

REPUBLIC OF KENYA

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25/10/18
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30/11/2018

THE SENATE

TWELFTH PARLIAMENT – SECOND SESSION

JOINT STANDING COMMITTEE ON STANDING COMMITTEE ON
EDUCATION, AND STANDING COMMITTEE ON LABOUR AND SOCIAL
WELFARE

REPORT ON THE PETITION CONCERNING HISTORICAL HUMAN RIGHTS
VIOLATIONS AGAINST THE ABASUBA COMMUNITY OF WESTERN KENYA.

Clerk's Chambers,
The Senate,
Parliament Buildings,
NAIROBI

October, 2018

1 | Page Petition concerning historical human rights violations
against the Abasuba community of Western Kenya.

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ABBREVIATIONS AND ACRONYMS

KICD - Kenya Institute for Curriculum Development

KNATCOM – Kenya National Commission for UNESCO

UNESCO – United Nations Education Scientific & Cultural Organization

PREFACE

Mr. Speaker, Sir

1. The Standing Committee on Labour and Social Welfare was constituted in December, 2017 during the First Session of the Twelfth (12th) Parliament pursuant to the provisions of Senate standing order 187.

The Committee is mandated to consider all matters related to: *manpower and human resources planning, pension, gender, culture and social welfare, youth, National Youth Service, children's welfare; national heritage, betting, lotteries and sports, public entertainment, public amenities and recreation.*

2. In executing its mandate, the Committee oversees the Ministries of:
 - a) Labour and Social Protection;
 - b) Ministry of Public Service, Youth and Gender Affairs; and,
 - c) Sports Culture and the Arts.

3. The Committee comprises the following Members:

1. Sen. Sakaja Johnson Arthur	-Chairperson
2. Sen. (Dr.) Milgo Alice Chepkorir	-Vice Chairperson
3. Sen. Stewart Madzayo	-Member
4. Sen. Poghizio Samuel Losuron, EGS	-Member
5. Sen. (Dr.) Mwaura Isaac, CBS	-Member
6. Sen. Samson Cherarkey	-Member
7. Sen. Beatrice Kwamboka	-Member
8. Sen. (Dr.) Gertrude Musuruve Inimah	-Member
9. Sen. Petronilla Were Lokorio	-Member

4. The Senate Standing Committee on Education was constituted in December, 2017 during the First Session of the Twelfth (12th) Parliament pursuant to the provisions of Senate standing order 187 and is mandated to "*consider all matters related to education and training.*"

5. In executing its mandate, the Committee oversees the Ministry of Education, Science and Technology.

6. The Committee comprises the following Members:

1. The Hon. Sen. (Dr.) Langat Christopher, MP	-Chairperson
2. The Hon. Sen. (Prof.) Margaret Kamar, MP	-Vice Chairperson
3. The Hon. Sen. Mohamed Yusuf Haji, MP	-Member
4. The Hon. Sen. (Prof.) Samson Onger, MP	-Member
5. The Hon. Sen. Okongo Omogeni, MP	-Member
6. The Hon. Sen. (Dr.) Agnes Zani, MP	-Member
7. The Hon. Sen. Nderitu John Kinyua, MP	-Member
8. The Hon. Sen. (Dr.) Gertrude Musuruve, MP	-Member
9. The Hon. Sen. Seneta Mary Yiane, MP	-Member

7. The Secretariat of the two Committees comprises of the following -

- | | |
|------------------------|--------------------|
| a) Ms. Mwanate Shaban | - Clerk Assistant |
| b) Mr. Joseph Mwangi | - Clerk Assistant |
| c) Mr. Jeremy Chabari | - Legal Counsel |
| d) Ms. Colleta Sigilai | - Legal Counsel |
| e) Ms. Marale Sande | - Research Officer |
| f) Mr. Mr. Vitus Okech | - Research Officer |
| g) Ms. Rahab Chepkelim | - Audio Officer |
| h) Mr. Reuben Kimosop | - SAA |
| i) Mr. Boniface Mbithi | - SAA |

8. The petition concerning historical human rights violations against the Abasuba community of Western Kenya was presented to the Senate on Tuesday, 5th June, 2018 by Senator Samson Cherargey, MP. Senator for Nandi County and the Chairperson of the Standing Committee on Justice, Legal Affairs and Human Rights. The Speaker of the Senate then directed that the petition be dealt jointly by the Standing Committee on Labour and Social Welfare; and the Standing Committee on Education.

9. The Joint Committee held 6 sittings on the matter and met with the following stakeholders -

- a. The Petitioners,
- b. Kenya Institute of Curriculum Development, and
- c. Cabinet Secretary, Ministry of Education, Science and Technology.

10. The Joint Committee also wrote (and received submission) to the Kenya National Commission for UNESCO, the National body mandated to deal with matters culture.

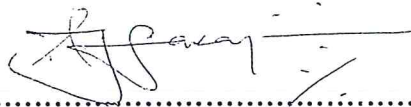
ACKNOWLEDGEMENT

Mr. Speaker Sir,

The Committees wishes to acknowledge the time and considerable effort made by all parties who volunteered information before it. I also wish to express my gratitude to my colleagues for their thoughtful input and engaged contributions to the matter. Further, the Committee is indebted to the Office of the Speaker and the Clerk of the Senate for facilitating all the actions that led to the production of this report. The Committee also wishes to recognize the commitment and dedication of the staff of the committee that made the work of the Committee and the production of this report possible.

Mr. Speaker Sir,

It is now my pleasant duty, pursuant to Standing Order 232 to table the report of the Joint Standing Committees of Labour and Social Welfare; and Education, in relation to the Petition concerning Historical Human Rights Violations against the Abasuba Community of Western Kenya.



SIGNATURE.....
(CO-CHAIRPERSON: SEN. JOHNSON SAKAJA)

DATE..... 23 October 2018



SIGNATURE.....
(CO-CHAIRPERSON: SEN. CHRISTOPHER LANGAT)

DATE..... 23 October 2018

CHAPTER 1: INTRODUCTION

1.1 Emerging Issues from the Petition

The Petitioners drew the Senate's attention to the following issues: -

That Article 11 of the Constitution of Kenya recognizes culture as the foundation of the nation and as the cumulative civilization of the Kenya people and nation;

That the same Article obligate the State to promote all forms of national and cultural expression through literature, the arts, traditional celebrations, science, communication, information, mass media, publication, libraries and other cultural heritage;

That Article 44(1) of the Constitution grants every Kenyan the right to use language and to participate in the cultural life of one's choice;

That the Abasuba community has faced historical injustices and violation of human rights and as gradually disappeared owing to the introduction of Luo language as a medium of instruction in Basuba schools at pre and primary levels;

That the Press Release by the Kenya Institute of Curriculum Development (KICD) in April 2018 urging Suba primary schools to instruct using dholuo language from 1st January 2019 was not acceptable as it will further threaten Abasuba language revitalization;

That despite the Gazette notice in 1994 creating the Suba District thereby recognizing Basuba as one of the Kenyan tribes and the directive that KICD publish learning materials in the language, this has not been implemented;

That the *UNESCO Red Book of Languages in Danger Report*, recognizes Abasuba as one of the thirteen (13) Kenyan tribes in danger of extinction

1.2 The Petitioners Prayers

The Petitioners prayers were that the Senate investigates the matters and make appropriate recommendations with a view to:-

- (a) ensuring the rights of Abasuba people and other endangered communities are protected by ensuring the implementation of affirmative action programs;
- (b) allocating funds and instructing KICD to direct the publication of pre-primary and primary school learning materials in Suba language for learners in Suba schools;
- (c) proposing and enact the Endangered Languages Bill with an aim to protect, promote and ensure the 13 endangered languages.

1.3 About the Abasuba People and Suba Language Endangerment

Basuba ethnic group is an amalgam of four ethnic communities namely, Abagusii, Abasamia of Kenya, Baganda and Basoga of Uganda. The name Abasuba was coined by the late Colonial Chief Kasuku in order to bring together all the Bantu sub tribes in the South Kavirondo¹ and was deposed in the year 1938 after administering the former Gwass Division². According to Wikipedia, the Abasuba Ancestors, the Abakantu (Bantus) fled the Buganda kingdom across Lake Victoria and settled at what is now Rusinga and Mfangano Islands. They also moved inland where they heavily intermarried with Luo people, who are Nilotic, majority of whom adopted the Luo language.

Allied Dialects of Basuba

With the foregoing, the Abagusii, allied dialects of Basuba accounts for nearly 70% of the Abasuba population, they are followed by Baganda at 20%, Basamia at 8% and Basoga at 2%. The Basoga descendants are known as the Waganda.

Linguistically, the Suba including the mainland Suba are highly influenced by their neighboring Luo community to the point of the language shift. Unsubstantiated reports show that in the 1990s there were 16,000 native speakers of the language with numbers dwindling to 2,200 after a decade. Reasons for the reduction in the number of the native speakers of the language:-

- (i) "luoization of the Suba"- Where contact between the Suba and Luo dates back into the 19th century when, the Luo expanded southwards towards the Suba territories. The populous Luo were more advantaged with the Suba acquiring Luo customs and practices hence the name *Luo-Suba*. The assimilation was motivated by trade, intermarriage, education and evangelization. Suba people were assimilated linguistically as well, with almost all Suba speaking Luo either as first or second language³;
- (ii) migration of Suba people into the main land resulting in their learning of the language to adapt to their new environment (rural to urban migration); Others are:

¹ current Migori and Homabay Counties

² now Suba Constituency

³ B.A Ogot, (1967), in her publication *A history of the southern Luo*, Nairobi: East African Publishing House

- (iii) the Kenyan Education system has deliberately not made adequate provisions for preserving native languages, only 22 of the more than 42 Kenyan languages have publications for teaching⁴. Currently, schools in rural areas study in vernacular up to standard three⁵ before fully adopting English as government policy but implementation continue to face hurdles;
- (iv) parental preference to English and Kiswahili with native language deemed traditional and outdated;

1.4 Suba Language – Extent of Endangerment

As a member of the United Nations (UN), Kenya is obligated to ensure indigenous languages are maintained and revitalized as an essential ingredient to a shared cultural heritage. According to *The Atlas on Endangered Languages* a report published by UNESCO, Kenya has at least 13 languages considered at a minimum, seriously endangered. The first six languages are BONG'OM, OMOTIC, ONGAMO, SOGOO, SUBA and TERIK.

Table 1: Extent of endangerment of the six languages⁶

No.	Language	Classification	Speaker Population
1	Bong'om	Seriously Endangered	30,000 by 1994
2	Omotic	Moribound	Less than 50 by 1980 (All 40+ years)
3	Ongamo	Moribound	200 to 300 bt 1983
4	Sogoo	Moribound	Around 60 in the 1970s
5	Suba	Seriously Endangered	Around 119,000
6	Terik	Seriously Endangered	Around 50,000

Seriously endangered (vulnerable) – sizeable population use it and has a chance of survival
Moribund – Few elderly population use it and almost no chance of survival once they die

Others languages in Kenya that are at a high risk include SEGEJU, EL MOLO, YAAKU, KINARE AND OGIEK. The TESO and KURIA languages are said to be relatively stable but need attention. According to reports, the Suba language is unique amongst the endangered languages of Kenya, as is the only Bantu language absorbed by Luo which is a Nilotic language. Apart from the language, reports show that the Abasuba cultural practices and

⁴ this assertion is supported by Nathan Oyori Ogechi of Moi University's *Department of Kiswahili & Other African Languages*. In his paper presented at Indiana University Purdue University Indianapolis (IUPUI) titled *The Language Situation in Kenya*, Ogechi strongly calls for deliberate efforts by the Government to strengthen the existing 22 and slowly start incorporating the rest with special emphasis on minority languages;

⁵ also referred to as grade three

⁶ UNESCO Atlas of the World languages in Danger, 2000, last updated 2017

history are equally vulnerable following heavy assimilation with the neighboring Luo. For example very few Abasuba in the mainland such as Kasgunga, Gembe, Ruma and Gwasi East can speak and proudly identify as Abasuba. Further, it is asserted that Abasuba clans outside of Suba sub counties such as Kwabwai in Ndhiwa, Kamagambo in Rongo, Wang'aya in Nyando and Migori Suba are vulnerable to assimilation.

1.5 Perspectives on Language Endangerment and Revitalization

Language 'revitalization' refers to strengthening a language by bringing it to a new generation of language learners with attempts to slow, halt or reverse 'language death'. The strategies applied by such communities are geared towards fighting back misguided language policies, linguistic chauvinism and forced assimilation⁷. Worldwide speakers of endangered languages have spearheaded efforts to reverse this trend through the use of technology, education, community organization and other strategies.

The need for language revitalization is as a result of loss of some indigenous languages by minority communities and this is tied to the following reasons; (i) associated with taking up of indigenous lands; (ii) destruction of indigenous habitats; (iii) involuntary or voluntary incorporation of indigenous people into a larger society. 'Language death'⁸ has become a human rights struggle with language choice seen as part of the right of indigenous people to self-emancipation. However, in the 20th and 21st century, language death has been speeded up by technological developments, formal education (early childhood education) and greater assimilation by indigenous communities.

Proponents⁹ of language presentation argue that language diversity should be maintained to -

- (i) to ensure the growth of linguistic theory;
- (ii) to maintain and grow whole cultures and knowledge systems including oral literacy, musical traditions, environmental knowledge, medical knowledge and important cultural practices and artistic skills;
- (iii) language retention is a human rights issue and loss of a language is part of the oppression and disenfranchisement of indigenous people.

⁷ as defined by the Endangered Language Alliance

⁸ also referred to as linguicide

⁹ including L. Hinton (2000) *Language revitalization: an Overview*. Berkeley, California: Academic press

1.6 Global, National Perspectives and Efforts on Language Revitalization

The UN which Kenya is member recognizes languages with their complex implications for identity, communication, social integration, education and development as strategic importance for people and planet. However, recognizing the threat on language diversity arising from globalization, the UN has promoted multilingualism. This is by promoting policy measures that allow each speaker community to use its mother tongue in private and public domains of language use while enabling the speakers to learn and use additional languages: local, national and international. Other efforts include:-

- (a) as part of commitment to multilingualism, the General Assembly proclaimed 2008, the International Year of Languages, and named United Nations Educational, Scientific and Cultural Organization (UNESCO) as the lead agency;
- (b) the 2002 edition of the Atlas of the World's Languages in Danger of Disappearing, published by the UNESCO, reported that half of the 6,000 or so languages spoken in the world are endangered;
- (c) UNESCO Universal Declaration on Cultural Diversity in 2001, reaffirmed the need for urgent action to promote linguistic and cultural diversity, notably through safeguarding the linguistic heritage, fostering the learning of several languages from the youngest age and promoting linguistic diversity in cyberspace.
- (d) UNESCO recognizing that safeguarding and defending indigenous language is a people's fundamental right;
- (e) as members states, by adopting Economic and Social Council resolution 2000/222, on the establishment of a Permanent Forum on Indigenous Issues, a subsidiary body of the Council, the UN and its member states pledged to resolve the problems facing indigenous people, particularly with regard to the safeguarding of languages and cultures;
- (f) the International Mother Language Day is celebrated on 21 February each year in order to promote linguistic and cultural diversity and multilingualism;
- (g) at national level, Article 44 of the Constitution provides for the 'right to use the language and to participate in the cultural life, of the person's choice'.

1.7 Efforts to Revitalize the Suba Language

According to the *The Atlas on Endangered languages*, languages move in a sequence from being slightly at risk to being endangered within a relatively short period and eventually perish. Despite the unique situation facing Suba language, efforts to restore it have been documented:-

- (a) In the 1940s, the Suba renaissance aimed at counterbalancing Luo domination in the Bantu speaking area under Luo administration. This however did not succeed as the factors supporting the 'Luoization' were not addressed and the original motivation among the Suba was not sustained¹⁰.
- (b) In 1990s, direct intervention by the Government (*reviews conclude that this was more political than securing the language*) – as such both the language and culture were to benefit from Government funded revitalization program in recognition of the rights of the minority groups.
 - (i) Government initiated Suba language project (was tried out in some schools in Suba)
 - (ii) Introduced Suba as a language in primary school
 - (iii) Revivalist initiatives in the form of cultural festivals, sports, vernacular radio service
 - (iv) Language panel created at then KIE¹¹.
 - (v) Bible translation and literacy were involved in literacy, translation and documentation programs in the language.

1.8 Policy and Legal frameworks with respect to indigenous languages and culture in Kenya

The preservation of culture and language in Kenya is anchored on the following policy and legal frameworks:-

- (a) Paragraph 2.10 of the Sessional paper no.14 of 2012 which encourages the use of language of the catchment area (mother tongue) for children, pre-primary education and in those in lower primary aged between (0 – 8 years)

¹⁰ ideas from F. Rottland and D. Okombo (1986). The Suba of Kenya: A Case of growing ethnicity with receding competence. In: O.J. Obiero (2008). *Evaluating language revitalization in Kenya: the contradictory face and place of the local community factor*. Nordic Journal of African studies 17(4): 247-268

¹¹ currently Kenya Institute of Curriculum Development

(b) Article 7, 11, 40 and 44 of the Constitution provides the constitutional basis of culture and language preservation, promotion and support. The foregoing provisions have been actualized through the Protection of Traditional Knowledge and Cultural Expression Act 2016. This law provides a framework for the protection and promotion of traditional knowledge and cultural expression.

CHAPTER 2: DELIBERATIONS & UNDERTAKINGS OF THE JOINT COMMITTEES

This section contains the deliberations that the Committee made and the presentations that were made by the Petitioners.

2.1 Committee Undertakings

The Committee first considered the Petition on Thursday 26th July, 2018 where it resolved to invite the petitioners, The Ministry of Education and the Kenya Institute of Curriculum Development to a meeting to provide more specific information and evidence on the allegations made in the petition.

2.2 Meeting with the Petitioners

The Petitioners namely, Kennedy Jagwassi, Godfrey Jelah, Joseph Oponga and George Wagaka appeared before the Committee on Thursday, 2nd August, 2018. During the meeting, written and oral evidence was presented and some submitted as recorded hereunder -

1. This petition seeks to address the reversal of the Abusuba language, culture and linguistic from extinction, cognizant that the Constitution in Article 11 recognizes culture as key to the foundation of the nation and as the cumulative civilization of the Kenya people and nation;
2. Historically, the Abasuba is a Bantu-speaking ethnic community, an amalgamation of other Bantu speaking groups (Abagusii, Abasamia, Baganda and Basoga) and presently, occupying Suba North and South Constituencies, Suna East and Suna West, parts of Rongo, Uriri, Nyatike, Nyando and Ndhiwa Constituencies;
3. The Abasuba have struggled to retain their linguistic, cultural and historical identity whose extinction is threatened by:-
 - (a) assimilation by the neighboring dominant communities;
 - (b) Christian missionaries' activities;
 - (c) Government actions and inaction;
 - (d) Intermarriages;
 - (e) Modern day civilization;
4. UNESCO recognizes Abasuba alongside other 12 other ethnic and indigenous as languages as seriously endangered (*see table 1 above*). This is against the

efforts by the community to revive the culture and language amidst some of the following challenges:-

- (a) lack of political goodwill including policies that do not encourage language revitalization;
 - (b) inadequate resources to mount cultural and linguistic campaigns;
 - (c) possibility of total assimilation and negative attitude towards the language owing to the proximity dominant Luo tribe who have encroached and assimilated many parts of Suba. For example areas a small number of people in Kasgunga, Gembe, Ruma and Gwasi East are capable of speaking the language and proudly identifying themselves as Abasuba. Further, that the Abasuba clans outside of Suba sub counties such as Kwabwai in Ndhiwa, Kamagambo in Rongo, Wang'aya in Nyando and Migori Subas are at risk of total assimilated and language extinction.
5. There is need to promote Abasuba heritage, culture and norms among the young generation through language acquisition and oral traditions and that the Abasuba people must be ready to chart their own political, social and economic path
 6. The community has developed proposals geared towards addressing the first and second prayers in the petition, that is; by identifying school where the Suba language can be a mode of teaching especially within the predominantly Suba communities in Mfangano, Rusinga, Kasgunga (except Mbita Point International School, Mbita Primary, Usare Primary and Joylanders School), Gembe, Kaksingri West (except Sindo Primary and Privates schools within Sindo trading Center), Kaksingri East/Ruma(All schools except those within Ruma location), Gwasi North (except Nyandiwa Primary), Gwasi South (except Magunga Primary)
 7. On the third prayer to the Senate, they propose the bill addresses the following among others:-
 - (a) gazette of the said languages and full recognition that they are endangered;
 - (b) replication of the content of Suba literacy to the other languages;
 - (c) creation of adult literacy centers and immersion units to teach adults and youth the languages;
 - (d) creation community museums;
 - (e) establishing vernacular radio stations with national reach broadcasting in the endangered languages; and
 - (f) establishing Indigenous Language and Culture Promotion Council

8. The Abasuba lobby group has made efforts to promote the Suba language, culture and traditions so as to restore the cultural and linguistic identity of the Suba people through the various community activities for example, the community is in the process of establishing the Suba Literacy project with an objective of rescuing the Abasuba language from extinction. They are also promoting Abasuba heritage, culture and norms among young generations through language acquisition and oral traditions. Lastly, they have also formed the Walamu Lobby Group, cultural and welfare group whose membership is Suba youths and young adults with an objective to promote the Suba cultural and welfare agenda through advocating for the revival of the Abasuba cultural heritage.

2.3 Meeting with the Kenya Institute of Curriculum Education

KICED represented by the Chief Executive Officer (CEO) Dr. Juan appeared before the Committee on the Tuesday, 18th September 2018. The CEO informed the Committee that: -

- (a) KICED had not at any time given press release instructing the use of dholuo as a medium of instruction in school in Suba. Further that, as an institution, it has always encouraged communities to be proactive, seek guidance to ensure developed materials meet the requisite standards;
- (b) The responsibility of the Ministry of Education is to provide guidance on policies relating to the Education sector including the language policy. As such, the language policy states *that all subjects should be taught in the language of the catchment area, except for English and Kiswahili. Further, that in areas where diverse languages group coexist, Kiswahili should be used as a medium of instruction.* According to KICED, the policy also recognizes the existence of upmarket areas in the urban centers where English is the language of the catchment area and hence maybe used at lower primary as medium of instruction. On the other hand in upper primary, the language of instruction is English in all learning areas (subjects), except Kiswahili;
- (c) The foregoing policy was emphasized by the Ministry of Education, Science and Technology (MoEST) in a circular (Ref: QAS/A/2/1A (156), dated 30th January 2014 to all County Directors of Education and District Education Officers;
- (d) Several factors are considered in selecting the language of the catchment areas to be used as a medium of instruction –

- (i) the definition of the catchment area which refers to the language spoken by the community within which the school is located and as such the first language of learners;
 - (ii) acceptance and concurrence of the stakeholders on the use of the language as the medium of instruction for learners at lower primary. In this case stakeholders include parents, community, Board of Management and teachers which according to KICD calls for sensitization on the said language;
 - (iii) availability of teachers who are competent in speaking the said language of the catchment area;
 - (iv) availability of instructional materials in the defined language;
- (e) KICD has encouraged the use of language of the catchment area by playing its role in enhancing the development of materials for various communities. Other strategies have included –
- Encouraging the submission of materials in indigenous language in every call for submission of learning materials since 2003. Further, the approval of indigenous languages through the approved list of books for pre-primary and primary education in different languages e.g. Kikuyu, Kikamba, Ekegusii, Dholuo, Saboat;
 - Guiding the development of materials in indigenous language;
 - Acceptance of invitations by various stakeholder for sensitization fora, e.g. in April 28th 2018, Suba Literacy Stakeholders Conference.
- (f) In as much as the KICD is recognized as the publisher of last resort for subjects/ learning areas in which no materials exist, inadequate resources continue to hamper the development of such materials. This means that the development and publication of indigenous materials depends on – existence of orthography for the target language, availability of funds and availability of experts in language.

2.4 Meeting with the Ministry of Education

The Ministry of Education, Science and Technology, represented by the Cabinet Secretary, Amb. Amina Mohammed met the Committee on Thursday, 4th October, 2018 and presented as follows -

- i. On the Ministry of Education's position on the teaching of indigenous languages for pre-primary and primary schools, the Cabinet secretary started by stating that the

Ministry of Education was committed to promoting indigenous languages in schools including the Pre-Primary and Primary School by -

1. Ensuring that the language spoken by majority in the captured area of the schools and in cosmopolitan areas, the language is Kiswahili,
2. Provision of education geared towards development of the child's mental and physical capabilities,
3. Enabling the child to enjoy living and learning through play,
4. Developing the child's self-awareness, self-esteem and self-confidence,
5. Enabling the child to develop understanding and appreciation of his/her culture and environment,
6. Fostering the child's exploratory skills, creativity, self-expression and discovery, and
7. Develop aesthetic values and appreciate own and other people's cultures.

She mentioned that the above objectives are achieved more effectively through the use of child's first language in this case, the mother tongue.

ii. On affirmative action taken by the Ministry Of Education to avert extinction of smaller communities domiciled by larger communities; the Cabinet Secretary gave the following as measures taken -

1. The Kenya Institute for Curriculum Development in conjunction with the Directorate of Adult and Continuing Education had developed text books for adult learners in various indigenous languages that included; Kigiriana, Kidigo, Kidawida, Borana, Pokomo, Kiambu, Kikuyu, Kimeru, Dholuo, Suba, Ekegusii, Kalenjin, Luhya, Somali, Kamba, Turkana, Samburu, Pokot, Kiduruma and Maa.
2. The Ministry of Education in collaboration with partners and key stakeholders such as Women Researchers of Kenya (WERK), the Bible Translation and Literacy, the Summer Institute of Linguistics among others, were working closely in developing implementation guidelines for the Language Policy.
3. In the on-going Curriculum Reform, great emphasis was placed on the learners' proficiency in the first language or language of catchment. Literacy as a competency was introduced in lower primary and was taught as the first language of the learner.

4. At this level, literacy aimed at equipping the learner with basic skills in reading and writing to aid in all other learning areas.
5. Indigenous languages were offered in all other levels including senior secondary. Universities also were offering Indigenous languages studies.

This, she said, was envisaged to address the local expertise gap in Indigenous Languages that would go a long way in averting extinction of smaller communities domiciled in larger communities.

The Cabinet Secretary observed that language played a key role in the acquisition of knowledge, attitudes and skills, but mentioned the following as challenges that the Ministry is facing in the area -

- i) The linguistic diversity of the people of Kenya - this was a challenge to have a standard orthography as each language group is distinct and would wish to retain its identity.
- ii) Lack of local expertise in some languages was also challenge.
- iii) Publishers in most cases were not willing to publish materials in indigenous languages due to financial reasons.

She added that the Deputy President advised the Ministry to hold consultative forum with the Bible Society of Kenya, the Bible Translation and Literacy and other stakeholders to undertake a socio-linguistic survey for certain language groups, orthography development for these languages and develop materials for adult literacy and mother tongue education.

The Ministry had also prepared an indicative budget of Ksh.115.5 Million which included the proposed activities to be undertaken. The Ministry was to ensure that the survey would be undertaken the financial year of 2018/2019. The end result would be to promote and preserve some of the indigenous languages.

She then encouraged Kenya Institute of Curriculum Development (KICD) had encouraged publishers to submit materials in indigenous languages in every area of learning materials since 2003. Several materials for indigenous languages had been approved and are listed in the approved list of books for Pre-primary and Primary Education in different languages which include Kikuyu, Kikamba, Ekegusii, Dholuo and Sabaot among others. It has also

partnered with different organizations to guide in the development of materials in indigenous language such as the Maa language.

Children in pre-schools and lower primary were being taught in their language of catchment. The County Governments had been advised to customize the Ministry of Education Language Policy for implementation at the pre-primary level, which was in their docket, while the Ministry would continue enforcing the policy in lower primary in all schools.

She then mentioned that the Kenya Institute of Curriculum Development in collaboration with Education stakeholders was in the process of reforming the curriculum and that curriculum for the languages in early years of education had already been developed and was currently being piloted in schools across the country.

The Cabinet secretary also apologized for any injustice that had been committed in not considering teaching schools in Abasuba where they were the dominant tribe.

2.5 Submission from the Kenya National Commission for UNESCO

The Kenya National Commission for UNESCO (KNATCOM) presented its submission the Committee 5th September 2018. While responding to the petition, KNATCOM: -

- (a) appreciated the multilingual country of which Kenya is with over sixty (60) indigenous languages and cultures which constitute the solid foundation for nationhood. Further that culture plays a central role to sustainable social and economic development;
- (b) acknowledged that language is a medium of communication through which communities aspirations, wishes, needs, norms and practices are projected, disseminated, communicated and transferred from one generation to the next;
- (c) recognised the need to intensify efforts to promote, protect and develop usage of languages of Kenya, Kenya Sign Language (KSL), Braille and others accessible to Persons with Disability (PWDs);
- (d) recognised the Constitution of Kenya in Article 11, 44(1) which espouses the importance of cultural and linguistic diversity. Further, it grants every person the right to promote all forms of national and cultural expression through literature, the arts,

- and traditional celebrations, among others. As such, KNATCOM recognises the need to enact legislation to protect and promote Kenya's languages;
- (e) alluded that involved in the development of the draft Basic Languages of Kenya Policy and Bill working document was developed in September 2011 to operationalise the Constitution in reference to the languages of Kenya.
- (f) supports the actualization of Article 7 and Article 44 of the Constitution, the Ministry of Sports, Culture and the Arts through the Department of Culture conducted a series and consultations in abide to develop the Draft languages of Kenya Policy and Draft language of Kenya Bill. They included -
- zero draft language retreat in September 2011;
 - first stakeholders' consultation workshop on 22nd – 23rd May 2013;
 - third stage validation in a public participation workshop in March 2014;
 - fine tuning of the draft language and Kenya policy and bill in May 2014;
 - finalisation of documents for submission to the Attorney General office in July 2014
- (g) alluded that the education sector provides a major opportunity for the preservation of language and culture. As such, the following interventions can be considered with an aim to provide support towards presentation of Abasuba language and culture-
- local leaders to hold community based campaigns to advocat4e for the use of the Abasuba language both at home and school;
 - financial support to KICD to facilitate the development of the Suba language curriculum for early years and lower grades as per government policy;
 - KICD to support the development of instructional materials in Suba language
 - The history of the Abasuba community to be integrated in the curriculum; and,
 - School administrators in Suba region to develop a framework for supporting the Suba language in their schools.

CHAPTER 3: COMMITTEES' OBSERVATIONS & RECOMMENDATIONS

3.1 Committees' Observations

The Committee made the following observations-

- (a) The state is under obligation to protect and promote the diversity of language of the people of Kenya, and further develop the use of indigenous languages, Kenya Sign Language, Braille and other communication formats and technologies accessible to persons with disability.
- (b) There is no law on the promotion of and the development and use of indigenous languages, however this is expressively provided for in the Constitution in Article 7
- (c) The core function of the KICD is to conduct research and develop curricula for all levels of education except for the universities.
- (d) The Ministry of Education curriculum reforms and the introduction of the Competency Based Curriculum provides for literacy and mother tongue. As such communities ought to take leverage on these and develop in consultation with KICD materials that are likely to promote their respective languages.

3.2 Stakeholder undertakings concerning the petition

The Joint Committee was made aware that the Kenya Institute of Curriculum Development (KICD) in the path of correcting the violations among the Suba community formed a Suba language panel to help mitigate on the petition agenda. The Committee also learnt that KICD had also engaged the team of the petitioners to help submit the materials in Suba language, and they planned to compose a panel for materials to be used in schools.

3.3 Committees' Recommendations

In response to the prayers by the petitioner, the Committee resolved that -

- a) The Ministry of Education develops a comprehensive policy taking into consideration stakeholders input that will promote indigenous cultures and languages independent of the education system;
- b) KICD to directly engage with the petitioners and community to develop strategies that are likely to promote the Suba language including but not limited to programs for adult education and adult teacher education;

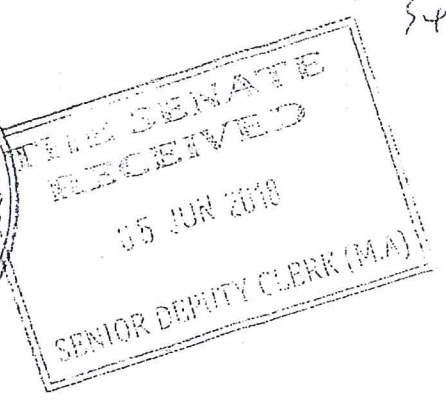
The Committee also recommends that -

- a) KICD to set up sub panel for Suba and other endangered languages and the communities to show interest in working with KICD;
- b) The petitioners to encourage members of their community to use their language in other informal settings like at home to promote fluency and growth of the language and culture.
- c) The Ministry of Education conducts research (in partnership with institutions like universities and the Kenya National Commission for UNESCO) and come up with strategies on how to preserve the endangered languages in Kenya especially in extra-curriculum settings.

05 JUN 2018

The Clerk of the Senate
Parliament Buildings
P.O. BOX 41842-00100
NAIROBI

Email: csenate@parliament.go.ke



RE: PETITION TO THE SENATE CONCERNING HISTORICAL HUMAN RIGHTS VIOLATIONS AGAINST THE ABASUBA COMMUNITY OF WESTERN KENYA

We, the undersigned,

Citizens of the Republic of Kenya, and members of the Abasuba Community of western Kenya;

DRAW the attention of the Senate to the following:

1. That, Article 11 of the Constitution recognizes culture as the foundation of the nation and as the cumulative civilization of the Kenyan people and nation;
2. That, the said Article further obligates the State to promote all forms of national and cultural expression through literature, the arts, traditional celebrations, science, communication, information, mass media, publications, libraries and other cultural heritage;
3. That, Article 44(1) of the Constitution grants to every Kenyan the right to use the language, and to participate in the cultural life, of the person's choice.
4. That, The Abasuba community has faced serious historical injustice and violation of human rights as a community and has gradually disappeared due to introduction of Luo language as medium of instruction in Basuba schools both in pre-primary and primary;
5. That, according to a Press Release by the Kenya Institute of Curriculum Development in April 2018, the indigenous language to be taught in Suba primary schools as from 1st January 2019 will be dholuo. This will not be accepted as it will kill our language (Basuba) completely;
6. That, by way of a Gazette Notice in 1994 which also created Suba District, the Basuba was recognized as one of the Kenyan tribes. The Notice further directed the then Kenya Institute of Education to publish learning books in Suba language. This is yet to be implemented to date;

③ Mr. Manyua.
Kindly review and facilitate as appropriate
D. Chania
6/6/18.

② Mr. Chania
Please deal.
05/06/18


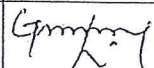
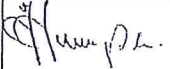
① DLAS
Please deal.
[Signature]


7. That, according to the UNESCO Red Book Of Languages In Danger reports, the Basuba comprise one of 13 Kenyan tribes in danger of disappearing or becoming extinct due to a dominant neighbour, in this case the Luo ethnic group;
8. That, the Press Release of April 2018 by the Kenya Institute of Curriculum Development is likely to accelerate the disappearance of the Basuba language and the Suba way of life.
9. That, we have made the best efforts to have these matters addressed by the relevant authorities all of which have failed to give a satisfactory response; and
10. That, none of these issues raised in this Petition is pending in any court of Law, Constitutional or any other legal body.

REASONS WHEREFORE, your humble petitioners pray that the Senate investigates this matter and makes appropriate recommendations thereon, with a view to -

- a) ensuring that the rights of Abasuba and other endangered communities are protected by ensuring that the Kenyan government have an affirmative action towards protecting human language in danger of disappearing;
- b) allocating funds and instructing Kenya Institute of Curriculum Development directs authors and publishers of pre-primary and primary learning materials to publish learning materials in Suba language for learners in Suba primary schools, so as to protect the language from extinction; and
- c) comes up with a bill hereafter to be known as Endangered Languages Bill that will protect, promote and ensure that the thirteen Kenyan endangered languages are free from endangerment.

Dated this 5th day of June2018.

No	NAME	ADDRESS	I.D. No.	SIGNATURE
1.	WENJESHI R. JAGWASSI (CHAIRMAN - GPS)	1373-00100 NBI	6260155	
2.	GODFREY JELAH SEC. GPS - GPS	42825-00100 GPS - NRB	23813960	
3.	JOSEPH OPAWGA		4011148	

4.	GEORGE WAGAKA	22005-00400 NRB	2002235	
5.				
6.				

Counter signed by Senator Samson Cherarkey, Senator for Nandi County.

Sen. Samson Cherarkey, MP,

Senator for Nandi County

Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights

MINUTES OF THE 5TH JOINT SITTING OF THE STANDING COMMITTEES ON LABOUR AND SOCIAL WELFARE & EDUCATION HELD ON TUESDAY 23RD OCTOBER, 2018 IN COMMITTEE ROOM 10, MAIN PARLIAMENT BUILDINGS FROM 9.00 AM.

MEMBERS PRESENT: STANDING COMMITTEE ON LABOUR & SOCIAL WELFARE

- | | |
|---|--------------------------|
| 1. The Hon. Sen. Sakaja Johnson Arthur, MP | - Chairperson (Co-Chair) |
| 2. The Hon. Sen. (Dr.) Milgo Alice Chepkorir, MP | -Vice Chairperson |
| 3. The Hon. Sen. Poghismo Samuel Losuron, EGH, MP | -Member |
| 4. The Hon. Sen. Petronila Were Lokorio, MP | -Member |
| 5. The Sen. (Dr.) Gertrude Musuruve, MP | -Member |

ABSENT WITH APOLOGIES

- | | |
|---|---------|
| 1. The Hon. Sen. Beatrice Kwamboka, MP | -Member |
| 2. The Hon. Sen. Stewart Madzayo, MP | -Member |
| 3. The Sen. (Dr.) Mwaura Isaac, CBS, MP | -Member |
| 4. The Hon. Sen. Samson Cherargey, MP | -Member |

MEMBERS PRESENT: STANDING COMMITTEE ON EDUCATION

- | | |
|---|------------------------|
| 1. The Hon. Sen. (Dr.) Langat Christopher, MP | -Chairperson(Co-Chair) |
| 2. The Hon. Sen. Mohamed Yusuf Haji, MP | -Member |
| 3. The Hon. Sen. (Prof.) Samson Onger, MP | -Member |
| 4. The Hon. Sen. (Dr.) Agnes Zani, MP | -Member |
| 5. The Hon. Sen. Seneta Mary Yiane, MP | -Member |
| 6. The Hon. Sen. Nderitu John Kinyua, MP | -Member |
| 7. The Hon. Sen. (Dr.) Gertrude Musuruve, MP | -Member |

ABSENT WITH APOLOGIES

- | | |
|---|-------------------|
| 8. The Hon. Sen. (Prof.) Margaret Kamar, MP | -Vice Chairperson |
| 9. The Hon. Sen. Okongo Omogeni, MP | -Member |

SENATE SECRETARIAT

- | | |
|------------------------|--|
| 1. Ms. Mwanate Shaban | - Clerk Assistant, Labour & Social Welfare |
| 2. Mr. Joseph Mwangi | - Clerk Assistant, Education |
| 3. Mr. Jeremy Chabari | - Legal Counsel |
| 4. Mr. Reuben Kimosop | - Serjeant At Arms |
| 5. Mr. Boniface Mbithi | - Serjeant At Arms |
| 6. Ms. Rose Ometere | - Audio Officer |

MINUTE SEN/JOINT PETITION/17/2018: PRELIMINARIES

The Chairperson of the Standing Committee on Education called the meeting to order at 9.30 am, followed by prayers.

MINUTE SEN/JOINT PETITION/18/2018: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Petronilla and Seconded by Sen. Nderitu Kinyua as follows:-

AGENDA

1. Preliminaries;
 - Prayers
2. Adoption of the Agenda;
3. **Confirmation of Minutes**
 - **Minutes 1**
 - **Minutes 2**
 - **Minutes 3**
 - **Minutes 4**
4. **Adoption of the Report on the petition by Members of the Abasuba Community in Western Kenya for the Protection of their Language, Culture and Heritage;**
5. Any other Business; and
6. Adjournment/Date of the next meeting.

MINUTE SEN/JOINT PETITION/19/2018: CONFIRMATION OF MINUTES

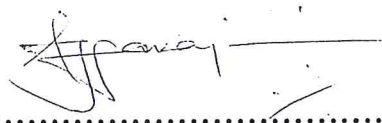
- i.* The Minutes of the 1st Sitting held on Thursday 26th July, 2018 in Committee Room 10, Main Parliament Buildings from 11.00 am were confirmed as a true reflection of the meeting after having being proposed by Sen. Seneta and seconded by Sen. Milgo.
- ii.* The Minutes of the 2nd Sitting held on Thursday 2nd August, 2018 in Committee Room 10, Main Parliament Buildings from 11.30 am were confirmed as a true reflection of the meeting after having being proposed by Sen. Musuruve and seconded by Sen. Hajji.
- iii.* The Minutes of the 3rd Sitting held on Tuesday 18th September, 2018 in Committee Room 10, Main Parliament Buildings from 9.00 am were confirmed as a true reflection of the meeting after having being proposed by Sen. Sakaja and seconded by Sen. Hajji.
- iv.* The Minutes of the 4th Sitting held on Thursday 4th October, 2018 in Committee Room 10, Main Parliament Buildings from 9.00 am were confirmed as a true reflection of the meeting after having being proposed by Sen. Zani and seconded by Sen. Poghisi.

MINUTE SEN/JOINT PETITION/20/2018: ADOPTION OF THE REPORT ON THE PETITION BY MEMBERS OF THE ABASUBA COMMUNITY IN WESTERN KENYA FOR THE PROTECTION OF THEIR LANGUAGE, CULTURE AND HERITAGE

The Committee deliberated on the report on the petition by Members of the Abasuba Community in Western Kenya for the Protection of their Language, Culture and Heritage and resolved to adopt it after it was proposed by Sen. Petronilla Were and seconded by Sen. Mary Seneta.

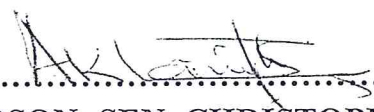
MINUTE SEN/JOINT PETITION/21/2018: ANY OTHER BUSINESS & ADJOURNMENT

There being no other business, the meeting was adjourned at 10.30 pm.



SIGNATURE.....
(CO-CHAIRPERSON: SEN. JOHNSON SAKAJA)

DATE..... 23 October 2018



SIGNATURE.....
(CO-CHAIRPERSON: SEN. CHRISTOPHER LANGAT)

DATE..... 23 October 2018

THE SENATE

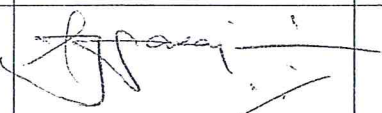
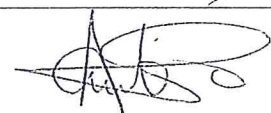


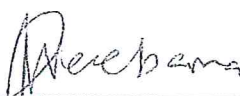
ATTENDANCE REGISTER

STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE

Purpose... *House Keeping & Adoption of the Report on the Abasuba Petition*

Venue... *Committee Room 10, Main Parliament Bldgs.*

Date... *Tuesday 23 October 2018* ... Time... *9:00 AM*

No.	NAME	SIGNATURE	REMARKS
1.	Sen. Sakaja Johnson Arthur		
2.	Sen. (Dr.) Milgo Alice Chepkorir		
3.	Sen. Stewart Madzayo		
4.	Sen. Poghizio Samuel Losuron, EGH		
5.	Sen. (Dr.) Mwaura Isaac, CBS		
6.	Sen. Samson Cherargey		
7.	Sen. Beatrice Kwamboka		
8.	Sen. (Dr.) Gertrude Musurue Inimah		
9.	Sen. Petronilla Were Lokorio		

Committee Clerk

Ms. Mwanate Shaban






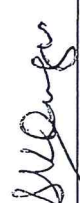





ATTENDANCE LIST

STANDING COMMITTEE ON EDUCATION

DATE 23/10/18

VENUE Committee room 10

AGENDA Adoption of Haruba Protection Petition

NO.	NAME	SIGNATURE
1.	Sen. (Dr.) Langat Christopher -Chairperson	
2.	Sen. (Prof.) Margaret Kamar -Vice-Chairperson	
3.	Sen. Mohammed Yusuf Haji	
4.	Sen. (Prof.) Samson Ongeru	
5.	Sen. (Dr.) Agnes Zani	
6.	Sen. Okongo Omogeni	
7.	Sen. Nderitu John Kinyua	
8.	Sen. (Dr.) Gertrude Musuruve	
9.	Sen. Seneta Mary Yiane	

CLERK ASSISTANT TO THE COMMITTEE Joseph mwangi

SIGNED 

COMMENTS



MINUTES OF THE 4TH JOINT SITTING OF THE STANDING COMMITTEES ON LABOUR AND SOCIAL WELFARE & EDUCATION HELD ON THURSDAY 4TH OCTOBER, 2018 IN COMMITTEE ROOM 10, MAIN PARLIAMENT BUILDINGS FROM 11.30 AM.

MEMBERS PRESENT: STANDING COMMITTEE ON LABOUR & SOCIAL WELFARE

1. The Hon. Sen. (Dr.) Milgo Alice Chepkorir, MP -Vice Chairperson (Ag. Chair)
2. The Hon. Sen. Poghio Samuel Losuron, EGH, MP -Member
3. The Sen. (Dr.) Gertrude Musuruve, MP -Member

ABSENT WITH APOLOGIES

1. The Hon. Sen. Sakaja Johnson Arthur, MP - Chairperson
2. The Hon. Sen. Beatrice Kwamboka, MP -Member
3. The Hon. Sen. Petronila Were Lokorio, MP -Member
4. The Hon. Sen. Stewart Madzayo, MP -Member
5. The Sen. (Dr.) Mwaura Isaac, CBS, MP -Member
6. The Hon. Sen. Samson Cherargey, MP -Member

MEMBERS PRESENT: STANDING COMMITTEE ON EDUCATION

1. The Hon. Sen. (Dr.) Langat Christopher, MP -Chairperson(Co-Chair)
2. The Hon. Sen. (Prof.) Margaret Kamar, MP -Vice Chairperson
3. The Hon. Sen. (Prof.) Samson Onger, MP -Member
4. The Hon. Sen. (Dr.) Agnes Zani, MP -Member
5. The Hon. Sen. Seneta Mary Yiane, MP -Member
6. The Hon. Sen. Nderitu John Kinyua, MP -Member
7. The Hon. Sen. (Dr.) Gertrude Musuruve, MP -Member

ABSENT WITH APOLOGIES

8. The Hon. Sen. Mohamed Yusuf Haji, MP -Member
9. The Hon. Sen. Okongo Omogeni, MP -Member

SENATE SECRETARIAT

1. Ms. Mwanate Shaban - Clerk Assistant, Labour & Social Welfare
2. Mr. Joseph Mwangi - Clerk Assistant, Education
3. Mr. Jeremy Chabari - Legal Counsel
4. Ms. Colleta Sigilai - Legal Counsel
5. Ms. Marale Sande - Research Officer
6. Mr. Vitus Owino - Research Officer
7. Ms. Njeri Manga - Media Relations Officer
8. Mr. Alex Rithi - Media Relations Officer
9. Mr. Reuben Kimosop - Serjeant At Arms
10. Mr. Boniface Mbithi - Serjeant At Arms
11. Ms. Rahab Chepkelim - Audio Officer

IN ATTENDANCE

1. Amb. Amina Mohammed - Cabinet secretary Ministry of Education
2. Dr. Julius Jwan - CEO, Kenya Institute of Curriculum Development
3. Ms. Jacqueline Onyango - Senior Deputy Director, KICD
4. Officials from the Ministry of Education
5. Mr. Lawrence Magware - Chairperson, Abasuba Walamu Lobby (Petitioner)
6. Mr. George Wagaka - Member (Petitioner)
7. Mr. Erick Tumba - Member (Petitioner)
8. Mr. Kariuki Oguta - Member (Petitioner)
9. Mr. Fredrick Maraga - Member (Petitioner)
10. Media

MINUTE SEN/JOINT PETITION/13/2018: PRELIMINARIES

The Chairperson of the Standing Committee on Education called the meeting to order at 12 noon and prayed for the meeting. This was followed by self-introductions by all present.

MINUTE SEN/JOINT PETITION/14/2018: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted unanimously as follows:-

AGENDA

1. Preliminaries
 - Prayers
 - Introductions
2. Adoption of the Agenda;
3. Meeting with the Cabinet Secretary, Ministry of Education on the petition by Members of the Abasuba Community in Western Kenya for the Protection of their Language, Culture and Heritage;
4. Any other Business; and,
5. Adjournment/Date of the next meeting.

MINUTE SEN/JOINT PETITION/15/2018: MEETING WITH THE PETITIONERS ON THE PETITION BY MEMBERS OF THE ABASUBA COMMUNITY IN WESTERN KENYA FOR THE PROTECTION OF THEIR LANGUAGE, CULTURE AND HERITAGE

The Chairperson of Education Committee welcomed all to the meeting and invited the Cabinet Secretary to make her remarks.

a) Presentation by the Cabinet Secretary Ministry of Education- Amb. Amina Mohammed

- i. On the Ministry of Education's position on the teaching of indigenous languages for pre-primary and primary schools, the Cabinet secretary started by stating that the Ministry of

Education was committed to promoting indigenous languages in schools including the Pre-Primary and Primary School by -

1. Ensuring that the language spoken by majority in the captured area of the schools and in cosmopolitan areas, the language is Kiswahili,
2. Provision of education geared towards development of the child's mental and physical capabilities,
3. Enabling the child to enjoy living and learning through play,
4. Developing the child's self-awareness, self-esteem and self-confidence,
5. Enabling the child to develop understanding and appreciation of his/her culture and environment,
6. Fostering the child's exploratory skills, creativity, self-expression and discovery, and
7. Develop aesthetic values and appreciate own and other people's cultures.

She mentioned that the above objectives are achieved more effectively through the use of child's first language in this case, the mother tongue.

ii. On affirmative action taken by the Ministry Of Education to avert extinction of smaller communities domiciled by larger communities; the Cabinet Secretary gave the following as measures taken -

1. The Kenya Institute for Curriculum Development in conjunction with the Directorate of Adult and Continuing Education had developed text books for adult learners in various indigenous languages that included; Kigiriama, Kidigo, Kidawida, Borana, Pokomo, Kiambu, Kikuyu, Kimeru, Dholuo, Suba, Ekegusii, Kalenjin, Luhya, Somali, Kamba, Turkana, Samburu, Pokot, Kiduruma and Maa.
2. The Ministry of Education in collaboration with partners and key stakeholders such as Women Researchers of Kenya (WERK), the Bible Translation and Literacy, the Summer Institute of Linguistics among others, were working closely in developing implementation guidelines for the Language Policy.
3. In the on-going Curriculum Reform, great emphasis was placed on the learners' proficiency in the first language or language of catchment. Literacy as a competency was introduced in lower primary and was taught as the first language of the learner.
4. At this level, literacy aimed at equipping the learner with basic skills in reading and writing to aid in all other learning areas.

5. Indigenous languages were offered in all other levels including senior secondary. Universities also were offering Indigenous languages studies.

This, she said, was envisaged to address the local expertise gap in Indigenous Languages that would go a long way in averting extinction of smaller communities domiciled in larger communities.

The Cabinet Secretary observed that language played a key role in the acquisition of knowledge, attitudes and skills, but mentioned the following as challenges that the Ministry is facing in the area -

- i) The linguistic diversity of the people of Kenya - this was a challenge to have a standard orthography as each language group is distinct and would wish to retain its identity.
- ii) Lack of local expertise in some languages was also challenge.
- iii) Publishers in most cases were not willing to publish materials in indigenous languages due to financial reasons.

She added that the Deputy President advised the Ministry to hold consultative forum with the Bible Society of Kenya, the Bible Translation and Literacy and other stakeholders to undertake a socio-linguistic survey for certain language groups, orthography development for these languages and develop materials for adult literacy and mother tongue education.

The Ministry had also prepared an indicative budget of Ksh.115.5 Million which included the proposed activities to be undertaken. The Ministry was to ensure that the survey would be undertaken the financial year of 2018/2019. The end result would be to promote and preserve some of the indigenous languages.

She then encouraged Kenya Institute of Curriculum Development (KICD) had encouraged publishers to submit materials in indigenous languages in every area of learning materials since 2003. Several materials for indigenous languages had been approved and are listed in the approved list of books for Pre-primary and Primary Education in different languages which include Kikuyu, Kikamba, Ekegusii, Dholuo and Sabaot among others. It has also partnered with different organizations to guide in the development of materials in indigenous language such as the Maa language.

Children in pre-schools and lower primary were being taught in their language of catchment. The County Governments had been advised to customize the Ministry of Education Language Policy for implementation at the pre-primary level, which was in their docket, while the Ministry would continue enforcing the policy in lower primary in all schools.

She then mentioned that the Kenya Institute of Curriculum Development in collaboration with Education stakeholders was in the process of reforming the curriculum and that curriculum for the languages in early years of education had already been developed and was currently being piloted in schools across the country.

The Cabinet secretary also apologized for any injustice that had been committed in not considering teaching schools in Abasuba where they were the dominant tribe.

b) Responses by the Petitioner

The Petitioners appreciated the opportunity to be heard in the petition and they were positive that an amicable solution was to be arrived at. They also requested the Ministry to support the adult learning of the Abasuba Language among the Abasuba people.

c) Members Remarks

The Committee Members responded as follows -

- 1) There was need for the Ministry of Education to set aside funds for publishing of books in indigenous languages, as it was observed that most publishers were not in favour of publishing books in indigenous languages;
- 2) There was need to infuse a cultural agenda and not merely a language agenda in the petition in terms of morality, values and ethics;
- 3) Requested the petitioners to promote the use of the language in the informal settings at home and other areas and speak to their children in the Abasuba language to aid in the regrowth of the language; and
- 4) Recognised the courage of the petitioners for their hard work in the presentation of the petition and thanked them.

d) Response by KICD

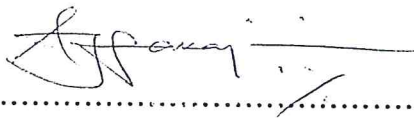
KICD informed the sitting that they had formed a Suba language panel to help mitigate on the petition agenda. KICD had also engaged the team to help submit the materials in Suba language, and they planned to compose a panel for materials to be used in schools.

KICD also said that they are grappling with the issue of linguistic minorities eg. The luhya who have Bukhusu, Maragoli etc, and urged the Senate to come up with a

MINUTE SEN/JOINT PETITION/16/2018: ANY OTHER BUSINESS & ADJOURNMENT

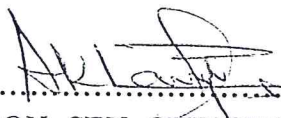
- 1) The Members were informed that on the issue of alleged exam leakage, the Ministry of Education was adequately prepared to deal with the issue.
- 2) The Members of the Education Committee would organize a press conference the following week, in support of the new competence based curriculum.
- 3) The KICD was to send a report to the Education Committee on the New Curriculum and meet with various stakeholders before the National Conference scheduled for 4th and 5th December 2018, to reduce resistance.
- 4) KICD was appreciated for the support they gave Sen. Musuruve during the publication of her learning materials.

There being no other business, the meeting was adjourned at 2.00 pm and the date of the next meeting was to be called by notice.



SIGNATURE.....
(CO-CHAIRPERSON: SEN. JOHNSON SAKAJA)

DATE..... 23-10-18



SIGNATURE.....
(CO-CHAIRPERSON: SEN. CHRISTOPHER LANGAT)

DATE..... 23/10/2018

MINUTES OF THE 3RD JOINT SITTING OF THE STANDING COMMITTEES ON LABOUR AND SOCIAL WELFARE & EDUCATION HELD ON TUESDAY 18TH SEPTEMBER, 2018 IN COMMITTEE ROOM 10, MAIN PARLIAMENT BUILDINGS FROM 9.00 AM.

MEMBERS PRESENT: STANDING COMMITTEE ON LABOUR & SOCIAL WELFARE

1. The Hon. Sen. Sakaja Johnson Arthur, MP - Chairperson
2. The Hon. Sen. Poghio Samuel Losuron, EGH, MP -Member
3. The Hon. Sen. Beatrice Kwamboka, MP -Member
4. The Hon. Sen. Petronila Were Lokorio, MP -Member
5. The Sen. (Dr.) Gertrude Musuruve, MP -Member

ABSENT WITH APOLOGIES

6. The Hon. Sen. (Dr.) Milgo Alice Chepkorir, MP -Vice Chairperson (Co-Chair)
7. The Hon. Sen. Stewart Madzayo, MP -Member
8. The Sen. (Dr.) Mwaura Isaac, CBS, MP -Member
9. The Hon. Sen. Samson Cherargey, MP -Member

MEMBERS PRESENT: STANDING COMMITTEE ON EDUCATION

1. The Hon. Sen. Seneta Mary Yiane, MP -Member (Acting Chair)
2. The Hon. Sen. Mohamed Yusuf Haji, MP -Member
3. The Hon. Sen. (Prof.) Samson Ongeru, MP -Member
4. The Hon. Sen. Okongo Omogeni, MP -Member
5. The Hon. Sen. Nderitu John Kinyua, MP -Member
6. The Hon. Sen. (Dr.) Gertrude Musuruve, MP -Member

ABSENT WITH APOLOGIES

1. The Hon. Sen. (Dr.) Langat Christopher, MP -Chairperson
2. The Hon. Sen. (Prof.) Margaret Kamar, MP -Vice Chairperson
3. The Hon. Sen. (Dr.) Agnes Zani, MP -Member

SENATE SECRETARIAT

1. Ms. Mwanate Shaban - Clerk Assistant, Labour & Social Welfare
2. Mr. Joseph Mwangi - Clerk Assistant, Education
3. Mr. Jeremy Chabari - Legal Counsel
4. Ms. Colleta Sigilai - Legal Counsel
5. Ms. Merale Sande - Research Officer
6. Mr. Patrick Murindo - Serjeant At Arms
7. Ms. Julia Gichohi - Serjeant At Arms
8. Audio Officer

STAFF ON ATTACHMENT FROM COUNTY ASSEMBLIES

1. Mr. David N. Ombego - Director, Procedure and Committees – Nyamira County Assembly
2. Mr. Solomon Munene - Principal Clerk Assistant – Kirinyaga County Assembly
3. Ms. Racheal J. Cherutich - Principal Clerk Assistant – Nakuru County Assembly
4. Mr. Salah M. Bulle - Committee Clerk – Garissa County Assembly

IN ATTENDANCE

5. Dr. Julius Jwan - CEO, Kenya Institute of Curriculum Development
6. Ms. Jacqueline Onyango - Senior Deputy Director, KICDu
7. Mr. Lawrence Magware - Chairperson, Abasuba Walamu Lobby (Petitioner)
8. Mr. George Wagaka - Member (Petitioner)
9. Mr. Erick Tumba - Member (Petitioner)
10. Mr. Kariuki Oguta - Member (Petitioner)
11. Mr. Fredrick Mwaraga - Member (Petitioner)
12. Mr. Lewis Nyaundi - Media – the Star

MINUTE SEN/JOINT PETITION/9/2018: PRELIMINARIES

The Acting Chairperson of the Standing Committee on Education called the meeting to order at 9.30 am and prayed for the meeting. This was followed by self-introductions by all present.

MINUTE SEN/JOINT PETITION/10/2018: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Hajj and seconded by Sen. Omogeni as follows:-

AGENDA

1. Preliminaries
 - Prayers
 - Introductions
2. Adoption of the Agenda;
3. Meeting with the Kenya Institute of Curriculum Development on the petition by Members of the Abasuba Community in Western Kenya for the Protection of their Language, Culture and Heritage;
4. Any other Business; and,
5. Adjournment/Date of the next meeting.

MINUTE SEN/JOINT PETITION/11/2018: MEETING WITH THE PETITIONERS ON THE PETITION BY MEMBERS OF THE ABASUBA COMMUNITY IN WESTERN KENYA FOR THE PROTECTION OF THEIR LANGUAGE, CULTURE AND HERITAGE

The acting Chairperson of Education Committee welcomed all Members to the meeting and presented a brief of the petition and what the joint committee has done to date and why the Committee saw it necessary to invite the Kenya Institute of Curriculum Development to give their input on the matter. She then requested the CO Chair, Chairperson of the Labour and Social Welfare Committee, Sen. Sakaja to give his remarks. Sen. Sakaja welcomed all present and

assured the petitioners that the Committee was committed to address their concerns. He then requested the leader of delegation to make his presentation.

a) Presentation by the Kenya Institute of Curriculum Development

Dr. Jwan thanked the Chairs and started by stating that the Ministry of Education provides guidance on policies relating to the Education Sector. The language policy states that all subjects should be taught in the language of the catchment area, except English and Kiswahili which should be taught in English and Kiswahili respectively. In areas where diverse language groups coexist, Kiswahili should be used as the medium of instruction in this level of education. The policy also recognizes few upmarket areas in our urban centers where English is the language of the catchment and therefore may be used at lower primary as the medium of instruction. In upper primary schools, the language of instruction is English in all learning areas (subjects), except Kiswahili which should be taught in Kiswahili. This policy was further emphasized by the Ministry of Education, Science and Technology in a circular (Ref: QAS/A/2/1A (156), dated 30th January 2014 to all County Directors of Education and District Education Officers.

He went ahead and listed factors that may be considered in selecting the language of the catchment area to be used as the medium of instruction as follows -

- i. The language of the catchment area refers to the language spoken by the community within which the school is located. It is the language learners use as their first language.
- ii. Acceptance and concurrence of the stakeholders on the use of the language as the language of instruction for learners in the lower level. The stakeholders include the parents, community, the Board of Management and the teachers. This may call for sensitization on the importance of the use of the language of the catchment as the medium of instruction.
- iii. Availability of teachers who are competent in speaking the said language of the catchment area so that they are able to explain the concepts for learner's understanding.
- iv. Availability of instructional materials in the identified language.

He insisted that teaching in the language of the catchment area for pre-primary and lower primary has always been encouraged as per the policy and that the Kenya Institute of curriculum Development has played its role in enhancing the development of materials for various communities as follows:

- i. KICD has encouraged publishers to submit materials in indigenous languages in every call for submission of learning materials since 2003. Several materials for indigenous languages have been approved and are listed in the Approved List of Books for Pre-primary and Primary Education in different languages e.g. Kikuyu, Kikamba, Ekegusii, Dholuo and Sabaot.
- ii. KICD has partnered with different organizations to guide in the development of materials in indigenous language e.g. Maa
- iii. KICD was invited to the Suba Literacy Stakeholders Conference on 28th April 2018 in Mbita by the Abasuba, Walamu Lobby Group. The invitation was to sensitize the participants on the Competence Based Curriculum and how the Indigenous Languages have been situated in the Basic Education Curriculum Framework from Pre-Primary to Grade 12.

He informed the sitting that the KICD is recognized as the publisher of last resort for subjects / learning areas in which there are no materials. Nevertheless, this has been a challenge as no funds are allocated for development of such materials. In the case of indigenous languages developing and publishing materials in local languages is dependent on:

- i. existence of orthography for the target language
- ii. availability of funds as it is a very expensive undertaking
- iii. availability of experts in the language who would be trained on the curriculum designs interpretation and be able to develop materials in their language in accordance to KICD materials development requirements.

The Institute has therefore encouraged individual communities to take up the role and seek guidance to ensure that materials meet the required standards.

The CEO concluded by stating that KICD has not given any press released instructing that Dholuo be used as the medium of instruction in schools in Suba District and listed the following as the factors to consider when selecting a language as a medium of instruction –

- i. which language to choose from in a cosmopolitan area where more than one tribes are represented; and
- ii. who the stakeholders are and how to gain acceptance.

Responses by the Petitioner

The Petitioners made the following remarks –

1. that they are trying to revive their language and culture to both young and adult learners;
2. that the Community is already developing learning materials and books and is requesting KICD to approve the materials; and
3. that KICD should consider Suba language as the indigenous language of the catchment area due to Luo dominance.

Members Remarks

The Committee Members acknowledge that the petitioners have worked too hard to reach the Senate and present their case and asked questions as listed below: -

- 1) why hasn't there been a curriculum in the Suba language?
- 2) Why aren't there teachers to teach the language? Does this mean that there are Suba teachers who can't speak Suba?
- 3) Why would the Luo form part of the stakeholders when discussing the Suba Language?
- 4) Why should there be non-availability of teaching materials in the Suba Language? Since KICD is the last resort in publishing, whose fault is it?
- 5) Could KICD form a Suba Panel just like the Maa Panel and within it include various interest and lobby groups?
- 6) What is KICD's view on national unity and cultural identity?
- 7) KICD has only approved 5 languages to be incorporated in lower primary curriculum; what about the other 42 plus languages? Would it be easier for KICD to publish material but only allow Kiswahili and English in Educational Institutions?

Response by KICD

1. KICD has tried to develop curriculum for many languages but has faced challenges especially in tribes which has many dialects like the Luhyas, the sub groups cannot understand each other;
2. The biggest challenge facing KICD is the lack of adequate resources to carry out their mandate. In 2018, KICD resources have been reduced by 100 million;
3. In the production of curriculum materials, certain benchmarks must be met and there must be stakeholder acceptance. Material development must be separated from material use since material use is highly political and must have engagements with UNESCO on how that can be undertaken; and
4. Appealed to the petitioners to inform their teachers to show interest and make applications to KICD so that they may be put in the panels. KICD will set different panels to deal with the matter ie curriculum for education; adult teacher education etc.

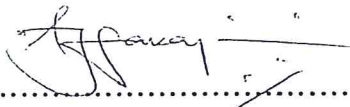
Way Forward

1. Unity is a complex matter and Kenyans should be celebrating unity in their diversity;
2. The Senate Committees to identify all endangered languages in Kenya and give direction on the matter; and

3. UNESCO recognizes Abasuba as an endangered language. The Abasuba want to reclaim their language. KICD has the capacity and the equipment to develop language materials. KICD to give timelines of the Abasuba language development.
4. The Senate Committees to invite the Ministry of Education to give clarification on the draft Languages of Kenya Bill, the Language Policy and the Proposed National Steering Committee on Languages.
5. KICD to sit with the petitioners and assist them in the development of materials and the reclamation of their language.

MINUTE SEN/JOINT PETITION/12/2018: ANY OTHER BUSINESS & ADJOURNMENT

There being no other business, the meeting was adjourned at 1.30 pm and the date of the next meeting was scheduled for Thursday 9th August, 2018 where the Committee will meet the Ministry officials.

SIGNATURE.....
(CO-CHAIRPERSON: SEN. JOHNSON SAKAJA)

DATE..... 23-10-18

SIGNATURE.....
(CO-CHAIRPERSON: SEN. CHRISTOPHER LANGAT)

DATE..... 23/10/2018

MINUTES OF THE 2ND JOINT SITTING OF THE STANDING COMMITTEES ON LABOUR AND SOCIAL WELFARE & EDUCATION HELD ON THURSDAY 2ND AUGUST, 2018 IN COMMITTEE ROOM 10, MAIN PARLIAMENT BUILDINGS FROM 11.30 AM.

MEMBERS PRESENT: STANDING COMMITTEE ON LABOUR & SOCIAL WELFARE

1. The Hon. Sen. (Dr.) Milgo Alice Chepkorir, MP -Vice Chairperson (Co-Chair)
2. The Sen. (Dr.) Mwaura Isaac, CBS, MP -Member
3. The Sen. (Dr.) Gertrude Musuruve, MP -Member

ABSENT WITH APOLOGIES

4. The Hon. Sen. Sakaja Johnson Arthur, MP - Chairperson
5. The Hon. Sen. Poghisio Samuel Losuron, EGH, MP -Member
6. The Hon. Sen. Stewart Madzayo, MP -Member
7. The Hon. Sen. Samson Cherargey, MP -Member
8. The Hon. Sen. Beatrice Kwamboka, MP -Member
9. The Hon. Sen. Petronila Were Lokorio, MP -Member

MEMBERS PRESENT: STANDING COMMITTEE ON EDUCATION

1. The Hon. Sen. (Dr.) Langat Christopher, MP -Chairperson
2. The Hon. Sen. (Prof.) Margaret Kamar, MP -Vice Chairperson
3. The Hon. Sen. Mohamed Yusuf Haji, MP -Member
4. The Hon. Sen. (Dr.) Gertrude Musuruve, MP -Member

ABSENT WITH APOLOGIES

1. The Hon. Sen. (Prof.) Samson Ongeru, MP -Member
2. The Hon. Sen. Okongo Omogeni, MP -Member
3. The Hon. Sen. (Dr.) Agnes Zani, MP -Member
4. The Hon. Sen. Seneta Mary Yiane, MP -Member
5. The Hon. Sen. Nderitu John Kinyua, MP -Member

SENATE SECRETARIAT

1. Ms. Mwanate Shaban - Clerk Assistant, Labour & Social Welfare
2. Mr. Joseph Mwangi - Clerk Assistant, Education
3. Mr. Jeremy Chabari - Legal Counsel
4. Ms. Colleta Sigilai - Legal Counsel
5. Ms. Merale Sande - Research Officer
6. Mr. Paul Vitus Okech - Research Officer
7. Mr. Patrick Murindo - Serjeant At Arms
8. Ms. Julia Gichohi - Serjeant At Arms

IN ATTENDANCE

1. Mr. Lawrence Magware - Chairperson, Abasuba Walamu Lobby
2. Mr. George Wagaka - Member
3. Mr. Erick Tumba - Member
4. Mr. Kariuki Oguta - Member
5. Mr. Fredrick Mwaraga - Member
6. Mr. Erick Okoth - Member

MINUTE SEN/JOINT PETITION/5/2018: PRELIMINARIES

The Chairperson of the Standing Committee on Education called the meeting to order at 12.00 Noon followed by a word of prayer. This was followed by self-introductions by all present.

MINUTE SEN/JOINT PETITION/6/2018: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Hajj and seconded by Sen. Mwaura as follows:-

AGENDA

1. Preliminaries
 - Prayers
 - Introductions
2. Adoption of the Agenda;
3. **Meeting with the petitioners on the petition by Members of the Abasuba Community in Western Kenya for the Protection of their Language, Culture and Heritage;**
4. Any other Business; and,
5. Adjournment/Date of the next meeting.

MINUTE SEN/JOINT PETITION/7/2018: MEETING WITH THE PETITIONERS ON THE PETITION BY MEMBERS OF THE ABASUBA COMMUNITY IN WESTERN KENYA FOR THE PROTECTION OF THEIR LANGUAGE, CULTURE AND HERITAGE

The Chairperson of Education Committee welcomed all Members to the meeting and briefly explained to them the background of the petition and the deliberations of the last sitting of the Joint Committee on the matter. He then requested the Co-Chair, Vice Chairperson of the Labour and Social Welfare Committee, Sen. Milgo to give her remarks. Sen. Milgo welcomed all present and assured the petitioners that the Committee was committed to address their concerns. She then requested the leader of delegation to make his presentation.

Presentation by the Petitioners

1. The Abasuba are an offshoot of the Abagusi community;
2. The Abasuba are found in Suba South and Suba North in Homa Bay County; and Suna East and Suna West in Migori County;
3. The Abasuba people are Bantus with distinct cultural practices that set them apart from their dominant Luo neighbours;

4. Their language and cultural practices are facing extinction; a factor being accelerated by having their children taught Dholuo instead of Abasuba in lower primary; contrary to the Law which states that in lower primary, the learners need to be taught the language of the catchment area;
5. Majority of Abasubas speak Luo and there are very few fluent Abasuba speakers due to using Dholuo as a medium of instruction from the 1960s for young learners;
6. The petitioners want their children taught Abasuba as an indigenous language of the catchment area during the indigenous language activity period in the syllabus;

Members Remarks

The Committee made the following observations:-

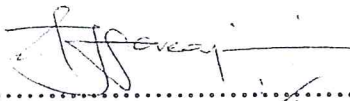
- 1) That there were no women in the delegation;
- 2) The group should consider the introduction of adult learning classes and literacy learning centres so that parents are able to teach their children and enhance fluency in the language;
- 3) The lobby group should seek good will from the political class and other leaders;

Way Forward

1. The Petitioners to consult expert authorities in linguistics on the language liaise with the secretariat through a report before the next meeting;
2. The petitioners to map out the schools in Suba catchment areas that are purely Suba that can be used for pilot programs of introduction of the Suba language;
3. The Petitioners in consultation with the secretariat come up with a detailed research document that can inform the Committee in its deliberations with the Ministry of Education and the Kenya Institute of Curriculum Development the following week; and,
4. The Committee together with the petitioners to meet the Ministry of Education and the Kenya Institute of Curriculum Development on Thursday 9th August 2018 at 11.00 am.

MINUTE SEN/JOINT PETITION/8/2018: ANY OTHER BUSINESS & ADJOURNMENT

There being no other business, the meeting was adjourned at 1.30 pm and the date of the next meeting was scheduled for Thursday 9th August, 2018 where the Committee will meet the Ministry officials.

SIGNATURE.....
 (CO-CHAIRPERSON: SEN. JOHNSON SAKAJA)

DATE..... 23 70 - 18

SIGNATURE.....
 (CO-CHAIRPERSON: SEN. CHRISTOPHER LANGAT)

DATE..... 23 / 010 / 2018

MINUTES OF THE 1ST JOINT SITTING OF THE STANDING COMMITTEES ON LABOUR AND SOCIAL WELFARE & EDUCATION HELD ON THURSDAY 26TH JULY, 2018 IN COMMITTEE ROOM 10, MAIN PARLIAMENT BUILDINGS FROM 11.00 AM.

MEMBERS PRESENT: STANDING COMMITTEE ON LABOUR & SOCIAL WELFARE

1. The Sen. (Dr.) Milgo Alice Chepkorir, MP -Vice Chairperson (Co-Chair)
2. The Sen. Poghizio Samuel Losuron, EGH, MP -Member
3. The Sen. Beatrice Kwamboka, MP -Member

ABSENT WITH APOLOGIES

4. The Sen. Sakaja Johnson Arthur, MP - Chairperson
5. The Sen. Stewart Madzayo, MP -Member
6. The Sen. (Dr.) Mwaura Isaac, CBS, MP -Member
7. The Sen. Samson Cheragey, MP -Member
8. The Sen. Petronila Were Lokorio, MP -Member
9. The Sen. (Dr.) Gertrude Musuruve, MP -Member

MEMBERS PRESENT: STANDING COMMITTEE ON EDUCATION

1. The Hon. Sen. (Dr.) Langat Christopher, MP -Chairperson
2. The Hon. Sen. (Prof.) Margaret Kamar, MP -Vice Chairperson
3. The Hon. Sen. Seneta Mary Yiane, MP -Member

ABSENT WITH APOLOGIES

1. The Hon. Sen. Mohamed Yusuf Haji, MP -Member
2. The Hon. Sen. (Prof.) Samson Ongeru, MP -Member
3. The Hon. Sen. Okongo Omogeni, MP -Member
4. The Hon. Sen. (Dr.) Agnes Zani, MP -Member
5. The Hon. Sen. Nderitu John Kinyua, MP -Member
6. The Hon. Sen. (Dr.) Gertrude Musuruve, MP -Member

SENATE SECRETARIAT

1. Ms. Mwanate Shaban - Clerk Assistant, Labour & Social Welfare
2. Mr. Joseph Mwangi - Clerk Assistant, Education
3. Mr. Jeremy Chabari - Legal Counsel
4. Mr. Patrick Murindo - Serjeant At Arms

MINUTE SEN/JOINT PETITION/1/2018: PRELIMINARIES

The Chairperson of the Standing Committee on Education called the meeting to order at 11.30 am followed by a word of prayer. He then welcomed all Members present.

MINUTE SEN/JOINT PETITION/2/2018: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Kwamboka and seconded by Sen. Seneta as follows:-

AGENDA

1. Preliminaries
 - Prayers
 - Introductions
2. Adoption of the Agenda;
3. Consideration of the petition by Members of the Abasuba Community in Western Kenya for the Protection of their Language, Culture and Heritage;
4. Any other Business; and,
5. Adjournment/Date of the next meeting.

MINUTE SEN/JOINT PETITION/3/2018: CONSIDERATION OF THE PETITION BY MEMBERS OF THE ABASUBA COMMUNITY IN WESTERN KENYA FOR THE PROTECTION OF THEIR LANGUAGE, CULTURE AND HERITAGE

The Secretariat let the Joint Committee through the Petition which was concerning the loss of the Abasuba language, culture and heritage, a minority tribe in western Kenya. This they said was being accelerated by the use of dholuo language as a medium of instruction in lower primary. The petition had been introduced to the Senate by Sen. Cherargey and the petitioners were praying that the Senate investigates the matter and make appropriate recommendations to:

- a) Ensuring that the rights of Abasuba and other endangered communities are protected by ensuring that the Kenyan government have an affirmative action towards protecting human language in danger of disappearing;
- b) Allocating funds and instructing Kenya Institute of Curriculum Development to direct authors and publishers of pre-primary and primary learning materials to publish learning materials in Suba language for learners in Suba primary schools, so as to protect the language from extinction; and
- c) Coming up with a bill known as Endangered Languages Bill that will protect, promote and ensure that the thirteen Kenyan endangered languages are free from endangerment.

Members Remarks

The Committee made the following observations:-

- 1) The medium of instruction in Primary schools (lower primary) should be the language of the catchment area;
- 2) Cultural marginalization should not be allowed and cultures should be supported to survive;
- 3) The Chairpersons of the two committees, Labour and Social Welfare; and Education can co-sponsor the Bill which should spell out what documents are going to be used to preserve languages i.e. dictionaries, religious books, etc;
- 4) Universities should be used as an avenue to preserve the culture, language and heritage;

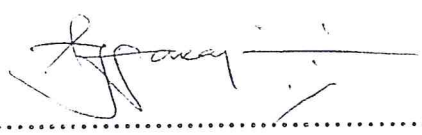
- 5) The Abasuba language is being spoken by a minority in Western Kenya, who according to statistics are about 300,000 with only about 600 of them still speaking the language;
- 6) The Abasuba community seems to have been almost wholly absorbed by the larger majority community, the Luo and most children currently speak Luo;
- 7) The Suba language should be preserved not only for the interest of Suba people but for the interest of the country as a whole;
- 8) There are other modes of preservation of languages and cultures that the Committee can consider without interrupting the mode of instructions that the young learners are currently comfortable with; and,
- 9) The committee to come up with overarching recommendations that will not only take care of the Abasuba's concerns but the concerns of other minority tribes that face extinction due to having a dominant neighbor.

Way Forward

1. The Committee to invite the petitioners on Thursday 2nd August, 2018;
2. The Committee to invite the Ministry of Education together with the Kenya Institute of Curriculum Development to explain to the Committee the policy guidelines in mother tongue languages; what informed the distribution of languages in Primary schools through basic education, and whether they have books written in the Suba language;
3. The Committee to visit the Suba area and see for itself the situation on the ground; and,
4. The Committee in a separate meeting, to invite Members of Parliament from the Suba Area to hear their views on the petition.

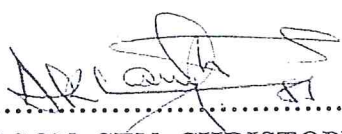
MINUTE SEN/JOINT PETITION/4/2018: ANY OTHER BUSINESS & ADJOURNMENT

There being no other business, the meeting was adjourned at 1.00 pm and the date of the next meeting was scheduled for Thursday 2nd August, 2018 where the Committee will meet the petitioners.



SIGNATURE.....
 (CO-CHAIRPERSON: SEN. JOHNSON SAKAJA)

DATE..... 23-10-18



SIGNATURE.....
 (CO-CHAIRPERSON: SEN. CHRISTOPHER LANGAT)

DATE..... 1.23/10/18



STANDING COMMITTEE ON LABOUR & SOCIAL WELFARE

GUEST ATTENDANCE LIST

PURPOSE: MEETING WITH CS EDUC DATE: 4/10/15

VENUE: KUM 10 TIME: 12:00 noon

	NAME	ORGANIZATION	DESIGNATION	CONTACT TELEPHONE & EMAIL	SIGNATURE
1	Dr. P. Pragasam	CS Educ Group	CS Educ Group		[Signature]
2	JULIUS IWAN	KCCD	CEO		[Signature]
3	JACQUELINE ONYANGO	KICD	SENIOR DEPUTY DIRECTOR	0722713825 jonyango@kicd.nke	[Signature]
4	ALPHONCE OGWONO	SUBS Lobby Group	MEMBER	0722971171 alphonse.ogwono@spira.com	[Signature]
5	Frederic Mwangi	Subs Lobby Group	Member	0734965532	[Signature]
6	RICK A TSUMBA	ARABIA Lobby Group	MEMBER	0724342295	[Signature]
7	GEORGE WAGARA	Arabia Lobby Group	PETITIONER	0720479148	[Signature]
8	Lawrence Magesa	Arabia Lobby Group	choir	0726255601	[Signature]
9	DANIEL K. MCFARLANE	MOE	SBS	0723357267	[Signature]
10	Kennedy Bukhari	MOE	SAD	0725827611	[Signature]
11	Milton Mookah	MOE	DE	0722239767	[Signature]

12 Jesminah Mwangi MoE (S) 0720119772



13

STANDING COMMITTEE ON LABOUR & SOCIAL WELFARE

GUEST ATTENDANCE LIST

PURPOSE: Meeting with CS Education DATE: 04/10/18

VENUE: Committee Room 10, Main Parliament. TIME: 12.00 Noon

	NAME	ORGANIZATION	DESIGNATION	CONTACT TELEPHONE & EMAIL	SIGNATURE
1	H.S. ABDI	M.O.E.	DIRECTOR	0722-731854 abdihabib@bstmail.com	
2	Rose Mubanga	MOE	DES	0720795228 rose.mubanga@mo.gov.zm	R.M.
3	Eyas Abdi	MOE	DA	eyasabdi@gmail.com	
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STANDING COMMITTEE ON LABOUR & SOCIAL WELFARE

Apasuba Petition. GUEST ATTENDANCE LIST

PURPOSE: Joint Committee on Education & Labour & Social Welfare DATE: Tuesday 18/1/18

VENUE: Committee Room 10 Main Parliament Bldgs. TIME: 9:00am

	NAME	ORGANIZATION	DESIGNATION	CONTACT TELEPHONE & EMAIL	SIGNATURE
1	DR. JOCKIE SWAN	KLSP	CEO	0729988350	<i>[Signature]</i>
2	JACQUELINE ONYANGO	KICD	SENIOR DEPUTY DIRECTOR	0722713825	<i>[Signature]</i>
3	<i>[Signature]</i>
4	GEORGE WAGAKA	PETITIONER		0720479148	<i>[Signature]</i>
5	ERICK TSUMBA	ASASUBA	WILKINSON ASSUP LEGIST	0724342295	<i>[Signature]</i>
6	LEWIS NYAUNDI	Media Studies	Reporter	0724434676	<i>[Signature]</i>
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STANDING COMMITTEE ON LABOUR & SOCIAL WELFARE

GUEST ATTENDANCE LIST

PURPOSE: Joint committees of Education & Labour on Abasuba Retention DATE: Tuesday 18/09/18

VENUE: Committee Room 10, Main Parliament Building TIME: 9:00 am

NAME	ORGANIZATION	DESIGNATION	CONTACT TELEPHONE & EMAIL	SIGNATURE
1 Solomon Murene	COUNTY ASSEMBLY OF WAKANDA	MANAGERIAL CLERK-ASSISTANT	0722 282 768 solomonmurene@gmail.com	
2 SAHAID M. BALLE	County Assembly of Gambia	Team Clerk	0772544579 sahaiballe@gmail.com	
3 RACHAEL J. CHERUTICH	COUNTY ASSEMBLY OF NAKURU	PRINCIPAL CLERK ASSISTANT	0717102390 cherutichrachel@gmail.com	
4 David N. Embago	Nyanja County Assembly	Director of Procurement & Comm.	0733884920 Embago@nyanjaassembly.com	
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MEMORANDUM TO THE KENYA SENATE

THE HISTORY OF THE ABASUBA ETHNIC
COMMUNITY, ITS MARGINALIZATION BY THE
COLONIAL AND SUCCESSIVE KENYA
GOVERNMENTS AND THE NEED TO ADDRESS
THEIR CONCERNS

PRESENTED TO

CHAIRPERSONS, EDUCATION, SOCIAL AND
LABOUR RELATIONS

PRESENTED BY

ABASUBA WALAMU LOBBY GROUP

CELL PHONE: 0726255601/ 0720149148

DATE

2ND AUGUST 2018



ABASUBA HISTORY

Background Information

Basuba ethnic group is an amalgam of four ethnic communities namely, Abagusii, Abasamia of Kenya, Baganda and Basoga of Uganda. The name Abasuba was coined by the late Colonial Chief Kasuku in order to bring together all the Bantu sub tribes in the South Kavirondo [Migori and Homa Bay Counties] and was deposed in the year 1938 after administering the former Gwassu Division [*now Suba South Constituency*]. Colonial Chief Maucha of Busweta administered Ssuna Division [Butende and Busuba], Chief Karumanga administered Muhuru Bay Division, while Chief Kitoto reigned in Kano, Nyando Constituency. They were all deposed in the same year as Chief Kasuku (*Logan, 1908, 1909*)

Abagusii- allied dialects of Basuba

The Abagusii- allied dialects of Basuba accounts for nearly 70% of the Abasuba population, they are followed by Baganda at 20%, Basamia at 8% and Basoga at 2%. The Basoga descendants are known as the Waganda.

Mogusii

Mogusii, the ancestor of the Abagusii ethnic group of Kisii highlands, Kitoto plains [Nyando Plains], twin Ssuna East and West Constituencies, Uriri Constituency, Rongo Constituency, Dudi Division of Kasipul, Muhuru Bay Division, Gembe [Igembe] Division and Wisokolwa location of Mfangano Division both in Suba North Constituency, and Kisingiri [Central Division] of Suba South Constituency gave birth to an avalanche of descendants.

Another horde of Mogusii descendants inhabit Tarime, North Mara Province of the Republic of Tanzania; Nyanja, Suba, Girango and Luo Yimbo Divisions.

According to *Logan (1908)*, Mogusii, a brother of Mologoli [Maragoli tribe ancestor] gave birth to five sons namely Mogusero, Moibabe, Mochorwa, Mobasii and Monchari. Moibabe gave birth to Mosweta who in turn begat seven other children. The most remarkable one was Mosoba Ong'eti, who was the father of the Basuba Community. It is from his name that the name Basuba was coined. Mosoba brothers gave rise to Bomachoge (Bomachoge Constituencies), Bogitutu (Kitutu Constituencies) and Bonyaribari (Nyaribari Constituencies).

Migration of Mogusii and Mologoli

According to *Ochieng (1974)*, these two kinsmen entered Western Kenya and settled in Mount Elgon in the early 1500 A.D. They followed River Nzoia and reached Uyoma [Siaya County]. After living there for over a century, their settlement was gradually disrupted by the arrival of the first Luo group of Jok- Ajok. During this attack, some Mogusii descendants crossed Lake Victoria through Uyoma Peninsula and went to Mirunda in South Kavirondo [**Homa Bay County**].

This group included the following Basuba clans Wasaki, Wagire, Wagusero, wamireri, Wayanja, Wagimbe (Waugu), Wamageta, Wakiroba, Wairienyi, Waturi, Wasurwa, Wahacha, Wanyama, Wakiwanga, Wamasengere,

Wanyama, Wanyamkago, Wakisori, Wakiara (Wakiala) Wategi, Warieri, Wagwa, Abagirango (Mochorwa), amongst other basuba clans.

Another group of Mogusii siblings migrated to Kisumu [*Kisumu*] County where they lived for 60 years. It is in Kisumu where Mogusii lived and died. They also separated from his brother Mologoli.

From Kisumu, the Luo group of Jok Ajok met and pushed them further into Kitoto Plains [Nyando Plains]. It is during the migration of Abagusii from this point that some Mogusii descendants and became serfs of slaves of the Luo community (Opinya, 1969). They are found in East Kano/ Wawidhi Ward, Kombura Ward and Nyamware Location of Nyando Constituency.

After subsequent attacks from the Luo warriors, a section of Abagusii community proceeded to Kabianga in Kericho where life proved unfavourable to them. After subsequent and constant raids from the Maasai and Kipsigis (Lumbwa). That section of Abagusii proceeded to the present abode in Gusii Highlands. At Gusii Highlands, after peace prevailed among the Abagusii Community, a civil war erupted among the Gusii clans, leading to the expulsion of the **Wisokolwa sub clan**. According to Ayot, (1977), this clan found refuge in Mfang'ano Island. They are currently found in the Southern part of the Island living in Kitutu village.

Mosoba Ong'eti

Mosoba Ong'eti begat the abasweta clan of the Abasuba community. The totem of the abasweta clan is a baboon ("*Engoge*"). This is a universal totem among the abasweta in Kisii highlands and in Basuba regions. Mosoba Ong'eti relocated to Dudi Division of Kasipul Constituency, Homa Bay County. His offspring later on went to Busuba [Ssuna East and West Constituencies], Migori County. The last group went to Tarime, North Mara Region. They now live in Suba and Nyancha Divisions: Nyandoto, Nano, Kyang'ombe and Nyamagaro wards of Tanzania (*Baker, 1901*)

Colonial Chief Maucha of Busweta was the first chief to administer both Bukuria (Kuria) and Basuba region in the colonial period. He was an Omosweta who encouraged other abasweta from other regions to settle in Migori County (*Logan, 1908*)

Basweta clan of Tarime, Tanzania is one of the six Basuba sub-clans (*Basurwa, Baiienyi, Basimbiti, Bakiroba and Bahacha*) who resisted Luo assimilation and have held on to their original Bantu language, customs and way of life. This is in sharp contrast to their Kenyan relatives.

Mogusero

This is the eldest son of Mogusii and are widespread in Kitoto plains [Nyando Constituency], Kisii highlands, Migori and Homa Bay Counties. Also, they live in Nyancha Division, Korongo, Mkoma, Nyamtiga, Nyahongo wards of North Mara, Tanzania.

Baker, (1901), professes that the totem of abagusero clan is a leopard ("*Engwe*")

Ochieng (1974) records that among the Mogusii kin, this was the most numerous clan in Gusii Highland yet during Independence, it had no location of its own. **Logan (1908)** reported that this clan suffered humiliating defeat from an amalgamation of other Gusii clans. They lived in a highway linking Oyugis and the other Kisii villages. At Oyugis, there was a Salt lick which was used to preserve food. Salt lick was like common salt in those ancient days. Other Gusii clans complained that they mugged traders along the highway and took their possessions. After a decisive defeat by the combined force they were scattered in all Gusii locations, Karachuonyo [**Rachuonyo Constituency**] where a good number remained. Others went to Gwasssi [**Suba South Constituency**]. They were further pushed by the incoming Baganda fugitives from Buganda Kingdom.

Ayot (1977) and **Logan (1908)** reported that this last group proceeded to Kadem [**Nyatike Constituency**]. With good intentions, they welcomed the Abarungu (Karungu) and Abadem (**Kadem**) to live amongst them because their relatives, abanyamwa (**Kanyamwa**) tormented them frequently.

Ayot(1977) further avers that war broke out between the Wagusero and the awaswanya (**Luos**) at awadem. **Nyanjogu**, a Moguseru of Ugu clan was finally killed. The river in which he was killed is known as Nyanjogu crossing up to this day. This marked the end of Mogusero resistance and most of them fled to Tarime, North Mara Region, Tanzania. Others went to Ssuna East location, Migori County.

Those who escaped to Tanzania live in Mkoma, Shirati, Nyahongo and Bukama villages, North Mara.

Mochorwa

Among the Basuba and the Abagusii communities in Kenya and Tarime, Tanzania, the descendants of Mochorwa popularly known as the Abagirango are the most numerous (**Baker, 1901**). Their totem is a leopard. During their migration occasioned by expansionist policy of the Luo warriors in both Central [**Kisumu and Siaya**] and Southern Kavirondo [**Homa Bay and Migori Counties**], they finally inhabited Gusii Highlands, Migori and Homa Bay Counties.

In Gusii Highlands, they inhabit Kisii and Nyamira Counties while in Migori County, they live in Migori County. They are evenly spread in Rongo (Wamagambo), Uriri (Wanyamkago), Ssuuna East, Ssuuna West Constituencies, Muhuru Bay Division of Nyatike Constituency, East Kano/ Wawidhi Ward (**Nyando Constituency**), Kisingiri Division of Suba South Constituency, Kigunga Ward of Suba North Constituency.

In Tarime, Tanzania, they are found in Girango, Nyancha, and Luo-Yimbo Divisions.

Mobasii

He was also another son of Mogusii and most of them live Bobasi Constituency in Kisii County and a section of them live in Gwasssi North Location of Suba South constituency. The Bassi clan that live there is known as Abagichoncho and came from Gusii Highlands in 1920s (**Ochieng, 1974**). Their totem is a Zebra ("**Enchage**")

Prince Kiboye of Buganda Kingdom married a girl from Wiga Clan of Basuba community (Logan, 1908). Wiga is a descendant of Mobassi. Therefore, most Abasi clan of Kisii are either Children of Prince Kiboye or his uncle. For example, Abajichoncho sub Clan is a grandson of Prince Kiboye. They are children of Prince Kiboye's first born, Samati who relocated to Gusii Highlands. In essence Suba South and Bobasi Constituencies are related through marriage.

Bugandan- allied dialects of Basuba

In the year 1760 A.D, turmoil, murders, power struggle engulfed the Baganda Kingdom during the reign of Ssekabaka Jjunju Kyabaggu. Kabaka Jjunju engaged in a fierce battle for the control of his empire. His enemies were his princely brothers (Kaggwa, 1901).

He had 22 brothers and sisters who were envious of his reign. Chief among them was Prince Ssemakookiro Wassajja Kyabaggu supported by Prince Kikunta (Prince Kiboye). After a prolonged struggle between the siblings, Prince Ssemakookiro sent a peace delegation to his Kingly brother. This delegation included his pregnant wife, displeased with this rapprochement, Kabaka Jjunju slit the belly of his in-law. This action enraged Prince Ssemakookiro and planned for sweet, bitter revenge.

Living in Entebbe, (Logan, 1908), Prince Ssemakookiro tasked his brother Prince Kikunta (Kiboye) to bring Kabaka Jjunju Wassajja alive to him. In the ensuing melee that followed in the palace at Mengo, Kampala, Kabaka Jjunju died. Again, Prince Ssemakookiro was annoyed by this action and convened a "War Council" in his palace at Mengo to plot revenge for his kin's death.

A Chief drummer at Kabaka's palace, Mr. Mwembe heard the conversation and alerted his bossom friend's family that they were going to be killed. This led to the mass exodus of allied Bagandan clans which were sympathetic to the Kikunta brothers.

Abaso (1977) reported that the two Kikunta brothers (Prince Kiboye and Prince Wibebe or Kula) and their brother, Prince Renanya accompanied by their two princely sisters escaped to Mfang'ano Island where they eventually reunited as a family. Prince Kikunta 1 (Prince Kula) remained in Mfang'ano Island while Prince Kiboye went to Gosii Hill (Gwassii Hill) and his descendants are the majority inhabitants of Suba South Constituency.

Mr. Mwembe, the chief drummer also escaped and settled in Mfang'ano Island. His descendants are now known as Wakiinga. Prince Kula's brother in-law, Kenge-also escaped and settled in Rusinga Island. His descendants are known as Waware. Waware are also found in Seme Constituency (Kisumu County) and are known as Wawaria or Wamori Clan.

Kaggwa (1901) avered that the assassination of Kabaka Jjunju was the second death witnessed in Buganda after that of Kabaka Kayemba in 1600 A.D. in which many clans escaped from the Kingdom. The second one took place between 1760 –

1780 A.D. Some fled to Western Buganda and they comprised Mmamba, Nsenene, Kkobe, Nkata, Mpogoloma, Nkima, Mbwa and Lugave.

The second group fled to Busagala in South West Ankole. The third one went to Bunyaruguru in Toro. The last one proceeded to Rusinga and Mfang'ano Islands. **Gorju (1920)** claimed that this Bakikunta flight took place in 1760 A.D

Oliver (1954) claimed that this group [Bakunta] escaped through Busoga and founded families in a corner in the Kavirondo [**Suba North and Suba South Sub counties**]

Wasamo

Wasamo are descendants of Samia sub tribe of Abaluhya. They were led to Mfang'ano Island by Serwe and Lusige (**Ayot, 1977**). They escaped from the great Samia war in which their clan fought other Busia clans eventually leading to their bitter defeat. Some escaped to other regions of Luhyaland (**Osogo, 1966**). Some of their siblings left Mfang'ano after bitter fight for control of the Island by the Waware and Wasaki clans.

They went back to Kisumu County where they are now found in Kombura Ward of Nyando Constituency. Abuso (1980) recorded that Chief Ombura was the leader of Wasamo who led them Mfang'ano Island. Another group proceeded further to Hamisi Constituency and were assimilated by the Tiriki sub tribe of Abaluyia. They are still recognized as a Basuba clan of Tiriki community.

Demise of Basuba Language

UNESCO Book of Endangered Language has consistently from the year 2002 reported that Basuba language has been on the verge of becoming extinct. The colonial government together with the post colonial government encourage Dholuo to be taught in to children in pre primary and class 1 – 3 in Basuba regions. This action led to the decimation of Basuba Language by the more superior Luo Language.

Various Basuba leaders fought bitterly for the teaching of Basuba language but to no avail. In the year 1995, Basuba political and business leadership petitioned the Retired President Daniel Toroitich Arap Moi who acceded to their demands after thorough cross checking. He was also not convinced that Basuba community was not a separate community from the Luo.

In a meeting held in Sindho stadium, he listened attentively as Former Minister of Health, Hon Peter Nyakiamo spoke fluently in Basuba Language for nearly 30 minutes. It was then that he created Suba District, ordered Kenya Broadcasting Corporation Regional Service to broadcast Basuba Language. He also ordered Kenya Institute of Education to publish primary schools in Basuba language. Kenya Institute of Education did not implement the last order leading to the current *status quo*. In response, the Basuba community gave him unequivocal political support till he completed his final term in office

The current Kenya Institute of Curriculum of Education (KICD) approved Dholuo textbooks to be used in the teaching of mother tongue in Basuba regions as from January 2019. **This is unacceptable.** It is also against international conventions ratified by the Government of Kenya. They are *The International Covenant on Civil and Political Rights (ICCPR)*, Article 27 and *International Covenant on Economic, Social and Cultural Rights (ICESCR)*.

The former covenant was adopted by the *United Nations General Assembly* on 16 December 1966 and came into force on **23 March 1976**.

We hope that this Kenyan Senate will do more justice on the over one million Basuba Community in Kenya and other 12 other endangered Kenyan Languages in danger of disappearing by addressing our petition as addressed to the **Chairperson of Legal and Justice**.

REFERENCES

- Abuko, P. (1980). *A History of the Abakuria*. Nairobi: EALB.
- Ayot, H., (1977). *Historical Texts of the People of the Lake Region*. Nairobi: KLB
- Baker, E. C. (1901). Bakuria of Musoma, Tanganyika Territory Cyclostyled in the Library of East African Institute of Social Research, Makerere University, kampala.
- Chacha, G. (1963). *Historia ya Abakuriana Tabia Zao*. Nairobi.
- Crampton, D. R. (1910). The Political Records Book II, Central Nyanza District . Kenya National Achieves: Nairobi
- Gorju, J. Pere: Entre le Victoria, L'Albert et L'Edouard. (1920). Translated by R. Butler in East Africa Institute of Social Research Library, Makerere University.
- Kaggwa, Apollo. (1901). Ekitabo Kya Bassekabaka be Buganda. Kampala.
- Kenya Land Commission Evidence Volume III. (1933). Nairobi: Government Printer.
- Lisingu, J. (1946). *Abaluyia Historical Texts: Kitabu Kya Mulogoli na Vana Veve (The Mulogoli History and Family)*. Nairobi.
- Logan, W. (1908- 1909). *Kisii Political Book Records: KSI/ 3/2*. Nairobi: Kenya National Archives.
- O'Keragori, A. (1995). Totems of the Kisii. Nairobi: Jacaranda Designs Ltd.
- Ochieng, R. (1974). *A Pre- Colonial History of the Gusii of Western Kenya: CAD 1500 – 1914*. Nairobi: EALB.
- Ogot, B. (1967). *A History of the Southern Luo*. Nairobi: EALB.
- Oliver, R. (1954). The Baganda and the Bakonjo. Uganda Journal, Vol. 18, No. 1, March
- Onchoke, A. (1946). *Okaba Omochakano Ba' Abagusii na Mogekeyo Omwabo: A History of the Kisii- UCN/ HD/ RPA/2/3*. Nairobi: University of Nairobi.
- Opala, K. (2010, November 18). Extinction of Languages in East Africa worries UNESCO. *The Daily Nation*.
- Opinya, J. (1969). *Texts and Dissertation of History of Jo- Kano, UCN/ HD Archives*. Nairobi: University of Nairobi.
- Osogo, J. (1966). *A History of the Abaluyia*. Nairobi: Oxford University Press.
- South Kavirondo Annual Report. (1946). Kisii: District Commissioner.
- Wallis, H. R (1920). The Handbook of Uganda, 2nd Edition
- Were, G. (1969). *A History of the Abaluyia of Western Kenya C. 1500 – 1930*. Nairobi: EAPH



KENYA INSTITUTE OF CURRICULUM DEVELOPMENT

**BRIEF TO THE COMMITTEES ON EDUCATION AND LABOUR &
SOCIAL WELFARE ON THE PETITION ON THE HISTORICAL HUMAN
RIGHTS VIOLATION AGAINST THE ABASUBA COMMUNITY OF
WESTERN KENYA**

1. Introduction

The Ministry of Education provides guidance on policies relating to the Education Sector.

The language policy states that all subjects should be taught in the language of the catchment area, except English and Kiswahili which should be taught in English and Kiswahili respectively. In areas where diverse language groups coexist, Kiswahili should be used as the medium of instruction in this level of education. The policy also recognizes few upmarket areas in our urban centers where English is the language of the catchment and therefore may be used at lower primary as the medium of instruction. In upper primary schools, the language of instruction is English in all learning areas (subjects), except Kiswahili which should be taught in Kiswahili. This policy was further emphasized by the Ministry of Education, Science and Technology in a circular (Ref: QAS/A/2/1A (156), dated 30th January 2014 to all County Directors of Education and District Education Officers.

2. There are several factors that may be considered in selecting the language of the catchment area to be used as the medium of instruction :
 - i. The language of the catchment area refers to the language spoken by the community within which the school is located. It is the language learners use as their first language.
 - ii. Acceptance and concurrence of the stakeholders on the use of the language as the language of instruction for learners in the lower level. The stakeholders include the parents, community, the Board of Management and the teachers. This may call for sensitization on the importance of the use of the language of the catchment as the medium of instruction.
 - iii. Availability of teachers who are competent in speaking the said language of the catchment area so that they are able to explain the concepts for learner's understanding.
 - iv. Availability of instructional materials in the identified language.

3. Teaching in the language of the catchment area for pre-primary and lower primary has always been encouraged as per the policy. Kenya Institute of curriculum Development has played its role in enhancing the development of materials for various communities as follows:
 - i. KICD has encouraged publishers to submit materials in indigenous languages in every call for submission of learning materials since 2003. Several materials for

indigenous languages have been approved and are listed in the Approved List of Books for Pre- primary and Primary Education in different languages e.g. Kikuyu, Kikamba, Ekegusii, Dholuo and Sabaot.

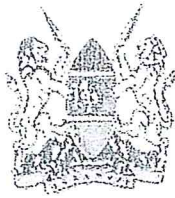
- ii. KICD has partnered with different organizations to guide in the development of materials in indigenous language e.g. Maa
- iii. KICD was invited to the Suba Literacy Stakeholders Conference on 28th April 2018 in Mbita by the Abasuba, Walamu Lobby Group. The invitation was to sensitize the participants on the Competence Based Curriculum and how the Indigenous Languages have been situated in the Basic Education Curriculum Framework from Pre-Primary to Grade 12.

4. The Institute is recognized as the publisher of last resort for subjects/learning areas in which there are no materials. Nevertheless, this has been a challenge as no funds are allocated for development of such materials. In the case of indigenous languages developing and publishing materials in local languages is dependent on:

- i. existence of orthography for the target language
- ii. availability of funds as it is a very expensive endeavour
- iii. availability of experts in the language who would be trained on the curriculum designs interpretation and be able to develop materials in their language in accordance to KICD materials development requirements.

The Institute has therefore encouraged individual communities to take up the roll and seek guidance to ensure that materials meet the required standards.

5. KICD has not given any press released instructing that Dholuo be used as the medium of instruction in schools in Suba District.



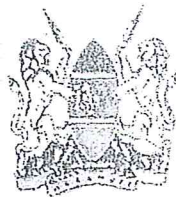
a) THE MINISTRY OF EDUCATION'S POSITION ON THE TEACHING OF
INDIGENOUS LANGUAGES FOR PRE-PRIMARY AND PRIMARY
SCHOOLS

Hon Chair, My Ministry is committed to promoting indigenous languages in schools including the Pre-Primary and Primary School.

CONSIDERATIONS MADE IN THE INDIGENOUS LANGUAGES TO BE USED
AS A MEDIUM OF LEARNING FOR A PARTICULAR COUNTY

Hon. Chair, considerations made for the indigenous languages to be used as a medium of learning for a particular County includes the following:-

- (i) The language spoken by majority in the captured area of the schools and at times is Kiswahili.
- (ii) Provision of education geared towards development of the child's mental and physical capabilities.
- (iii) Enabling the child to enjoy living and learning through play.
- (iv) Developing the child's self-awareness, self-esteem and self-confidence.
- (v) Enabling the child to develop understanding and appreciation of his/her culture and environment.
- (vi) Fostering the child's exploratory skills, creativity, self-expression and discovery.
- (vii) Develop aesthetic values and appreciate own and other people's cultures;



c) In the on-going Curriculum Reform, great emphasis is placed on the learners' proficiency in the first language or language of catchment. Literacy as a competency which is introduced in lower primary and is taught in the first language of the learner.

At this level, literacy aims at equipping the learner with basic skills in reading and writing to aid in all other learning areas.

Indigenous Languages are offered in all other levels including senior secondary. Universities also offer Indigenous Languages studies. This is envisaged to address the local expertise gap in Indigenous Languages that will go a long way in averting extinction of smaller communities domiciled in larger communities.

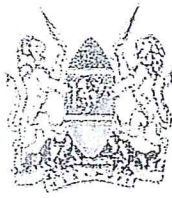
d) ANY OTHER INFORMATION RELEVANT TO THE TOPIC

Hon Chair, language plays a key role in the acquisition of knowledge, attitudes and skills.

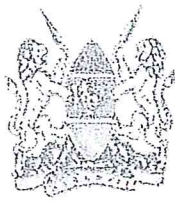
i) However, the full implementation of the Language Policy is compounded by the linguistic diversity of the people of Kenya. This is a challenge to have a standard orthography as each language group is distinct and would wish to retain its identity.

ii) Lack of local expertise in some languages is also a challenge.

iii) Publishers in most cases are not willing to publish materials in indigenous languages due to financial reasons.



- iv) The Deputy President advised the Ministry to hold consultative forum with the Bible Society of Kenya, The Bible Translation and Literacy and other stakeholders to undertake a socio-linguistic survey for certain language groups, orthography development for these languages and develop materials for adult literacy and mother tongue education.
- v) The Ministry has prepared an indicative budget of Ksh.115.5 Million which includes the proposed activities to be undertaken. It is my sincere desire to see the survey undertaken this financial year of 2018/2019. The end result will be to promote and preserve some of our indigenous languages.
- vi) Kenya Institute of Curriculum Development (KICD) has encouraged publishers to submit materials in indigenous languages in every call for submission of learning materials since 2003. Several materials for indigenous languages have been approved and are listed in the Approved List of Books for Pre- primary and Primary Education in different languages which include Kikuyu, Kikamba, Ekegusii, Dholuo
- vii) and Sabaot among others. It has also partnered with different organizations to guide in the development of materials in indigenous language such as the Maa language.
- viii) Children in pre-schools and lower primary are taught in their language of catchment. The County Governments have been advised to customize the Ministry of Education Language Policy for implementation at the pre-primary level, which is in their docket, while the Ministry will continue enforcing the policy in lower primary in all schools.



Hon Chair, I further wish to inform this Joint Committee that the Kenya Institute of Curriculum Development in collaboration with Education stakeholders is in the process of reforming the curriculum. Curriculum for the languages in Early Years Education has already been developed and is currently being piloted in schools across the country.

AMB. (DR.) AMINA C. MOHAMED, EGH, CAV
CABINET SECRETARY

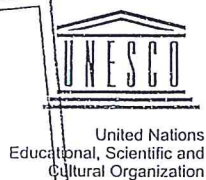
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When replying please quote



Ref. No. KNCU/SHS/SPP/OHCR/(33)

30th August, 2018

J. M. Nyegenye, CBS,
Clerk of Senate/Secretary,
Parliamentary Service Commission,
P.O. Box 41842-00100,
NAIROBI.

① D/Com
for the Committee

② Clerk Asst I - Liaison
of S/W/Fare
Please bring to the attention
of the Committee
DS/DA/18 09/09/18

Dear Mr Nyegenye,

PETITION ON ALLEGED HISTORICAL HUMAN RIGHTS VIOLATIONS AGAINST THE ABASUBA COMMUNITY OF WESTERN KENYA

Reference is made to your letter No. SEN/SCLSW/CORR/2018/74 dated 14th August, 2018 on the above cited subject matter.

I take this opportunity to thank you for requesting Kenya National Commission for UNESCO to furnish the Senate with details regarding the petition on the alleged historical human rights violations against the Abasuba community of Western Kenya on the following issues:

- a) The status of the Abasuba language, heritage and culture;
- b) Affirmative action programs that the country can undertake to minimize the languages loss and the erosion of cultures of communities like the Abasuba; and
- c) Any other recommendation both formal and informal that can be implemented to enhance the use of the Abasuba language by the Abasuba Community.

Attached herewith please find our written submission for your consideration.

Yours sincerely,
[Signature]

Dr. Evangeline W. Njoka, MBS
SECRETARY GENERAL/CEO

THE SENATE RECEIVED
05 SEP 2018
DIRECTOR COMMITTEE SERVICES

Atch.

RESPONSE TO THE PETITION ON ALLEGED HISTORICAL HUMAN RIGHTS VIOLATIONS AGAINST THE ABASUBA COMMUNITY OF WESTERN KENYA

Background Information

Kenya is a multilingual country with over sixty (60) indigenous languages and rich diverse cultures that are invariably connected to the diverse linguistic groups. The diverse cultures and a rich heritage constitute the solid foundation for our nationhood. The centrality of culture to sustainable social and economic development of a country can neither be over emphasized nor gain said. The United Nations Education Science and Cultural Organization (UNESCO) acknowledges that no society can flourish without culture nor any development is sustainable without culture. The intrinsic relationship between culture and development underscores not only the critical role of culture in development, but also its centrality in shaping the human understanding and world view of development.

Language is a medium of communication. Language provides the medium through which community's aspirations; wishes, needs, norms and practices are projected, disseminated, communicated and transferred from generation to generation. Kiswahili and English are widely used in official and unofficial interactions whereas other languages of Kenya are primarily used in intra-ethnic communication and interaction. Unfortunately some of the languages spoken by minority communities in Kenya are endangered while others are on the verge of extinction.

There is a strong awareness of the need to intensify efforts to promote, protect and develop usage of languages of Kenya, Kenyan Sign Language, Braille, and other communication formats and technologies accessible to persons with disabilities. Currently, the management of linguistic diversity in Kenya lacks adequate legislation to protect and promote Kenya's languages. However, the Constitution of Kenya recognizes the importance of cultural and linguistic diversity. Moreover, the United Nations Educational Scientific and Cultural Organization (UNESCO) provide direction and policy statements under the Universal Declaration of Linguistic Rights (UDLR). The Declaration emphasizes the need to revitalize and develop languages spoken by communities so that they can effectively participate in national development. Kenya is a signatory to other regional declarations on the status and development of African languages, and these have influenced the direction of language decisions and practice.

In order to respond to the linguistic and cultural diversity and the opportunity accorded by the constitutional recognition of multilingualism, a Language Policy Framework is necessary.

The Constitution of Kenya 2010 recognizes culture as the foundation of the nation and as the cumulative civilization of the Kenyan people and nation. It is in this regard that Article 11 of the constitution commits the government to promote all forms of national and cultural expressions. The same Article further obligates the State to promote all forms of national and cultural expression through literature, the arts, traditional celebrations, science, communication, information, mass media, publications, libraries and other cultural heritage. In addition, Article 44 (1) grants to every person the right to use the language, and to participate in the cultural life, of the person's life. Language lies at the heart of human communication, collaboration, education, harmony and development. The Constitution of Kenya recognizes the key role played by language in unifying the people of Kenya, serving them and enabling them to achieve the goals of peace and prosperity.

In September, 2011, the then Permanent Secretary responsible for the culture, Ministry of State for National Heritage and Culture, constituted a technical committee of ten experts on Language who were mandated to draft a basic Languages of Kenya Policy and Bill working document. A three (3)-days' retreat was then organized at the Kenya Pipeline Training and Conference Centre (Morendat), Naivasha, from 18th to 21st September, 2011 which came up with a Zero Draft of the Languages of Kenya Policy and Bill and set the first phase towards putting into place the aspired legislation thus ensuring that the country's goals and aspirations are realized as provided for in the Constitution 2010 in reference to the Languages of Kenya.

In response to article 7 and 44 of the constitution, the Ministry of Sports, Culture and the Arts through the Department of Culture conducted a series of consultations and public participation workshops to develop the Draft Languages of Kenya Policy and Draft Languages of Kenya Bill through various stages of revision and comments from experts. It was envisaged that the process will be done in the letter and spirit of the 2010 Kenya Constitution, Article 10(2), which calls for involvement of various members of the citizenry through stakeholders' consultations and public participation in all government legislative process.

In conformity with these constitutional provisions, and to realize a robust Policy and Bill, the Department of Culture in collaboration with TWAWEZA Communications and Ford Foundation organized a series of stakeholder's consultation workshop on the Languages of Kenya Policy and Bill. The first stakeholder's consultation workshop was held on 22nd and 23rd May, 2013 at the then Kenya Institute of Education followed by the second stakeholder's consultation workshop on 30th October, 2013 at the same venue.

During the consultation workshops, the Draft Languages of Kenya Policy and Bill were reviewed and critiqued. The workshops were attended by various stakeholders, language experts, Civil Society Organizations and County Government Officials drawn from all regions of the country. After a series of consultations in the two public participation workshops, the Draft Policy and Bill underwent various stages of revision and received comments from experts and later subjected to the third stage of validation in a public participation workshop which was held on 24th March, 2014 at Kenya Institute for Curriculum Development. This was in conformity with the requirement of Article-10 (2) of the 2010 Kenya Constitution, which calls for involvement of various members of the citizenry through stakeholder's consultations and public participation in all government legislative processes.

The relevant stakeholders involved in the consultation included; Language experts, National Civil Society Congress, County Government officials, Ministry of education, Kenya Institute of Curriculum Development, Commission for the Implementation of the Constitution(CIC), Legislative and Inter-Governmental Liaison Office (LILO) from Office of the Deputy President, Attorney General (AG), Kenya Law reform (KLR), State Law Office, Kenya National Human Rights Commission, National Cohesion and Integration Commission, Universities, Teachers Service Commission, Bible Translation and Literacy (BTL) E.A, SIL International, Language committees, Google Kenya, Ford Foundation, Transitional Authority, TWAWEZA Communications, Publishers and the Media.

Subsequently, the Ministry planned for a one-day retreat on 30th May, 2014 at the Kenya Institute of Curriculum Development to update and fine-tune the Draft Languages of Kenya Policy and Bill in accordance with the suggestions presented during the validation workshop. The session engaged a team of experts comprising of the technical team, TWAWEZA Communications, a representative from the Commission for the Implementation of the

Constitution and a representative from the Legislative and Inter-Governmental Liaison Office (LILO).

To ensure alignment of the Policy and Bill and to finalize the two documents for submission to the Attorney General's office, TWAWEZA Communications with the support from Akiba Uhaki Foundation and in collaboration with the Ministry hosted a sub-committee forum on **5th July, 2014** at Laico Regency Hotel. The process was intended to finalize the Draft Languages of Kenya Policy and Draft Languages of Kenya Bill in readiness for onward transmission to the Attorney General for further legislation process interventions.

In December, 2014, the finalized draft Languages of Kenya Policy and draft Languages of Kenya Bill was submitted to Attorney-General for further and necessary legislative processes. The Draft Languages of Kenya Policy covered areas on background and context, rationale, principles, Language and Information Communication Technology (ICT), Administration of Justice, Legislative and other instruments, advancement of official, national and community languages, communication with the public and provision of services, Language and the media, Language and national development, Language and education, funding, provisions of the Languages of Kenya policy, National and County Governments, guidelines for implementation, implementation structures, functions of the Kenya National Languages Council (KNLC); etc.

In a meeting held on **10th February, 2015** at the Commission for the Implementation of the Constitution chaired by Commissioner Kamotho Waiganjo, the meeting discussed and agreed on timelines for the development of legislation required under the fifth schedule to the constitution, whereby the AG was required to submit the draft Languages of Kenya Bill on or before **28th February, 2015**.

In conformity with the timelines, on **27th February, 2015**, the AG submitted the official copy of the Draft Languages of Kenya Bill, 2015 to the Chairperson, Commission for the Implementation of the Constitution for further processes. At the expiry of CIC's term in December, 2015, there was no official communication regarding the status of the Draft Languages of Kenya Bill, 2015.

As from early 2016, the Ministry of Information, Communication and Technology started inviting language experts/stakeholders to a consultative meeting on the draft Languages of

Kenya Policy and Bill and initiated the process of reviewing the draft Languages of Kenya Policy and Bill developed by the Ministry of Sports, Culture and the Arts.

In regard to the issues raised in your letter, the following is our response:

a) The status of the Abasuba language, heritage and culture;

The Abasuba are Bantu-speaking ethnic community living in the eastern shores of Lake Victoria and islands of Lake Victoria in Kenya. After a period of interaction with the neighbouring Luo, both clans became accustomed to each other's traditions and practices. Due to intermarriages, education, and religion and by virtue of the fact that the Luo being the larger population, the alliance has led to the decrease in demand for people to speak Suba, hence, decreasing the number of native Suba speakers. The Suba Language or Olusuba, is listed by UNESCO as one of the vulnerable languages in Kenya.

b) Affirmative action programs that the country can undertake to minimize the languages loss and the erosion of cultures of communities like the Abasuba;

The education sector provides a major opportunity for the preservation of language and culture. In addition, use of the literacy that children have as they enroll in school facilitates better acquisition of literacy and numeracy skills.

In this regard, it is proposed that the following interventions can provide support towards preservation of the Abasuba language and culture;

- i. Local leaders to hold community based campaigns to advocate for the use of the Abasuba language in homes and at school.
- ii. The Government should avail financial support to the Kenya Institute of Curriculum Development to facilitate development of a Suba language curriculum for early years and lower grades as per the Government policy on use of the catchment area Languages.
- iii. The Kenya institute of Curriculum Development to support the development of instructional materials in Suba Language.
- iv. The history of the Abasuba community should also be included in the curriculum.

- v. Schools administrators in Suba region should develop a framework for supporting the Suba language in their schools.
- c) **Any other recommendation both formal and informal that can be implemented to enhance the use of the Abasuba language by the Abasuba Community.**

Many languages are endangered as there are no longer young people left to speak those languages, so their remaining speakers are dying out and many of these languages have not been documented. It is on this background that towards the end of 2017, the Deputy President His Excellency William Ruto advised the Ministry of Education and its Agencies to hold a consultative forum with Bible Society of Kenya (BSK) and Bible Translation and Literacy (BTL) in relation to sociolinguistic survey, orthography development, adult literacy and mother tongue education for the undocumented languages in Kenya. After a series of meetings, the consultative forum has proposed for the establishment of National Steering Committee on indigenous languages and Kenyan Sign language. It is our recommendation that the consultative forum can work hand in hand with the Suba community to enhance the use of the Abasuba language.

The BTL and BSK have an experience in literacy and language development that spans for a period of over thirty (30) years with significant recognition from Government and UNESCO through awards and commendations for their literacy efforts. The Ministry of Education language policy recommends the teaching of mother tongue in lower primary (pre-school to standard three). Likewise, the National Adult and Continuing Education Policy recommend the use of mother tongue as it facilitates access to literacy and other languages.