

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 11th July, 2013

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

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

PRAYERS

QUORUM CALL AT COMMENCEMENT OF SITTING

The Speaker (Hon. Ethuro): Order, hon. Senators. Let us determine if we have a quorum.

(The Speaker (Hon. Ethuro) consulted the Clerk-at-the-Table)

We have a quorum. Let us proceed.

NOTICE OF MOTION

MEASURES TO PROTECT WATER SHEDS AND RIPARIAN RESOURCES

Sen. Kittony: Mr. Speaker, Sir, I beg to give notice of the following Motion to the Department of Environment, Water and Natural Resources:-

THAT, aware that the country cannot solely depend on rain-fed agriculture to attain food security; acknowledging the importance of irrigation-based agriculture in improving food security status; recognizing that our rivers and lakes are the main sources of water for large-scale irrigation; appreciating the efforts by the National Government to put more land in counties within arid and semi-arid areas under crop production; concerned that continued encroachment through human settlement along riparian areas leads to pollution of the water bodies and systematic destruction of vegetation cover thereby threatening the existence of the water bodies and hampering sustainable irrigation endeavors; the Senate urges the National Government to put in place effective measures to protect watersheds and other riparian resources and

sensitize riparian communities on the need to protect water sheds and riparian resources.

STATEMENTS

(Sen. Obure stood up in his place)

The Speaker (Hon. Ethuro): Order, Sen. Obure. Nobody has given you a chance. You rise wherever you are and wait for recognition from the Chair.

DISASTER PREPAREDNESS AND MANAGEMENT BY BOTH NATIONAL AND COUNTY GOVERNMENTS

Sen. Munyes: Mr. Speaker, Sir, I beg to seek a Statement from the Chairperson of the Standing Committee on National Security and Foreign Relations on disaster management. In the Statement, I would like the Chairperson of the Committee to:-

1. Clarify which level of Government, national or county, takes primary responsibility with regards to matters relating to disaster management at the county level.
2. State what magnitude of disaster should be handled by either level of government.
3. Indicate what early warning systems have been put in place to address an imminent drought in Turkana County and other counties in Northern Kenya.

The Speaker (Hon. Ethuro): Where is the Chairman?

Sen. Haji: Mr. Speaker, Sir, in view of the fact that there is reorganization of Ministries, for me to be able to give a good and adequate answer, I will require a week from next week.

The Speaker (Hon. Ethuro): That is in order.

POINT OF ORDER

TRAGIC ROAD ACCIDENT INVOLVING STUDENTS/TEACHERS IN KISII COUNTY

Sen. Obure: Mr. Speaker, Sir, I stand to report to this House of a tragic event which took place in my county last evening. This relates to a road accident in which we lost nine students and four teachers. A number of both students and teachers are also critically injured. Some are at Kisii Level Five General Hospital. A group of others have been airlifted to Nairobi for specialized treatment.

The accident involved students from various schools in Kitutu Chache North sub-county. These students were on their way travelling from Marani to Nyamache to participate in a county sports event. The accident appears to have been as a result of the driver losing control of his vehicle, occasioning that tragic event.

Mr. Speaker, Sir, with your indulgence, I want to take this opportunity to convey my personal condolences to the families of those who have been adversely affected

following this accident. I pray to the almighty God to give them courage at this particular moment. I also wish to thank those who were able to move to the scene quickly. These are residents in the area where the accident occurred.. This was the road between Itumbe Township and Nyamache. I want to thank these residents for the assistance they provided. I also want to thank police officers from Ogembo Police Station who moved in promptly to save lives and to provide relief to those who were trapped in the vehicle. Further, I want to thank the medical staff at Kisii Level Five General Hospital, who have done everything they could to help. I know they were thoroughly stretched, but they have done what they could to save lives and provide relief to those who were injured. I also want to thank the national Government who have moved to Kisii County to provide transport facilities and an aircraft to move those who are critically injured. I also thank the Governor and his staff in Kisii for being available to assist the students, teachers and parents through this difficult period.

I thank you for this opportunity.

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

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

Sen. Khaniri: Mr. Speaker, Sir, I wish to get your guidance under which Standing Order Sen. Obure rose to make this Statement. If it is under Personal Statement, then we cannot comment on it. But we ask for your indulgence so that hon. Senators can convey their condolences to the families affected by the accident.

The Speaker (Hon. Ethuro): Sen. Obure, which Standing Order did you stand on?

Sen. Obure: Mr. Speaker, Sir, it is not a Personal Statement.

Hon. Senators: Then what is it?

NOTICE OF MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.33

CONDOLENCES TO FAMILIES OF VICTIMS OF TRAGIC ROAD ACCIDENT IN KISII COUNTY

Sen. Khaniri: On a point of order, Mr. Speaker, Sir. To me, that appeared like a Personal Statement. According to our Standing Orders, we cannot make any comments.

I would like to make a request that, probably, towards the end of today's sitting, we have a Motion of Adjournment so that hon. Senators get an opportunity to convey their condolences to the affected families.

The Speaker (Hon. Ethuro): I do not know whether we can qualify this as a Personal Statement as indicated under Standing Order No.85. It says; at any time an hon. Senator can rise on a point of order to raise any matter. As you have correctly observed, the nature of this matter would be better served if Sen. Khaniri put a request and then at the end--- There is a facility that hon. Senators have not utilized, that from 6.00 p.m. you can actually deliberate this matter. Being a serious matter, I will allow debate on it from 6.00 p.m.

STATEMENTS

RISING CASES OF INSECURITY IN TRANS NZOIA COUNTY

Sen. Ndiema: Mr. Speaker, Sir, I stand to seek a Statement from the Chairperson of the Standing Committee on National Security and Foreign Relations arising from heightened state of insecurity witnessed in the County of Trans Nzoia in the recent past. This has led to loss of lives and injury to innocent citizens. These incidents have increased. Hon. Senators may recall that recently in a village called Moroki area in Saboti Division, criminals attacked a village killing five residents, including a businessman. They also seriously injured another five people who are now hospitalized. As I seek the Statement, I wish to condole the families who lost their relatives. I also wish quick recovery to those who are hospitalized.

Mr. Speaker, Sir, similar incidents have occurred in Kiminini, Kibomet and Kachibora in Cherengany where one owner of a matatu was killed. It also occurred in Milimani area of Kitale where one Kenya Police Reservist (KPR) was killed. This has become a concern to the residents of Trans Nzoia County---

The Speaker (Hon. Ethuro): Order, Sen. Ndiema. Just ask for your Statement.

Sen. Ndiema: Mr. Speaker, Sir, in the Statement, I would like the following to be given:-

1. A list of incidents reported within the last 12 months showing places and names of persons who lost their lives and those who were injured in each incident.
2. For each incident, the Statement should show the progress made by the Government in investigating, arresting and prosecution of those responsible.
3. The established motive of the crime in each incident.
4. Efforts put in place or planned by the Government to ensure that those responsible are brought to book and that similar crimes do not occur in future.
5. Steps taken or planned by the Government to ensure effective policing in the affected areas, including the upgrading of Kiminini and Saboti police posts, to fully-fledged police stations with adequate personnel, equipment and motor vehicles.

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

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

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I rise on the same point of order. I would like the request to be extended to include the killings that took place at Nangili Shopping Centre in Likuyani Constituency of Kakamega County and those that took place at Nalondo in Kabuchai Constituency in Bungoma County where businessmen were gunned down.

KILLING OF 12 PEOPLE IN NYANYA VILLAGE,
KITUI COUNTY

Sen. Musila: On a point of order, Mr. Speaker, Sir. First, I would like to thank hon. Ndiema for raising this issue. I stand here to also add on that request for a statement from the Chairman of the Committee of National Security and Foreign Relations.

As you are aware, in a village called Nyanya in Kitui County, 12 people were brutally murdered by criminals last week. I toured the area on Saturday. Despite the tension that is in the area, I did not find a single policeman patrolling the area. I want the Minister to add, when he is replying to the statement requested by Sen. Ndiema, what action the Government is taking to apprehend the criminals who brutally killed my people because they are at large and still threatening, through Short Message Services (SMS), to go back and kill more. We have not seen any action by the Government. I would like to hear from the Chairman what they are doing to apprehend the people who are at large.

Sen. Haji: Mr. Speaker, Sir, in view of the seriousness and the security implications of this matter, considering that the statement requests are quite loaded, I would like to be given two weeks to answer comprehensively.

REVENUE ALLOCATIONS TO COUNTIES

Sen. Hargura: Thank you, Mr. Speaker, Sir. I stand to seek a statement from the Chairman of the Standing Committee on Finance, Commerce and Economic Affairs on the following.

First; how much money was allocated to each of the 47 counties in the last 20 years for development and provision of the following facilities and services: roads, water, health and rural electrification?

Secondly, I would also like to know from him whether the level of funding provided by Article 204 of the Constitution that creates the Equalisation Fund is adequate to address the glaring disparities between counties before the Fund lapses in 20 years from the effective date.

Sen. Kembi-Gitura: On a point of order, Mr. Speaker, Sir. Looking at the statement that has been sought, it is important that we seek statements that can be answered to. It becomes very difficult on the Chairman of a Committee to answer a statement like this one sought by Sen. Hargura. If you look at the way the statement has been framed, you will see that he is asking how much money has been allocated to each of the 47 counties. I do not know what he expects the Chairman to say because there were no counties in the last 40 years. We have been having different units. That is not a question that is capable of being answered.

Counties are a new creation that started the other day. Article 204 of the Constitution - whereas we may agree that the amount allocated is not sufficient - says that there shall be an Equalisation Fund of so much percentage. This is an act of good faith that the Government is doing to try and equalize. We know that the amount is not and cannot be sufficient. However, it is something that is moving in the right direction to sort out certain disparities that appear on the face of it to have been there in the last 20 years. I was thinking that this is not a question that can easily be dealt with. The first part cannot be answered because as you very well see, there were no counties. The counties are a new found thing.

The Speaker (Hon. Ethuro): I am not sure if you really want a debate on this. Sen. Abdirahman, let us be brief.

Sen. Abdirahman: On a point of order, Mr. Speaker, Sir. I will be straight to the point. Constituencies and original districts constitute what we now call counties. I see no reason for any Member of the Senate or from any other quarter to evade this very important question. This will help us and the Commission on Revenue Allocation (CRA) to determine the glaring disparities for sure. I find that to be in order. I do not think that even the hon. Senator, as much as I respect him, is in order. Technocrats are there in all Ministries. Is the Senator in order to leave out this question? I admire the way it has been set out.

Sen. Kajwang: On a point of order, Mr. Speaker, Sir. I wonder why any Senator would be jittery or embarrassed with information that we already have. We have this information in our libraries, Parliament, Government institutions and in our universities. There is really nothing to hide. Marsabit has always been a district. Homa Bay was once a district. So, we have very brilliant people around here. Do not underestimate the capacity of our technical people to give us facts. Listen to the facts and get the solutions.

Is he in order to hide information?

(Laughter)

Sen. (Dr.) Khalwale: On a point of order, Mr. Speaker, Sir. Our Deputy Speaker has a right to stand on that point of order and you cannot take that away from him. However, is he in order to attempt to do the work of the Chair of the Committee?

I find him completely out of order to attempt to answer the issues raised by the Senator for Marsabit for the simple reason that he is not the Chairman. Is he afraid because he comes from Murang'a which was favoured over many years?

The Speaker (Hon. Ethuro): Indeed, as most of you have observed, that statement was approved by the Chair. Even if counties did not exist by then, there were some units that cumulatively became counties. I do not think it was the intention of the Constitution to hide things because we have created others.

Let us hear from the Chairman.

Sen. Billow: Mr. Speaker, Sir, this is a very important question. However, because it touches on a number of areas like roads and water, it is very comprehensive and we need time. We will ask for a couple of weeks. Next Thursday but one, we will give an answer. We need two weeks. I will answer it before the House adjourns.

LACK OF CCTV CAMERAS IN MAJOR CITIES

Sen. Mohamud: On a point of order, Mr. Speaker, Sir. I would like to seek a statement from the Chairman of the Committee of National Security and Foreign Relations. My statement relates to the issue of CCTV security surveillance in Nairobi. In the statement, I would like the Chairman to clarify the following:

1. Why the level of CCTV surveillance is very low and yet it should be a matter of priority for the national Government, given the high level of insecurity in the city.
2. State what action the Government is taking to install CCTV Security Surveillance Cameras in the city and other major towns.

3. Indicate how much time the exercise will take to conclude, once it commences.

Sen. Haji: Mr. Speaker, Sir, I want to congratulate Sen. Halima for being a nationalist Senator. Others are asking about their homes while she is asking about something that concerns all Kenyans. This will be answered on Wednesday, next week without any delay.

The Speaker (Hon. Ethuro): Order, Mr. Chairman. While I appreciate your excitement and readiness to answer, Wednesday is not an option. You will answer it on Thursday.

Sen. Haji: Much obliged, Mr. Speaker, Sir.

TARMACKING OF KAPENGURIA-KAPIPICH-KAPSAIT-KAPSANGAR-ITEN ROAD

Sen. (Prof.) Lonyangapuo: On a point of order, Mr. Speaker, Sir. I rise to seek two statements under the provisions of Standing Order No.43 (2) (c).

The first request is directed to the Chairman of the Standing Committee on Energy, Roads and Transportation on the following.

1. When will the Kapenguria-Kapipich-Kapsait-Kapsangar-Iten Road be tarmacked noting that it transverses West Pokot and Elgeyo-Marakwet counties, given that over 50 per cent of the economies of these counties depend on this road?

TARMACKING OF KAPENGURIA-KACHELIBA-KOLOWA-ALALE-LODWAR-LOKICHOGGIO ROAD

2. When will the Kapenguria-Kacheliba-Kolowa-Alale-Lodwar-Lokichoggio Road be tarmacked, noting that about 25 to 40 per cent of the economy of West Pokot and Turkana counties depend on livestock found in the areas covered by the proposed road and also promote the Kenya-Uganda cross border trade?

I will read the second statement which is directed to the Chairman of the Standing Committee on Finance, Commerce and Economic Planning.

IMPLEMENTATION STATUS OF VISION 2030

1. What is the status of the implementation of Vision 2030?
2. What are the gains achieved, so far, noting that the Medium Term Plan has ended? What are the plans for the future?
3. Is the Government committed to its implementation, or will it be revised?

Sen. Mwakulegwa: Mr. Speaker, Sir, I am the Vice Chairman of the Committee on Energy, Roads and Transportation. We will answer the question relating to our Committee in a week's time.

POINT OF ORDER

THE SPEAKER TO RULE ON WHETHER OR NOT

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

COMMITTEE CHAIRS FROM THE MINORITY SIDE CAN
SPEAK ON BEHALF OF THE GOVERNMENT

The Senate Majority Leader (Sen. (Prof.) Kindiki): On a point of order, Mr. Speaker, Sir. I remember a while ago when you directed that when the Chair of a Committee does not come from the Majority side, then he cannot give an answer. The answer and commitment can only come from the Senate Majority Leader. So, is it in order for Sen. Dan Mwazo to purport to bind the Government of Kenya to issue a statement?

Sen. Mwakulegwa: Mr. Speaker, Sir, I am the Vice Chair of that Committee. When an answer is given, it is given by an individual on behalf of the Chair of that Committee. So, the answer will be given by the Committee Chair on behalf of the Government.

Sen. Murkomen: On a point of order, Mr. Speaker, Sir. The point of order raised by the Senate Majority Leader is important. I do not know whether this is the right time, but I think this is an issue that you should apply your time and mind to, so that you give us a comprehensive answer. I am even still wondering when questions come to us, as the Chairs, whether we should just go and seek for written Statements or summon Cabinet Secretaries to come to the Committee and answer the questions. If we have to summon them, then the question that the Senate Majority Leader is raising does not arise. This is because then the Committee owns the answer and brings it to the Floor of the House. But if we allow situations where the Cabinet Secretaries are summoned, then how will we organize this issue? I want to reveal that this issue also arose in the National Assembly yesterday and was canvassed for a long time, as to what does it really mean to be in a Presidential system and be able to answer questions. For example, suppose today I come with a written Statement from the Cabinet Secretary, and then Members in the House have follow-up questions and want to get answers immediately, how will that be addressed? So, whereas the points of order were raised with regard to the Senator for Taita-Taveta, in so far as answering the question coming from the Minority, there are more fundamental issues in terms of how the operations of asking questions, now that the Cabinet Secretaries are not in the House, is concerned. So, I think that whereas there is need for a quick answer, I would like you to apply your mind more and we think through how we will be ventilating these issues again.

Sen. (Dr.) Khalwale: On a point of order, Mr. Speaker, Sir. I do not know why we are stuck in the old Constitution. We are under the new Constitution. Prof. Kindiki knows that in a Presidential System, a Member of Parliament cannot pretend to answer a question on behalf of the Executive, irrespective of the background of that Member. It does not matter whether you come from the Government or the Minority party. For this reason, what we would be expecting is for the Chairman of the Committee to table a report of their findings during the process of interviewing the Cabinet Secretary for that particular department, to which the question has been directed. Then, if that is what is being tabled here, there is absolutely nothing wrong in the Vice-Chair, even if he comes from the Minority reading and tabling that particular Statement.

Sen. Hassan: On a point of order, Mr. Speaker, Sir. Further to that point that has been raised by Sen. Khalwale and Sen. Murkomen, my understanding is that once you are elected as a President or Deputy President, you are called President or Deputy President of the Republic of Kenya and not the republic of Jubilee or CORD. So, my general view is that the commitment and responsibility of every Cabinet Secretary is to the collective or individual who represents also the popular aspiration within the Republic of Kenya. Therefore, I do not think that matters raised here necessarily touch on matters partisan. In fact, the Senate Majority Leader scares me by saying that these questions must only be directed to Members of the Government, who we know often concoct the truth. Therefore, you might sanitize an answer---

The Senate Majority Leader (Prof. Kindiki): On a point of order, Mr. Speaker, Sir. The use of the word “concoct” is not parliamentary language. I would want to know whether Sen. Hassan Omar, a Member of the Minority, which is now purporting that it will start representing the Government of Kenya, is in order to say that those of us who come from the Government or Majority side, connive with Cabinet Secretaries to concoct the truth. Is he in order?

Sen. Hassan: Mr. Speaker, Sir, I will look for a replacement of that particular word, “concoct”, in terms of grammar, so that we can say---

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

Sen. Hassan: He asked me about the word “concoct.”

The Speaker (Hon. Ethuro): Order, Sen. Hassan! Order, Senators! You are even purporting to answer me and I have not even asked you the question.

First, there is even a more important issue that Sen. Kindiki has not raised, that is, imputing improper motive on other Senators. Since you have attempted to change the word, it means that you have admitted that, that word is not appropriate. Once you do so, the natural course of events is to withdraw and apologize.

Sen. Hassan: Mr. Speaker, Sir, it was my intention actually to withdraw that particular word, and tell all those who were offended by my statement that it was made in good faith. I, therefore, accordingly apologize for that word.

An. hon. Senator: Withdraw first!

Sen. Hassan: Mr. Speaker, Sir, I have withdrawn it. I wish the Deputy Speaker could listen.

Mr. Speaker, Sir, to finish my submission on that point, I think that the responsibility of any Government Cabinet Secretary or official is to the collective of the Republic of Kenya, regardless of party or the kind of coalition side that you represent. That Government is the Government of Kenya and not a particular coalition.

(Several Senators stood up in their places)

The Speaker (Hon. Ethuro): We need to conclude this. I will take the five Senators who are standing.

Sen. Abdirahman!

Sen. Abdirahman: Mr. Speaker, Sir, I will be very brief because this is a matter that has been well ventilated by my colleagues. Whether you are from the Majority or

Minority side, as a Member of a Committee, your role is purely oversight. That is how we understand it. None of each of the groups can purport to represent the Government. I think that it is high time that you recommend a change in our Standing Orders, so that we can have Cabinet Secretaries, coming in occasionally, probably, to answer these questions. The Committee must only interrogate, but none of the groups can actually purport to represent the Government, including those from the Majority.

Sen. Billow: Mr. Speaker, Sir, there is a reason governments are elected and political parties run for power. A question similar to the one asked by Sen. Lonyangapuo, as to when the Government will tarmac a road from point A to point B, can only be answered by the Government in power. It cannot be answered by the Senators of this House or by any other political party. So, I think that there are two things that we need to balance. We cannot summon a Cabinet Secretary just to get an answer to a question before a full Committee. We have to also be alive to that fact; that it really would mean that everyday the Cabinet Secretaries will be here because of questions.

We have to balance that with the fact that we also cannot come here to answer on behalf of the Cabinet Secretaries, all matters which will arise from supplementary questions. This is because a Cabinet Secretary can give you a written answer; that, that road will be tarmacked in this or next financial year, but there will be supplementary questions that will come. So, if we, indeed, then allow Members of the Minority to be in a position to respond, then what would happen is that in the supplementary question I asked when the Government will also tarmac the extension from there to another one, a Member of the Minority will stand here and say: "We will tarmac it in the next financial year." In fact, that would create the kind of situation that Sen. Hassan was complaining about; that Members would then be giving answers that may not be appropriate. So, in my view, what the Senate Majority Leader actually said, that the Vice-Chair should not really undertake to answer on behalf of the Chair, is in order.

Sen. Kajwang: Mr. Speaker, Sir, we must agree that we are in a new dispensation and it will take us a long time to really cope with some of these new provisions. But there is no Government and Opposition in this House. There are only two things; a Majority Party and a Minority Party in Parliament, and that is the Senate. So, the Executive, which we now call the Government, is very far away from here. We evicted them from this House, and I was one of them. We were evicted from this House and sent to State House. Now, we have recently appointed Cabinet Secretaries and Principal Secretaries. So, do not pretend to be the Government in this House. It does not matter whether you eat lunch and dinner with the President or Deputy President. This House has appointed Committees to do the work that Committees do on behalf of this House. When you go out to do it, on behalf of that House, you come and report to this House. That is why when a question is asked, the Committee deals with it and reports to the House. But you cannot pretend to be a Cabinet Secretary, just because the Cabinet Secretaries were removed from the House and start asking: "How can you be a Cabinet Secretary when you are in the Minority?" It becomes an absurdity. So, Professor, look at this. You are not the Cabinet Secretary---

(Laughter)

The Speaker (Hon. Ethuro): Order! Address the Chair!

Sen. Kajwang: Mr. Speaker, Sir, just to shorten it, let us accept that we are in a new dispensation in which there is the National Assembly and the Senate, for that matter. Our job is merely to oversight and make law. That is part of oversight. A Committee may be asked: "You are the ones who met the Cabinet Secretary in your Committee. What is he doing?" You then come and report as a Committee, otherwise, we will be "killing" each other here, that a leader of any Committee must be a Member of the Majority, which would be an absurdity.

Thank you, Mr. Speaker, Sir.

Sen. Haji: Mr. Speaker, Sir, I am a bit surprised because we do not want this House to be turned into a House of copying others. It was only yesterday that this issue was being discussed. Precedence had been set, where Chairmen of Committees have been answering question. I think that it is not only in this House, but it is done in other countries too. I think some Members of the two House believe that we are in a coalition. We are not in a coalition and the Government of today is the Jubilee Government. Therefore, it will be represented by Members of the party.

(Loud consultations)

The Speaker (Hon. Ethuro): Order! Order!

What is it Sen. Kajwang'?

Sen. Kajwang: Mr. Speaker, Sir, I think that when a senior Member of the House says that we think that we are in a coalition, I think that he is referring to the old coalition. Of course, even Jubilee is a Coalition, but look at the Presidential systems all over the world. America and Nigeria are good examples. If you go to their National Assemblies, you will find that there are no Minister there and no questions being asked. I think that we should revise what we started, because this system is still lingering on. We must cut the umbilical cord and accept that we are now in a Presidential system and this is the Senate and not Government.

The Speaker (Hon. Ethuro): I had given the chance to Prof. Kindiki as the last one.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Thank you very much, Mr. Speaker, Sir. I have listened carefully and I have seen and heard hon. Members of the Opposition who are feeling cold outside Government trying to warm their way into Government through the back door. I want to assure---

(Several hon. Members stood up in their places)

Mr. Speaker, Sir, I need your protection. They had their time.

Mr. Speaker, Sir, I am saying I have heard the Senator for Homa Bay, Otieno Kajwang, trying to advise me, together with his brother, the Senator for Kakamega, not to pretend that I am a Minister. First of all, I have no desire of being a Cabinet Secretary in the arrangement. Even if I was appointed, I would say "No, thank you, Sir!" But in terms

of my role in this House, it is extremely clear that I am the *de facto* Prime Minister in this House!

(Laughter)

(Several hon. Members stood up in their places)

The Speaker (Hon. Ethuro): Order! Order, Senators! Order!

Yes, what is your point of order, Sen. Ongoro?

Sen. Ongoro: Mr. Speaker, Sir, is the Senate Majority Leader in order to mislead this House and Kenyans that our Constitution and the political dispensation that we are operating in has got provision for something referred to as *de facto* Prime Minister? Is he in order?

The Speaker (Hon. Ethuro): Conclude, Sen. (Prof.) Kindiki!

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, I used the word *de facto* and just to introduce my sister, Sen. Elizabeth Ongoro, to the terminology, *de facto* has contradicted from *de jure*. That suffices.

For now, Mr. Speaker, Sir, I want to proceed and say that under our new Constitution, the Executive is not in this House. Similarly, under the new Constitution, the political leadership of the Opposition is not in this House. But both the Government and the Opposition are represented in this House; the Government Side by the Senate Majority Leader, and the Opposition side by the leader of the few---

(Several hon. Senators stood up in their places)

The Opposition side is represented by the Senate Minority Leader; that is the correct term, not the leader of the few.

Mr. Speaker, Sir, my submission is simple, because the Speaker has directed that we take the shortest time possible on this matter. Where you have a system as ours, it is the political leadership, whether Majority or Minority, that takes over all political issues. I cannot convince myself that the Chair or the Vice Chair, for that matter, of a Committee and a Member of the Opposition can stand here and purport to issue a Statement on behalf of the Jubilee Government. It is unconvincing. That is why there is no infrastructure whatsoever for them to do that. I think we are conflicting on two things. We are conflicting on the normal inquiry that Committees have. The normal inquiries that Committees have is different---

The Speaker (Hon. Ethuro): Order! Order, Senator! Order, Sen. (Prof.) Kindiki!

(Several hon. Senators stood up in their places)

Order, Senators! Order! Let me bring this matter to a close. This debate that has interested everybody – which is very good because once the House is united, at least, everybody's mind is on it – was sparked by the Senate Majority Leader by asking whether a Member of the Minority can purport to represent the Government. He also

went ahead to state that it was against my ruling, and I do not remember making such a ruling, Senate Majority Leader.

Then there is the question of whether the Chairman or Vice Chairman who does not belong to the Majority side can respond to a statement being sought. First, I want to confirm that this is a new dispensation. We have engaged in this debate even previously. Some of the issues that were being canvassed then are the issues we are still canvassing today. We even went ahead to ask whether the Chairman can respond without consulting the Committee. Is it the whole Committee? This is a new practice. At that point, there are still areas that do not seem to fit very well. So, the suggestion by Sen. Kipchumba Murkomen that the Chair should exercise his mind, spend time and energy on this, is what I promised even then. In the meantime, this House is the whole House. This House also delegates some of its functions to Committees which are within our Standing Orders. We even form others through resolutions. So, I am afraid, Senate Majority Leader, without taking away his immense powers---

(Laughter)

I would not want to use that word. But until we determine otherwise, Chairs or the Vice Chair and their Committees will be the agents responsible to the House, at least, for now.

(Applause)

That is my reading of the Standing Orders just on the simpler understanding that this House does not include the Executive in terms of the Executive sitting in the House. It is true, I agree, that the Government is represented by the Majority side and the Opposition is represented by the Minority side. But once we are in the House, the House is supposed to be very distinct from the Executive.

Hon. Senators: Yes!

The Speaker (Hon. Ethuro): So, we will use the infrastructure that we have. The Committees of the House are at liberty to summon the Cabinet Secretaries, whether you are the Chair from the Majority side or the Chair-from the Minority side, you are the Chair of the Committee of the Senate.

(Applause)

So, it is not true that the Senate has no machinery or infrastructure. We have a lot of it. So, we will encourage you to use the machinery and infrastructure at your disposal, including summoning witnesses, looking for documents, and nobody will deny you all those things.

So, that is the position. We expect from the Chair of the Energy, Roads and Transportation to get that report--- Did you say next week?

Sen. Billow: Yes, Mr. Speaker, Sir, on Thursday.

The Speaker (Hon. Ethuro): Okay, Thursday, next week.

(Sen. Billow stood up in his place)

Is it on the same matter or on a different matter?

Sen. Billow: Yes, it is on the same matter, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): No, no, no! I have to caution that you will be treading on a very dangerous path, Sen. Kerrow.

Sen. Billow: Thank you, Mr. Speaker, Sir. I respect your ruling and I have no intention of challenging it. But I just want a clarification. For example, on the two statements that were requested from us to clarify whether you are suggesting that in respect of all these statements and questions that have been sought, do we call for a full Committee meeting in which we invite the Cabinet Secretary to come and respond and, therefore, bring a resolution that is based on decisions that have been made in consultation with others? Is that the ruling for all subsequent instances; which also means that, then, we will not be taking supplementary questions which arise on the Floor in respect of that particular matter?

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

Sen. Murkomen: Mr. Speaker, Sir, I agree with your ruling. That has been my position. But I want to ask if we can also consider, with your final substantive ruling, if there are situations of national importance – very important situations – that the Committee of the Whole can invite the Cabinet Secretary to the House so that he can answer certain issues that, perhaps, require clarification? This suggestion is also going to the Committee that is working on the Standing Orders, so that it looks at infrastructure for dealing with such situations.

(Sen. (Prof.) Kindiki stood up in his place)

The Speaker (Hon. Ethuro): Sen. (Prof.) Kindiki, is it on the same?

The Senate Majority Leader (Sen. (Prof.) Kindiki): I just want to clarify, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Okay; only give clarifications. Do not attempt to respond because that is my job.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, I respect your ruling. I am bound by your ruling although I disagree with it.

(Laughter)

The trouble I see and this is why we need to give a bit of seriousness on this matter rather than just looking at it casually or how easy it is, especially considering the difference between the routine work of Committees where they can summon and inquire from Cabinet Secretaries or other State Officers, *vis a vis* the usual administrative, routine issues of operations of Government that happen every day--- Because almost every Thursday, you are going to have ten questions directed at the Government. Therefore, if a

Member of the Minority – because I can see they are really determined to look as if they are part of the Government; and I wish them luck---

(Laughter)

If a Member of the Minority stands here and binds himself that in two days time---

(Several hon. Senators stood up in their places)

The Speaker (Hon. Ethuro): Order! Order, hon. Senators! Let us not deny the Senate Majority Leader his opinions!

The Senate Majority Leader (Sen. (Prof.) Kindiki): There is a reason, Mr. Speaker, Sir, because what is going to happen is that a Member of a Committee from the Opposition will stand here and casually say: “in two days’ time, you will have an answer,” especially if there is an urgent issue. They have no infrastructure. I repeat; they have no infrastructure of getting Cabinet Secretaries or getting the President. Some of these things will require---

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

The Senate Majority Leader (Sen. (Prof.) Kindiki): Some of these things will require quick action.

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

Sen. Wako: Mr. Speaker, Sir, thank you for giving me this opportunity. I am one of those Chairmen of Committees who is from the Minority party. I do not see any conflict whatsoever because if a Question arises, it is my duty with the assistance of the Senate Majority Leader to get the appropriate answer from the Government. I will come and give that answer here to the best of my ability, but that should mean that after I have reflected on that answer correctly, I am not precluded from taking my own opinion on the matter. That is the position I have taken on this issue. An issue has arisen as to whether a Minister can be summoned to appear before the House. To me, to summon a Minister to appear before the House is to elevate the Minister to a higher role than he really is. The Minister should be summoned by the Committee which is dealing with the subject matter of which he is a Minister. The only people that can be summoned by the House is the Head of State, the President or the Deputy President, but nothing lower than that. Anything can be dealt with at that level. So, we - chairmen who are from the Minority- can perform, but all we ask and is that the Senate Majority Leader should facilitate us to get the appropriate answers from the Minister, together with all the information that is required. Consequently, I support your ruling.

An hon. Senator: On a point of clarification, Mr. Speaker, Sir!

The Speaker (Hon. Ethuro): Do you want us to spend the whole afternoon on this particular matter?

Sen. (Eng.) Muriuki: Mr. Speaker, Sir, while I respect your ruling and all the views which have been given this far, the fact is, the old sessions which we used to call Question Time are not going to be with us and I do not think the issues which are being raised here are about normal Ordinary Questions or Question Time because that is no

longer there. I am seeking further clarification on the issue of summoning the Cabinet Secretary or the Principal Secretary on national issues. There will be some issues where, if we are going to ask or require one of us to be the one to go and get answers from an individual or an office in the Government and then come here and read a statement, the fact remains that the Chair of that particular Committee will not be able to respond to Supplementary Questions which will be sought by the House.

Therefore, I would like to back the suggestion that we need to amend the Standing Orders so that the House can convert itself into a Committee of the Whole when there are serious national issues and we require that person who is in charge, in the Executive to come and speak and be able to respond to subsidiary issues which are normally the ones which dig out whatever the problem is. That would be my suggestion. It should be that way.

Sen. Kajwang: Mr. Speaker, Sir, I do not see the problem here. First of all, you cannot summon the President or the Deputy President with all due respect to the Attorney-General *emeritus*, so that they can come and address us at will, when they think that there is something that they want to address. We do not need the Senate Majority Leader to facilitate a chairman of a committee. The chairman of a committee is facilitated by the Speaker and can summon anybody at any time.

Secondly, all of us can attend any Committee meeting when we want to. If you think there is a matter of interest to you in the Committee on Energy, Roads and Transportation and you want to listen to the Cabinet Secretary, you can go to that Committee and listen to him or her. In fact, we want to go against the Constitution. The Constitution intended that the Executive be out of this House and now you want to bring them back. The Executive must stay where they are and can only be summoned by a Committee of the House.

If this House wants to turn itself into a Committee of the Whole, and I do not know which Committee that will be, because it must first be a Standing Committee, before it can summon a Minister. But if the House wants to turn itself into a Committee, maybe there can be such a resolution, but the Speaker will not be sitting where he is. I am sure the Chairman of that Committee should be the one sitting there. Please, do not bring us what we want to run away from. There were some strengths and weaknesses in it but the country decided that the Executive should be out of this House. So, do not bring them back.

Sen. Hassan: Mr. Speaker, Sir, my request to you is to explore the Question I brought at the onset of the Senate because your ruling must be futuristic and must be able to stand the test of time. There can be a situation where the President or the Executive comes from the minority party while the Majority Leader in the Senate comes from a different party. This is also a possibility. Therefore, as you deliver your ruling, I will also be hoping to be advised in the event that that occurs because it also tallies with the situation at hand.

The Speaker (Hon. Ethuro): Sen. Ongoro!

(Loud consultations)

Order, Senators!

Sen. Ongoro: Mr. Speaker, Sir, I seek clarification from the Leader of Majority or the “leader of many” as he prefers to call himself. I believe that he is attempting to communicate something and, probably, he is privy to some information that we are not aware of. He has stated very clearly that these chairmen, who he now refers to as opposition chairmen might not have the infrastructure to get the answers from the Ministers.

Is he under any directive, has he gotten some information or have the Cabinet Secretaries been informed or instructed that if a chairman who is perceived to be coming from Opposition wants any kind of information from their respective Ministries, then they should not provide it? These Senators that he is referring to as Opposition were procedurally seconded to those Committees by their respective parties and eventually elected by all the Senators who were in that Committee coming from both the majority party and minority party. So, they are popularly elected chairmen, who got votes from both sides. They have the mandate of both the majority and minority parties.

What does the Senate Majority Leader mean when he says that they do not have the infrastructure? Could he clarify?

The Speaker (Hon. Ethuro): Order, Senator! You have made your point.

The Senate Majority Leader (Sen. (Prof.) Kindiki: Mr. Speaker, Sir, I have no problem with anybody looking for information from anywhere. I am just communicating a very simple fact here. I do not even think it is morally correct from a political stand point for a Senator, whether a Chair or a Vice Chair from the Opposition to stand here and read or defend a Government Statement which most likely his or her own political party disagrees with.

I agree with Sen. Kajwang that the Executive is out there, but it has a representative. That representative is the Senate Majority Leader, period. The Opposition has a representative who is the Senate Minority Leader. We are not here as flower girls. We are here to do some business, but we are partisan. We have decided and we have said it before and we repeat it today, that we have no opposition. We have no issues with anybody looking for information. Before I sit down, I want to say that if my friends in the Minority side want to join the Government, they are welcome.

(Loud consultations)

COMMUNICATION FROM THE CHAIR

RULING ON WHETHER OR NOT COMMITTEE CHAIRS FROM THE MINORITY SIDE CAN SPEAK ON BEHALF OF THE GOVERNMENT

The Speaker (Hon. Ethuro): Order, Senators! Do not be too angry at the Senate Majority Leader to the extent that you will also get the wrath of the Speaker. When the Speaker is on his feet, you know what to do. Both of us cannot be on our feet at the same time. You should resume your seat.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

Let us conclude this, hon. Senators.

Apart from the passion and the excitement of the Senate Majority Leader, he is not the final authority on these matters. While I appreciate the arguments put forth, I said that these are issues that concern all of us and there are no clear cut answers. As we are looking at them, they are not even for me alone. We must also compare with the other House of Parliament in terms of how we engage as a legislature with the Executive in a Presidential system. At this infancy of an experiment, there are bound to be certain challenges or some differences in understanding, and everybody is entitled to an opinion. As far as I am concerned, the Senate Majority Leader has said his opinion while other Senators have their opinions. Some of these opinions are not in tandem, just like we have opinions between the two Houses. We know what we have done as a law abiding State organ. We have gone to the only institution that is mandated to do this kind of interpretations.

Issues addressed by Sen. Hassan in terms of how we could proceed with these issues and by Sen. Murkomen in terms of how we can ensure that responses are obtained and are relevant. There were issues and clarifications sought by Sen. Billow in terms of the procedures and whether Committees should constitute formally and invite the Minister. Sen. Murkomen also sought to know whether we can consider the Committee of the Whole. These are all issues that we need to look at. My interim position was that the Chair - I think I will be supported by Standing Order No. 182 – Duties of Committee Chairperson, which says:-

“Subject to the provisions of this Standing Orders and the direction of the Committee, a chairperson of a committee shall;

- (a) preside at the meetings of the Committee;
- (b) perform the functions and exercise the powers assigned to the office of the Chairperson by the Committee, resolutions of the Senate or legislation; and
- (c) be the spokesperson of the Committee.

I would find it very difficult as the head of this House to entertain extra measures of dealing with business in the House. We have the Constitution and we have our Standing Orders. These are things that guide the business of Parliament. So, sometimes even if you do not wish that way, and also Sen. Ongoro has expanded on this issue; that is why we go through an elaborate process. The minority party will nominate membership to the Committee and the majority party will nominate members of the Committee. These Committees are presented to the Rules and Business Committee where the Majority Leader, the Minority Leader and the Whips, by our Standing Orders, again, sit in the Rules and Business Committee in order to approve these Motions. Then on the basis of that authority, committees go and appoint Chairs. Remember also the Standing Orders give us a formula on the membership of the committees. The majority party will have the majority of the membership and the minority will have a minority membership. So, when the majority decided to give the minority the leadership, I am sure, it was by consensus or election, but that was the will of the Committee. So, you cannot give the power to the chairperson and then you want to deny them by virtue of other considerations which existed all along when you made that particular decision.

So, these are some arguments that inform me for now. Of course, I am willing to be challenged by the Majority Leader and others for future reference and further consultations. As I said, this is not just for this House, it will also involve how we interact with the other House so that we can all come and agree on a formulation as a Parliament.

So, for the time being, it is my considered opinion and I direct that Statements will be directed, as per the standing orders, to the chairs of the committees. The chairs of the committees and the committees will deliberate on the matter in the best way they understand by consulting the Cabinet Secretary, either by summon him or her to appear or even getting a Statement from the Cabinet Secretary which you will come and read on the Floor. Those are all options available to the committees and that is the position for now.

The leadership of the House is also alive to the fact that we even have a retreat next week where we shall be considering some of these issues. I will invite all those who were invited to come to that retreat with such passion as has been displayed today so that now we can interrogate those matters in a more substantive manner and with the international resource persons we have invited.

Thank you.

POINT OF ORDER

IRREGULAR BUDGET DIRECTIVE TO COUNTY GOVERNMENTS BY THE CABINET SECRETARY FOR DEVOLUTION

Sen. (Dr.) Khalwale: On a point of order, Mr. Speaker, Sir. You will recall that on 23rd May this year, the Chairman of the Committee on Devolution read here a Statement upon my request for him to assure the House that the Department of Devolution was not created for us to control the county governments. He gave a very good answer and he went ahead and assured us that the Cabinet Secretary was going to purely serve on an advisory role.

The same Cabinet Secretary that he was referring to has been reported to have directed that before the end of this week, she wants all ---

The Speaker (Hon. Ethuro): Sen. (Dr.) Khalwale, you are on what matter?

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I am on a point of order where I am requesting that you give a directive because I am not seeking a Statement from the chairman, I am just on a point of order to seek for your direction.

The same Cabinet Secretary is reported to have directed all the county governments to deposit, before the end of this week, their budget proposals in her office. When I look at this, it is a direct mirror image of what the defunct Ministry of Local Government used to do to local authorities. I find that this directive has no foundation in law. In fact, it is in breach of Article 6 (2) of the Constitution of Kenya. It is attempting to control county governments. Mr. Speaker, Sir, I am, therefore, requesting that you direct this House how we should proceed on this new development in furthering of our role as a constitutional organ that is supposed to protect those counties and their governments. So that I am abundantly clear, because I saw the Senate Majority Leader make faces at me,

Article 6 (2) clearly provides that the two levels of Government are distinct and any business taking place between them can only take place upon consultations.

We, as Senators, are not aware the National Government has consulted our counties on this issue of budget. What are they looking for?

Sen. Murkomen: On a point of order, Mr. Speaker, Sir. If what Sen. (Dr.) Khalwale was talking about is true, then it would be unconstitutional. However, I do not believe that it is in order for him to come and seek such a very important statement in this House, when basically what he is using is hearsay. He has quoted the newspapers while we know that sometimes newspaper articles cannot be relied on because it is not a policy position. He must table the policy position before asking you for directions. He must table the policy framework or statement that would allow him to stand here and seek your direction.

Sen. (Dr.) Khalwale: On a point of order, Mr. Speaker, Sir. I am alive to the fact that the rules of debate do not allow us to refer to media reports. All that I said in plain English language was that it has been reported. If my county government has reported to me and another county government has also reported to me as a Senator of the Republic of Kenya, then it is reported.

Sen. Kajwang: Mr. Speaker, Sir, I have also received some information from Homa Bay County that the Governor, as the head of that government, has been required to submit to the Cabinet Secretary in charge of devolution, their budget. I do not know under what provision of the law that request has been made. In fact, it no longer sounds like a request, but an order. We know where budgets go. We know that the county government makes its budget and submits it to Treasury and if, of course, the Minister in charge of devolution – which as I earlier said is a mistake – decides to see that information for whatever reason, because I think they also have some money that they can grant to the counties, there is a clear communication between her and Treasury. We do not see how a Governor will be summoned by anybody because that is a separate government. In fact, they only meet the President at the Summit. That is what the Constitution provides. We are not going to start joking around in this House. Our job is to protect and defend county governments against the national Government.

The Speaker (Hon. Ethuro): Sen. (Dr.) Khalwale, you are raising very important issues, but as the Chairman of the Committee on Devolution has observed, you do not rise on a point of order to raise such an issue. You should have sought a proper statement from the chairman of the committee and then you would be given an appropriate response. More fundamentally for me, you are now acquiring a bad habit of ambushing the Chair. You know we do not do that in this business. This is serious business; we operate on full disclosures, at least, at the level of the Chair and the responsible Senator. Since this is the first time I am responding to you on this particular one, I think it is now time we gave the punishment because you are not a new parliamentarian; you are a senior one and you know it. So, the only assumption the Chair can draw is that you want to treat the House and the Chair with a lot of contempt.

I will not throw you out, you will suffer the consequences of your Statement not being answered for now. But if you formulate it in a good way, we will entertain it. For now, nobody should respond to it.

STATEMENT

BUDGETARY ALLOCATION FOR BITUMIZATION OF
MASENO-KOMBEWA-AKADO-ASEMBO BAY ROAD

Sen. (Prof.) Anyang'-Nyong'o: Mr. Speaker, Sir, I rise to seek a Statement from the chairman of the Standing Committee on Energy, Roads and Transportation on the following:-

Given the importance of the Maseno-Kombewa-Akado-Asembo Bay Road; realizing that this road joins Maseno Township where Maseno University is situated to the neighbouring Siaya County; aware that there is already heavy commercial use of this road; noting that since 1984 this road has from time to time been earmarked to be bituminized without this being done, could the Chairperson inform the Senate:-

1. Whether there is allocation in the current Budget for this road to be bituminized.
2. How much money has been allocated, and;
3. When the tender will be awarded for bituminization of the road.

Thank you.

The Speaker (Hon. Ethuro): Anybody Member of the Committee? Vice-Chairman!

Sen. Mwakulegwa: Mr. Speaker, Sir, I have just come into the Chamber. I have not heard the Question, but I will go through the HANSARD to be able to give a definite date as to when we can answer that.

The Speaker (Hon. Ethuro): You must!

Sen. Mwakulegwa: In two weeks' time, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): There was also the matter of the Statement by Sen. (Prof.) Lonyangapuo on Vision 2030. The Chairman of the Committee on Finance, Commerce and Economic Affairs did not give an indicative date.

Sen. (Prof.) Anyang'-Nyong'o: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): No, I will not entertain it. Just sit with the Vice-Chairman and I am sure you will sort yourselves.

Sen. (Prof.) Anyang'-Nyong'o: On a point of order, Mr. Speaker, Sir. Just for the record. I beg your indulgence, if I remember well, if we put the reply in two weeks, there is likelihood that we shall have gone on recess. I was requesting that you allow me and the Vice-Chairman to discuss an earlier date so as not to risk the time he has given being overtaken by events.

The Speaker (Hon. Ethuro): If you had heeded to my instructions, you would have already consulted him and come up with an earlier date. That is what should be on record.

Sen. Murungi: On a point of order, Mr. Speaker, Sir. I rise to seek the assistance of the Chair. About three weeks ago, I requested the Senate Majority Leader, who wants us to address him as the *defacto* Prime Minister, to give a statement on an urgent matter which has now become a national crisis; the issue of *miraa*.

He requested for the indulgence of the Chair so that we give him up to Thursday, last week which we did. Last week, he also requested for indulgence and sought additional time to this week. Now that he is in the House and if, truly, he is a *defacto* Prime Minister, could he give us an answer now on what the Government is doing to protect the *miraa* Industry? Our people are suffering and the entire economy is about to collapse.

He has two other statements to make. One is on the Ciakariga-Meru-Mitunguu Road and another one on the security for the Speakers of the County Assemblies. We would be very happy if he can make those statements today.

The Speaker (Hon. Ethuro): In fact, Sen. Kiraitu Murungi, you do not need any assistance from the Chair. We had already agreed with the Senate Majority Leader that he has a couple of statements to dispose of. One is yours, on the Government Efforts to Support *Miraa* Traders, the second one by Sen. (Prof.) Anyang'-Nyong'o on the Territorial Status of Migingo Island, Construction of the Ciakiriga-Meru-Mitunguu Road and, finally, on Provision of Security to County Assembly Speakers. Yours are due today but Sen. Anyang'-Nyong'o's is due next week.

I am sure that he is very ready to demonstrate the *defacto* powers.

GOVERNMENT EFFORTS TO SUPPORT MIRAA TRADERS

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, I will take that statement at face value. First and foremost, I am aware that those statements are due today. I am surprised that Sen. Murungi took the direction that he took because before I left the Chamber, shortly, I had talked to him and we agreed on how to handle this matter. However, I understand him because of the pressure he is facing from stakeholders, especially farmers of *miraa*. I understand why he has turned around again and said that the delays are overdue. He knows what I am saying.

We have consulted extensively. The issue of *miraa* is extremely complex. It has international dimensions and has inconclusive scientific findings all over the world. This has been in the news and both Sen. Murungi and other Senators will appreciate that this is not a very easy matter. We have discussed with relevant Government officials at all levels and it is only this morning that we agreed on a statement which can be read in this House on behalf of the Government of Kenya, finally. What we had earlier was inconclusive and we thought would not do justice to all the interests of the stakeholders, given the complexity of this matter.

I have explained these details to Sen. Kiraitu Murungi. On a light note, since I am about to ask for a comprehensive statement, for sure, to be read next week because we only agreed on it today, including the contours that the Cabinet Secretary should handle, I want to warn my colleagues from the Opposition who are clamouring for the position of answering questions on behalf of the Government of Kenya that it will be extremely tough and rough.

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

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

Sen. Kajwang: On a point of order, Madam Temporary Speaker.

Prof. Kindiki, who is also the Senate Majority Leader, seems to be fixed on things which are gone. There is something he referred to as the Opposition in this House. He has referred to this again and again. We changed our Standing Orders. However, in those Standing Orders, we refer to the Official Opposition and the Government side.

The Temporary Speaker (Sen. Ongoro): Sen. Kajwang, are you making a point of order or debating?

Sen. Kajwang: Madam Temporary Speaker, this is a point of order. Is he in order to keep on talking about the Opposition in this House and some people pretending to be the Government in the House when we have no Government here?

The Senate Majority Leader (Sen. (Prof.) Kindiki): Madam Temporary Speaker, I will be brief. There is Government in this House and there is the Opposition. Period! No amount of pretence or amnesia will prevent us from saying that there are two sides in this House.

Of course, we have agreed to work in a bi-partisan manner on national issues. However, in terms of political parties, we come from two different parties. Period! That is why we have the Majority side and the Minority side which is another way of saying Government and the Opposition or if you like, the many and the few. Period!

I do not think we should belabour this point. If my brother and sister Senators are not happy to be referred to as the Minority or the Opposition, this is simple: Defect enmass, join the Jubilee Coalition and this will be a Jubilee Senate.

Sen. Musila: Madam Temporary Speaker, I have a lot of respect for Sen. (Prof.) Kindiki who is my neighbour. Four times now, he has alluded to the fact that there could be a possibility of any Members of the CORD Coalition willing to join and be part of the Jubilee Coalition. I want to tell him, categorically, that we have no desire and do not require joining the Jubilee Coalition. We are comfortable where we are and we will give them the value that we have because we do not think that this Government is serving the interests of the people of Kenya.

Sen. Muthama: On a point of order, Madam Temporary Speaker, Sir. Would I be in order to ask Sen. (Prof.) Kindiki not command us in this House? He should not ask us to defect to Jubilee. We came here in our own rights. We were elected to come here. We were not pushed to come here. Is he in order to stand here and indicate that those who are uncomfortable should join the Jubilee Coalition? Comfortable being where? We are in this House in our own rights, we represent our people. Where is the House for Jubilee?

The Temporary Speaker (Sen. Ongoro): No, no, no! Control your tone. Could we get a response from Prof. Kindiki on the three points of order that have been raised before we proceed?

The Senate Majority Leader (Sen. (Prof.) Kindiki): Madam Temporary Speaker, we are going round, but this is just the same thing. We are just talking about the same thing.

The problem I see is that the Opposition, the Minority or the few are in a state of denial. To contextualize why I have say so, on one hand, they are very---

Sen. Murungi: On a point of order, Madam Temporary Speaker. I had very specific requests. When are my three statements going to be read regarding *miraa*, the road and about the security of the County Assembly Speakers?

These issues are being clouded and avoided by references to the Opposition, among other things. Can we cut these irrelevancies and talk strictly about *miraa*, the road and the security? The rest we can talk over some coffee out there.

The Temporary Speaker (Sen. Ongoro): The Senate Majority Leader, you are out of order in that respect. Could you specifically address the issues that have been requested by Sen. Murungi?

The Senate Majority Leader (Sen. (Prof.) Kindiki): Madam Temporary Speaker, I will answer all the three questions on Thursday, next week with your permission.

I stand my ground on everything I have said here.

The Temporary Speaker (Sen. Ongoro): Sen. Murungi, are you not satisfied with that?

Sen. Murungi: Madam Temporary Speaker, the answers were supposed to be given last week. This was postponed to today. The Senate Majority Leader said that the issue of *miraa* is very complicated and has international and local dimensions. He also went on to say that there is inconclusive research going on as far as *miraa* is concerned. However, we have read a lot. Let him not confuse issues. The research on *miraa* has been extensive and has been concluded.

The World Health Organisation (WHO) has already said that *miraa* is not a drug. The British Home Office has a big report that says that *miraa* is not a drug. Our own law, passed by Parliament by 1984 also says that *miraa* is not a drug. So, that avenue should not be used to delay us in receiving these answers.

Could the hon. Senate Majority Leader state categorically that come rain come sunshine, we will have that statement on Thursday, next week and that will be the last indulgence we will give him? We also want statements regarding the two other requests. They were supposed to be given today. The Speakers are exposing themselves out there without any security.

The road we are talking about also passes through his county. The construction has stalled. Could the Senate Majority Leader pull up his socks and move with speed?

The Temporary Speaker (Sen. Ongoro): The Senate Majority Leader, the three issues touch on security, infrastructure and the economy of the counties concerned. These are pertinent issues. I am also aware that you were supposed to have given these answers earlier. You are completely out of order to continue debating without giving a specific answer or a date which is not more than seven days from today when Sen. Murungi will get his substantive answers and statements.

Stick to that issue.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Madam Temporary Speaker, with your indulgence, I want to repeat very calmly and humbly, that all the three questions will be answered on Thursday, next week.

The Temporary Speaker (Sen. Ongoro): Sen. Murungi, are you comfortable with Thursday, next week? We are not taking further extension on that date. Are you comfortable?

Sen. Murungi: Madam Temporary Speaker, I am comfortable.

Sen. (Dr.) Khalwale: On a point of order, Madam Temporary Speaker. The Senate Majority Leader has assured us that the reason there has been a delay is because they wanted to come with a considered opinion which to me is acceptable. That being the case, could he come here with a comprehensive statement because the Senate cannot sit here and watch while the Government is sitting and killing the economy of any county? The Government of the late President Kenyatta, former President Moi, and---

The Temporary Speaker (Sen. Ongoro): Sen. Khalwale, stick to the point of order. Refer us to what is out of order.

Sen. (Dr.) Khalwale: Madam Temporary Speaker, I am rising for further information so that he can come with a more comprehensive statement. Those three Governments---

The Temporary Speaker (Sen. Ongoro): You should have risen on a point of clarification. If you rose on a point of order, you should direct our attention to what is out of order.

The Senate Majority Leader, that matter has been settled. In reference to all the other matters, the Speaker already ruled on your earlier statements. That matter rests.

Next Order!

The Senate Majority Leader, you have not given us the business for next week. Before you leave, can you take us through that? You did not inform the Chair that you had delegated that duty to the Chief Whip.

Proceed!

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 16TH JULY, 2013

The Senate Majority Leader Sen. (Prof.) Kindiki: Madam Temporary Speaker, pursuant to the provisions of Standing Order No.43 (2), I wish to present the Senate business for the coming week commencing Tuesday, 16th July, 2013. The Rules and Business Committee will meet on Tuesday 16th July, 2013, at 12 noon to schedule business for the Senate for the week commencing Tuesday 16th July, 2013.

The Senate will continue with the business in today's Order Paper that will not be concluded. The Senate will also commence debate on a Motion by Sen. Zipporah Kittony on effective measures to protect watersheds and riparian resources, and consider any other business to be scheduled by the Rules and Business Committee.

On Wednesday 17th July, 2013, morning sitting, the Senate will continue with business not concluded on Tuesday, 16th July, 2013. The Senate will also commence debate on a Motion by Sen. Naisula Lesuuda on facilitation of county governments to set up modern abattoirs and related facilities to stimulate livestock production and consider any other business scheduled by the Rules and Business Committee. During the afternoon sitting, the Senate will continue with the business not concluded on Tuesday and Wednesday morning, and consider any other business scheduled by the Rules and Business Committee.

On Thursday, 18th July, 2013, the Senate will continue with the business not concluded on Wednesday afternoon, and consider any other business scheduled by the Rules and Business Committee.

Madam Temporary Speaker, I hereby lay the Statement on the Table.

(Sen. (Prof.) Kindiki laid the Statement on the Table)

The Temporary Speaker (Sen. Ongoro): That is okay.

Sen. (Prof) Anyang'-Nyong'o had earlier sought a Statement from the Chairman of the Committee on Energy, Roads and Transport, and he requested that he be given a few minutes to go through the HANSARD. Are you ready to proceed?

Sen. Mwakulegwa: Madam Temporary Speaker, we shall give the Statement on 24th July, 2013.

The Temporary Speaker (Sen. Ongoro): That is okay.

Last week, a Statement by the Committee on Devolution and Planning was deferred to today.

Sen. Murkomen, are you ready with the Statement?

Sen. Murkomen: Madam Temporary Speaker, I think that the person who requested for the Statement is not here. But it is important to note that because of the weight of the question that he had asked and the continuous public discourse on the issue of devolution and allocation of functions and resources, the Committee decided to invite the Cabinet Secretary in charge of Devolution and Planning tomorrow, where the issues will be canvassed comprehensively and thereafter tabled in this House.

Madam Temporary Speaker, I would have hoped that Sen. (Dr.) Khalwale was in the House, but he is invited to attend tomorrow's session.

Thank you.

The Temporary Speaker (Sen. Ongoro): Sen. Murkomen, you did not tell us how much time you---

Sen. Murkomen: Madam Temporary Speaker, I have said that after tomorrow's discussion with the--- First of all, I want to invite the Senator to the Committee meeting tomorrow for purposes of canvassing this issues, so that we can ask for clarifications. Actually, any other Senator who is here and is interested in the current discourse on the questions of allocation of resources, transfer of functions and so forth, is invited. Thereafter, next week on Tuesday we will be able to table the report.

The Temporary Speaker (Sen. Ongoro): That is okay. Next week on Tuesday! Next Order!

MOTION

ESTABLISHMENT OF NATIONAL YOUTH SERVICE OUTLETS IN ALL COUNTIES

Sen. Elachi: Madam Temporary Speaker, I beg to move the following Motion:-

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

THAT, aware that unemployment is one of the major causes of insecurity and moral decadence in this country; noting with concern that the youth, who are the backbone of our society, are the most affected and that as a result, many of them have become disillusioned and hopeless; noting further that assisting the youth to access employment would contribute towards the attainment of economic and social rights enshrined in Article 43 of the Constitution of Kenya; aware that Section 13 of the National Youth Service Act, Cap 208, Laws of Kenya, vests power in the Minister responsible for the Service to divide the Service into branches, units and sub-units from time to time; the Senate urges the national Government to take measures to establish National Youth Service outlets in all counties where the youth who have completed secondary level of education and who may wish to enroll for courses offered by the Service could enroll and acquire necessary skills and further that graduates from the Service be given the first priority whenever the two levels of government recruit in areas where the graduates are qualified to serve.

Madam Temporary Speaker, from the outset, I am aware that we have an Act of Parliament that guides the National Youth Service. But I am also aware that in 2012, the law was also amended and there is a subsidiary legislation that also guides the Service. But looking at our country and young people today, we know that the challenges that we are facing, of unemployment, insecurity and young people taking illicit brews, are brought about by the youth wondering where they can go after finishing their O-Level. The background of the youth service in any country, including the United States and the United Kingdom is to also build patriotism in young people, so that you have the values of respecting and working for your country. You have that nationhood of also protecting your country.

Madam Temporary Speaker, today you will find that, yes, the National Youth Service will recruits the youth, but there is not enough infrastructure to accommodate many of them. In fact, in the amendment of the Act, they decided that they cannot exceed 7,000 youths. When you look at 60 per cent to 70 per cent of our population today, who voted indeed for the Jubilee Government, they were young people. I know that within the Government, we have a clear structure on how we want to deal with young people. Looking at what has been allocated also for the youth in terms of the Budget, it will be important to have an infrastructure that, first, enables these young people to have skills before even engaging in any business or employment.

Madam Temporary Speaker, you will recall those years when our youth would go to the National Youth Service (NYS) and gain more knowledge before joining universities. This used to, first, instill discipline. That is one of the mandates of the NYS. I think that the NYS helped many youth to understand that they were the backbone of the country and leaders of tomorrow. But, today, when we tell our young people that they are leaders of tomorrow and they have nothing that they are doing at the moment, they wonder what they will contribute to the nation at that time. When you look at Kenya today, it is very worrying for any woman who has a young person in his or her house. You will find that when you go to work and go back home, the only thing that they will

have been doing at that time, if you can afford, is watching television. Those who are very lucky will play games, but a majority of them do not have any games or televisions. They wake up in the morning either, to go and stand at the bus stand to wait and see if they can be given some small job, or, even just ride in a matatu, to feel that they did something. That is how they end up also getting into a lot of challenges and crime. This is because he entered a matatu and sat with somebody who was going to work. When he looks at that person who has a nice phone, he is tempted, because he has nothing and maybe he did not even have a meal. Therefore, he is tempted to take that phone, so that he can sell it very fast; either to go and enjoy himself or even get food for his parents at home.

Madam Temporary Speaker, when you look at Nairobi and many other urban cities today, we are getting more scared. Last week, there were nearly 1,000 young people aged between 16 and 17 in a disco in Jam Rescue, Nairobi. Maybe one of the challenges is the teachers' strike that is ongoing. But what was very interesting is when the police came and they were all caught----. Last week, we passed a Motion and said that we need to look at also those who own those clubs. The owner was not arrested, but the youth were thrown into the police vehicles and taken to Industrial Area. I remember Churchill was live on air the next day saying: "Can people go and release them on bond, so that these young people can come out before they even learn what is happening there?" This is because we have no place to take these young people. We have finished even the grounds that were there for recreation; where young people would go and do something.

Madam Temporary Speaker, I intend to push this Motion to the Government to make it a Bill, so that a polytechnic can be put up in every constituency. What we lack is the special skills that the NYS normally give to the young people. When you look at the training undertaken by the NYS, you will find that it produces very good mechanics, electricians and carpenters. Therefore, we can copy whatever is happening now in the NYS and spread it to the counties by establishing an NYS college in every county. This will target those who finish Form Four but do not qualify or cannot afford to join universities. Maybe, one of the things that we have not asked ourselves is: Do we have a policy that can tell us that for the last 20 years Constituency A has been able to see young people join NYS? As much as they tell us that, for example, 10,000 youth have joined NYS, it is left so open that you might find that not many people from some areas in this country are benefiting.

Therefore, Madam Temporary Speaker, if we are talking about equality - equality means that in every county, we have such an institution that will help young people to join any recruitment that the national Government brings in so that you know there is already an organized team willing to work for the country regardless of where they come from. Also, it embraces what we can say today is the challenge of ethnicity; by ensuring that after that, if I move from county "A" and I was in the National Youth Service (NYS), I will find somebody in Mombasa with the same teachings and values that I was given there. Therefore, it also harmonizes us and makes us more effective; it removes the issue of ethnicity completely because in the end, we are saying that you are recruiting into the national Government – which is the police, the army and any other arm of the

Government – and you are going to work for Kenya regardless of whether you are from Marsabit or Mandera, where you feel you are so marginalized.

Madam Temporary Speaker, this is one thing that the western countries really took up seriously and, today, that is why you find that Americans are so patriotic for their nation because they come out of college to join their youth service before going on to the universities or, alternatively, they can join the youth service and decide to join the army. But I know there was a time there was a cry, and it was because of how, may be, we managed the institution; we felt that it was like a punishment when you take your child to NYS when they were joining university. But having looked at what has happened to date, I think we need to ask ourselves; are we willing to lose all our young people? Do we have a structure, knowing very well that in the 1980s, when the KANU Government was in power, we decided to bring alternatives to education? That is why we ended up having academies or private schools and public schools. At that time, you were given an alternative; if you have money, then you could take your child to a private school and, to date, that is why we are having challenges in the education sector.

Education was one way of bringing merit to both the poor and the rich families; education was the only way through which we could reach a level where we can communicate, and you will never ask me of my background because we are on the same level. But now, we have gone to another level where now we still ask: “Did you go to a public or a private school? How was your school?” Therefore, you find that when you are growing up as a Kenyan child, you feel so marginalized. If, indeed, you came from a public school that is in Mandera or those places where they have no books and they have nothing; or where you are learning under trees like in Turkana--- But we are saying that if we have the NYS and we use the private partners that we have to engage in the same, that today, when you see the development or infrastructure that we are doing in this country like roads and dams, who would have been the first beneficiaries? It is these young people, because when they are in training at the NYS, they also have an opportunity to work for the Government and be paid like any other person who is working. If we talk about roads, we have the biggest project that is coming up now, the Lamu Port and South Sudan-Ethiopia Transport (LAPSSET) Corridor project, which I think is cutting across more than 15 to 20 counties, and what are we saying? If we had NYS training facilities all over our counties, all these young people would have been given the opportunity to work in that project as they continue with their training. In the process, they would also have earned a livelihood from the project. The money earned would have helped them in other ways. For example, if I now want to go to the university and, may be, my parents are not able to pay school fees; that is where I will get some school fees to pay for myself.

Therefore, Madam Temporary Speaker, this is one thing that we need to ask ourselves; it is something that the country must look at. We should not just look at NYS, but we should also start looking at the 70 per cent population that we have today. Are we moving in the right direction in terms of where we want them to go? Are we in the right direction as a country? Are our young people growing up with values and respect that both parents deserve? Or, may be, is that the reason why we have young people raping their own mothers, sisters and even ganging up together against their own neighbours?

We also need to ask ourselves – and that is why this now comes in again – have we lost our culture completely as Africans, where your neighbour became your sister or your brother. Back then, when our fathers were growing up, they carried the whole community; maybe that is why they were not rich. That is when if you knew very well that the son of so-and-so was not going to school, it was my responsibility, since I was the one who was blessed, to ensure that he goes to school. That also helped because even if I am rich today and my neighbours have children who never went to school and who are all over, they are the ones who will make me fear everyday that they will come to my house when I am sleeping.

Therefore, Madam Temporary Speaker, we are saying that the NYS can change this country. When the Government says that they are looking at industrializing this country, this is the one structure that can be used to bring in young people to get the skills which will thereafter enable them to join in the industrialization that we are talking about. That is how it can be achieved.

Madam Temporary Speaker, the 33 per cent that have been recruited so far in the NYS is a very low figure; we need to move it up to at least 55 per cent or 60 per cent. We need to ask ourselves, because the NYS will also help the orphans and destitutes--- I remember Uncle Moody when he was the Vice President and we had these young street families; the first thing he did was that he took these young boys, they joined the NYS and, today, they are able to earn a living. But the success was so short lived that after that, when you look at all our towns, so many street families are back. Which means that it is only when you have that commitment, responsibility and passion that, as an individual, you can think and move something. This is also evident in the way the Late Michuki came up with the matatu laws. It is because he had that passion. Since today we have some leaders who do not have that passion, it is time now that we put policies in place so that it is the responsibility of the Government to ensure that when our young people complete their Form Four level of education, they are able to go somewhere and do something with their lives.

Madam Temporary Speaker, I just want to conclude by saying that this is something I want the Members of this House to look at across their counties. Let them look at how their young people are. Even during the elections, you would see how they were so eager; they had hope that there is something that we will do for them.

Therefore, Madam Temporary Speaker, I beg to move and call upon Sen. Wamatangi to second.

The Temporary Speaker (Sen. Ongoro): Proceed, Sen. Wamatangi.

Sen. Wamatangi: Thank you, Madam Temporary Speaker. I rise to second the very thoughtful and timely Motion moved by Sen. Elachi.

Madam Temporary Speaker, at this time in our country, the least that can be said is about the place that the youth of this country need to be in. As we speak now, this country has a population of just over 40 million and out of that population, more than 25 million Kenyans are young people; and more than half of that number are within the bracket of the young people who are targeted by this Motion and who qualify in various aspects of their youth to join and benefit from services and training offered by the NYS.

Madam Temporary Speaker, back in the 1980s and earlier, when our young people graduated from their A-Levels, it was mandatory for them to join the NYS. As the Mover of the Motion has said, by then, out of lack of fore knowledge, that concept was not given the support that it should have been given. But I dare say today that we know better. The moral fibre and discipline that was instilled in our young people then when they went through the NYS before they joined universities bespeaks a whole volume of the quality of human beings they were made to be through that training. But today, if we look at both ends of the pendulum, youth pregnancies, youth delinquency, crime, alcoholism and drug addiction amongst the youth is on the increase. So, the question that begs an answer is; what has gone wrong between the stages when our young people graduate from being children to young adults? What is the missing link? Why do we have so many of them going the wrong way?

Madam Temporary Speaker, a few years ago, I happened to be visiting one of the foreign countries, and there was a royal wedding then. I asked my host: How come two of the only sons of a British Prince would have to mandatorily go through military training such that that by the time they are graduating or getting married, they have been forced to go through a training that is equivalent to what we offer or what we are asking for here in the NYS? I was surprised because, actually, my host corrected me and he told me: "Look even wider; it is every single son of every king in the Middle East and every single first born or child of a ruler, king, president or a leader of a nation in the western countries." If we would even take an example from a majority of the people who have become presidents in the United States of America, all of them have passed through that training. We should ask ourselves: Why is it that a king would ask his child to go through that training while, on the other hand, they could enjoy all the luxury and benefits of the authority, freedom and money that they have?

Madam Temporary Speaker, from that point on, we could start finding the answers that we seek. That training and in between that transition when the child is let loose to become an adult who is responsible for his own actions, it is at that time that unless we instill a certain moral responsibility which is very essential and is brought about subjecting our young people to proper discipline and training as is offered in the National Youth Service (NYS), then we can count on having a responsible young generation.

The icing on the cake is that all the training that is offered at the NYS is not necessarily military. We know that the NYS offers several other types of technical training or courses including other lessons that our young people would learn in the institution. Since we have a new dispensation, the Senate and the new Constitution has mandated us to ensure that every benefit that is enjoyed by the people of Kenya is devolved to the counties. It is necessary to urge the Government to see the sense in taking our young people through this programme at the county level. At the county level, after graduating from secondary schools, our young people are absorbed in a myriad of interests but most of them are not necessarily beneficial to the future. If we look at what is happening right now, most of the harambees we attend are for young people who are getting married even before they have matured. Our young people are sometimes pulled

into *matatu* touting and others become manual labourers which does not need any basic skills.

Madam Temporary Speaker, that is why I believe that if we support this Motion and if we urge the Government to one more time re-introduce services offered by the NYS, I believe we can change the mindset of our young people as they face the future.

With those few remarks, I beg to second.

(Question proposed)

Sen. Obure: Madam Temporary Speaker, one of the greatest challenges facing this country is unemployment and under-employment particularly among the youth. This is a worrying phenomenon. It creates hopelessness and undermines human dignity. This Motion by Sen. Elachi calls on us in this Senate and, indeed, calls upon all Kenyans to seriously reflect on the status and plight of our young people who find themselves in this situation. This is a situation in which at a very early stage in their lives, they find themselves at the dead end of the journey with no hope for the future.

Madam Temporary Speaker, in 2008, 812,000 candidates sat for the Kenya Certificate of Primary Education (KCPE). Out of these, over 200,000 candidates could not find places in Form One and could not proceed to secondary schools. This happened because of various reasons including poor grades, lack of money to buy uniforms to go to secondary schools and so on. At that early age, they have dropped out of school and society does not seem to care what happens to them after that. In the same year, 438,000 candidates sat for the Kenya Certificate of Secondary Examination (KCSE). Out of these, only 130,000 students attained an average grade of C+ and above. The remaining students are those who scored below C+. The large majority of them scored grade D+ or below. Therefore, with those poor grades, they cannot obtain admission to colleges and universities. The question which we should be asking ourselves is: Where do these young people go? What happens to them thereafter? What do they do with their lives? What options do they have?

Madam Temporary Speaker, in trying to answer those questions, you will see the importance of the Motion which Sen. Elachi has brought here. Where do these young people go when they have dropped out of school? In Kisii County, if you are a boy at that age, after dropping out of school, you go and settle in the village with your family or parents. They are not occupied in anything meaningful at that level. So, they are largely idle and they move freely in the village. They visit the local markets frequently and after a short while, they get married. They do not pay dowry because they do not have resources. That headache is left to the parents. A little later, they demand to get a portion of the family land. Of course, in Kisii, that land does not exist. This marks the beginning of family quarrels and the beginning of despair. Out of despair and frustration, the boy who has now graduated into a man drifts into drinking alcohol and possibly engaging in hard drugs. To sustain this habit or even to meet his basic needs and those of his young family, he is tempted into crime beginning with petty theft, housebreaking, then a little later, he graduates into more sophisticated crimes like robbery and drug trafficking.

For the girl, the situation is even more desperate. After dropping out of school, she joins the mother in the family, assisting in ordinary house chores but she cannot do that for very long. While doing those chores, she is tempted and the next thing you hear is that she is pregnant. Once she gets her baby, the challenges become greater. Therefore, she is forced to go and find a job somewhere to sustain herself and her child. If she is not lucky, she ends up in the streets in Kisii Town or some other trading centres. She is now destroyed because she engages in prostitution or some other similar vices. As a country, we cannot allow such large numbers of our young people to get wasted. The option available is to give them an opportunity to train and acquire skills which will enable them to be employable or even to engage in their own personal businesses as a way of earning a livelihood.

The NYS is one of the most appropriate avenues. This institution should be asked to offer more courses. We know they do but they need to expand their programmes on the basis our Senator is proposing. They should offer simple courses like mechanical engineering, plumbing, electrical engineering in the areas where they can do electrical fittings, dress-making, driving and handling of motor vehicles or plant and equipment, carpentry and such other skills including training in security matters and even Information Communication Technology (ICT). Considering that there is an acute shortage of skilled personnel at the middle level, establishing more training centres by NYS would be the most welcome move, in my opinion. Therefore, I would support the establishment of those centres. The NYS should be asked to establish training centres in each county to be able to cater for and absorb these young people who otherwise get destroyed in their lives.

Madam Temporary Speaker, we will be prepared as Kisii County to work with the National Youth Service (NYS) to establish a centre such as the one Sen. Elachi is proposing. I also support the view that once the youth have gone through that kind of training, both the county governments and the national Government should give them priority on recruitment. After all, they would have acquired the necessary skills and secondly, they would have had a change of attitude and mentality. They will also have acquired discipline in the NYS. I, therefore, think it is a very brilliant idea and I want to thank Sen. Elachi for bringing it up.

I support.

Sen. Mbura: Asante sana, Bi Spika wa Muda, kwa nafasi hii. Kwanza, ningependa kumpongeza Sen. Elachi kwa kuleta Hoja huu. Leo nina hakika kwamba kama kuna vijana wanaoangalia runinga, wataona kwamba kwa mara ya kwanza, Seneti imeweza kuongea masuala yanayohusiana na vijana. Ninampongeza Sen. Elachi.

Hoja hii inalenga watoto maskini kule mashinani na ikiwa itapitishwa, ninaamini kwamba suala la MRC litatatuliwa. Mara nyingi kumekuwa na *recruitment* ya wanajeshi na vijana wetu wamekosa kuchukuliwa kwa sababu kila kitu kilikuwa kikifanyika huku juu na sio mashinani. Kama kutaanzishwa mambo kama haya kwenye kaunti, basi huenda vijana wetu watajiona wamekumbukwa na watapata kazi ya kufanya. Tukiangalia kwetu pwani, vijana wengi wakifika sekondari wanashindwa kuendelea na masomo kwa sababu hatuna ajira yoyote ya kuweza kusomesha watoto wetu. Kwa mfano, mimi sikuwa na baba, mama yangu hakuwa na *title deed* na sikuweza kuendelea kusoma.

The Temporary Speaker (Sen. Ongoro): Sen. Mbura, ulianza na Kiswahili kwa hivyo utaendelea kwa Kiswahili.

Sen. Mbura: Asante sana. Mama yangu hakuwa na cheti cha kumiliki ardhi ambacho pengine angepeana kwa benki na akapewa mkopo. Pengine ningesoma zaidi na nikawa kama wenzangu. Kwa hivyo, huu ni mjadala mzuri ambao kama Maseneta wengine wangekuwa hapa, leo kungekuwa na changamoto nzuri sana ya kuweza kufafanua Hoja hii zaidi. Ningetaka kusema kwamba Hoja hii itakapozaa Mswada na kuwa sheria ili NYS iweze kupelekwa kwenye kaunti, sheria zisiwe kama zile za jeshi letu wakati wanapofanya *recruitment*. Ningependa wazingatie umri. Mara nyingi nyingi huwa wameweka kiwango cha umri na watoto wa kwetu wa Kimijikenda wanasoma kuchelewa. Wanapofika sekondari hao huwa hata miaka 27 na wakati mwingine huwa wameoa.

Ningesisitiza kwamba kusiwe na ubaguzi wa kikabila katika kufanya *recruitment* kwa sababu kuna Wakikuyu na Wajaluo waliozaliwa kule pwani. Inafaa masuala haya yatiliwe maanani wakati wa *recruitment* ya NYS. Hawa ni watu ambao kama hawachukuliwi, wataenda wapi? Wakati mwingine vijana hutakikana wasiwe na kovu, ilhali wakati wanapocheza mpira huwa wanaumia. Kijana akipatikana na kovu huwa hawachukuliwi kwenye NYS kwa sababu ya kovu. Ni lazima Serikali itilie maanani kwa sababu vijana wetu wote wanaumia wanapocheza na ni lazima watakuwa na kovu.

Ninaunga mkono. Asante.

Sen. Kajwang: Madam Temporary Speaker, let me start by saying that I support the Motion and I want to thank Sen. Elachi for bringing this Motion.

This morning, there was a radio programme in one of the FM radio stations; I think it was *Radio Ramogi*, and they were talking about the National Youth Service. It was a joke that really made me laugh; that when you go to the NYS, you are trained how to use the shovel; how to throw it this way and that way, and sometimes you learn how to slap your wife with it. I was quite amused. They were trying to degrade a very serious training. I want to give you a very personal story. There was a young man who is since deceased. He was my cousin and could not go to school because the father could not afford to pay the school fees. I took it upon myself to pay for his fees up to Form Four. I remember one day, he came to my office to take the last cheque when he was going to Form Four and he had not tucked in his shirt. I was so furious that I had paid the fees and he was showing me *madharau*. So, I told him: Kirigi, tuck in your shirt. Then he tucked in one side and left the other side hanging. So, that annoyed me even more. I remember boxing him very hard and telling him that he should not take me for granted because I do not have to pay his fees.

An hon. Senator: Mapambano!

(Laughter)

Sen. Kajwang: I *pambanad* with him very seriously.

The Speaker (Sen. Ongoro): Order Sen. Kajwang, you have to be consistent.

Sen. Kajwang: Madam Temporary Speaker, I gave him the cheque but after he left Form Four and because of the adolescence stage, he got a C+. He would have gone to

university if he wanted to because he was a very brilliant boy. But he went back home, joined his father who was an alcoholic and started selling *chang'aa*. We thought we had lost him and then I persuaded him later on to go to NYS and luckily he accepted. When he went there, he trained as a mechanical engineer. What amused me was that the next time he came to my office, he was in his NYS uniform. When he opened my office door, I was ready to give him another blow, but when he came in, he stood at attention and saluted me, and I laughed. I said: Kirigi, these people have really trained you well; you can now salute me? And he said: Yes, Sir. I knew that they had done something to him. He went ahead and got his mechanical engineering diploma and did the national examinations and sooner or later, he was training other people and he joined the Kenya Breweries. When he died, he was actually in charge of maintaining the equipment at the Kenya Breweries. I cried at his funeral because I had lost somebody who had really changed because of what they gave him at the NYS. I do not know what these people do to the young people, but they drill patriotism and discipline in them. For the first time, young people feel they are Kenyans and they want to serve Kenya.

I do not want it to be optional, but compulsory so that every Kenyan goes through this course. In fact, in the last Government, I remember Hon. (Dr.) Otuoma who was in charge of the youth suggested that he should be given an okay to increase the number of the youths joining NYS for training to about 10,000 every year. I asked him whether he thought it was feasible and he told me that it was feasible because the youth can grow their own food. They grow their own maize and rice, keep their own animals and milk their own cows and can feed themselves. The only little thing you give them is uniform. If there is land, you give them the land, if there is some irrigation to be done, you facilitate the irrigation, but they will look after themselves. When they come out of there, they are rehabilitated.

Madam Temporary Speaker, I remember when Hon. Maitha was the Minister for Local Government, he collected all the street boys, herded them to some place in Gikomba and put them in some hall, but later on, got them absorbed into the NYS and some of them are now drivers, carpenters, mechanics and doing all sorts of things. At least, they got some skills. I have been telling my people whenever I get the opportunity that somebody who has a skill never goes hungry. Even if it is a skill of repairing a puncture, you will have something to eat. But however good you may be in speaking, like some of the youth we use during political campaigns, I cannot talk to them when I get a puncture. I talk to the guy who knows how to repair it.

This will also bring national integration. Do not make this a county affair because if you make it a county affair, then you mean that you will only take the youth from that county and you will train them in that one facility. That will not give us what we want in this country. Do what the national Government is doing with the national schools. For example, at Mbita National School, the children admitted from my former constituency are not more than five and there are over 200 students. They have been admitted from the Coast, Turkana, Marsabit and all over. I thought they would run away, but most of them, after mixing with others from other parts of the country, are so excited about the national discourse that they get, that they do not want to run away. In fact, they do not want to

change and go back home. It is us, the politicians, who destroy this country because to get your votes, you must say that you come from a certain clan, tribe or region.

Madam Temporary Speaker, really, the young people in this country do not care. In fact, sometimes they do not care about their mother tongue. Some of them do not know it. We should integrate these young people and give them national values. In Standad Three, we used to be taught Civics and whenever we switched on the radio to listen to a Minister speaking, we would listen to the late Tom Mboya speaking on some issue. So, we started appreciating national issues long time ago. But the national policy which was brought by KANU; that you know now 85 per cent must come from the local community and only 15 per cent can come from outside because this is our school, we are the ones who have done harambee for this school, it has destroyed the national ethic of this country. We have turned to little warring communities unnecessarily which is dangerous for this country. So, this Motion is a good thing for this country.

I thought they would learn many things; from agriculture to agro forestry to animal husbandry and all those things that can make them productive. Even if they did not get a job, a person who has learnt something about animal husbandry will go and look after two cattle and get enough milk to pay his way through. I can tell you that they can create their own jobs. There is no formal employment you are going to create for these youth but you can make each one of these young people work for himself. He will, first, appreciate himself and know that he has a skill and use that skill for the benefit of himself and the society.

Thank you for bringing this Motion. You have already said that you will try and make it a Bill. When you do, make sure it is the national Government's duty to establish these institutions as centres of training. We have polytechnics, and one of them is in my village. Only yesterday, we got some equipment going to that polytechnic. I saw very good equipment and I said; now this is equipment for furniture and for welding, but where is the money to buy the materials which you are going to use to learn how to weld or how to do furniture? This is because you do not even have money to buy the wood to cut and to make the joinery look good. You also need some steel to weld. The NYS has this capacity. I have given you a personal example of what it can do. The young people are not just a threat, but it is a time bomb. We are going to suffer as a nation, although we could very well use the young people as a resource. We should not be trembling and saying that there are very many young people around and asking what we will do with them. We should turn this into a resource and say that we have many young, energetic and skilled people who will drive the economy forward. That is what we should be saying every day.

I support.

Sen. Muthama: Thank you, Madam Temporary Speaker, for this opportunity. This is a very important Motion that has been brought by Sen. Elachi who was once my secretary at the APK Party that brought her to this House.

I stand to support the Motion.

When the second liberation was going on, I tried to trace the history of this country. I also looked at the issues that used to be dealt with by the National Youth Service (NYS). One of them was the construction of the road between Thika and Kitui.

This road was tarmacked by the NYS. Today, this stands to be one of the best roads. The reason for this is that when work was going on, there was no mathematics being done on how much a certain contractor would make. The young men and women did the work to completion.

The money that was spent by the Ministry of Water and Irrigation during the Tenth Parliament to build dams was close to Kshs160 billion. One of these dams is in Kitui County while another one is in Machakos County. The two dams cost Kenyans who were seriously in need of water close to Kshs8 billion. If that money was given to the NYS and these young people commanded to build the dams, the Kshs8 billion would have done five water dams of the same size. However, the money that was put there is not commensurate to the work that was done for the Government of Kenya. We should put our priorities right and go back to our own cultural traditions. We should consider ourselves as Kenyans and not copyrights of foreign countries.

What is happening in the UK, regarding those who are charged with decision-making is about to happen in this country. I want to give you an example of the Chinese Government and the jobs they have undertaken to do in this country. The Chinese Government has won contracts in this country on the basis of private companies. However, the actual fact is that those are not private companies. They are institutions owned by the Chinese Government. Due to the population of China, the people who are constructing roads in this country and doing other jobs related to the Chinese establishment are prisoners. They carry themselves as the Chinese. Since the population in China is very high, they have made a decision not to put these people in jail and feed them. They are brought to Kenya to work, generate money but the money is taken back to China. The same money is what we are loaned at a dismal rate of a percentage. We then start jumping and saying that the Chinese Government is very good, it is supporting us and that they are very kind.

I support what other speakers have said; that further training is very important in creating jobs. The money we have set aside to construct our roads should be paid to our engineers. We have well educated Kenyans who are engineers. We do not even need to retrain these people for six, ten or 24 months to make them construct roads. We have graduates from the universities who are tarmacking. Some of them are hawking by selling newspapers or even milk on the streets of this country. All we need is proper planning. I am not ashamed to say that if I were to find myself at the realm of the leadership of this country, I would change it in two years. However, I am not campaigning. Our priorities have gone the wrong way. If you channeled the money that is supposed to be for road construction and infrastructure and passed it on to engineers through the NYS, this work would be done. We should say that from today onwards, all Government projects will be done by our young men who are at the NYS. I want to assure this House that if this were the case; in the next ten years, we would have done 80 per cent of our roads in this country.

When you give a road to a private contractor, for instance, between Nairobi and Mombasa, the billions spent are enormous. I am speaking as a businessman. Before I put my ten shillings there, I must do my calculations to ensure that not only will I return my money but will have more after doing all the calculations. Once the contract is given to a

private contractor, these contractors, first, consider their profits. So, the Kshs30 billion that was used to construct the Nairobi-Thika Road--- Before the contractor moved on site, 30 per cent of his profit had been set aside.

The Temporary Speaker (Sen. Ongoro): Sen. Muthama, can you substantiate that and give us evidence?

Sen. Muthama: Madam Temporary Speaker, I said that I am talking as a businessman. Before I move to invest Kshs10, the first thing I ensure is that there is profit. I am talking as a businessman.

This money should be given to the NYS because they do not look at profits. When this money is given to the Chinese Government, it is taken out. They must take money where they come from. You must take your money back home where you come from. If this money was to be used by a Government institution, the 40 per cent would employ more Kenyans and the entire Kshs30 billion would be retained in this country. There is no other way of creating jobs in this country.

Madam Temporary Speaker, we are now talking about irrigating one million acres, but the Government does not have structures to do the same. They intend to invite foreign and private investors. If proper measures were put in place to irrigate the one million acres, considering that we have young people who need jobs that would have created more than one million jobs. If you engage one person per acre, one million acres will create one million jobs. There will be plenty of food produced and the price of essential commodities will come down.

Madam Temporary Speaker, this Motion is very important and since the Chief Whip who moved it comes from the Jubilee Government, it is my sincere hope that she will move and tell the President: “We have done this and this is what we want you to do. Commission this now and forget about spending our money on private investors and contractors. The Government contracts should be given to young people.”

Madam Temporary Speaker, I beg to support.

Sen. G. G. Kariuki: Madam Temporary Speaker, since there is nobody else who is ready to speak, I think that I should push myself to say something.

Madam Temporary Speaker, we have been treated in this House to all good information by those who have spoken before, especially from Sen. Kajwang. They have talked very well about the problems facing the youth and the country as a whole. We also talk about our youth being 70 per cent of the population, but nobody has ever come out to tell us: “It is true that our youth out there are 70 per cent.” That is one question that needs to be investigated. Are we talking the right thing? It is only from there that we can now start thinking of what to do.

Madam Temporary Speaker, one of the speakers talked about how other developing countries are serious with their own youth. If you go by the political history of the Far East and the Eastern Bloc, you will find that in 1917, the biggest problem which happened in Russia was because of what is confronting us today; that we have given birth to so many young men and women and just continue doing so, without asking ourselves: “Wait a minute, are we really planning for them?” Nobody is thinking about that because we have lost a very important ingredient in any nation, that is, nationalism. We have ignored nationalism and patriotism. We were trained by someone – I do not

know who he is – just to be thinking individually. We all see ourselves as individuals and have to survive in the terrible crowd of hopelessness.

Madam Temporary Speaker, the Western world also went through these problems, but reached a point where they had to decide whether to run the country or get few individuals enrich themselves without regard to other people. Therefore, I think that the unemployment that we are talking about here is not a big issue. When your economy is stagnating and is being looted left and right by the so-called leaders, what do you expect? How are the youth going to be employed and who is going to employ them? What facilities and infrastructures are ready for them?

Madam Temporary Speaker, the National Youth Service (NYS) was started very early after Independence. The late President Kenyatta had a very good idea that the only way was to start with the youth. That is why he established the NYS. Quite a number of our youth have managed to get training at the NYS. Even today, if you want to employ a driver, the first question you will ask him or her is: Have you been to the NYS? If they say “yes”, you will feel encouraged to employ them, because the kind of discipline which is instilled in them is very commendable. Therefore, it is evident everywhere that those who underwent training at the NYS or are still there, are better citizens than those who have just been living in the villages. This is what we must be concerned about.

Madam Temporary Speaker, Sen. Obure and I are well-to-do people, but then, what are we doing to enable us sustain what we have for the next 20 years? Business people and those who are wealthy are so selfish that they do not see the future in the right perspective. If you leave your children with Kshs40 billion or whatever it is amongst the poorest people in a village, and expect that they are going to enjoy it, I think that you will be kidding and cheating yourself. If we want to sustain our wealth, which we have somehow gotten rightly or through grabbing or stealing, because in this country, you cannot rule out that--- Therefore, it is very important for us to rethink our strategies. Okay, we mobilized the youth during the last elections in every village, and they were taken very seriously. We said that we wanted a Government that will address issues facing the youth. But now that we are in Government, what infrastructure have we put in place to help these youth? The youth have done their job, but are we doing our job to give what we promised them?

We have to copy other countries like India. India had a lot of problems before 1954. They had a problem of food and they decided unilaterally that 60 per cent of their total budget will be used to improve their agriculture. The youth in India were self-sustained in terms of food because they had made a decision and because there were nationalistic people who were in positions. But today in our country, we are looking for positions just to make money; there is no other thinking! It is a pity that this is going to continue forever. You can only feel you are somebody if you are driving a Mercedes Benz, and your driver has not had food. You still deceive yourself that this will continue; so there is no problem. On the contrary, there are a lot of problems on the way! The constitutional changes gave the youth some hope that, may be, the new Constitution is going to do something for them and they all came out to say it will be done. They still have that hope. But if we cannot do what we promised them in the next 10 or 15 years, you and I will not be in this Chamber. We will be in hiding if we are not going to do

anything. That is a fact. I think it must be clear in our minds that we are dealing with a very serious matter of the people called the “youth.” The youth have been taken as a slogan by all the politicians, who always say “we are going to do this or that for the youth.” The youth have played their part; what about us; have we played our part?

Madam Temporary Speaker, I think time has now come when we need to be ourselves; hon. Obure, myself, Dr. Khalwale and others. Sen. Muthama here is a billionaire and I want to say this; the only way he can survive and the only way his bald head can continue shining the way it is shining is only by taking care of the people around him so that they can protect him. You can only be protected by the people you live with. My father used to tell me that if you have 500 goats, make sure that your neighbours have one, two or three goats. Give them one or two from your own goats because when enemies come, before the enemies get to your goats, those guys will protect their goats and yours too. But here, we are so selfish – I do not know which God we pray to every time we go to church. If you stand by the roadside and watch people coming from church with a holier than thou attitude, they look like very special people until you just laugh at them. They are pretending that they have done a good job, and you know that they are all liars; at least a majority of them!

(Laughter)

So, Madam Temporary Speaker, I think this matter needs to be addressed. I need to control myself.

(Laughter)

But I get very bitter; I have come far, far away from the people and the people have not changed. But I continue changing, earning, enjoying life, but my friends and my brothers are nowhere close to me, yet I still believe that I am doing the right thing. We need to think again; we need to really think. This is not a matter for the Head of State alone; it is our matter, at the Senate. We always say we want to make it a very good beginning; let us push ourselves to make something that can be seen; something that will be a legacy when we leave this House, but not just to copy and keep on thinking about what is happening elsewhere.

Madam Temporary Speaker, nationalism has been destroyed. Without fear of contradiction, I want to say that we have gone through a very difficult period; a period of the last 40 years in which our nationalism was betrayed. The 24 years went down the drain; the ten years almost went down the drain because you ask yourselves what was done in the last ten years? If the new Government is not going to change, what do you expect our people to think? How do you expect them to behave towards the leadership?

Madam Temporary Speaker, as I said earlier, I was not really prepared to speak, but I think our youth need to be--- We have now gone beyond the youth; we are now talking about women. The politicians in this country are very interesting people; they have now jumped from playing the slogan of the youth to playing the slogan of women. Why is that? Because that is where the votes are! It is not because they want to help these

women. It is a very, very sad situation. We just want to be heard that we are now talking for the women; that women are going to do this or that; and you know women, with their very good hearts, they believe it!

(Laughter)

We all know that this is politics being played by our people. You are told “this time, we will give you Kshs1 billion” and it was so interesting for a student like me to watch the last Government, where we had the Coalition Government. Every partner was going in his own direction. If the Kibaki PNU side talks about women, the following day, it was Raila to talk about women. They were competing over the poverty of the people without helping them. I think that was very, very sad! So, women are told that---

Sen. Mugo: On a point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. Ongoro): What is your point of order, Sen. Mugo?

Sen. Mugo: Madam Temporary Speaker, is the Senator in order to mislead this House by saying that the Coalition Government that he was talking about as aiding women was just playing politics, when we know women who benefitted from those billions that he is talking about? It is true and I can affirm that in my constituency; I know many groups and many other areas which benefitted from this program of the Coalition Government. It was not just political talk, and I think the Senator is misleading this House. Can he prove and substantiate that there was no help going to women and even to youth, for that matter?

The Temporary Speaker (Sen. Ongoro): Sen. G.G. Kariuki, are you misleading the House? Can you elaborate your claims?

(Sen. Mugo consulted loudly)

Order, Sen. Mugo! You have been heard; do not be caught out of order yourself.

Sen. G.G. Kariuki: Madam Temporary Speaker, I think my friend, Sen. Mugo, who just came in, maybe she did not follow the beginning of this discussion. I respect what she is saying, that “some women” benefitted; but we are not talking about some women here. We want women in general to be treated the way we are promising them; not bit by bit, because they belong here, they own this country and they do not need to be cheated for us to feel comfortable.

(Applause)

Madam Temporary Speaker, the youth were promised Kshs1 billion and the women were promised Kshs2 billion. I come from a county where most people live in the village; very, very few of them have benefitted, and we want them to be on the front line. Let us see them being helped all the time.

Madam Temporary Speaker, with these few remarks, I thank you very much and I beg to support.

The Temporary Speaker (Sen. Ongoro): Your time is up, Sen. G.G. Kariuki! Sen. Kanainza.

Sen. Kanainza: Madam Temporary Speaker, I thank you for this opportunity. I really appreciate Sen. Elachi for bringing this Motion that touches on the youth. It is a great pity when we look at the youth and the type of life they live out there. As the Senate, we have taken a good step to bring this Motion and discuss it. We want measures to be taken in order to deal with issues affecting the youth. Article 55 of the Constitution talks about the youth and I quote:-

“The State shall take measures including affirmative action---

(Loud consultations)

The Temporary Speaker (Sen. Ongoro): Order, Senators! Sen. Kanainza is on the Floor, can you consult quietly?

Sen. Kanainza: Madam Temporary Speaker, Article 55 of the Constitution talks about the youth and I quote:-

“The State shall take measures including affirmative action programmes to ensure that the youth;

(a) Access relevant education and training---

This is what we are talking about. We are talking about the National Youth Service.

(b) To access employment.”

Every time we talk about unemployment of the youth. This is because measures to engage them in productive work have not been put in place. Very soon, the way we see teachers on the streets demonstrating for their rights, the youths will also steps to demand for the rights that they have been denied and yet it is in the Constitution.

Madam Temporary Speaker, young people who get grade A to C+ are accommodated in the society but you ask yourself what happens to the other young people who are the majority. This is the remaining group that gets C to D-. What happens to the youths who drop out at Standard Eight? If we consider the NYS, I believe they will be accommodated. The Government has not put a lot of consideration to this population; the so called *dot.com* generation. They have been left to live a carefree type of life. After Form Four what happens to you is none of their business. I can remember when I was growing up, after Form Four, our parents and those who were in school at that time went through this system which brought fruitful results. If this thing will be put in place, our youth are going to get knowledge through training. They are going to get skills like homecraft. Right now, we have some young people who cannot sew a button on their clothes because that skill is no longer taught in our academic system. We are going to have masonry skills in building and construction, carpentry, mechanics and electricians and skills in agriculture. If we impact this knowledge to the young people, we will encourage self-employment. So, we shall not be talking about a situation where one must get a white collar job.

Secondly, we shall achieve discipline. Sen. Kajwang has just talked about the boy who saluted him. Actually, that is the discipline that our people will have and which is no more in today's generation. Thirdly, there is the culture or manner of dressing. When we

look at our youths right now, the way they dress, you ask yourself where we are headed to. When you look at what they do, you might think they are in another world. This is because, we, as leaders, have not taken measures to mould this generation to a better child or a better person. Lastly, it is the moral values. What will make this young person relevant and even relate well to the people in this society? I support this Motion because it touches on the future of this child. It touches on the future of the youths and it will depend on the way, we, the leaders of this nation, will mould them.

With those few remarks, I support.

Sen. Mugo: Madam Temporary Speaker, I rise to support this Motion. It is a very important Motion and I want to congratulate the Mover, Sen. Elachi, because it is very timely. As we have always said, the foundation of any nation is its youth. We can never realize sustainable development unless we train and model our youths. Indeed, that is what I believe was in the mind of those who started the NYS. As we know, in many other countries, there is either service in the forces where they trained to protect their countries and in others, there is some kind of service that the young people go through. We can liken this NYS to that service.

At the heart of our needs, even protection is also a big issue. There is definitely the need to feed our nation. When we look around, you will see that we have the manpower, as one of the Senators said, in these youths. We also have plans to irrigate the country and change from depending on rainfed agriculture to irrigation. We should urge the department concerned that in their plans - and this is a continuation because even irrigation has been going on in the previous Governments - they should plan in a way that will enable us to utilize our youths. I do not believe that the Government is in the business of running big corporations. That is why the Government encourages private partnerships. In this private partnership, we must make sure and encourage that our youths are taken care of. If irrigation is happening in a certain county, the youths in that county must be put to work and not to bring others from other areas. Even as we bring the machinery, we must sure make that the youths are given the opportunity to work so that some of this money is left in that county.

In order for these youths to be utilized properly, we, definitely, need to instill discipline and train them and do capacity building. This is where the NYS can give a lot of support especially as the Mover of this Motion proposes, if this will be introduced in all counties. Therefore, I do support introducing this service in all counties so that we prepare the youths to understand the value of work. In the last Government when a policy was made that certain Ministries utilize the youths like the Ministry of Roads, Ministry of Environment and Mineral Resources and so on, in some areas including my former constituency Dagoretti, when they were being hired by the District Commissioners, the District Officers and the Ministry, the youths told me that such work is for their wives. For us, we are not going to do that kind of work. Therefore, there is need to educate and inform this youth that all work is dignified and good as long as it is paying and putting food on the table. The big jobs cannot be operational if the other jobs down here are not done. Therefore, everybody is important in whatever job they do. There are no small and big jobs. All work that is readily available should be done. I want to urge the youth to stop looking at these jobs as small. Even farming in their parents' farms is a good job.

They can grow vegetables, mushrooms and a lot of other things and make a lot of money but they look down upon certain jobs. We cannot afford to do that simply because we are educated. Indeed, quite a few university graduates have now seen the value of farming and they are making a lot of money.

Madam Temporary Speaker, so the NYS is very important in developing the minds of these youth and preparing them for their future. There are many other areas and not just the NYS that can support our youth. There is the Constituencies Development Fund (CDF). In the Act, we passed that certain funds can go to youth programmes and environment where they can be trained to take care of the environment. We still need to plant a lot of trees in order to have enough forest cover and I would also urge – I know the CDF is not in the hands of the Senators – our Members of Parliament to allocate certain amounts of that money to support youth programmes.

We also need sports programmes to occupy our youth. We can also use those funds. I think the Senate has a role to play because they oversee what is happening in the counties with the county money. We should encourage the governors to make sure that there is enough money put aside for youth development. We should not just depend on the NYS and only focus in one particular area. There is a policy to even give contracts to the youth for procurement. We need to conduct courses to introduce the young people to businesses. So, the NYS should relook at their curriculum and see how best they can prepare these young people engage in technical fields so that these policies can be put into use. The Government can come up with very good policies, but we have also to prepare those who are supposed to take up these services.

Madam Temporary Speaker, I know that the women and youth funds worked during the Coalition Government's tenure. It might not have reached everybody, but it reached quite a lot of women. There were areas where it may have been misused or did not reach the right people. It is our job as gatekeepers to also watch those areas. We want to encourage the Government to impart skills to the youth and women groups even when they channel the Kshs6 billion. They should utilize and account for this money so that it can add to the development of this country.

With those remarks, I support.

The Temporary Speaker (Sen. Ongoro): Hon. Senators, it is now 6.05 p.m. and I draw your attention to Standing Order No.33(1), (2) and (3). Sen. Obure had earlier sought leave of the House to discuss an urgent matter of national importance which in the Speaker's opinion qualifies as such and, therefore, we shall now proceed to give Senator Obure the time.

MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.33

CONDOLENCES TO FAMILIES OF VICTIMS OF TRAGIC ROAD ACCIDENT IN KISII COUNTY

Sen. Obure: Thank you very much Madam Temporary Speaker. It was actually Sen. Khaniri who requested the Speaker to allow a Motion of Adjournment, and I

sincerely want to thank him for that initiative. It is a Motion of Adjournment so that Senators can have the opportunity to express their feelings on this tragic road accident which occurred in Kisii County last evening. I also want to thank the Hon. Speaker for acceding to his request.

The accident involved students and their teachers. The students had been selected from various secondary schools in Kitutu Chache North sub-county to represent that sub-county in a sports competition due to have been held today at Nyachogochogo Secondary School in Bobasi sub-county. The accident took place at Nyambunde along Itumbe-Igare-Igembe Road. It is believed that the driver of the bus lost control of the vehicle causing the bus to overturn. At the time of the accident, the bus was carrying 83 passengers comprising of both students and teachers. Eight students and four teachers have since lost their lives. Fourteen critically injured teachers and students were airlifted from Kisii General Hospital to Nairobi for specialized medical attention while 46 are lying in Kisii Level Five Hospital and are receiving medical attention. Eleven have so far been discharged.

The students have lost their lives at a very young age. This loss is not only felt within the families who lost their loved ones, but it is also felt by the entire Kenyan family which has lost promising athletes and citizens. I want to take this opportunity to convey my personal condolences to the families who lost their dear ones and to the relatives of both the families of the students and the teachers; to the school Boards of Governors and to all the residents of Kisii County. I know it is a very difficult time. I want to, in particular, appreciate the work of the medical staff at Kisii Level Five Hospital who have worked round the clock to give the injured the attention they needed. It is particularly important to note that the staff at the Level Five Hospital worked very hard. Even those who were on leave came back to give support on an emergency basis.

I also want to thank residents at the site where the accident occurred because they showed compassion and assisted by providing rescue operations. I want to thank the police at Ogembo who arrived very soon afterwards to guide the rescue operation at the site. I want to thank the national Government for providing an aircraft to transport the 14 critically injured patients. I want to thank the Governor of Kisii County and his deputy who have been available since then to attend to various issues relating to the patients. I also take this opportunity to wish all those who were injured speedy recovery.

In conclusion, I would like to express my personal prayers to the Almighty God to extend grace to the families affected and give them courage and strength at this dark and difficult time.

Madam Temporary Speaker, I beg to move.

Sen. (Dr.) Khalwale: Thank you, Madam Temporary Speaker. On behalf of the people of Kakamega County who are distant cousins of the Abagusii people, in whose county this disaster befell, I want to register my heartfelt condolences to the parents, the entire membership of the families and to the entire leadership of the area led by the distinguished Sen. Chris Obure, hon. Jimmy Angwenyi, the local Member of Parliament and hon. Richard Onyonka, the Member of Parliament for the neighbouring constituency that was recently split.

Children are God's reminder to mankind that the world must go on. The world will never come to an end. As one of the few parents who believe in unlimited sizes of families, I bleed a lot when I see one child die. It is unfortunate that nine little boys died. This is a great loss. These were not ordinary boys and girls. These were children who shared the same deoxyribonucleic acid (DNA) with the great Nyandieka Mayoyo. The great Nyandieka Mayoyo was the first Kenyan to win a medal at the Commonwealth Games. Probably one of these children was a Mayoyo in waiting. They were sharing DNA with Naftali Temo. They were sharing DNA with two great footballers who have graced the soccer scene in this country in the names of Motego and Nyandoro who used to play for Shabana Football Club. He went on to play for the national team, Harambee Stars.

Since we want to give as many Senators as possible a chance to speak on this Motion, I want to conclude by appealing to the President to personally remember that this is a unique tragedy that has hit children who were going for sports because there was no learning going on in their school. Probably, if there was learning going on, this sports day would have been held over the weekend and maybe this disaster would not have taken place as it did.

I would like to appeal to the President that teachers who lost their lives in this accident also find themselves in this unique situation because of the ongoing teachers' strike. Why can the President not use this opportunity to say in honouring the lives of the youth that we lost, all our children should go back to school with immediate effect? The President had a very good opportunity to run away from this white elephant of laptops for Standard One going children. The teachers have created an opportunity for him to run away from that white elephant. He should have said that he really wanted to bring laptops but because of teachers, he will channel the money to teachers' welfare.

Madam Temporary Speaker, finally, I was awoken last night by a Kisii youth called Charles Mogaka. He is actually the one who sent the first text about this message, and I want to take this opportunity to thank him for drawing my attention to this at night. Probably that youth believes that I have a difference that I can make in the course of the national events of this country, and I will never disappoint the youth of this country. We are committed. Whether or not some people will listen, we will keep on pushing them until they appreciate our youth.

My condolences.

Sen. Ong'era: Thank you, Madam Temporary Speaker, for giving me this opportunity to enable me also express my condolences to the victims of the tragic accident that occurred last night at Nyambunde in Bobasi Sub-County.

Madam Temporary Speaker, may I also join the Head of our Delegation, Sen. Chris Obure, in expressing my condolences to the families of all those who lost their dear ones; the nine students and four of our teachers who tragically passed away. I hope that God will comfort and give the necessary fortitude to all these families.

Madam Temporary Speaker, I also would like to thank our county government, led by our dear Governor, Jimmy Ongwae, his deputy and all his officials, for the speedy action that they took last night. In fact, when I was called, I was the first person to call them, so that they could send an ambulance to the site. I also sent a vehicle to support

them. But they took such speedy action that within a span of just 20 minutes, they had already arrived and sent the necessary aid, including security, which has been highlighted by Sen. Obure.

Madam Temporary Speaker, I also would like to thank the national Government, led by the President, for the swift action that they took in airlifting the 14 who were critically injured. This is one of the times that we must rise and have bi-partisan politics in this country, because this is a matter of national interest. It is very tragic and where there is need to commend, we will commend you, Jubilee, when you do something good. But there is a time the Government passed a law that banned night travel by schools. I think that this is a very good law. I want to urge the Cabinet Secretary in charge of Education to consider immediately banning night travel by students. This is very sad because I feel that, perhaps, if they were driving during the day, they could have seen that sharp cliff. Where this accident happened, you have to turn round a very sharp bend. In fact, I suspect that this driver did not know the terrain well. Therefore, I feel that students should not be exposed to night travel. If the Government will take the necessary action, we shall really appreciate.

Madam Temporary Speaker, finally, since this is a matter of national interest, we hope that the Government will help and support the families by paying the funeral expenses and other related costs, so that they can bear the burden of their grief.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Ongoro): Yes, Sen. Kajwang? You have exactly five minutes.

Sen. Kajwang: Madam Temporary Speaker, first of all, I want to send my personal condolences and the condolences of Homa Bay County residents – who are neighbours of Kisii County – we feel the loss as neighbours and as members who come from one region. I want to send my personal condolences to the families and relatives who have suffered this loss. When we talk about young people having accidents, sometimes you do not have very good words to say. You feel pain and sometimes you do not say the right things because, really, they should not die. Most people would wish that their children buried them; most parents wish that they would live and be buried by their children and when it is the opposite, it is very, very painful, especially when it is because of human error. I think most of the accidents that we have registered in this country, especially with school children coming from music festivals or sports, have been registered at night. I want to support what Sen. Ong'era has said, that we should do something about it; that we should not allow school children to travel at the night. Of course, there are other good professionals who travel at night because they are on the road for 24 hours – these are the commercial drivers – but for school children especially to protect them--- I remember President Moi ordering at one time that children will only travel during daylight and if by 6.00 o'clock, you have not reached your destination, you should take your vehicle to the nearest police station. For a long time, we have not heard of this tragedy, but whenever it happens, it usually happens at night.

Madam Temporary Speaker, There is also something which the Government should think about. There was a time when I was still a young man at the University of Nairobi, and this road from Nairobi to Thika used to have accidents almost every day

until the then President ordered that we have a dual carriageway. It was not as beautiful as it is now, but when that dual carriageway was built, I remember there were very few accidents recorded between Nairobi and Thika for a long time and if there were any, they were minor accidents. But at that time, they were always fatal; and most of them were head on collisions because of the narrowness of the road then and the overtaking that goes along with it. I do not know what happens to other drivers; they are so crazy about overtaking and they are in a hurry to get somewhere. Similarly, there were always constant accidents between Nairobi and Limuru until sometime back when that dual carriageway was done, and after that, we have heard of very few accidents. There is something that is good about dual carriageways – whether it comes from Mombasa to Nairobi or from Nairobi to Kisumu, to Busia and on to Malaba – because they just reduce the risk of head on collisions. Head on collisions are one of the most painful things that you are confronted with on a daily basis as you drive on our roads. I wish we will put money in our highways and just expand the capacity so that we can be safe. Every country that wants to develop invests in dual carriageways.

The Temporary Speaker (Sen. Ongoro): Your time is up, Sen. Kajwang.

Sen. Madzayo!

Sen. Madzayo: Bi. Spika wa Muda, asante sana kwa kunipa nafasi hii. Pia mimi ningependa kujumuika na Maseneta wenzangu na Wakenya wengine kuomboleza vifo vya wanafunzi vilivyotokea kule Kisii. Hawa ni baadhi ya wanafunzi ambao wamechaguliwa na wana akili sana. Kama tunavyojua, ukisomesha mwanafunzi umesomesha taifa nzima. Maisha yao yamekatizwa kwa wakati ambao haujafika. Mimi, familia yangu na watu wote wa Kilifi County ningependa kuwapatia pole sana wazazi wa watoto hawa, familia na jamii zote za watu wa Kisii haswa nikizingatia sana Gavana ambaye ni rafiki yangu, Gavana Ongwae. Ninajua ana wakati mgumu sana wakati huu. Pia ningependa kumwambia kwamba aweke juhudi zake za kuweza kusaidia familia zilizokumbwa na vifo hivi. Pia vile vile ndugu yangu Mbunge wa eneo hilo, Mhe. Jimmy Angwenyi, ili aweze kupata nguvu ya kusaidia familia. Sitamsahau pia Seneta wetu ambaye tuko na yeye hapa; Sen. Obure na dada yetu, Sen. Ongera. Najua kwamba ni watu ambao wanaangaliwa kule nyumbani. Kwa hivyo, mimi ningependa kuwatia moyo na kujua kwamba Wakenya wote wanaomboleza.

Pia vile vile tumeona katika hizo harakati, Serikali imeungana pamoja na watu wote wa Kisii kuona ya kwamba kumekuwa na usaidizi wa kutosha kupeleka watoto hao katika shule. Tumesikia na tumeona kwa televisheni kwamba watoto ambao wameumia zaidi wameletwa hospitalini. Tunawaomba Mwenyezi Mungu ili wale ambao wako hai waweze kuepuka hasara hiyo. Wale wazazi ambao waliathirika na vifo hivyo tunawapa pole sana na tunaomba ya kwamba Mwenyezi Mungu aweze kuweka roho zao pahali pema peponi.

Bi Spika wa Muda, la mwisho ni kwamba ni jambo la kusikitisha kuona kwamba mara nyingi hata sisi wenyewe tukiwa katika hali ya usafiri usiku tunashindana na mabasi ambayo yamejaa wanafunzi. Hii ni usiku wa maanane. Ile basi ya wanafunzi huwa inaendeshwa kwa hali ambayo ,sio ya uangalifu. Tunataka, ikiwa itawezekana kuwe na hatua ambayo itazuia mabasi ambayo yamebeba watoto wa shule kutembea baada ya saa

kumi na mbili za jioni. Ikifika saa kumi na mbili basi ambayo imebeba wanafunzi inafaa kusimama na kuenda kwa kituo cha polisi ama mahali popote ambapo wanaweza kupata msaada wa kulala halafu waanze safari yao asubuhi.

Kenya imekumbwa na wakati mgumu hivi sasa kwa sababu hali ya barabara si nzuri, haswa tukizingatia kwamba Kisii ni mahali ambapo kuna milima na mabonde. Barabara zinahitaji kupanuliwa ama wafanye barabara mbili ya kwenda na kurudi. Hii itaweza kuepusha hatari za barabarani. Najiunga pamoja na watu wa Kisii na Wakenya wote kwa ujumla kutoa rambi rambi zangu kwa watu wa Kisii na wale wazazi wote waliopatikana na hasara hii, tunawaomba nguvu na mwenyezi Mungu aweze kuweka roho za wanafunzi na waalimu waliopatikana na hasara ya vifo mahali pema peponi.

Asante.

The Temporary Speaker (Sen. Ogoro): We have one minute. Sen. Elachi, can you give your condolences in one minute?

Sen. Elachi: Asante, Bi. Spika wa Muda. Ningependa kujiunga na wenzangu kutuma rambi rambi zangu kwa niaba pia ya akina mama, ndugu zangu kule Kisii na pia kwa niaba ya Serikali. Ningependa kushukuru Serikali na ninajua kwamba itaendelea kusaidia kama ilivyofanya jana. Jambo la muhimu ni kujiuliza ni kwa nini wakati mwingi sisi huwa tunasahau kwa haraka maswala kama haya yanapofanyika. Ukikumbuka watoto wa Loreto ambao walikuwa wanatoka kule Meru na wapakata ajali, ilibidi wengine wao wafanye mtihani bila mikono na mpaka wa leo ni walemavu. Tunajua kwamba watoto hawa watakuwa walemavu na tunajua kwamba hatuna vile tutaendelea kuwasaidia wanapougua.

The Temporary Speaker (Sen. Ogoro): Your time is up.

Sen. Elachi: Asante, Bi. Spika wa Muda. Ningependa kuambia watu wa Kisii kwamba tuko pamoja nao.

The Temporary Speaker (Sen. Ogoro): Hon. Senators, it is very sad indeed to lose such young children because the future of our nation depends on them. On my own behalf and on behalf of the people of Nairobi County and entire Speaker's Panel, I also condole with the families.

ADJOURNMENT

The Temporary Speaker (Sen. Ogoro): Hon. Senators, it is now time for interruption of business. The House stands adjourned until Tuesday, 16th July, 2013 at 2.30 p.m.

The Senate rose at 6.30 p.m.