enjoy the debates and personal friendship by Sen. (Dr.) Khalwale. Sometimes, we disagree on very passionate issues while maintaining the important relationship.

This Bill is very important. First, we and the country need to appreciate that this is an (amendment) Bill. This means that someone somewhere, previously, thought about having order in the manner in which salutations would be done in this country. This also includes order in the manner we fly our flags in this country and how we use certain titles.

In a society it is important to have order, a clear framework and mechanism for referring to each other. This also helps in doing away with the confusion that may arise. If a person was to come from another country and see people flying flags left, right and centre, what would he think? I attended one meeting where we had the President, the Deputy President and about ten Governors. When time came for Governors to talk I was very curious to listen to them.

They started by referring to the President as “His Excellency” the President, the Deputy President as “His Excellency” the Deputy President, but when it came to Governors, they did not know what to say because they did not want to put themselves on the same footing with the President.

When they are in a meeting where the President is not present, Governors have an opportunity to be referred to as His Excellency the Governor. We want to assist our Governors to come out of that confusion and embarrassment. I have seen situations in the counties where a Senator, Member of a County Assembly and County Assembly Officer are in the same meeting with the President and the Deputy President. On such occasions, they wonder how they should address the Governor and the Deputy Governor.

This is a very important Bill because it enables us to exercise what the Constitution says in Chapter 6; that we are servant leaders and our responsibility is to serve people and not to be lords over them. I say this with tremendous respect towards

our County Executive Officers, our Members of the National Assembly and our Members of the County Assemblies. I have also been in many awkward positions. I have attended a meeting with my Governor where people were referring to him as “His Excellency” the Governor and I was also referred to as “His Excellency” Hon. Senator. That confusion should be rectified. I am happy to be called Kipchumba Murkomen. When you refer to me as Senator, you should know that this is not a big deal. I think it is important for me to say that I am Sen. Kipchumba Murkomen because my title is Senator. You can use the term Governor when the title of that person is Governor. You can also say Speaker because that person is a Speaker. The title “His Excellency” should be reserved for the President and the Deputy President. That is it.

I will follow in the footsteps of the Senate Majority Leader in agreeing that we do not need to have many people flying flags left, right and centre. This is confusion. When someone sees a flag, they ask questions such as; might this be the Chief Justice? Might it be the Speaker of the Upper House or that of the Lower House? When you see a flag being flown around here, you may start wondering whether that is the Deputy President or who it may be. You actually do not need to advise the President on television or in a *baraza*. It is a backroom job, you just do it quietly. If they ask you for your direction, you give your advice to a Government officer. But you do not need to be flying around to show gusto and power because basically, you are actually a representative of a particular office in this country.

Mr. Deputy Speaker, Sir, there are many people who will look at this Bill and say that it is about power. Let me remind all of us that the Bible says in Mark Chapter 9 that whosoever wants to be the greatest must be as humble as a child. Let our work speak and not our positions. Let us not scare our voters. Why are we so concerned about being elected Governors? You are in your neighbourhood and you used to walk to your house and now you want to go to the same house with ten cars as if they will make a difference whereas you are the same person that was elected just the other day. You want to start saying that a Governor requires a political advisor and at the same time, he is a county executive committee member. There is a county executive member in charge of economics and planning and then you create another office called the economic advisor of the Governor. You have the County Secretary to the executive committee provided for in the Act and then you start saying that you need a chief of staff and a personal secretary

We created devolution because Article 174 talks about the Government of the people. We wanted by all means to ensure that we are prudent in the manner in which we are going to use the resources in our rural areas. I would be so concerned if the Governor for Elgeyo-Marakwet County would have political and economic advisors besides his personal secretary while at Mseketo Hospital near Iten, not very far from the headquarters, for a mother to be admitted for delivery at that health centre, the husband must carry 20 litres of water. Why do we divert those resources that would have gone to salvage the life of a mother or a child or to change the lives of our people but instead just show grandiose and power?

Why do we not use this money to build toilets that Sen. (Dr.) Khalwale has just talked about in Kakamega and let the place become an orderly place? Why do we not use these resources to assist our people in society in terms of development instead of taxing the dead? On a serious note, we can save this money that we are using to merely show power by exercising humble servant leadership. It was Wole Soyinka who said that a

tiger does not need to show its “tigrityde”. A tiger is simply a tiger and a lion is just a lion. You do not need to go around and tell people that you are a lion. It is like a lion telling a sheep that it is a lion. A lion just acts like a lion.

Mr. Deputy Speaker, Sir, I think we have over-emphasized the desire to be Mr. Big. We have spent so many resources trying to pamper those offices to look big. I think I am comfortable to be a Senator and I am happy being called a Senator. Let those who want to call me Senator do so if they so wish. Some people even remind their parents that they are Senators whereas those are the people who took care of them when they were young. When you go to church, you want to stop everybody to first understand that a renowned Senator or for this matter a Governor has arrived. You should be walking with humility since you have come late and ask God to forgive your sins rather than to remind everybody that you have arrived. I think this over-indulgence in matters of power must come to an end. In some cases, others arrive late but Members of the County Assembly cannot speak after the Senator. Of course, these are matters of protocol but you do not need to over-emphasize that fact. In fact, there are cases where leaders time each other. You leave somebody on the ground to tell you when the Governor is speaking and then you arrive so that you get the chance to speak last.

This competition for heaven’s sake needs to come to an end. I am very happy with this Bill and I will be happy if the necessary amendments are brought. I will support any amendment that will continue to make us a humble House and a humble people, ready to serve our country rather than to emphasize the things that we have.

Thank you.

Sen. Orenge: Thank you very much Mr. Deputy Speaker, Sir, for giving me a chance. I think there have been very great speeches today and I would not do dishonor to the great speeches that have been made this afternoon but begin by commending Sen. (Dr.) Khalwale for bringing this Bill. He put very good thought into this Bill.

I remember once when I was in the National Assembly and a friend of mine who used to be an Assistant Minister, then at one point again he was just an ordinary Member of Parliament and eventually, he lost his seat and became a nominated councilor. When he met the former President Moi, he said: “Your Excellency, meet councilor, honourable, Assistant Minister Ochola Ogur”.

(Laughter)

So, some of these titles really attract the absurd. But I think the spirit of humility that is being demonstrated in the manner in which our colleagues have said that this Bill is important, begins with good manners. One time, hon. Mwakwere made me very happy. I went to Mombasa and at the VIP Lounge, I was going to sign my name and put the date, but hon. Mwakwere had taken a page to remind everybody that really, there is no necessity of taking a whole page, you can simply write your name and date and whatever you want to write on one line. Many of us, when we go to the airport or visit a school, even a nursery school, we take a page or two pages and with a signature that probably takes two minutes to sign. Normally, you would find that something goes wrong with people who take a whole page; either the grammar is not correct or something like that. So, you wonder why he is calling himself His Excellency or honourable so-and-so when

simple grammar is a problem with that particular person. So, I think the beginning is humility and this has been said time and again.

If Sen. (Dr.) Khalwale and other Senators are considering amendments to this Bill, I would be very happy. Even this title of His Excellency is from a monarchical background where you had to address the Queen or the King with the full title and the full name. In modern society where people have become digital like Sen. Murkomen, you do not need too many of these titles. For me, the titles Mr. President, Deputy President, Senator or Governor are sufficient. There was a time – I want to remind the House – in the university, when the head of the students union was also called President. I was the President of the students union and we used to compete for space in the media. I would issue a statement in the media; that today, the President of the students union condemned acts of imperialism in Vietnam and called upon President so-and-so to put the position of the Kenya Government clear. The next thing we knew was an amendment brought to the National Assembly; that the term “President” is only reserved for the President of the Republic of Kenya.

Mr. Deputy Speaker, Sir, if you are the President of the Republic of Kenya, you earn that respect from the manner in which you lead the country and not necessarily by the name you are called. So, I will be very happy that amendments which have been recommended by the various speakers including the use of flags should be considered. Probably with good measure, I am quite ready to live with the fact that probably we need to refer to the President of the Republic of Kenya as His Excellency, but everybody else, call him with the office; Senator so-and-so, Governor so-and-so *et cetera* instead of these long titles that really do not matter.

In fact, sometimes these titles attract the opposite because if they were really honourable titles, in the field of politics, if you are a Member of Parliament, the intelligence committee does not know you are honourable, they will be all over you. I remember when we used to be in activist politics with Sen. (Dr.) Khalwale, appearing in any place, they would tell their bosses *Mheshimiwa Orengo na Mheshimiwa Khalwale wamefika hapa* and the next thing you would see are policemen and then they would teargas us. So, I am just wondering whether this title is worth anything. At that time, if Sen. (Dr.) Khalwale can remember, I thought that some of the honourable Members that we were with could do the marathon better than some of the great Kenyans who go to the London Marathon or the Boston Marathon because they ran so fast.

I think the bottom line is good manners and service to the people, as you emphasized. There are some habits that die hard but they really show our attitude. For example, the President likes talking about my Government. There is never a Government belonging to any particular person. The Government in Kenya is the Government of Kenya. The ruling party can refer to the administration in place as the Jubilee Administration, our Government or my administration but if you say my Government too often, you begin to develop a certain attitude; that you feel you are almighty and all powerful. You begin to think that you can do anything that you wish. I am happy with the current President in the sense that I have only heard him twice or thrice saying “my Government”. But there were times that whenever you went to a public rally, you would hear somebody referring to it as *Serikali yangu. Na akianza kuongea hiyo lugha, tulijua kwamba mtu atalala ndani ya jela siku hiyo*. You would be lucky if you were not one of them.

Then, if you are really serving the people in a manner that demonstrates respect for the people or brings honour to the nation or integrity to the office and promotes public confidence in whatever office that you occupy, I think that it is important to tell the truth all the time, particularly when you have a title. If you lie and do not have a title, we can live with that. But when you are given a title, like the ones which Sen. Khalwale is proposing or even the office, please, tell us the truth all the time. Make full disclosure of the things that you do on behalf and in the name of the people.

Yesterday, I think that Sen. Khalwale was referring to the issue of Westgate; that when you occupy a public office, if you cannot tell the truth, then keep quiet. This is because once you begin to tell lies, then you bring ridicule not just to yourself and the office, but even to the Government of the Republic of Kenya. You are there, not to serve yourself, but the Republic of Kenya. So, whenever public officers stand up and tell blatant lies, this would mean that they do not deserve some of these titles that we are proposing that people assume on election to certain offices.

Mr. Deputy Speaker, Sir, there was a time when a speech was made in the National Assembly that J.M. Kariuki was in Zambia, when he was long dead. I think that Sen. G.G Kariuki was in Parliament at that time. It was a blatant lie because it was not impossible to establish that J.M. Kariuki was in Zambia. But a lie was told in the National Assembly and within days, what people saw in Ngong was quite the opposite. It was brutal murder. If you want to serve the people objectively and you are in the national Government, we want to see the people around you. Even me, as a Senator, I would wish that people look around me and find out whether I am just employing people from my village or I have a driver from another part of Kenya. I think that this is something which we cannot just gloss over. There are very important considerations, especially in terms of the current Constitution; that even in the formation of Government, to bring honour and dignity to this Constitution, you must make sure that either at the county level or national level, it is spread well enough to show that this is truly a national Government which represents the people as a whole.

Mr. Deputy Speaker, Sir, right now, I think that the Jubilee Government should look at itself and self-criticize. Sometimes when you look at the people around the Presidency, for example, and the security organs of the State, you just come to the conclusion that this is not a national or Coalition Government which we think it should be. This is because there is no way that you can have the Head of Public Service, Secretary to the Cabinet, Chief of Defence Forces, Intelligence Commanders--- One can count and count. The same applies to the financial sector. These are some of the things that if you do, as a Kenyan who is claiming a title, you do not deserve it, in my humble view. This is because---

Sen. Murkomen: On a point of order, Mr. Deputy Speaker, Sir. I thought that we were discussing order. Is it in order for Sen. Orengo to try to imagine that the President should have sacked the people whom he found in office serving together with Sen. Orengo in the Cabinet, for purposes of just showing that he has a national face, yet what we know from all those appointments that the President has made since he took over office has reflected the national face?

Sen. Orengo: Mr. Deputy Speaker, Sir, there is an English philosopher who once said that if you are having an academic argument with a professor, who puts the proposition that you proved that a stone exists, the simplest way of ending that argument

is just for him to kick it, instead of telling him that a stone is the roundness or hardness. It is better just to tell him to kick it.

Sen. Murkomen, actually, I thought that you would be cheering me, because I think that even the United Republican Party (URP) has gotten a very bad deal in some appointments.

Sen. Murkomen: On a point of order, Mr. Deputy Speaker, Sir. When did my friend, Sen. James Orengo, start speaking on behalf of URP? Secondly, where is it indicated in the face, body, skin and colour of any Kenyan appointed to office, that he looks URP, TNA, UDF or ODM? I thought that we are all Kenyans. Where did Sen. Orengo get this argument that when you look at someone, he or she looks like URP?

Sen. Orengo: You know, Sen. Murkomen told me at one time that he was party to the drafting of the Coalition Agreement---

The Deputy Speaker (Sen. Kembi-Gitura): Address the Chair!

Sen. Orengo: Mr. Deputy Speaker, Sir, I am addressing the Chair.

The Deputy Speaker (Sen. Kembi-Gitura): I thought that you were addressing Sen. Murkomen.

Sen. Orengo: No, Mr. Deputy Speaker, Sir. I am just looking at him, but everything that I say is addressed the Chair.

Mr. Deputy Speaker, Sir, he told me that he actually took part in the drafting of that Coalition agreement. If what he told me is not correct, then we can have that talk again. But he told me that URP were entitled to 50 per cent---

The Deputy Speaker (Sen. Kembi-Gitura): Can we get back to the debate of the day?

Sen. Orengo: Mr. Deputy Speaker, Sir, I am there. What I was trying to say is that if you want these titles, then you must have good manners and comply with the Constitution. The Constitution says that in electing governments or establishing institutions, you must show that truly the Kenyan face is reflected. I have gone to all these to show that Chapter Six of the Constitution is very important. All these things that I am talking about are to do with leadership and integrity. These titles come out of those who seek to lead Kenyans. If you want to lead Kenyans, then you must demonstrate that you abide by Chapter Six of the Constitution.

Mr. Deputy Speaker, Sir, I want to conclude by saying that during the Third Reading, Sen.(Dr.) Khalwale and others should join in bringing many of the amendments that were proposed, especially on the issue of flying flags. Sometimes when I am on the road, the flags are all over and they confuse you. There are sirens and now everybody must have an escort vehicle. I do not know where this was gotten from. There was a time – so many years ago - that I was travelling from Arusha to Nairobi and the former Prime Minister of Sweden, Olof Palme, was being seen off by President Nyerere at that time. I was surprised because Prime Minister Palme came into the Kenya Airways which was bringing him to Nairobi and did not go first class or business class. He had four people and the manner in which he was brought to the airport was so calm.

There is a culture amongst Kenyan leaders where everywhere they want to go, there must be traditional dancers. When you leave the country in the morning, you are seen off by traditional dancers. When you come back, the same traditional dancers are dressed in another uniform to show you that this is another group. Then the whole Government is there lining up to see you off or welcome you back to your country, and if

you are not seen there, it means that you are not quite loyal. Let us just go to the basics and be good people with good manners and simple titles, and Kenya shall be greater.

Sen. Murungi: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this Bill. Sometimes we do lock horns with the bullfighter, but this time round, I want to fully support him for coming up with an excellent Bill and idea.

Mr. Deputy Speaker, Sir, following what Sen. Orengo was saying about simplicity, I want to remind him about the Bible – I think in St. Luke- where it says that those who exalt themselves will be humbled and those who humble themselves will be exalted. I think that, that is the spirit.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Murkomen just told us that it is in Mark. So, the two of you need to agree on the actual content for HANSARD purposes.

Sen. Murungi: Mr. Deputy Speaker, Sir, I had Credit 1 in Christian Religious Education (CRE).

Sen. (Prof.) Lonyangapuo: On a point of order, Mr. Deputy Speaker, Sir. Sen. Kiraitu is right. There are four epistles in the Bible. The Book of Mathew has the same information---

The Deputy Speaker (Sen. Kembi-Gitura): Those are called Gospels. Epistles are different.

Sen. (Prof.) Lonyangapuo: Mr. Deputy Speaker, Sir, yes, there are four Gospels and according to the four people, the message is one. So, he is right.

(Laughter)

Sen. Murungi: Mr. Deputy Speaker, Sir, I did not know that Sen. Lonyangapuo was a professor of religious studies.

Mr. Deputy Speaker, Sir, I think that the message and spirit of the new Constitution is that we move away from imperial presidency, we should also move away from other smaller imperial presidents even at the village level. At one time in Washington DC, I was waiting for a taxi and immediately I flagged one down and got in, a well built person came and knocked at the door. He asked me whether he could share the taxi with me. I said that there was no problem with that. He came in and in the process, asked me whether I spoke Kiswahili and I said: "Yes." It turned out that it was the American Ambassador to Tanzania and he came in so that we should share the fare.

This did not reduce the status of the man, because in the process of our drive, we had a very nice chat about the politics of Tanzania; whether *Ujamaa* had really penetrated the village or it was an elite thing. I was very impressed by that person. I think that this is the leadership that we should be looking for. These days, we are talking about servant leadership; that the greatest leader is the greatest servant of the people. I think that this is what Sen. (Dr.) Khalwale is trying to do in a small way through this Bill.

Mr. Deputy Speaker, Sir, even if you fly a flag and then people know that you are a bankrupt leader; you do not even care about the people, you will not have any respect. But even if you walk on foot – and President Nyerere did not have a mansion by the time he died; it was built for him by the Government, yet he was one of the greatest leaders of Africa. So, I think it is out of that appreciation and spirit that I would like to support this Bill.

Mr. Deputy Speaker, Sir, as Senators, we had occasion to be very much humiliated by the protocol of this Government. I do remember on the day when President Uhuru was being sworn in at Kasarani, I was there with Sen. Murkomen and I was assigned to be the official escort of the Prime Minister of Ethiopia, and Sen. Murkomen was escorting the President of Nigeria and, as was expected, we went there, waited for the VIPs and escorted them with all the honor, pomp and decorum which was required of escorting these State dignitaries. But after we brought them and showed them their seats, we tried to look for somewhere to sit but we could not find anywhere to seat.

(Laughter)

Mr. Deputy Speaker, Sir, we remained standing throughout the swearing in ceremony when other people, including Senators were sitted down comfortably. We kept on standing on one foot when tired, shifting to the next foot. I was also accompanied by my wife, because this was a great occasion, and she also tried to find somewhere to sit but she could not find one. She then came and asked me about where Senators were supposed to sit, because they are our wives. Actually, she was in the company of the wife of Sen. Mutahi Kagwe – I do not know whether he is here – and the security people kept pushing them. They pushed them beyond where the Members of Parliament were sitting and then we saw them being literally taken out of the field. So, *wakaenda kukaa kwa gari*. So, Mr. Deputy Speaker, Sir, something needs to be done about the issues of protocol.

Hon. Senators: *Pole!*

Sen. Murungi: Mr. Deputy Speaker, Sir, if you look at the national days, we are not attending them as Senators because no provision is made for us and, you know, you cannot go to push and shove in order to get somewhere to sit. I think the time has come for us to request, through the Senate Majority Leader – who is the *de facto* Prime Minister – to talk to the people in protocol so that arrangements can be made for Senators to sit at a designated area when we go to Nyayo Stadium or Uhuru Park during the national days. Like now, we are going to have the 50th Anniversary of our Independence; in 1963, Sen. G.G. Kariuki here was a Member of Parliament, and he should be one of the people we should be celebrating with these Jubilee celebrations. Therefore, people like him should be sitting somewhere near the front because, I think, he is Senator Number One. But the way things are, he might go there and find he has no seat, and it will be very embarrassing!

So, I think this protocol which is being proposed in this Bill has been very well thought out and I think we should all support it. Nobody has any doubt that the President leads the pack, followed by the Deputy President, the Chief Justice, the Speaker of the Senate, then the Speaker of the National Assembly, then the Cabinet Secretaries, the Attorney-General, the Senators, Governors, Members of Parliament, the Speakers of County Assemblies and Members of the County Assemblies. I think this protocol is very well thought out and I would like to support it.

(Several hon. Members stood up in their places)

Mr. Deputy Speaker, Sir, I have not finished making my contribution.

The Deputy Speaker (Sen. Kembi-Gitura): Order, hon. Senators!

(Laughter)

Sen. Murungi: Mr. Deputy Speaker, Sir, I know that hon. Senators are getting impatient with me; but let me conclude by saying this.

Mr. Deputy Speaker, Sir, regarding the flags, I think it is the late Minister Lotodo, who was then the lion of West Pokot, who, at one time, had the flag taken away from him. He was taken to court in Nakuru and charged with participating in war-like activities. Then, you get out and there are some problems there, and he stood for his people. This time, it was about the lime – and he was a Cabinet Minister – and he said “These people will not take lime from Pokot to go and use it in a cement factory in Uganda; the cement factory has to be done in Pokot;” *halafu bendera ikachukuliwa*. Then he said “This is a piece of cloth; if they want to take it, they can take it, but the factory has to be done within Pokot.”

Now, I do not want to demean the flag; it has a lot of meaning; it is an important symbol for this country and I think we should not abuse it by making it too common or too obvious. The more rare a commodity is, the more precious it becomes. So, I want to support the proposal that the flag be flown by His Excellency the President, the Deputy President, the Speaker of the National Assembly, the Speaker of the Senate and the Chief Justice. I think those are enough. As for the rest, if they mention Sen. Chris Obure, who does not know that he is a great leader in Kisii County? I do not need a flag; my face alone is a flag in Meru!

(Applause)

Hon. Senators: Sure! You are right!

Sen. Murungi: So, Mr. Deputy Speaker, Sir, even the Provincial Commissioner (PC) in Kitui, the *wananchi* know his face and as I said before, a lion does not go saying “I am the lion;” all animals know that and they start taking the corners when the lion is around.

So, Mr. Deputy Speaker, Sir, I want to support the Bill and thank Sen. (Dr.) Khalwale very much for bringing it here.

Thank you, Mr. Deputy Speaker, Sir.

(Applause)

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Prof.) Lonyangapuo.

Sen. (Prof.) Lonyangapuo: Mr. Deputy Speaker, Sir, as I stand to thank my colleague, Sen. (Dr.) Khalwale, for bringing this Bill, I remind Sen. Kiraitu that I am a professor of Applied Mathematics. I am not a professor of religion, but I am a religious person.

Mr. Deputy Speaker, Sir, I think this Bill is coming at a time when everybody in Kenya needs to ask themselves; we voted for the Constitution in the year 2010 and on 27th of August, 2010, at 10.27 a.m., the Constitution was lifted up to pronounce that we have a new document that is going to guide the people of Kenya henceforth. And it was

envisaged that from then on, all the excesses that had been exercised on the people of Kenya will cease and that we will lead our people in the 47 counties in a manner that will put the lives and properties of those people and the Republic of Kenya in the forefront.

Mr. Deputy Speaker, Sir, in the same fashion, it was also said that we were going to have a Deputy President and not a Vice President; we were going to have Cabinet Secretaries and not Ministers; and these people were supposed to be sourced from the private sector and not elected by the people. So, I concur with what Sen. (Dr.) Khalwale has put here on the issue of National Flags together with the amendments that are going to come in the Third Reading; that the flag, which is the symbol of the people of Kenya has to be flown by the His Excellency, the President and the Deputy President, who are in the Executive; and the Chief Justice who is in the Judiciary; while in the Legislature, we have the two Speakers – the Speaker of the Senate and the Speaker of the National Assembly. Anybody else below, really, if you critically look at what we are passing, they should not be there because the Cabinet Secretaries have been brought in to serve the Executive.

So, for that reason, we should not jam the streets of Kenya or our cities with flags, with some of them running around, as we have heard, with chase cars just because Nairobi, which is the headquarters of the Executive is, is full of jam. So, everybody wants to open up the road for themselves. I think we need to be sober as we address this issue so that even the proviso that has been given down there by Sen. (Dr.) Khalwale that the Governor may also be entitled to fly a National Flag within their territory is also debatable. So, we are going to debate about it as to whether we need it or not.

Mr. Deputy Speaker, Sir, Kenyans are known to give due respect as is required, but when you are saying that we need to go and develop the country through the 47 units, we do not mean we go and worship small tiny units again, as it has already been seen. At one time in July or August, we went to a county with Sen. Sang and I was the chief guest at a function that had been organized by the community there; it was an education matter – and I love education a lot. So, they came for me and on reaching there, the drama that unfolded was shocking because they said nobody talks last except the Governor because he is the “President” of the county; and this was not his function.

So, it now brings in a very interesting scenario where a Governor may find himself idle, he then hears that there is a function somewhere, and intrudes. Then he wants everybody to know, through a lot of drama, how big is he. He even said his vehicle should be brought very near to the podium so that everybody could see the flag, because that is what they voted for. So, it was not even himself who was voted for, but the flag. It is not written anywhere that the Governor should go and show off or even fly a flag. So, we were all restrained and I really like the people who were in that audience who could not know what was happening. But those types of simple excesses which manifest themselves at the wrong time could easily be erased and put in order when a Bill such as this one is discussed and passed.

Mr. Deputy Speaker, Sir, you can already see; I heard a colleague here talking about what is happening right now in the newspapers. You see, today, we have a lot of advertisements that the Governor of such and such a county has advertised the following positions. This morning, I went to the Ministry of Transport and Infrastructure, which is formerly the Ministry of Roads, wanting to know the position of some of the projects that were ongoing in my county, including footbridges, and they just showed me exactly what

is there. They told me there was no money and when I asked where the money went, I was informed that it had gone to the county. But they are also complaining because their positions are being advertised. Every Ministry then used to have senior officers in the country like, for example, my former Ministry with Sen. Obure, we had these people called County Works Officers and County Agriculture Officer. But, now, those positions are being advertised and they are called “Chief Officer in charge of Agriculture.”

There is a bloated workforce in the counties to the extent that the budgets cannot support it. They advertise for as many employees as possible, depending on what is remaining in their accounts. This is a tragedy. What we devolved was supposed to go and develop counties. We wanted our people to have water, electricity, roads and quality education to go to our children. However, with the kind of things being done by everyone, I do not know what will happen.

I went to Kisii County with the Committee on Education, Information and Technology. On that day, I had forgotten to carry my business cards. However, I was given many. One of the cards had a name and the title “Minister for Education, Busia County”. We do not have anything like that. This is just a chief officer. Everybody has suddenly become a Minister. Do not get shocked to see flags being flown in areas where the Provincial Administration does not exist because these people want to be seen to be big. When the Governor visits somewhere, the “Ministers” also accompany him and even ask for *per diem* even though they are on duty within their counties. I thought that *per diems* were only paid to someone who is going out of his duty station? That means that if someone is going outside West Pokot County, that is when they can access *per diem*. However, if they are working within West Pokot County, they should either return the money or be surcharged.

Many things being done within our counties will unfold themselves as we move on. We need to look at all the issues being brought here critically. The “Sang Bill” also needs to be discussed. We want a forum where leaders, present or past leaders, think about the future. Why should I, as a Senator, feel I can think better for the West Pokot County? I should not because I only have one mind. However, I can speak on behalf of a committee or on behalf of what the citizens of the county have agreed upon.

When it comes to order of precedence, I concur with Sen. Murungi that I was one of those people who were honoured to receive the Head of State commendation during the inauguration. Just like you, Mr. Deputy Speaker, I was also honoured to receive the President of the neighbouring country, Museveni. You will recall that he talked about his stolen cows and he even thought that we were the ones who had stolen them. At the point I took the guest to his seat, my duties suddenly changed. I nearly missed taking the guest to the airport because of simple protocol and recognitions.

The order of precedence should be; the President, the Deputy President as proposed by the author of the Bill, the Chief Justice and the Speaker of a House of Parliament. We now have the Speaker of the Senate and the Speaker of the National Assembly. Thereafter, anybody who was vetted by the National Assembly should realise that their employer is Parliament. The Cabinet Secretaries, the Attorney-General and the Auditor-General are all vetted by the National Assembly. During the Committee Stage, we should introduce amendments to clarify the order in the following manner: the President, Deputy President, Chief Justice, Speaker of a House of Parliament, Senator, Governor, Member of the National Assembly, Cabinet Secretary, Attorney-General,

Auditor-General, Speaker of a County Assembly and lastly, Members of County Assemblies.

This puts order in the way that the Constitution was written. As I said, it is the people of Kenya who elected us and gave us our offices. The rest of us should just follow. The rest of us, as Sen. Murungi said, should always remember that we chose these positions in a humble position and not in a way to show ourselves around. Some people have adopted the “one-man” show. The County Executive Officers, the “Ministers” have been doing nothing. In some areas, we have Governors who are very humble.

This Bill is not intended to terrorise people. When went to Kwale County, there were some Governors there who were looking at Sen. (Dr.) Khalwale with very strange eyes. They wanted the meeting to be dissolved because they did not want to sit with Senators. Another one was complaining that Senators wanted to get rid of the flags being used by Governors and yet they have not had them for long. I heard him saying; “How can you get rid of the flags that were just given to us the other day? We have not even tasted them?” How do you taste a flag?

Sen. Murungi, how many years did you fly a flag? Sen. G.G. Kariuki, how many years did you fly a flag? Is it from 1960 something? Sen. Obure has been flying a flag since 1978. There would be a lot of contention if we said that we are looking for superiority to become giants in the villages. Any elective position, in the context of the new Constitution, was about servanthood. You are supposed to serve with humility and deliver the results.

I saw Sen. Lesuuda crying with mothers who had been affected by cattle rustling. I know that some people out there were imagining that she wanted to become the next Governor. I like going home to the village, not because I am the Senator but because I love it. I went to school and I want my people to go to school too. Some people have started saying that the Senator has just realized that it is feels better for one to be a Governor and that is why he is always at home. That is an erroneous belief. All those people who have been thinking along those lines should close their eyes so that we pray for them.

How can one imagine, when we are supposed to be putting our heads together, working towards one goal, that we will not go to our counties? I would not like to see Sen. Obure here throughout. He is supposed to go to the county once in a while and see how his people are doing. He has already fought for the resources from here. He has also, probably, met investors who may be willing to invest there. He should go back and see how his county assembly is working with the executive because there are also wars there. Some county Governments have been completely overshadowed because the Governors have completely put them in their pockets. The assemblies cannot carry out their oversight role and they are completely paralysed. We must put sense into them. Whenever I go home, people should not be waking up to say that the Senator has arrived. All of us were very simple last year. However, we have suddenly become excessively abnormal even in our homes.

I want to support this Bill and to request all of us to debate it sincerely and genuinely just like the ones who have spoken before me. The Bible talks about laying the foundation stone. If you do not put it right, it becomes very difficult to change it in future. If someone was looking forward, as a Governor, to fly two flags, one for the local county

and the other for the Governor, they need to resign. If you were looking for a very big position when you vied to be a Senator, then you need to leave the Senate so that somebody who wants to serve can come.

Sen. Ongoro: Thank you Mr. Deputy Speaker, Sir. I stand to support the Bill by Boni Khalwale. I will not repeat myself because all the speakers before me have pointed out most of the facts that I wanted to enumerate.

I recently attended a function where the former Prime Minister was unveiling his book and one of the speakers at the function made a very enlightening statement. He said that in this world, there are only two types of people; missionaries and mercenaries. He went further to state that the Right hon. Prime Minister was in the category of missionaries and further stated that missionaries are not celebrated or recognized in their lives and hardly enjoy the fruits of their labour.

As I sat in that audience listening to the statement, that came as an awakening call. The person who made this statement was also a leader. By stating that, I wondered where he had placed himself because his body language showed that he did not want to be classified as a missionary. Therefore, that meant, by extension, that he enjoyed being classified in the categories of mercenaries. After I left that function, the only thing I carried with me was that statement. The statement is so true in our society and in our lives that it kept me thinking.

*[The Deputy Speaker (Sen. Kembi-Gitura)
left the Chair]*

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

I went to the drawing board and started wondering how I am classified as a leader. Am I classified under the category of missionaries or the one of mercenaries? I went through history and realised that missionaries are not celebrated. They are hardly recognized nor celebrated. We do not even remember their names. However, their works and every seed that they planted in this world are enjoyed by all of us who came after. If I were to ask you; who started the schools that you went to? You will not remember the missionary, but the school, the church and all the other facilities that they brought saved lives and gave us the key to life which is education. Mercenaries are opportunists who are celebrated, but missionaries are the real leaders. This really captures the mood and the spirit of this Motion.

I once went to receive some investors – in my other life, I was also a business woman – who came to partner with me in some investment, and when I picked them at the airport, as we drove along the streets of Nairobi towards my office, they suddenly went quiet and I was very surprised because I had held meetings with them before in their countries and I knew them to be a loud group. When we reached my office, they asked me whether I was sure that we were in Kenya. I asked them what they meant and they told me that they did not expect to see the things they had seen. There were traffic jams and everybody seemed to be driving a big car and there were so many big buildings. To them, we were living in a lot of affluence. They asked me why many African countries

including Kenya were looking for grants, loans and other support facilities from the West and yet we had enough wealth.

The statement was so true because even when a delegation goes to a western country, they want to live in the best hotels, they travel first class or in a private jet and the delegation is usually more than 30 people, but there they are with a begging bowl. We exhibit such a contradiction to the western world. That is why when they eventually give us grants with so many unreasonable conditions, it is because they feel that we do not even deserve it in the first place. Unfortunately, even with the pride of having the best brains and a lot of human resource, we always sign for those grants because we know that we shall enjoy the money but another generation will pay.

Mr. Temporary Speaker, Sir, why do we have Senators, Members of Parliament and Governors if we are not ready to serve our people? It is such a contradiction that you go to a county that is so poor, where children are learning under trees, where women are dying because they do not have simple maternity wards, where child mortality rate is so high, where they do not have water, electricity and the other basic necessities and when you look at the budget of that county, the first item on the list is construction of the Governor's house at a cost of Kshs160 million. How many classrooms can that money build? How many children can be saved if we employed doctors in those hospitals? It is such a contradiction when you go to a function and there are all these hungry looking people in tattered clothes seated in the sun while the people who are well fed sit under a tent. All the poor people who are hungry, almost fainting from dancing and entertaining the dignitaries sit under the sun. It is usually two worlds in one function. When the function ends, everybody enters his four wheel drive vehicle and drives off while the poor women and children trek home hungry, having sat there from morning and nobody cares whatever happens to them on the way to their homes. Honestly, this is a shame.

We must go back to the drawing board and ask ourselves why we present ourselves to be elected as leaders when we are not ready to be servants. The tragedy is that the money the leaders use to exhibit all the obnoxious things does not even belong to them; it is public money. If the only reason why you get into positions of leadership is so that you lord it upon your own flesh and blood in order to be noticed or for the people to worship you, then, please, leave that position to the people who are ready and willing to serve their people and go to the private sector and make wealth so that we can still recognize you.

Mr. Temporary Speaker, recently, there was a delegation from Nigeria and one of the people in the delegation who is being sought by Presidents is somebody who started small, but has built an empire for himself. He is the richest man in Africa and he is able to even sustain this Government with his little change. So, whether you like it or not, you must know his name because he is a powerful man and he must be received by the President. If that is what you want in life, then go into private practice and leave political leadership to those who have it within them. We should know that we are here to serve. You should not go around your county which does not even have good roads with a motorcade of vehicles which throw a lot of dust to the people making them catch flu. Your presence should be measured at the end of five years with what you have brought for your county. There should be some measurable results and the people should be able to identify what you have done for them. It is not about flags and titles.

We can refer to you as your Excellency or Governor so-and-so and yet you are doing nothing for your county. A lot of this excess baggage that we load onto ourselves becomes a stumbling block to good leadership because you do not even have time to lead the other person's life. You should make yourself light so that once in a while, you can go to the slum areas or visit a hospital and spend a day there. It should be possible for you to walk into a poor woman's house and know exactly what she goes through in a day. This will help you formulate the kind of policies that positively touch on the lives of the people in that county. But if you are up there with so many vehicles and bodyguards, you create a barrier with your people. In any case, why are you being guarded against your own people unless you are a very bad person?

For God's sake, every Governor was born in the county. Why do they think their own people want to kill them if they are good people? If you are a good person, your own people will be collectively responsible for your life. Why are you getting people from other places to become your special advisors or security men when your own people are jobless? Why can you not simplify your life as a leader so that you are even accessible? What we are creating right now are 47 kingdoms with 47 kings who are so paramount and inaccessible. If we do not stop this at this early stage, very soon, we will end up with 47 states because absolute power corrupts absolutely. What is going to happen is that nobody will want to be dethroned as a Governor and that will mean spending all their energies and resources to ensure that every potential competition is eliminated or frustrated. They will even make their opponents refugees.

Mr. Temporary Speaker, Sir, after two years, some of us may find it difficult to go home because the Governor thinks you are a threat and so he makes sure that when you are spotted on the borders of the county you are repulsed by militias that even burn your house and make it impossible for you to attend any function because you are a threat. Anybody who in his generosity decides to build a school in that county is eliminated because he or she is considered a threat to the Governor. It is a shame and we cannot continue like this. We are now preparing to have our 50 years Jubilee celebrations but who are we really going to celebrate?

I would like to see the old man from the coast who composed the national anthem being celebrated. Recently, he was on national television and I sympathized with him when I saw the house he is living in. Do you want to tell me that nobody has decided to just put aside Kshs100,000 in all these successive governments to construct a house for him? He is living in a structure that is almost collapsing on him and yet it is his composition that gave us the national anthem which we sing with so much pride.

Who are our real heroes? In this country, you must be a billionaire or somebody with ten titles before you are celebrated. Why is it that the people who played critical roles in making us who we are or bringing this country to where it is are completely looked down upon? If we cannot celebrate them, how do we expect the other generations to celebrate us? I would like to see those women who fought alongside the Mau Mau being celebrated because they played a very big role by taking food to the warriors in the bush. Nobody even remembers them. I would like to see them being celebrated. I would like to see the children of some of those people who died and never tasted the fruits of liberty also being celebrated. I am afraid you will not see any of them. I just hope that this will be communicated.

In the Biblical scriptures, Jubilee refers to the year of liberation; a time when everybody is set free. Instead of spending Kshs1 billion in a day, why do we not just spend Kshs20 million and then use the rest of the money to give food to the poor for once in 50 years? We could pay school fees for orphans so that they can also enjoy the fruits. Why are we having such a big budget for a one day celebration where somebody from Mathare or Kwale will not be in attendance? Some of them are even too sick to go to the stadia. They just need even Kshs10,000 to support their lives. Why can we not, in this jubilee, celebrate it with a difference that impacts the real Kenyan mwananchi at the grassroots, so that everybody across the board can say that there was something called “50 years jubilee?”

Mr. Temporary Speaker, Sir, without humility as leaders or office holders, we are not communicating anything effective. If you are effective as a leader, you do not have to advertise yourself. You do not even have to lord it over anybody or force people to notice you. If you want anything else apart from servant leadership, the doors are wide open. Allow Kenyans to bring people to this House and the Governors, Members of Parliament and Women Representative position, who maybe out there do not have anything to be celebrated but, at least, have a heart that can create impact.

Recently, I was coming from the airport and spent about five hours to my house. It was not so much because of the traffic jam, but many times we were stopped because somebody was passing across and as we moved a bit, somebody else was passing the opposite side. So, every 20 minutes, there was somebody whose motorcade was approaching and we all had to be stopped. The motorcades are so many. We will even stop doing anything at all. There is a motorcade from east to west and another one from west to east, and you all have to wait. There is also a Cabinet Secretary, Governor, Deputy Governor and there are sirens all over the place with so many flags. We are so confused and do not know who is passing to where. Before we know it, criminals will just need a flag and motorcade and they will proceed to rob a bank with a siren, and the policemen will clear the road for them. We have to put a stop to this and have some sanity reigning in this country.

Mr. Temporary Speaker, Sir, I support fully the proposal by the Mover of this Bill that we have the President--- It is not in question that he is the Chief Executive Officer (CEO) of this country and we must give honour to whom honour is due. Then there is the Deputy President, the Chief Justice and the Speakers of Parliament. In his wisdom, the Member states: “A Speaker of a House of Parliament.” This, again, allows us the opportunity not to get into the petty rivalries between the Senate and National Assembly. If both of them are in attendance, let wisdom rein to know who is superior. By the way, it really makes no sense to me whoever is superior or inferior. Whatever it is, they are Speakers of both Houses of Parliament.

Mr. Temporary Speaker, Sir, with those few remarks, I beg to support.

Sen. Okong’o: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to support this well thought out Bill by my good friend, Sen. (Dr.) Boni Khalwale.

Mr. Temporary Speaker, Sir, I have to start with a book that I went through, written by “Senator No. 1”, hon. G.G. Kariuki. The title of the book is “Illusion of Power.” When I flipped through the book, the thoughts of “Senator No. 1” emanate from

his long experience in powerful positions to some other positions where he never had that power. Power can be an illusion or real power when it emanates from the people.

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

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

Madam Temporary Speaker, the American nation is over 240 years old and when the American people address their Senators and Governors, you just hear the names “Governor so and so or Senator so and so.” Our Constitution is heavily borrowed from the American Constitution. It is in order that we should also lay a clear foundation for the holders of public offices in this country. The order which has been set by Sen. (Dr.) Khalwale is the order which can lay a stable foundation, as we start a long journey of having history in this country.

Madam Temporary Speaker, salutations have to be done in a manner which is in consonance with the spirit and letter of the Constitution. It does not matter whatever name they are called. The most important thing is what they are giving their people. Which page of history are you going to be written on when you are long gone? We have freedom fighters in this country who have not been recognized anywhere. It is in this spirit that I want to support this Bill.

Madam Temporary Speaker, it is very disheartening to see that most of our people who have been given executive positions at the county level move from the counties with huge entourages to carry out meetings in five star hotels in Mombasa at the expense of taxpayers. This wastage must also be curtailed. I had an opportunity to go back to my county and do what I have been doing in the past, that is, social work. I went to a medical training college in Nyamira and the hospital. The hospital is in a deplorable state and the college itself, with over 300 students, does not have computers. As part of my social work, I decided to sacrifice and use the few coins that we earn here and take computers to these students, so that they can benefit. The Medical Officer of Health (MOH) heard that the Senator was coming and ran away because he feared that he would be sacked by the Governor. The education secretary also ran away because they fear that they do not have authority to attend a function organized by the Senator.

Madam Temporary Speaker, it is so disheartening to see that Mercedes Benz vehicles have been provided to the Governors by the Transition Authority, where we have impassable roads. Why do we have expensive Mercedes Benz vehicles in areas where there is no tarmac or there are many potholes? Why can they not just use Land Rovers? It is in this regard that this House must set an agenda for this country, so that when we are long gone, we will be judged by history.

Madam Temporary Speaker, as many Members have alluded to, there is wastage of resources. For instance, you will find that a delegation leaves Nyamira County to go and lodge in Kisumu County. Even during the colonial times, the governors who were there were called “Governor so-and-so.” After they had just perfected the art of humiliating our people, the Queen would give them a small title called “Sir.” They never

had those big titles, but were just servants to their kingdoms. They were later knighted because they had done a lot of damage to our people.

Madam Temporary Speaker, there is the issue of sirens, where there is a lot of madness. As many speakers have alluded to, this will cause a lot of anarchy on our roads. As I said earlier, I came here to do social work and not to earn a salary. It does not matter who you are. The most important thing is that your people will judge you by what you do for them. Why should you be followed as if you are running away from a robbery? It is very important that we support this Bill. We are not demeaning anybody and with the amendments which have been mentioned, it is very important that we work together and put this country of ours on a firm foundation.

Madam Temporary Speaker, I have just spoken to the people of Nyamira and told them that if we are going to lay the foundation of Nyamira County on a shaky ground; full of corruption, nepotism and clanism, we would rather suspend that foundation until we lay it on a firm ground. With this kind of Bill, we will have sanity in our systems.

Madam Temporary Speaker, with those few remarks, I beg to support.

Sen. Ndiema: Thank you, Madam Temporary Speaker, for allowing me to contribute to this Bill.

Madam Temporary Speaker, first of all, I want to thank Sen. (Dr.) Khalwale for coming up with this Bill, which really is to set order in the way leaders relate with each other and those who have elected us. They want to see us as servants because, according to the Constitution, sovereign power belongs to the people. Even titles that we acquire are by virtue of the authority that we derive from the people.

Madam Temporary Speaker, the order which this Bill seeks to bring in place is going to be the cure of the confusion that seems to be there quietly or loudly in functions, offices and correspondences. Nobody should look at this Bill as one that is trying to demean or fix anybody. It is merely a Bill that seeks to set records straight, so that everybody knows his role and title, according to the functions that they have been given.

Madam Temporary Speaker, a name is just a name, but sometimes as human beings, we want to put a lot of meaning and read a lot of things in names. There was, for instance, a time when the National Security Intelligence Service (NSIS) was formed from the previous Special Branch. Then there came a title called Director-General. Eventually every head of department wanted to be called director-general. Everybody, even those who were commissioners wanted it, yet we really did not know what a commissioner was and what the director-general was.

I do not know why those who drafted the Constitution did it, but they changed the name of the Commissioner of Police, for instance, to Inspector-General. Now, looking at it, the name "Inspector" is a very junior position compared to that of a Commissioner, because an inspector is supposed to be a junior officer. But because the Constitution was there and it came into place, Mr. Kimaiyo is called "Inspector-General." We have not seen anybody complaining about it. I understand that in the United Kingdom (UK), some senior heads of police are called "Constables" and they are happy with that name. So, surely, whatever title is given here, it does not mean that you are being demoted or demeaned in any way.

Madam Temporary Speaker, I have looked at the list and because our Constitution recognizes that we have two national languages, I think that at an appropriate stage, an amendment could be made to also translate these titles into Kiswahili so that if you have

“Senator” – if we are comfortable with that name – then it remains “Senator.” Certainly for me, I do not bother because Senator is what I was elected to be. When I came here, I saw letters written “Hon. Senator Ndiema;” and I think it is enough to be referred to as Senator if, for anything, to save the ink and the time used for typing the long name.

Some of these titles and long names confuse others and we spend a lot of time, ink and paper typing them. The reference “Senator” is enough, but we should have a name in Kiswahili for the Senator. If it is *Seneta*, then we should spell it out. If we have a Member of the National Assembly, then we should have a name that corresponds to what is here. For the President, I do not know what name we shall use---

Sen. (Dr.) Khalwale: *Mheshimiwa Rais.*

An hon. Senator: *Mtukufu Rais.*

Sen. Ndiema: The reason I am saying we should have a Kiswahili version is because when I was in my county and the people were trying to get used to the names *Mheshimiwa*, *Mtukufu*, Your Excellency the Governor; you know, it creates a lot of confusion. So, it is better for those of our people, the *wananchi*, to know what name to refer to or what title to call an official in any function, because right now, they seem to be confused. We also want to know who is entitled to be the First Lady, and this should come from us. Let us not leave any title unattended to or not placed in the pecking order.

Madam Temporary Speaker, in trying to set the list of precedence, I think we are also trying to correct the confusion that seems to be in the counties. I believe this is also in the interest of our colleagues in the counties – the Governors and County Commissioners. I remember when I attended the last function in my county, there was really confusion as to who the chief person in that function was; whether it was the Governor or the County Commissioner, who says he or she represents the President. There was also confusion as to who invites who to speak; is it the County Commissioner to invite the Governor to speak, or is it the Deputy Governor to invite the County Commissioner? Or is it the Senator to invite the Governor? Of course, I could not do that because I represent the county. Who, at that level, is more senior to the other when it comes to functions? Eventually, when it came to being there on the dais to receive the march past and so forth, both the County Commissioner and the Governor had to be there.

But I think things must be set straight and it is the responsibility of this House to enact legislation to bring order, because when order is not there and the *wananchi* are there trying to look, they are wondering what the Government is doing because they see it and they talk about it. It is really a shame that we have hitherto not given any direction on this matter. I am aware that when we were elected and the idea of “Your Excellency” came in, my Governor said “surely no; do not call me your Excellency; I will just be referred to as Governor so-and-so;” and we all thought it was a joke. Eventually, it came to pass – and I am yet to know – but I do not think most Governors would be averse to having a title of a “Governor,” which in itself is a big and respectable name.

We should not read too much into it and say that if we remove the title “Your Excellency” they will object. I will not expect that and I think these are responsible citizens. These are leaders that were elected by the people and they will gladly accept any title that will be seen to be fit for use. I think this title was also imposed. I do not know whether it was the Transition Authority (TA) which brought it. I also do not know

whether it was borrowed from elsewhere as precedence. But whatever the title is, it does not really a matter; what matters is the service that we render.

Madam Temporary Speaker, on the issue of the niceties and ceremonies that go with the various offices, ours of the Senate and the Governors included, I think it is also right that we set standards say, for instance, of vehicles. I have seen motorcades perhaps when the President or other leaders are in the area. Who is first; is it the escort car? Who is next; is it the Governor? Sometimes there is a struggle and we only thank God that we have not had accidents, because we have drivers trying to jostle for positions which they imagine belong to their bosses. We have created confusion even among our security forces, who are supposed to keep order.

The officers come there; sometimes the National Youth Service (NYS) want to organize the sitting arrangement, but you would see frustration in their faces in some of these functions because they do not know who is to be sitted where. Sometimes they want to seat you on this side, but they do not know whether they have offended you or not. Some are abused and it is really very demoralizing. The protocol people are really a frustrated lot because they do not know where to place who where, because there is no blueprint. That is why I want to thank the Senator for this initiative to try and set order that will make work easy for everybody.

Madam Temporary Speaker, on the security and protocol issues in functions, we have had so many people put *askaris there*, who are supposed to maintain peace and order in this country. Whenever there are functions, these security officers have to be withdrawn just to organize people on how to flow, where to sit, to close doors and even to be bouncers, as it were. At times, you can be going to the stadium for celebrations and you find that Senators have nowhere to sit. That ends up not being a celebration but humiliation of the worst category.

With those few remarks, I support this Bill and hope that the amendments that will be brought will enrich it. We need to reach out to ward level, village level and county level so that there is order. Is it a Member of the County Assembly who is more senior than the District Officer or the Chief? Where do Deputy County Commissioners fall? We need to have protocol in terms of all cadres.

I support.

Sen. Omondi: Thank you, Madam Temporary Speaker, for giving me this opportunity. First, I want to thank Sen. (Dr.) Khalwale for bringing this Bill. This Bill has really touched my heart. I, being a leader, who has been serving poor people in my community, understand what we mean by leaders humbling themselves to the level of people they are serving.

This is embarrassing because I remember when we were running round marshalling votes to help us come to this House, we were humble. We would even open extra access roads in the village and go to the grassroots to look for votes. However, after the elections, we forget that we have a duty and responsibility to carry out. I support this Bill with amendments so that we can organize ourselves. This Senate has a duty and responsibility to bring order and sanity in our county governments. If we cannot introduce order as leaders, then who else will come to rescue our people?

For sure, it is embarrassing that at times, you will find our leaders within the counties and elsewhere flying national flags. Our people have learnt that the flag is a sign that their leaders are present. However, immediately they get into their offices, the

flags are kept away and people cannot access them. They hide themselves from the people they are supposed to serve. It makes no sense to show people, while you are on the road that you are a leader, however, indeed, you are not ready to serve them. I want to support this Bill because it will bring order.

I remember when I was in school, we used to have civic education but our children are today very confused. We do not know what to tell them because everybody has a flag. Things are changing. The teachers do not consistently teach children to understand how to address these people. Therefore, current affairs and civic education is losing direction because we, as leaders, are contributing towards the mess. At the end of the day, we will be held accountable.

I want to support this Bill because for sure, it can rescue the direction we are supposed to take as a nation.

I beg to support.

Sen. Mositet: Thank you, Madam Temporary Speaker, for allowing me to contribute. I would like to say that I support this Bill. My, brother, Boni, is known for very good debates here. He sat one day and thought that issues in this country must be put in order because they are not in order.

For sure, my brother, you deserve applause from the whole country. Leaders were elected and now, they are trying to compete who is who. Everybody is trying to show that they are bigger than the other person who was elected.

Just as Madam Senator has said, when we were looking for votes, we promised to give them servant leadership and told them that we would always be with them. We told them that we would always humble ourselves to the old ladies, children and if possible, we will be mentors of those children. Our society is right now in big problems. Our children have no mentors simply because of the direction that many of our leaders have taken. If we were to define who a leader is, we would start by saying that this is a person who humbles himself or herself in front of other people. That is lacking and when Sen.(Dr.) Khalwale came up with this Bill; all of us felt that we had a duty to support and to shout that it is a good Bill. When I look at the President, Governors, national Government and the county governments, I see it as the structure we have now. I could compare this to the structure we have in the church where we have bishops and other pastors.

There is no time we have heard a pastor saying that he is a “small bishop.” A pastor will always appreciate and he or she will refer to the bishop as “my bishop.” When a bishop is visiting a local church, one can always tell that a bishop is visiting. There are many Catholic bishops in this country but we have not heard them referring to themselves as small popes. However, after our people were promised servant leadership by our Governors, some of them decided to show that they are small kings. They started giving themselves the title of small presidents simply out of their own ambitions. Others feel that probably when the President expires, the other people who will take up that seat will be one who has served as a Governor. That is not true.

This issue of referring to the Governor as His Excellency is mischievous and the worst thing we should allow to go on. I thank my brother because with this Bill, he has put up a position that if you are a Governor or a Senator, you should be referred to by the name that you used when people were electing you and that will bring order.

Madam Temporary Speaker, some Senators have even suggested that we do not refer to our President as His Excellency, but I think this title is the pride of the nation just as the flag and we should not remove it. I am sure *wananchi* will also take pride in their President and the Deputy President being referred to as His Excellency or Her Excellency.

It would also be an honour to refer to the Speakers of both Houses as the Rt. Hon. Speaker. This will also be the pride of both Houses. I was really touched by one Senator who said that a leader should never be known to lie. A leader should always be seen as the next angel in this world. When we refer to the Speakers as Rt. Honourable, we shall be reminding them never to lie. Hon. Members of Parliament or Senators should always live to tell the truth and serve the people knowing very well that it is those people who made them what they are. If leaders live by the truth, this country will achieve all the dreams that we have been yearning for.

Madam Temporary Speaker, the worst cancer in this country is corruption. If only leaders can remember that they are supposed to be truthful, that cancer will end. I remember some occasions that I have been with my Governor and I am quite humbled to congratulate him. Our Governor travels in one car. I have never seen another car escorting him and I have never even asked him why. I can confidently state in this House that the Governor of Kajiado has only one car.

Sometimes whenever we leave this House, we are pushed aside by motorcades with sirens, only to realize that it is a Governor who is passing. We do not even know whether it is the Governor of Kiambu, because he also comes to the City with his motorcade or the Governor of Nairobi. Sometimes other Governors also come to the City with their motorcades. I am even told that sometimes they even go to Mombasa in motorcades with sirens. So, you will find up eight motorcades with sirens and may not even know which one is carrying which Governor or whether they are even there.

I think that with the passage of this Bill, we will have sanity and order. You will find even the drivers and bodyguards fighting. You will hear them saying: "I am the bodyguard of the Governor or Senator." So, the whole scenario is also replicated even among other civil servants. After this Bill is passed, I know that we are going to have some sanity and order.

Madam Temporary Speaker, the infighting regarding who is who has also degenerated so much and contributed to the insecurity in this country. Some officers who were in charge of Provincial Administration were retained because people believed that, that will be the group which will really take care of the security of this country. But even these officers do not know where they fall. Somebody called the Provincial Coordinator will come to the district and order the County Commissioner. The County Commissioner will not know whether to take the order, because there was a Presidential directive saying that all the former Provincial Commissioners were recalled.

For example, if His Excellency the President visits Kajiado, you will find the former Provincial Commissioner, who is now referred to as the Coordinator, coordinating and taking charge of protocol matters. Because of that, the County Commissioners and Sub-county Commissioners do not know their roles. The former District Officers are now called Assistant Sub-County Commissioners and do not also know their roles. The Administration Police also do not know their role. In fact, most of them used to think that they were bodyguards of the provincial administrators. So, right now, they do not even

know where they are supposed to be. In fact, the only noble job that they know, particularly in urban centres, is to guard the banks. With this Bill, I do believe that we will have sanity and our security will improve.

Madam Temporary Speaker, during the campaigns, most leaders promised to offer servant leadership. Therefore, all leaders should remember this and make sure that, at least, *mwananchi* is served. Devolution was meant to take development and not power to the counties. Also, it is quite in order for us to make sure that at the county level, we do not refer to the executive committee members as ministers. It is the high time that we let them know that they are executive committee members working under the Governor. Likewise, those who work under them are just officers and not permanent secretaries. Now they have started saying that they are permanent secretaries.

The Temporary Speaker (Sen. Ongoro): Order! Sen. Mositet, you will have 15 minutes to continue when this debate resumes.

ADJOURNMENT

The Temporary Speaker (Sen. Ongoro): Hon. Senators, it is now time for interruption of business. This House, therefore, stands adjourned until Tuesday, 12th November, 20 13, at 2.30 p.m.

The Senate rose at 6.30 p.m.