

LANGUAGE POLICY IN KENYA AND THE NEW CONSTITUTION FOR VISION 2030

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ABSTRACT

This article discusses the language situation in Kenya, beginning with an insightful history on language policies from the period when the country was still under British colonial rule. In post colonial Kenya, the newly formed KANU¹ regime, through the Ministry of Education, occasionally changed the country's language policy over the years in line with recommendations made by several commissions tailored towards education and this has had great influence on the current language situation. The current socio-linguistic in the country situation shows that English has a hegemonic edge over Kiswahili which, even though it enjoys widespread popularity, is not widely spoken, especially in the rural areas where mother tongue thrives. Mother tongue holds a strong footing in the Kenyan society since it is used for informal communication and neighborhood conversations. Sheng, a code that developed among the urban youth, has also spread across the country like wildfire. The lingo continues to thrive in the country due to factors such as political campaigning and commercial advertising that embrace it. There are various language provisions in the new Kenyan constitution; mainly, the recognition of Kiswahili as the national language as well as the official language of the country alongside with English. Other provisions recognize language as a human right, hence quelling any form of discrimination while enhancing equality and impartiality on language matters. These include the recognition of Sign Language, Braille, and other indigenous languages of Kenyan heritage.

KEYWORDS: Language Policy, Constitution, Vision 2030, Kenya

INTRODUCTION

Kenya is a culturally diverse land and this fact is greatly reflected in the country's linguistic diversity. Historic records have the oldest signs of human civilization and settlement dating back to 2000 BC when the East African nation's highlands were occupied by Cushitic speakers. Currently the country is host to forty two ethnic groups, or even more,² and each of these groups has its own unique dialect in addition to Kiswahili and English which are the countries official languages, while the former is also the national language (Committee of Experts on Constitutional Review, 2010). A historical perspective of linguistic development in Kenya is necessary in order to understand the country's language policy as well as the current sociolinguistic situation. This is because the basis of the Kenya's current language policy is the country's colonial language policy that was adopted following the European scramble for power in Africa that occurred towards the end of the 19th Century. The European nations defined the continents' boundaries and during this time Kenya became part of the British East African Protectorate. The British colonizers had considered a number of issues in their bid to enhance their rule on its colonies and among them were language and education policies. Thus, starting at colonization, language was used to serve political and administrative interests, while also, restricting the holistic empowerment of Kenyans. But in an ironical twist, this somehow motivated the Africans in colonial Kenya to learn the language as it was

seen as a ticket to getting a white collar job at that time. It is important to put the colonial language policy into perspective since it had great significance on the post colonial language policy and essentially all sectors of the country since independence. The colonial government promoted the use of English in the colony and this had great impact in the long term since this same policy would continue to be supported by an elitist government that would take over the management of the independent Kenya in 1963.

The various shifts in government education policies since independence have created the current language situation in Kenya where English still enjoys superiority among all other dialects. In addition, the promulgation of the country's new constitution served as a beginning towards achieving a cohesive legal backing on language by acknowledging Kiswahili as an official language and recognizing other languages like the Kenya Sign Language and Braille. Although Kenya's constitutional provisions on language are not as expansive and much delved into like in other multilingual republics such as South Africa, the aforementioned step shows that the country is on the right track. South Africa is an example of a multi-lingual nation that has managed to address language diversity concerns since she recognizes how great an aspect language is in achieving unity and cohesion that in turn manifests in development and holistic growth which are part of the goals of Kenya's economic development blueprint, Vision 2030. This article will offer an in depth look at the language situation of the linguistically diverse nation. In order to achieve this, it is important to discuss both the colonial as well as the post colonial language policies in order to understand the socio-linguistic situation in the country which will be discussed in further detail as well.

Pre-Independence

The pre-independence period was characterized by colonial language policies set by the British imperialists governing the East African colony that was now part of the British Empire. The colonial language policy can be viewed in two particular periods which are, Pre-Second World War and Post-Second World War. Before the Second World War, there were several parties that were involved in the formulation of the language policy (Nabea, 2009). Among them were the colonial government administrators who were particularly focused on controlled teaching of English to the natives so as to get low cadre staff in their administration, and the Christian missionaries who were of the thought that the gospel would be more embraced in the local communities' mother tongue. Among the colonizers was another group, the British settlers, who were afraid of the idea of Europeanization of Africans through English since there was the likely chance that they could become too educated to accept low cadre wage. As seen by the aforementioned reasons, all these parties were significantly impacting the language policy in several ways.

The language issue was discussed by the missionaries when they discussed their venturing into colonial education at the United Missionary Conference in Kenya in 1909. They discussed the use of mother tongue, English and Kiswahili and adopted a policy that saw the use of mother tongue in the first three classes of primary school, Kiswahili in the two middle primary classes, while English was to be used upward in the rest of the primary classes up to the university level (Nabea, 2009). The missionaries also complemented the use of mother tongue by according them a writing system based on the Latin alphabet. Another boost for the local languages came when the Inter-territorial Language Committee standardized Kiswahili in 1930. Local languages also got an advantage from the establishment of publishing firms by the colonialists since, even though this also acted as a boon for the spreading of English, the locals also ventured into the production of creative works. However, this was still under the colonial administration's watchful eye who were afraid that such work would undermine British rule.

Before the 1920s however, the colonial administrators were not happy about the teaching of English to the natives. Prior to this, the use of mother tongue, English, and Kiswahili was being embraced at various stages in the Kenyan education system and the colonial administrators were afraid that the teaching of English was interfering with their objective of maintaining a subordinate class of employees. Consequently, this led to the review of the education policy thus showing that in the colonial administration system, the distance between master and subject had to be maintained partly through linguistic distance.³ This clearly shows the influence that language has as an aspect that affects governance.

After the education policy review, English was to be taught to Africans in a restricted manner so as to ensure that a great majority of them would never reach the secondary and university levels of education. However, this restriction had acted as some form of incentive for the Africans to study the language since they had realized that knowledge of the English language was a sure way to wealth through getting white collar job employment as opposed to the menial jobs the uneducated had to endure with. This reasoning led to, for example, the Kenyan Kikuyu community establishing independent schools in the 1920s that taught English without any restrictions. The colonial language policy was forged entirely in the interests of the colonial administration all the time and not in the interests of the natives. Another ideal example of this was in 1924 when the Phelps-Stokes Commission recommended the dropping of Kiswahili from the education curriculum except in the areas where it was used as a first language. The other recommendations were that mother tongue should be used in early primary school levels, while English was to be used upward from upper primary school levels to the university.

The passing of the Second World War brought about a shift in the colonial language policy that had a negative impact on the local languages. Kenya was experiencing the struggle for freedom and self rule was imminent and this forced the colonizers to push for the creation of a Westernized upper class in the country. This was necessary in order to protect their interests in independent Kenya. Education reports produced at the beginning of 1950s recommended the introduction of English in the lower primary classes so that it could be taught along with mother tongue, while Kiswahili was dropped from the curriculum except in areas where it was used as mother tongue. This was implemented in 1955 and it was seen as a measure whose objective was to stall the growth and massive embracing of Kiswahili since it was fuelling Kenyans' freedom struggle (Iraki, 2003). The colonial language policy in Kenya after the Second World War saw the supporting of English at the expense of the local languages. The reason for this support was not for the purpose of making the Kenyans learn the colonial masters' language but rather for the purpose of quelling the rising wave of Kenyan nationalism that was building itself around the local languages, particularly Kiswahili. This move by the colonial administration bequeathed the East African nation an unjust linguistic legacy after the country earned its independence as English played a divisive role in society by essentially separating the society into the haves that were fluent users of English and the have-nots who were the non-English users. This view continues to haunt the nation for nearly half a century since it earned its independence as English is yet to be free of its elitist stature.

Post Independence

Kenya attained self rule in 1963⁴ when the newly formed government under the leadership of the country's founding president, Mzee Jomo Kenyatta. English was declared the official language and this meant that it was to be used in all important sectors of government including education. This policy, though under a Kenyan government, would only re-emphasize what was already occurring under the previous colonial language policy. Moreover, the new government's political leaders were products of the colonial education system, and under the circumstances it was more likely they would

perpetuate neo-colonialism, rather than promote several administrative reforms. Nevertheless, there were efforts to form a national language policy in the form of research commissions, though the carrying out of their recommendations was lackluster. Most of these commissions' measures were mainly tied to education and the Ministry of Education took up these measures in line with language policy as was the case in 1964 when the Kenya Education Commission conducted a survey to offer insight on the citizens' interest towards language use. The results of the survey showed that most of Kenyans wanted a trilingual system in education where mother tongue was preferred for non-formal communication particularly in the rural areas and Kiswahili and English were preferred for education beginning at lower primary classes through to the university. The survey also noted that Kiswahili was widely favoured to be used in education for the purpose of enhancing unity both nationally and in the region. At this time, Kiswahili was also seen as the suitable language for the pan African dream. Despite all this though, unlike English, Kiswahili wasn't permanently attached to the education curriculum and it remained an optional subject for many years (Ileri,1996).

The Ominde Commission also made similar recommendations to those of the Education Commission in 1964 after its survey showed that many Kenyans were for the idea of having English as the principle language of instruction starting from the primary school level to the university and the commission offered reasons for this recommendation citing that the English language had intrinsic resources. Therefore, English was introduced in beginners classes and its learning emphasized. Mother tongue and Kiswahili were also emphasized in the education system though this was at different levels and different localities as well.

In 1976, the Gachathi Commission was to further entrench the use of English in the Kenyan education system when it recommended that it should be used as the language of instruction from the fourth class in primary school through to university level. The commission also declared Kiswahili as an important subject in primary and secondary school levels but it continued to receive inferior status compared to English which was allotted more than double the number of hours Kiswahili was taught. The commission's report also reinstated the use of mother tongue in standards one to three but only in linguistically homogeneous areas whereas, in areas with considerable diversity of ethnic backgrounds, English and Kiswahili were to be used as the media for instruction in these first few years.

The Kenyan education system received an overhaul after recommendations by the Mackay Commission in 1981 that led to the change of the system into one with eight years of primary education, four years of secondary school and finally four years of university education. English remained the principle medium of instruction while Kiswahili was made compulsory and examinable in primary and secondary levels. The KIE⁵ was to prepare educational materials in twenty two languages which included English and Kiswahili. However, since only a fraction of mother tongue was being used, some pupils in primary schools ended up using neither their mother tongue nor the languages of their immediate localities (Albaugh, 2005).

The fact that Kiswahili was now examinable had changed the situation in both the primary and secondary school levels of education and this was evident when the language was allotted more time, that is, five periods per week as compared to English which had six periods in a week⁶. This still continued to show that English was more valued than Kiswahili and this was echoed in the society as well since in many instances in Kenya, success is in one way or another determined by an individual's mastery of English. Furthermore, the fact that English is the medium of instruction in the classroom, and national examinations are set in the English language shows that it is given a higher status than Kiswahili.

THE SOCIOLINGUISTIC SITUATION OF KENYA

Kenya is home to diverse cultures and as such the country is a multilingual society. Although different sections of researchers have differed over the number of languages spoken in the country, most of them have it on record that there are 42 languages that are spoken in the country. Since English is also among the languages used in the country, several scholars have concluded that English is now among the many other Kenyan languages (Ogechi, 2003). Ogechi (2003)⁷ explains the use of English and Kiswahili in the country by stating that English is the exoglossic official medium of communication in sectors of government, diplomacy, international business and other formal sectors, while Kiswahili is the endoglossic national language that is also used for casual inter-ethnic conversation and government administration. It is important to note that Kiswahili is not popular among most of the rural folk, as is the situation with English, since only a small proportion of Kenyans in the rural areas are fluent enough in it even though many will claim to speak it. Mother tongue is mainly used for inter-ethnic communication in the rural areas as well as in homes in urban areas. It is also important to note that some of the spoken languages in Kenya, such as Gikuyu, was reported to have 5.3 Million speakers in 2001⁸ while others like the Elmololo have very few speakers. This was echoed in a report by UNESCO⁹ that claimed that sixteen indigenous languages in Kenya were threatened with extinction. Other reports have also indicated that the aforementioned is the current trend in Kenya where the use of English is reported to be on the rise, while the local languages are losing ground.

The most dominant of the Kenyan indigenous languages are Gikuyu, Dholuo and Luhya. Gikuyu is the language of the Kikuyu community which is currently the largest ethnic group in the country. The community is closely related to the Mbeere, Ameru and Aembu communities who speak Mbeere, Meru and Embu respectively and are neighbours to the Kikuyu community in the Mount Kenya region of Kenya. Kikuyu's popularity is notable in Kenyan towns particularly in business settings since the majority of business is run by members of the Kikuyu community. This has brought about several social changes where business people from other ethnic backgrounds are encouraged to learn Kikuyu in order to adapt and enhance business.

The Luhya community does not essentially have the Luhya language since the dialect is a collection of mutually related dialects spoken by the sub-groups that fall under the Luhya community's umbrella such as the Maragoli and the Bukusu. The Luhya is the second largest community in Kenya following the Kikuyu. The Luo is the third most populous community in Kenya and its members speak Dholuo. These aforementioned vernacular languages are the most dominant in Kenya and their use, among the many other local dialects, is seen as an effective political tool in the rural areas of the country where culture is more engrained as opposed to the urban areas where, even with the rise of vernacular broadcasting FM stations, vernacular languages are yet to enjoy the privileges that are exclusive to Kiswahili and English since most of these mother tongue dialects lack systems of writing which also serves to make these vernacular dialects unpopular among the youth.

The youth in Kenya has over the years developed a peer language, Sheng¹⁰, which is continuously seeking recognition. The emergence of Sheng was as a result of the need for youth to identify and share in a manner that locks out the adult world. The language has its origins in the African neighbourhoods of Nairobi's Eastlands during the 1960s but exploration into the language only began in the 1990s (Muaka, 2009). Sheng has been embraced greatly by the youth as it has spread through Kenya like bushfire. It has found a liking in the rural areas and has even gone beyond borders to find popularity in the East African region, particularly in Tanzania, where Kiswahili is both the official and national language.

Although many of the Kenyan elite continue to frown upon the language due to the image problem that the youth lingo continues to attract, Sheng has continued to overcome the negative publicity through having its fair share of glory moments such as in 2002 when the country held momentous general elections that ended KANU's 40 years of rule since independence in 1963.¹¹ The election campaigns of the 2002 general elections were characterized by use of Sheng to good effect. An ideal example to highlight this is when the NARC party used the word *unbwogable*¹² which was also used in the succeeding president's speeches. The president would also use the word *kuji-enjoy*¹³ when ending his speeches. Hence, Sheng has a good hold on the politics as well as the economy of Kenya currently and this has been realized by the political elite as well as the corporate organizations in the country. Sheng use by Kenyan politicians is continually used as a ruse to win votes from the significant youth and young adult electorate. Political advertisements and statements are currently widely filled with Sheng vocabulary and this has been viewed as a marketing opportunity by the commercial advertisers who have turned to using Sheng in marketing products to lure the youth. A case in point is the scenario involving the leading communications service provider in Kenya, Safaricom, which has continually used sheng in its advertisements as well as in naming its products.¹⁴

Language and Internationalism

Regionalism and globalization also greatly affect any country's language policy especially in the current time when the world is essentially a global economy. This has been enhanced greatly through communication of which language is a big aspect. The establishment of the East African Community, for example, which focuses on the region benefiting along political, economic and social sectors will require the promotion of a language to enhance unity. English is greatly favoured since it is the language that most members of the regional bloc are familiar with. Although Kiswahili would be the most suitable unifying factor for the bloc, the language has continued to receive resistance in Uganda as they see it as linguistic imperialism from Kenya. But social and economical interaction, which was greatly enhanced by the recent implementation of the free movement of goods and people policy, has continued to ensure favourable competition for Kiswahili over English (Muaka, 2009). Moreover, globalization has continued to ensure the supremacy of English in the social, economic and political spheres and this has had an effect on Kenya as well since many young people from the urban areas are not conversant with their indigenous languages as most of them only speak Swahili, Sheng, and English, while some of them speak English only. This shows how much the survival of African indigenous languages is threatened.

LANGUAGE POLICY PROVISIONS IN KENYA'S NEW CONSTITUTION

Kenya's new constitution contains various provisions on language and culture that can be said to be the country's current language policy. Prior to the promulgation of the Constitution¹⁵ by H.E Mwai Kibaki, the former and third president of Republic of Kenya, on August 27th 2010, the country's policy on language simply stated that the country's national language was Kiswahili while the official language, to be used in all formal sectors, was English. This was however revoked when the new Constitution was signed into law since the new dispensation had new guidelines with regard to language and cultural heritage. In Chapter Two of the constitution, which emphasizes the sovereignty of the constitution and the Republic of Kenya, Article Seven provides that:

- ¹⁶“The national language of the Republic is Kiswahili.”
- “The official languages of the Republic are Kiswahili and English.”

Further provisions under Article Seven in Chapter Two of the constitution indicate that:

- **“The state shall**
 - promote and protect the diversity of the people of Kenya; and
 - promote the development and use of the indigenous languages, Kenya Sign Language, Braille and other communication formats and technologies accessible to persons with disabilities.”

Chapter Eight of the constitution also has further provisions on language concerning language use in parliament which states under sub-section (1) that:¹⁶

“The official languages of Parliament shall be Kiswahili, English and Kenyan Sign language...”

Sign language still lacks the formal legal recognition that Kiswahili and English have received in the new Constitution, but the new dispensation has offered a new lease of life to the language since it, as well as Braille, and other Kenyan indigenous languages, have been elevated to new status. Other than the provisions for the Kenya Sign Language in the Kenyan Constitution that are discussed above, Article 54 of the Constitution complements these under sub section (1) of the law that is tailored to promote equality for persons with disabilities. The subsection states that a person with a disability is entitled to use Sign language, Braille or other appropriate means of communication and he or she is also entitled to access materials and devices to overcome constraints arising from the person’s disability (A.G & C.O.E,¹⁷ 2010). This law essentially makes it a right for members of the Kenyan deaf community to have their handicap facilitated to by service institutions such as the broadcasting media, for instance, who should make it a policy to have a sign language interpreter in order to be in line with new Constitution’s provisions.

The provisions on language in the new constitution are in line with the three-language strategy that the United Nations Development Programme recommends with an effort to address concerns regarding “culture liberty in today’s diverse world” (Okombo, 2010). The UNDP report made a statement on the question of language policies in multilingual countries which stated: “Very often what multilingual countries need is a three-language formula (as UNESCO recommends) that gives public recognition to the use of three languages”.¹⁸ Further detail on the manner these three languages were to be selected was offered in the report and one of them was to be an international language such as Kiswahili, the second to be one local lingua franca also such as Kiswahili and the other to be a mother tongue (such that it is neither the international language nor the lingua franca). The report goes on to specify structures for the implementation of the policies by offering recommendations stating: “Countries need to recognize all three as official languages or at least recognize their use and relevance in different circumstances, such as in courts or schools.”

Kenya has taken the latter of the two options and, as discussed earlier in the article, the use of Kiswahili as both an official and national language means that every Kenyan citizen who pays a visit to any public office can opt to be served and addressed in Kiswahili. This will also take effect in all arms of government, namely, the executive, the judiciary and Parliament. Article 11 in the Kenyan Constitution also recognizes culture as the foundation of the nation and obligates the state to promote all forms of cultural expression through literature, the arts, science, communication, mass media, and other cultural heritage, while Article 44 of the constitution, under the Bill of Rights, addresses discrimination with regard to language by giving every person a right to use the language of his or her choice and participate in cultural life using that language. The constitution offers the right platform for the formulation of a language policy that embraces equality and impartiality to all the ethnic backgrounds that call Kenya home. However, for the achievement of the planned future growth as envisioned in Vision 2030, more mechanisms need to be put into motion so as to enhance the promotion of

language development as well as language survival. Perhaps the implementation of language policy can be managed at three levels of governance, namely, the national level where the ministry of education is charged with the responsibility, at the provincial level, where the provincial administrators are required to manage their respective language matters, and finally, the local government level where counties are charged with management of language policies while taking into consideration the relevant provincial policy and the language preference and usage patterns of their residents.

CONCLUSIONS

The discussion has shown how the promulgation of the country's new constitution in 2010 brought about a new era in addressing the language concerns in Kenya through the acceptance of the three language approach recommended by the UNDP and UNESCO in an effort to forge cohesion and unity which will go a long way in pushing the country forward towards its development goals such as Vision 2030 that is currently undergoing implementation. The recognition of Kiswahili as both a national and official language will offer the country a suitable medium of communication in the promotion of unity as opposed to English which, as earlier stated, is essentially marginalizing the majority of the Kenyan population although it is still important as a language for international dialogue.

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¹ Kenya African National Union: The party, led by Mzee Jomo Kenyatta, that formed the Government when Kenya attained independence.

² A report by the Constitution of Kenya Review Commission (CKRC), which was the body mandated to prepare a draft constitution in line with the country's failed constitutional reforms in 2001, put the number of languages in Kenya at 70 (Ogechi, 2003).

³ Mazrui, A.A. & Mazrui A.M (1996). A tale of two englishes: The imperial language in the post-colonial Kenya and Uganda. In: Fishman, J. Conrad A. & Lopez, A.L. (eds.) *Post Imperial English*. Berlin: Mouton de Gruyter.

⁴ It's important to note that Kenya gained independence in 1963 but the nation was declared a republic on 12th December 1964.

⁵ Kenya Institute of Education (KIE): This is the body mandated to develop the Kenyan education curriculum.

⁶ A period in primary and secondary school classes lasts for duration of forty minutes.

⁷ Ogechi, N. (2003). *On Language Rights in Kenya*. In: *Nordic Journal of African Studies* Vol. 12, No. 3.

⁸ According to an article in The Daily Nation on January 30th 2001

⁹ UNESCO stands for the United Nations Educational, Scientific and Cultural Organization and its stated purpose is to contribute to peace and security by promoting international collaboration through education, science, and culture in order to further universal respect for justice, the rule of law and the human rights and fundamental freedoms proclaimed in the UN Charter.

¹⁰ Sheng is described by Ogechi (2003) as a grammatically unstable social code that sounds like Kiswahili but contains unstable and distinct vocabulary. The lingo is widely used among the urban youth as well as by a few rural youngsters in Kenya. An example of a sheng statement is: "Naenda Kusanya ma-doo za mathee" which translates in English to mean "I am going to steal my mother's money". (Ogechi, 2003)

¹¹ KANU stands for the Kenya African National Union, the political party which formed Kenya's first independent government and went on to rule from 1963 to 2002 when the National Rainbow Coalition (NARC) deposed it.

¹² *Bwog* is the word for fear in Dholuo and the addition of the prefix un- and suffix -able (unbwogable) brings out the meaning of being *unbeatable*.

¹³ *Kuji-enjoy*

is Sheng for relaxation though it can still mean *to mock*.

¹⁴ Safaricom's airtime products are branded in Sheng, e.g. *Bamba Mbao* which translates to *Take twenty shillings!* is used for the airtime value of Kshs. 20.

¹⁵ Kenya got a new constitutional dispensation when President Kibaki promulgated it on 27th August 2010 after it was subjected to a national referendum on August 4th 2010 when a majority of Kenyans, over 60%, voted for the acceptance of the document which was developed through a consultative process led by the Committee of Experts.

¹⁶ Prior to the new Constitution's promulgation, Kenya's parliament only allowed use of Kiswahili by members when they addressed the house as opposed to English use which was more emphasized and also used in the drafting of all documents such as bills, standing orders, etc.

¹⁷ Attorney General & Committee of Experts on Constitutional Review (2010). The Proposed Constitution of Kenya. Nairobi: Government Printer.

¹⁸ Okoth Okombo, Kenya's proposed devolution of governance structures: Its implication for Language Policy and Nationhood. In: International Conference on Multilingualism.