

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 30th October, 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 the Clerk-at-the-Table)

The Speaker (Hon. Ethuro): Hon. Senators, I am informed that we have quorum. So, let us proceed.

STATEMENTS

DISPUTE BETWEEN MACHAKOS AND MAKUENI COUNTIES OVER KONZA CITY BOUNDARY

Sen. Mutula Kilonzo Jnr: Mr. Speaker, Sir, I rise to seek a Statement from the Chairman of the Standing Committee on Agriculture, Land and Natural Resources concerning the Konza City boundary. In the Statement, the Chairperson should confirm the following:

- (a) Confirm that the boundaries of the 47 counties were demarcated in accordance with the Districts and Provinces Act, Cap.105A of the Laws of Kenya.
- (b) Confirm whether Konza City is located in Makeni County;
- (c) Explain the legal basis upon which the director of survey has placed the Konza City boundaries within Machakos County; and,
- (d) State whether any measures have been taken to address the discrepancies.

Mr. Speaker, Sir, the Statement is sought out of a publication that was made by the Cabinet Secretary in charge of Lands and Housing on 16th October, 2013 in the Daily newspaper where the map of the 47 counties was published. From the said map, the Konza City was placed squarely in Machakos County. The Cabinet Secretary in charge of Information, summoned stakeholders from Makeni County and gave us a Draft Bill. In

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the Draft Bill, the said Konza City is placed within Makueni County. According to the Districts and Provinces Act, Cap.105, Laws of Kenya, Konza City is located in Makueni. Another document published by the Ministry of Lands through the Cabinet Secretary titled "The Draft Konza Techno City Land Physical Development Plan, published in June, 2013 places the same city within Machakos County.

Mr. Speaker, Sir, all our efforts to get a clarification from the two Ministries has been futile, living both counties wondering whether or not to move ahead with the publication of the Bill because the status is not confirmed. According to our reading of the Act, the map that appeared in the newspaper seems to have altered the boundaries of Makueni County to the extent that a part of Kilome Constituency appears to be in Machakos County. This confusion has led to a statement appearing in the business daily this morning showing that we have a dispute on this boundary. This issue is going to cause problems in the counties. In fact, the major problem is not with the counties but with the fact that---

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

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

Sen. Mositet: Mr. Speaker, Sir, I can see that the Senator for Makueni is only talking about Makueni while I know very well that when the Cabinet Secretary called for a meeting, he also called the people from Kajiado and Machakos. For sure, there was a dispute but we agreed that there would be another meeting before the Cabinet Secretary proceeds.

Sen. (Dr.) Machage: On a point of order, Mr. Speaker, Sir. Will I be in order to give guidance to my two fellow Senators on what it means to request for a Statement? The first Senator continued contributing to a Motion that is not before the House and the second one is responding to a question he has not been asked.

The Speaker (Hon. Ethuro): Sorry, Sen. (Dr.) Machage, what did you say on the second one?

Sen. (Dr.) Machage: The second one is responding to a question that has not been put to him.

The Speaker (Hon. Ethuro): Sen. Mutula Kilonzo Jnr, have you concluded? Although you had actually exceeded, so just conclude.

Sen. Mutula Kilonzo Jnr: Thank you, Mr. Speaker, Sir, for your intervention. We were just seeking a Statement so that we can have proper clarification in terms of the issues that I have raised in my Statement.

The Speaker (Hon. Ethuro): Order, Senators! Indeed as Sen. (Dr.) Machage had correctly observed, Sen. Mositet is completely out of order. You should have waited for the response to be brought and then you can make your intervention. I would imagine the response which is intended for the Statement will try to demarcate the boundaries, then you can tell whether you are a part of it, excluded or a neighbour. Those other details of the meeting you can keep them for the time being.

(Sen. Hassan consulted loudly)

Order, Sen. Hassan! We are dealing with two Senators; do you want to be the third one?

For Sen. Mutula Kilonzo Jnr, Statements are under Standing Order No.43(c). It says:-

“A Senator may request for a Statement from a Committee Chairperson relating to matters under the mandate of the Committee and the Speaker may either appoint a day for the Statement to be made or direct that the Statement be issued on the same day.”

The Statement is supposed to be really brief as per the one I approved but somehow you felt that you needed to do more explanations which are not necessary. Being new in the House, we will allow you for now but in future, we will not entertain explanations because it amounts to discussing your own Statement instead of waiting for a response. So, all other senators should be guided accordingly.

Is the Chairman of the Committee here?

Sen. Kivuti: Mr. Speaker, Sir, I will take up the matter with my Committee and the Ministry of Lands and Housing. Therefore, I request to bring the Statement in two weeks time.

The Speaker (Ethuro): Senator, are you okay with two weeks?

Sen. Mutula Kilonzo Jnr: Yes, Mr. Speaker, Sir.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM MOMBASA COUNTY ASSEMBLY

The Speaker (Hon. Ethuro): Before we move to the next Order, I would like to acknowledge the presence of some visitors, who are visiting us today.

Allow me, hon. Senators, to introduce to you a delegation of Members of Mombasa County Assembly who are seated to my right. The delegation is led by hon. Jimmy Ondari – Chairperson, Justice and Legal Committee. As I introduce the rest, I request that a Member of the Assembly called should stand up and be acknowledged in the normal tradition of the Senate.

The following are members of the delegation:-

Hon. Paul Onje

Hon. Dancan Onyango

Hon. Mohamed Ndanda

Hon. Amina Zuber

Hon. Hudson Karume

Hon. Rashid Muswaba

Hon. Chebes Oduor

Hon. Fadhili Mwalimu

Hon. Abdallah Hamisi

Hon. Simiyu Patrick

Hon. Lucy Chireri and,

Mr. Mohamed Kassim – Chief Serjeant-at-arms.

You are most welcome to the Senate and I also recognise your own Senator, Sen. Hassan, in the House.

The Speaker (Hon. Ethuro): Hon. Senators, on the Order Paper, we have two Motions and one Bill, that is, Order No.8, 9 and 10. We have exhausted debate on all of them and what is remaining is voting. So, we are just taking count to see if we have the requisite numbers for voting.

Hon. Senators, as we allow the responsible Whips to whip Senators, we will skip those Motions that require a division. Sen. Wako reminded us one time that there is magic on Wednesday after 3.00 p.m. So, According to Standing Order No.39(2), we will bring up the Motion on Order No.11. We can start with that one, then we will take the division later.

MOTIONS

APPROVAL OF MEMBERS NOMINATED TO SERVE IN THE PAN-AFRICAN PARLIAMENT

THAT, the Senate concurs with the National Assembly that the following Members of Parliament be appointed to the Pan-African Parliament:-

The Hon. Zakayo K. Cheruiyot, M.P;
The Hon. Rachael Wambui Shebesh, M.P;
The Hon. Millie Grace Akoth Odhiambo-Mabona, M.P;
The Hon. Shukran Hussein Gure, M.P; and
The Hon. Sen. Kipchumba Murkomen, M.P.

POINT OF ORDER

DISPUTE OVER PAP MEMBERSHIP TO BE SORTED OUT AT POLITICAL PARTY LEVEL

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

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

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I rise under Standing Order No.1 to request you to think deeply about this Motion. Motion No.11 is actually attempting to bring to the Plenary of the Senate, a political party matter. When I scrutinize the list, I see three Members belonging to the Jubilee Coalition, that is, hon. Zakayo Cheruiyot, hon. Wambui Shebesh and Sen. Kipchumba Murkomen. Apparently, the same names are the ones that left here last time and went to the National Assembly. When I look at the balance of the two names, Hon. Millie Odhiambo and hon. Shukrani Husseni, they belong to the other Coalition of CORD. I want to invite you to remember that this is not the first time political party coalitions are being faced with challenges of this nature.

You remember that in the last Parliament, this thing became so stormy that two things happened; the first one was that there was a ruling from the Speaker that the House could not be used to sort out political party issues. The second thing that happened is that when the matter snowballed into a nightmare, the Late hon. Mutula Kilonzo approached the East African Court of Justice and in the process, their prayers were granted and this country lost hundreds of millions of shillings in taxi payers money to meet the cost of that suit.

Therefore, I am requesting you to use Standing Order No.1 to step down this Motion so that we allow Wiper, the owner of hon. Shukran and ODM the owner of hon. Millie Odhiambo, to go and sort out this problem in their private premises in an Orange house or some Wiper house and not involve the Senate of the Republic of Kenya. If you so do---

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

The Speaker (Hon. Ethuro): He is on a point of order.

Sen. (Dr.) Khalwale: I am not yet done. I have withdrawn the issue of Orange and Wiper houses and I apologise. If you so grant, you would have done nothing new because a precedent was set for you by earlier Speakers who ruled as much. We would have saved the time of this House and we would also have pre-empted the possibility of again going to the East African Court of Justice or to the International Criminal Court (ICC).

I beg that you consider my request.

The Speaker (Hon. Ethuro): Sen. Hassan Omar.

Sen. Hassan: Whereas I might agree with Sen. (Dr.) Khalwale, but I would also like to differ. What the National Assembly did was to change and fundamentally alter the configuration of the representations to the Pan African Parliament (PAP). As much as hon. Shukran is a member of the Wiper Democratic Party and also a member of the CORD Coalition, I think the Senate needs to first and foremost, assert itself on the matter of how many representatives come from the Senate and how many come from the National Assembly. If we do not pronounce ourselves on that matter, the National Assembly will arbitrarily introduce amendments to Motions that are generated from this House.

Therefore, the critical issue is that this matter must be debated to a point where the Senate pronounces itself on what kind of representation and what is the proportion of membership by the Senate to the PAP. Then, I will agree with Sen. (Dr.) Khalwale's recourse that we sit down as parties or coalitions to resolve what might be outstanding.

Sen. (Dr.) Machage: On a point of order, Mr. Speaker, Sir. As a matter of procedure, are Sen. (Dr.) Khalwale and Sen. Hassan, in order to begin discussing a Motion that has not even been moved on the Floor of this House? This Motion has not even been moved but they are already discussing it.

The Speaker (Hon. Ethuro): Sen. (Dr.) Machage, you will recall that on points of order, Members can rise at any one time. The issue you should be worried of is whether they are relevant to this particular Motion. The Order had been called out but if Members feel that proceeding with that Motion would not be in the interest of the House, there is

no better time other than in the beginning. So, I think they are perfectly in order to make those interventions.

Sen. Nabwala: Mr. Speaker, Sir. I also rise to add my voice to this Motion. I oppose it, the reason being that there were two names of Senators who were submitted to the National Assembly and now one name has been replaced with No.4.

CONSIDERED RULING

THE ISSUE OF PAP MEMBERSHIP TO BE REFERRED TO POLITICAL PARTIES FOR FURTHER CONSULTATION

The Speaker (Hon. Ethuro): Sen. Mukiite, you are making Sen. (Dr.) Machage have the last laugh. The Motion has yet to be moved. The arguments we can only entertain here is whether we should proceed or not.

Let me make the following ruling: The first is what Sen. (Dr.) Khalwale has asked. What he has asked of the Chair is perfectly in order although he is using the wrong Standing Order which is No.1, which talks about something not provided for. This is provided for in Standing Order No.40(6). Let us all just have a look at it.

Standing Order No.40 (1) reads:-

Messages to and from the National Assembly

“(1) A message from the Senate to the National Assembly shall be in writing and shall be signed by the Speaker.

(2)The Clerk of the Senate shall transmit the message from the Senate to the Clerk of the National Assembly and shall receive messages from the National Assembly.

(3) The Clerk shall deliver to the Speaker a message received from the National Assembly under paragraph 2 at the first available opportunity after receipt and in any event, not later than the next day not being a Saturday, Sunday or public holiday.

(4) If a message is received from the National Assembly at a time when the Senate is in session, the Speaker shall report the message to the Senate at the first convenient opportunity after its receipt and in any event not later than the next sitting day.”

That is what I did yesterday.

(5) If a message is received from the National Assembly, at a time when the Senate is not in session, the Speaker shall forthwith cause the message to be transmitted to every Senator and shall report the message to the Senate on the day the Senate next sits.”

So, even when you are away, you must be informed immediately.

“(6) When the Speaker reports a message from the National Assembly under paragraph (4) or (5), the message shall be deemed to have been laid before the Senate and the Speaker may-

- (a) direct that the message be dealt with forthwith;
- (b) appoint a day for the consideration of the message; or
- (c) refer the message to the relevant Committee of the Senate for consideration.”

I am inclined to agree with Sen. (Dr.) Khalwale, in the sense that the substance of this Motion is really the issue of political parties coming to some understanding. I am also aware of some movements to that effect. So, since the request has come from the Floor, I think that there is no harm in deferring this matter maybe to next week, so that we allow the discussions that may be ongoing or others that you may wish to initiate, now that you are seized of the matter, and then we can make a final determination next week.

(Motion deferred)

The Acting Senate Minority Leader (Sen. Abdirahman): On a point of order, Mr. Speaker, Sir. While I do respect your decision, it is important that we put things in clear perspective with regard to this particular matter. It will be unfortunate if this House can narrow down this matter to party level. To our knowledge, it will not be right for any organ, whether it is the National Assembly or even the Senate where we sit, to contribute to the destabilization of parties, which are actually the main base for constitution of these very important rather organs. To our understanding one side of the Coalition is said to be having problems at the National Assembly. I want to be honest and say we are not aware of any negotiations that are going on, on this matter. The Senators sent two Members to represent it in the Pan-African Parliament and, unfortunately, the National Assembly unilaterally decided to do the changes on their own. It is my feeling – and I am sure that it is the feeling of many other Members – that the matter that is coming into sharp focus is actually the integrity, dignity and position of the Senate. This is because we are not going to encourage constant battles between the two Houses. We are not ready for that, but the sanctity and significance of each of these Houses must be respected. It will be unfortunate if we reduce it or narrow it down to parties. To my knowledge, there is no fight between Wiper Party and ODM. We had a special meeting yesterday and this never featured. It would have featured if it was an item which we thought was for a party. Now that it is before the Senate, this is the best place to resolve the matter that is between the two institutions. If it finally degenerates into our political parties, especially with regard to the CORD Coalition, we will be able to ventilate. But we are far from solving the problem if we go the manner in which Sen.(Dr.) Khalwale has actually proposed.

The Speaker (Hon. Ethuro): You must appreciate that the ruling has already been made.

Sen. Kanainza: Mr. Speaker, Sir, while I appreciate the ruling that you have made, initially these names were brought to the Floor of this House and, as Senators, we had proposed two Members who were going to represent us in the Pan African Parliament. It is not good for a name of a Senator to be replaced by that of a Member of the Lower House. That is why it is important for us, as Senators, to discuss and maybe give a different view, even if we think that we needed a better person than the one who was proposed. The Senators must speak out and we need a better representation. Therefore, we must have two Senators representing us in the Pan African Parliament.

Mr. Speaker, Sir, I oppose.

The Speaker (Hon. Ethuro): Sen. Kanainza, are you opposing my ruling?

Sen. (Dr.) Machage: On a point of order, Mr. Speaker, Sir. I rise on a point of order just to reinforce what the leader of the opposition has said. I was in yesterday's meeting too, and we had a very cordial meeting between the ODM and Wiper parties. The gibbering that has been going on in the Lower House was there even before they decided to table these names in the Lower House. Actually, it clear that the Media did report their complaints about their numbers and allocation of the three slots. This was actually a coup to be forced into our throats, trying to use what they purport to be a political party difference issue, to force these changes into this House. You have already given a ruling that this be debated next week. I, however, would like, with all humility and respect to the Chair, to request that the reasons that you have given be changed a bit; that this House decided to discuss this next week, not because of political party differences.

Sen. Elachi: On a point of order, Mr. Speaker, Sir. I want to thank you for the ruling. Indeed, this is a House of wisdom and guidance. Therefore, it is important that we look at the issue, as the Senate and National Assembly, but at the same time respect the fact that we have political parties and coalitions. I would urge the Senate that we should follow the process that the Speaker has ruled on to make this thing work. If we want to start bashing each other again, it is going to be very political. So, let us manage it the way that we have managed everything in this House, with guidance and wisdom.

Thank you, Mr. Speaker, Sir.

Sen. Boy Juma Boy: Asante sana, Bw. Spika. Kwanza, ningependa kukushukuru kwa uamuzi wako wa busara ambao una masilahi mazuri sana. Lakini cha msingi ni kwamba Seneti hii ilikuwa imeshakata shauri na majina kupelekwa. Yalipokuja hapa hayakuwa na mjadala wa vyama. Yalipopelekwa Bungeni, majina hayo yalibadilishwa---

(Sen. Elachi stood up in her place)

The Speaker (Hon. Ethuro): Sen. Elachi, Sen. Boy Juma Boy anaongea Kiswahili na kama alikosa nidhamu, alikosea kwa lugha ya Kiswahili. Kwa hivyo, ukitaka kumsahihisha itabidi uifanye hivyo kwa Kiswahili.

(Laughter)

Sen. Boy Juma Boy: Bw. Spika, majina yalipoletwa hapa hayakuwa na tatizo. Hoja ilipita na kupelekwa mbele bila matatizo yoyote. Sasa tunakubaliana na uamuzi wa Spika, lakini cha msingi hapa ni kwamba ni uamuzi wa Seneti ndio uliopingwa kule na wala sio uamuzi wa chama. Kwa hivyo, kinachojadiliwa hapa sio nani apate nini bali kinajulikana kinagaubaga. Kama hutaki kulielewa hilo jambo basi itabaki hivyo, lakini anayeona na macho na kusikia kwa masikio, ni kwamba Seneti ilikuwa imemaliza mambo haya.

Asante, Bw. Spika.

(Laughter)

Sen. Billow: On a point of order, Mr. Speaker, Sir. I also respect your ruling that the matter be deferred to next week. I want to agree with Sen. Boy Juma Boy that there was a decision of the Senate. At that point, we were not told that this thing is a political party decision. I belong to a political party and frankly, I am seeing the names as a Motion in the Senate and not as a political party. What is important is that I sit here and if a Motion comes, I think that it is a Motion of the Senate. But with all due respect to whatever political parties will do, it is important that they do not take advantage of this House, so that our respect and dignity--- Today, we have been given four names and tomorrow, we will be given six names or told to remove this name and so on. I think that whoever it is that is dealing with this really needs to put his House in order. But it is a matter that you need to give guidance on, because the two main coalitions--- The Chief Whip of the party that I belong to – and we have heard also the Minority Leader – do not seem to be reading from the same page, on the fact that this is a political issue. So, it is important that you give guidance also on that.

Sen. Hassan: Bw. Spika, kwa sababu ndugu yetu alianza kwa lugha ya Kiswahili, tutaendelea nayo. Tuliufwata pia ule mjadala uliokuwa unaendelea katika Bunge na ukisikiza fikira zao na tukikubali waweke msingi huo, huenda sisi tukajipata katika hali duni katika kila jambo ambalo linataka uwakilishi.

The Speaker (Hon. Ethuro): Sen. Hassan, sasa umeanza kujadili Hoja hii na ilhali hatujafika hapo.

Sen. Hassan: Bw. Spika nataka kujenga ile fikira.

The Speaker (Hon. Ethuro): Sasa ndio umeharibu hata zaidi kwa sababu utajenga mahali umeshaanza kuweka sakafu. Utanena hayo siku ambayo Hoja itakuwa ikijadiliwa.

Sen. Elachi: On a point of order, Mr. Speaker, Sir. First of all, I would like to inform the Senator that he is the Chairman of Finance, Commerce and Economic Affairs because of the party. So, he has to respect that the parties have a right to do what is right. The ruling of the Speaker guides us to go back to the political parties. The first reason for that is the Wiper Party – and we have to be open – wrote a letter in May indicating that one Member has to be from Wiper Party and the other from ODM, and I respect that.

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

Let me just allow Sen. Abdirahman Hassan---

The Acting Senate Minority Leaders (Sen. Abdirahman): On a point of order, Mr. Speaker, Sir. Sen. Elachi, to our knowledge and to everybody's knowledge--- If you allow me, Mr. Speaker, Sir---

The Speaker (Hon. Ethuro): Order! I will allow you, but you must allow me first.

(Laughter)

Even if I allow you, you must always allow me to intervene---

An hon. Senator: Intervene!

The Speaker (Hon. Ethuro): And to that extent, I actually do not need you your permission; I just need your compliance.

An hon. Senator: You are right.

The Speaker (Hon. Ethuro): We want to conclude this matter; so, I wanted to say that after Sen. Abdirahman, then we will take Sen. Chris Obure and Sen. Sang. Proceed, Sen. Abdirahman.

The Acting Senate Minority Leader (Sen. Abdirahman): Thank you, Mr. Speaker, Sir. Having heard your ruling correctly and taking into consideration that we do not want to go into a circus, we know that Sen. Elachi does not represent the CORD Coalition; absolutely. She is the Chief Whip of what is known as the Jubilee Coalition and it would be unfortunate if we do not speak about Jubilee ourselves all the time. They either brag or go and meddle into affairs that belong to other coalition parties; and I do not think this is right. We will give our considered thoughts once we convene next week, as you have rightly ruled. But here, we stand to give the position of our affiliate parties, and I think we only do not want to question what you had already decided, and that is why we have reserved our comments. We should be allowed, because to our knowledge, there was no problem between the parties, and when Sen. Janet Ong'era's name was being presented, there was consensus. I do not think my sister, Sen. Elachi, is in order to meddle. Is she in order to meddle in the affairs of other parties?

Thank you, Mr. Speaker, Sir.

(Laughter)

The Speaker (Hon. Ethuro): Sen. Abdirahman Hassan, I do not think making reference to a letter is meddling into affairs of another party. Proceed, Sen. Obure.

Sen. Obure: Thank you, Mr. Speaker, Sir---

(Sen. Elachi consulted loudly)

The Speaker (Hon. Ethuro): Order, Sen. Elachi!

Sen. Obure: Thank you, Mr. Speaker, Sir. I welcome your ruling to the extent that it will allow consultations and discussions in this matter and hopefully, in that process, we will reach some understanding. But, Mr. Speaker, Sir, the issue before us raises very fundamental questions; the Constitution of Kenya recognizes the institution of Parliament made up of two Houses; the Senate and the National Assembly. The issue which this Motion raises is one relating to the relationship between the Senate and the National Assembly. I feel that the decision by the National Assembly just simply to ignore, delete or make changes to proposals which have been made by the Senate after consideration is not right. I hope that we can use this opportunity to cultivate a better relationship between the two Houses.

Thank you, Mr. Speaker, Sir.

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

Sen. Sang: Thank you, Mr. Speaker, Sir. I want to welcome your ruling on this matter; deferring the discussions on this Motion to next week to provide for an opportunity for the political parties to consult further. But, Mr. Speaker, Sir, I seek your guidance in the sense that, previously, when this Motion came before this House, we had two Members from the Senate and three Members from the National Assembly. It is important if you could help us or shed some more light as to how that agreement was reached. If that agreement was reached, then was it communicated to the political parties that are eligible to nominate Members to this House? I think that the discussion that we are now having here is the discussion between the Senate and the National Assembly, but it is important to note that the names emanate from the political parties. If a decision was reached as to the composition of the list; that the proportion was two from the Senate and three from the National Assembly, was this communication relayed to the political parties so that as they nominate, they should stick to that? If that decision was not communicated, is it possible for you to put it as a rider that as you give the political parties another one week to consult on this matter, they also stick to the composition that two of them must come from this House and three come from the National Assembly?

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Hon. Senators, I think we have all heard the sentiments from the Senators who have contributed. I just want to be very clear if I was not clear in the initial ruling. I am not making a statement on whether the names are validly nominated or otherwise; I am only asking for a deferral of the matter to another day next week for the sole purpose of allowing more consultations to take place. Those consultations could assume political guidance; they could also mean consultations between the leadership of the two Houses or it would also mean just consultations between Senators and National Assembly Members on your own Motions. There is really no harm in allowing the opportunity and I think I want to agree with the words of Sen. Elachi; that this House has always acted on the basis of wisdom and understanding. That does not mean that we are going to cede ground under whatever circumstances; that is very clear in my mind.

(Applause)

So, do not leave here with a notion that we have ceded ground. It may be as well that those discussions will uphold our original position. So, why would you want to pre-empt debate? And for the good cause of really ensuring that, you know, when these kinds of debates start, they assume their own life and we go beyond what we may have wanted to say. So, I think the consultations will allow us to resolve the matter amicably either within the parties, between the parties or between the Houses; if that is what it will be, then so be it! That is what we will always go for at anytime, but there will be a limit. By next week, we will take a position depending on the outcome of those deliberations. And as invited by Sen. Sang, I will also be making my communication on the issues around these matters, and the House will be guided before the Motion is debated.

(Applause)

So, it shall be ordered.

Hon. Senators: We are obliged.

The Speaker (Hon. Ethuro): We still cannot get the numbers as others come in and others leave.

(Laughter)

We will need to move to the next Motion then.

Next Order.

MOTIONS

ADOPTION OF REPORT ON VISIT TO THE REPUBLIC OF SOUTH KOREA ON NUCLEAR ENERGY CO-OPERATION

THAT, the Senate adopts the Report of the Standing Committee on Energy, Roads and Transportation on the visit to the Republic of South Korea on Nuclear Energy Cooperation from 15th to 23rd June, 2013 laid on the Table of the House on Wednesday, 23rd October, 2013.

(Sen. Moi on 29.10.2013)

(Resumption of Debate interrupted on 29.10.2013)

The Speaker (Hon. Ethuro): Who was contributing?

Sen. Karaba, I am told you have 15 minutes.

Sen. Karaba: Thank you, Mr. Speaker, Sir, for giving me this chance to contribute towards this Motion on a report which was tabled here yesterday on Energy, Transport and Roads by the Chairman, Sen. Moi. Before we adjourned yesterday; at the rise of the House, I was trying to say how important it is that when delegations get out of Kenya to go and study what happens outside, they should then come back and implement what is important out there and discard what is not useful. As far as I am concerned, the delegation from Kenya left, visited South Korea and saw, and now they have tabled a report which we are discussing. It is my hope that after this discussion and as soon as we adopt the report, the Senate should implement what is already contained in the report; and that is the essence of us discussing this report here.

Mr. Speaker, Sir, it was noted that South Korea is a very efficient country and they are able to develop and surpass what was there in the development of Kenya at the inception of Independence in 1963. It has also been noted that South Korea, amongst

other South East Asian countries, has come up very well so that we can compare ourselves with them and say that they are ahead of Kenya, even if we were at the same level at one time. It is not only South Korea; it is the south East Asian countries, hence referred to as the Asian Tigers. But when you compare them to Kenya, you find that there must have been reasons why the differences are too striking in a time of 30 years or so. It is also true to note that these two countries have diverse populations; the attitude towards work, particularly in Korea, is that the Koreans are very hardworking people and they devote a lot of their education and teaching especially towards technical education.

I was able to remind the delegation that when I was the Chairman in the Ninth Parliament, we also visited Korea and we found that they specialize a lot in the scientific teachings and, more so, using their polytechnics – and the greatest of them all is the Korean Institute of Science and Technology. In that polytechnic, they teach serious nuclear physics and other related sciences that are very rare in Kenya. That is what we should learn from Korea to see whether we can offer scholarships, take our students to Korea, Malaysia and other Asian Tiger countries so that they can come back and teach other Kenyans so that we can be seen like we are scientific oriented.

Mr. Speaker, Sir, what you see in South Korea and Malaysia and other countries out there is very different from what we are practicing here. I think there is a lot of talking here; we talk a lot about what we have seen but there is very little implementation. So, the lesson here, therefore, is that we have to implement what we have seen so that we do not keep on always going and reporting. That is why we are tabling this report. In Korea, it has been noted, that a lot of investments have been done on education. The students are selected after going through a lot of scrutiny. Talents are identified at an early age and nurtured by the government. By the time they get to the examination level, they are already assets to the country. That is different from what we do here. The moment students from these countries achieve high academic standards, they are seen as achievers in their own country and as such, honoured by their governments. Their education is paid for and they get a sense of belonging. Here, as soon as someone succeeds and is offered employment in a different country, he or she rarely comes back home. In Asian countries, people stay and work in their countries. The level of patriotism in South East Asia and more so, South Korea, is higher than that of very many African countries.

When it comes to using nuclear as a source of energy for economic development, these people are very diligent because they use what they do not have. It is true that they do not have so many minerals. They import some of the minerals from Africa. We are in Africa and we can import some of these minerals from South Africa. Uranium and Radium are used to make nuclear bombs and nuclear reactors that produce the nuclear energy that South Korea has used. South Korea has very many sources of energy which we do not have in Kenya. You will find that they have a lot of gas which is generated out of hydro electric power. They also use tides from the Indian Ocean to generate power. In fact, they have several alternatives towards industrial development.

In Kenya, those things are lacking. We are not capable of developing half of these things. If a report could be proposed and we implement, at least, half of what is there,

then Kenya would move forward. Let us recognize those people who are talented. Let us come up with school programmes that recognize bright children. This has happened in Rwanda and also in a technical institute in Kigali. The Rwandese have come up with one polytechnic which is unique. They are training their people in courses which are rare in Rwanda. In Tanzania, there is a school called Buru near Arusha. The school trains very many students in that country.

The same should be applied here in Kenya so that we have skilled manpower which is wanting in our country. I support the report. It is good. If we could borrow what is in the report, then we would have skilled manpower. We would train physicists, astronauts and give them salaries which would make them competitive internationally. We are going to have shortage of skilled manpower which is used to start up industries. That way, Kenya will not be an industrialized country. That is why we had to go all the way to South East Asia to borrow ideas.

It is also important to note that Korea has developed tourist attractions. Much as we have very many physical attractions here in Kenya, Korea has very few. So, these people are now reclaiming their land. Reclaimed land attracts a lot of tourists, for instance, in The Netherlands. Many people want to see what reclaimed land is all about and this attracts very high tariffs. That is how they get an extra source of income. That money is used as capital to develop more industries and that is what many countries are working on, including Kenya.

I support this report and hope that Kenyans will learn from such reports. Committees that are not doing work like this one should be encouraged to work. They should also bring local and regional reports from Africa so that we have something to compare. The committees should adopt and implement what should be implemented in Kenya.

I support the report.

Sen. Billow: On a point of order, Mr. Speaker, Sir. I stand under Standing Order No.51 (3) to seek your indulgence because there should have been voting on the County Governments Public Finance Management Transition Bill today.

I seek your indulgence that we postpone voting to tomorrow.

Sen. Sang: On a point of order, Mr. Speaker, Sir. I rise on a similar issue. Motion No.8 was also supposed to be subjected to voting. This is for the same reasons that the numbers in this House do not meet the threshold. I request that we move to the division tomorrow afternoon.

The Speaker (Hon. Ethuro): Order, honourable Senators. That is all fine but we are yet to get to those issues. We will defer them once we get to them.

Sen. Murungi: Thank you, Mr. Speaker, Sir, for recognizing me and allowing me to contribute to this Motion.

I take this opportunity to support the Motion and thank the Chairman of this Committee, Sen. Moi, who has provided focused and able leadership to the Committee, to which I and other Senators are members.

Since we were elected to this Committee, we have done a lot in monitoring the activities in the entire energy spectrum including the electricity, coal and now nuclear.

The purpose of this visit, as stated in the report, was to allow us to learn lessons from the Korean model of utilizing nuclear power for industrial and economic development, to expose Kenyan policy makers to the opportunities that nuclear energy offers to a country's prosperity; to explore the opportunities available from bilateral cooperation with Korea and to enhance the understanding of the policy makers on the fundamental aspects of nuclear power programmes, especially, the importance of public stakeholder engagement during new phases of nuclear programmes.

I am happy that it was during my tenure as the Minister for Energy that we established the nuclear power projects for the first time in the history of Kenya. The reason why we did it was because Kenya is like 100th person as far as nuclear energy is concerned. People talk about Africa as a dark continent. However, indeed, it is literally a dark continent because we do not generate enough electricity. Much of our electricity, in fact, 70 per cent, used to come from hydro sources. However, there have been frequent cycles of devastating droughts in this country, which have, at times, cut our hydro production by half. Instead of producing 700 megawatts, we end up producing about 300 megawatts. When that happens, Kenya is forced to import very expensive diesel power and emergency power at very great cost to the economy of this country.

Since that has ripple effects in pushing up electricity costs, we decided to diversify our energy mix by looking at all possible sources of electricity in this country. We travelled round the world; we have been to France, Sweden and other places like Korea to see what those countries have gone through. It is for that reason that we decided to explore and increase geothermal production, increasing our hydro production and introducing wind energy and coal and fire and plants and also nuclear power projects.

As I said, a hungry man cannot choose what kind of food to eat. He eats whatever is available. You can give him *githeri*, lamb, beef, *ugali* and whatever else is available. We need electricity from all sources. Europe would be in darkness, were it not for the power plants that such countries like Sweden and France are now using. Unfortunately, Germany had to close up because of a very powerful green Non-Governmental Organisation (NGO) which acquired political power and forced the closure of nuclear projects in that country.

The reason why Africa is still in darkness is because of the fear we have. When we talk about nuclear electricity, Kenyans start thinking about the Hiroshima bombs and the debates in Iran. They do not associate nuclear power with electricity. They associate it with war. I would like to state, on the Floor of the Senate today, that nuclear energy has very many good uses, not only for electricity but other scientific uses like medicine.

I had occasion to visit Korea another time although not with the Committee because I had been there before. The most powerful Minister in Korea is called the Minister for Knowledge Economy. That is the Minister who is in charge of education, technology and, indeed, commerce and industry. That is all under one Ministry. The biggest export that South Korea has is technology. They export knowledge and technology and their biggest market is the United States of America. So, although it is not endowed with so many natural resources, they are able to make and sell knowledge and

technology even to countries like the United States of America. Therefore, it is a very good model for us to look at as a country.

In South Korea, we found that they have huge coal fired power plants producing some 3, 000 megawatts which is double what this country is producing from one power plant. They do not have any coal, but they import it from Australia and use it to generate electricity in South Korea. Daewoo has about eight independent nuclear power plants in South Korea. They have demystified the nuclear technology and Daewoo was willing to come and set up a nuclear power plant in this country. The greatest fear about a nuclear power plant is what you do with the nuclear waste.

Mr. Speaker, Sir, when I was in the Ministry, there was a stream of ambassadors from the West when we went to the Kenyatta International Conference Centre (KICC) and announced that we had allocated Kshs300 million to start a nuclear power project under the Ministry of Energy. I got a lot of ambassadors who came to ask me if I really knew what I was doing; that Kenya has no capacity to handle nuclear waste which is potentially dangerous. They started offering 20 megawatt wind power plants.

Mr. Speaker, Sir, the same ambassadors who were discouraging us from entering into nuclear projects, in their own countries, about 60 per cent of electricity is generated from nuclear sources. France alone exports nuclear electricity to Spain. When I went to Sweden, I met the head of the nuclear power projects and I asked him how they manage nuclear waste. He told me that they sink it so far down the earth that it cannot, over millions of years cause any possible damage. He went on to show me then a number of trees they had planted in Sweden. I thought to myself that Kenya might not have any capacity to put up a nuclear power plant from local sources, but what would prevent us from doing a Build Operate Project (BOP), so that we source technology from those who have done it, we agree they come and set up a power plant, run it for a few years and what they do to enhance nuclear safety in their own countries, they are supposed to do it to enhance nuclear safety in Kenya. So, with money, it is no longer an issue whether you have technology or not, with money you can always buy technology.

The other question was: Where would the nuclear power project be sited in this country? Which people would want a nuclear power plant in their neighbourhood? Given the community activism in the country, this would bring some problems. You can see what has happened in Turkana with Tullow Oil Company. We would expect a lot of debate especially because the NGOs in this country are just “one issue” NGOs. They do not see development in global terms. They only talk about environment or social impact, but they are not able to see that without development, it would even be impossible to maintain good environment. It might be impossible also to maintain high standards of living. I think we have to analyze these NGOs very carefully so that they do not sabotage a project like this which is likely to quickly modernize and industrialize this country.

Mr. Speaker, Sir, we were informed that one way of dealing with this issue of where to site a nuclear power project is to take it to the ocean, because we have 200 nautical miles into the ocean which are part of Kenya. We were advised that we get a ship or a barge and put in a container which contains the nuclear power plant and get it floating 100 or 60 kilometres offshore. There are no people there who will come to

complain, but all we need is to construct a cable under the ocean which will evacuate power from that nuclear power station to the coast like Mombasa or Lamu and that will cut down the community conflict by half, if not more than half.

For the last three years, the nuclear electricity power projects have just been doing studies. They have travelled the world and indeed, we have even funded them to cover the whole continent. They have been to Asia, Latin America, Europe and even South Africa which is the only African country which produces nuclear electricity in a small plant in Cape Town. So, they have covered most of the continent, just to gain experience. Even when there was a problem in Fukuyama, Japan, we dispatched the nuclear electricity project personnel to Japan, to go and find out what went wrong there and when they came back, they said that the problem in Japan was that they were using obsolete technology; technology which was more than 60 years old. Since then, technology has improved, nuclear power generation has become very safe and even for the Japanese, and they are trying to figure out how to replace that obsolete technology with modern technology. The United States of America had been forced by politics to get out of nuclear power projects since the 1970s but the Obama administration had decided to bring back nuclear electricity generation because in the long run, it is the cheapest and the easiest form of generation that a country can have.

What I am saying is that Kenya should not be scared or listen to those who do not want us to develop fast. We are going to remain in darkness and this country is not going to move from our own backward medieval peasant economies to a newly modernized State if we do not embrace nuclear technology for power production in this country. The nuclear power project should be transformed into a parastatal. I will be happy if Parliament can allocate them more funds because they have just been given Kshs300 million which they started with for the purposes of studies but now time has come for us to move from feasibility study to a nuclear power plant for Kenya.

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

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

Mr. Speaker, Sir—

An Hon. Senator: It is Madam Temporary Speaker!

Sen. Murungi: I am sorry, Madam Temporary Speaker. I had not noticed that there was change of Chair.

In America, I read somewhere that they have now adopted a new terminology where there is a lady committee chair in the Senate. They are now calling them committee chairwoman and not committee chairperson. So, we hope you will be looking at those other experiences to redefine our terminologies.

Coming back to our subject, I want to commend our Committee on Energy and Communications for its very good and great work and encourage them to sponsor more trips abroad because they say that unless you eat another mother's food, you always think that your mother is the best cook. So, I would like to encourage the membership of this

Committee to visit other countries especially the Latin American countries like Brazil which have come up very well. Personally, I have been to Iran and despite all the stories we hear about Iran, it is a very well organized and developed country. Although I did not get to the nuclear stations, I found that whereas Kenya produces only 1,500 megawatts of electricity, Iran was producing 66,000 megawatts of electricity and they were adding another 5,000 megawatts when I was there. So, it is a country which is very well developed. When the Committee goes to those countries, we should not just focus ourselves on the technical aspects of production of nuclear power. I think it is also good to look at the broader context of leadership which permits such development to take place.

Madam Temporary Speaker, although we have Vision 2030 in this country, it is not going to be achieved until we have Leadership 2030. We need a very bold and courageous leadership for you to introduce nuclear power because there will be a lot of people making noise. If the leadership is focused and firm, that is when the country can move forward. The people who transformed South Korea were military generals who were there between 1960 and 1980. They were people who had a vision and the strength to pull the vision through. The person who has transformed Singapore is one man called Lee Kuan Yew. He was a very firm, visionary and committed leader and the same with Mohamad Mahathir in Malaysia. You can also see what is happening in China.

So, I think we also have to look at our leadership if this country is to move forward. Time has come for us not to oppose every other project which comes on the basis of local interests; we should not stop a good project because there are people carrying chains around the streets of Nairobi. The leadership must be focused about what it wants and it is time for us to make a very firm determination to implement Vision 2030 without veering and wavering.

With those few remarks, allow me to support this good report.

Sen. Sijeny: Thank you, Madam Temporary Speaker. I wish to support the Motion. I commend the Committee on Energy, Roads and Transportation for their expeditious, courageous and wonderful work, having been sworn-in in March and barely before the ink dried, they were out in June doing a commendable job. That is well done.

Madam Temporary Speaker, I support this Motion because it works towards improving the economy of Kenyans by bringing in new ideas. This is a very daring one, in an area which we should say is relatively new to Kenyans. I, therefore, urge that the Committee comes up with a Bill or strategies to ensure that creation of awareness is done carefully, first, to the legislators and then to the ordinary Kenyans, of course, together with the Government, the people who will implement it.

I also wish to commend the Korean Government for sponsoring ten students to undertake masters' degree courses in nuclear science at their respective institutions. I would also urge the Kenyan Government to follow suit. If Korea has sponsored ten, let the Government also empower and sponsor about 20 Kenyan students, who can go and learn about the nuclear studies accordingly and come back and disseminate the knowledge and put it into practice. That way, we shall own it and there will be continuity. New ideas will also come up.

Madam Temporary Speaker, looking at the report, the recommendation that there be a nuclear power programme is very welcome. However, we should take all the precautions because we know and have learnt that there is a side that can be very dangerous. The dangerous effect can take more than a decade. As we put up the nuclear plants, I would urge the Government to ensure that the plants are put up as far away from residential areas as possible. This will avoid calamities and ensure that human life which is paramount to Kenyans is safeguarded.

Madam Temporary Speaker, it is not enough to go and study outside the country. The Government of Kenya should ensure that locally, we have enough institutions that can give knowledge and education on nuclear science and technology. So far, and I stand to be corrected, I only know of one, which is the Institute of Nuclear Science and Technology, which falls under the University of Nairobi. With devolution, we should consider devolving learning institutions down to the counties. This way, we are sure that more Kenyans will be able to access technology and own it down at the grassroots and come up with all the information they can get and God willing, without even the Millennium Development Goals, (MDGs,) Kenya can be one of the future super powers.

Madam Temporary Speaker, that is all I wish to say. I thank the Mover. I beg to support.

Sen. (Prof.) Lonyangapuo: I thank you, Madam Temporary Speaker, for giving me this opportunity to contribute to this Motion of the Standing Committee on Energy, Roads and Transportation regarding the findings and recommendations of their visit to South Korea. Visits of such kinds are very important. They allow us an opportunity to learn from one another. Choosing to visit South Korea and some other Asian tiger countries that were at par with us at independence is quite encouraging.

From the report that was distributed, this is a story that anybody can begin if we chose to. From the report, they talk of an economic miracle, which was deliberate. They also talk of another miracle which they call the hand river miracle. When I read about what happened in Korea, there was a time in the 1970s and 1980s when out of the war, they had with their neighbours in the north, many people became Christians. No wonder they talk about miracles. At one time, because of the collapse of the economy, anybody with long hair was asked to shave it and submit it as a gift. The hair was eventually sold and a lot of money was raised. This was a deliberate and dedicated team of people who wanted to build their broken country to where it is today.

The challenge that we have in Kenya is that we are a nation that is excellent in producing reports, this one being one of them. I am not surprised if this one finds its way in the archives of our universities or in the Ministry of Energy and Petroleum where the distinguished Senator for Meru County was once a Minister for a long time. The Koreans called people from the West and learnt and took over from there, sending their young brilliant people from the entire country. Today, in our version, we could send brilliant people from our counties, dedicated to some of the top universities in the world where practical experience is supposed to be learnt. Funding was deliberately given to local universities by their Government to support science and technology. If we look at the money that was given to our local universities, public universities have been given very

little money for research. In the developed world, the level which Korea has reached, even private universities are given money so long as they have a laboratory and the people that can add value.

Madam Temporary Speaker, while we are saying that we need to adopt this Motion, it is brilliant, I have no problem supporting the Motion. In South Korea, there was once a Minister as powerful as Kiraitu Murungi. At that time, he was called Hahn. He came up with phenomenal success and it was named after him; the “Hahn Miracle”. It talks about four things which are not peculiar here in Kenya. One is the eagerness of young engineers for new technology. Do we have that type of appetite here in Kenya where we entice our children? Two, is devotion and passion for education. This is mandatory even when you are going to pray at 3.00 a.m. Today, there are people who just walk to class waiting for lecture time to end. Nobody is dedicated yet we want to compare ourselves with other developed countries. Three, is strong political leadership and finally, four, national need for energy security.

Madam Temporary Speaker, we have three avenues for our sources of energy. We have hydro, which we have entertained for a long time; at 1,250 megawatts, we have not grown. Secondly, we have geothermal, which is now the in-thing in Kenya. Sen. Murungi will tell you that we have a potential of between 5,000 to 10,000 megawatts asleep at the Rift Valley, and we want to move to the direction which I am supporting, that we bring the ideas of nuclear energy yet we remember the Sinai Disaster which happened here in Nairobi. We know we have not been able to deal with disasters. We need to deal with what we have first.

We have a lot of potential for solar energy. Do we have any solar generating plant? Have we harnessed solar energy in Turkana County and other parts of North Eastern Kenya so that we can feed this to the national grid? I do not know if Sen. Murungi can tell us whether there is any private investor that has generated solar power and fed it to the national grid. I do not know if we have taken that direction yet in the USA, they do it.

Sen. Murungi: On a point of information, Madam Temporary Speaker.

The Temporary Speaker (Sen. Ongoro): Do you wish to be informed?

Sen. (Prof.) Lonyangapuo: Agreed, Madam Temporary Speaker.

Sen. Murungi: Madam Temporary Speaker, I would like to inform the Senator for West Pokot County that, indeed, over the years, it has not been possible to convert the enormous potential of solar power in the country into reality because solar technology was very expensive. But the news we have now is that the cost of solar technology has come down. Right now, the Ministry has introduced a feed-in tariff for solar power projects for the grid. They come in units of 40 megawatts. So, any investors who can produce up to 40 megawatts of electricity can apply to the Ministry for power purchase agreements and put up solar power plants.

Madam Temporary Speaker, the only challenge that there is, wind blows best at night. Wind power is more available at night because wind speeds and reliability are better especially at midnight. Solar power is available during day and not at night. So, if you combine wind and solar, then we will have power during the day and also at night. I

would like to encourage as many Kenyans as possible to look into possibilities of solar power, which is really the greatest African resource for power generation.

Sen. (Prof.) Lonyangapuo: Madam Temporary Speaker, I am sure we have all heard from the Senator that we have a lot of potential compared to other areas yet the technology for solar comes from where there is no sunlight. We could have sent our engineers, young brilliant Kenyans to go and learn. We could put aside money, as appropriately as possible, for counties such as Isiolo, Marsabit, Turkana, West Pokot and many *Ukambani* counties where there is sun shine from dawn to dusk. We could harvest this energy. Around Lake Turkana, we could take advantage of the winds for wind power. The same applies to the hills of West Pokot and Mt. Kenya where we could harness wind power.

As we get reports from the committees, such as this one, where we are hearing what people did, we should be able to translate the same and say: “Can we harness these ideas, some used in the nuclear projects, and translate them to the use for solar energy, which is available in this country?” We could also further harness wind, hydro and geothermal power generation.

Madam Temporary Speaker, what is lacking in Kenya and we must face this head on, is that in Vision 2030, we talk of three pillars; the social, economic and political pillars. The political pillar in this country is messing up all the other pillars. If we have to move on, then we must have a Kenyan version of the Lee Kwan Yew vision. We have a situation where, in the African context, we want to ask; what does the leader say? Even when we go to the villages, that is why we talked about *wazee wa mtaa* the other day. People want to listen to what the leader has said. That is the African way of doing things.

Madam Temporary Speaker, we have come up with very interesting versions of running our ideas. For example, for a head of a department to move to any direction, he has to consult a body called the Public Procurement Oversight Authority (PPOA), which has a lot of challenges. For example, I do not know how we are going to deal with the issue that was a success story for the Jubilee Government during the campaigns. It was a very simple thing; that all Class One children next year must have a laptop. But we heard in the newspaper the other day that we are running into problems with the project now, because the people who did not have a passion for it are the ones running it.

When it comes to the usual process of how things are sourced, this needs affirmative action. For example, the top leadership that brought the idea could engage directly with the manufacturers. This is allowed by law; where you tell them that you want A, B, C and D done because this is a Government agenda. You do not have to call “simple” people in the office and tell them what has happened. We have a culture here which is deadly, where people want to use the law to defeat the procedure. They call it “what is in it for me?”

Madam Temporary Speaker, when I read about this, there is a person called Han who was in charge of an international nuclear graduate school and coined a terminology called the Han River Miracle, where he said: “The following is law.” Here, we do not have that. We have to go out of the way to almost please everybody, including other people like the civil society, who are not even in the Government. Those people are

supposed to support what has come. They can criticize but we should not bend to the extent that we normally see things moving.

What is happening in our universities today? Between 100,000 and 200,000 students graduate from our colleges and universities every year. But which courses are selling like hot cake? They are the ones that can enable the graduate to get a job. Everybody is going for degree programmes where you can get a job, but do not apply your technology. What have we done about the engineering courses? When my daughter was going to do civil engineering, I asked the University of Nairobi how many students they take and I was told that they take 30 privately sponsored students per year and another 30 students that are subsidized by the Government. All of them must have Mean Grade A. When will we develop if we are admitting only 60 students per year? When you ask about that, you are told that, that is what the Government can fund. What about physics, chemical engineering and the nuclear engineering that we are talking about here?

Madam Temporary Speaker, the Senate, therefore, needs to pronounce itself as we discuss this Report. Are we ready to go this direction? There is the National Council for Science and Technology (NCST). How much funding do we give them? In fact, Sen. Obure is here and he was the Minister for Public Works when they were being assisted last year to build the first office where they can move in. They were given Kshs150 million and it required Kshs600 million. Now I hear that the project stalled. If we cannot build even laboratories in such a big institution, then what are we saying?

Madam Temporary Speaker, we also have the Kenya Industrial Research and Development Institute (KIRDI). The only brilliant institution that we set up in the 1960s, at the time when Korea was developing, is very tired now. The buildings are there but there is no funding. This tells us that we are a people who talk much. In fact they say that we are “NATO”, that is “No Action Talk Only.” Those are Kenyans and I am one of them now that I am speaking here. We need to be really bold enough. We want to see which Ministry has come up with something innovative. We fear and say that we will be caught if our signatures are found on something. So, you consult for several months---

Sen. Karaba: On a point of information, Madam Temporary Speaker.

Sen. (Prof.) Lonyangapuo: I accept, Madam Temporary Speaker.

Sen. Karaba: Madam Temporary Speaker, the Professor is trying to impute the wrong connotation of the meaning of NATO. I would like to inform him that the NATO convention means Northern Atlantic Treaty Organization.

Sen. (Prof.) Lonyangapuo: Madam Temporary Speaker, my colleague, the Senator for Kirinyaga needs to know that an abbreviation for anything that you may want can actually collapse into thousands of meanings. I want to inform him that in the context that I am talking about, NATO is “No Action Talk Only.”

Madam Temporary Speaker, the moment that we will sit down as a nation, build our people and choose the right direction, we will be able to deliver. Even when we talk about farming, what are we doing? Our economy heavily depends on rain-fed agriculture, but we have not come up with new technologies. If you go to some of our supermarkets, you will get powder milk which comes from Egypt and New Zealand. They come through the Port of Mombasa and the Kenya Bureau of Standards knows about this. But

there is no dry milk that is produced in Kenya, yet we are consumers of the same. We are capable of producing dry milk if we could invest in the same.

Madam Temporary Speaker, we need as many of these reports as possible, but we also need to know where our problem lies. Our problem lies in our ability to choose and listen to the leaders. The Senators were talking about having fora in their counties, where the leadership of the entire county will choose to move in a particular direction, so that it is not only one person running the show. We need to face one direction and decide.

Madam Temporary Speaker, two years ago, we had the privilege of going to Singapore as a high-power delegation led by the then Prime Minister. It was a big delegation. When we reached the airport, they said: "The Kenyan delegation, as usual." I was with my Minister then, Sen. Obure, and when we asked what the problem was, we were told: "There is even another delegation of Kenyans roaming around Singapore now." Now they have banned Kenyans from visiting Singapore, unless you pay. That is why they gave us somebody who was attached here in Kenya and was working under the former Office of the Prime Minister, to advise Kenyans. I do not know whether or not the fellow is still around, because nothing has moved. I have not heard about the National Social Council since the Jubilee Government took over. Do they still exist? Those are the people who were supposed to propel us in this direction. So, as we go listening and benchmarking, we need to go to our archives and remove all the documents that we have, and move on from there. We can start small but move to implement them.

Madam Temporary Speaker, I support this Motion.

The Temporary Speaker (Sen. Ongoro): There being no other further interests in contribution, I now call upon the Mover to reply.

Sen. Obure: Madam Temporary Speaker, I want to reply on behalf of our very able Chairman, Sen. Gideon Moi, who is the Chairman of the Committee on Energy, Roads and Transportation.

Madam Temporary Speaker, first, I want to thank the Members for the interest that they have shown in this subject. Particularly, I thank them for appreciating the urgent need to enhance our electric power generating capacity. I am extremely touched by the vigour and enthusiasm that Members have shown in this subject. I am sure that the excellent views which have been put forward will enrich the Report considerably.

Madam Temporary Speaker, I want to take this opportunity, in particular, to thank Members of the Committee for compiling this Report. I also want to thank the Government of the Republic of South Korea for making it possible for the Kenyan delegation to visit their country and conducting Members of our delegation around their installations and facilities.

Madam Temporary Speaker, we have seen the impact in the energy sector of South Korea, and significantly so the impact and contribution which nuclear plants have made to the economy of South Korea. We have also seen that South Korea is prepared to work with us and, therefore, I want to urge that we make use of the experience that the Koreans have so that we are not compelled to reinvent the wheel ourselves; we should take advantage of that experience.

Madam Temporary Speaker, we have been warned, in fact, by the very able Senator for Meru, Sen. Kiraitu – who has himself become an authority in this sector – he has asked us to beware that there are those who are going to come round to discourage us; there are those who would not want to see us pursue this cause of the nuclear programme in particular and they will tell us how dangerous nuclear power is, what amount of devastation it is going to cause to our environment and so on, and so forth. But Sen. Kiraitu has also told us rightly that even as they come here, their own countries and governments are busy expanding their nuclear capacity and technologies, yet they come here to discourage us from pursuing it!

Madam Temporary Speaker, we have also been told that it is not going to be easy, going forward, particularly in terms of initiating this programme because it will require leadership and commitment. So, we are saying, as the leadership, that as a people, we should understand the benefits that we are likely to derive from expanding our electric power generating capacity and the contributions that we are likely to get from the nuclear programme in particular. Therefore, I want to urge hon. Senators, Kenyans at large and all the institutions that will be connected with this programme to support this initiative.

Madam Temporary Speaker, the hon. Senator for West Pokot has pointed out that a lot of the recommendations which have been made in the past feasibility studies and all that end up in the shelves of Government offices and in the archives. I am hoping that this report will not be one of those which will end up in those shelves in Government offices or in the archives. But, rather, I would request that it be seriously implemented so that Kenyans at large can benefit from this programme.

Finally, Madam Temporary Speaker, I want to urge Members of this Senate to support this Report and the recommendations which have been made therein, because they are useful and they will be beneficial to the country as a whole.

Madam Temporary Speaker, I beg to move.

(Several Senators stood up in their places)

The Temporary Speaker (Sen. Ongoro): Order, Senators! Debate is over on this Motion.

This Motion does not affect counties and, therefore, I will proceed to put the question.

(Question put and agreed to)

(Applause)

Next Order!

Order Senators! I am informed that debate that was to be resumed on Motions No.8, 9 and 10 was suspended. I now direct that we go back to those Motions at Order Nos.8, 9 and 10.

Proceed, Sen. (Dr.) Kuti.

ADOPTION OF REPORT OF DEVOLUTION/LEGAL
AFFAIRS COMMITTEES ON JOINT COUNTY VISITS
TO MOMBASA AND KILIFI

THAT, the Senate adopts the report of the Sessional Committee on Devolved Government and Standing Committee on Legal Affairs and Human Rights on the joint county visits to Mombasa and Kilifi counties laid on the Table of the House on Thursday, 10th October, 2013.

(Sen. Sang on 16.10.2013)

*(Resumption of Debate interrupted on
Wednesday, 16.10.2013– Afternoon sitting)*

Sen. (Dr.) Kuti: Madam Temporary Speaker, pursuant to Standing Order No. 51(3), I beg that this Motion be deferred to the next sitting because of numbers.

The Temporary Speaker (Sen. Ongoro): Well, all these Motions affect counties and we do not seem to have the numbers. So, I order that we put the questions tomorrow in the afternoon.

(Applause)

(Putting of the Question on the Motion deferred)

Were you speaking for all the Motions?

Sen. (Dr.) Kuti: Yes, Motions No.8, 9 and 10.

The Temporary Speaker (Sen. Ongoro): Therefore, Motions Nos.8, 9 and 10 are all deferred to tomorrow in the afternoon sitting.

ADOPTION OF REPORT ON VISIT TO LEVEL
FIVE HOSPITALS IN UASIN GISHU,
ELGEYO MARAKWET AND NANDI COUNTIES

THAT, the Senate adopts the Report of the Standing Committee on Health, Labour and Social Welfare on the visits to levels 4 and 5 hospitals in Uasin Gishu, Elgeyo Marakwet and Nandi counties laid on the Table of the Senate on Tuesday, 15th October, 2013.

(Sen. (Dr.) Kuti on 17.10.2013)

(Resumption of debate interrupted on 22.10. 2013)

(Motion deferred)

BILL

(Second Reading)

THE COUNTY GOVERNMENTS PUBLIC FINANCE MANAGEMENT TRANSITION
(AMENDMENT) BILL, 2013

(Sen. Billow on 29.10.2013)

(Bill deferred)

The Temporary Speaker (Sen. Ongoro): Next Order.

MOTION

ADOPTION OF REPORT ON VISITS TO LAIKIPIA,
NYERI, KIRINYAGA, KISII, NYAMIRA, KISUMU,
KAKAMEGA AND VIHIGA COUNTIES

Sen. Gwendu: Thank you, Madam Temporary Speaker. I beg to move:-

THAT, the Senate adopts the Report of the Standing Committee on Education, Information and Technology on the visits to Kisii, Nyamira, Kisumu, Kakamega and Vihiga counties laid on the Table of the House on Thursday, 17th October, 2013.

Madam Temporary Speaker, I will, first of all, start by giving a brief of the objectives of our visits. Normally, in our Committee, we call these visits ‘CONE,’ meaning County Oversight and Networking Engagements. I ask for permission to refer to the report in order to give you the objectives of our visits.

(i) To identify salient issues that promote and hinder the implementation of devolved functions in education and Information, Communication and Technology (ICT) sectors in the counties.

(ii) To find out the county priority areas in education and ICT sectors.

(iii) To gain insights on the experiences of the county take-off in the education and

(iv) ICT sectors, including the required financial resources that would guarantee equitable development of the infrastructure of the two sectors; that is education and ICT.

(v) To build networks for working in the counties in developing policy and legislation on Early Childhood Development (ECD) and education; and youth polytechnics subsectors in the counties; and, lastly,

(vi) To assess the progress made in the infrastructural development on ICT connectivity in all the counties.

Madam Temporary Speaker, our first visit was to Nyamira County, where we visited a polytechnic called--- I am sorry; the Kisii name was difficult.

The Temporary Speaker (Sen. Ongoro): It is not a Kisii name; it is a name in the nation of Kenya.

Sen. Gwendu: We visited Matongo Polytechnic, where we found a few issues here and there. The positive thing is that the polytechnic has 604 students, and it is still supported by the church and the community there. One challenge we found in this polytechnic is that the students have to take exams away from the school because of lack of proper planning and infrastructure; and also lack of financial support. The chairman of the school informed the committee that they have not been receiving enough funds from the national Government and, thus, they are not able to employ enough teachers. Some teachers are employed by the board of governors while a few are employed by the national Government. So, this was hindering the development of the school.

Also, the students were having problems registering in this school as they have a problem with the name. Commonly, polytechnics are known as village polytechnics, so they have this attitude of "I am learning in the village; I went to school in Matongo Primary School, Matongo Secondary School and then I am going to Matongo Polytechnic." But in this case, we are in the process of trying to encourage counties to change the names of these institutions and also to create awareness amongst the students so that they can have the right attitude to go to these polytechnics.

Madam Temporary Speaker, we also visited Chisaria Primary School – which is an ECD institution – and also Ikonge Primary School. The common problem we found in these ECD centres is that the children go for a long time without food, which is a common problem not only in Nyamira County, but in also other counties. The ECD teachers lack proper training and, another thing, they are also very few. So, the community has to pay for the teachers whereby when you bring your child to the ECD centre and then you are forced to either pay Kshs20 or Kshs50 so that your child is taught.

Madam Temporary Speaker, from Nyamira County, we went to Kisii County where we visited a polytechnic and an ECD centre. The problems we found in these two counties tended to be the same; the problem of feeding the ECD children and also lack of teachers with proper training. Another thing we noticed in Kisii was that the children were being taught in their mother tongue. The Committee recommended that we sort out the problem of curriculum so that it is standardized all over the country. This way, we will know that the child in Kisii County should be taught either in English, Kiswahili or proper languages that will then develop them to be at the same level with a child going to Cavina School, because at some point, they are going to compete in the same examination at some level.

Madam Temporary Speaker, we then visited Kisumu County where we went to Ayawa Primary, an ECD centre in the school. We also went to Dr. Logumbi High School, where we attended a prize giving day and we awarded top students, both boys

and girls. The problem in Kisumu County was a bit different. There were proper ECD centres, but in a class of 50 children, they only have 20 chairs. The school was sponsored by an organization in the county. Then, again, we realized that most of these ECD centres are either supported by the community or other organizations, but very few are Government supported.

From there, we went to visit the governor. At least he has tried to sort out the problem about ECD feeding, and we were trying to encourage all other counties to emulate this county; to have a farm in the school where they can grow food to assist in feeding the children. We also recommended in other counties that if you are able to take your child to this school in the morning without feeding them, what if they were at home? You would have fed them; so, we were encouraging the teachers to encourage the parents to carry something for their children, like give a *gorogoro* of---

The Temporary Speaker (Sen. Ongoro): Order, Sen. Gwendo! What is that word *gorogoro*? You are making your contribution in English and you have to be persistent in that.

Sen. Gwendo: I apologize, Madam Temporary Speaker. It is a tin of flour. If five students bring five tins of unga, this can feed many other students because if this child was at home, he or she would not have gone hungry.

Madam Temporary Speaker, after visiting Kisumu County, we went to Kakamega County. While there, there is one wonderful thing that we found; we went to Sigalagala Polytechnic and we were wishing that all the other polytechnics would be like this polytechnic. We were taken around and this polytechnic is on a huge piece of land. They train in masonry, electrical engineering and all manner of things. One problem though is that the area where Sigalagala Polytechnic is located was a gold mine. Polytechnics should specialise in something that is unique to the county; something that will benefit the county and students.

That would encourage students to attend school. Sigalagala is in Ikolomani Constituency. Correct me if I am wrong, the name "ikolomani" means gold mine. Is that so?

(Hon. Senators nodded)

We should introduce courses in polytechnics that are unique to our counties and encourage students to take up the courses. Sigalagala is a good example of a polytechnic that all other polytechnics should visit.

Finally, I will now move on to the committee's findings and conclusion. With regard to the curriculum, the committee is in the process of working with the Committee of Curriculum Development so that each county gets a standardised curriculum for Early Childhood Development (ECD) programme. We should not have different subjects being taught in different counties. In some counties that we visited, a child as young as two years goes to school from 8.00 am to 3.00 pm. If we had a standardised curriculum, then we would have particular times that these children can go to school.

The committee proposed that the Kisumu model should be emulated by other counties where schools have their own farms and grow their own foods to feed children. When there is a school feeding programme, children tend to attend school in larger numbers. With regard to the ECD teachers, we realised that most of them are either not well trained or are not paid well. The committee is also pushing for better pay for the ECD teachers who set the foundation for our children. We are trying to sort this out between the Teachers Service Commission (TSC) and the counties.

In my opinion, the ECD is something that was devolved a long time ago. Communities have been taking care of children for a long time. They have been employing teachers through the Board of Governors (BOG) and have been organising the payment for teachers. We should come up with a solution that would cater for these teachers.

We also dealt with the best classroom model. When you visit classrooms for class one up to class eight pupils, you will see that they are very good. However, children under the ECD programme are most of the time in tattered clothes and the classrooms are dirty. We are encouraging counties to develop the best programme. Children in the ECD centres should have the best classrooms because this is the foundation of learning. This is where a child forms his or her basis of learning. We also found out that most educational institutions lacked provision for the physically handicapped. We are recommending that each and every county should look into that. Children want to attend school at a place where they are welcomed.

With regard to recommendations by the committee, we are suggesting to have the words “village polytechnic” removed. Each county should have a unique name that they can call a polytechnic so that the whole idea and mindset is changed. Somebody should not be left feeling that they went to a village school. That would encourage students to go to the polytechnics. In most countries, polytechnics build the basis of any country’s economic development. When students go to polytechnics and learn how to make tables, then we would not import the items. We need to look at measures that can encourage students to attend polytechnics.

We have recommended that the Kenya Institute of Curriculum Development should fast track the standardisation of the curriculum because they are the ones in charge.

I would like to move and to request Sen. Daisy to second.

Sen. Kanainza: Thank you, Madam Temporary Speaker, for giving me an opportunity to second the Motion before the House by the Committee on Education, Information and Technology.

We covered the education bit and the ICT. As we went round the counties, we saw the level of ICT connectivity and the use of the Integrated Finance Management Information System (IFMIS) and the fibre optic installations.

I will start with what we encountered when we visited the counties. I will start with the ECD. We noticed that there was a big gap in the ECD structures. In some places, ECDs are referred to as nursery schools. They are managed by the society, churches and even individuals. We realised, in the institutions that we visited that the school feeding

programme is a big challenge. In some places, children stay in school up to very late hours without taking anything. That is why we recommended that the school feeding programme be a responsibility of the community and not even the Government.

The other thing is about recruitment and employment of teachers. In Kisii County, teachers are employed by the county government. This is the same thing we saw in Vihiga and Kakamega counties. They have structures to have teachers in place who can teach these children. However, there was a challenge with the TSC. Now that this is a devolved function, they want to take up the responsibility. The county governments were not very comfortable with that.

The other one was about the curriculum. There is no standardised curriculum for teachers to use. With regard to infrastructure, we did not see any good playgrounds. We know that these children are not just supposed to stay in class. They also need to play because that is part of growth.

In Kisii County, there is a school we visited where ECD stage one, nursery and the pre-unit children were sharing the same classroom. They were kept in different corners. I do not know how the ECD and nursery children would concentrate when two teachers are teaching at different corners. The teaching material was not also sufficient to allow learning to take place.

With regard to polytechnics, it was very important for county governments to rebrand polytechnics so as to improve attitudes of learners. Learners tend to think that going to village polytechnics can only give them poor quality of education. In Kisumu County, it was felt that we could have marine courses since we have the lake there.

In Kakamega County, we had two well equipped polytechnics. We visited Sigalagala and Shiamberere polytechnics. The problem we have with these institutions is that the names of the institutions hamper learners from enrolling. The other challenge that the institutions are facing is the training grants. There is a grant that comes from the national government. I believe the minimum is Kshs15,000. To some extent, it does not get to the school at the right time and learners are not willing to pay additional fees because they know that the national Government is supporting them.

Another issue is about policy. We do not have clear policies to govern these institutions. The number of trainers in these institutions is also a challenge and that is why we are supporting county governments to take up these responsibilities. There is also the issue of unique courses which are relevant or fit to a certain environment rather than duplicating the courses. We should allow the polytechnics to choose what they want to teach.

In the overview, we saw that county governments are ready to champion the education sector. That is why they are working with the stakeholders of education. It is the role of county governments to enhance education. It was also their view that primary and secondary schools infrastructure which has not yet been devolved should be left to the county governments so that they take care of the education sector as whole.

Among the recommendations, I will refer to what we had captured in the paper. The Ministry for Information, Communication and Technology should prioritise the development of information, communication and technology infrastructure in all

counties, especially in all institutions of learning. In some places we visited like Sigalagala, there was an IT department. This kind of infrastructure was also in Mombasa. As we appreciate moving into a digital Government, our learning institutions should also appreciate that.

County governments should also have a clear framework for mainstreaming the needs of the physically challenged in the education sector reforms. This was an important element of the integrated education system and a crucial pillar in the attainment of Vision 2030 and the Millennium Development Goals (MDGs).

In one of our meetings, a Member of the County Assembly of Bungoma told us that there was a pre-school in Bungoma County that had smaller size pit latrines which were only meant for children. It is important for us to also cater for the physically challenged people.

Madam Temporary Speaker, another point is that ECD and education curriculum should be standardised in all counties. It is the role of the Senate to deal with the allocation of revenue from the national Government to the counties. I know as the Senate we will be able to play a role so that we ensure that the department of education at the county level is well facilitated. I urge all the Senators to support this Motion. We have circulated it in both soft and hard copies. I believe we have all gone through it.

I second.

(Question proposed)

Sen. Hassan: Madam Temporary Speaker, I support the adoption of this report by this House. I will not necessarily talk directly to the report, but broadly on the intentions of the report. I think this country needs to review its philosophy on education. The philosophy on education has been used to generate a certain level of literates so that they can take up certain functions in established institutions, be it in the Government or the private sector. I think our philosophy on education has not evolved sufficiently. It is only through education that we will be able to steer this country to industrialization. When we talk about professionalism, all you need to do is to become an engineer and learn to maintain what Bill Gates or Steve Jobs invented. I think this country needs to create a legacy of innovators. Our philosophy on education must be reviewed in respect of the current challenges that we are facing.

Every engineer wants to graduate because they want a job and not because they want to improve the field of engineering. We are blessed because we have some of the best educationists seated in this House. My former Vice Chancellor and Principal of Chepkoilel Campus, Sen. (Prof.) Lonyangapuo is here. Another lecturer from the same esteemed university, Sen. (Prof.) Lesan is here, Sen. Karaba who is a distinguished educationist is here and a host of others. We have a distinguished cadre of intellectual elites in this country in this House. What is required of us is now to use the shifting paradigms of education to be able to spur national development and growth. It is not enough to be trained as a lawyer, but it is what we need as innovators. It is not enough to be trained as a doctor, we need people trained in medical engineering who can advance

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the cause of medicine in this country and a whole spectrum of other professions that this country needs to proclaim itself on.

Madam Temporary Speaker, this report has tried to touch on some of the more salient challenges in this country. One of the things that we must acknowledge is that education is a fundamental right. It is neither discretion nor a prerogative, it is a fundamental right. It is only through education that this nation will bridge the gap of inequalities that we see. I remember if you read broadly the civil rights movement in the United States of America; there is talk about equality through education. Even the first African American President, Barrack Obama, whose parentage borrows heavily from Kenya, is there not because of the major resources that he enjoyed or the privileged position that he hailed from, but because he was able to distinguish himself as a scholar and his ideas stood ahead of everybody else. That notwithstanding, he is very eloquent as a speaker. That said and done, those of us who have read about him know that he was a distinguished scholar in Harvard and other schools of high distinction across the world.

Therefore, education must be our next challenge for this country. If you look at some of us, these opportunities that we have been accorded to sit in the Senate stem largely from the fact that we got an opportunity to get an education. I also believe of the same for some of the young people. What else do we have to bring to the Senate apart from the fact that we acquired an education and we were able to compete with people across the spectrum?

Madam Temporary Speaker, this is the kind of legacy we must leave for this country. We must promote equality through education. There were times when you heard about Mombasa and persistent complaints by the people of Mombasa with respect to unemployment because of literacy levels. When engineers were needed to be employed at the Kenya Ports Authority (KPA), none could be found from the local communities. You need all kinds of expertise which we do not have. Today we can talk about Turkana which has been endowed with certain natural resources. I think God is talking to us that he wants people of Turkana to be the frontiers or the principle avenues of this development.

It is impossible and impractical for anybody to purport that this is national wealth because it must also have local advantage. You can, therefore, not prejudice the people of Turkana County just because they are a rural county who do not have that kind of expertise. I am sure that applies to all the counties. Today if we were to industrialize West Pokot, you would be told that apart from Sen. (Prof.) Lonyangapuo, you cannot count any other professors. This applies to many other places across the country. Therefore, unless we are able to generate a cadre of educated Kenyans, we will never achieve the ideal of equality in this country.

This report has spoken about marginalized communities who need to start school feeding programmes to facilitate the stay of learners in school. This is not a favour; this is a matter of right. You do not educate your country because you think you are doing it a favour, you educate your country because it is a matter of need and right. Therefore, I think we have an obligation as the Senate to ensure that we send the right signals from the word go within this current arrangement on devolution. We intend to support

education in all its stages. If you are not able to create the right kind of psyche and capacity when people are young and willing to learn, especially at the advent of early childhood, then it might be very difficult in the long run to ensure that these individuals acquire quality education.

Therefore, we must start to invest at the right time. For example, we are told that about one million students sit for the Kenya Certificate of Primary Education (KCPE) examinations every year, but only about 100,000 join secondary schools. About 100,000 students finish the Kenya School Certificate of Secondary Education (KCSE) every year and only about 10,000 are able to join institutions of higher learning or universities. Where do the rest of these youngsters go? I think if this country does not start a programme of education and innovation, a programme that broadly cultivates economic growth to absorb these young people, we are creating a social crisis which will be very difficult for us to bear in the long run.

Madam Temporary Speaker, only a few of us pay taxes in this country. The people who are within the income tax bracket are extremely minimal. I know that many Kenyans are taxed indirectly through, for example, Value Added Tax (VAT) and many other ways, but those who directly pay taxes are so few. Therefore, it is only a few of us who have to support an entire country. If we have a vision of moving to a social welfare State, then it is incumbent that we try to generate the right atmosphere so that everybody in this country can afford an opportunity, not only in education but also in life so that they can be productive to their country. For those who lack this kind of capacity are not lucky enough to be able to get that opportunity to education and other opportunities in life, then the State must intervene to ensure that that person is afforded some decency and dignity in his or her life.

Last time when I was in Mombasa, there was a conference of teachers which was attended by His Excellency the President, the Cabinet Secretary for Education, the current Governor of Mombasa, and many others. When we sat with the President, I flagged one particular issue; that is, the right to education for persons with disability. This has been an extremely passionate agenda for many of us from the human rights fraternity. Many people have been denied opportunities in their lives because parents or societies have neglected persons with disabilities. This has happened so much. I was in an institution where just at the highest composition of the nine commissioners who sat in that institution, two of them were persons living with disabilities; Dr. Tororei and Mr. Lawrence Mute and even some of our heads of departments were persons living with visual disabilities. Therefore, we must devise programmes that do not leave this people out.

Madam Temporary Speaker, I have a cousin who is a lecturer at Kenyatta University who was born with visual disability. Families must learn to take responsibility for educating all their children, but it is an extremely costly affair when they are relegated to poverty and they are disabled. You can almost be sure that if the State does not intervene, those persons will be destitute. Therefore, this country must start to take its responsibility. That is why I keep on saying that the human rights agenda is a developmental agenda. Many people think that it is an activism agenda. Activism as a

human rights agenda is an on-going process, but the Bill of Rights has anchored the massive rights that we have today in this country as a constitutional duty and obligation of every State. We, as the Senate, are charged with that obligation. If you look at it critically, most of these functions around basic rights, for example, the right to education under Article 43, the right to food, water and healthcare are functions of the county governments. Therefore, if the Senate cannot discharge its responsibility, then we can be sure that we will prejudice generations to come.

I want to commend this Committee because I see light at the end of the tunnel. I can promise you, particularly those of us who come from what has been historically referred to marginalized areas like Marsabit, Bomet, West Pokot, Laikipia and many others, that unless we educate our society they will not be able to live up to the challenges of devolution. This is because devolution needs the expertise with very good idea to deliver. What sustains modern societies is the generation of ideas. In this country, there was a time when dictatorships forestalled the creativity of our nation. At this juncture, in our statehood, we have an opportunity to be extremely creative.

Madam Temporary Speaker, I have seen some of our colleagues, including one of the professors, who is lately hitting Hollywood. Where is Sen. (Prof.) Anyang'-Nyong'o? Is he in Hollywood? Sorry, it is the daughter who is in Hollywood. He is in Boston, Harvard.

(Laughter)

He has gone also to study. There is no end to learning. Can you imagine Sen. (Prof.) Anyang'-Nyong'o taking two months off to go and write something? I can tell you Sen. (Prof.) Lonyangapuo and Sen. (Prof.) Lesan will do the same. This also includes every other person who has the title of professor. But what they need to pose is a challenge to the universities of this country. They have not taken leadership in the country's development. If you visit any country that has developed, universities are at the centre of that development. Last week but one, the Committee on Devolved Government visited New York. We visited a university institution that has decided to have a school that simply focuses on governance. But if you see the Kenyan university structure, it is absent from the innovation and leadership it must deliver to this country. Therefore, universities must be positioned. Until and unless Nairobi University, Moi University, Jomo Kenyatta University of Science and Technology (JKUAT), Kenyatta University and all these other universities that exist are positioned in leadership, so that we know that university dons can contribute their ideas practically to the evolution of our governance, nation and science, we will not be able to meet the desires of development and leadership in Africa. We need to start there.

Reasonably, we have almost conquered the Eastern African region. Kenya is far ahead in that domain. We export human resource. But it is time that we are able, through intellectualism, generation of ideas, research and innovation to capture the imagination of Africa so that everybody refers to Kenya as the citadel of learning, a reference point for Africa and its renaissance.

Madam Temporary Speaker, I will end at that point. I have spoken on education when some of the dons of education are here. I feel a bit disrespectful in that regard. But the nature of this House---

(Several hon. Senators stood up in their places)

The Temporary Speaker (Sen. Ongoro): Hon. Senators, you are out of order! You cannot be up standing when another Senator is still contributing.

Sen. Hassan: Madam Temporary Speaker, the nature of this House is for us to contribute on this equal platform.

I beg to support.

Sen. Omondi: Thank you, Madam Temporary Speaker, for allowing me to support the Motion and contribute towards the same. I have a few issues to put across. I thank the Committee for the effort and for this detailed report about their visit to different counties. I wish to put a correction about the physically challenged persons in the society. It does not sound good because it is eliminating other types of disabilities, more than five of them, other unknown or invisible disabilities. The best words to use are that the learning institutions should be disability-friendly. The facilities should be disability-friendly to accommodate all types of disabilities or learners with different abilities.

Madam Temporary Speaker, on the issue of polytechnics in our counties, we face a lot of challenges whereby admitting and retaining the users who are young people within the community is a challenge. We need to come up with a resolution or solution on this issue. How will we retain the users of these polytechnics? What are the problems that make the users not to use these polytechnics? We have a large number of village polytechnics. However, young people are not using them.

We, as a House, need to evaluate where the problem is. Each county has its own challenges or problems that can be addressed to retain the users in these learning institutions. I want to cite one polytechnic that could be used as the best practice among other polytechnics. This is Sigalagala Polytechnic. This is where learners with disability have managed to pursue their courses without difficulty. The polytechnic is accessible to persons with all types of disabilities.

I also want to comment about the youth within our communities who are affected and they do not value the use of polytechnics. If I may use an example from Kakamega County, where *boda boda* business or those who ride the *piki piki*, most young people engage in those businesses. They are creating a gap between those who attend school and those who go to polytechnics. You find that a large number of youth are not in learning institutions. This is a threat to our development. If we are not careful, such like behaviours, will, at the end of the day, become a threat to security within our counties. These young people lack sustainable businesses or engagements. At the end of the day, they are lured into businesses that are a threat to our security. We need to think of how to make sure that these young people are engaged in learning institutions.

Our youth polytechnics lack courses that are tailored to include people with disabilities. This is something that I have been pushing for. These polytechnics should be

friendly and have courses that can also engage people with disabilities. We may find that we have many youth polytechnics around, but youth with disabilities cannot benefit from this because the facility is not accessible or is not disability-friendly. The courses and the tutors may also not be friendly. You find that a section of young people within the society are not benefitting from what other people are benefiting from.

Madam Temporary Speaker, the issue of poverty, HIV/AIDs scourge and disability are like brothers. If one section of the community is not brought on board, whereby their challenges are addressed to build their capacity, where they are able to manage their life without a lot of dependence, poverty eradication will not be achieved. As it was rightly said by other Senators, education is the key to our economy. Within the Constitution and this is quoted in the Disability Act, it is stated that at least five per cent of employment opportunities must be reserved for people with disabilities. Without education, they cannot compete in the job market with other people.

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

Sen. (Prof.) Lesan: Thank you, Madam Temporary Speaker, for this opportunity you have given me to support the report from the Committee on Education, Information and Technology. I am a Member of this committee.

Before I make my contribution, it is unfortunate that my colleague, Sen. Omar Hasasn has already left, but he raised some points that I can highlight. He actually poured cold water on our education system and gave the impression that it is a system that has produced nobody. If you look at the intellectual property rights of this country, this is an education system that has, not only produced factory workers, but has also some intellectuals. I can give examples. The greatest researcher in the area of coffee diseases and new varieties that are resistant to diseases, and who is currently the head of the coffee foundation in the Caribbean is actually a Kenyan who went to school at Kagumo. There is just about to be a breakthrough in the production of malaria vaccine. At the moment, this is being done in South Africa. The head of that project is a young Kenyan girl from Bungoma County who went to school at Kenya High. There is also the tissue banana which has almost gotten rid of all the hunger in Nyeri and Murang'a counties. Mrs. Wambugu, who is a former student of Tumu Tumu Girls, is the one who created innovation on tissue banana.

Therefore, we cannot say that the education system in this country is just for producing workers. This is a system of education that has produced intellectuals. I do not know much about jurisprudence, the legal work, I wish Senator Omar was here to tell me, after him going through whatever education system, he went through, what new innovation in jurisprudence would, probably, have come forward from the legal field. Professor is here. I am sure he would fit into that category of the product of education in this country.

Madam Temporary Speaker, going back to the report, I want to commend the Committee for what they have done so far. The Committee has actually made a plan to tour all the 47 counties of this country. We have planned to do so, because we have realized that there are uniqueness in every of the counties. It is, therefore, important that we follow that programme and visit every county.

There are some similarities, of course, on some of the things we have found. Some of them are like the issue of the ECD. The ECD centres in all areas we have visited are physically placed away from the mainstream schools. This is a common phenomenon. They are not only placed away, but they have got the poorest facilities in any of the institutions that we have visited. We also saw that even the interaction between the nursery school children and the rest of the children in the school was distorted. There was no interaction. In fact, this spread to the teachers. There was hardly any interaction between the teachers who taught in nursery or ECD classes and the ones who taught in the main school. So, these are the observations and challenges that we saw. Obviously, we have said many times that there is no standard curriculum.

Madam Temporary Speaker, there were very few disabled individuals that we saw in the early stages of schooling. The few that we saw in the school gave me the impression that these are not the only disabled people. I think that families are hiding many disabled children who should, probably, be brought to school very early, especially when they are not able to walk to school on their own. We can start encouraging communities to bring their disabled children forward and, probably, be assisted in terms of education.

Madam Temporary Speaker, we tried to improve our report with photographs, but it is very unfortunate that the photographs that are there are those of Committee Members. I now know that it would have been better if these photographs were for the institutions which we visited. That would have made this report better than it is, at the moment. We will improve on that and make sure that we bring information home, when we visit these schools.

Madam Temporary Speaker, we have also had the opportunity to share the information that we have found with chairmen of education committees in the various assemblies throughout the country. We have also had occasion to share some of this information with education executives throughout the country in the two or three meetings that we have had in Naivasha and Mombasa. This is a very useful thing. As we continue to consolidate information, it is good that we start to share it, so that we can improve on the areas that we have identified as we go along.

Madam Temporary Speaker, I beg to support and urge the Senators to approve this report, so that it can make a record of what goes on in the country in matters of education, especially ECD and polytechnics, including ICT.

Sen. (Prof.) Lonyangapuo: Thank you, Madam Temporary Speaker, for giving me this opportunity to contribute to this Motion.

Madam Temporary Speaker, as my colleague who has spoken before me said, I am also one of the Members of the Standing Committee on Education, Information and Technology. We had the privilege of visiting four counties in Western Kenya. Our inaugural visit was in the central part of Kenya. We were able to identify salient issues. Under Schedule Four of the Constitution, the nursery schools and polytechnics have been fully devolved to the county governments, except maybe the curriculum and standardization of recruitment of teachers, where the national Government, through the TSC has a say in the recruitment of teachers.

Madam Temporary Speaker, it is a pity that when we visited some of the nursery schools, we found out that we have not paid much attention, as a national Government or country governments, to the basic foundation of our children. The only good news that we have had over the last 10 years, was the introduction of academies in Kenya where we pay good money. Therefore, a few parents in Kenya manage to take their children to schools. But we have not paid attention to the entry point of our children to nursery schools. How do they reach school and what do they learn? The one that we saw in Nyamira was a bit pathetic. In a majority of the nursery schools in the country, children sit on stones or improvised desks. They are exposed to a lot of dust. As a result of this, they become sick every now and then.

The other problem is that anybody can walk into those classes to teach those children. In the villages they just say: “Whoever reached Class Four or graduated from Class Eight should come and teach.” Those who failed in Form Four can also be asked to teach. After these children have been taught by every Tom, Dick and Harry, we wait for them to join Class One. We all know that the beginning or foundation is very important.

Madam Temporary Speaker, this Senate needs to pronounce itself and ask for serious direction. We need to put more resources and efforts at the entry point of any human being going to school, than even the university. This is because if we begin right from the foundation stone, we will not go wrong. Many countries have developed because of the way they introduce education to their children in nursery schools. The children are given all the tools that they require to play with and the environment is very conducive. In the top private nursery schools – they call them kindergarten – a child is even more secure and peaceful than at home. This is the type of policy that we need to anchor as we go to devolution.

Even as we devolve this function directly to the governors, who have the governors appointed as the CECs in charge of education? Do they know what they are doing? Who has been identified by the county assemblies in the whole country to be responsible for education matters, particularly in the nursery schools and polytechnics? Sometimes we just put our friends and say: “Let so-and-so sit there,” rather than looking at the quality of the people who are going to work there.

Madam Temporary Speaker, we noted and recommended that the national Government together with the TSC need to sit down and determine how the TSC units in the county governments can employ teachers and come up with a standard amount to pay them. In Nyamira, for example, we were told that teachers are paid a standard amount of Kshs5,000 each to teach in nursery schools and the parents can top up. In some areas, they are paid Kshs10,000 and those with diplomas are paid Kshs12,000. Those are some of the things that we need to standardize. We need to find out what amount is paid in West Pokot, Turkana and Nairobi. The amount may vary, but now that we are starting devolution, we do not want to leave it that way. We need to make sure that education starts right at the beginning.

Madam Temporary Speaker, food is very key to children. Therefore, the county governments need to set aside money or even go ahead to make sure that the committees and parents offer land where they can grow crops and generate food. This is what we saw

in Kisumu. The schools should also have clean water for the children to drink. We also need to look at who the management committee members of the nursery schools are. It is true that we do not pay much attention to this sector of nursery schools. Sometimes you will be surprised to find that a very old grandfather or a young man who has taken his child to that nursery school has been appointed its chairman. They themselves have not gone to school. They are illiterate but they are entrusted with the management of that nursery school. That is the way we have neglected nursery schools in this country for many years. But in this report, we are saying that we need to formalize and make things right.

Madam Temporary Speaker, during our trip to Singapore, we were taken round by a taxi man and we never saw litter anywhere. He told us that when children are born in Singapore, they are told from the very beginning of their lives to: “Sing Singapore, sleep Singapore and walk Singapore.” This means they are training these children in patriotism so that they cannot throw any litter. The town is clean. The children are finally taught to sing that “I am the only resource for this country” because they do not have cows or minerals. We have everything here to the extent that we are comfortable that we do not know which one to put right. This report says that we need to start by identifying the key resources that Kenyans have. It is not the best climate that we have here. It is not the amount of coal that we have in Kitui County or 100 kilometres stretch of limestone in West Pokot County. What counts is the human resource that we need to look at keenly.

Madam Temporary Speaker, with regard to polytechnics; the terminology “village polytechnic” has kicked out all the potential customers in those polytechnics. It is very demeaning. They wake up one day and ask themselves: How can I be referred to as a graduate of a village polytechnic?” I call upon all the respective county governments to come up with “sweet” terminologies to brand these colleges. For example, Chepareria Village Polytechnic in my county should be referred to as Chepareria Polytechnic or Chepareria County Polytechnic. We must delete the word “village”. The national Government needs to know where those polytechnics are so that they can collect their data in the whole country and then send them to various counties. If anybody from West Pokot County wants to go to Garissa County to learn a given skill he must know where the polytechnic is located.

Madam Temporary Speaker, the way the national Government was also recruiting polytechnic teachers and the way they were giving remuneration was so haphazard to the extent that it was all about who you knew in the higher levels of the Ministry of Education. This should not be the case. We should come up with a policy such that if we say we are funding 50 or 100 polytechnics in every county, they should be standardized. We should not have polytechnics in Nairobi being given support grants by the national Government while the others are not getting it. There are six village polytechnics in West Pokot. Two of them are getting little grants from the national Government. The rest do not get any financial support from the national Government. There are over 700 nursery schools which are not being supported by anybody.

Madam Temporary Speaker, in supporting this report of the Standing Committee on Education, Information and Technology, this Senate must pronounce itself on the

issue of ECD. How do we want to move forward? What is our anchor? What is our vision? We have talked about Vision 2030. By 2030, those children who are in nursery schools will be over twenty years old. Some would have finished university education. We would have wanted to see people coming in to implement these policies and moving on. We need to start right by planting the right seeds now. The syllabus to be taught needs to be prepared as soon as possible. When the Committee summoned the Cabinet Secretary and his team, seemingly nobody had a syllabus that is standardized. That is why this Committee is visiting various counties so that we propose legislation which will help us move forward as far as ECD is concerned.

Madam Temporary Speaker, in supporting this report, I want to urge hon. Senators that once we visit their counties to avail themselves so that we look at the issues together. By so doing, they will have a chance to contribute accordingly because without education, we will not develop our counties.

Madam Temporary Speaker, in this age, I long for a time when the people of West Pokot will begin to value education like they value cows. They can only do so, when we have schools and teachers to take them through the syllabus and so on.

Madam Temporary Speaker, I want to stop there. I support this Motion. I hope that all of us will contribute and pass it.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Ongoro): Prof. (Sen.) Kindiki.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Thank you, Madam Temporary Speaker. I feel very passionate and proud to talk about education. I feel even more proud to talk about ECD. The greatest, the most learned, the richest people and the great philanthropists we have in this country are products of our education system. What we put into our education system is what we get out of it.

Madam Temporary Speaker, I want to start by thanking the Committee on Education, Information and Technology. Honestly, they have done a good job. As I said last week when we were debating their other report on the other counties, this Committee has become a trail blazer of how Senate Committees should conduct their business. We are the House of devolution; the House that represents the people of this country. For that reason, we should be seen as a House that reaches out to the people. Therefore, sitting here in Nairobi will not give us a lot of legitimacy. We want to encourage as many Committees as possible to go out there and interact with our people from where they live so that we can make recommendations that are realistic and that are in tandem with the aspirations of the people we represent.

Madam Temporary Speaker, ECD is the most important part of the education system. Therefore, we need to face the reality. I am grateful that the Committee has addressed that issue here. The state of the education system now in the ECD is not so good. This means that we are not assured that we can have dependable citizens 20, 30 or 40 years from now. Examples have been given of how other countries take ECD seriously. The time has come for us to review, number one, the curriculum that we have to develop for our children because unlike in the past, many places now in the country have ECD classes. But I am afraid that we are teaching our children complicated

mathematical, scientific and other sophisticated knowledge areas at the expense of building patriotism and good citizenship. This is where we are going wrong.

I think all the years that our children spend in ECD are wasted. Initially I thought that, perhaps, children should stay at home a little more, but having listened to the contributions made to the previous report by some of my colleagues a little longer, including the Senator for Meru County, I am now of the opinion that, actually, we should take our children early enough to school. But not to read mathematics, physics, geography and science, but to play, sing and to read; especially to play about Kenya; to sing about Kenya and to network, so that they can form a formidable mass of future citizens of this country.

Madam Temporary Speaker, the issue of curriculum is extremely important and we should spend the early years of our children's lives trying to impart the skills that we so desire as a nation. That is why, for example, a project like the Truth, Justice and Reconciliation Commission (TJRC) has flopped in this country. We are thinking that we can now sit people who are 50 or 60 years old down and try to teach them how to interact with other communities and be united in their diversity. These are people who have already imbibed certain values. It is very difficult to change them. But with little children, you can change them very easily. Let us teach them about other communities and the need to live as a united nation. We should teach them that we have many other communities in Kenya. This country depends on a united citizenry.

Madam Temporary Speaker, it is appalling. I have seen in this report that the ECD is the worst in terms of infrastructure. You will find a school that has either a brick or a stone building for a classroom, most likely, the ECD classroom will be a mud structure which is grass-thatched. You are supposed to take care of the more delicate children and those are the ones undergoing the ECD.

I also want to talk very briefly about the facilities and state of our village polytechnics. I agree with those who have spoken that these institutions should be called something else other than village polytechnics. Secondly, the curriculum that is taught in the institutions is archaic and old fashioned. I do not remember the last time it was reviewed. We are teaching skills that are not consistent with modern times. I see no reason, for example, we should not be teaching internet skills or newer skills that surveyors are using now apart from using ropes and pillars. I am told that they have now moved to digital and more competitive systems. So, the curriculum must be reviewed. The facilities are in disarray.

Right now, tertiary institutions, village polytechnics and institutes of technology stand a risk of collapsing because of the clamour for degrees and university education. I am a firm believer of university education. I am a professor and I know, first and foremost, that I have a lot of loyalty to university education. However, in terms of moving our country forward; a country that does not have skilled middle level technical manpower is headed nowhere. In fact, most of the economic problems are solved by technicians and artisans. These are diploma holders and other lower certificates. They are not solved by professors like me, Sen. (Prof.) Lonyangapuo, Sen. (Prof.) Lesan and Sen.

Kipchumba who is almost a becoming a professor. What we need is to ensure that we have enough artisans who can solve the economic problems we have in this country.

As I wind up, now that the issue of village polytechnics has been devolved, now that ECD is also devolved, these two areas require legislation from this Senate. That is how we will make a mark. Everybody out there is waiting to see what we will do, as the Senate, to improve the things that fall within our mandate. This is an area where we require urgent legislative proposals. I am told that there is a Bill which is now before the Lower House concerning the ECD. There is need for our committee to, perhaps, interact with that committee and form consensus. However, in any case, since what is in the Lower House is an amendment Bill, we require a fresh ECD Bill that this Senate can pass and make sure that our country can have modern ECD systems that can put us in the next level of development.

Similarly, I believe that in the area of village polytechnics, there is also need for legislative interventions. I am very impressed by the quality of this report and the methodology they used to arrive at these findings because they did not just sit here in Nairobi to come up with recommendations. However, the gap that I see in this report and, perhaps, other reports in future is that since we are a lawmaking institution, every time we look at challenges, it is not enough to come up with policy suggestions. We should also come up with legislative proposals which should tell us that to fix the problems, this is the kind of legislation we need.

It will not be fair if I terminate my remarks without saying that the Jubilee Government is committed to making sure that the standards of ECD and those of institutes of technology and village polytechnics are improved because we believe these two areas are important for taking our country to the next level of development.

Thank you, I support.

Sen. Hargura: Thank you, Madam Temporary Speaker, for giving me this opportunity to contribute to this Motion. First, I would like to thank the Members of the Education, Communications and Technology Committee for having taken their mandate seriously. I hope that this will be emulated by the other committees of this House. We cannot fulfill our duties in this country if we do not go round and take stock of what we are going through. That would make it easy for us to legislate based on the situation we are in and where we want our people to be.

The report is comprehensive since they have given us the experiences they went through, their findings and even suggestions. I can see that the committee has been to central and western regions. I want them to go to the northern part of this country. They will be surprised. They are talking about bad infrastructure in these areas, but in northern Kenya, they will find no infrastructure at all. They will find that in this part of the country, the Government has not done anything. People from these areas have gone to school courtesy of religious organizations. For instance, in Marsabit County, all the institutions there are faith based. The ECDs, primary schools and secondary schools are all faith based. There are very few, if any, Government institutions. There is a lot to be done in those counties for us to catch up.

In Marsabit, we are told that illiteracy levels are as high as 80 per cent. We know that illiteracy is a measure of how many people in an area have gone to school. The question is, if there are no schools, where would these people go to school to stop being illiterate? We need to have the institutions so that these people can go to school. There is a lot of work to be done. Before we come up with any legislations and policies, I would like to urge the committee to visit the worst hit parts of this country, so that they see how bad the situation is and come up with legislation that will improve the condition of all the people in this country.

It is very important that we now concentrate on our mandate. We have devolved the ECDs and polytechnics. In some areas, a whole village has one primary school. This is a school which takes not less than 500 children, but only has one ECD centre. The village may be having over 2,000 children who have attained school going age. So, by virtue of lack of infrastructure, these children will end up doing what their parents know best and that is herding. That is why the literacy levels will not change until we change the approach we have. We should have more facilities and more ECDs. Now that these are responsibilities of the county governments, we will have some hope because the county governments are run by the locals who know the conditions of their people. In order to improve the literacy levels, we will require more ECDs. One primary school could be served by five or six ECDs which are close to the villages. Most of the time, you will find that the school is five to seven kilometres from the village. That means that a child should be seven years or more to be taken to that school. So, the situation is prohibitive. That is why literacy levels are difficult to change 50 years down the line because the infrastructure to cure it is not there. I urge the county governments to take this seriously because it is a responsibility they have been given.

Madam Temporary Speaker, we must put in place quality ECDs. That is why I support the recommendation in this report where they say that the Kenya Institute of Curriculum Development should come up with a standard curriculum. One of the reasons students from the northern part of this country could not access university education is because of the infrastructure in those places. When the results come out, you will not find any student from the northern part of Kenya in the top 200 students countrywide. It is not that these people have lower capacities in terms of grasping issues, but because the infrastructure they have does not allow them to compete with others. But when they come to the same institutions here, they perform as well as others. The county governments must now do justice to their people on the ground by making sure that they have quality ECDs. The national Government which has the role of developing the curriculum should develop a standard curriculum which can be used throughout the country so that we can improve the living conditions of our people. This is because an educated nation is an enlightened one and the people can improve their conditions.

With regard to polytechnics, when the parallel degree programmes were started in the universities, the tertiary institutions where certificate and diploma courses were offered have died slowly because there has been this perception that if you have a degree you stand a better chance of securing employment. People have ended up doing all manner of courses which are not even relevant to this country. People have ended up with

papers which they cannot secure any job with. We have been talking about Vision 2030 when we want to be a developed nation. From experience, you will require the technicians and the artisans to build this country. One of the best ways of creating employment is to have people at that level.

If a country is developing, there will be infrastructure developments of all kinds. This will require people with skills. The actual construction of a road will require inspectors, overseers, surveyors and masons. These are the people who actually do the work. The others will design and supervise, but the actual work is done by this middle level technicians. That is what we are lacking. That is why with this county government system, we can develop those skills at our county levels which are specific to what is available in that area.

For example, in northern Kenya where we have livestock as the biggest economic activity, the training should improve the quality of that way of life targeting value addition in the livestock industry so that people can be employed in that sector. The economic development of that area will be based on what is available there. They could also engage in hides and skins production. These are things which will make use of what is readily available in that place. That should be applicable to all other counties so that we have people with skills which are relevant to their areas and who can easily make use of those skills, develop themselves and their counties. That has been captured by the Committee as part of its recommendation.

Madam Temporary Speaker, I would like to urge the national Government to come up with the relevant curriculum even in the case of polytechnics. As it has been said, we should stop calling them village polytechnics because there is a perception which shows that these are institutions whose skills are backward. This is not the case. They could be renamed county polytechnics so that they can attract young people. They should also have a uniform curricular so that learners can easily move from one county to another for training.

The other issue is the remuneration of the teachers in the ECDs. Just as in the case of primary and secondary schools, the employer is one. There is the TSC and a teacher in any part of the country in the same grade will have the same remuneration. The same should also be introduced in the ECDs. Those teachers should have uniform remuneration because the way you treat a system shows how much you value it. It has been said that the training has been left to every Tom, Dick and Harry who knows how to read and write to do the training whereas it requires more skill than even teaching in secondary schools. Here you are dealing with human beings who are growing up. Therefore, they require more attention than grownups who know why they are in school. These people require a lot of care. We need to appreciate what the ECD teachers are going through. They are not just teachers, but also mentors of those children. They have more work to do than just the normal teaching. So, they should be well remunerated.

Madam Temporary Speaker, one critical issue which came up in this report is the issue of school feeding programmes. In some areas, the absence or the presence of school feeding programmes determines whether one goes to school or not. That in itself is an incentive for the children to attend school. For example, every time there is drought in the

northern part of Kenya, the children drop out of school because there is no food. They follow their parents and their animals and so the whole system collapses until it rains, then they come back. At least, if there is the school feeding programme, children will be able to remain in schools. Their parents can go after their animals, but the children will remain in schools and learning will continue. Those who will have gone through the ECDs will transit to primary schools. The rate of transition will rise and with time, we will have a population which can develop itself and which can take care of itself unlike the situation we have now where our literacy levels are stagnant.

I also wish to emphasize the point which the Committee has captured, that the county government has to invest, not only in infrastructure and teachers, but in the school feeding programmes for these children. This is in order to ensure that the children are in school, we can capture their attention and time in order to improve the literacy levels and have an educated society. We need people who understand why they are in this country and why they need to be united with others. Right now, when people have not gone to school, there are some things, in some areas, they find difficult to get out of. A group of people who have not gone to school, who still follow their traditions will find it difficult to co-exist with another group because, for a long time they have just been fighting over resources and may be raiding each other.

There are persistent cases such as the Pokot, Turkana and Samburu. My understanding as I am reading from this is that if these people have gone to school, that kind of hatred will also cease because they will know that they are from the same country, which they have to unify. Starting from early childhood, education will be able to eradicate some of these problems.

Madam Temporary Speaker, I support the report.

Sen. Murkomen: Madam Temporary Speaker, I would like to congratulate the committee for a good job and for taking the role of the Senate very seriously. In particular, I commend their role in putting a lot of focus on our interaction with the county governments and counties. Reading this report, I was excited that the interactions were with the real policy makers and implementers at the local level, that is the county government and ECD institutions; various primary schools such as Saria, Ikonge and polytechnics like Matongo in Nyamira County. It is important that we contextualize our role as the Senate, particularly when it comes to the functions of county governments as highlighted in Schedule Four of the Constitution.

Today I want to speak about the most important function here, which is the ECD. There has been a lot of clamour by the county governments that they want to be given all education functions. Basically, that they want transfer of functions under Article 187 to give them the opportunity to serve the people of the counties by building primary and secondary institutions. But there is a big test for them; this is the early childhood education. For a long time, just like many of the previous contributors have said, including Sen. (Prof.) Kindiki, when you visit many schools and other institutions, the ECD centres are in the worst state. We know that in most situations in the rural areas, many children are unable to go to these institutions.

The worst paid teachers in this country are the nursery school teachers. In most places of my county, up to now, a nursery school teacher earns about Kshs2,000 a month. This is nothing, but volunteer work. I want to confess that I never attended nursery school because one had to walk for 11 kilometres to go to school. So, going to nursery school was not possible because at that age, it was not possible for a child to walk for 11 kilometres.

Madam Temporary Speaker, the opportunity has come for the county governments to put money and build institutions that will help our children get the best education. The foundation is very important. There was a research that was done by an NGO, I do not remember very well, but it was done by Elimu Yetu Coalition some few years ago. It found that in most rural areas, a class seven people could not be compared with a pupil joining class one in an urban area in Nairobi, for example. The one who was joining class one had the ability to read, make correct pronunciations, appreciate the world and have a more understanding of the worldview than the one in the rural area.

These inequalities must be stemmed out. County governments must use this opportunity to put resources in building institutions and hiring teachers who will serve in county governments. There are many teachers who have trained in early childhood education. It is my proposal that the most paid teacher should be the ones in nursery schools because the work of introducing a child to understanding letters, figures, how to add and subtract and pronounce words is the hardest job, harder than teaching a pupil in class eight, who is already able to appreciate the procedures due to the foundation that was laid at the lower level. Therefore, in terms of setting the salaries for early childhood education teachers, they must be higher than the ones for a teacher in secondary school because the work they are doing is more difficult and complicated. I am willing to join hands with all Senators so that we can look into this issue. I hope that the committee can lead us in this venture. They can come up with a draft legislation that will overhaul the ECD system and ensure that funding, salaries and the institutions are working.

Madam Temporary Speaker, I know there is a problem when it comes to correlation between the transfer of functions and institutions to the counties. The national Government and the county governments need to work very closely to ensure that the transfer of the institutions and facilities that are necessary for counties to take over is done expeditiously. I urge that the resources needed to run those institutions are devolved as soon as possible. Again, this House will provide leadership in terms of ensuring that the structures, the legal framework and the guidelines are there. In particular, the Transition Authority (TA) should take up this matter very seriously to enable the counties take over the functions expeditiously.

I beg to support the report. I also commend the committee for a good report. I can see they have copies of pictures in the report. This is a true record that they just did not cook this report, but they collected it from information from the ground.

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

Sen. Elachi: Thank you, Madam Temporary Speaker. I also rise to support the report. Having looked at it, I realise that the committee did well in terms of concentrating on the ECD. They also brought out a critical analysis in terms of how the counties are

failing in terms of education. When you look at some counties, they are performing poorly in this area while we know that it is within the ECD that the foundation of a child is built.

The ECD is a very interesting process for children because they stay in that system for five years before they transit to standard one. As other hon. Senators have said, it is time that we reviewed the curriculum. There is no way a three year old child is supposed to do mathematics of addition. There is no way a three year old child can begin by learning one plus one. This is quite unfair to the child and the teacher, who will end up teaching that child when he or she gets to standard one. As a teacher, you need to improve yourself and go back for training to understand children.

The other issue raised in the report concerns the number of teachers we have. For example, in Kakamega County, they have 2,200 teachers while they have 168 institutions of early childhood education. This means there are only two teachers per class or may be even less. It is also very wanting when we imagine that in early childhood we have children who are three, two or even four years. They are very young and they need a lot tender care. This is one thing that we need to invest in, not just under the Ministry of Education, but parents should assist in looking at the well being of our children in terms of when they are young and how they grow up.

The report talks about ICT. However, I would also request the Committee to look at it in terms of bringing more ICT in the polytechnics that they are talking about. For example, Sigalagala Polytechnic in Kakamega has been in existence for many years. If the Government were really to assist, Sigalagala Polytechnic would be part of Masinde Muliro University in Kakamega County. Today the Jubilee Government has a programme to give every constituency money to build well furnished institutions of science and technology. But I would also request the Government to look at some of the institutions that already exist and decide whether they can develop them, instead of building new ones. For example, in Kakamega County, we do not need to build another one. There are many technical schools that are very good and well equipped. However, some of them are growing old and they require refurbishment. In some of those polytechnics, you will find only 300 students, yet they are well equipped. This means that also the awareness about our own polytechnics is very low. Therefore, as we build these polytechnics, we need to also rethink how we can ensure that people embrace them.

Madam Temporary Speaker, during Kibaki's Government, it was agreed that we rehabilitate the existing village polytechnics and build new ones. Today, I do not think that anybody has done an assessment to know how many of them are still operational and whether they are able even to give that expertise and skills that we are looking for. Those are some of the things that we need to ask ourselves as we use and manage public funds. Do we manage and use public funds to benefit the public or for the sake of just building? This is a question that I think the President has taken very seriously. That is why he is looking at even the parastatals that exist and trying to reform and reduce them. So, we have to look across all sections.

Madam Temporary Speaker, education is one section that we have to be very serious about. I appreciate the youth because they want to move fast and make money.

But they lack somebody to tell them that they can study for their degrees and masters for up to six years, and come out better persons. They will make their money for many years to come and build themselves better. Most of them do not have guidance also to say “you have a talent,” or “you are a musician,” or “it is good to go now and build your talent; go into an academy that will build you to become a better musician,” not just to sing songs, but also to inspire people, but you can educate them through the music. But in terms of education, it is very hard to find a musician today who sings a song that can even inspire people. This is true for both the gospel as well as the secular songs.

Madam Temporary Speaker, when we talk about the polytechnics, especially in western region, our people are likely to suffer more because we have refused to listen to our good professors. We believe we can work very fast and become rich. If you get money very fast, you will also spend it very fast. This is one thing in western region that we need to rethink. All leaders in western region must stand up and look at what is wrong with the education sector. Our education standards have continued to deteriorate for a long time. Busia and Kisumu counties used to perform very well in the national examinations, but today, things have changed. Students in Kisii and Nyamira counties are notorious for cheating in national examinations. Many students in those counties get their results cancelled and they are taken to court for cheating.

Therefore, we need to know why these things happen in those counties. I urge that the recommendations in this report be implemented. I wish the Committee now take charge of this report and present it to the Cabinet Secretary for Education, Prof. Kaimenyi. He needs to do a serious analysis from ECD to secondary education, especially in western Kenya. The rate of enrolment from ECD to primary school is low. Why is this? Did the governors and other elected leaders tell you why we have low turnout when it comes to the next level? This is something that you need to give him so that he is able to work out and understand what the problem is. I know governors will take the issue of ECD very seriously. I say so with a lot of confidence because I know even the Governor of Kakamega County, hon. Oparanya, had budgeted for ECD.

Some money will go towards payment of ECD teachers. He has also budgeted for food. Children in ECD programme needs to be fed well so that they concentrate in whatever they are being taught. However, there is conflict between the national and the county Governments which we need to address immediately if we have to move forward with ECD. So far, I do not know where they have reached, but they need to move very fast and fund ECD programmes which had been neglected by the national Government for many years.

Madam Temporary Speaker, I urge the Ministry of Education to seriously take ECDs as the foundation stone of our children’s education. They must make sure that our children get a firm foundation in education through ECDS. If they do not get proper foundation, they will not cope well when they enroll for primary school education. In psychology, we say that we have different levels of development. The critical level of development is when a child is between one to five years. This age is very critical because that is when they are learning everything. For example, they learn how to control themselves, how to be assertive in their lives, how to move on and how to protect

themselves. Currently, this is lacking. We need to have well trained teachers who can understand and manage these children. We know at their age, they are very innocent and very open. If families are fighting, these are the children who would come to school and tell the teacher that “dad assaulted or violated mum”. These are things we need to ask ourselves; do we have the right teachers? Do they have the right training in understanding such a child?

Madam Temporary Speaker, I would like the Committee to also look at the report again, their observations and conclusions to ensure that while they finalize, they also give us an analysis of situations in Nyamira, Kisii and Kisumu counties. Their report has more to do with Kakamega and Vihiga counties.

Madam Temporary Speaker---

The Temporary Speaker (Sen. Ongoro): Order, Sen. Elachi! You will have 17 minutes to continue with your contribution when this Motion resumes.

ADJOURNMENT

The Temporary Speaker (Sen. Ongoro): Hon. Senators, it is now time for the interruption of business. The House, therefore, stands adjourned until tomorrow, Thursday, 31st October, 2013 at 2.30 p.m.

The Senate rose at 6.30 p.m.