

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Wednesday, 18<sup>th</sup> September, 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** (Hon. Ethuro): Order, hon. Senators! I am informed we have a quorum. Let us proceed.

### PAPER LAID

#### REPORT OF THE COUNTY BUDGET IMPLEMENTATION REVIEW – FOURTH QUARTER OF FINANCIAL YEAR 2012/2013

**Sen. Billow:** Mr. Speaker, Sir, I beg to lay the following report on the Table of the House today, Wednesday, 18<sup>th</sup> September, 2013:

The County Budget Implementation Review Report for the Fourth Quarter of the Financial Year 2012/2013.

Mr. Speaker, Sir, this Report was presented to the Senate pursuant to Article 228(6) of the Constitution.

### NOTICES OF MOTIONS

**The Speaker** (Hon. Ethuro): Chairman, Committee on Finance, Commerce and Economic Affairs, I thought you were to give notice of a Motion. There was also another one by the Senate Majority Leader.

**Sen. Billow:** Mr. Speaker, Sir, I thought so but the notices of the Motions are not ready yet from the Clerks.

**The Speaker** (Hon. Ethuro): Sorry, what did you say?

**Sen. Billow:** Mr. Speaker, Sir, the notices for the Motions are not yet ready. So, we are not able to move them. Let me consult.

**The Speaker** (Hon. Ethuro): Sen. Murkomen!

APPROVAL OF SEN. MUTULA KILONZO JUNIOR'S  
MEMBERSHIP TO THE IMPLEMENTATION COMMITTEE

**Sen. Murkomen:** Mr. Speaker, Sir, on behalf of the Senate Majority Leader, I beg to give notice of the following Motion:-

THAT, pursuant to the provisions of Standing Orders No. 175(3) and 177(3), the Senate approves the nomination by the Rules and Business Committee of Sen. Mutula Kilonzo Junior to replace Sen. Kanainza Daisy Nyongesa in the Sessional Committee on Implementation.

**The Speaker** (Hon. Ethuro): Let us now move on to Order No.8

**MOTIONS**

APPROVAL OF SEN. MUTULA KILONZO JUNIOR'S  
MEMBERSHIP TO THE LEGAL AFFAIRS COMMITTEE

**Sen. Murkomen:** Mr. Speaker, Sir, again, on behalf of the Senate Majority Leader, I beg to move the following Motion:-

THAT, pursuant to the provisions of Standing Orders No. 175(3) and 177(3), the Senate approves the nomination by the Rules and Business Committee of Sen. Mutula Kilonzo Junior to replace Sen. James Orenge in the Standing Committee on Legal Affairs and Human Rights.

Mr. Speaker, Sir, I would like to ask Sen. Wako to second the Motion. I have nothing to add.

**Sen. Wako:** Mr. Speaker, Sir, I wish to second this Motion wholeheartedly. I am privileged to be the Chair of the Committee on Legal Affairs and Human Rights. When the Committee was constituted, the late Mutula Kilonzo was a member. Unfortunately, he passed away just after the Committee was constituted. Thereafter, I was put in a very difficult position to find out whether I should continue to stand for Chairmanship of the Committee because the membership of ODM had been reduced to three and Jubilee was five. We had agreed with the late Mutula Kilonzo that he would support me as Chair. I was about to give up. But fortunately, I was selected by consensus.

I really want to welcome Sen. Mutula Kilonzo Junior as a suitable replacement for this particular committee. We know what he is made of.

**The Speaker** (Hon. Ethuro): Surely, Sen. Wako, if your fears were allayed, would you not want to be grateful to those who made your fears disappear?

Hon. Senators: Yes!

*(Laughter)*

**Sen. Wako:** Mr. Speaker, Sir, I was coming to that. But I wanted to focus on Sen. Mutula Kilonzo Junior, who is joining this Committee. We all know his legal credentials in his own right. It may very well be that the blood of the late Mutula Kilonzo runs in his veins, but he has proved himself in litigation and on issues relating to law, not just here before the High Court in Nairobi, but I know he has ably represented other people in the East African Court of Justice. He more than proved himself also in the by-election where

he garnered even more votes than his father. So, I am very pleased that he has now been nominated to be a member of this Committee.

May I, at this point, say that Sen. Orengo became a member of the Committee temporarily. We knew that if either Sen. Mutula Kilonzo Junior or his sister Kethi were elected, Sen. Orengo was just warming up that seat for them. I am glad it has come to pass that, at least, CORD won that seat. Therefore, the seat remains with Sen. Mutula Kilonzo Junior in this particular committee.

Mr. Speaker, Sir, of course, in the Committee, we have been working well with other members. We do not know parties; we know that we are the Committee on Legal Affairs and Human Rights, applying our legal minds to the issues that confront us. We do not think about CORD or whatever party we represent. I know Sen. Mutula Kilonzo Jr has a legal brain to come and continue that tradition of working on many issues that confront this particular Senate.

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

**The Speaker** (Hon. Ethuro): Order, hon. Senators! Today, we have seen the reversal of events. Usually, it is the Mover who talks and the Seconder can even nod. Today, the Seconder has done more of the moving than the Mover but since they have not contravened any Standing Order, we will proceed.

*(Question proposed)*

**Sen. Khaniri:** Mr. Speaker, Sir, I rise to strongly support this Motion. As I do so, allow me from the outset to take this opportunity to convey my congratulations to Sen. Mutula Kilonzo Junior on his election as the Senator for Makueni County. When the elections took place, I was away on official duty. When he was sworn-in, I was not here. Therefore, I want to take this opportunity to congratulate him.

This is the right move. These are very brilliant brains that we are putting in the Committee on Legal Affairs and Human Rights. I am sure that he will probably do better than the old chip itself. I have a lot of confidence in Sen. Mutula Kilonzo Junior. He once represented me at the High Court in a case where I was accused of incitement during the 2005 Referendum, a case that I was sure that we were going to win. But my good friend, the Senator for Busia County entered what we call *nolle prosequi* and, therefore, the case was terminated.

Mr. Speaker, Sir, I congratulate Sen. Mutula Kilonzo Junior. I wish him well as he serves in this Committee of the House.

**Sen. Billow:** Mr. Speaker, Sir, I also rise to support the Motion. We know the Senator is a very capable and diligent lawyer. This will be an opportunity to get some new blood to the Committee. Some of our lawyers are not exactly dinosaurs, but they are analog and it is time we got some digital team to the Committee. I am sure he will add a lot of value to the Committee.

I support.

**Sen. Karaba:** Thank you, Mr. Speaker, Sir, for also giving me the chance to contribute towards the support of our friend and colleague, Sen. Mutula Kilonzo Junior, to succeed Sen. Nyongesa as a member. Much as we support that move---

**The Speaker** (Hon. Ethuro): Order, Sen. Karaba. You are referring to a Motion whose notice was given this afternoon. The one on the Order Paper is different. Sen.

Mutula Kilonzo Junior is replacing Sen. Orengo in the Legal Affairs and Human Rights Committee. That is the Motion.

**Sen. Karaba:** Thank you for that correction, Mr. Speaker, Sir. It is because it seems he is replacing quite a number of people. I do not know what will happen here with this issue of replacements.

*(Laughter)*

I wanted to find out which Committee Sen. Nyongesa will be moved to. But for now, I support this replacement.

All is well. After all, the two Senators are lawyers though one of them is older, that is Sen. Orengo. When we have new blood joining the Committee, I suppose this will make the Committee more vibrant, but not as vibrant as it would have been going by the fact that Sen. Orengo also struggled to make what some of us are.

Mr. Speaker, Sir, I welcome Sen. Mutula Kilonzo Junior to the Committee and the Senate.

**Sen. Sang:** Mr. Speaker, Sir, I stand to support this Motion. I am privileged to be the Vice-Chair of the Committee on Legal Affairs and Human Rights. I want to take this opportunity to welcome Sen. Mutula Kilonzo Junior to our Committee.

Mr. Speaker, Sir, this Committee has a lot of work to undertake. We have the impending discussions on the constitutional review. The Committee is working on a Miscellaneous (Amendment) Bill that will try to correct a lot of the legislations that were passed in the last Parliament, to try and have them conform to the current Constitution and devolution. The credentials of Sen. Mutula Kilonzo Junior will be very helpful to us, as a Committee. Therefore, as mentioned by the Chair of the Committee, Sen. Wako, we have always worked in a bi-partisan manner. I am sure that as Sen. Mutula Kilonzo Junior joins the Committee, we will move together as a group and be able to deliver on our mandate.

Mr. Speaker, Sir, I take this opportunity to welcome Sen. Mutula Kilonzo Junior to the Committee. I assure him that we will work together.

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, as I congratulate Sen. Mutula Kilonzo Jr for being elected to this House, I also support his appointment to this Committee. However, I am a bit reluctant to accept the sentiments of the Attorney-General *Emeritus* that one has to be a lawyer to serve in this Committee. Then we should kick out all lawyers from the other committees where they are not professionals.

Mr. Speaker, Sir, I support.

**Sen. Madzayo:** Asante, Bw. Spika. Kwanza, ningependa kumpongeza wakili Seneta Mutula Kilonzo Junior kwa ushindi wake katika uchaguzi mdogo. Ushindi wake ulikuwa wa kukamilika na kuthibitisha ya kwamba ni wakili na mtetezi ambaye watu wa Kaunti ya Makueni walikuwa wamejitolea kumpa nafasi ili aweze kuwahudumia.

Bw. Spika, namfahamu Sen. Mutula Kilonzo Junior kama wakili mwenzangu ijapokuwa nimepita viwango kadha nikwa jaji na hatimaye kuweza kustaafu. Kama wakili, kuna nyakati amekuwa mbele yangu nikiwa jaji na nimeona kwamba amekamilika kiwakili.

Ikiwa Maseneta hawa wawili wamesikizana na Hoja hii imefika mbele ya Seneti, hatuna budi ila kuiunga mkono ili Sen. Mutula Kilonzo Junior aweze kuutumia ujuzi wake wa uwakili kuendeleza Kamati hii.

Bw. Spika, kwa hayo machache, naunga mkono.

**The Speaker** (Hon. Ethuro): Let us have the last two contributors to this Motion; Sen. (Prof) Anyang'-Nyong'o and lastly, the Senator from Mombasa County.

**Sen. (Prof.) Anyang'-Nyong'o:** Mr. Speaker, Sir, I stand to support this Motion and also to go on record that when the young Sen. Mutula Kilonzo Junior was soundly elected by the people of Makueni County, I was there. Sen. Orenge, the Senator for Siaya County, promised the people of Makueni that when the young Senator takes the seat of his late father, that Sen. Orenge will honour his presence in the House and the people of Makueni by quitting his seat in this particular committee in his favor. I must say that Sen. Orenge has lived up to his word. We are grateful that Sen. Mutula Kilonzo Junior is taking this seat.

Mr. Speaker, Sir, having said that, and since my friend, Sen. Billo, mentioned the word "digital" here, I would say that let us not just pay homage to the word "digital" without living the concept "digital". In that regard, there is something that is happening in this nation and in the whole world which should be taken very seriously in this highly digitalized world. I hope this particular Committee will seize it. That is in regard to the laws relating to the social media. It is an extremely important issue particularly when it comes to bringing up a proper democratic political culture in this nation, inculcating proper values in our young ones and ensuring that the digital culture in the social media is not exploited to undermine social values and the building of a democratic society.

The Committee on Legal Affairs and Human Rights is perhaps the best placed to begin thinking of this. I would like to appeal to the young Sen. Mutula Kilonzo Junior to take up that as, perhaps, one of his early initiatives in the House; to think about how to deal with social media in our political culture.

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

**Sen. Hassan:** Asante, Bw. Spika, kwa kunipa fursa hii ili niunge mkono pendekezo hili la kumleta Sen. Mutula Kilonzo Junior katika Kamati ya Maswala ya Kisheria na Haki za Kibinadamu.

Bw. Spika, Kamati hii ni ya watu wazito. Mwenyekiti, Sen. Amos Wako, alikuwa Mkuu wa Sheria kwa karibu miaka 20. Naibu wake ni kijana ambaye anacheza mpira - ni chipukizi ambaye anacheza namba ya mbele na nyuma. Seneta Sang, hachoki akicheza mpira.

*(Laughter)*

Katika Kamati hiyo pia kuna aliyekuwa mwenzangu katika maswala ya haki za kibinadamu na ni Bi. Fatuma Dullo, ambaye alikuwa kamishna katika Tume ya kutetea Haki za Kibinadamu. Mwanachama mwingine ni Seneta wa Kaunti ya Elgeyo-Marakwet, Sen. Murkomen, ambaye amesifika katika maswala ya ugatuzi.. Aliyekuwa Waziri wa maswala ya Kisheria, Sen. Murungi pia ni mwanachama wa Kamati hii. Naibu wa Spika wa Bunge la Seneti, Sen. Kembi-Gitura, pia ni mwanachama. Kuna wakili wa Chama cha Wiper, Bi Sijeny. Pia, mimi ni mwanachama wa Kamati hiyo na mimi ni Seneta wa Kaunti ya Mombasa.

(Laughter)

An hon. Senator: Unachezea wapi?

**Sen. Hassan:** Mimi ni *goal keeper*! Kazi yangu ni kuhakikisha Kamati hii haivuji, ikivuja mimi niko hapo kunyaka. Sen. Mutula Kilonzo Junior, ukija, unakuja katika miamba ya kisheria. Tunakukaribisha kwa kuleta mwongozo. Nilikuwa nikishirikiana na Sen. Mutula Kilonzo Junior tulipokuwa katika Tume ya Haki za Kibinadamu. Ametuwakilisha katika East African Court of Justice. Niko na imani kubwa naye.

Ndungu yetu Sen. Billow amesema huu ni wakati wa “digital”, ukiangalia---

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

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

**Sen. Billow:** Mr. Speaker, Sir, is it in order for the young hon. Senator from Mombasa County to mix two languages at the same time? He should use the Swahili word for “digital”.

**Sen. Hassan:** Bw. Spika, nawaona hapa Maseneta wa kaunti za Kwale, Migori, Kilifi na Taita-Taveta. Pengine wanaweza nieleza, hili neno “digitali” kwa lugha ya Kiswahili ni nini?

Hon. Senators: Digitali!

(Laughter)

**Sen. Hassan:** Bw. Spika, cha kuhuzunisha ni kwamba mfuasi mkubwa wa chama cha Jubilee, Seneta Billow, hajui “digital” kwa Kiswahili ni nini. Alikuwa akiwambia nini watu wa Kaunti ya Mandera?

Bw. Spika, kwa kumalizia, ningependa kumkaribisha Sen. Mutula Kilonzo Junior. Ukingalia Seneta Wako, Sang na mimi tuko na *Ipad*. Kwa hivyo, mambo ni *digital*. Na wewe pia nakuona unayo. Hebu iinue Bw. Spika aione.

(Laughter)

Sen. Mutula Kilonzo Junior, ningependa kusema tutashirikiana na wewe kama mwenzetu ili tuweze kuhakikisha ya kwamba tumeendeleza ratiba ya Seneti hii na tuweze kupata mwelekeo katika maswala ya kisheria.

Asante sana, Bw. Spika, kwa fursa hii.

**The Speaker** (Hon. Ethuro): Order, Sen. Hassan! You know what to do when you are addressing the House. While contributing to this Motion, you were addressing specific Senators. Secondly, when you were asked whether there is a translation for the word “digital” in Kiswahili, you started mentioning the Swahili speaking Senators from the “Swahili nation”. So, I was wondering whether you are taking a roll call or otherwise. I am yet to come across a situation where the one on the Floor seeks information from the others. It is usually the case that those who are listening to you are the ones who would wish to give you information. Those are some serious observations that you need to take into account.

**Sen. Hassan:** Most obliged, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): That brings us to the end of that Motion. It is a procedural Motion but it will also subscribe to the normal provisions. If the Mover now feels sufficiently ready to reply---

**Sen. Murkomen:** Mr. Speaker, Sir, I am sufficiently convinced that Sen. Mutula Kilonzo Junior fits in the listed group of Senators who are members of the Legal Affairs Committee. He is a peer to the likes of Sen. Hassan led by the Senior Counsel, Sen. Wako.

Mr. Speaker, Sir, Sen. Mutula Kilonzo Junior is a man whom I admired many times when he was practicing law. In my earlier days, I would go to court and be proud of his submissions. I think the Senate and the Committee on Legal Affairs and Human Rights is going to benefit a great deal. I used to think that he was an elitist and I was wondering whether somebody was pushing him to politics. I read the other day in the newspapers where some theorists were trying to advice the Senate Majority Leader and myself of how to do politics. Those who were writing those articles are men and women who have tried elections several times and have not won.

My concern was that Sen. Mutula Kilonzo Junior was going to suffer a great deal if he tries to leave his practice and come to politics but my concerns were answered last week when I watched him do a thorough Kamba dance in the village in the dust. I felt that it was a great connection to the voters. I also think that he fits in this serious group of Senators who have come in like Sen. Sang, Sen. Hassan and myself. These Senators have been able to connect to the village and the city. I congratulate him and welcome him to that Committee. We will work together because I am a member of that Committee. I believe that he is going to add value to it.

Mr. Speaker, Sir, I agree with the Senator for Kisumu when he talks about social media and the fact that the Committee on Legal Affairs and Human Rights needs to do something. We are the best suited Committee to deal with that because in that Committee, some of us are victims of social media. For example, there is somebody who has opened an account equivalent to my name and he has extorted over Kshs500,000 from people by lying to them that Sen. Murkomen is giving loans to people in the village. Sometimes, Kenyans are very gullible and have sent registration fees. I think it is important that this Committee with digital Senators like Mutula Kilonzo Junior will contribute and look for solutions so that we are able to deal with social crimes that come with new technology.

Mr. Speaker, Sir, I would like to say that I support and beg to reply.

*(Question put and agreed to)*

CONNECTION OF ALL COUNTY HEADQUARTERS  
TO THE NATIONAL FIBRE OPTIC NETWORK

THAT, considering the need for Implementation of an Integrated Financial Management Information System (IFMIS) as required by law; noting that most counties are not linked to the National Optic Fibre Broadband Infrastructure (NOFBI); aware that the rolling out of e-government will be hindered by lack of such infrastructure; recognizing the principles of good governance, integrity, transparency and

accountability set out in the Constitution and the need for public participation and access to information; further recognizing that investment in ICT creates opportunities for youth employment; the Senate calls on the National Government, to connect all county headquarters to the Fibre Optic National Network and to link all county headquarters to relevant national institutions such as the Senate and the Treasury through video conferencing capability to save unnecessary expenses, enhance efficiency and accountability and improve the performance of county governments.

**The Speaker** (Hon. Ethuro): Hon. Senators, this Motion is being deferred at the request of the Mover, so we will move to the next Order.

*(Motion deferred)*

**Sen. Wako:** Mr. Speaker, Sir, I must say that I have been caught by surprise because I had not come with my notes for moving the Motion but nevertheless, I will rise to the occasion and say something.

To me ,this Motion is a very important Motion because it---

**The Speaker** (Hon. Ethuro): Order, Sen. Wako! You need to move the Motion as it appears on the Order Paper, then you can contribute.

**Sen. Wako:** I have to read?

**The Speaker** (Hon. Ethuro): Yes; you have to read it.

**Sen. Wako:** Mr. Speaker, Sir, I know that I have to read but I think I will propose to the Committee to amend these Standing Orders; that Senators know how to read---

**The Speaker** (Hon. Ethuro): Order, Sen. Wako! I thought there was a reference of your long tenure in excess of two decades. You may make recommendations but as long as they have not been approved, they are not binding. So, abide by what is provided for now.

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

ESTABLISHMENT OF TRAINING INSTITUTE  
FOR COUNTY GOVERNMENT PERSONNEL

THAT, noting that Article 1 (4) of the Constitution of Kenya states that the sovereign power of the people is exercised at the national and county levels; noting further that Article 6 (2) of the Constitution recognizes that the two levels of Government are distinct and inter-dependent; aware that devolution is an important principle of governance in the new structure; recognizing the important role of the civil service the world-over causing countries to establish specialized schools of Government; further noting that the Government established a training institute for civil servants in 1956 to impart relevant knowledge, skills, attitudes, leadership and management competencies that are required for efficient and effective service delivery; noting with concern that one of the main obstacles to the efficient and effective operation of County Governments is inadequate appropriate human capacity; further noting



that section 15 (2) of the sixth schedule to the Constitution places responsibility on the national Government to assist County Governments in building capacity to govern effectively and provide services for which they are responsible; the Senate calls on the national Government to take immediate measures to set up a training institute or college to give the necessary and appropriate training to personnel of County Governments.

Mr. Speaker, Sir, this Motion recognizes the important place that civil servants have in the realization of the objectives of the Constitution. Our role as the Senate is to protect the interests of the counties and their governments. Our role, as Parliament, is to ensure that county governments are given the necessary support so that they are successful in the discharge of their respective mandates. Our efforts as Senate to discharge our constitutional responsibilities over county governments will come to naught unless the county governments have the appropriate staff to discharge their functions.

Mr. Speaker, Sir, the need for appropriate personnel has been known the world over. In Kenya, just before Independence, the Kenya Institute of Administration (KIA) was constituted in order to begin training people, particularly, Africans to take over when we attained Independence. Of course, that school has been upgraded from time to time as the country has assumed more responsibilities in governance particularly in the economic and social development.

Mr. Speaker, Sir, various departments of Government have thought it fit to have their specific training institutions. The Ministry of Defence has the Defence Training College in Karen, the Judiciary has its own judicial training institute, bankers have their own training institute, insurers have their own and so on. What I am trying to say is that each organisation requires to train its own specialised workers for that particular purpose.

I believe it was Julius Nyerere who said that his policy of socialism failed because although he had civil servants, they were not committed to socialism. It is that lack of commitment to socialism that led to the loophole. We need workers who work in county governments who are committed to devolution. As you know, the laws that we have in place now and which were necessary provided a stop-gap measure for county governments. All the employees of the local authorities were seconded to county governments. In addition to that, we are talking about employees from the national Government and who are performing the work that is supposed to be performed by county governments being seconded. Right now, all employees working for the county governments are on secondment although they have not undergone the necessary training to have a cultural change from working from a unitary national government to working at the county level. They must be employees who are devoted to devolution.

Mr. Speaker, Sir, Article 174 of the Constitution sets out the principles of devolution. The principles include protecting the rights of the minorities and the marginalised people. They also include self-government at the grassroots level. They also include various communities having a say in the socio-economic development which affects them. These are concepts that these people have not heard about before. These are people who have sat at the national Government and implemented issues at the national level. They, therefore, think that they have the answers to the problems that face communities at the county level even if they do not know those communities.

We need civil servants in county governments who have a democratic approach to the issues and who know that the purpose of devolution is to encourage the people on the ground to have a say in all the issues that affect them; be they economic, social or cultural. We do not want leaders who will come and say, this is what is good for you, hence the need for this.

I know the Ministry of Devolution and Planning is trying its best to train essential cadres who will work in the county governments. However, I would like a more focused approach to the training of civil servants who will work with county governments. The law has been very good in saying that it is only after a County Civil Service Board is in place that these people will be absorbed. A number of them will be absorbed. However, we must be very careful.

I heard a statement the other day that county governments must take over all the workers of the local authorities. How must they take over all the workers of local authorities and we know what the local authorities have been doing under the previous Constitution? Most of the workers have attained bad habits of working. Most of them are corrupt and are not committed to giving service to the people. Will our county governments inherit workers who have more or less failed in the discharge of their duties at the local government level? If that has to happen, as a Senate, how shall we protect county interests if the counties are infiltrated by workers who cannot perform or who are not committed to the principles of devolved governments? Commitment is very important in this regard. Since we have that loophole, I think it is urgent that we enact this legislation.

The national Government should have a training institute. We now have 47 county governments, each employing people. If such an institute is set up, it will have a lot of work in training personnel who will man 47 counties. Before long, I am sure that we will come back to this House and ask for a decentralization of the training college so that each county has its own training college. For instance, western should have its own training college and coast its own. This should happen very soon. However, for now, this Motion is about the Government taking immediate steps to set up a training institute or college to provide appropriate training to personnel of county governments. We are asking the Government to set up this institute; not the county governments; not the Council of Governors; but, the national Government. Why am I saying that the national Government should set up this institution? This is because it is the constitutional duty of the national Government according to do so, according to the Fourth Schedule.

Mr. Speaker, Sir, Section 15 of the Fourth Schedule says that it is the duty of the national Government to ensure that the county governments have the capacity, not only in terms of finance but human resources to perform their functions. So, this is the duty of the national Government. I say so because I do not want the amount that will be used to set up this training institute to be part of the revenue that will be allocated to the counties and then we are told that 40 per cent has already been achieved. The money to set up the institute should come from the national Budget. It should not come from the amount that will be allocated to the county governments. That is the national duty of this Government.

The other thing I wanted to mention is that when it comes to issues of capacity, apart from the word “commitment”, I believe that the county governments will need personnel who are prepared to work at the grassroots level but not people who sit in the offices and work out policies and give them to people to implement. These should be

people who are much interested or have a hands-on approach rather than those who are using desk work approach in an office at the county headquarters. Those are the type of people we need at the county governments. These are the people who know that their employer is not the national Government but the county government and, therefore, their loyalty is to the county government as much as it is also to the Kenya Government as a whole.

With those few remarks, I beg to move the Motion and ask one of the professors, Prof. Anyang'-Nyong'o, to second me on this.

**Sen. (Prof.) Anyang'-Nyong'o:** Mr. Speaker, Sir, I rise to support this Motion due to its importance. I would like to reiterate an issue that Sen. Wako pointed out. Right from the colonial times, human rights development issues, especially matters of administration, were always taken seriously by the national Government. Therefore, the Kenya Institute of Administration stands out as such an institution. We will also remember that during that time, we also had regional training in states. I remember that in my own county of Kisumu, we had a Government Training Institute (GTI) at Maseno which was specifically for training in matters of Administration Management. Later, most of these institutions were taken up by the universities and the training institute in Maseno became Maseno University. I am quite sure that this phenomenon occurred in other counties as well.

I would like to point out that in supporting this Motion there is no contradiction in having a county government training institute supported by the national Government. At the same time, there is no contradiction in counties under this national training institute making arrangements for human resource development with other institutions within the counties particularly the universities and opening up training institutes within the universities specifically geared towards developing human resources for county management and administration. This is a common practice in many countries particularly in the US. You may find that in every state, there is a university that is contracted by the state to open up a specialized institute for purposes of human resources development for that state. This is a practice that could be encouraged and nurtured by the county governments training institutes so that the issue of human resources development does not become a problem in counties.

Referring to the Motion, I would like to quote from it extensively, especially one particular part which is very important. It says among other things;

“further noting that the Government established a training institute for civil servants in 1956 to impart relevant knowledge, skills, attitudes, leadership and management competencies that are required for efficient and effective service delivery---;”

Managing society of Government is not something that is acquired by instinct. It is something that is acquired by training. This is because a lot of things that are dealt with in administration management are not germane to the normal mind. They do not exist beforehand or aforethought. However intelligent you are, you must receive from received or existing knowledge. That is why all these law books are here to tell us what laws exist in this country. That is why people are trained in law not only to develop such laws but also to interpret them. The same is true of management.

There is a discipline called Management Science. The same is true of administration. There is a discipline called Administration Science which is a science on

its own. Therefore, just like law, you cannot assume just by occupying an office that you will know what to do. That is why some people are called certified secretaries, not because they are secretaries but because they have acquired special knowledge of running administrative units, how to manage human resources, keep accounts, how to report on results or performance of their institutions and so on. If, indeed, we will have competencies as this Motion says, we must understand that such competencies are cultivated through training. Such training must build, over time, a tradition of culture and a granary of knowledge which is passed through from one generation to another.

The second issue that is important is that as we engage ourselves in administration, we grow stale because we assume that what we knew yesterday is still relevant to what we do today. That is why people are called conservatives; because they are trying to conserve what already exists and they cannot go further because their knowledge has not been prepared to go further; hence the practice of having in-service training programmes for people who are already working in positions is important.

Doctors are also asked to go for continuous education so that their licenses are renewed from time to time. They cannot assume that since they are doctors, they will know what to do and yet new methods of diagnosing diseases are coming up. The science of medicine is changing every day. New drugs are being discovered and, therefore, doctors must go for continuous education to perform their responsibilities as competent doctors. The same is true for administrators. You cannot assume that the problems of management or administration or the way of promoting people must be done the way you used to do it ten or twenty years ago. Things change. As it were today, we have labour saving devices called computers. The whole idea of technology is that it was discovered so that human beings could do things much faster using machines. However, machines, as it were, embody knowledge on inanimate matter.

The machines are constituted as a result of a long term research so that they behave in a certain way. That is why computers are very efficient in calculations or in processing data. That data is not processed just because of a computer, but human minds have applied themselves to put certain instruments together, to make that particular machine do work faster and more efficiently. So, if you are in an office without knowing that such things exist and how they work, you will be using your manual labour rather inefficiently in an era where labour saving devices have made work easier and more efficient for you and society. So, people need to go back to such training institutions, so that through in-service training, they can learn new things and be more efficient in what they do. This is particularly important to county governments.

Mr. Speaker, Sir, let me now come to my last point. Maybe 20 or 30 years from today, Kenyans will realize that devolution was, perhaps, one of the best things that happened in this nation in our road towards realizing Vision 2030. This is because for the first time, we are really putting in place structures of Government. The Government, as we have known, is one of the biggest consumers of services. So far, these services have been consumed and concentrated at the national level, depriving the taxpayer or ordinary mwananchi of the benefits of this thing called Government to consume services and, therefore, affect the lives of the people. Once you have a government at the village level, in terms of the village administrators' council of elders, you do realize that a lot is going to happen.

I was very impressed when I read the County Governments Act and realized that the requirements of the village administrator is that he or she must have competence in management and administration; the same applies to the ward administrator and the sub-county administrator. I think that this was a fantastic thing in our Constitution or Act, because we realize that at that very grassroots level of governance, knowledge and science is important. Therefore, that government is going to be able to deliver and extract services from people, just as the national Government is doing. Now, this kind of thing is, definitely, a seed for what I call a leap into the future in the development of our nation. If we are going to have these village, sub-county and ward administrators who are competent in management administration, they must be trained. They cannot be trained in the air, but in existing institutions that will impart knowledge to them.

Mr. Speaker, Sir, you do realize, therefore, that we are setting off to have jobs for very many trainers and experts. Experts are not just going to be needed at the Kenya School of Government (KSG) (formerly The Kenya Institute of Administration (KIA)), but at the village level. Therefore, we must be prepared to create jobs for many students who have graduated from universities who do not have jobs and give them training, so that they can undertake training of trainers at the village level. Very soon, we shall be asking the county government training institute to tell us how many villages we have in this country, because there must be data or statistics of how many village administrators and elders that we are going to have in this nation and, therefore, what kind of government structure is going to exist at that level, that is going to be cost efficient and effective.

Mr. Speaker, Sir, I think that Sen. Wako's Motion is very important because it hits at the very heart of what we are just about to do, that is, set up county governments, according to the County Government Act, which is effective and realistic. Therefore, let us forget the old Provincial administration; let us not revive it in any way whatsoever. This is because if we do, we are going to be carrying out an albatross around our neck, which has proved historically to be out of date now. We have invented something in our devolution which is new, challenging and going to be a big job creator. So, let us not live in the past and be conservative, by conserving this outdated Provincial Administration system, just because we are afraid to leap into the future.

Mr. Speaker, Sir, finally, just to set my dear friend, Sen. Amos Wako at ease, let him not be afraid of having many training institutions in the 47 counties. They neither need to cost a lot of money nor to be new things. They only need to be established institutions in existing universities, specializing in providing this kind of service or training. It will also help the growth of such universities, so that universities too realize that they must be connected to the local environment in which they are. In 2003, I was very shocked when I was talking to the Vice-Chancellor of Maseno University then and he told me: "I am very surprised that we have a university in the Lake Basin, which does not have a faculty of fisheries and marine engineering." I tried at that point in time to discuss with the Minister for Education, but even up to now, although that has not been done, I think that it is very important for these universities to establish faculties and training programmes that relate directly to the environment in which they are serving.

Mr. Speaker, Sir, I beg to second.

*(Question proposed)*

**Sen. (Dr.) Machage:** Bw. Spika, asante, kwa kunipa nafasi hii ili nimuunge mwenzangu katika pendekezo ambalo amelitoa kwa Seneti hii kupitia Hoja hii. Yeye mwenyewe kwa fikira zake ameangalia na kunukuu Kipengele cha Kwanza cha Katiba ya Kenya, mstari wa nne, Kipengele cha Sita, mstari wa pili na pia kibandikizo cha Katiba, Sura ya Sita na Kipengele cha 15, mstari wa pili.

Bw. Spika, hili sio wazo lake tu bali ni la Kikatiba. Wale watakaopewa kazi hiyo wanafaa wawe wameelimika ya kutosha kwa utawala wa mgambo. Ni kweli kabisa kwamba Katiba mpya imetoa sehemu mbili tu za utawala, Serikali ya taifa na serikali za ugatuzi. Huenda mawazo ya elimu ambayo watawala wetu wanayo wakati huu hayatoshi. Ni lazima Serikali ya Jubilee iliyopo sasa ielewe na kukubali kwamba sehemu za utawala wa nchi hii ni mbili tu Kikatiba, ingawa wameweka kibandikizo ambacho hakikubaliki kikatiba, kuwatafutia kazi tu wale waliokuwa wakuu wa mikoa wakati huo. Hatukubaliani na hilo wazo lao. Tuna sehemu mbili tu za Serikali kulingana na Katiba.

Bw. Spika, kwa hivyo, pendekezo la mwenzangu juu ya hii, haitoi nafasi ya mawazo ya kufundisha wale wametunukiwa utawala kwa hiyo sehemu bandia ya tatu. Ni sehemu mbili tu na hivyo ndivyo Katiba inasema. Tukubali kwamba hili ni wazo ambalo lilikuja miaka 58 zilizopita. Wakati huo tulikuwa na kituo kimoja cha kufundisha utawala, yaani, KIA. Bunge hili ilipitisha Hoja hapo awali kwamba tuwe na chuo kikuu kwa kila makao makuu ya kaunti. Mwenye Hoja hiyo anafaa kufikiria kama ingekuwa vizuri kugeuza na kusema kwamba kila chuo kikuu ambacho kitaidhinishwa kiwe na sehemu ya kufundisha mawazo haya ya utawala mpya, ili Hoja hii ambayo imependekazwa na Sen. Wako iingie. Itakuwa jambo la manufaa, kheri na haki kama tunapoanzisha vyuo vikuu hivi tuwe na sehemu ambazo zimeundwa kwa ajili ya kufundisha elimu ya utawala wa mgambo. Tukifanya hivyo, tutakuwa tunapiga hatua mbele.

Bw. Spika, hata hivyo, kile ambacho mwenzangu ameomba labda ni upanuzi wa chuo ambacho tayari kipo, ili kiweze kumeza---

*(Sen. Wako consulted loudly)*

Bw. Spika, mimi ninachangia Hoja ya Sen. Wako na yeye hasikilizi hata kidogo. Anachekacheka tu. Labda anafurahia. Naomba anipe nafasi nimalize.

**The Speaker** (Hon. Ethuro): Mimi nilikuwa nafikiri kuwa akicheka anafurahia vile unachangia Hoja hii.

Waheshimiwa Maseneta, Sen. (Dkt.) Machage anaomba asikilizwe. Hata kama umefurahia unaweza tu kutabasamu. Sio lazima ucheke.

Endelea, Sen.(Dkt.) Machage.

**Sen. (Dr.) Machage:** Bw. Spika, asante kwa kumkumbusha mwenzangu wajibu wake, kwamba ukishaleta Hoja, ni lazima usikilize kwa sababu kuna maswali ambayo yanakubidi kuyajibu baadaye. Lakini asiwe na wasiwasi kwa sababu Hoja yake ni nzuri. Ni wazo la hekima na maendeleo.

Bw. Spika, naunga mkono Hoja hii kwa dhati.

**The Senate Minority Leader** (Sen. Wetangula): Thank you, Mr. Speaker, Sir. The distinguished Senator for Busia was amused at the mastery of Kiswahili by Sen.

(Dr.) Machage. He as asking me: “What is *kibandikizo*?” I told him that “*kibandikizo*” means “schedule.” That is why he was laughing boisterously.

Mr. Speaker, Sir, I beg to support this Motion. We have been listening to our colleagues from various Committees who go around the counties, and all through, we hear one trait of experience – capacity. It is very important that we build capacity. In fact, one of the positives that we can talk about the oppressive colonial regime in this country is the establishment of Kenya Institute of Administration (KIA).

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

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

Mr. Temporary Speaker, Sir, KIA produced some of the most consummate public servants in this country. When KIA was weakened, we started having wayward public servants who sent this country astray for quite a period of time. To give a proper foundation and grounding to the counties, I laud the distinguished Senator for Busia for this positive thought, but I do not know whether the Motion is his personal Motion or it belongs to the Committee, but whatever it is, it is a very positive thought. If we have a very good foundation for the counties ranging from basic things like management of resources like water, even people who will manage meter readings need some basic training. People must be trained to not only function efficiently, but also respect property and public assets. Because of this lack of training, in many counties, the staff that were inherited from the old local authorities have just carried on with all the malpractices of the old days.

We have gone round and we have seen that in some counties, since the new governments came in, revenue collections have gone down and yet the indicators appear to show that the economies of those counties are actually going up. So, without properly trained personnel and without proper management of public affairs, we will continue to have problems; problems which make the National Government very happy. The National Government will always want to hold onto money. They send the money to the counties and the absorption capacity is low, not because there is nothing to do, but because the technical expertise is lacking. We need people who can do budgeting, auditing, implementation, variations, procurement and make the counties in totality self supporting, self-sufficient and able to run so that devolution can be a beneficial innovation to the people of this country.

Mr. Temporary Speaker, I want to encourage--- I wish the Sen. Wako had indicated that such an institution need not be domiciled in Nairobi. This institution can be located in Kitale, Nyeri, Baringo or Isiolo. We need to open up this country. Such an institution could even be domiciled on the shores of Lake Turkana or anywhere else so that Kenyans can also go and feel the experience Kenyans elsewhere feel when we train them. Nairobi is overloaded with institutions. You remember when a Motion came here and we were told that out of the 48 universities in the country, about 27 or 28 are around Nairobi. So, we also need to desegregate these institutions. I do not even mind one going to Busia County or anywhere else.

We need a technical team to design a proper curriculum for this kind of institution so that you do not just send people there to be taught nothing and everything, then they

end up being clever by half. They will be just like what we have been running away from. We need to define the manpower or womanpower needs for the counties. How do we tailor the curriculum so that it is a crash programme but effective? You may recall – I do not know whether it has changed now – that we normally take policemen to Kiganjo Police Training College for six months and some of them, within that crash programme, come out very consummate officers. Of course, there are bad ones as well whom even if you trained for three years will be bad.

So the intensity of the training and the quality of the programme is what will determine the quality of the outcome of what we are training. We will not spend a lot of our public resources because most of the people admitted to these institutions will invariably be qualified as graduates or high school or Form Four with diploma certificates or university degrees so that when they go to this college, they will learn special skills of management and not to go there and start being told, for example, this is a key board on the computer, this is the mouse *et cetera*. People should go there armed with skills, knowing that they are going there to just sharpen a structure of knowledge that will make them add value to the counties.

Mr. Temporary Speaker, I also believe that if we want to have a cohesive nation, even with devolution, I think we need to have a structure. I remember when we were in Naivasha crafting the Constitution, we said that certain counties with close affinities can come closer and execute certain programmes and certain issues collectively. I would want in future to see a situation where Elgeyo-Marakwet County can second its staff to Lamu and Lamu can second its staff to Kajiado and *vice-versa* so that we have Kenyans knowing and experiencing what good practices in other areas are. With these rotational structures, once people are qualified, we then build a very cohesive country. We used to joke that when we have a child born in Thika, goes to primary school in Thika, goes to Mangu High School, joins Jomo Kenyatta University, gets a job at Del Monte and works there till he retires, he might not know that there are other Kenyans in other parts of the country.

We need to give people opportunities to rotate around the country so that they can know, experience and have a feel of the rest of the country. I remember when I was first appointed as a magistrate and I was posted to Kithimani in Ukambani and I picked a small boy from my village to come and help me with house work, he was shocked to learn that there were people in this country who did not understand his language and yet he was an adult. These are the kind of things we must run away from by building a country where when you talk to somebody in Nyeri that Kajiado has these problems, he can feel what you are talking about. When you get somebody from Mandera and you are talking about the floods, they do not start feeling like you are talking from the moon because there, they go for a year before they get a few drops of rain, and that is all. So, we need to have all these things worked out properly.

Mr. Temporary Speaker, Sir, I want to encourage the House that this is a very good Motion. It, in fact, correctly interprets the spirit of the Constitution, and it correctly focuses the Senate on our core functions of being custodians and protectors of counties. We are not here to keep custody and to protect counties that are mediocre. We want to keep custody and protect counties that have proper well grounded personnel to make the wheel turn. As the wheel turns, even those who are dragging their feet on devolution will



see the difference and will start appreciating that, really, devolution is the answer to our old habits in this country.

I support.

**Sen. Kagwe:** Thank you very much, Mr. Temporary Speaker, for the opportunity to contribute to this important Motion. I believe that it is also one that is well thought out and clearly defined. From the outset even before I talk about this particular Motion, I think it is important for us to ask ourselves as the Senate where these Motions go, once we finish contributing to them. Ideally, the Committee on Implementation should actually be following to ensure that what we are saying in this House reaches the respective Ministries and authorities for implementation. On a couple of occasions, I have met Cabinet Secretaries and I have asked them what they are doing about particular Motions that were passed in the Senate and inevitably almost without exception, they have all said: "Which Motion are you talking about?". They have not seen the Motions. Therefore it is important as a House to debate and follow through to ensure that there is implementation. There is no need for us to come here and have a nice discussion and then nothing happens thereafter.

I am saying this because this is a very important Motion and we must ensure that it is implemented. Education related to county governance is a key factor to the positive implementation of this new Constitution. If we do not have people who are going to train, then we are going to waste our time. Not even that, we have a whole Ministry for Devolution and Planning that has been given sufficient funding to build capacity for the counties, but the manner in which they are training is fairly *ad hoc*. One minute there is training in Busia and then there is a little request from Nyeri and then Turkana. It is being done in a very *ad hoc* manner that cannot be quantified and be eventually effective.

Therefore, this is the kind of institution that will deliver, and the Ministry of Devolution and Planning should be working as a multi-Ministry task, liaising with the Ministry of Education and the Ministry of Interior and Coordination of National Government to see whether they can expand the Kenya School of Government (KSG) or like Sen. Wetangula says, whether we should be starting a new college or expand colleges that already exist, for example, the Kimathi University in Nyeri or the Masinde Muliro University in Kakamega.

Mr. Temporary Speaker, Sir, when we talk about the formation of this institution, who will we train? We would like to believe that Sen. Wako in bringing this Motion was thinking about the training of the county civil service and Members of the County Assemblies because there is no point of training the right hand and the left hand does not know what the right hand is doing. So, in developing the curriculum for such an institution, it is important for us to ask ourselves who we are going to train and consequently design a curriculum that addresses all those areas. If you look at the quality of debate that sometimes goes on in the county assemblies, you can see it is very basic.

This is the kind of institution that can train the Members of the County Assemblies to engage themselves in a debate that is fairly sophisticated because it is going to be issues based. But that can only come from a properly designed curriculum. I can go further and say that such a curriculum should be benchmarked amongst the best in the world and not in Kenya. Other nations have got devolved governments and training facilities for their devolved governments.

Mr. Temporary Speaker, as we think through this idea, let us agree on what institutions we are going to benchmark ourselves with. We must start off from a very strong point. Should we start from the training of trainers? Should we start by putting it somewhere temporarily? Training is not the building, but it is the people who will be trained and the people who train them. This is not something that has to wait until we have put up a building in some place. This is something that we can start almost immediately by hosting it in one of the selected institutions that can start this programme. As we think about this, we can even start the training of trainers. Those trainers can be trained in places where they can be benchmarked to be the best amongst the world.

Mr. Temporary Speaker, in my opinion, one of the shortcomings we have as a country is thinking small. We think fairly small. One of the tasks of such an institution would be to encourage our people to think big. If you look at the building we are in today, the Kenyatta International Conference Centre (KICC), at its inception, it was supposed to be one of the tallest building in Africa. Thirty 30 years ago, somebody thought we needed a building like this in Kenya. If you look at the airport, when it was built, it was one of the biggest airports in Africa. Somebody thought 30 years from then that this is the kind of airport that we will need.

Therefore, it is important for us to train people to think big. In the counties, for example, they can think about the issue of synergy creation. People are thinking about very big irrigation projects. They completely forget that they need power in their counties. What is to stop us from building a dam that can both produce power and also provide water for irrigation? Therefore, training is crucial if we want to have a paradigm shift. If we want not just to have a shift of governance, training is very crucial. If we want to have a shift of efficiency, we must learn to say what we are planning to teach. Therefore, the curriculum must involve things that we want to do and what we will never do. For example, how will the counties fight corruption? This should be part of the curriculum of this teaching. An anti-corruption curriculum is one that invests in shaming those who are corrupt all the way from school.

Mr. Temporary Speaker, in support of this Motion, I also want to urge the mover to take into consideration when it comes to the implementation to follow up with the issues that we are talking about. It is not just a question of creation of an institution, but creation of an institution that will work and which will be of assistance to Kenyans.

Mr. Temporary Speaker, when you look at the current crop of civil servants, you will realise that civil servants who have undergone training at the Kenya School of Government (KSG) are very different from those who did not actually go through the KSG. It would become inevitable that we, once again as both Houses of Parliament, think and revisit the level of education of those who we will be trained because we can also train un-trainable people.

*(Laughter)*

Yes, it is very possible to train un-trainable people. These are the people who cannot comprehend what we are trying to do in governance. I know that the last Parliament sought to run away from this subject when it became too hot. Some people thought that it was not necessary for us to think about what the qualification of an individual who was going to be a Member of the County Assembly (MCA) would be.

Because if you address the issue of the MCA, inevitably then we have to address the question of the qualification of a Member of Parliament (MP). I do not think we should shy away from that. We should do it. We should give those without qualifications time so that if we pass the law today, we have got four or five years in which you can study and qualify.

**The Senate Minority Leader** (Sen. Wetangula): They can also buy them!

**Sen. Kagwe:** Or as Sen. Wetangula has proposed in the past, just go and purchase a degree at your peril.

*(Laughter)*

Mr. Temporary Speaker, we have those who have lost seats as a result of trying to cheat through and assume positions of education that do not belong to them.

Mr. Temporary Speaker, this is a necessary part of our progress. We should address the issue of who will govern us. If small companies are saying they want a person qualified with a degree; if the MPs are vetting individuals who they have insisted on having degrees, who are we then not to vet ourselves and say we should also be qualified like other Kenyans? They hold those positions because they are qualified.

Mr. Temporary Speaker, there is no point in us creating institutions which will be manned by individuals who do not have the capacity to do so. Definitely, there will be a professor of political science. There is going to be a person who has got a doctorate or a Masters degree in whatever they will teach as far as governance is concerned. We must also define the student who will join that institution. For example, such a student must have some minimum qualifications. This is a governance institution. Therefore, a governance institution must have people who are respected by the society from which they come. They must also meet the challenges of nationhood and nation building.

Mr. Temporary Speaker, I beg to support.

**The Temporary Speaker** (Sen. Murkomen): Sen. Hassan Omar Hassan.

**Sen. Hassan:** Asante sana, Bw. Spika wa Muda. Baadhi yetu tumeamua katika zamu hii tuendeze Lugha ya Kiswahili ili tuijenge.

Mwanzo kabisa nimesimama hapa kuunga Hoja hii mkono ambayo imeletwa na Seneta wa Busia. Yeye ni Mwenyekiti wa Kamati yetu ya Legal Affairs and Human Rights. Kuna watu walisema wakati wa kupigania Katiba mpya kwamba wao wangepiga “ndio.” Walipoulizwa kwa nini wanaipigia Katiba “ndio,” wakasema ni kwa vile Sen. Wetangula ameisoma na akasema ni sawa. Wakati huu tuna Hoja ambayo imewasilishwa hapa na Sen. Wako. Hoja hii ninaiunga mkono kwa sababu ni *well thought through* kama vile Sen. Kagwe alivyotamka.

Jambo la pili, Bw. Spika wa Muda, sisi hapa Kenya tumezoea kazi za ukarabati katika kila kitu. Tunajifanya sisi tunajua kila kitu zaidi kuliko watu wengine. Sijui kama hata wewe, Mwenyekiti, ni mmoja wao? Ukiharibikiwa na mfereji wa maji, unaufungua wewe mwenyewe. Wewe unakuwa ni fundi wa mifereji ya maji. Ukiharibikiwa na stima nyumbani, unaitengeza ile swichi wewe mwenyewe. Mara nyingi watu wetu wamekufa kutokana na mshituko wa umeme. Tukiuliza kilicho sababisha kifo, tunaambiwa alifungua soketi ya stima bila kujua ina waya tofautitofauti kama vile *earth* na *live*. Anakufa ovyo kwa sababu hataki kumpa kazi fundi wa stima Kshs200.

Kwa hivyo, huwezi ukawa unajua kila kitu. Kila kazi ina fundi wake. Unaweza kuona hii kazi ya kuweka hivi vitambaa vya “*Senate Majority Leader*” labda ni kazi ya rahisi. Lakini ile siku utajaribu kuiweka wewe wenyewe, utaona ni kazi ngumu. Kwa hivyo, usimwone mwenzako akifanya kazi ukafikiria ni kazi rahisi kabisa. Usije ukaona Spika wetu, Bw. Ethuro, akimachi hapa ukaona ile machi yake ukadhani ni rashisi. Labda wewe ukipewa fursa umachi hivyo, pengine hautaweza. Kwa hivyo, kila mtu yuko na ujuzi wa kazi yake na ni vizuri kuuheshimu.

Bw. Spika wa Muda, ugatuzi wetu hauwezi kuwa wa ukarabati. Kila mtu hawezi kujifanyie analotaka kiholela holela. Wewe hauwezi kuwa mtaalamu wa kila jambo. Kuna watu wanaotaka ugatuzi na kuna wengine wanaoupiga vita. Wale wanaouunga mkono pengine hawana maarifa ya kuuendeleza. Kwa hivyo, lazima tujenge hii taasisi ya kuhakikisha kwamba tuko na maarifa, na watu wanapatiwa uwezo. Kila wakati suala la ugatuzi linapotajwa, watu wengine wanasema hawana uwezo. Tumepatiwa wafanyakazi waliokuwa katika Serikali za Mitaa na wao bado wako na fikra za mitaa. Wanafikiria hii serikali ya kaunti bado inaongozwa na meya wa zamani. Wanataka kuendeleza zile sera za wizi na ufisadi. Hii ndio maana kila wakati serikali zetu za ugatuzi zinapata shida. Watu wengi kule mashinani wanaongozwa na fikira za kizamani.

Hata mimi wakati mmoja nilipokuwa nimeingia kama Kamishna wa Tume ya Kitaifa ya Kutetea Haki za Kibinadamu, nilienda nikapata watu tayari wameganda. Watu hawa waliletwa na wale makamishna waliokuweco kabla yetu. Nilipoenda pale, niliwaambia kuwa “haya ndio maarifa yangu ya kufanya mambo haya.” Lakini wao wakaniambia kuwa aliyenitangulia alifanya mambo yake tofauti kabisa. Mimi nikawaambia kuwa kuna mkuu mpya wa polisi mjini; *there is a new sheriff in town*. Kwa hivyo, sasa, yule mkuu mpya wa polisi ni ugatuzi. Hatuwezi kuendeleza ugatuzi bila ya ile taaluma inayostahiki. Hii ndio maana ninaunga mkono Hoja hii ya Sen. Wako. Seneta Amos Wako ni mtu aliyebobea katika masuala ya kiserikali na kisheria. Yeye anajua kuwa lazima kuwe na taasisi itakayoweza kuwapatia watu uwezo wa kufanya kazi kama hii.

Bw. Spika wa Muda, ni lazima taasisi zetu nyingi pia ziwe na utafiti. Wajua katika hii nchi, hatujaweza kuweka mkazo katika masuala ya utafiti katika maendeleo yetu; *the role of research in modernization*. Lazima tuwe na msingi mkubwa katika masuala ya utafiti. Kwa hivyo, hii isiwe kama vile waalimu wetu katika vyuo vikuu na vyuo vyetu wanavyofanya; mtu aliandika silabasi miaka mitatu iliyopita, kazi yake ni kuja na kuzisoma tu hizo *notes* zake. Wanafunzi hunukuu maandishi hayo moja kwa moja ili wafaulu mitihani yao. Tuko na waalimu kama hao. Lazima kila siku tufanye utafiti. Ninajua Bw. Spika wa Muda, katika maisha yako, wewe ni mtafiti wa taaluma. Hili linamanisha kuwa kila siku lazima unasoma upya na unapata maarifa mapya. Kwa hivyo, lazima tuhakikishe kuwa kila siku, tunafanya utafiti. Sen. (Prof.) Lesan yuko hapa na anajua *the role of research* katika maisha yetu. Taasisi hizi zitatusaidia kupata maarifa mapya kila siku na kuhakikisha kwamba tunaimarisha sera yetu ya ugatuzi.

Sen. Wako alisema kuwa kuanzisha taasisi hii ni lazima kwa Serikali yetu. Serikali haina hiari ili kutekeleza Hoja hii. Sisi tumezoea ile serikali au siasa ya “baba na mama;” ambapo kila wakati tunaiomba Serikali kufanya hili na lile. Katika Hoja hii Serikali ya Kitaifa imeshurutishwa kisheria kuwa lazima isaidie serikali zetu za ugatuzi ili kuziwezesha kuendeleza ratiba zake. Kwa hivyo, hii ni amri ya kikatiba. Sisi kama Seneti ambayo ni Bunge kuu la Taifa ya Kenya, linatoa mwongozo maalum kwa Serikali

ya Kitaifa. Jukumu letu ni kutoa mwongozo. Seneti katika lugha ya Kiarabu inaitwa *baitul hikma*. Hili ni Jumba la hekima. Kazi yetu ni kufikiria lile jambo zuri kwa taifa letu. Na sisi tunaleta hapa hilo jambo, linapendekezwa, linakubalika kwa sauti moja na tunalitekeleza kwa kauli moja.

Bw. Spika wa Muda, Hoja hii ikipitishwa tunataka kuona taasisi hii imeanzishwa mara moja. Taasisi hii lazima ibuniwe moja kwa moja. Kwa hivyo, tunatakiwa pia tutoe mwongozo wa lini taasisi au Hoja hii itatekelezwa na Serikali ya Kitaifa.

Bw. Spika wa Muda, ni jambo la kuhuzunisha kuwa tulipitisha Hoja hapa kuwa madeni yote ya serikali zetu za kaunti yafutiliwe mbali. Lakini mpaka leo hatujajua hatua iliyochukuliwa na Serikali ya Kitaifa. Kwa hivyo, yatakikana tuiambie serikali yetu ni lini sisi tunataka wao waanzishe au waweke jiwe la msingi la taasisi hii ya masuala ya ugatuzi.

Bw. Spika wa Muda, kama kweli tunataka ugatuzi wetu uimarike na ufaulu, lazima tuwe na watu ambao wanauelewa vizuri kwa kuangalia zile sera za ugatuzi wakilinganisha serikali za ugatuzi katika ulimwengu mzima. Wanapochanganua sera hizo ni lazima watuelekeze kuyaiga mambo yote mazuri ya ugatuzi. Pia sisi kuambatana na fikra na uchambuzi wetu, tutachukua yaliyo mazuri kwetu. Ni lazima tupate watu ambao wako na uwezo wa kutekeleza ahadi zote za ugatuzi.

Bw. Spika wa Muda, pia ni kuwashurutisha ama kuwasihii magavana wetu washinikize na wahakikishe kwamba wameleta watu wenye uwezo wa kutekeleza ugatuzi. Wengi wao wamechukua watu kutoka katika ngazi mbalimbali za utawala wa kaunti zetu. Je, watu ambao hawana ujuzi wa ugatuzi, watautekelezaje?

Bw. Spika wa Muda, nafikiria katika fikra yangu, Sen. Amos Wako, ambaye ndiye mwenye kubuni Hoja hii alikuwa na wazo kwamba kupata mtu mzuri inaenda sambamba na kuwa na ufadhili mzuri. Ukilipa vizuri utapata mtu mzuri. Hauwezi kuchukua mtu kwa pesa nane na ukafikiri kwamba utapata matokeo kama yale ambayo tunapata kutoka kwa kampuni za kibinafsi. Kwa hivyo lazima tuimarisha mapato katika kaunti zetu ili tuweze kulipa wafanyakazi wa kaunti kwa njia nzuri ndio tutapata watu wazuri ambao watakuza uchumi wetu. Hata hapa katika Serikali yetu ya kitaifa, baadhi ya wale ambao waliweza kukuza uchumi wetu ni wataalamu wakubwa kutoka World Bank na *economists* wakubwa kama Bw. Thuge. Waliletwa hapa na kuhusishwa katika kukuza uchumi wetu kwa kutoa fikra na mbinu za kutekeleza ile ahadi ya kuboresha uchumi.

Kwa hivyo kama kweli tunataka wafanyakazi wa kaunti ambao wataweza kuhudumia taifa hili kwa kujitolea, lazima pia tuwaweke katika hali ya utulivu. Ikiwa utalipa mtu Kshs20,000 nakuhakikishia kwamba muda mwingi atautumia katika wizi na kutafuta mapato mengine hapa na pale. Kwa hivyo, hatuwezi kumlaumu. Ikiwa wewe unalipwa milioni moja na unamwambia afanye bidii kama wewe na pia appende kuwa Mkenya--- Lazima upende kuwa Mkenya kama uko na mali.

Sisi tunawaomba muunge mkono Hoja hii ili kuhakikisha kwamba tumetekeleza ahadi zetu za ugatuzi.

**Sen. Mbuvi:** Hoja ya nidhamu, Bw. Spika wa Muda.

**The Temporary Speaker** (Sen. Murkomen): Ni nini Seneta wa Nairobi?

**Sen. Mbuvi:** Bw. Spika wa Muda, ningomba Seneta wa Mombasa aondoe neon “wizi” na kutumia neno la kisawa.

**Sen. Hassan:** Bw. Spika wa Muda, nilisema kwamba tukiwalipa watu mapato duni, watakuwa wanaendeleza sera za wizi. Sikuita mtu mwizi.

**The Temporary Speaker** (Sen. Murkomen): Hiyo ni sawa! Endelea, Sen. Hassan.

*(Loud consultations)*

Order, Senators! The Speaker ruled earlier that all communication is through the Chair. We do not want you to be talking to yourself outside the Chair and you know what can befall you.

**Sen. (Prof.) Lesan:** Mr. Temporary Speaker, first and foremost, I wish to thank my colleague Senator for bringing this Motion. Right from the onset, I want to state that I support it. The building of capacity for development of this country is a very urgent matter. It is more urgent now that we are beginning with counties so that we address the issue of capacity building by building institutions. There is no need to build structures. We have no need for buildings in this case. We need to move very quickly and establish a network in which we can build capacity. The first thing that we need to do is to clean up and modernise curriculums in which we would want to develop and build capacity with the view of looking at the future. We want a curriculum that would bring us personnel that have the capacity to work even in 2050. So, curriculum development is, perhaps, one of the first things that we would need to do in terms of capacity building.

Mr. Temporary Speaker, Sir, the Committee on Education, Information and Technology had the opportunity of meeting all the Ministers of Education in all the counties. We had firsthand experience of what capacity would do. We met these Ministers and officials from the Teachers Service Commission (TSC). It became apparent that we were the ones who were providing the know-how in terms of capacity building. I must say that, at the end of that seminar, the teachers in the counties, Ministers for Education in counties felt much better. Most of them had already been given the function and the money. However, they were unable to employ teachers for Early Childhood Development (ECDE) because they lacked the capacity. They lacked knowledge on when they would do that and what were the consequences. These are the small things that can be learnt if we had an institution for building the capacity.

In the matter of capacity, it is not only the workers for the public service that need to be enhanced in terms of capacity. I even think that politicians need to be given some capacity in the way in which we think so that we can move away from some hard-line positions in our political thinking that directly affect development. So, I should expect that these institutions which we are building can be useful to the politicians where we can modernize our thinking. For example, we should be thinking of arbitration instead of radical positions. Even we, as politicians, would benefit from an institution that builds capacity.

The unfortunate thing is that while we were in Naivasha with the teachers, the Ministry concerned with devolution itself needed to build capacity of its own in order to deliver. So, it is very important that this capacity building is considered as an all round thing, so that everybody is incorporated and their capacity to deliver is enhanced. This also applies to the governors. I do believe that even the governors of these counties need to stay together, learn from each other and receive new information. New information

would usually come through institutions like this. I believe that even the governors cannot know everything and should synchronize and work with everybody else because we all work for the same country. Therefore, the development of capacity is a very important aspect. So, it is important that we organize the way that is delivered. Perhaps, the best way is to have an institution that is able to deliver.

Mr. Temporary Speaker, Sir, I support this Motion. It should be implemented as soon as possible without necessarily waiting for structures to be put up. We can put up the curriculum and use existing facilities in the land to offer this capacity quickly and fast enough in order to utilize it in the delivery of services to the country.

**Sen. Ong'era:** Mr. Temporary Speaker, Sir, thank you for giving me this opportunity so that I can support this Motion. This is a very good Motion brought by the leader of delegation from Busia. This Motion wants to build capacities in the counties. There is no way we can have good infrastructure even if we have resources, unless the men and women who are going to implement those services are well trained and have appropriate skills that can enable them do their jobs right. Therefore, we need to support the notion that is being proposed here that we should have the necessary training colleges in every county to the level of the Kenya Institute of Management that can train our civil service.

Mr. Temporary Speaker, Sir, as you are aware, we have had quite a number of issues in the counties where many members of staff have been striking. They are striking because some governors are alleging that they are bloated and, therefore, should be fired. This is a notion that I do not support. These are all Kenyans and cannot just be thrown away like that. There has to be a way in which our civil service can be maintained in the counties. This can be done by way of having a proper job evaluation and a necessary skills audit. This is the only way we can know a number of staff required in the counties. We cannot just wake one morning and say that we have over 12,000 workers and we need to send them away. In these hard times when the cost of living has doubled, we cannot take such a drastic measure. We all know in the last two weeks, we were buying milk at Kshs45. Today, it is being sold at Kshs65. So, where do we expect these staff to go?

Therefore, we need to ensure that we have proper training colleges that can give the necessary skills to our civil service. If I were the Senator for Busia, I would add that we need to have appropriate technologies and polytechnics of the level equivalent to the Kenya Polytechnic in every county. This is because we want our youths trained so that they benefit from this new dispensation.

**Sen. Elachi:** Mr. Temporary Speaker, Sir, I also stand to support the Motion. I believe that one of the things that people need in governance is training. It is not just for those who are now in the county governments, but for everybody who works for the government. Everybody needs to go back and retrain because of new technologies and what is happening in the world. I believe that for the county governments to move and for the national government to support the counties, there is need for capacity building. It is very important to, first of all, appreciate that we need to immediately think of how we can support those who are in the county governments, using the existing institutions. The governors should come up with ways of facilitating the existing universities in the counties so that they can train their staff instead of using a lot of money going abroad. It is time to relook at their budgets and allocate money for training. I remember that most

counties do not even have drafters. It is important to understand that the training we are looking at as the Senate is the training that will assist everyone within the county so that they are able to deliver what the citizens are waiting for.

Mr. Temporary Speaker, Sir, it is very sad that we sit here and talk about training and yet even ourselves would hate to go through the same. I urge our colleagues from the National Assembly and the Senate to retrain. There are many online programmes that one can do. Therefore, do one of them and get good papers so that when you are vetting a person, you have an understanding of various issues. Training enables you to understand how to deal with people. Training will enable one to understand despite the level of education. We have some who are very educated, but cannot understand people. Training is there to help us understand others and how to work with others in a team.

As we build capacity at the county level, we must know that technology is there. We believe that they are supposed to use computers and other accessories. We had solutions at the national government that have been devolved and they also need to use that. They need the training to understand and learn how to use those solutions.

The new Constitution brings in a new dispensation. Therefore, anyone who works in the public service must understand it. If they do not change their attitudes, even if we offer them training, it will be difficult for them to change. One of the challenges in the Government institutions is that there is a bad attitude. Someone comes in the morning with an attitude. If he feels like serving people that day, so be it. Apart from training, we also need to look at the remuneration of these people. We want to have a team that will work without complaining.

Attitude is one issue that we must tackle. This is all over in our institutions. It has gone to our health sector where everybody works with an attitude. Even the jobs we thought were a calling for some people have really changed. Everybody is now looking at how they can get rich quickly. We are also doing very badly in terms of research at the university. If you want, for example, to integrate those who used to work at the county councils, you must find a way of changing their attitudes. I wish the governors would come up with a proposal to request those who have papers to present them and he amounts in-service training courses for them. There will be need to guide those who do not have papers and assist them accordingly.

We, as the Senate, need to ask ourselves how we will ensure that there will be smooth handing and taking over in the county governments. Officers who are corrupt should not be taken on board. We do not want to devolve corruption at the county level. We need to bring on board a force that is working which does not bring in conflict. The process should ensure that workers will not sabotage county governments. It is time we looked at this very seriously before they start bringing up issues and taking each county to court.

With regard to training, I urge county governments to look at the institutions within their counties. They should only recruit those who are qualified. The first priority when it comes to employment should be given to officers who have been working in those counties. No governor should be allowed to sack his officers and recruit new people. The Constitution does not allow them to do so. The Constitution says every Kenya has a right to work, education, water and shelter. Governors must integrate all workers within their counties.

I beg to support.



**Sen. Ndiema:** Thank you, Mr. Temporary Speaker. I stand to support this Motion which is already belated. It should have come immediately after we embarked on devolution. Nevertheless, it is very important. The training is an aspect that will make or break county governments. Looking at the way it is being handled at the moment, you will see that it is very unsatisfactory. Even the training that was made for the District Focus for Rural Development (DFRD) was more thorough because at every level, starting with Ministers, Permanent Secretaries and others, officers had to go to the Kenya Institute of Administration (KIA). Trainers were trained up to the lowest level of an assistant chief. At that time, we did not have anything like the devolution that we are talking about here. The Transition Authority (TA) has really let us down on this one. It is high time they upped their efforts. The training we are talking about is with regard to imparting managerial skills in areas like Public Finance and Management, Communication Skills and ICT. We should take the ICT sector to the counties.

During the recess, I had an opportunity to interact with the County Assembly Members of Trans Nzoia. One of the challenges they are facing is on training. They felt that they were unprepared to handle the responsibility that they were given. We talked about their education level being low, but I could tell from their faces and expressions that they were eager to learn so as to perform. However, there is no tailored training for them. Most of them have not read the Constitution and do not even have copies of it.

We have the Public Finance Management Act and the code of regulations. We know that county assembly members were sourced from different sectors. Some were farmers, accountants, teachers and so on. Some governors have not worked in government to understand how the bureaucracy of government works. Without training, we are setting them up for failure. We are also contravening the laws we have put in place. Very soon, we will be blaming them for not conforming to regulations. I remember that at the KIA, the training encompasses all cadres and professionals. Even judges and magistrates had to go to the KIA despite the fact that they had gone to the Kenya School of Law. They had to go to the KIA to learn issues of management. Therefore, governors and all their staff should be given training in areas that affect their performance.

The idea of having purposeful training institutions for county governments is proper. I would prefer if we had a training institute specifically for the devolved governments rather than have universities offering degrees. Some of the workers do not have degrees to undergo that type of training. In the meantime, we can start from somewhere, including KIA. The Government has other institutions like the former Government Training Institute (GTI) Mombasa and Baringo. One of them can be dedicated for this kind of training. I support the idea of hon. Sen. Wetangula. I would prefer if we set up one in Kitale since we do not have a major institution there. We need such institutions there. Such an institution would not only be for in-service training, but would also cater for our young people who aspire to pursue careers in Government.

Currently, there is recruitment going on for sub county administrators, ward administrators and village administrators. Most of our young men may not get these jobs because of the qualifications that have been put there. They are asking for ten years experience. We are locking them out and yet this is the digital generation that we are talking about. We want to include them. Such institutions need to offer training. We should look at the institution someone has worked for and what experience they have.

An institution like this would also offer standardized training so that all counties move at par. If we were to train them at various colleges and each county decided on its own curriculum, there would be disparity in terms of productivity. Therefore, I support the idea that we have one central institution. We could also have branches in all counties specializing in all certain areas. Such institutions would not be idle because we have 47 governments. They will be busy. We now know that currently, staff are being trained on *ad hoc* basis. Some are being taken to hotels and so on which is very expensive. Such an institution will be contributing to cost cutting for our counties because they will be cheaper. In the event that there is expertise outside the country, it will be cheaper to hire someone from an institution where devolution has succeeded and station him in such an institution to train our people.

With those few remarks, I support.

**Sen. Lesuuda:** Thank you, Mr. Temporary Speaker, for giving me this opportunity to contribute to this very important Motion by the distinguished Senator, Sen. Wako. This is a timely Motion, but I will add a rejoinder, as Sen. Kagwe mentioned, that we hope that the Committee on Implementation will follow up on these Motions and ensure that they are implemented. I am happy that you are the Chair of this Committee. I know that you also know that it is important and timely.

Just to pick up from what we said yesterday, each county should have its own strategic plan and ensure that in the next five years there are things we will look at and see how they have improved the lives of people and services. We may want to have the county strategic plans in place, but some of the people at the county level, do not have the skills, knowledge or competencies to ensure that they put in place some of the structures we are directing counties to have. It will be important for county personnel to be trained, as Sen. Beatrice said, about attitudes and leadership. Most people who have moved to the counties to serve in various positions are looking at this as an opportunity to get a job. They applied for jobs at the county level and they have now moved their laziness and everything back to the county. We keep on devolving some of the attributes and attitudes from the national level to the county level making them redundant. So, it would be very important to start on the right footing and note.

Mr. Temporary Speaker, Sir, some people who are now in the county governments and even some of us in leadership, were in other professions before, have confessed that this is the first time that they are finding themselves in a position where they have to serve. They are in the Government to understand the systems. I do not know whether or not they find them frustrating. But it is the first time that some of us are actually interacting with the processes of the Government, including budget making and such kinds of things. So, it would be very important for us and the county personnel to be taken through this training, so that they can familiarize themselves and also deliver.

Mr. Temporary Speaker, Sir, one of the professions that I used to really admire before was that of diplomats. One of the things that I used to like about them is that every couple of months, they would be at the Kenya Institute of Administration (KIA). I know of a couple of attaches who are being trained at KIA. So, every other day, they are getting training for one thing or the other. After a couple of weeks, they would be back. It is something that I really used to admire. I think that it is important even for us to think about other professions, to continue getting this training once in a while and ensure that we enhance the jobs that they do.

Mr. Temporary Speaker, Sir, some of these Motions that we see here are things that you might not easily--- It is not like a school or hospital where you will go and see that it has been done. But what we will be doing is investing in the long term. We will have quality people serving the people of Kenya and, definitely, in 10 or 20 years to come, it will translate now to service delivery for our people. So, it is something that we should not just rubbish, but think about and invest in. The honeymoon stage is over. The time for just going to Mombasa for workshops is over. I think that we have all gone through that now. I also think that our county representatives and governors have had enough of those trips as well. I think that we now need to move on to another stage where we actually impart direct knowledge and talk about attitude, leadership and how we can move our counties forward. So, maybe the TA or Ministry of Devolution and Planning needs to think about and actually invest in knowledge, skills, attitude change and leadership of our people. As I said, after a number of years we will definitely reap from it.

Mr. Temporary Speaker, Sir, we do also not need to keep doing it in various towns. There are institutions in our counties, including Government institutions like the colleges that we have at the county level. They can dedicate some time to train the personnel at the county level, to ensure that they have the necessary skills.

Mr. Temporary Speaker, Sir, I think that this is a very important Motion that we all need to support and also ensure that it is actually implemented.

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

**Sen. Kanainza:** Thank you, Mr. Temporary Speaker, Sir, for this opportunity to also contribute to the good Motion that has been brought by Sen. Wako.

Mr. Temporary Speaker, Sir, first, training is very key to the people concerned. This is because we want to achieve the goal that is in our Constitution. Secondly, we are working towards the achievement of devolution and the people concerned with implementation are found at the county level. The executive members and staff who help them in doing this need to get the relevant skills and knowledge that will enable them take up their job so well, for us to enjoy the fruits of devolution. This will enable them get skills that are related to their job description. At the end of it, they will get good results.

Mr. Temporary Speaker, Sir, lastly, this training will benefit, not only those who want to get these skills, but also people in our counties who have this profession. I know that it will create jobs for our people.

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

**The Temporary Speaker** (Sen. Murkomen): I now call upon the Mover to reply.

**Sen. Wako:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to reply.

Mr. Temporary Speaker, Sir, first of all, I want to thank each and every person who has contributed to this Motion and supported it. I could see that the support was not artificial. It was support which said: This is long overdue.

Mr. Temporary Speaker, Sir, just touching on a few points that were raised. Yes, this type of institute should not necessarily be based in Nairobi, but in any other place. It can have branches in various places. But from what we have said here, it appears that we cannot wait until a building structure has been put up, professors hired and curriculum agreed upon to start training. I think that the first and immediate issue to me is that the

curriculum for the training must be agreed upon immediately. The Government can, as a start, encourage the universities in various regions to set up independent training institutes for county governments, which will now train according to the agreed standards.

We cannot afford to wait. As somebody has said, sub-county, ward and village administrators are being hired. I do not know what their counterparts in the national Government, starting with the chiefs, sub-chiefs, deputy county commissioners, are going to do. But those ones are trained. The ones for the counties may not necessarily have been trained and, therefore, there will already be an imbalance as far as the delivery of services is concerned. There may be also a potential conflict. I hope that the Committee of Prof. Anyang'-Nyong'o, which has been asked to look into this matter, will look at it very urgently, so that we can have a harmonized structure below the county government.

Mr. Temporary Speaker, Sir, I agree entirely that appropriate technologies, polytechnics and so on need to be introduced. This is because most of the projects that are going to take place in the counties need those types of technicians. So, the Motion that we passed here sometimes ago, about each county having a proper polytechnic, was a step in the right direction.

Mr. Temporary Speaker, Sir, Sen. Naisula reminded us of what was discussed yesterday, regarding strategic planning and a development plan for each county, with benchmarks and so on. Do you think that those can be achieved without the proper personnel working for the counties? It cannot be, hence, the urgency of this thing.

Mr. Temporary Speaker, Sir, I do not want to go into too much detail. I just want to reiterate what Sen. Ndiema said. I was there when the district focus development plan was being done. I, as the Attorney General, went to Kabete to be trained on what this programme was all about. We were all trained at various times on that. Therefore, if that happened at that time, even more important should this happen now. This is because part of the problem is that even the people who are working at the national level, including the Principal Secretaries and so on, one is not very sure that they really understand this animal called devolution and the role of the county governments. I do not think that they have undergone the type of training that we underwent at that time when there was the district focus. That is why a crash programme of training is very much called for.

Mr. Temporary Speaker, Sir, the Committee on Implementation will be there and we shall push it. I am also quite sure that we shall push the Sessional Committee on Devolution. We are also going to push the Legal Committee to ensure that this particular Motion, which somebody has said is long overdue is implemented almost at once.

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

## COMMUNICATION FROM THE CHAIR

### SUBMISSION OF PROGRESS REPORT ON SENATE RESOLUTIONS BY IMPLEMENTATION COMMITTEE

**The Temporary Speaker** (Sen. Murkomen): Hon. Senators, I have a Communication to make.

Hon. Senators, in the course of this debate, a lot has been said about the situation of the Motions that we pass in this House and whether or not they are being implemented.

Every resolution of this House requires action by the respective Ministries and Cabinet Secretaries. There is a procedure and channel in this House for communicating the same to respective Ministries. The Committee on Implementation is seized of the matter and is taking the necessary action.

However, the Chair rules that this Committee on Implementation should apprise the Senate on the progress that it is making on all Motions that have been passed in this House, and report to the House next week, on Thursday, 26<sup>th</sup>, September, 2013, so that we can understand what action the House can take based on their report. So, I order the Vice-Chair of the Committee on Implementation, Sen. Kanainza, who is here, that we should have a report next week on Thursday.

**The Senate Minority Leader** (Sen. Wetangula): On a point of order, Mr. Temporary Speaker, Sir. This Motion that we have just concluded affects counties. After the Chair's Communication, I believe that the logical next step is to put the Question. I request that like we did yesterday with the other Motion, we should schedule this Motion for a vote on Wednesday, next week, at 3.00 p.m., so that we can, alongside the other Motions that we have already scheduled, be able to vote on delegation basis, as is required under the Standing Orders.

**The Temporary Speaker** (Sen. Murkomen): Hon. Senators, it is true that this Motion, clearly from the provisions cited in the Constitution, in Articles 1, 6 and 15, and the content in terms of building the capacity of county governments, giving them a framework for capacity building, concerns counties. Consequently, as per the Constitution, this Motion will require that we have, at least, 24 Senators to vote for it to succeed. Considering that the Motion has had overwhelming contribution from the Senators, it is only fair that I accede to the request by the Senate Minority Leader, that we defer the voting of this Motion to next week on 25<sup>th</sup> September, 2013, at 3.00 p.m., so that we can vote for it together with the other Motions.

**Sen. Wako:** On a point of order, Mr. Temporary Speaker, Sir. I just want to seek directions. I accept your ruling about Wednesday, next week, at 3.00 p.m. I think that yesterday's Motion, again, was postponed to Wednesday, next week, at 3.00 p.m. It means that Wednesday, next week, at 3.00 p.m. is going to be a very important day for voting. Now I think we know that there could be many Senators who are out of the country. They are at The Hague and other places. Would it be in order for them somehow to be requested to give some necessary authority to some Senators here to vote on their behalf because we do not want those counties to miss out on this important vote? I agree we do not have the 24 votes that are required to pass a Motion.

**The Senate Minority Leader** (Sen. Wetangula): On a point of order Mr. Temporary Speaker, Sir. This relates to what the distinguished Senator for Busia has requested the Chair to do which the Chair has no capacity to. The delegation to any Member of this House to vote is not predicated on the direction of the Chair. It is predicated on the convenience of the conduct of any particular delegation. There are some heads of delegations who instinctively may delegate, but others who selfishly may decide not to delegate and they are absolutely right in law under the Constitution and in fact. So, the Chair would be making an order incapable of obedience if it was to venture into that direction.

**The Temporary Speaker** (Sen. Murkomen): I think Sen. Wako knows the Constitution very well. He is a seasoned lawyer, senior counsel and part of the team that

drafted the Constitution. In fact, he has even one of the drafts named after him. You know very well that delegation applies to situations where there are members of delegation coming from the same county. So, it is not possible, first of all, to accede to that request.

Second and most important, whether people travel to The Hague, Egypt or even to their counties, it is not done in the absence of the knowledge that the business of this House is on. This House has been cognizant and I have heard the Senate Minority Leader in the past say that even where permission is given for people to travel, it must be minimized so that the business of this House is not interfered with. I think the Majority and Minority Whips have the capacity to ensure that we have the necessary number of Senators who will be available for the business of the House because our calendar is very clear and we all know that. So, Wednesday, next week will be the time to vote, not only for this Motion, but also for the other Motions.

*(Putting of the Question on Motion was deferred)*

### ADJOURNMENT

**The Temporary Speaker** (Sen. Murkomen): Hon. Senators, there being no other business, the House stands adjourned until tomorrow, Thursday, 19<sup>th</sup> September, 2013 at 2.30 p.m.

The Senate rose at 5.15 p.m.