

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 3<sup>rd</sup> October 2018

The House met at 9.30 a.m.

*[The Deputy Speaker (Hon. Moses Cheboi) in the Chair]*

PRAYERS

QUORUM

**Hon. Deputy Speaker:** Order, Members. We do not seem to have the required number. Therefore, I order the bell to be rung for 10 minutes.

*(The Quorum Bell was rung)*

Order Members. We now have the quorum and, therefore, we will start business. Order, Hon. Kositany. Take your seat.

What is it, Hon. Iringo?

**Hon. Kubai Iringo** (Igembe Central, JP): Thank you, Hon. Deputy Speaker. We do not have the Order Paper, so we do not know the Orders being read.

**Hon. Deputy Speaker:** Really?

**Hon. Kubai Iringo** (Igembe Central, JP): Yes, nobody has the Order Paper. So, we cannot follow what is happening.

**Hon. Deputy Speaker:** That will be supplied quickly. But we will proceed anyway. I can see some Members have them.

## ORAL QUESTIONS

**Hon. Deputy Speaker:** Order, Hon. Members. In this new dispensation of Questions, we will have Hon. Robert Mbui, Member for Kathiani.

*Question No.08/2018*

### POLICY ON ADMINISTRATION AND FUNDING OF INTERNAL EXAMINATIONS IN PUBLIC SCHOOLS

**Hon. Robert Mbui** (Kathiani, WDM-K) asked the Cabinet Secretary for Education, Science and Technology whether he could explain the policy regarding administration of and funding of internal examinations in public schools and provide the total capitation per student on internal examinations in both primary and secondary schools.

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**Hon. Deputy Speaker:** Very well. That one obviously goes to the Departmental Committee on Education and Research. The question will be replied by that particular Committee.

Next is the Hon. Member for Homa Bay Town Constituency. Hon. Kaluma.

*Question No. 09/2018*

INFORMATION ON GOVERNMENT-TO-GOVERNMENT SCHOLARSHIPS

**Hon. Peter Kaluma** (Homa Bay Town, ODM) asked the Cabinet Secretary for Education:

(a) If she could indicate the number of Government-to-Government scholarships that have been granted to the Government of Kenya by other governments since 2013;

(b) to provide a detailed list of beneficiaries of the said scholarships from 2013 to date and the criteria for identification of the beneficiaries; and

(c) to provide a list of the governments that have granted the said scholarships.

**Hon. Deputy Speaker:** I must guide Members especially Hon. Kaluma himself. I understand that this is fairly new to you because you were not there when the last Question Time was practised in the 10<sup>th</sup> Parliament. You indicate as (a), (b), and (c) because if you say: (1) (2) and (3), it would look like they are three different questions and yet this is one question with specific details.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): It is one question and what I am emphasising is that we have so many opportunities some of which we are not even taken and so we want the audit as MPs representing the people. That way, we stand to secure all the opportunities. I thank you for the guidance.

**Hon. Deputy Speaker:** Noted. That goes to the Departmental Committee on Education and Research and it will be answered in that particular Committee.

Next is the Hon. Member for Busia, Hon. (Ms.) Mutua.

*Question No. 10/2018*

MEASURES TO ENSURE COMPLIANCE TO THE  
NATIONAL TRANSPORT AND SAFETY AUTHORITY REGULATIONS

**Hon. (Ms.) Florence Mutua** (Busia CWR, ODM) asked the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development to outline the measures put in place to ensure strict compliance to the National Transport and Safety Authority (Operation of Commercial Vehicles) Regulations (2008) with regard to the provision that a carrier shall ensure that a commercial vehicle is operated by two (2) drivers where the vehicle is to be driven for a distance of more than five hundred (500) kilometers, or where it is to be driven for more than eight (8) hours; and that a driver of a commercial vehicle shall rest for a period of at least one (1) hour for each period of continuous driving of four (4) hours.

**Hon. Deputy Speaker:** Very well. That will be replied before the Departmental Committee on Transport, Public Works and Housing. The next one is Hon. Caleb Kositany. I hope the Members can now be supplied quickly with the Order Paper because I can see there are a number of Members who have problems with that.

*Question No. 11/2018*

## ROLE OF TRAFFIC POLICE IN ENFORCEMENT OF TRAFFIC LAWS

**Hon. Caleb Kositany** (Soy, JP) asked the Cabinet Secretary for Interior and Co-ordination of National Government:

(a) whether he could provide the total number of gazetted and non-gazetted police road blocks across the country;

(b) to outline why non-gazetted police roadblocks are allowed to operate; and,

(c) specify the role of traffic police with regard to enforcement of traffic laws, rules and regulations and the expected conduct of traffic officers while on duty, when dealing with motorists, and traffic offenders.

**Hon. Deputy Speaker:** Very well. That goes to the Departmental Committee on Administration and national Security and it will be answered and replied to by that Committee. Next is the Member for Kajiado Central. Hon. Memusi.

*Question No.12/2018*

## CONSERVATION AND PROTECTION OF MAU WATER TOWER

**Hon. Deputy Speaker:** In the absence of the Member, the Question is dropped.

*(Question dropped)*

Next is the Member for Moyale Constituency, Hon. Qalicha Wario.

*Question No.13/2018*

## STATUS OF PAYMENT FOR LIVESTOCK SUPPLIED TO KENYA MEAT COMMISSION

The Member is absent and so the question is dropped.

*(Question dropped)*

**Hon. Deputy Speaker:** Let us have the Member for Mumias East Constituency Hon. Washiali.

*Question No. 14 /2018*

## POLICY FRAMEWORK GUIDING LICENSING OF SUGAR IMPORTATION

**Hon. Benjamin Washiali** (Mumias East, JP) asked the Cabinet Secretary for Treasury and National Planning if he could explain the policy framework that guides licensing of sugar importation in Kenya.

**Hon. Deputy Speaker:** Very well. That one will be replied before the Committee on Finance and National Planning.

That marks the end of that particular Order.

Next Order.

## BILL

### *Second Reading*

#### THE CONSTITUTION OF KENYA (AMENDMENT) (No.2) BILL

*(Hon. (Dr.) Chris Wamalwa on 29.8.2018)*

*(Resumption of Debate interrupted on 29.8.2018)*

**Hon. Deputy Speaker:** Very well, I am informed that Hon. Jimmy Angwenyi had a balance of four minutes. If he is in the House and is willing to finalise his minutes, he has the Floor. Since he is not in, we will give the next Member who is interested to contribute to this one and that would be Hon. (Prof.) Oduol Odhiambo. Were you interested in speaking to this one or were you were waiting for something else?

**Hon. (Prof.) Jacqueline Oduol** (Nominated, ODM): On something else.

**Hon. Deputy Speaker:** Well, then we will have Hon. Martin Owino, Member for Ndhiwa. You also wanted to contribute on something else? I will not give Hon. Wamalwa because he is the one prosecuting this particular one. We will go to Hon. Tom Oluoch.

**Hon. Tom Odege** (Nyatike, ODM): Hon. Deputy Speaker. I am waiting for my Motion, which is next.

**Hon. Deputy Speaker:** Let us have Hon. Kaluma.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Kaluma, you do not need to solicit for these things because you were fourth on the line and you have been given the opportunity. So, you did not have to come here unless you were to pay a courtesy call which is not done here. It is done in offices.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Thank you, Hon. Deputy Speaker. I did not know that the system is that efficient.

I did dissent before the Departmental Committee on Justice and Legal Affairs. I therefore oppose this Bill. This Bill proposes that we move the election date from August to December as it was before. My opposition is based on the ground that there is no good reason in the memorandum that would justify our changing the election date from the current August to December. The process of setting the election date in Kenya was a very rigorous process during the constitution-making process. We would remember that there was a committee that was in charge of this process. The House will also remember that before the new Constitution, most of our general elections, except the snap elections, were conducted in December. A suggestion has been given that we should hold them in December since it is during school holidays. However,

that is still the case with August because it is also during holidays. Just in the same way after December, schools open in January. Schools are also targeted to open in September according to our schools' calendar. There will be no major movement done.

The thinking, as to why we hold our elections in August, if we would dare or care to look at the Bomas materials, is that we wanted the election cycle to end within the year of election. We were contemplating a situation whereby, if we had elections in August and subsequently have disputes around elections, we looked at settling the nation by December. So, as we begin our societal life the following year, we would proceed smoothly. This will be jolted fundamentally because we just experienced this last year.

I want the Members to remember what happened with the several disputes we had including the fresh elections in October, which, if there were any challenges, would have gone to December. That was the wisdom of it. If we had elections in December, it would have meant that as a nation, we would have settled in the month of May of the following year after elections. That would have fundamentally disorganised that year. Some people have mentioned that there are cultural issues which would make it better for us to conduct elections in December.

I was part of the team which went across the country collecting these issues. For instance, if you go to western Kenya, they have the circumcision ceremony which is a cultural right essential for that part of the society during that month as they will tell you. Also, if you go to the Rift Valley, they will tell you that the best month for holding the circumcision ceremony in western Kenya is...

**Hon. Deputy Speaker:** Hon. Kaluma, do not spend too much time on circumcision, proceed.

*(Laughter)*

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Deputy Speaker, I know why you are intervening. As you know, the Luos had their initiation of knocking out the six lower teeth. I do not want to disclose those things, but in our Luo culture, we do not circumcise as a right of passage. We do it for good reasons as intellectuals and sharp people. So, do not worry about my culture because I am over that matter.

If you look at the conveniences of the societies across the country, some will tell you that they have certain important cultural rites during certain periods. In the same case, if you go to the Rift Valley, they will tell you that the months others prefer are the ones they are very busy harvesting their grains and crops. Therefore, the issues of these sectional conveniences of the societies alone are a matter that was treated at Bomas, least we forget. This is not a matter which should lead us to changing the elections date.

Looking at another reason given in the memorandum for debate is the budget cycle. When you make a Constitution and settle a matter within it, it is cast on stone. It is those other programmes which need to be reorganised in the statutes. For instance, if our Budget is interfered with because of elections being held on a Tuesday in the second week of August, we need to reorganise our budgeting process so that our fiscal year ends in July or August each year, including the year of elections. There has been substantial re-orientation and reorganisation of our budget cycle in line with this. I am opposing this Bill because we should not have a situation whereby a Member can propose an amendment which he thinks can be passed by this House.

There is a fundamental constitutional issue which we need to interrogate around this Bill. The House must ask whether by moving the election date to December it will be beneficial. In

fact, for us who lost some months in the last Parliament, this will compensate. This should not be the only reason for supporting this Bill. This issue, to me is very simple. By moving the election date to December by dint of this constitutional amendment proposed on the Floor, is it not real that we are going to interfere with the term of office of the President? Remember the term of office of the President is tied to the term of office of Members of Parliament. In fact, they walk together.

If we are going to alter the term of office of the President, then, is this then a matter we can legislate a constitutional amendment without a referendum? I know in terms of initiation, it can be done, but we need to alert the Mover of the Bill that even if we pass it, this is a matter that subsequent to this parliamentary process will automatically go for a referendum under the relevant provisions which are clear. We are going to extend the term of office of both the President and Parliament and this is a matter the Constitution requires a referendum over.

Hon. Deputy Speaker, with all those comments, I thank you and urge Members to oppose this Bill. The setting of election date in the Bomas process, and those who attended like Hon. Maanzo and Hon. Otiende Amollo will tell you, was a very serious matter. Lastly, there is the major issue as to why we settled for August. For urban populations in the country, we have a situation where in December they move to their upcountry homes. For instance, if you are a resident of Nairobi, other people elect for you the representative you will be returning from upcountry to live under. We were contemplating a situation where people take elections seriously and participate to be served by leaders they elect. Not that they go somewhere, impose a leader and then go and live under a leader also elected by people in an election they did not participate in.

Thank you, Hon. Deputy Speaker, I oppose this Bill.

**Hon. Deputy Speaker:** Unfortunately, in my list, I do not see Members to my right in the top 10 for reasons I cannot explain. Therefore, it forces me to continue giving Members to my left. The 10<sup>th</sup> person is Hon. Gikaria and the top is Hon. Maanzo. So, I am at a loss whether to go to the 10<sup>th</sup> person. Even if I want to balance, you must also balance in terms of inserting your cards. I will give a chance to Hon. Maanzo and then take the 10<sup>th</sup> person on the other side. Hon. Maanzo, Hon. Kaluma has said you were in Bomas, I cannot remember anybody else saying he saw you, but for Hon. Otiende, I agree. Proceed.

**Hon. Daniel Maanzo (Makueni, WDM-K):** Thank you, Hon. Deputy Speaker for giving me an opportunity to contribute to this very important constitutional matter which also came in the last Parliament and had a lot of support back then because it was very important. One of the issues raised in the memorandum is the budgetary cycle. Initially, there were challenges, but I believe we are now able to make our budgets and get concurrence on dates for presentation within East Africa, Kenya being a Member of the East African Community (EAC). Secondly, on the matter of whether to interfere with school holidays in August or December, the date was fixed as 8<sup>th</sup> August or thereabout. If elections were to go smoothly, it means students would be back to school by September. Therefore, that particular reason does not get explained in this situation.

The other reason given in the memorandum is the issue of whether this matter, constitutionally can now be handled by Parliament although Article 101 of the Constitution talks of the fifth year.

*(Loud consultations)*

**Hon. Deputy Speaker:** Order, Hon. Members! There are very loud consultations. Hon. Nyasuna on the other side, even if you are to laugh, you must laugh in a parliamentary manner or a parliamentary laughter.

Proceed. Let us listen to Hon. Maanzo.

**Hon. Daniel Maanzo** (Makueni, WDM-K): Thank you, Hon. Deputy Speaker. The interpretation that this expands the term of the President or the President's days or years in office is plausible. The truth of the matter is that Parliament is a House of debate. This matter has already been approved for debate. We are debating it and eventually a vote will be taken by this House and in that particular vote, the date will either be changed or fail to be changed.

However, fundamentally, Kenya is looking at a lot of other issues in the Constitution. Most probably, it could be good if as a House - and because it is part of our responsibility - we could frame quite a number of issues for referendum because now is the time to audit the Constitution after 10 years of serving the country. I believe even if this particular Bill does not go through, there is still that other chance of a referendum and the responsibility of making the Constitution is by the people of the Republic and the people will decide whether they are happy with August or December. The people of Kenya still have that particular opportunity should we not go through with this Bill. So, in the two occasions, Kenyans do not lose. I believe Hon. Wamalwa is bringing this Motion on behalf of Kenyans and Kenyans still also have an opportunity to decide this particular matter in a referendum.

I want to state that we have several matters now which may be immature for referendum questions. Still this House will decide whether Kenya is proceeding to referendum or not. Again, it is a House which plays an integral part in determining whether a constitutional amendment is going to be done through referendum or the schedules within the House.

Therefore, I want to say that it is a heavy matter. Members are open to debate including myself and so far, we have already gone through one August election. Kenyans are familiar with the challenges we went through although finally they were settled. It is a decision which can either be made by this House or by the Republic through a referendum by the people. It is an open matter which is subject to debate and to voting. I thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** I will give the Floor to Hon. Gikaria even if he is way low on the list, for purposes of balancing.

**Hon. David Gikaria** (Nakuru Town East, JP): Thank you, Hon. Deputy Speaker, for giving me this opportunity. It is a little bit difficult to say whether I support or oppose this Bill. The critical part of this Bill is to ask ourselves whether constitutionally it is going to affect the term of office of the President. In the 11<sup>th</sup> Parliament, Hon. David Ochieng' had brought a very substantive Motion on this matter related to the same facts that Hon. Kaluma has alluded to. He had a varied reason for us to push the election date from August to December. But the Constitution is very clear that our general elections will be held on the second Tuesday of August in the fifth year. It is important for us to look at what Hon. Chris Wamalwa was saying in relation to the change of the elections date.

Article 255 of our Constitution talks about amendment to the Constitution. Article 255(1) reads:

"A proposed amendment to this Constitution shall be enacted in accordance with Article 256 or 257, and approved in accordance with clause (2) by a referendum, if the amendment relates to any of the following matters..."

I do not want to read all of them, but I will go specifically to Article 255(1)(f), which says:

“the term of office of the President...”

If, indeed, we are to change the elections date, the conversation is that maybe we also need to get some advice from the Supreme Court. Our elections were supposed to have been held on 8<sup>th</sup> August 2017. Unfortunately, because of a repeat election, it was pushed to 26<sup>th</sup> of October. It means that if we push our elections to December, then we will have exceeded the term of office of the President by almost a month or two months if the elections are going to be held in December 2022. I wish Hon. Wamalwa was here. We can check the HANSARD unless he was saying that we do the elections in December 2021. That would make some sense because it will not be moving the term of office of the President. If, indeed, the HANSARD shows that he said that it should be pushed to December 2022, then I think we will just be debating in vain. People will go to court irrespective of what we have passed. It is not once or twice that we have sat in this House and passed some legislation which members of the public have gone to court to challenge and those legislations have been termed unconstitutional.

So, it will only be fair for us to look at the Constitution and respect it. If we start going against the Constitution... Of course, I know Hon. Chris Wamalwa was not doing this for purposes of us earning a few months' salary. I think he was genuine in his concern. Hon. David Ochieng's made submissions in the 11<sup>th</sup> Parliament and he expounded. It was true that others were not only about circumcision, as Hon. Kaluma was saying. Others were saying this is harvesting time. The nomads or the people who move from one place to another said that normally this is a very dry period and they are not in their respective areas. I know Hon. Chris Wamalwa must have given very valid reasons. But for the purposes of the Constitution, under Article 256, for us to sit here, we will be doing an amendment by parliamentary initiative. This is another question that we have always been asking. Are we doing an amendment through a Motion by Hon. Chris Wamalwa? Is it a Motion of Parliament or is it an amendment by parliamentary initiative? Again, this is something that we need to ask ourselves. It is not right for us as Members to be amending a Constitution through just a normal procedural Motion. It is not right. I think we need to take our Constitution seriously. Let us not use this House to amend the Constitution through Motions. I thought Hon. Chris Wamalwa should have dealt with Article 256 of the Constitution. If you want to amend the Constitution through parliamentary initiative, the process and requirements are very clear in our Constitution. It is not that I do not support what Hon. Chris Wamalwa was saying. It is important for Parliament not to speak and debate in vain so that as we approve and pass Motions on this Floor, at the end of the day, those Motions or whatever we are doing in Parliament will see the light of the day.

It is important, as we talk of a referendum, to see whether it is okay to have a referendum that will be voted for by Kenyans. Could we pick what Hon. Chris Wamalwa has indicated here as part of the question that will be in that referendum? It is not easy. The debate out there in the public is ripe. People are saying that the wage bill is high and we need to reduce representation. It is the same members of the public who said that they wanted representation closer to them. That is why we introduced devolution. That is why we have constituencies and wards. This is another aspect that we need to look at. If we will, indeed, have a referendum, this is a question that Hon. Chris Wamalwa needs to table in this House in future so that we can consider it. Article 255(2) of the Constitution on amendment of the Constitution states:

“A proposed amendment shall be approved by a referendum under Clause (1) if—

(a) at least twenty per cent of the registered voters in each of at least half of the counties vote in the referendum; and,



(b) the amendment is supported by a simple majority of the citizens voting in the referendum”.

That is very important.

However, this country is going through a very trying moment. Every single coin that is spent in this country should go to very meaningful development initiatives. Pumping in an additional Kshs20 billion or Kshs30 billion for us to hold a referendum while we consider, among other things, having positions for fewer individuals, is something that we need to look into as a country. It is not fair for us to have a referendum, spend so much money and do not achieve its purpose. The purpose is to only have a few seats for a few individuals. That is not what we want. People are saying *punda amechoka*. Some Members are not being sincere. Members need to go back and see why we amended our Constitution in 2010.

Is it also right for us to amend our Constitution just because it will benefit a few people after 10 or 15 years? The amendment of the Constitution needs to be for the benefit of the people.

**Hon. Deputy Speaker:** Your time is over, Hon. Gikaria. I will give an opportunity to the Member for Kangundo, Hon. Muli Fabian.

**Hon. Fabian Muli** (Kangundo, Muungano): Thank you, Hon. Deputy Speaker. I rise to support this Bill.

Elections in this country are very important, not only for the people living within the jurisdiction of this country, but also those living abroad. It is true that the date set for elections in the Constitution is August, but this date raised a lot of questions. I urge Members to not only debate what the Constitution says, but to come up with solutions. It is true that the Constitution might raise factual points with regard to the law, but that law might not be serving the purpose of the community. It might not be serving the purpose and direction of this country. I do not support a referendum, but I cannot support something which will not serve the purpose of citizens.

In the culture and tradition of this country, elections are a major celebration. The country is normally set for celebrations in December. Currently, elections that happen in August really disrupt the education system in this country. We are looking for turnout in elections. We want every citizen to have a conducive environment and ample time to prepare to vote. We have to ask ourselves what time our people normally approach their constituencies and wards. That time is in December.

Our budget is passed in June. You cannot pass the budget and then hold elections in two months. We have to consider all the factors. Even if the Constitution says that we extend the date and term to go to a referendum, that does not mean that those dates stay intact because we will go to a referendum. This Bill has already found its way to this House. Because it has found its way to the House, we have to interpret the Constitution in the best way possible.

There are people who said that there are normally petitions after elections. A petition is a judicial question. A judicial question cannot be waylaid by public issues. You cannot say that we should hold elections in August so that we can handle those petitions. Holding elections in December will not affect the time for handling petitions.

Also, the issue that you cannot approach another year because you had elections in December is not a point. We need to give our people enough time for elections. I do not support the referendum, but I support holding elections in December.

**Hon. Deputy Speaker:** I am trying to balance. Let us have Hon. Koyi Waluke.

**Hon. John Waluke** (Sirisia, JP): Thank you, Hon. Deputy Speaker for giving me a chance to contribute to this debate.

Amendment to the Constitution is very important to this country. As Members of this House, we need to consider moving the general elections date either from August to December or leaving it in August as the Constitution says. Holding general elections in August affects the school calendar because when we hold elections, there is interference. I propose that we consider moving this date to December when people are relaxed. Kenyans are used to holding general elections in December. In December, there is no interference because people go to parties and enjoy visiting other people and seeing their relatives. That time can suit this country for holding elections. There are so many things which Members of Parliament consider, especially our children. We consider them more important than anything else. We need to pass this proposal to move the election date to December.

I support this Bill, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Okay. Let us have Hon. Makali Mulu, Member for Kitui Central.

**Hon. Makali Mulu** (Kitui Central, WDM-K): Thank you, Hon. Deputy Speaker, for giving me the chance to add my voice to this important debate. I am not convinced that I should support this Bill and I have five points why I oppose it.

The first point comes from what we went through to come up with the 2010 Constitution. The process was very consultative. Very many Kenyans from all walks of life like religious leaders, serious lawyers like you and professionals like me added their voices to the debate on the Constitution of Kenya, 2010. We all agreed that we hold our elections on the second Tuesday of August in the fifth year. We need to agree that there were a few people who were still pushing for the elections to be held in December. However, the majority said that August is the best time. It is very clear that democracy demands that the majority will have their way and the minority will be listened to. Since we got this new election date, we have only managed to hold elections once which were in August last year. We held elections nine times in December under the old Constitution. So, I do not know what the hurry is for. Hon. Chris needs to tell us what is really pushing him because we have only gone through this process once under the Constitution of Kenya, 2010. Holding elections once is not good enough to start saying that we need to change the date.

The second point is the history of the Budget. Members have talked about it. You realise that the 11<sup>th</sup> Parliament passed the Budget last year and at the same time, we held our elections. If we did not have another election after the main one at the presidential level, we would not have had any problems. Unless Hon. Wamalwa is telling us that during the next election we will still go through the same process again, I am not convinced that this is the time to change this clause.

The third point is what Hon. Kaluma has said. By changing this date, we might say no or yes. The truth of the matter is that we will extend the term of the President by three or four months. The Constitution is very clear that once you do that, then you have to go for a referendum. We cannot pretend that we are not aware of that fact. We are saying that we want to subject Kenyans to a referendum on the basis of the date of the election. I do not think that is the way to go. Some Members are saying that August is normally a circumcision month. Even in Ukambani, we have our own things which we do in August, which I do not want to mention. If we were to go in terms of traditions, we would not help this country. So, it is important to come up with things which will help the nation, but not talk about our traditions which are small things. We are all in cocoons of traditions and you know what we do.

There is also the issue of the school calendar. August and December are school holidays. Kenyans were really clear that so long as elections are held when schools are closed, it will be

okay. I also believe that even if we talk about holding the elections in April, it would still be okay because schools will be closed. So, let us allow the new date to be practised for about three or four times. We are in the 12<sup>th</sup> Parliament. By the time we will have the 17<sup>th</sup> or 18<sup>th</sup> Parliament, we will talk about this date because we will have gone through the process many times and we will see whether it makes or does not make sense to change the date. I am not convinced that we need to go that way now. It is important to allow the school calendar to continue the way it is.

The other issue is where we are saying that December is time for holidays. There are some Kenyans, although they may not be very many, who plan their holidays for a whole year. They agree that they would go to a certain place for holidays in December. When we change the election date to the third Monday of December, that is almost when you are approaching Christmas. Christmas is very important to those of us who are Christians. That is the time our saviour was born. I want to be free to worship and do all the things I do in December without interruption. We all know that elections are very interruptive in terms of our own social lives. It is important that we hold them in August when there are no many activities.

I have said many times in this House that if it were possible, I would want us to make voting a mandatory exercise, so that every Kenyan must be pushed or coerced to vote. It is a democratic right. With that in mind, I am not convinced that people will not be able to travel to their rural areas to vote. It is very clear that if I cannot go to Kitui to vote, I can vote in Nairobi. We have Hon. Members like Hon. Mawathe whom I can vote for or Hon. Oluoch who is about to move a Motion here. If I do not want to travel, I can easily register in Nairobi and vote for one of the Members in Nairobi. I am not convinced that the reasons Hon. Wamalwa gave to this House will make me vote yes for this Bill.

With those few remarks, I will be among the Members who will oppose this Bill. I know that very many Members will oppose it. I want to urge them to oppose the Bill, so that as we move to the future, we stick to the elections date of the second Tuesday of August in the fifth year.

With those remarks, I oppose the Bill. Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Very well. Let us have Hon. Kirima Nguchine, Member for Central Imenti. He is absent. Hon. Nguna Ngusya.

**Hon. Charles Nguna** (Mwingi West, WDM-K): Thank you, Hon. Deputy Speaker, for giving me this opportunity to contribute. I would like to extend my appreciation to Hon. Chris for bringing this Bill. However, I rise to oppose it based on the reasons that I will give. I will be very brief because I do not want to repeat what other Members have already said.

We held elections last year in a month which was very convenient. I am struggling to see the reasons Hon. Chris brought this kind of Bill. We struggled so much to come up with the Constitution which we all generally accepted. Hon. Chris Wamalwa is proposing that we hold elections in December. There is time for everything. We need to have time with our families. Our teachers also need to rest after every education calendar. Christmas is a festive season. There is no need to struggle to hold elections.

Two, there are heavy rains in December mostly in Ukambani. This gives me the reason that we should not hold elections during that time. Schools prepare for exams. If you do not hold elections early, our candidates in schools will struggle to prepare for exams. I oppose this Bill. The Budget cycle was practical when it was held last year. There was no issue of the Budget being affected. I would like to request Members to oppose this Bill.

Hon. Deputy Speaker, I know the cost implication of a referendum. We are struggling economically to foot some of our development agenda. So, holding a referendum to change this date will have a massive implication on our Budget. That is why I oppose the Bill and request Members to oppose it.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Bunyasi John, Member for Nambale.

**Hon. Sakwa Bunyasi** (Nambale, ANC): Thank you, Hon. Deputy Speaker. I am inclined to oppose this Bill, much as I respect the views that have been given by Hon. Chris Wamalwa and the contributions of my colleagues to the contrary.

My first reason is a matter of principle. We passed a Constitution not too long ago. I really would have liked it to stay without us meddling with it for 10 years or more. We should adjust ourselves to fit in the Constitution and not adjust it to fit to our preferences. We have such diverse views, perhaps, all valid and we cannot depend on who has the majority to keep changing it on the basis that the majority would have their way. The Constitution should bind us and if we do so, and as we change our individual and collective habits to conform with the Constitution, we will learn to accommodate each other because we negotiate our way through life to conform to the provisions of the Constitution.

Interference of the school calendar works equally unfavourably and it does not matter which month you take. The intensive election cycle is about three months although we tend to campaign for five years. The longest holiday is two months. So, whatever two months we take, there is going to be an extra month to interfere with the school calendar. When we do it in August, we would have been campaigning in June and July. When we do it in December, the exams are finished at the end of November. It means that at the height of our campaigns we shall be making noise beating drums when students are doing their exams. I do not see December in respect of the school calendar as being any better than August. There is some interference that will occur in August and there will be time for recovery for the students before they do their exams in the beginning of November.

We have a whole range of customs. In my part of the world August is a festive month. I am sure we are going to learn to conduct our rituals without drama. We should stick with the election calendar. Over time, the cultural dimension will adjust with the times. Already many people have adjusted to the times.

I strongly feel that if we learnt to obey and live under the Constitution, we will find no difficulty staying with it for at least five to six election cycles and see what we need to do. The House will then see what to do at that time.

With those few remarks, many points have already been raised, I wish to disagree. I oppose the Bill.

**Hon. Deputy Speaker:** Hon. Mbui Robert.

**Hon. Robert Mbui** (Kathiani, WDM-K): Thank you Hon. Deputy Speaker for this opportunity to also contribute on this important Bill to amend the Constitution to change the dates of elections in the country.

The most important thing to ask ourselves is where we are. Apparently, the Bill was proposed by Hon. Chris Wamalwa and it was forwarded to the relevant Committee which carried out public participation. Apparently, 80 per cent of Kenyans from the 47 counties believe that the date we have in our Constitution is not good and they propose to change it to December. During public participation, major stakeholders like the Kenya National Examinations Council, the

Kenya National Union of Teachers, Kenya Union of Post Primary Education Teachers (KUPPET) and others were of the opinion that it makes sense to change the date.

I support the Bill on the basis that we have to learn to listen to our people because we are here to represent them. If they seem to believe that one date is better than another, then it is our responsibility to support them. Previously, I was opposed to the change of the election date. It was brought in the 11<sup>th</sup> Parliament by Hon. David Ochieng'. I was one of the very few Members of this House that opposed it. We almost reached the threshold of two-thirds majority. We missed it by six people. I was one of the six that opposed it. However, I am now born again having sat very close to my colleague and having listened to him, it is important that we do what is right for Kenyans.

I have heard arguments from our colleagues saying that August date is bad because we have bad roads because of heavy rains during that month. The solution to that is not to fight the date but to deal with the roads. That is why we are here. We pass budgets to fix the roads so that we can operate throughout the year. We cannot say that we cannot hold an election at a certain time because our roads are not good. We have heard an argument that it is unconstitutional. I believe that for the Bill to be presented to this House, the people in the legal office must have studied it and figured out that it is possible for it to be presented for debate. There is no way a Bill can find its way here when it is unconstitutional. So, when we stand as Members and say it affects the dates of election of the President and therefore it is unconstitutional, then we are accusing our legal advisers in the office for allowing debate of a Bill that is unconstitutional. I believe the Bill has been thought through and it is legal and fair for us to discuss. When we pass it with two-thirds of Members, we will achieve our intentions.

When the Constitution was passed in 2010, some people said that 20 per cent of it is bad. This is one of those few things. There is a lot of talk about a referendum in the offing. Instead of putting a thousand questions in a referendum, let us remove those basic ones like this one on dates. Let us deal with it as a House and change the dates so that the number of questions in that referendum are reduced. The more questions we have the more reason people will find an opportunity to oppose it and then we have a bigger fight out there. So, let us reduce some of the basic things: those we can change as a House. Before we go to the major things, let us change others and this is one of them.

The calendar begins in January and ends in December. It will be very perfect for us to have an election in December and then start our term in January and finish five years later in December and the next cycle starts in January and ends in December. It would look very natural and nice. However, when we finish a term in the middle of the year, there are several things that will not work out. One, of course, it has been said over and over by Members, is the school calendar. There are arguments that the school calendar will not be highly affected when we put the dates in December. The truth is that the Kenya National Examinations Council, KNUT, KUPPET and all the stakeholders in education have said that the date should be changed to December as opposed to August and I am compelled to agree with them. On the school cycle, the professionals have spoken and they also believe the date in December is better.

On the budgetary cycle, we have to read our Budget together with our partner states within the East African Community. It is important to note that there is a date specified in law within the East African Community countries. The Budget is supposed to be read at the same time. It is, in my opinion, a very nasty time for this Assembly when all of us are looking at an election in June, July and August as we are looking at the Budget. It is very complicated. It is easier to push the elections so that by the time we are dealing with the Budget, listening to the

Cabinet Secretary and addressing issues to do with it, we are not at the same time figuring out how we will get re-elected or vie for other offices.

I support this change.

Finally, let me say something about the availability of voters where I come from. I want to be very honest. My constituency is close to the city. Unfortunately, if you have elections in August, not everybody finds their way back home because it is a time when most people are still at work, but when you push it to December and the period specified which is third week of December, most people have taken leave and most organisations have closed office for purposes of people to go and celebrate Christmas. That is the time when our people are at home. That is the time when the number of voters is higher. But if you do it in August, there are many people who will not even manage to get back home so their votes will be lost because they will be in the city while the elections will be going on. I support and I wish that we could raise the two-thirds requisite and help Kenyans by reducing the questions in the referendum coming up.

Thank you.

**Hon. Deputy Speaker:** Before I give the next speaker, let me recognise, in the Public Gallery, committee members of National Government Constituencies Development Fund (NG-CDF) from Kwanza Constituency and Endebess Constituency of Trans Nzoia. I see the Member for Endebess here. Previously, I had also seen the Member for Kwanza. Let me give the chance to Hon. Okuome Adipo, Member for Karachuonyo.

**Hon. Adipo Okuome** (Karachuonyo, ODM): Thank you, Hon. Deputy Speaker, for giving me a chance to say a word on this change of date. It is common knowledge that Kenyans are making effort to have the Constitution changed. Whether this will happen or not, we leave it to Kenyans to decide. Because of this, we should think of changing the Constitution at that time. There is no need for piecemeal changes to the Constitution because if we start changing it this way, how many times are we going to change this? I am saying this being aware that the change from August will affect the presidential tenure. Therefore, the referendum will be a necessity. I would urge the Mover of the Motion to think of this carefully so that we move together towards changing this Constitution. After all, by the time the 2010 Constitution was being discussed, it was agreed that 20 per cent of it was not quite satisfactory. Many people were still unhappy with that. If that was accepted, it would indicate and it actually acknowledges the fact that we should change the Constitution, at least, to an extent acceptable to all of us. This is why I am saying we should not be too much in a hurry and probably complicate the change at the time we need it.

This is my concern and I thank you for giving me an opportunity to say this.

Thank you.

**Hon. Deputy Speaker:** Let me give this chance to Hon. Dido Rasso.

**Hon. Ali Rasso** (Saku, JP): Thank you, Hon. Deputy Speaker. I rise to contribute to this Motion. I believe Members have given their word on this. I rise to oppose this Motion. When we are elected to this House to represent the people of this country, we take an oath of office to protect the Constitution. We cannot amend or attempt to change the Constitution on a whim. There are democracies that we borrow from: the United States of America, Canada and Britain. Since 1776 until around 1954, the Americans were able to change their Constitution 14 times. The Canadians for 45 years did not make a single amendment to their Constitution. Changing the Constitution on a whim is a weighty thing. We, in this House, cannot arrogate to ourselves the knowledge, the expertise or whatever thing to pretend that we can sit here to say that something is wrong with our Constitution. In the army where I was for many years, there is something called a lost procedure. Once you get lost when you are out in the field...

**Hon. Christopher Omulele** (Luanda, ODM): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is your point of order, Hon. Omulele?

**Hon. Christopher Omulele** (Luanda, ODM): Hon. Speaker, I did not intend to disrupt my very good friend, Member for Saku, but is he in order to stand on this Floor and posit that this Motion by Hon. Chris Wamalwa is a Motion on a whim? My understanding of a whim is something that is not serious at all. If this Motion has been set down for consideration by this House, it cannot be termed as a Motion on a whim. It is proper that he withdraws it.

**Hon. Deputy Speaker:** Unless there is a difference in the terming in the military, then what Hon. (Dr) Chris Wamalwa has brought is a matter he has put a lot of thought and works into and should be given serious consideration. I hope you did not mean that.

**Hon. Ali Rasso** (Saku, JP): Not at all. Hon. Chris is a good friend of mine and we have talked about this Bill. I did not mean exactly that. What I meant is that this is a weighty matter that needs us to go deeper in understanding our Constitution. So, I did not mean that this is frivolous; it is not at all.

In case we have serious misgivings about any clause in our Constitution, we must go back to the framers of this Constitution by coming up with certain clauses, dates, commissions or anything pertaining to this Constitution that affects the fabric and the basic nature of Kenyan people and the way of life. We must ask the framers what they had in mind when they came up with them. There are some excuses or what I would call reasons such as examinations and school calendars. What I want to ask is: what stops us from also amending our school calendars? Throughout the world, 80 per cent of countries start in September to end in July. Anybody can challenge that.

**Hon. Deputy Speaker:** What is it Hon. 001?

**Hon. David ole Sankok** (Nominated, JP): Hon. Deputy Speaker, I rise on a point of order because we do not want anybody to play with our children. We had a repeat election last year. There was a mention that our children would not die if the school calendar was moved a bit. Kenyans reacted and overreacted.

**Hon. Deputy Speaker:** So, what is your point of order?

**Hon. David ole Sankok** (Nominated, JP): So, he should concentrate on the election calendar and forget about the issue of our children and the school calendar.

Thank you very much, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** I know you have many of them.

*(Laughter)*

Proceed.

*(Hon. (Dr.) Robert Pukose gestured at the Deputy Speaker)*

What is it again, Hon. (Dr.) Robert Pukose? Why are you restless all of a sudden?

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Deputy Speaker. Can Ali Rasso raise claims that schools in most jurisdictions start in September and end in May? That is not our system. It is because we do not have winter, summer and all those other seasons in the European countries here in Africa and Kenya. We are within the tropics. Our schools start in January. Not just in Kenya but also in Uganda, Tanzania and many other countries. That is a fact. It is not right.

**Hon. Deputy Speaker:** Wind up, Hon. Rasso.

**Hon. Ali Rasso (Saku, JP):** Thank you very much, Hon. Deputy Speaker. There has been very serious interruption. I just want to concentrate on the December date that has been suggested in terms of changing the Constitution. We must go back and ask ourselves what the framers of the Constitution had in mind as they suggested that the second Tuesday of August, during the fifth year or the election year is the best date.

Secondly, I do not, in any way, want to say that our school calendar is bad or it can be changed. It is not a good enough excuse. The fear of attempting to change this date is all about electoral disputes. We must see how we can go around the electoral disputes rather than changing the date.

With those remarks, I beg to oppose.

Hon. Deputy Speaker: The next on line is Hon. Osotsi. He had already spoken. Hon. Tom Oluoch has also spoken. I am finding it difficult. Members who have also spoken are also queuing.

Hon. Mwandime.

**Hon. Andrew Mwandime (Mwatate, ODM):** Asante sana, Mhe. Naibu Spika kwa kunipa hii fursa. Ukweli wa mambo ni kwamba katiba hutengenezwa na binadamu. Binadamu pia hurekebishwa. Huwezi kuwa na sheria ambazo zinakunyonga halafu ubaki ukisema eti ni sheria au kwamba tumeweka Katiba na tukae tukiumia. Ni lazima tuangalie vile vipengele vinaumiza wananchi. Ni juzi tu tumepitisha masuala ya ushuru hapa. Tuliona kwamba wananchi walikuwa wanaumia. Ukiangalia kikatiba, serikali za wilaya zilipigwa marufuku na Katiba na sisi bado tunaendelea kuzishikilia. Hii ni kumaanisha Katiba ina taabu zake hapa na pale. Kwa kawaida, Wakenya huwa wanapumzika msimu wa Desemba ama mwezi wa kumi na mbili. Mmesikia Independent Electoral and Boundaries Commission (IEBC) wakisema kwamba wanataka kuondoa maeneo ya Bunge. Kisa na maana ni kwamba Wakenya wengi mahali kama kule kwangu Mwatate, hatuna kiwanda chochote. Kwa hiyo, ni lazima watu wafanye kazi Nairobi. Lakini, hizi kura zikiwekwa mwezi wa kumi na mbili, wengi watatoka hapa na watapiga kura. Tutakuwa tumefikia kile kiwango IEBC wanataka.

Kwa hivi sasa, mimi kama mwalimu, ukiangalia mitihani iliyofanywa mwaka jana, watoto wengi hawakujiandaa sawasawa. Kura zilipokuwa zinapigwa Agosti, watoto wengi hawakujiandaa sawasawa. Hili swala liko kwa wananchi wote wa Kenya. Wanajiuliza, hata ukienda mitaani utasikia wakiongea.

*[The Deputy Speaker (Hon. Moses Cheboi) left the Chair]*

*[The Temporary Deputy Speaker (Hon. Christopher Omulele) took the Chair]*

Tulichaguliwa kuwakilisha wananchi wetu. Ni vizuri hili suala liangaliwe kwa undani angalau Katiba ipigwe msasa pale iko na watu waende mbele. Hata wale ambao wanasema IEBC iondoe sehemu nyingine, hii Kenya ina ukabila. Tukisema tunapiga msasa makabila na kuondoa mahali kwingine, Kenya inataka uwakilishaji wa kisawasawa maanake tuna ukabila. Ukiniwekea mimi, Eneo Bunge la Mwatate au Taita Taveta na kwingineko, mtatualiza. Watu wa Taita na Taveta tuko wachache. Ni lazima tuangalie hili suala kwa undani.

Mhe. Chris Wamalwa, nakuunga mkono kwa kuleta Mswada huu. Sisi Wabunge ni jukumu letu tuangalie mahali msasa utapigwa. Kama haiwezekani ama wananchi wakikataa, tutachukua ya



wananchi. Lakini, ukweli wa mambo ni kwamba hii siku ya kupiga kura mwezi wa nane kama ilivyo ni tatizo kwa wananchi wa Kenya. Zingependelea kuongea mengi. Wenzangu wameongea nisiyopenda kurejelea, nashukuru kwa hii fursa.

Asante sana.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well. Hon. Duale Dahir, Member for Dadaab.

**Hon. Mohamed Duale** (Dadaab, KANU): Thank you Hon. Temporary Deputy Speaker for giving me an opportunity to contribute to this Motion. The same Motion was brought by Hon. Ochieng in the last Parliament. Because it affects the Constitution, we failed to pass it by a small number. I still think this is a valid Motion because it has also been approved by the House Business Committee (HBC). That is why we are discussing it.

I support it for four reasons. One, the election cycle in this country takes five years. During those five years, in the last year, this matter will be affecting the Budget cycle. In order to be in line with the Budget cycle of this country, I support the change of the election date from August to December.

The second reason is the school or education cycle in this country. We have three holidays in the country for students – particularly primary and secondary schools. The longest holiday cycle is in November, December and early January. By having the date of the election in December, it will not in any way affect the school calendar. That is an appropriate time for everybody in this country. The number of children who go to school in this country is high. This is a matter which affects many Kenyans. If the date is changed to December, many parents, including ourselves, will not be affected by the election.

The third reason as to why I support this Bill is because of the holiday season and the festivity. In this country, we have the holiday season in December. There is Christmas, New Year and so on. Many people have an opportunity to be with their relatives back at home. I think we can increase our voter turnout. Many people can vote at home and also be part of the people who do not miss their votes. The other reason as to why I support this Bill relates to pastoralists. In the north and the North Eastern regions of Kenya, August is a dry season. Many pastoralists may not be at their known abode. If elections are held in December, the pastoralist community will be where they are supposed to be, they will have plenty of pasture and water, and therefore, they can participate in elections.

With those reasons, I support the Bill and thank Hon. Chris Wamalwa for bringing it back. I would like to request all Members of Parliament to support it because the Constitution allows us to amend with a two-thirds majority. If we can raise the required number, then we can actually change this date and make it convenient for Kenyans to vote in December as it were the case before the new Constitution.

With those many remarks, I thank you, Hon. Temporary Deputy Speaker for the opportunity.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): The Hon. Oduol Adhiambo.

**Hon. Prof. Jacqueline Oduol** (Nominated, ODM): Hon. Temporary Deputy Speaker, I want to speak on the next Order.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): The Hon. Odanga.

**Hon. Geoffrey Odanga** (Matayos, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to support the Bill as brought here by Hon. Chris Wamalwa. This Bill went through public participation which is a process that is allowed by the Constitution of Kenya. Many Kenyans as

we have heard, are of the idea that the date of elections be moved to December because of all the reasons that have been brought here by the Members. As Members of this Assembly, it will be an honour to the people of Kenya to support what they have proposed to us.

After the elections that were held in August, it really took a long time, particularly after the presidential elections had issues, for Kenyans to settle down. Even schools were affected. Our children, our teachers and parents who participate in the election process were all affected. The August elections affected examination process and all the activities that are important to this nation. Before the passage of the new Constitution 2010, it was generally agreed that about 20 per cent of the Constitution was not in tandem with the thinking of all the Kenyans. Therefore, it needs some amendments. It is high time we agreed with those Kenyans, the church and other religious groups that had issues about 20 per cent of the Constitution. This is one of the issues that we need to amend, moving forward.

August is two months away from the Budget process. Last year before the elections, the Budget that was read, was done hurriedly. In fact this National Assembly had to sit several times, and even called for special sittings to address certain issues and to budget for the elections itself which was so hectic. If these elections were moved to give the appropriations time, that will serve Kenyans very well.

For those reasons, I support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): We shall now have Hon. Mawathe.

**Hon. Julius Mawathe** (Embakasi South, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I rise to oppose this intended amendment. This would be a very huge disservice to Kenyans. The reason is that most voters tend to register during the registration period which is done for about six months to one year, at their place of work. If we put the voting date in December and they have registered mostly in the major urban centers and they go home for Christmas, then those voters will not be able to vote. Nobody will agree to pay fare to come back to where they stay be it Nairobi, Mombasa or any other city.

We also talked about holding the elections in December. The elections and the campaigns tend to intensify approximately two months or so to the elections. If we will change the elections date to the third week of December, as it is being suggested, our students who will be sitting for KCSE and KCPE in October and November will be affected by the campaigns which will be at their climax. This is ill advised amendment to the Constitution. Also, there is no need to rush to amend the Constitution.

With those few remarks together with the other issues that have been mentioned before me, I rise to oppose.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): We shall have Hon. Kiti Chonga, Member for Kilifi South.

**Hon. Ken Chonga** (Kilifi South, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute to this Amendment Bill. I have listened to quite a number of sentiments which my fellow Members have adduced to on this, but I beg to oppose this amendment for few reasons which have been discussed, only that I just want to emphasise.

The most crucial thing here surrounding December to me, relates to the exams which our boys and girls sit for. As a nation we know very well that we have a duty to make sure that we protect the youth. Protection of the youth starts from when they start to sit for exams. This is the time when their future is being determined. When elections were said to be conducted in August, I am very sure there were men and women out there who considered quite a number of

reasons as to why this exercise has to be done in August. As a nation, we need to protect the youth because they are the future of this country. That is why we would wish to have the month of December specifically reserved for quite a number of other activities. Whoever is willing to vote in August can comfortably vote and whatever reason he will have for not being able to vote, I am sure even if it is put in December, he may still not be able to vote. This is one element that I fear and feel for the youth who need to be protected by all. For that reason, allow me to oppose this amendment for the sake of the youth.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Tong'i, Member for Nyaribari Chache.

**Hon. Richard Tong'i** (Nyaribari Chache, JP): Hon. Temporary Deputy Speaker, thank you for the opportunity. At the outset, I support this Bill for many good reasons.

If you look at our calendar, traditions, culture and values as Kenyans, you will agree with all of us that most of our social activities are done around December. If you go to my village and many parts of Kenya where we conduct circumcision, we do it in the month of December because it is naturally a convenient date for everybody. Laws are made based on the culture, values and practices of the people. We do most of our major activities as a country around the month of December. If you look at the changes we have made, most of them were shifted to August and have actually affected our ways of living and our practices, and it is not good for the country. That is why I support the amendment to move this date to December because it is a natural date for Kenyans and for our children because they already have it at the back of their minds that the best time to do an exam is around that time. Most of them will have finished their exams by December. Like now, they are starting exams in two weeks and by end of November, most of them will have finished and they will be at home. It is the longest educational holiday that we have in the country and there is no reason we cannot pick on it and yet it is the most convenient for Kenyans.

Two, part of the reason we have had chaos after elections is because some people who register as voters never go to the village to vote. They look at their income and they do not find August to be a convenient date. They are given only two days to travel upcountry to go and vote. Around that time traffic is heavy. Naturally, somebody would want to look at the cost-benefit analysis. What is there for him to travel to upcountry so as to support the electoral process? They choose not to go. You end up with a huge number of registered voters but the actual numbers of people who vote are so few. It will enhance transparency and opportunities of people getting a chance to elect leaders of their choice. If we do not do that, we end up with people who ordinarily would not have won had we allowed everybody else to participate in the election exercise on a date which is convenient to every Kenyan.

If you look at the cycle of our finance reporting as a country, we do it at the end of the year. Most of companies in the corporate world do their financial reporting at the end of the year, around November and December. Therefore, it is easier for anybody working in a company to get a few days off around December because already they have tuned their minds that it is a holiday season and they have an opportunity to go home and be with their family members.

Hon. Temporary Deputy Speaker, with those few reasons, I propose that we support this Bill. We tried in the last Parliament and the arguments were making a lot of sense but because most people were scared of the timing, they thought voters would be up in arms against us. We made a mistake and we have paid for it so dearly. I would wish to encourage my colleagues who have not had an opportunity to experience the past mistake that we made too kindly support this

Bill for the good of the country. I think it is going to make a huge difference for this country because December is the most natural convenient date.

I want to take this opportunity to thank my brother Chris Wamalwa for once again doing Kenya proud by coming up with this amendment. I know he has done some research and it is meant to make our country a better place and a more cohesive society to live in because of the convenience of the date that we are changing to December.

Thank you, Hon. Temporary Deputy Speaker, for the opportunity.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, I still see a lot of interest from Members. I see about 25 requests to speak to this. I do not know whether all of the requests are to this particular Bill. However, from the Order Paper, you will notice that the time that we had for this particular Bill was one hour and 32 minutes which we have run down. It is, therefore, my duty to call upon Hon. Chris Wamalwa to reply.

But before you do that, allow me to recognise the presence, in the Speaker's Gallery, of members of Kwanza NG-CDF who have come to this Parliament for benchmarking and to watch the proceedings of this House. They are represented by Hon. Ferdinand Wanyonyi. They are welcome to the House.

*(Applause)*

In the Public Gallery are students from Dawamu Boys High School in Kajiado North Constituency, Kajiado County. We also have students from Gicharani Primary School in Kiambu County. They are welcome to the House to observe the proceedings.

*(Applause)*

Hon. Chris, kindly proceed.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): Thank you, Hon. Temporary Deputy Speaker. As I beg to reply...

**Hon. Jared Okelo** (Nyando, ODM): On a point of order.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): What is out of order?

**Hon. Jared Okelo** (Nyando, ODM): Thank you, Hon. Temporary Deputy Speaker. I seek your indulgence on one aspect. Based on the gravity of this matter, I would kindly request that even though we have exhausted the allocated time, you may give some few people including myself, at least, two minutes to delve into it.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): You are out of order.

**Hon. Jared Okelo** (Nyando, ODM): Hon. Temporary Deputy Speaker, if you just allowed me...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): You are out of order. You know the rules of the House. You ask the Mover to donate you some minutes, if he can.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): Thank you, Hon. Temporary Deputy Speaker. As I beg to reply, I am getting a lot of interest. Members from the north-eastern region have not been given an opportunity. Hon. Ahmed has asked for an opportunity and then I will reply.

I thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Chris Wamalwa, you have five minutes to reply. If you are desirous of allowing one or two Members to have a

minute or so of your time, it is quite in order, including my friend who was saying that we extend time out of our own rules. So, how many Members do you want to speak?

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): Hon. Temporary Deputy Speaker, when this matter was being debated, there are critical issues that I need to reply to like the issue of a referendum. There is a perception that it is a referendum matter, but it is not. So, I have a lot of issues to respond to. I will give only Hon. Ahmed one minute for the sake of north-eastern then I will reply.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): You have a minute, Hon. Ahmed.

**Hon. Ibrahim Ahmed** (Wajir North, ODM): Thank you, Hon. Chris Wamalwa; thank you, Hon. Temporary Deputy Speaker. I think we need to put into consideration the unique circumstances in the different regions of this country as well as their traditions. That is why it is important to consider Members from the different parts of the country.

Having said that, I rise to support this Bill. I feel that the August date is insensitive to Kenyans. First and foremost, asking Kenyans to travel to upcountry in the middle of the year when they are used to travel at the end of the year is an issue.

Secondly, there is no doubt that this date seriously disrupts the education calendar. I am saying this because when students are preparing for their examination, it is not necessary to put them in election mode.

Thirdly, Kenyans are mostly oral. What they understand most is what has been so common to them in terms of verbal passage of message.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD – K): Thank you, Hon. Temporary Deputy Speaker. I beg to reply to this Bill which seeks to change the election dates from August to December. There is an issue that was raised about the referendum. Amending the Constitution of Kenya can only be done through a parliamentary initiative and a referendum. Article 101(1) of the Constitution states thus:

“A general election of Members of Parliament shall be held on the second Tuesday in August in every fifth year”

It does specify the month. So, when you move the elections from August to December, it is within the same fifth year and as such there is no referendum. We want to put that clear. Right now, people are focused on the 2022 election, be it for the presidency or whatever case. The interests are very high. However, the issue of referendum does not arise in this case. For your information, before such a Bill is allowed on the Floor of the House, Parliament has technocrats. It has the legal minds.

Hon. Temporary Deputy Speaker, you are a lawyer and so is the Speaker of the National Assembly. You well know that there is scrutiny of Bills in this House. So, the legal minds in this Parliament cannot be said to be sleeping on the job for them to have given an approval for this Bill to come to the Floor of the House. It would be very disgusting if we looked down upon our legal minds. Parliament has clerks and legal officers who scrutinise the process.

This Bill went through the Departmental Committee on Justice and Legal Affairs. The legal minds in that Committee have indicated that this Bill does not need a referendum. In line with Article 11 of the Constitution, it is clear that before any Bill comes to the Second Reading, it must have gone through public participation. Money was allocated to the Departmental Committee on Justice and Legal Affairs and it visited all the 47 counties. I am requesting Hon. Members who are debating without looking at the Report of the Committee to go through it. The Report is very clear. The KNUT, Law Society of Kenya (LSK), the Federation of Women

Lawyers (FIDA) and all the key stakeholders were invited. Now, 80 per cent of them supported that the election date must be moved from August to December. This is a matter that will be decided upon.

This Bill had also come up during the last Parliament and we only lacked six Members to meet the two-thirds requirement. Relying on Standing Order No. 53, which Hon. Washiali wanted to raise, we want to defer putting of the Question until we ascertain that we meet the two-thirds requirement. Members should be able to claim a division. Hon. Members who are here will look at the Report and make informed decision.

As an MP, mine is to bring Bills and we legislate on them. This is the property of the House. In the long run it is you parliamentarians to decide because the Departmental Committee on Justice and Legal Affairs' Report indicates that 80 per cent of Kenyans would rather have the election dates changed from August to December. Having the election in August normally affects the academic calendar. In any case, we use schools as polling centres.

Secondly, with the East African Community, we have a requirement that we read our budgets in July and during that particular time Members of Parliament will be campaigning. We will not get quorum. These are the same reasons that were given last time and so I am calling upon the Hon. Members that as we defer this to the appropriate time, come and decide. You have the mandate. It is you to decide one way or another. If you settle on either August or December, it is okay but this is not a referendum issue because it is within the fifth year. We are not extending the term of the President. I want that to be very clear so that we can make an informed decision when we come back to vote.

I thank you and reply.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): That is as it should be Hon. Wamalwa, but you are putting the cart before the horse to say that we are going to defer. You are presuming that we will make that decision. Let me give the opportunity to the Hon. Washiali to make his contribution so that we can come to that which you have alluded to.

**Hon. Benjamin Washiali** (Mumias East, JP): Hon. Chris Wamalwa has pre-empted my contribution. However, I am aware that Standing Order No. 53(2) demands that at the end of debate of a Bill or a Motion, you are supposed to put a Question. However, I was rising on Standing Order No. 53 (3) that going by the numbers in the House, please, defer putting of the Question until a later date. This debate is just coming after we have had a long recess. In most cases Members may not have been present not because they do not like the proposed Bill but because of the inconveniences caused.

Secondly, you are aware that many Members are preparing to leave for Mombasa for the Speaker's Round Table conference. Because of the issue of flights some Members have already left, especially the ones that are in the Budget and Appropriations Committee (BAC). I am aware of this because I am in leadership. I just want to beg and request you again that you defer putting the Question as per Standing Order No. 53(3). Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Washiali, your application is well grounded.

Hon. Members, I am sure you are aware that this is a Bill that requires two-thirds majority under our Constitution. For the reasons that have been offered by Hon. Washiali, I will direct that the putting of the Question on this particular one be deferred to such a time that our House Business Committee will state. So, Hon. Chris, it is up to you now with the help of Hon. Washiali to rally Members so that you can get the necessary numbers. Hon. Okelo, you might

have an opportunity to have a bite at the cherry if the House agrees with Hon. Wamalwa. It is not all lost. There is still hope.

Hon. Ferdinand Wanyonyi (Kwanza, FORD - K): On a point of order.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Wanyonyi, what is out of order?

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD - K): Going by what Hon. Washiali has said and given the prayers by Hon. Chris Wamalwa, I would request that we have an exception so that before we call for voting, we give, again, Hon. Wamalwa the time to reply because most Members are not here and may not know the whole thing. It is out of order but we can take that as an exception so that they can understand the whole issue.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Ferdinand Wanyonyi, I know probably you wanted your voice to be heard as Members from your constituency were here. I know that you know the standing orders. Once we have closed and Hon. Chris has replied, we cannot reopen it. So, we will just abide by the rules. I know we have come from recess and it might not be at our fingertips but we know the rules and we shall abide by them. So, I have directed that the putting of the vote be deferred to a time that the House Business Committee will allocate time for such.

Next Order.

## MOTION

### DECLARATION OF YOUTH UNEMPLOYMENT AS A NATIONAL DISASTER AND ESTABLISHMENT OF A NATIONAL YOUTH FUND

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Anthony Oluoch.

**Hon. Anthony Oluoch** (Mathare, ODM): Thank you, Hon. Temporary Deputy Speaker. I beg to move the following Motion:

THAT, aware that seventy-five percent of Kenya's population is under 35 years of age and that, overall unemployment among youth is at 55 per cent; cognisant of the Government's plan in the Big Four Agenda aimed at creating 1.3 million manufacturing jobs by 2022; appreciating that Article 260 of the Constitution defines youth while the Public Finance Management Act (National Government Affirmative Action Fund) Regulations, 2016 creates basic structures that support affirmative action for the youth; aware that in the Appropriation Act, 2018, youth empowerment programme was allocated a partly sum of Kshs.7,352,220,651; this House urges that the Government declares youth unemployment as a national disaster and further establishes a National Youth Fund of at least 5 per cent of the national revenue collected each year to be administered by an authority or commission for purpose of youth empowerment and employment.

As I move this Motion, I want to remind Members of the very glaring statistics that informed the question of youth unemployment. The statistics I am referring to are from the International Labour Organisation (ILO) which indicates that unemployment in Kenya is at 11.5 per cent compared to our neighbours, Congo at 10.9 per cent and South Africa at 27.3 per cent. Interestingly, our neighbours Uganda are at 2.1 per cent and Rwanda and Tanzania are at 1.3 per cent.

The rate of the youth unemployment by the Kenya Bureau of Statistics (KBS) is at 19.2 per cent. Let us remind ourselves of the population statistics in respect of what is the threshold of the youths under 35 per cent. The United States of America (USA) based Population Reference Bureau (PRB) has indicated that 35 per cent of the Kenyan population is under the age of 18 years which makes the question of youths a very important issue not only for this House but also for our nation at this time.

An eminent English writer by the name Charles Dickens writing in the 17<sup>th</sup> Century said: “Let us strike the key-note before pursuing our tune.” Allow me to pursue the key-note on this matter. The single most important challenge of our generation and biggest dilemma which this 12<sup>th</sup> Parliament grapples with and I stand to be corrected, in my view, is the question of youth unemployment.

We have grappled with this issue since Independence from the time of our first founding President until now. The youth have continuously been told that they are the leaders of tomorrow. Having said so, we have established the National Youth Service (NYS) in this respect and also set up the Youth Enterprise Development Fund (YEDF). I want to very quickly go through some of the milestones we have done in terms of administrative and legislative measures. We have also put in place by ministerial fiat or presidential decree, the Uwezo Fund which has been christened the *Biashara* Fund. We have also established Youth Empowerment Authority in terms of legislation which this House has passed, that is Act No.3 of 2016 and also enacted the Social Assistance Act of 2011.

We have partnered with various organisations both locally and internationally all in a bid to grapple and tackle the question of youth unemployment. However, we have still not struck the key- note. Resolving this question of youth unemployment, in my view, will be an equaliser not only for the 290 constituencies which we represent but for this nation. It is for this reason that I brought this Motion which I have referenced and also urged this House to consider establishing a statutory fund.

I want to distinguish the difference between the statutory funds and administrative or ministerial funds we have in the form of Uwezo Fund, YEDF and others, which in my view, are arbitrarily administered and not benchmarked in the league of for example, the NG-CDF which is benchmarked at 2.5 per cent. There is the Political Parties Fund which is statutorily created under the Political Parties Act and is benchmarked at 0.3 per cent and also the National Government Affirmative Action Fund (NGAAF) which has also been established.

The funds established by statutes as opposed to the ones that are administratively put or by ministerial fiat have created a lot of impact which is measurable. The things which NG-CDF has done over the years since its enactment are revolutionary, physical and verifiable, unlike what we have seen happening with the Uwezo Fund and YEDF. First, I want to review the legislations and in the tail end suggest why we must collapse these pieces of legislation littered all over the place so that we have one umbrella piece of legislation, as a one-stop shop where all questions of the youth will be addressed and answered.

Let us remind ourselves of what the Constitution we passed says about the question before us today. Article 43 of the Constitution speaks to the questions of economic and social rights. My attention is particularly drawn to Article 43(e) which talks about every person having a right to social security. This Motion in effect if implemented will be speaking to the question of the social security and empowerment of the youth in this country. Article 55 of the Constitution is perhaps more instructive, it states:



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

- (a) access relevant education and training;
- (b) have opportunities to associate, be represented and participate in political, social, economic and other spheres of life;
- (c) access employment; and
- (d) are protected from harmful cultural practices and exploitation.”

This Motion will culminate into a Bill that is already in draft form which tries to actualise the provisions of Article 55 of the Constitution. I also want to draw our attention to Article 56 because the youths at some point will be considered as minority or marginalised notwithstanding the statistics which indicate that about 35 per cent or more of our population are of youthful age. Article 56 says that the State shall take or put in place affirmative action. This fund and whatever is being proposed in this Motion is being done in form of a requirement to put in place an affirmative action to bridge the gap of the question of unemployment and the problems the youth find themselves in.

Article 56(c) states:

“The State shall put in place affirmative action programmes designed to ensure that minorities and marginalised groups –

- (c) are provided special opportunities for access to employment.”

The question which perhaps will arise is, with the stringent budget that this country is grappling with, like recently the Value Added Tax (VAT), where will we get the funds?

Hon. Temporary Deputy Speaker, the first stop where this House should find money to fund this statutory fund is the provisions of the Sports Act. The Sports Act under sections 12 to 29 establishes what it calls the Sports Fund. You have seen recently an attempt by the National Treasury to take this fund. I persuade Members of this House that we resist. Let me rephrase. I want to persuade this House to decline any invitation by the National Treasury to take away the Sports Fund, which will benefit largely the youth, to where we do not know the manner and mechanism in which it will be used.

The second issue is we have seen attempts and a draft legislation to try and reduce the gaming tax and money that we get from sports lotteries from 35 per cent to 15 per cent when we are looking for simple taxation money to try and pay our petroleum. So, in this very question of the Sports Fund, I will be proposing that this fund be removed from the Sports Act and be put into the Bill that we are going to propose here. The same should go into funding youth activities, youth employment, sports academies, polytechnics and skill acquisition training centres.

The other point because this issue will arise as to whether this is a money Bill is where we are going to plug and get this money. It is a matter of public knowledge and notoriety that we lose 30 per cent of our Budget through corruption. That is a statement that can neither be overemphasised nor gainsaid. I just want to point out a few things.

I am not a good statistician or mathematician or what my good friend, KJ, says are people who did double maths. I, perhaps, was doing maths through the window. In my rudimentary calculation, 30 per cent of budget money that we lose translates to about Kshs1.7 trillion. The money that we will be looking for in terms of 5 per cent... I want to say the 30 per cent is not cast in stone. I have been persuaded by Members, including my good friend Marwa from Kuria that this should be benchmarked at, at least, 2.5 per cent and the money model structured, run and administered in the same model as the NG-CDF with committees at the constituency levels.

In the last six months alone, we have lost Kshs35 billion in estimate tax revenue that could have been collected through what has now become the sugar importation scandal. We lost close to Kshs9 billion in the National Youth Service II in the last six months alone. We have also lost about Kshs3.5 billion in the Ruaraka scandal. In the Standard Gauge Railway (SGR), it is said that we have lost close to about Kshs2 billion due to fake land compensation. Lastly on this question, the Kenya Revenue Authority (KRA) through uncollected taxes and by closing the tax gaps, we have lost close to about Kshs100 billion. So, yes we can find money to be able to fund a statutory fund for the youth and be able to give gainful employment to the youth as opposed to the tokenism that we give to the youth through the Uwezo Fund and the other funds.

The other issue that I wanted us to address and which I want to persuade the Members to find is that through the Uwezo Fund, when you tell youth in Mathare, Ruaraka, Kibra, Kuria and Dagoretti that they need security and title deeds in order to access the Youth Enterprise Development Fund or to be able to access the Uwezo Fund, where is my Mathare youths, who perhaps did not go to class eight or dropped at Four, going to get that? We have a model in the NG-CDF where we have used the grant system. We know that every year you have 100 or 106 million. You have measurable things that can be done. People can come back and find a secondary school, dispensary or road. I am trying to persuade this House that when this is accepted, this fund should be used as a grant to be able to create tertiary institutions where we can train our youths in skills. This is because not everybody can get into white collar jobs. We train our youths in mechanics. Train them to be engineers, carpenters or electricians and at the end of that three or six months training, we give them a start-up kit and tell them: "Take this, go and start a garage or workshop." Over an affirmative period of 10 years, we will be able to have addressed the question of youth unemployment.

We have seen circumstances where the Government has declared anything a national disaster. When we did that with HIV/AIDS more than two decades ago, all Government resources, energies and synergies including international partners were tailored and trained towards the scourge of HIV/AIDS. It was declared a national disaster and today we have other communicable and lifestyle diseases like cancer and others which have now overtaken HIV/AIDS because we declared it a national disaster. I urge that we find that it is necessary that we declare this a national disaster.

As my time runs out, I want to say that there are various pieces of legislation none of which speaks to the other. We have the National Youth Act which I will be proposing that we repeal. We have the Sports Act which I will be proposing we amend at Sections 12 to 29 to remove the Sports Fund and bring it into this. We have the Social Assistance Act which I will be trying to persuade this House that puts the youth on some kind of tokenism and Panadol which does not assist them. We have other pieces of legislation and in the end I will be coming up...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Oluoch, you will have an extra minute or two to just conclude. I think what you are doing is important.

**Hon. Anthony Oluoch** (Mathare, ODM): As I wind up, I have proposed, in draft form, one umbrella piece of legislation that will be called the National Youth Employment, Empowerment and Services Bill that will collapse all those Acts that I have indicated and all those administrative funds that do not have much impact and put it into one umbrella modelled around the NG-CDF with branches at every constituency and committees.

With that, I conclude by saying what the late Wangari Maathai said. She said that everybody has their little thing. She said her little thing was trees. My little thing in the life of this 12<sup>th</sup>

Parliament is about youth and youth empowerment. I invite Hon. John Kiarie, with whom I share this little thing, to stand and second the Motion. I beg to move.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. John Kiarie, you will have your say on this little thing that you have together with Hon. Oluoch. Proceed. Hon. Kiarie, have you put your card? I cannot see your card here. Do you have your card with you? Hon. Kiarie, if you are going to want to speak to these little things, then you should remember to carry your card with you.

**Hon. John Kiarie** (Dagoretti South, JP): I always do, Hon. Temporary Deputy Speaker as you know.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Proceed.

**Hon. John Kiarie** (Dagoretti South, JP): Thank you, Hon. Temporary Deputy Speaker. I am very honoured to actually be seconding this very important and timely Motion by the Member representing Mathare Constituency, Hon. Anthony Oluoch, who indeed was my senior in the university and has been carrying this little thing about the youth for many years. It is known that I come from a performance background and one of the platforms that I bounced onto was a creation of Hon. Oluoch which is called Culture Week at Kenyatta University.

It is not lost to this House that if there is any calamity that is facing this country, it is the bulge in youth population. In fact, on many occasions, it has been said that the bulge in the youth population in this country is a ticking time bomb. To some of us who bounced into politics on the platform of the youth agenda, we know that this time bomb is also an opportunity in itself. As such, we want to grab this opportunity, run with it and do something, not only for this generation, but also for the next one. I am reminded of the very wise words of the former President of Liberia, Madam Ellen Johnson, who said that the future generations will not judge us for our words, but for our actions.

I support this Motion for three reasons. The first reason is the fact that we do not intend to end this as a Motion. We want it to become a Bill that will be passed by this Parliament. It is what Hon. Oluoch has mooted here today as the Youth Empowerment, Employment and Service Bill which will be coming to this House.

Secondly, when this issue is declared a national disaster, it will get the attention it requires. We have seen matters that have been declared national disaster in this country. A few of them have been enumerated by Hon. Oluoch. I would like to make a note of the amount of attention that is directed to the declaration of hunger as a national disaster not only by the Government, but also partners who are willing to develop with us as a country.

It would be important for this country to formulate a statutory fund for the youth. We have seen examples of statutory funds, including the NG-CDF and what it has done for this country. At the moment, the youth depend on the goodwill of leadership. The amount that is allocated to youth development in this country depends on the goodwill and magnanimity of our leaders. However, when we allocate a statutory amount, we shall now be attending to the plight of the young people in this country.

Finally, by doing this, we shall be acting squarely within the provisions of our Constitution. Our Constitution, in Articles 43, 55, 56, speaks to the matters that have been raised in this Motion. That is why I am very honoured this morning to be seconding this very important and historic Motion. I would like to leave it there by noting that one amazing thinker called Simon Sinek once said that leadership is not thinking about the next election. It is thinking about the next generation.

I second the Motion.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, the very first Member on my list is Hon. Oduol Adhiambo.

**Hon. (Prof.) Jacqueline Oduol** (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to speak to this important Motion. I rise to support the Motion on the grounds of the significance we give to our development and the manner in which we, as leaders in the National Assembly, in Government and other places, are focused solely and squarely on ensuring that Kenya not only grows to improve, but to realize its ideals.

It has been indicated that 78 per cent of the population is younger than 35 years and that 70 per cent of those that we see are unemployed. As I support this and thank Hon. Anthony Oluoch for bringing this into focus, I would like us to focus on the significance of declaring a matter a national disaster. A number of times, we find that we confuse calamities or catastrophes or we use language that would talk about anything tragic. We fail to acknowledge that when we talk about a national disaster, we truly want to bring the attention of the entire country to not only the tragedy, difficulties or challenges, but to point out that if not addressed, it is a matter that will affect everyone. We are talking about the youth but, in effect, we are really talking about our country Kenya, the elderly, women and children.

Looking at the levels of unemployment and the manner in which our youth whom a very significant percentage is affected, we see that we have untold problems, cases of insecurity and our youth being affected and sometimes losing hope and getting into drug abuse. There are situations where there is loss of morals and a case of where youths turn on their own family members including even their own parents and siblings out of desperation.

I would like us to bear in mind that as the 12<sup>th</sup> Parliament, we will be remembered for two things. We will be remembered for the problems that we solved through our legislative, oversight as well as representation responsibilities and we will also be remembered by the problems that we cause. Looking at the impact that unemployment has on the youth and the related connection between that and the manner in which a number of issues including - as I indicated earlier - insecurity and our youth getting involved in some very suspicious and negative activities, it is only right that we support the declaration of youth unemployment as a national disaster and in particular, ensure that there is a fund to go with it.

Success is predictable and so is failure. If we want to succeed in our agenda and ensure that our country is sustained, we truly must look into the issues of the youth.

*[The Temporary Deputy Speaker (Hon. Christopher Omulele) left the Chair]*

*[The Temporary Deputy Speaker (Hon. Patrick Mariru) took the Chair]*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. Obo Mohammed.

**Hon. (Ms.) Ruweida Obo** (Lamu CWR, JP): Ahsante, Naibu Spika wa Muda kwa kunipa nafasi hii. Ningependa mwanzo kuchukua nafasi hii kumshukuru Mheshimiwa Oluoch

kwa Hoja hii. Ni kweli vijana wetu wengi hawajaajiriwa. Kulingana na utafiti wa United Nations Development Programme (UNDP), asilimia 39 ya vijana wa Kenya hawajaajiriwa. Ukipima, hicho ni kiwango kikubwa ukilinganisha na majirani wetu kama Tanzania, Uganda na wengine. Nawakilisha Kaunti ya Lamu. Kenya National Bureau of Statistics walisema asilimia 68 ya vijana wetu hawajaajiriwa. Ni kiwango kikubwa sana. Kutoajiriwa huleta uhalifu. Kwa mfano, utaona ya kwamba kaunti nyingi ambazo watu hawajaajiriwa, uhalifu uko juu zaidi. Mfano ni Lamu ambapo uhalifu uko juu zaidi. Vijana wetu wameingia kwenye mihadarati sana. Hii inachangia matatizo zaidi. Kwa mfano, ugonjwa wa ukimwi umekuwa juu zaidi. Ugonjwa huu na mihadarati ni janga kubwa katika Kaunti ya Lamu. Tunapambana na mihadarati. Tunapeleka vijana waende wakajikomboa na mihadarati lakini wakirudi wanarejelea. Kwa hivyo, kukosa kazi kwa vijana wetu kumechangia shida nyingi.

Serikali pia kwa mipango yake saa zingine husababisha watu kukosa kazi zaidi. Kwa mfano, katika Kaunti ya Lamu, wakati Lamu Port -South Sudan-Ethiopia Transport (LAPSSSET) Corridor Project ilipoanza, wavuvi wengi hawangeweza kwenda baharini. Kwa hivyo, imechangia ukosefu wa ajira. Kuna kiwanda ambacho kinataka kuwekwa cha makaa. Sehemu hiyo ilikuwa na wakulima ambao walikuwa wamekaa hapo miaka mitatu wakingojea walipwe. Hawalimi sasa. Hii imeleta ukosefu wa ajira na wengi ni vijana. Pia kuna mpangilio wa Serikali uliyowekwa wa kutokata mikoko. Hii imechangia pakubwa ukosefu wa ajira kwa familia 3,000 katika Kaunti ya Lamu. Mipango hii ambayo iko katika Hoja hii itasaidia pakubwa.

Kitu kingine ambacho kinachangia zaidi pia ni kutegemeana. Kuna ukosefu wa ajira. Wale ambao wana kazi wanategemea na familia...

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Member. Hon. Ndindi Nyoro has pressed the intervention button. What is out of order?

**Hon. Ndindi Nyoro** (Kiharu, JP): Thank you, Hon. Temporary Deputy Speaker. I want to contribute to the Motion.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): That is not the route to use. It is a back door route. Use the front door.

**Hon. Ndindi Nyoro** (Kiharu, JP): Blame my neighbour for that.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Mohamed, you have the Floor.

**Hon. (Ms.) Ruweida Obo** (Lamu CWR, JP): Ahsante, Mhe. Naibu Spika wa Muda. Kutegemeana kwa lugha ya kimombo ni *high dependency ratio* ambayo ni asimila 75 katika Kenya. Idadi ndogo ya wale watu ambao wameajiriwa inawabidi wasaidie wale wengine ambao hawana kazi. Mhe. Naibu Spika wa Muda, naomba uniongezee muda kwa sababu dakika zangu zimechukuliwa.

Hoja hii itawapatia vijana imani na matumaini. Tutawasaidia hao vijana wawe tofauti katika miaka ijayo.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Obo Mohamed, every Member has five minutes. We are scientific in measuring that. So, you have to organise your thoughts. Hon. Martin Owino.

**Hon. Martin Owino** (Ndhiwa, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion. Let me thank Hon. Anthony Oluoch for bringing it and Hon. Kiarie who seconded it. This is also my passion. Little things can be big things. This is a big one.

In Ndhiwa Constituency, unemployment among the youths is beyond the national average. It is about 65 per cent. It affects those who went to school or not. It is a disaster already in the households in my constituency. For example, there is a family of five children which had

five oxen only to plough their farm. Because the first born got admission to college, they had to dispose of one ox after the other. At the end of it, the lad finished the college but retreated home. He has not got a job for the past 10 years. This first born was supposed to get a job and uplift other siblings. That is not happening. So, the poverty in that house has gone higher than any other family. It is across the constituency. I know that this is across the country. That is why we are asking for the youth unemployment to be declared a national disaster.

When there is unemployment of this magnitude among the youths, it brings down the income, the living standard declines, the working power of the nation declines and revenue and productivity go down. These are the years where production of the country depends on. The United Nations (UN) explains this as between 15 and 24 years, but we are even spanning now to the senior youth which is even beyond 35. Somebody finishes college and he takes many years before he gets a job. When they fall into the frustration domain, crime starts. Poverty is in the highest level because these people are not absorbed into the work domain. There is no transfer of skills. When you finish pursuing education, you need to be engaged in order to maintain that. That is also going down the valley. This will have a domino effect. If we are not careful on this, we may end up in a recession because we are not tapping into the productivity domain of those people. For example, we are talking about the dual highway to Mombasa which will cost Kshs300 billion. If we invest that money, even Kshs1 billion per constituency to build micro-industries to create jobs for those people, we would improve lives and taxes. I said that this is a productive age. If you engage them in work, they will pay taxes.

Hon. Oluoch is right. We have to make a statutory arrangement, so that even if loans are taken, this House should be consulted. We are crying of unemployment but on the other side, the decisions that we make do not support what we are going through as a nation. There is also the social aspect of high unemployment rate. Debt is increasing; there is homelessness, migration to the cities to look for jobs and crime. Suicide is on the rise in my constituency. I employed a constituency chaplain because of unemployment.

I support this Motion. Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Kirima, Member for Central Imeni. That Member seems to have exited. Hon. Tuitoek Kamuren, Member for Mogotio.

**Hon. Daniel Tuitoek** (Mogotio, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion which seeks to declare youth unemployment a national disaster. The unemployment issue of the youth in this country is very serious. Currently, we have many youths who are graduating from various institutions with no hope of getting jobs. I know we have come up with the Uwezo Fund and the Youth Enterprise Development Fund, but they have not been effective.

This Motion seeks to establish a national fund along the lines of the NG-CDF and that is a very noble thing. This is the line we need to follow.

We have seen the Uwezo Fund does not do what it was meant to do. It was meant to support the youth to start various businesses to enable them get jobs, but we have not achieved that. This is because it is a loan and not a grant. The Uwezo Fund is interest free but the Youth Enterprise Development Fund and Women Enterprise Development Fund are loaned with interest. The youth issue should be included in the Big Four Agenda. I know manufacturing for job creation is a noble idea, but we can do a better job if we focus on constituencies.

The Motion seeks to set aside a certain percentage of funds specifically to support job creation for the youth. It is long overdue. We will solve unemployment. The youth are looking

for jobs everywhere, but do not get them. In fact, one of the biggest challenges we have as Members of Parliament is getting jobs for the youth. The Government does not employ and job creation is at a very low level. Therefore, if we specifically set aside funds to focus on youth unemployment and job creation, especially at the constituency level along the lines of NG-CDF, a bigger success may be achieved.

Currently, the youth issue is not being given serious attention that it deserves. In the Big Four Agenda, we aim to expand the economy but we should also have the youth as a specific agenda.

This Motion is long overdue. We need to focus on the youth and find a way in which we can increase employment. We can also support youth polytechnics to train more youth. If the Fund is created, it should specifically target training the youth to gain skills by sponsoring them to attend the polytechnics. That will go a long way in reducing the youth unemployment that is currently prevalent in the nation.

I support this Motion. It is long overdue. Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Mogaka Kemosi, Member for West Mugirango. He is not in. Let us have Hon. Osotsi Godfrey.

**Hon. Godfrey Osotsi** (Nominated, ANC): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this very important Motion by the Mathare Member of Parliament, my good friend, Hon. Anthony Oluoch. The Motion seeks to declare youth unemployment a national disaster and establish a national youth fund.

The Motion is timely because the youth of this country who form over 70 per cent of the population are carriers of our social problems like drugs, poverty, unemployment, disease, crime and terrorism. The youths suffer the most. The youth are a critical issue that requires attention of all leaders in this country. We have not given it the focus it deserves as a country. I know a lot has been done in terms of affirmative action for women and for other socially disadvantaged groups. But in matters to do with the youth, we have handled them very casually. Recently, when we were discussing the Budget Estimates, most austerity measures contained in the Budget were directed at programmes affecting the youth. The incubators were removed from the Budget. Konza City also experienced a budget cut. So, that indicates to us that we have taken matters of the youth less seriously and yet, in the Vision 2030 formulated during former President Kibaki's regime, youth empowerment was identified as one of the things that are required to be done to propel this country forward in development. What has been done? We have a number of various youth initiatives which Hon. Oluoch has proposed. He has proposed that the Youth Enterprise Development Fund and Uwezo Fund be amalgamated into the national youth fund. That will be very progressive.

We should not create a fund to give the youth money the way the National Youth Enterprise Fund is doing. It has been turned into a political fund where one is given money with no commitment on repaying and is distributed along political lines. We want a progressive fund. That has been done in other countries. South Africa and Singapore have a similar fund to what Hon. Oluoch is proposing. That is the reason why those countries have developed.

We should also think about a start-up fund programme. That seems to be the best practice globally. Every developed country has a start-up fund where youth borrow money to invest in innovation or in entrepreneurship which can add to the economic progress of the country. We do not want to promote a dependence culture. We want them to access the money and the money to be used to promote innovation.

We should also think about public private partnerships. There are many international organisations that want to support youth empowerment programmes. Let all that be consolidated in the initiative Hon. Oluoch is proposing.

It is probably time for us to think about a constitutional review to introduce the National Youth Commission as one of the independent commissions in the Constitution.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Osotsi, your time is gone. Hon. Members, as I told you, each one of you has five minutes to contribute.

Before, I give a chance to Hon. Mbarire, let me have Hon. Marwa.

**Hon. Marwa Kitayama** (Kuria East, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I support this Motion. I thank Hon. Oluoch for bringing this timely Motion. Indeed, we have always talked about the youth in this country but, unfortunately, it just remains empty talk. Many times, the youth have been used to execute agenda that are short term in nature and not given the proper place that they need to be given.

The Government right now is developing technical training institutes in every constituency and, by the year 2022, it is envisaged that each constituency will have a technical training institute. It will be futile to have done this noble thing and then not be able to have the youth to access the potential that comes with a fund that is able to give them the necessary capital and an environment to be able to develop the skills that they have already acquired. Even as I speak about this, I would like to reiterate what Hon. Oluoch has said; that we put this along the NG-CDF model. That is because many good Motions that come and the proposals that we have in this country end up not reaching the people that they need to reach. They end up being administered in areas that are not reaching the grassroots. In this case, rural areas do not get to feel this. So, I support that it would be good to have this because, obviously, NG-CDF has done very well. Many people have felt it. It has reached the far corners of this country. I know that the youth who are far out there in the villages would be able to access that benefit if this fund would be modeled around the NG-CDF model.

At the same time, allow me to rope in the Government's commitment on the Big Four Agenda. If all of us speak to the Big Four Agenda as it stands now, nothing of that explains the role of the youth in the Big Four Agenda. If you talk about manufacturing, by the time the youth get access to that road of manufacturing, the bus would have already left. If you talk about affordable healthcare, again it is the same thing because, if we do not empower the youth, they will be unable to plug into this big agenda that the Government is driving. I believe that whereas the President meant well in the Big Four Agenda, if we do not move along with everybody, then we shall have missed an opportunity to have a big proportion of this country benefiting and also help drive the agenda to success that we all envisage.

When I grow up - and I also have my own little thing - and I have an opportunity to do an agenda four, I will do youth as agenda number one, youth as agenda two, youth as agenda three and youth as agenda four. That is because that is the future of this country.

Thank you. I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Mbarire.

**Hon. (Ms.) Cecily Mbarire** (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me a chance to add my voice to this important Motion.

It is a Motion that is familiar to many of us who have been here before. Therefore, as we pass it, we need to start asking ourselves very hard questions as the leadership of this country. That is because this House is constituted by the leaders of this country. We have a youth fund already in place. What do we need to do to the existing youth fund so that it adds more value to



the youth of this country? What is it that is being done that has worked and what has not worked and what do we do about it? There is no need of reinventing the wheel as far as I am concerned. We need first to know where we have gone wrong with what we have so that we know what needs to be done to make it better.

We have a very good programme called the Access to Government Procurement Opportunities (AGPO) that helps in access to Government tenders by youth, women and persons with disability. The biggest spender in any nation is Government. Thirty per cent of AGPO is supposed to go to that category. Where have we gone wrong with AGPO? Why is it not working to the point that out of the earmarked Kshs200 billion that is supposed to support those central groups that I have mentioned, they are doing less than Kshs40 billion a year? Who is monitoring that? What is the role of the Committee on Finance where AGPO fails to ensure that they monitor how AGPO is working? Is somebody strategically ensuring that this money does not go to the youth and the women so that it continues to go to the same people over and over again? Are there certain obstacles that are still on the way of those young people or the women and others so that they are unable to fully take advantage of this very good programme? These are the questions we must begin to ask ourselves because we will come here every term, pass very good things about the youth, but very little is happening out there.

Within AGPO, what stops you, the Member of Parliament with your NG-CDF, from giving certain tenders to young youth-owned companies? Today, if we asked Members of Parliament here who have NG-CDF and even Affirmative Action Fund, how many of them have gone out of their way, consciously, to make sure they give tenders to youth-owned companies, I am sure less than 5 per cent will say that they have done it. So, the challenge starts with all of us. It cannot be always pointing a finger at other people to do it. It must also start with us seated here. So, I want us to go beyond lip service into real action. While this Motion is well intended by *Mheshimiwa*, we must now make it happen. We must walk the talk. We must lead by example. Start with your NG-CDF or Affirmative Action Fund and then let us hold Government accountable to make sure that the programmes they have in place help the people they are intended to help. Let us see what went wrong with the youth fund and what is happening with AGPO. From there, we are sure we will do the right thing.

With those many remarks, I support, but I say let us go beyond talking. Let us act.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Mbui Robert, Member for Kathiani.

**Hon. Robert Mbui** (Kathiani, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. That was a very powerful presentation from the Deputy Whip of the Majority Party. It is important that we all realise that the future of this country is with the youth. It is our responsibility as Members to also show direction and probably try and put these things into action.

From the presentation by Hon. Oluoch, we are realising that 75 per cent of this nation is composed of people aged below 35 years. His request financially is only 5 per cent. When you do that mathematics, it is not asking for too much. I have also done some simple mathematics. I am happy with Hon. Oluoch being my colleague in this House and also a colleague in the National Super Alliance Party. He is also a colleague as a victim of political violence because our legs were broken one day, although we were apart from each other. He has done a very good thing.

I have listened to the statistics. We are talking about 55 per cent of our youth being unemployed. We know the youth form 75 per cent of the Republic's population. That works out

to 41.25 per cent of the citizenry of this country being unemployed. That is obviously a national disaster. I am happy about my colleague, Hon. Cecily, who has talked about there being many funds. It is true. We have the Youth Enterprise Development Fund and the Uwezo Fund which basically deal with youth and women groups. We also have the National Government Affirmative Action Fund. They are not enough. I have tried to figure out this and asked myself what the problem we are facing is. I have noticed a few problems concerning our youth since I was elected. The first one is about the mindset. Many of our youth come out of the universities and schools and expect to be employed because they have good papers. The reality on the ground is that there are no enough jobs. The issue of employment by others needs to be reconsidered. There is need to start figuring out how the youths can become employers so that they can adapt. Those who are educated can be employers and employ their colleagues who do not possess higher levels of education.

I have also noticed that there is a problem or difficulty in getting employed despite the fact that some of them have very good papers. Those who choose to look for employment have barriers. We have this barrier of the Higher Education Loans Board (HELB) and yet, you have not been employed. We have a barrier in the name of Certificate of Good Conduct from the Directorate of Criminal Investigation (DCI). It costs money which we do not have. There is a barrier by the Ethics and Anti-Corruption Commission (EACC). Even before you have worked anywhere, you are supposed to get clearance from the EACC. You can only have committed some corruption offence if you were working in the system of Government. There is also the issue of credit worthiness. One has to get clearance from the Credit Reference Bureau (CRB) before one gets employed. Whenever it comes to borrowing, the CRB is a hurdle.

We also have another problem; us politicians. We constantly misuse our youth. We deceive them. About three or four years ago in the last Parliament, when the youth of Machakos County were invited to the Machakos People's Park – it is a big stadium - they were promised all manner of heavens. They were told they would get employment. Very big banners were put all over. Those youths came from all over the county. Some were from outside the county. The expectation was that they would go and register. The advert was that you will come in seeking employment, meet employers and get employed right there. Many youths were there; in their tens of thousands. From the ones I represent, we have not had any one getting employed through that initiative. So, there is misuse of youths by politicians which constantly happens when we are near an election. It is because the youths have the numbers to ensure someone gets elected into office. It is important we try and address these issues.

I propose quick solutions because my time is running out. The first one is that we find a way of training our youth and creating employment.

*(Hon. Robert Mbui spoke off record)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Mbui. The measuring of the time is quite scientific. Nevertheless, I heard from the Mover that there will be a Bill around this issue. So, there will be further opportunities. Hon. Okelo Odoyo, Member for Nyando.

**Hon. Jared Okelo** (Nyando, ODM): Hon. Temporary Deputy Speaker, I thank you.

Recently, the Kenya National Bureau of Statistics (KNBS) carried out a survey that painted a grim picture of unemployment levels in this country. We got to learn that over 8 million Kenyans are unemployed. About 2 million out of that figure are desperately looking for

work to this very day. Some of them have gone back to school to further their studies in the hope that they will put their hands in some gainful employment after graduation. But, as Kenyans would know, your guess as to what awaits them is as good as mine. Even for the few who have jobs, most of them are in low cadre, poor paying jobs. Most are constantly exploited by their employers. Then, what awaits them are family responsibilities. There is already a very thin monetary gain from those few people. Then, the family pressure in terms of budgetary allocations is exerted on the small money they earn. At the end of the day, we see nothing but a gruelling picture of those families.

Youth unemployment has been described as a ticking bomb. Frustrated young men and women are susceptible to drugs, prostitution, some lured into terrorism and other indoctrinated groups that create harm to our Republic, some enrolled in drugs and some utterly desperate. The country is now banking on the manufacturing sector which is one of the key pillars in the Jubilee Government's four-point agenda. The proposed monies to handle youth affairs will offer a platform that will cushion and augment the manufacturing sector hence create employment to many desperate Kenyans.

Unemployment is rampant. This simply means that graduates get jobs that can as well be done by Form Four leavers. If this will be made into a Bill and become an Act, it will create a wider tax base. That way, more tax revenues will be in place. A strong purchasing power will follow and hence a stable nation. So, instead of over-taxing the few who are employed, let us widen the scope of employment so that the Government does not necessarily have to impose heavy penalties on Kenyans. With a wider taxation base, there will be adequate revenue to run our affairs.

I, in retrospect, therefore, support the declaration of youth unemployment a national disaster and subsequent establishment of a national youth fund. I thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Shall we have Hon. Dawood Rahim?

**Hon. Rahim Dawood** (North Imenti, JP): Thank you, Hon. Temporary Deputy Speaker. I would want to support this Motion, but there are a few things that the Mover of the Motion said that I need to correct. He said that the betting tax was reduced. He talked of 35 per cent. I believe he did not understand it. It was never reduced. What was done was re-allocation. The 35 per cent still stands. It is the 35 per cent in the sense that 15 per cent is tax on the betting companies and 20 per cent goes to those who win the bets. For example, the one who won the jackpot yesterday is going to pay Kshs40 million to the National Treasury.

That is beside the point. As a country, we need to think of where our youths are going. We need to also see how we are going to empower them because in my constituency, we have youth centers. But the issue is how to run them. Three years ago, we did five youth centers. The problem has been how to run them and empower the youth. How do you get people to come and train them and give them kits - the ones Mhe. Aluoch was talking about? The way he has gone about it is good, but we need to know how all the other youth funds which are currently there will be collapsed into one. If we are going to give even the 2.5 per cent of the NG-CDF, that will be sufficient.

Koffi Annan - may God rest his soul in peace - said young people should be at the forefront of global change and innovation. Empowered, they can be a key agent for development and peace. If, however, they are left on society's margins, all of us will be impoverished. Let us all ensure that our young people have every opportunity to participate fully in the lives of their

societies. Youth unemployment is a national disaster and we need to take care of our youth because we always say they are the future. But I think they are the present. We have to tackle our present to have a good future. I support Hon. Oluoch. We need to see how we can turn this into a Bill. Motions are just Motions. They just urge the Government and nothing much comes out of them. We have done so many Motions. I did one in the last Parliament and I have lost favour with the Motions because nothing has been implemented to date. When they do not get implemented, people lose faith in the system of the Motions. So, we need to have Bills coming into Parliament so that we can pass and appropriate the right amount of money. When Hon. Osotsi was talking, he said: "We are going to do the constitutional amendments." We never heard him doing anything unless he is going to bring something to Parliament. I know we have a Constitution already and I have not seen any amendments to it. So, we should be thinking ahead before doing what we are supposed to be doing. Let us do the small things we are doing like the Prime Minister Narendra Modi of India. He said he is a small man who wants to do big things for the small people. So, I congratulate the Member who brought the Motion. I support the Motion which seeks to establish a national youth fund which will ensure that our youths are empowered.

Thank you, Hon. Temporary Deputy Speaker. I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Adagala Kahai.

**Hon. (Ms.) Beatrice Adagala** (Vihiga CWR, ANC): Thank you, Hon. Temporary Deputy Speaker for giving me this chance to echo and support Hon. Oluoch for bringing this Motion on the declaration of youth and employment as a national disaster and establishment of a national youth fund.

This is a noble idea because the whole country is in a crisis of youth unemployment. When there is a job opportunity, conditions are set for the youths. When a youth goes for a job interview, they meet uncondusive conditions that are required before they are employed. One, they are asked to give their work experience. This is not correct. Where would the youths who are straight from school get work for them to get the required experience?

The other thing that was pressing me so much is asking the youth to pay money so that they are cleared by the CRB, HELB and for Certificate of Good Conduct. Those levies are charged to the youths who are coming straight from college or have never been employed anywhere. It is cumbersome. You, therefore, find that youths are frustrated; they cannot be employed because of the strings attached on some of those employments. There is an outcry by the youth that the old are being recycled for the jobs and making them not to have anything to do or to support them in their endeavours. As much as we have put up middle level colleges like the polytechnics and the rest, they will still be asked to pay money for HELB for them to be cleared to get employment somewhere. When you look at this Motion by Hon. Oluoch, I feel that if the fund can be established, it will become like the NG-CDF. Arrangements will be made so that once some of those youths come out of TVETS and universities they can be innovators or start small businesses and companies where they can employ others. They will be able to exercise what they have learnt from the colleges. The existing youth funds also have strings attached, which is making the youth to shy away from them.

Once the national youth fund is established and the rules and mechanisms are put in place, the youths will be able to acquire the funds and assist them to come up with small industries and employ other youths. Somebody was talking of the Big Four Agenda. The youth are a time bomb in waiting and, therefore, the fund should be set up so that it can assist them instead of idling. We have seen so many youths out there engaging in drugs because of

hopelessness. To restore a sense of hope, the youth fund needs to be established so that they can have something to do.

With those few remarks, I support this Motion.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. ole Sankok David.

**Hon. David ole Sankok** (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker for giving me this opportunity. At the outset, let me say that I support the Motion by Hon. Anthony Oluoch. The Motion is timely and I hope it will not be like other Motions that we pass in this House, which just collect dust in the shelves. Unemployed youths are a time bomb. They are vulnerable to radicalisation. You know what radicalisation, especially from the *Al Shabaab* wing, has done to our country. We know what radicalisation in terms of *Mungiki*, *Chinkororos* and *Baghdad Boys* have done to our country. When youth are unemployed, they are vulnerable to be radicalised into those terror groups. In addition, the youth are vulnerable to drug addiction, alcoholism and immorality. This will not only destroy the future of our youths, but the entire future of our country. That is why such Motions need to be discussed soberly. It is incumbent upon all of us to make sure that we have followed it up to the implementation stage, so that it does not collect dust in our shelves.

First of all, we would like to congratulate our President for being recognised recently in America, as one of the best presidents in terms of youth empowerment. That is because of the policies and funds to assist the youth. Our question is: Where are we going wrong in Access to Government Procurement Opportunities (AGPO)? AGPO was supposed to empower the youth, women and persons with disabilities. We have not seen that empowerment trickling down to our youth for productive activities that are of economic benefit to them.

We have the Uwezo Fund. If we ask Members of Parliament and members of the public the impact of that youth fund... That is not pocket change! Kshs6 billion is a lot of money. We still have the youth fund. What is its economic impact? What is the economic impact of the NGAAF, which is a very young fund? In fact, the impact of NGAAF is more than the impact of those other funds that have billions of shillings. So, when a fund is suggested to be formed and be administered through NG-CDF, as a House, we will support it, especially if it will be administered by the woman representatives because they have shown some level of dignity in administering NGAAF. I see Hon. Nyoro and Hon. KJ becoming a bit uncomfortable.

Whenever we talk of unemployment, let us not talk of youth unemployment alone. Let us also talk of the percentage that will be given to the persons with disabilities. It is in Article 54 of the Constitution that 5 per cent of employment should go to persons with disabilities. In this Motion, it should be 15 per cent because that is the population of PWDs in this country.

Because my time is up, as a House, we need to give solutions. One of the solutions that I believe is beneficial to us is this: Let us give tax exemption to importation of wood so that we can conserve our forests as we destroy the forests in Uganda and Democratic Republic of Congo and import that wood and manufacture furniture. We will be exporters of furniture. The youth will get employment there. Again, let us rethink the issue of our education system. When it is only a degree that is required, all of the youth cannot be managers. We must have plumbers, electricians and masons. So, let us also make sure that our education system is compatible with the job market.

Thank you very much, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Ekamais, Member for Loima.

**Hon. Jeremiah Lomorukai** (Loima, ODM): Thank you, Hon. Temporary Deputy Speaker. I want to thank Hon. Anthony Oluoch for bringing this very serious and timely Motion. I think our country is grappling with a myriad of issues, one of which is trying to stabilise the economy. Secondly, the issue of youth unemployment in this country is the worst. So, I want to congratulate the Member for taking his time to think about youth matters. I think 78 per cent of our population is made up of the young people. That is according to the last population census. So, the youth forms the largest population of this country and must be given attention. Without giving attention to such kind of population, this country will get into very serious crimes and even have issues of *Al Shabaab*. When we get there, the country will seriously lose a lot.

In May 2009, the Ministry of State for Youth Affairs formulated and published the Youth Employment Marshall. It announced the rate of unemployment as a time bomb in this country; that this nation is sitting on a time bomb which will explode and the country will seriously get affected. In 2002, the Youth Agenda Kenya recommended that we declare the youth unemployment rate as a national disaster. I want to support the Member for proposing in his Motion that we should declare youth unemployment in this country as a national disaster.

In 2012, the rate of unemployment shot to 40 per cent. It means the rate at which unemployment of youth is growing is alarming. It would be prudent as a country to create a law that will take care of matters of the youth. We must create a working fund and declare those other dormant funds defunct because they have never served the interests of the youth in this country. By creating a fund, we will be in a position to help our youth get trained and build their capacity. Indeed, that will enable our country make a step.

Another thing that takes our youth aback is that organisations demand for experience from them. Our youth have not been given opportunity to gain experience and so, the requirement of working experience should be removed. It has disadvantaged our youth so much.

With those few remarks, let us seriously support this Motion because it will work for the interest of the youth in this country. Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. Musau Musyoka.

**Hon. Vincent Musau** (Mwala, MCCP): Thank you. Let me start by referring to a conversation I had yesterday with some of my youth in the market. I just stopped by and in our discussions, I told them they needed to stop chewing *miraa* and, if they have to, then they need to remember the slogan that was used by Tusker beer a long time ago that says: “*Baada ya kazi, burudika na Tusker*” One of them asked me: “*Baada ya kazi gani?*”. Now, that takes you to the weight of this matter that, basically, the youth are so un-engaged that preventing them to do some of the things that they do to ventilate their frustrations becomes very difficult.

Let me join the other Members by describing youth and unemployment as a time bomb. The most productive age is during the youth. The wealth of a country is not in its minerals or infrastructure. It is how well the country taps into its own human resource. Look at what happened to South Korea which, at one point, was way below Kenya. But it is now miles ahead. It is one of the most developed countries in the world. During one of the visits to Korea, I asked one of the Koreans how they managed to get to where they are presently and he said that they borrowed some of the designs from Kenya, only that they capitalised on their human resource. There is a big percentage of useful human resource that we are leaving behind. A country that invests so much in infrastructure and forgets to carry along the youth and every other person is like a husband who is so busy working hard to buy sofa sets and big fridges, but has no time for his wife and children. All that those people need is for him to recognise and carry them along in

the system. There is a big percentage of the youth who are willing to work but, unfortunately, they are jobless. This threatens the future of individuals and the economy at large.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Musyoka. I am afraid the House must rise. It is 1.00 p.m. but that does not mean that your minutes are extinguished. You will have a balance of two minutes when this Motion is back so that you have a total of five minutes.

For other Hon. Members, the Motion will be back. We have a balance of 31 minutes when this Motion is scheduled back by the House Business Committee (HBC). So, Hon. Members who have not spoken will have a balance of 31 minutes.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, the time being 1.00 p.m., this House stands adjourned until today Wednesday, 3<sup>rd</sup> October 2018, at 2.30 p.m.

The House rose at 1.00 p.m.