

PARLIAMENT OF KENYA**THE NATIONAL ASSEMBLY****THE HANSARD****Wednesday, 26th February 2020**

The House met at 9.30 a.m.

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

Hon. Deputy Speaker: Order, Hon. Members. It is clear that we do not have the required quorum. I, therefore, order that the bell be rung for 10 minutes.

(The Quorum Bell was rung)

Order, Hon. Members. We now have the required quorum. Therefore, business will begin.
Order, Members. Take your seats, please.

PAPERS LAID

Hon. Deputy Speaker: On this particular Order, we seem to have a handful. We will start with the Chairperson of the Departmental Committee on Lands.

Hon. (Ms.) Rachael Nyamai (Kitui South, JP): Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Lands on the vetting of Mr. Enosh Onyango Momanyi for the appointment to the position of Principal Secretary in the State Department for Physical Planning.

Hon. Deputy Speaker: Next is the Chairperson of the Departmental Committee on Transport, Public Works and Housing.

Hon. David Pkosing (Pokot South, JP): Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Transport, Public Works and Housing on the vetting of Mr. Solomon Kitungu for appointment to the position of Principal Secretary (PS), State Department for Transport.

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Next is the Chairperson, Departmental Committee on Trade, Industry and Co-operatives.

Hon. Kanini Kega (Kieni, JP): Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Trade, Industry and Co-operatives on the vetting of Ambassador Johnson Mwangi Weru, nominee for appointment to the position of PS, State Department for Trade and Enterprise Development.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Very well. We will now go to the last one by the Chairperson, Departmental Committee on Education and Research.

Hon. Julius Melly (Tinderet, JP): Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Education and Research on the vetting of Dr. Julius Ouma Jwan and Ambassador Simon Nabukwesi for the appointment to the position of PSs for the State Department for Vocational and Technical Training and State Department for University Education and Research, respectively.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Very well. We will go to the next Order. We will start again with Hon. (Dr.) Rachael Nyamai, Chairperson, Departmental Committee on Lands.

NOTICES OF MOTION

APPROVAL OF NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY STATE DEPARTMENT FOR PHYSICAL PLANNING

Hon. (Ms.) Rachael Nyamai (Kitui South, JP): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Lands in its Report on the Vetting of the Nominee for Appointment as a Principal Secretary, laid on the Table of the House on Wednesday, 26th February 2020 and, pursuant to provisions of Article 155(3)(b) of the Constitution, this House approves the appointment of Mr. Enosh Onyango Momanyi as the Principal Secretary, State Department for Physical Planning.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: We will go the Chairperson, Departmental Committee on Transport, Public Works and Housing.

APPROVAL OF NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY STATE DEPARTMENT FOR TRANSPORT

Hon. David Pkosing (Pokot South, JP): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Transport, Public Works and Housing in its Report on the Vetting of the Nominee for Appointment as a Principal Secretary, laid on the Table of the House on Wednesday, 26th February 2020, and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House approves the appointment of Mr. Solomon Kitungu as the Principal Secretary for the State Department for Transport.

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Very well. Let us have the Chairperson, Departmental Committee on Trade, Industry and Co-operatives, Hon. Kanini Kega.

APPROVAL OF NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY
STATE DEPARTMENT FOR TRADE AND ENTERPRISE DEVELOPMENT

Hon. Kanini Kega (Kieni, JP): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Trade, Industry and Co-operatives in its Report on the Vetting of the Nominee for Appointment as a Principal Secretary, laid on the Table of the House on Wednesday, 26th February 2020, and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House approves the appointment of Ambassador Johnson Mwangi Weru as the Principal Secretary for the State Department for Trade and Enterprise Development.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you very much. We will go to the next Order. Sorry, Hon. Melly. Your matter is on a different page. That is why I almost skipped it. Let us have the Chairperson, Departmental Committee on Education and Research, Hon. Julius Melly.

APPROVAL OF NOMINEES FOR APPOINTMENT AS PRINCIPAL SECRETARIES
STATE DEPARTMENT FOR VOCATIONAL AND TECHNICAL TRAINING/
STATE DEPARTMENT FOR UNIVERSITY EDUCATION AND RESEARCH

Hon. Julius Melly (Tinderet, JP): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Education and Research in its Report on the Vetting of Nominees for Appointment as Principal Secretaries, laid on the Table of the House on Wednesday, 26th February 2020 and, pursuant to the provisions of Article 155(3)(b) of the Constitution and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House approves the appointment of the following persons as Principal Secretaries in the respective State Departments-

(i) Dr. Julius Ouma Jwan – State Department for Vocational and Technical Training; and,

(ii) Ambassador Simon Nabukwesi - State Department for University Education and Research.

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you very much. We are through with that Order. Next Order!

QUESTIONS AND STATEMENTS

Hon. Deputy Speaker: On this particular Order, we have both Questions by Private Notice and Ordinary Questions. So, we will start with Questions by Private Notice. We will start with the Member for Lamu County, Hon. (Captain) Ruweida Obo.

QUESTIONS BY PRIVATE NOTICE

Question No.001/2020

STATUS REPORT ON KENYA NATIONAL BLOOD TRANSFUSION SERVICE

Hon. (Ms.) Ruweida Obo (Lamu CWR, JP): Thank you, Hon. Deputy Speaker for giving me this opportunity to ask the Cabinet Secretary (CS) for Health this Question:

(i) What is the status of collection, testing and distribution of blood and blood related products to all transfusing hospitals in the country?

(ii) What is the quantity of blood reserve in the Government's blood banks under the management of Kenya National Blood Transfusion Service (KNBTS) and is the quantity sufficient to serve casualties in case of occurrences of disasters and emergencies?

(iii) What challenges is the KNBTS facing with regard to continued support of the project by donor agencies?

(iv) What measures has the Ministry put in place to ensure sufficient funding of the Service?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: That Question will be replied to before the Departmental Committee on Health. We will go to the next Question by the Member for Mandera East, Hon. Omar Maalim. Give Hon. Maalim the microphone, please.

Question No.002/2020

PRESENCE OF FOREIGN FORCES AT BORDER POINT ONE IN MANDERA

Hon. Omar Mohamed (Mandera East, EFP): Hon. Deputy, I want to ask this Question to the Cabinet Secretary for Defence:

(i) Could the Cabinet Secretary confirm the presence within Kenya territory of a Minister in charge of security of the Regional Government of Jubaland, Somalia, who crossed over with about 100 armed soldiers from Bulla-Hawa in Somalia and settled at Border Point One of Mandera East Constituency?

(ii) Could the Cabinet Secretary further explain whether the Kenya Defence Forces (KDF) have played any role in the continued presence of the said Minister and foreign soldiers in Kenya's territory?

(iii) Could the Cabinet Secretary explain the measures that have been put in place to mitigate against the security challenge posed by the presence of such foreign forces to the residents of Mandera East Constituency and the country at large?

(iv) Could the Cabinet Secretary explain the legal framework under which the soldiers were permitted into and settled in Kenya territory?

I wish to state that the people of Mandera are under siege from those people.

Hon. Deputy Speaker: Order Maalim! You have done it in the normal way. You have asked the Question. You can raise many of those issues in the Committee. I refer this particular Question to the Departmental Committee on Defence and Foreign Relations. We will go to the Ordinary Questions now. We will start with Hon. Gideon Keter.

ORDINARY QUESTIONS

Question No.017/2020

ISSUANCE OF TITLE DEEDS TO PUBLIC SCHOOLS

Hon. Gideon Keter (Nominated, JP): Thank you, Hon. Deputy Speaker. I would like to ask this Question to the Cabinet Secretary for Lands and Physical Planning:

(i) How many public schools in the country, both primary and secondary, have been issued with title deeds following the Presidential directive that all public schools be issued with the said document?

(ii) What measures has the Ministry put in place to ensure that public schools and other public institutions in the country are expeditiously issued with title deeds to safeguard against irregular allocation of the land that they occupy?

Hon. Deputy Speaker: Very well. That one will be replied to before the Departmental Committee on Lands. Next is the Member for Alego-Usonga, Hon. Samuel Atandi. That will be the last one.

Question No.018/2020

DISMISSAL OF MR. JAMES OMINGO JUMA FROM KENYA REVENUE AUTHORITY

Hon. Samuel Atandi (Alego-Usonga, ODM): Thank you, Hon. Deputy Speaker. I rise to ask Question No.018/2020. I want to add that this is the second time I am raising this Question on the Floor of this House. The first time, it was bungled at the Departmental Committee on Labour and Social Welfare. I want to urge the Chairman, Hon. Wario, whom I see across, to ensure that justice is served on this Question.

Hon. Deputy Speaker: Just leave that to me, Hon. Atandi. Do your part.

Hon. Samuel Atandi (Alego-Usonga, ODM): Thank you. The Question is addressed to the Cabinet Secretary for Labour and Social Protection.

(i) Is the Cabinet Secretary aware that one, Mr. James Omingo Juma of ID No. 0985881, was irregularly dismissed from employment by the Kenya Revenue Authority in February 1999, contrary to Section 45 of the Employment Act?

(ii) When will he be paid his dues or reinstated as his dismissal was overturned by the Mombasa Chief Magistrate Court, Court Case No. 2251 of 1998?

Hon. Deputy Speaker: Very well. That one will be replied before the Departmental Committee on Labour and Social Welfare. Next Order!

BILLS*Second Reading*

THE INDUSTRIAL TRAINING (AMENDMENT) BILL

*(Hon. Jude Njomo on 19.2.2020 – Morning Sitting)**(Debate concluded on 19.2.2020)*

Hon. Deputy Speaker: Order, Members. Hon. Keter, please, take your seat. Hon. Members, I can confirm that we have the required quorum. I, therefore, proceed to put the Question.

*(Question put and agreed to)**(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)**First Reading*

THE EMPLOYMENT (AMENDMENT) BILL

(Order for First Reading read—Read the First Time and ordered to be referred to the relevant Departmental Committee)

Hon. Deputy Speaker: Hon. Keter seems to be very active this morning. But before I give him the opportunity to move his Bill, let me allow Hon. Wamunyinyi, on behalf of the Departmental Committee on Administration and National Security, to do what he is supposed to do. I had been informed that he was preparing himself because the Chair of that Committee was absent.

(Laughter)

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Thank you, Hon. Deputy Speaker. This is what I do better. I have a Statement by the Departmental Committee on Administration and National Security on Questions referred to the Committee during the past year.

Hon. Deputy Speaker: Now, what is it that you are doing? Normally, we refer to this gentleman as the ‘Chairman General’. But what is it that you are doing? I thought you are supposed to be giving notice. And even before giving notice...

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): I will do that Hon. Deputy Speaker. I am waiting for the documents from the Table Office.

Hon. Deputy Speaker: So, you do not have the documents?

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): But I have a Report.

Hon. Deputy Speaker: No. The reason I gave you a chance is so that you lay the Report first and then give a notice. The issue of the Report will be after that. I am sure you are a seasoned politician.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): The Chair had asked me to do it this morning.

Hon. Deputy Speaker: To do what?

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): To present this Statement today in the morning.

Hon. Deputy Speaker: No, that is not what we had agreed with you.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Not with you. I had agreed with the Chair yesterday.

Hon. Deputy Speaker: Well, that can only be done at the Committee level. The agreements that are made here are supposed to be between yourself and the Speaker. That other agreement can only be done at the Committee level, where he is the head. Let us have the documents ready for you. I will give you an opportunity as soon as you have those documents so that we can transact it in the afternoon. What you are doing now is what you will probably do after you have cleared the normal process.

We will proceed with Hon. Keter. Are you ready to move that particular Bill?

Hon. Gideon Keter (Nominated, JP): Yes, Mr. Speaker.

Hon. Deputy Speaker: Now, if you are ready, I want to give directions because this is a very important issue. When you propose, there will be a seconder. Since you are not the Chair of the relevant Committee, we will give the first priority to the Chairperson of that Committee, so they can as well start preparing.

Proceed, Hon. Keter.

BILL

Second Reading

THE NATIONAL YOUTH COUNCIL (AMENDMENT) BILL

Hon. Gideon Keter (Nominated, JP): Thank you, Hon. Deputy Speaker.

I beg to move to move that the National Youth Council (Amendment) Bill be read a Second Time.

Hon. Deputy Speaker, the National Youth Council (Amendment) Bill, 2019, seeks to amend the National Youth Council Act No. 10 of 2009 to cure governance challenges faced by the Council. This is due to the large number of the composition of the Council. The previous Board members were 24, which goes against the *Mwongozo* from the Government. Also, it was faced by the many challenges that come with a large number, when you want to make decisions pertaining key critical issues affecting the young people.

Also, reducing the number aims at depoliticising the Council. The Council has been faced with so much politics around what the roles of the Chairman and the CEO are, and what kind of activities need to be done by the Council. There is also the issue of election and nominations. Those issues have affected the operations of the Council. The Board has also been involved in a lot of politics, something which has affected the operations of the Council. I would like to tell the

future Board members that there are so many avenues in which you can engage in politics. For example, you can join a political party. However, when it comes to running a parastatal like this one, you need to desist from participating in politics. Anyone who has been given an opportunity to serve young people should not let them down.

The Amendment Bill also seeks to ensure that the Government funds the Council. In the past, the Council has been faced with financial challenges. They have never been funded and the Board members still need to be paid. As we speak, they are struggling even to raise salaries and run the Council itself. For instance, even the interns are still being paid an amount of money that is below what the Government had directed they be paid, that is, Kshs25,000.

The Act is kind of obsolete because it is in line with the old Constitution. Amending Section 10 of it will result to deletion of the obsolete terminologies like “the Minister”, “Sub-location”, and so on. Also, we aim to allow the non-executive membership for various youth organisations in order to offer mentorship and capacity building to the Council.

Hon. Deputy Speaker, allow me to give an introductory background of the Bill. In the past, there have been no coordinated and harmonised efforts to mainstream the youth agenda in the country. Despite the effort as well as increase in the agencies dealing with the youth, problems facing the young people have continued to worsen. The situation has been attributed to lack of a comprehensive policy to provide a blueprint for the development of young persons.

Hon. Deputy Speaker, in the 9th Parliament, the National Youth Council Policy was discussed as Sessional Paper No.3 of July 2007. The Sessional Paper was approved by Parliament as a policy document that provided a blueprint on youth development in Kenya. It is worth knowing that it was an important milestone for the youth and our country as a whole. Hence, we had an opportunity to have the National Youth Council Bill of 2009. Currently, we are missing a national youth policy development that is in line with the current Constitution. It is important also for me to acknowledge that the previous National Youth Policy of 2007 helped the country to achieve a number of key milestones in youth empowerment efforts. Notable among them is the establishment of the National Youth Council as a representative body to advance the voice of the youth, the establishment of several affirmative funds that continue to provide youth, women and people with disabilities with low interest funds for their economic empowerment activities. The 2007 National Youth Policy was in line with the old Constitution and the programmes of the Government of the day. The youth are now in need of a new youth development policy designed to scale up youth development, intervention as well as evaluate youth contribution to nation building. The main objective of the new policy is to mainstream youth issues in all sectors of the national Government.

As we progress in ensuring that the youth are valued and that their voices are heard, I request the Cabinet Secretary (CS) in charge of youth affairs to fast-track the formulation of a new national youth development policy to provide a blueprint on the development of the youth agenda.

Clause 2 of the Bill deals with miscellaneous matters, including replacement of obsolete terms such as “Minister” with “Cabinet Secretary” meaning that the Cabinet Secretary for the time being responsible for matters relating to the youth. Clause 3 of the Bill also provides for amendment of Section V of the National Youth Council Act No.10 of 2009 and replaces the term “Permanent Secretary” with “Principal Secretary” in line with the provision of the Constitution of Kenya. It is notable that the youth of this country lack enforceable contracts that are geared towards the development of young persons. The ineffectiveness of the Council has created a lot of loopholes within the Government. For example, there is no institution right now that offers

young people the 30 per cent tenders in procurement, from the county governments to all parastatals. So, there is no enforceable contract so far that is being implemented to support the development of young persons. The National Youth Council has never been funded, and that has affected its operations. On issues affecting the youth in employment, there is a lot of red tape everywhere. A young person seeking employment is asked to produce many documents as if he or she is not a citizen of this country, or as if the national identity card is not enough.

Clause 4 of the Bill provides for amendment of Section VI of the National Youth Council Act No.20 of 2009 by substituting the word “sub-location” with a term or a word in line with the language used in the current Constitution of Kenya. Clause 3 of the Bill provides for amendment of Section V of the National Youth Council Act, 2009 that deals with the replacement of the “Permanent Secretary” with “Principal Secretary”.

On the composition of the Council, the Bill proposes that it shall consist of a non-executive chairperson who shall be a youth appointed by the President of the Republic of Kenya; the Principal Secretary (PS) responsible for matters relating to the youth or his representative nominated in writing; the PS responsible for matters relating to finance or his representative nominated in writing; the Attorney-General or his representative nominated in writing; ten persons being youth appointed by the Cabinet Secretary and the Secretary of the Board who shall be the Chief Executive Officer, and an *ex-officio* member of the Council who shall not have a vote.

Furthermore, the aforementioned member of the Council shall be appointed or elected through an open, transparent and competitive process as per the procedure outlined in the Third Schedule. Also, in appointing or electing members to the Council, the Cabinet Secretary shall ensure that there are equal opportunities for persons living with disabilities, a person from marginalised communities and a person from professional bodies. Not more than two thirds of the members of the Council shall be of the same gender. The membership of the Council shall reflect the regional and ethnic diversity of Kenya.

According to Clause 3 of the Bill, the person qualified to be the chairperson of the Council should be in possession of a bachelor’s degree from a university recognised in Kenya, should have at least five years of post-qualification experience, should not be a holder of any other public office, should be a member of an active registered youth group, and should meet the requirements of Chapter Six of the Constitution and any relevant law of integrity. That person must be a youth.

The qualification for appointment for members of the Council under Clause 3 of the Bill are that the individual must possess at least a post-secondary education certificate from an institution recognised in Kenya, must have at least three years post-qualification experience, must not be a holder of any other public office, must be a member of an active youth organisation or youth group, must meet the requirements of Chapter Six of the Constitution and must be a youth.

The proposed amendment also prescribes the procedures to be followed for the appointment or election of the 10 youths as members of the Council. The candidate eligible for appointment as a member of the Council shall be selected, nominated or elected in an open, transparent and competitive process at the county level. The selection, election or nomination panel in every county shall consist of the County Commissioner, who shall be the chairperson, the County Director of Youth Affairs, the County Director of Social Development Services, the County Director of Gender Affairs, two persons representing faith-based organisations, a representative from the Chambers of Commerce, a representative from the Commissioner of

Scouts and the County Chairperson of the organisation responsible for people living with disability.

The Third Schedule of the Bill provides for the selection, nomination or election of nominees at the county level. It provides that each selection, nomination or election panel at the county level shall, within seven days of its convening, invite applications from qualified persons and publish the names and qualifications of all applicants in the Kenya Gazette and the Ministry's website. The panel shall also consider the applications, interviews and shortlist two persons being male and female qualified for appointment as members of the Council and shall forward the names of the shortlisted persons to the Cabinet Secretary who shall within seven days in receipt of the names forwarded by the Panel, appoint the members to the Council.

Clause 4 of the Bill provides for the amendment of Section 6 of the National Youth Council Act of 2009 by substituting the terms "sub-location" with the words "as per the current Constitution". The enactment of the Bill shall not occasion an additional expenditure of public funds.

As I conclude, our young people in this country are faced with numerous challenges when they are trying to ensure that their lives are in order straight from educational institutions. Recently, I over-heard the Cabinet Secretary in charge of Education pushing for the closure of satellite campuses and yet, as a House, we have been struggling to see that access to education is done for our convenience from our counties. Not all young people and parents have the ability to pay for studies at Kenyatta University or University of Nairobi. The Cabinet Secretary should focus on how to equip those institutions with quality education so that our parents or Kenyan citizens are able to access education from wherever they are.

There is high red tape when it comes to employment. A young person seeking for a job is asked to provide so many documents. This alone does not cure the challenges of unemployment. For example, last year, the Public Service Commission (PSC) employed 1,800 people in a whole year - a whole Government institution in charge of employment employing just 1,800 people. From the census, we saw the population of young people being at 35.1 million out of 47.6 million. That alone is around 75.1 per cent of the total population.

Unemployment is the biggest challenge any young person is facing in the country right now. As a Government, we are doing very little to ensure that those young people have an opportunity to improve their own lives. You find a student who has just cleared Form IV being denied a certificate to join a Technical Training Institute (TTI) at the county level. All these are hindrances to development of a young person. I am asking this House to support the development of the National Youth Council so that within the Government, we have a body that is going to advance the voice of the youth.

I beg to move this Bill and request Hon. David Ochieng' to second.

Hon. Deputy Speaker: Hon. David Ochieng', that is to say that you have been placed squarely in that bracket of the youth, which is a good thing. Proceed, Hon. Ochieng'.

Hon. David Ochieng' (Ugenya, MDG): Thank you, Hon. Deputy Speaker. I want to start by thanking Hon. Gideon Keter for doing something that should have been done long time ago. He should have known better because he was part of the National Youth Council before he came to Parliament and he understands the challenges that are faced by that particular body. I am no longer a youth. I am turning 40 this year. I have passed that bracket now, but I have youth issues at heart. I have been the Secretary General of the Kenya Young MPs Association for the last four years. So, I think I am competent enough to talk about issues of young people.

This is a very simple Bill. The Bill seeks to strengthen the structure of engagement with young people in the discourse of all public affairs in this country as provided for in the National Youth Council Act. We could talk about so many things but, if you want young people to participate and engage with what happens in daily lives, the best way to go about it is to have systems and structures that enable them to participate in the county government processes, constituency processes, ward processes and national discourses. If you want them to participate, they must be organised in a particular manner that helps them do so. This is not the only country with this kind of a system. Uganda has had one since 1993. In fact, that country has two MPs designated as youth MPs, both female and male. You do not have to wait for Hon. Keter, Hon. Babu Owino or Hon. David Ochieng' to claim that they love youth to represent them. We just need to have young people in this House representing them.

This Bill, in a nutshell, is saying that we have got a National Youth Council that has not been operationalised for the last eight years. Why so? Because we left a very important role for constituting the Council to a Cabinet Secretary. It says at Clause 5(g) that eight members of the Youth Council are to be elected through a system to be prescribed by the Cabinet Secretary. It is discretionary, *carte blanche*, and a blank cheque. No one knows what the Cabinet Secretary is supposed to do to make this work. So, what Hon. Keter is proposing this morning is to ensure we have a competitive process through which those young people get into the Youth Council. This is the *modus operandi* we have adopted in this House for the last four years for appointing board members of parastatals and authorities. Let us have a process that is transparent, competitive and participatory. Hon. Gideon is saying that we will have nine members of the National Youth Council being nominated through a competitive process by the Cabinet Secretary responsible for youth affairs. Competitive here means this could be advertised. There could be a panel of selection like we do with the commissions. There could be a way in which you advertise in the papers and people bring applications and we have a panel that looks at this and provides for how to get a broad spectrum of membership across the country.

During KANU days – and I will not say more –and I know you belonged to KANU, there used to be a very strong...

Hon. Deputy Speaker: What did you say?

Hon. David Ochieng' (Ugenya, MDG): I said during KANU days, there used to be a very strong youth movement in this country.

Hon. Deputy Speaker: You should stop it here. You do not have to...

Hon. David Ochieng' (Ugenya, MDG): I did not say anything else. If you heard anything else, it was probably a slip of the tongue. There used to be a very strong youth movement in this country. We knew the chairman of the KANU youth, secretary-general and how it worked. The reason we decided to depoliticise this is so that we have a youth council that takes care of all shades of opinion, all shades of colour, race and all that so that everybody gets represented within that particular framework. For eight years, this has not happened because of fear that if you open it up, so and so will influence. We need to get this to a rest. We need to have a strong youth council.

I want to implore upon Members that this is a Bill that we needed to have passed yesterday. Why? Because so much is happening in this country. Youth are being promised so many things every day but all those are tokenism and false promises because there is no way of them engaging. I would take an example though controversial, but I will just use it. Look at the 14-member composition of the Building Bridges Initiative (BBI) Task Force. Not a single member is below 35 years and no one is talking about it. But when you hear them talk about

BBI, they are saying that this BBI is going to help the future. The future is youth because 75 per cent of our population is youth. If you are discussing posterity, you are discussing a system that is going to put us on a path to growth and there is no young person represented in that panel. How are you going to do that? We cannot have 80-year-olds deciding for 22-year-olds. You only have to ensure that those people are mainstreamed in those structures. You cannot dance to reggae and hope that it is going to help them get jobs. You cannot hope to dance to reggae and hope that it is going to help get opportunities for those young people in colleges. You must allow and enable them to be part of that process to work.

Hon. Deputy Speaker, engaging young people in productive endeavours is the best thing that this country can do. So, organising from the village level, through the ward level, sub-county level and county level is the best thing you can do for the young people to participate in those things. As this is done, I also want to implore upon political parties in this country because they are now bodies of the law and organs of governance, that we should have strong youth leagues and structures that mirror this youth council so that we are able to bring more young people, mentor them and nurture them. This will put them in good stead to help them grow up as responsible citizens who look up to the country and the country looks up to them to enable us move in one accord. I would not want to say much. I want to thank Hon. Gideon Keter for this, and deservedly second this Bill.

Hon. Deputy Speaker: Very well.

(Question proposed)

Now, I will give the first shot to the Chairperson of the relevant Committee. This will be the norm so that the Chairpersons should prepare in advance when there is a matter coming, which they are not the ones sponsoring and they have a reasonably good time to bring Members up to speed. This is because we will now be getting the perspective of the Committee which is the technical group which goes through those Bills. Let us hear the Chairperson of the Departmental Committee on Labour and Social Welfare.

Hon. Ali Wario (Bura, JP): Thank you very much, Hon. Deputy Speaker, for giving me the opportunity to respond to this Bill.

The principal objective of this Bill is to amend the membership of the National Youth Council by allowing competitive requirement of the youth serving in the Council, which is intended to depoliticise the membership of the Council.

The other objective is to do away with obsolete words like “Ministers, “Permanent Secretaries”, “sub-location”, and align them to the current constitutional dispensation.

The Bill does not limit the rights and the fundamental freedoms in the Bill of Rights and it does not delegate legislative powers.

The enactment of this Bill shall not occasion any additional expenditure of public funds.

We have done public participation through an advertisement on 26th March 2019 where the Committee invited the public to present their submissions on the National Youth Council (Amendment Bill), 2019, to be received by the Committee on or before 2nd April 2019.

I want to inform the House that the Committee did not receive any written submission on the Bill within the specified timeframe, but met with Hon. Gideon Keter and officers from the Ministry of Public Service, Youth and Gender Affairs on 1st April 2019. At the said meeting, the Ministry informed the Committee that it was going to undertake a comprehensive review of the Act and submitted a copy of the proposed amendment, that is, the Draft National Youth Council.

Hon. Deputy Speaker, we said we cannot stop the Member from practising his right. The Ministry can bring the comprehensive amendment when they feel like but, we said we have to allow the Member to continue with the Bill.

For the record, the Organisation of African Youth Kenya presented a memorandum which was received on 12th September 2019, while Kenya YSO Consortium presented a memorandum which was received out of the stipulated timeline and so, they were not considered.

Under the observations of the Committee, the Committee totally agrees with the proposal of the crux of the Bill, which is to increase the number of the youth membership of the Council and ensure that the appointment of youth to the Council follows a competitive process. This is contained in Article 232 of the Constitution which requires fair competition and merit as the basis for appointment.

The membership of the Council is presently 22 members. Whereas increasing the number of youths in the Council by one person will ensure that the Council has an odd number which is ideal for voting purposes, the enhancement as proposed by Hon. Gideon Keter will also render the Board's membership bloated. This is contrary to the stipulated number under State Corporations Act which requires the Board to have not more than 15 persons.

There is need to provide for the qualification applicable to the youth members of the Board as a criteria for the proposed competitive and merit-based recruitment. As it is presently, the Act only stipulates qualifications of the chairperson. Further, there is need to provide for a selection criterion which will decentralise the appointment of the Kenya Youth Council members.

Hon. Deputy Speaker, the Committee recommended that the membership be as follows:

- a) The Council should consist of 16 persons, 10 of whom are youth.
- b) The Council should consist of a non-executive chairperson who shall be a youth appointed by the president.
- c) The Principal Secretary responsible for matters relating to youth or his/her representative nominated in writing.
- d) The Principle Secretary responsible for matters relating to finance or his/her representative nominated in writing.
- e) The Attorney General (AG) or a representative nominated in writing.
- f) Ten persons being youth appointed by the Cabinet Secretary; and,
- g) The Secretary to the Board who shall be *ex-officio* member of the Council and shall not have a vote.

The Members under Subsection 1(f) who are basically youth shall be appointed through an open, transparent and competitive process as prescribed in the Third Schedule.

In appointing members to the Council, under Subsection 1(f), the CS shall ensure that there are equal opportunities for Persons with Disabilities (PWDs), persons from marginalised communities and persons from professional bodies, and that not more than two-thirds of the members of the Council are of the same gender.

The membership of the Council reflects regional and ethnic diversity of the people of Kenya.

Hon. Deputy Speaker, under the qualifications of a chairperson, a person is qualified to be appointed as a chairperson if that person:

- a) Possesses, at least, a bachelor's degree from a university recognised in Kenya.
- b) Has, at least, five years of qualification experience.

c) Is not a holder of any other public office.

The list is long, Hon. Deputy Speaker. We are also given qualifications for members of the Board. Initially, in his proposal, it is only the chairperson who was supposed to have a bachelor's degree, but we went further as a Committee and gave the qualifications of Board members. We have also given the procedure at the county level on how to appoint the panel which is going to appoint the youth who are going to be elected.

The role of the parent Ministry: Each selection panel, subject to this Act, determines its own procedure and the Cabinet Secretary (CS) shall provide each selection panel with such facilities and such other support as it may require for the discharge of its functions.

This is a simple and straight forward amendment. As a Committee, we considered very few amendments and agreed to the proposal by Hon. Keter. We will move our amendment at the Third Reading. Generally, the Committee supports the Bill. It is a straight forward Bill that is crucial for the welfare of our youth. As Committee, we stand in support of this Bill.

Hon. Deputy Speaker: Very well. I must commend the Chair today. He was well prepared for this Bill. That is how we expect Chairpersons to be prepared. Hon. Members, as we proceed and progress, there might be issues that probably will not be clear. Today, we are happy the Chairperson of the Committee, the Mover of the Bill and the Secunder were very clear. However, should it be that there are some issues that are not clear but we will not ask the Mover of the Bill to clarify midstream. We will ask him to take notes of the concerns of Members and as he replies – because he will have an opportunity to reply – he will do it on the basis of those concerns and other matters that arise during debate. So, at no point, any time, shall we allow an exchange between Members, for example, asking the Mover of the Bill to clarify one or two things on the Bill.

So, we will start with Hon. Mutua Barasa, the Member for Kimilili.

Hon. Didmus Barasa (Kimilili, JP): Thank you, Hon. Deputy Speaker for giving me an opportunity to support this important Bill. This is a Bill whose time has come. The young people of this country form a good percentage of the total population of this Republic. We have had a lot of efforts by the Government and other institutions towards improving the lives of young people. However, all those efforts have been an exercise in futility because of what we are trying to cure today through this Bill.

There is need to audit, so far, the implemented interventions to improve the lives of the young people in the country, so that we are sure that the many youth organisations that are being funded in this country, including the National Youth Council, are not just created as conduits for certain people to siphon money meant to improve the lives of those young people.

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

[The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu) took the Chair]

Madam Temporary Deputy Speaker, we must be cognisant of the fact that if the National Youth Council is not achieving the goal of improving the lives of youths in this country, then we can as well say that it is an equivalent of a misguided missile on a wrong target. The only medicine is to ensure that this Bill goes through. I know at a later stage we will be introducing further amendments so that the National Youth Council is not just an entity that is used by the older generation to siphon money and continue to impoverish the young people of this country. It must be a game changer to the lives of young people. I know at times it is difficult to improve the

economic well-being of all citizens in a county within a short time, but when you begin to sort out problems that affect the young people, the rest of the issues will fall in place. Previously, I had a problem with seeing people who are in charge of the youth fund being fellows who are 70 years and 80 years whom we can squarely blame for the current problems that are affecting the young people. If they were in a position to sort out problems to do with youths of this country and they failed, then we will be courting disaster and more failure if we, again, entrust the management of the same institutions in the hands of the same people.

The young people of this country are very innovative. We have medicine for our own problems. We have a formula for solving our own problems that we face. Some of our problems are not known to other people. We should restructure the National Youth Council, so that their appointments are depoliticised. Then, we will do things differently. We cannot continue doing things the same way. The results are not desirable. We cannot improve if we continue doing the same things all the time.

This is a good Bill. I support it and I want to ask my fellow Members of Parliament to support it and, at a later stage, try to improve it so that young people can begin to lead lives full of optimism. This Bill is going to rekindle the hope in the hopeless youthful population of this country. That can only be by this House supporting this Bill and making sure that the authorities that are charged with the responsibility of ensuring that it is implemented after being enacted into law do so. I sit in this House as a young MP. When I go home, the young people ask me many questions. Getting employment in this country is a problem. Getting access to the youth fund is a problem because of lack of a clear framework and if it exists, it has loopholes for pilferage by people who are not intent on benefiting the youth. This Bill is coming to sort out those problems once and for all.

The young people of this county have been very instrumental in supporting the Government of the day. The people who fought for the independence of this county like Dedan Kimathi and Jomo Kenyatta were young people at that time. So, the appreciation that we can give the young people for the support that they have given to this country is to ensure that the appointment of the people to serve in the National Youth Council is depoliticised. The way to do it is to ensure that this Bill is approved by this House. I will ask Members to give support to the young people of this country by making contributions, supporting and enriching it. When it is passed, it will change the lives of young people. With those few remarks, I want to reiterate my position that I support this Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well, the Member for Kimilili. You have done well. Let us have the Member for Saku, the Hon. Rasso Ali. He is in the consultation room now. The Member for Makueni, Hon. Maanzo, you have the Floor.

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute to this important Bill. I was a secretary in the Ministry of Youth Affairs and I am very familiar with the origin of this Bill. At that time, even the Government policy and the mood was to support the youth. That is the first time President Kibaki set up the Youth Ministry, powerfully so, with the deceased Mr. Kinuthia Murugu as the Permanent Secretary. The Ministry, incorporating sports, was really vibrant those days and there was a lot of hope. From the current statistics, the youth have now moved from 72 per cent to 75 per cent of the population of Kenya. That is a huge number. Quite a number of them are between the age of 18 and 35. That is a big voting bloc. Therefore, the youth can determine the destiny of this country, be it the forthcoming referendum or the BBI. So, the youth policy and the youth law are very important because they guide a few things here and there.

A lot of people have tended to misuse the youth in politics. They say very good things about the youth, but when it comes to the practicality of it, there is zero happening about the youth. Now we have devolution. We should see a lot of activities. We should see youth as members of county executive committees (MCECs) and other appointments, and even in elective positions. In fact, quite a number of young people, including our own colleague, Hon. John Paul, are young people in the House. The Mover of this Bill is Hon. Gideon Keter, who is a young man with the vision of the young people in this country. Therefore, this is something we must do to make sure that dealings about the youth are in order. We need to use the power of the youth.

In the USA, a lot of people between the age of 18 and 35 drive the economy. They are the musicians who make a lot of money and sports people. America has been topping in sports in the world, in creative arts and in the film industry, with our very own Ms. Nyong'o, doing a wonderful job there. The youth generate a lot of income and pay taxes and the economy of the country improves. When you are youthful, you maximise your energies. The former Member for Kibra, Hon. Okoth, was in America with a number of youth from Kenya. One day they sat down and asked, "Why do we go back to Kenya and build our country as young people. We are doing so much for another country yet we can do a lot for our own country." That is how Ken Okoth found himself here together with a number of young people. He was elected a Member of Parliament and that tells the potential the youth have. We must give it direction in terms of policy. The law is right, although the policy is what informs the law. We need to have a general policy and political goodwill to promote the youth of the country. We need to act, not just talk about the youth and then do nothing as I have seen in the counties especially.

When you look at this Bill, we have now moved from elected to nominated youth. I believe at the Committee of the whole House, we will relook at that. The rest of the cleaning up is very good and very important. I have seen clean-ups like 'Cabinet Secretary' in place of 'Minister', 'Principal Secretary' in place of 'Permanent Secretary', which should have happened a long time ago when we got the current Constitution. Unfortunately, we are now talking about a referendum to revert back to 'Minister' instead of 'Cabinet Secretary'. Kenyans are really lobbying for that through the popular BBI. The clean-up is good and it will be in order. After the referendum, we will make amendments again.

More importantly, paragraph (g), which originally said "eight youth elected by the youth in such a manner as may be prescribed, and appointed by the Minister", does not make sense. That means the Minister is the presiding officer at that election and he may not be free and fair. We have tried to loosen it in the amendment to say "nine youth nominated through a competitive process by the Cabinet Secretary responsible for youth affairs." It is an improvement, definitely. Because we are still debating, I believe we will do more at the Committee of the whole House stage. It is a big improvement from what we had previously. We can see whether we can combine election and nomination, so that after nominations, there are elections. That way, whoever will be a representative in the Youth Council will have been agreed upon through a free and fair election. It makes more sense than when you just nominate people. If you are just nominating, it means you can easily collude and put your own people there. So, we can look at that and improve on it, so that we can serve the youth of this country better.

The youth are investing and running ICT companies and generating a lot of income. They are in the film industry where they can showcase talent. There are many youth who are useful in many aspects. Some understand engineering very well. That is what changes a nation. When it comes to implementing some of these policies, you find that the youth are more creative because of the use of ICT. Unless you are ICT-compliant, there is a problem. A lot of the youth are ICT-

compliant and the BBI Report is online and so, I believe quite a number of people will access and read it online. A lot of fraud and crimes are also happening online. Again, this affects the youth. So, we need to come up with legislation dealing with the youth, who are now 75 per cent of the country. The primary law is the law relating to the Youth Council. The elections are very competitive. It is like a lot of people who have participated in politics while they are young, whether in university or at the Youth Council, have found themselves to be very useful. A lot of them have been hired in Parliament as personal assistants to Members of Parliament. Other Government departments should utilise the youth talent now that we are ICT-compliant. You can see even the House is now ICT-compliant. We are going into a paperless regime because it is more efficient and more accurate.

I beg to support this Bill. I am looking forward to the Committee of the whole House, God willing, so that we can make amendments and make this law better. I thank Hon. Gideon Keter for being youthful and for taking proactive action to make sure that the youth in this country are served better. That is why we should have more youth in the House.

I thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Jessica Mbalu): Hon. Members, I wish to interrupt the debate and invite you to join me in welcoming visitors to the House, from the Kenya Institute of Management, Starehe Constituency, Nairobi County, who are in the Public Gallery. They are here to watch the proceedings of the House.

(Applause)

Next on my request list is the Member for Embakasi East, Hon. Babu Ongili. Please, have the Floor.

Hon. Babu Owino (Embakasi East, ODM): Thank you very much, Hon. Temporary Deputy Speaker. The only difference between an old person and a youth is that an old person knows both how to be young and old. A youth only knows how to be young. Therefore, a youth is averagely 60 years closer to the future than an older person if a youth is to die at the age of 95 years like our late former President, Daniel Toroitich Arap Moi. May his soul rest in peace.

Youth matters in this nation are urgent and very important. They must be treated as such. When we come to the National Youth Council, the youth should be given their independence to elect leaders of their choice. The Cabinet Secretary must never take this opportunity to select leaders of their own choice. This should go up to the grassroots level, so that, at least, the youth are given an opportunity to get a person of their own interest.

The National Youth Council should also be heavily funded. Money that gets lost through corruption should all be directed to youth development. The other day, the census report revealed that 75 per cent of Kenyans are young, of which approximately 60 per cent should be the youth. Therefore, if a youth decides to vie for the position of president in this nation, I assure you with my mouth closest to my nose, he or she will be.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You assure me with your mouth closest to your nose?

Hon. Babu Owino (Embakasi East, ODM): Neighbouring my nose.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I hear you.

Hon. Babu Owino (Embakasi East, ODM): I hear you. There should be an opportunity for the youth. We are making a bad precedence in this House. First of all, this matter of the youth

should have been given to them to discuss first. We are the people who have the interest of the youth at heart.

(Hon. Caleb Luyai spoke off record)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Member for Embakasi East, there is an intervention.

Hon. Babu Owino (Embakasi East, ODM): You are out of Order, Member.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order! Order! Order! Let me hear the intervention.

Hon. Babu Owino (Embakasi East, ODM): Hon. Temporary Deputy Speaker, you can see how the old are speaking?

(Laughter)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): What is out of order? Give him the microphone.

Hon. Caleb Luyai (Saboti, ODM): Hon. Temporary Deputy Speaker, I want to raise the issue that Hon. Babu has just stated, that, only the youth Members of Parliament are supposed to contribute to this Bill. Let me correct him by saying that we are the representatives. You cannot stand while I am standing.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Caleb, you are not the Speaker. Please, address me.

Hon. Caleb Luyai (Saboti, ODM): I just want to correct, Hon. Babu. I know I am young. Every Member here is representing youths in their respective constituencies. I want to correct the Member and ask him to withdraw that statement immediately.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Member for Embakasi East, I know Hon. Caleb is a youth. Hon. Babu, please, carry on with your presentation.

Hon. Babu Owino (Embakasi East, ODM): Hon. Temporary Deputy Speaker, I know Hon. Caleb is youthful in his thinking, but when it comes to age, he is not. Therefore, he cannot understand the plight and interests of the youth and we forgive him.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Caleb, it is not you to give directions on who speaks. It is the Speaker to catch your eye. I will, therefore, make a determination on who will speak. It is not about Hon. Babu Ongili. Hon. Babu, please, carry on.

Hon. Babu Owino (Embakasi East, ODM): I am speaking about the funding of youth matters in this nation. The National Youth Council should be heavily funded. There should be a trickle-down effect so that youth at the grassroots level would be in a position to access these funds for various projects.

Another issue is the BBI that is ongoing. At least, in the foreseeable future, as there is going to be a constitutional amendment, the Ministry responsible for youth affairs should be solely dedicated to cater for the interests of the youth and it should be headed by a youth.

With those remarks, I support the Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Before we proceed, join me in welcoming visitors who are seated in the Speaker's Gallery. They are students from Kasue Girls Secondary School, Kibwezi East Constituency, Makueni County. They are here, courtesy

of their Member of Parliament, Hon. Jessica Mbalu, who happens to be me. You are all welcome.

Member for Saboti, Hon. Luyai Hamisi.

Hon. Caleb Luyai (Saboti, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill.

First, I want to recognise that such a Bill must be heavily contributed to by youthful Members of Parliament. We keep on ignoring the youths' voice by trying to say that we are youthful in our mind and hearts. However, the Constitution clearly describes who a youth is. A youth is a person or Kenyan who is below the age of 35. If I give you my Identification Card now, it is clear that I am 32 years old. Many youths have missed chances because of elders who claim to be youths. That is how youth lose their chance. That starts in this House even when giving Members chances to contribute on matters of the youth. The organisations that are women-based cannot be led by a man because he will not understand. The same case is with organisations that are youth-based. Organisations dealing with youth affairs should not be led by people who are out of the age bracket of the youth. What will they be deliberating? We missed the point as regards the NYC where we have people who over 35 years old pretending to be leading the youth. What do they know about a young person? We must correct this as we go on.

The census results that were released recently show that 70 per cent of the population is below 35 years. The age limit is 35 years. Organisations that deal with youth affairs must be led by people who are 35 years of age and below. What are we going to do with a population of 75 per cent who are below 35 years? That is a matter that we need to discuss as a nation.

Youth leadership is not new. Most of us have engaged in youth activity before ending up in Parliament. We have had the time of "*Yes you can*" where we had the former Ambassador to the USA, Michael Ranneberger. We tried to take that programme and I remember how it shook the nation. The Kibaki Administration thought that it was an overthrow of the Government and it had to end. Mr. Obama won the election because he premised his campaign on the youth force. He said that youth population can be demographic dividends. If you do not include it in our national discourse, it can end up becoming a disaster for our nation. Therefore, this is a very important Bill that must be implemented to the later to help our youth get well organised. We have had youth activism in this country, but they are not well organised. There are no policies to guide them. That is why the BBI supporters are crying that there is no youth representation at the national level. Most of the milestones achieved by women are because of women activism through the Maendeleo Ya Wanawake Organisation (MYWO).

Women get elected to Parliament because of such strong movements that have helped them achieve up to where they are. We are talking about gender equality. We also need to escalate to the users because we cannot classify youths as vulnerable groups. If you look at our Constitution, we classify them as vulnerable groups. We also classify elders and women as vulnerable, but we treat youth differently. There is *pesa kwa wazee*, but none for *vijana* yet all of them are vulnerable groups. So, why are we giving *wazee*, who are retiring money, and not the youth? When I talk about giving a Kshs3,000 stipend to every young person who is unemployed, you will say it is a waste of taxpayer's money. We cannot be classified as vulnerable groups, but when it comes to dividends and social assistance from the Government, we give it to the old people.

We give social assistance to the old people and women, but there is no youth fund to cater for the young people. We talk about the Uwezo Fund that is only skewed towards entrepreneurship. Who told you all young people are business people? Some of them just want to

run and make money in international arenas, others who want to play soccer while others want to sing. Therefore, there is an entire myriad of expertise from young people that needs to be conglomerated into a Bill to ensure that young people are well, their voices are heard and their activities are recognised. Their voices in decision making is key. In fact, some of the proposals to the BBI report should be that if we have two deputy prime ministers, one deputy prime minister must be below 35 years so that one day, I will be standing here as a deputy prime minister because I am below 35 years.

Moreover, we can also say the same to cabinet secretaries. We can escalate it to the ministries. If we have a Cabinet Secretary for Foreign Affairs, the Assistant Cabinet Secretary should be a young person below 35 years. We are leaving a whole generational gap. We have old people running our systems. So, when they are not there, who will run the Government? We need to nurture young people. We need to put the young people in the system, so that they can learn the ways of running the Government. The only way they can learn is by assisting them. They should be assistants. We are not saying: "Let us be cabinet secretaries." We are saying: "Let us be assistants". By assisting, we are learning. Then in future, we can have people who are going to run the Government.

So, you cannot leave a whole generational gap. Moreover, youth leadership is not new. Historically, people who have fought for revolutions were young people like Thomas Sankara, Muammar Gadhafi and Martin Luther King Jnr. All these people achieved while very young. Therefore, most of the achievements that have changed the course of government and that of humanity were done by young people. The recent Prime Minister of Australia is 32 years old and the President of New Zealand is 38 years old. Moreover, there are many young presidents in the world who are doing marvelous work. Therefore, if we do not address the issues of young people in this country, we will be going wrong. They say: "The youths of a nation are the trustees of posterity". Therefore, a nation that continuously ignores the voice of the youth and continuously sidelines the young people in its national goals is a nation on the trajectory of failure. We cannot set this country on failure by ignoring the 75 percent population that makes this country.

So, even in the BBI Report, we need to hear the voices and issues of young people being articulated. Can we even start setting up youth talent academies in every constituency, so that in every constituency across the country, young people have an avenue to showcase their talents? There are people dying with their talents back in *mashinani* because they have no platforms to showcase them. If we have talent development academies in every constituency, we will give a chance to young people from Samburu who cannot come to the amphitheater in Nairobi. They can have their amphitheaters in Samburu and can expose their talents to the world. They can come back to Nairobi and entertain us.

Follow the roots of some people that have done well on the international arena. There are footballers. If the Wanyamas of this time were nurtured at an early stage, they would be successful. Most of the football players of the French national team which won the World Cup are basically from Africa. So, Africa is an epicenter of talent. We need to use our talents other than just crying that we need the Government to offer employment. Why can we not turn our focus to developing the talents of young people other than focusing on the Government to provide a solution that they will not do?

Therefore, we need to focus on talent development of young people because that is where our potential is. We do not have natural resources like oil. So what do we have? We have the talents as a nation. We need to use them to compete globally with the rest of the world. So, if we continuously muzzle the voices of the young people, we will not hear them and see their talents.

Therefore, we are continuously ignoring our generation and our future. We will eventually be left with a shell of a country if we do not take care of the young people.

Thank you and I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well said, Member for Saboti. It is unfortunate that the House is not full and this is a very important Bill which is touching on a very important aspect of the youth that we keep on speaking about outside there. I am aware of the Members of the Constitutional Implementation and Oversight Committee who are sitting. Allow me to give the Floor to a very experienced “youth”. He was once a youth and he represents the youth of a constituency. As Hon. Babu Owino said, he was a youth at one time. The Member for Kanduyi, a very experienced senior Member of this House.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Thank you very much, Hon. Temporary Deputy Speaker. You are very right in your observation because we have also been youth. We were where they are and we did what they are doing now. So, what should be appreciated is the fact that, apart from the difference as put by Hon. Babu Owino, we also know a little more than the youth do because of our life experiences.

I want to thank and commend Hon. Gideon Keter for coming up with this Bill, which seeks to amend the National Youth Council Act to have it de-politicised by having its council members competitively recruited as opposed to other means posed by election, which involves campaign and politicising the process. It is important that we all acknowledge the fact that a country that does not recognise and support the youth has its future doomed. The youth are an important part and, in fact, are the cream of the society. They are the majority, the elite and are involved in very innovative activities. They are involved in ICT innovations and are expected to lead in many ways.

Hon. Temporary Deputy Speaker, there is a problem I have realised in this Bill, and I would like Hon. Gideon Keter to look at it. If you look at Clause 3, which is talking about amendments, it stipulates at part (a) that the words “permanent secretaries” wherever they appear be substituted therefore with the words “principal secretary”. That is a good amendment because it helps to align the Bill to the current structure, but if you move on to Clause 5 on the composition of the Council, you will realise that part (a) provides for the principal secretary in the ministry for the time being responsible for youth affairs or his or her representative appointed in writing. Then as you move on to part (c), it again goes back to permanent secretary in the ministry for the time being responsible for Finance or his representative, the Attorney-General. Then at part (e) again, the permanent secretary. In part (f), again the permanent secretary and so on and so forth.

This could appear like minor mistakes. However, I wonder how they went through. This is a small Bill of just one or two pages. I wonder how the draftsmen in Parliament could move to pass this kind of thing to get to the Floor of the House. You are bringing an amendment to the main Act to the Floor of the House with errors. I want to urge that we should be a little more careful.

Hon. Temporary Deputy Speaker, this can be amended during the Third Reading, but it does not augur well for this kind of thing to be brought before the House in the manner it is. The other thing I noted and would like to support is the fact that county governments must be encouraged to come up with programmes geared particularly towards supporting the youth through empowerment, education and capacity building. Also, there is an aspect of the cash transfer programmes as has been articulated by the youthful Member for Saboti. The older people have been put on that programmes. They receive support at the end of every month to the tune of

about Kshs2,000 or Kshs3,000, which is given to both the old men and women in the category of the underprivileged people or people who do not have means to live.

We have youth, who have gone to school and others who are drop outs. Until the recent compulsory transition, we had youth who could not proceed to higher education. The point I want to drive home is that consideration should not just be given to the youth, but to everybody in this country. Elsewhere in the world, the unemployed are given a stipend for their living, not for business or anything else, so that they can get something for their living. It is meant to assist them to meet their daily obligations and put some small amount of food on the table. This will also enable them to get treatment.

The other issue is their medical needs. The youthful Members need to get it right here that the older people's bodies deteriorate and the performance of their organs decline. Therefore, they do not function like the young people who are actively involved in life. So, we need to ensure that support is given towards medical assistance for the elderly.

Finally, an important point on the youth forum that was held in this country under the auspices of the International Conference of the Great Lakes Region sought to establish a secretariat here in Nairobi, Kenya. I recall His Excellency the President of the Republic of Kenya donating \$US2 million towards the establishment of a secretariat in Nairobi. Since the money was released to the Ministry in 2016, that secretariat has not been established. This is a shame! If we want to demonstrate our seriousness in supporting the youth, the secretariat should obviously come with employment opportunities for a number of youth and other people. It is yet to be established. I have previously called on the Ministry and asked this question, but have not yet received an answer. I urge the Government and the Ministry of Foreign Affairs, the Department of Youth and Gender Affairs, to ensure the operationalisation of the secretariat for the International Conference of the Great Lakes Region in Nairobi.

Hon. Temporary Deputy Speaker, with those few remarks, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Before I give a chance to the leadership, it is important to know that we have a youth caucus in Parliament and the Member who has just contributed says he is also a youth.

Hon. Member for Mumias East, you have the Floor.

Hon. Benjamin Washiali (Mumias East, JP): Thank you, Hon. Temporary Deputy Speaker, for this opportunity. I will quickly start by thanking Hon. Gideon Keter for bringing this Bill that is focusing on the youth who are over 75 per cent or more of our population, if we go by the current census. I have listened keenly to what my youthful colleagues have been saying and I take this opportunity to encourage them to bring more Bills that will address the challenges the youth are facing.

I may not be a youth, but I have several youth in my house that I talk to every evening and morning and I know what they are going through. The current status of leadership in the world is that we have a youthful Prime Minister of Finland, Sanna Marin, who is only 34 years. She is a female youth and is the Prime Minister of a first class country called Finland. The question I am asking is whether it is possible for a Kenyan youth, leave alone a female, to be Prime Minister, cabinet secretary or hold other serious positions that we are talking about. You can see even in this Chamber, the youth representation is minimal. The Member who has brought this Bill is here by nomination, may be if he had gone for elections, it would have been a problem. Therefore, the question we are asking as Kenyans is whether we are treating the majority of this country fairly.

For one to become a prime minister is not an easy thing. Even just the imagination that one can be a prime minister in this country is not easy because our laws make it very difficult for one to become a leader. They are difficult in the sense that they are very expensive. We have made the system of identifying leaders very expensive. Even for just being a Member of Parliament, you must have a lot of resources. So, I just want to encourage the youthful Members to bring laws that can enable many of them to come here and think for the future of this country. We keep talking of youth being the leaders of tomorrow yet we cannot make laws that will make them leaders of tomorrow. Even being leaders of tomorrow will not be easy if we do not amend our laws. This is quite unfortunate. I say this with a lot of feelings for the youth that the authority to make laws is not even in the hands of the Members here who have youthful offsprings and children who are still youthful.

The law making authority has been left to people whose offsprings are beyond the youthful age. So, are we doing the right thing? A Member who has spoken before me has mentioned the composition of the BBI Taskforce, which is a major law making organ in this country. If you look at its composition, you will confirm that the youth have a long way to go.

We have put many obstacles which stop the youth from progressing. How can a youth get employment when the employers are asking for experience? Where will they get experience if they are seeking employment for the first time? We have heard of tenders earmarked for the youth, but with my leadership experience, the youth who eventually get these tenders are those with connections to adults who give them money to register companies. This is because to register a company today, you must have over Kshs20,000. So, where can you get money to register a company if you are just starting life?

The Constitution requires that every Kenyan must have basic education. Today, many youths are going through the 100 per cent transition. After finishing primary school, they go to Form One and this has enlightened many Kenyan youths. I take this opportunity to warn whoever thinks he will dictate to youths in years to come. He should know the youths we are dealing with are not those of yesteryears. The youths have gone to school and know what is happening. I am sure very soon, they will make decisions which will embarrass adults.

I want to request Hon. Keter, who is a Member of the Majority Party to take note of the proposed amendments especially the one mentioned by Hon. Wamunyinyi. I do not know how it escaped the drafters of the Bill. It is a shame that we still carried the position of permanent secretary when we do not have such a post. I also hope that as we amend this Bill, he has collected the opinion of all youths. It should not be a decision you are making from here in Nairobi or the few youths you meet in Nairobi. You must go to Mumias, Mandera and Mombasa to collect the opinions of all youths, so that as we make a decision, it will represent all the youths in the country.

Hon. Temporary Deputy Speaker, I thank you for the opportunity and I support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. I am sure Hon. Keter is taking notes. That is why we encourage Movers of Bills to be in the House when debate is going on. Hon. Keter, please note the proposals by the Members. That is why we say *wazee huona mbali*. Next on my request list is the Member for Ainamoi, Hon. Maritim Sylvanus.

Hon. Sylvanus Maritim (Ainamoi, JP): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute to this very important Bill. First of all, I wish to appreciate the efforts of Hon. Gideon Keter for bringing this Bill. I think he has demonstrated that, indeed, he is serving his primary role.

This Bill has come at a time when the youth of this country are facing a number of problems. The youth of this country have been locked out of key decision making organs. Hon. Washiali has just pointed that if you look at the composition of the BBI Taskforce, there is no single representation of the youth. If they are not in the negotiating table, who will take care of their interests? I want to encourage my colleagues, who are Members of the Kenya Young Parliamentary Association (KYPA), that it is high time we took the youth agenda to the next level.

Hon. Caleb mentioned that we should ensure that the youth are considered in the BBI Taskforce. I am asking myself whether we have organised ourselves as KYPA to give our submissions. If, indeed, we want full representation it is high time we organised ourselves and negotiated for a position. If at all the BBI is going to expand and create more positions in top leadership, we should think of a position that will benefit the youth and ensure their interests are protected.

This Bill is straightforward and seeks to amend a few clauses and obsolete terminologies, apart for Clause 5 that needs to be corrected. I agree with the Mover that there is need to downsize the membership of the National Youth Council from the current 24 to a smaller number for faster decision making. If we are to realise quality decisions and good direction for the youth, then, we must have people with passion, commitment and understanding of the youth agenda. The only way we can realise this is to ensure that it is non-partisan. We should have a competitive recruitment process where members of the Council are selected. This will solve these problems. It is said that fish start rotting from the end. If we ensure that we have the right leadership, then we will be safe.

Youths are facing a number of problems. Youth unemployment is a crisis not only nationally, but globally. Therefore, we must come up with innovative and creative means of utilising available opportunities and resources, limited as they are, to achieve more. This can only be possible if we have youths who are ready and committed to drive that agenda.

Youth participation in socioeconomic and political activities should be given priority to ensure the youth benefit from Government initiatives that are put in place to protect their interests. As I speak, we have a Government intervention called the Youth Access to Procurement Opportunities (YAGPO), which is usually 30 per cent including women and persons with disabilities. Surprisingly, research shows that the uptake of YAGPO is at 7 per cent. What about the remaining 23 per cent? Of the 7 per cent, about 6.9 are youths in urban set-ups, which means youth at the village level are not participating.

It will be better if we get a Council that is vibrant enough to ensure that the youth participate in socioeconomic and political activities. On paper, we have the Youth Enterprise Development Fund, but in reality, we do not see the funds. Three years down the line, they have not given out a single cheque to the youth. We are made to believe that it exists. The reason we do not have these funds is because of poor structures. We need good structures to ensure that the youth benefit from the initiatives and the funding provided by the Government. Even as we champion for leadership positions, I agree with Hon. Babu Owino that it is high time we thought of how else the youth can benefit from the national cake

What if, as youth, we champion to be part of the grant given by the Government? I mean youth who complete college and university but remain unemployed will get grants so that they can sustain their lives and even do business in the meantime as they wait for employment opportunities. I do know of youth in this country who cleared campus and colleges over ten years ago but are unable to do any business or get any employment. They also have needs and families

to take care of but they do not earn anything. It will be a big success if it gets to a point where we allocate a certain share of the national cake to specifically cater for the youth.

With those very few remarks, I support the Bill. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Before we have the Member for Chepalungu, join me in welcoming our visitors from the Nyaga Primary School, Gatanga Constituency, Murang'a County. They are seated at the Speaker's Gallery. Again, at the Public Gallery, we have students from Nyeri High School, Nyeri Town Constituency, Nyeri County. They are welcome to watch the proceedings of the House.

There is a point of order from Hon. Owen Baya. What is out of order?

Hon. Owen Baya (Kilifi North, ODM): Hon. Temporary Deputy Speaker, while I respect that Standing Order No.1 gives you discretion, I think there is a general principle or tradition within this House that when the other side speaks also this other one speaks. We have now had three people from the other side speaking.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Member for Kilifi North! I do not want to make you look like you do not know the procedure of the House. We respect you because you represent the people of Kilifi. You know the procedure of catching the Speaker's eye. Again, when we did open Parliament, we discussed these things. It is not about where you sit. This is a free sitting Parliament. You can sit anywhere. You cannot just come in and assume that you are going to get the time to speak and yet other Members came here earlier than yourself.

Carry on!

Hon. Gideon Koske (Chepalungu, CCM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to also add my voice on the sensitive issue that touches on the youth of this great nation. The National Youth Council (Amendment) Bill, 2019 has come at the right time when all of us are structuring the country towards the next level of new governance. Without structured mechanisms, youth will not be able to participate in meaningful development agenda in this country. I must say that the institution has largely remained ineffective in spite of its roles being clearly spelt out and anchored in the National Youth Council Act, 2009.

The youth of this country are left out in participation of all national matters. I give you an instance of the Sports Fund in this country. It is so worrying to have one of our own elders who is now aged 95 years being the Chair of the National Sports Fund. You wonder how he will be able to advocate for the youth of this country at such an age where he is already earning stipends, getting the NSSF and all that. It is so worrying. If the leadership of this country wants to see the light of economic growth, I dare tell them to bring the larger percentage of the population, that is, the youth to actively participate in the governance of this country. If we leave the country and our youth behind, it will be so difficult to realise economic growth because more than 65 per cent of the population that we have now are youth. So, it is so worrying when they are left out from the growth of this country.

Youth have been passengers in this country for a long time. I urge this House to move with speed and fully fund the National Youth Council to enable it participate actively in the growth of the economy of this country. Every year, universities and colleges are injecting more than 100,000 graduates to the village and not to the employment market. It is so worrying that we are investing in education that will not bring profitability to this country.

Creation of jobs and sustainable entrepreneurship for the youth is so urgent. We allocate money to the Youth Enterprise Development Fund (YEDF) every year. Hon. Members know that we allocate a substantial amount of money to the YEDF. I have never seen, in the entire of

Bomet County, any constituency distributing money from the youth fund to youth groups. It is so worrying to figure out where this money goes because we allocate and we do not see it. It is in the interest of the country to consider the innovativeness and creativity of the youth. They need to start being equipped with entrepreneurial skills. It is so important that we make this National Youth Council active so that all of us can see the fruits of our youth in this country.

I look at the rallies that we normally do. If you want to see how the youth of this country are misused... They are only engaged in political programmes and not things that are sustainable with regard to their lives. You will find in a rally more than 20,000 people on working days, that is, Monday to Friday. That shows you that the youth are just there to be used by most of us. There is the BBI programme whose fate is yet to be decided. It is important that we all value our youth and create a position for them. I hear most people say that if we have a male in a leadership position, then a female should deputise him. However, we need to create a specific position that will be held by the youth of this country so that they can be able to fully participate and have their issues discussed in boardrooms. They should also sit and dine with the leadership of this country.

With those very many remarks, I beg to support this amendment Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Is there any member with a contrary opinion? Let me give the Floor to Hon. Charles Nguna alias CNN.

Hon. Charles Nguna (Mwingi West, WDM-K): Thank you, Hon. Temporary Deputy Speaker for this opportunity. I would like first to congratulate the honourable Member who has brought forth this Bill. Just like myself, he is also a member of the Kenya Young Parliamentarians Association (KYPA). The Bill actually elicits the memories of 2012 and 2013 when I vied for the position of council member in the KNYC. I was competitively elected by the people of my constituency. We came up with the policies that informed the mandate of the KNYC. One of the most important issues was the advocacy and lobbying for resources that would lead to the youth of this country benefitting.

Hon. Deputy Speaker, I have looked at the proposed amendments and one of the key objectives was to depoliticise the NYC. When we look at the way we used to elect the members, most of us had to seek support from our political parties and leaders. That was not the right way to do it. For you to become a member, you had to lobby for resources from the local leaders, including the Members of Parliament. This way, we are going to have a competitive process of recruiting the right people to run the NYC. So, I support this based on that.

Secondly, there were issues of exercising the powers of the NYC. It is critical that we reform and energise it, so that its members can execute the mandate of youth participation in national and international affairs. I congratulate the architect of this Bill for bringing the issues of composition of the council. Previously, we used to have 24, making it difficult to execute its mandate. Now, going by the list of 10 members from different geographical locations, ethnicity and gender, we will have a very good composition of board members.

One of the objectives of the NYC is to align youth policies with the Constitution. If you look at the current NYC mandates and rules, most of them are aligned to the former Constitution. We are going to change some terminologies to align them with the current Constitution and the existing boundaries. We used to have locations and districts in the former Constitution, but we will be dealing with wards and counties. So, it is a good and timely way of aligning the Bill with the current Constitution.

I wish to remind my colleagues about the challenges our youth are facing. If you look at the number of university graduates that we inject into the economy every year, you will realise

that we need the NYC in place to address issues such as youth unemployment. The Council will have lobbying rules. It can work in conjunction with other bodies to ensure that, at least 30 per cent of the work force in the national Government is composed of the youth. The youth also face the challenge of accessing finances to run businesses. We have to develop a curriculum where we will have many businesspeople than those that are employed in our economy. That is why we need to align the NYC to work closely with the Youth Enterprise Development Fund (YEDF). The YEDF has been idle. I cannot point out a single youth who has been funded by the Fund in my constituency. We need the NYC to be active in that policy. We cannot be setting aside money for the youth and use it to fund people who are over 35 years old. So, we need to look into that issue when we form and align the NYC with the constitution.

I encourage the people who are going to be in this Council to take advantage of ICT to foster youth development. I also encourage them to act as the catalyst of youth empowerment and participation in national politics, environmental conservation and many other activities that we are going to speak about.

With those few remarks, I support the Bill. I and urge the Members to support it and make sure it is properly implemented for the posterity of our youth in matters of economic and political participation.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. You are really in support.

Hon. Members, I want to thank Hon. Gideon Keter for bringing such an important Bill; the National Youth Council (Amendment) Bill, 2019. You will bring other amendments for consideration during the Committee of the whole House. The Chair is not in.

Let me get Hon. Cecily Mbarire.

(Several Members raised their hands)

Order, Members! We do not raise hands in the House. Let us have some decorum. Hon. Cecily Mbarire does not have a card. You can use the Dispatch Box or the next microphone.

Hon. Ms. Cecily Mbarire (Nominated, JP): Thank you, Hon. Deputy Speaker. I want to thank Hon. Gideon Keter for bringing this important amendment Bill. The first time I came to this House as a nominated Member of Parliament in 2003, I represented the youth. Though I ceased being a youth, I am still very youthful at heart. So, I will always stand to support matters affecting the youth of this country.

From the 2019 Population and Housing Census, the youth constitutes over 50 per cent of our population. We have also realised that we have an all-time high unemployment rate of 35 per cent. Therefore, it is paramount that a lot of the issues that we deal with as a nation, the policy decisions and legislations that we come up with, address the issue of youth and unemployment, so that we can give hope to the young people of this country. I am happy the matter of the NYC is here.

The first time I brought a Motion on the establishment of the NYC was in 2004 after the Kenya Young Parliamentarians Association (KYPA) made an official visit to Uganda to see how Uganda's NYC worked. We came and moved a Motion that was passed. We have seen the NYC in place. I would not clearly say whether I have seen real impact of the NYC. Therefore, I hope KYPA is not just going to bring this particular Bill through Hon. Gideon Keter, but will also do a serious evaluation and analysis of how the NYC has worked since its establishment, the challenges they are facing, what we can do as a House to improve their workings and whether

they are adequately funded in order to realise their mandate. I will be happy if I saw a more comprehensive amendment to the entire Bill other than just looking at one particular aspect of how representatives end up at the NYC.

Hon. Deputy Speaker, while I hear what Hon. Gideon Keter is saying, that we need to depoliticise the NYC, I am of a contrary opinion. In fact, NYC is a nursery to prepare young people for leadership positions at a higher level. Therefore, getting representatives into the NYC through elections would be, in my view, a better way than if we just say that the director of youth affairs at the county will sit and handpick youth's right from the village to the county level. Therefore, that is from county to the national level. I feel that, that is open to abuse. We know the workings of this country. There is a likelihood that the Government officer charged with the responsibility of identifying young people may decide to pick young people whom they feel are friendly to the Government. So, what happens if you have a young person who is seen to be in the opposition, but is a good leader? Who puts him on the table at the NYC?

Like the case in Uganda, I would rather we allow for competitive elections that are steered by our electoral commission, then the young people can register where it is known who is a member of NYC with a small fee of about five or ten shillings or even no fee at all and they can elect right from the village level all the way to the national level. That way, we can give room for any young person to be a leader in NYC. We should also find a way we can protect it from the influence of us, the politicians and the political parties, so that we get truly young people who are key and truly committed to matters of young people. That is the way I see it. Let us see it as a nursery where young people can realise their potential and participate.

The reason I am a Member of Parliament today is because I started as a student leader just like Babu Owino. At the university I was the chair of the students' union of Egerton University. From there, I joined the Youth Agenda. We started the Youth Agenda as a Non-Governmental Organisation and it is still doing very well today, I was in the National Youth Movement. Those opportunities gave me a chance to prepare myself for leadership at the national level. I think it was a good nursery for me, having been a young woman at a time when women were not really recognised a lot in the political field. I feel this will be a good opportunity. That is my personal opinion. Unless you come up with guidelines on how the youths will be handpicked, I would prefer an elective process of getting leaders into the NYC.

With those few remarks, I support but with a rider that, I feel there is a better way to do this than handpicking young people.

Hon. Gideon Keter (Nominated, JP): On a point of intervention.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Hon. Keter Gideon, you are on an intervention and you are the Mover? Let me hear you.

Hon. Gideon Keter (Nominated, JP): Maybe for the purpose of understanding and guiding the debate, de-politicisation of the council was not actually...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Keter, you are out of order. You moved the Bill and I am sure you are taking notes and you still have time to reply. When replying, you can address such issues.

Hon. Members, join me in welcoming members of the consortium of the Youth Service Organisation (YSO) in Kenya who are seated in the Public Gallery. They are here to watch the proceedings of the House and especially, the very important Bill by Hon. Gideon Keter.

The next speaker in my request list is the Member for Mathare, Hon. Oluoch.

Hon. Anthony Oluoch (Mathare, ODM): Hon. Temporary Deputy Speaker, thank you very much. Allow me to thank the Member who brought this Bill. I want to begin by saying that

the questions about the youth are very crucial to the well-being of this nation. I want to pick up from where Hon. Washiali left, when he gave a challenge to the youth when he said that it is a good thing that the young Members of Parliament make a good case for which they are elected to Parliament and bring up legislations such as this one. For that reason, I want to commend the Hon. Member for the time he has taken to develop this Bill.

However, I want to remind this House that we sat here when we had a Motion which the Member of Parliament for Mathare brought. Very well debated issues and similar sentiments such as these were made. When the Bill went to the Budget and Appropriations Committee, and I would have hoped that they should have been here, that Bill was killed on the grounds that it would occasion a Ksh40 billion bill to the Exchequer.

So, we are sitting here with a lot of good words around how we care about the youth but there are structures within our parliamentary system that will not allow anything that will actually accrue into tangible benefits to the youth to see the light of day. There are mandarins from Treasury who look at every single Bill that passes here and the monetary implications they have. While every year we lose 30 per cent of our Budget to corruption, out of the Ksh3 trillion Budget that we passed last year, 30 per cent would be close to about Ksh700 billion. In the Bill, we were proposing a Ksh40 billion grant that would be cascaded to the constituencies and help the young people to create sports stadia, cinema *mashinani*, ICT hubs and other creative things that would open up employment opportunities for the young people. This House shot down that Bill. I surely hope that the Bill by the Hon. Member will not suffer the same fate.

Secondly, as we speak and debate here, the Budget and Appropriations Committee is somewhere sitting, looking at departmental and ministerial budget proposals under the BPS and they will bring very shortly before this House billions of shillings allocated to the line ministries. I will invite this House, like I did last year, to go through those programmes of Government line by line and especially the ones relating to youth, and you will be very surprised at the amount of money as Parliament we dedicate to the empowerment and employment of the young people of the Republic of Kenya.

I am very conscious of the Standing Orders, but allow me say something in Kiswahili. My law professor, PLO Lumumba used to say: *Mnatupaka mafuta kwenye mgongo wa chupa*. As Members of Parliament, this is what you are doing. When the Budget comes here, please interrogate it and find out. If you are going to put about Ksh50 billion to other things, you can surely put about Ksh50 billion as a fund to empower the young people of the Republic of Kenya.

Thirdly, we are currently debating, a national discourse, how we can change our national governance structures. Our devolved units have requested and I agree, that we raise the threshold for them from 15 per cent to 35 per cent. The point that I want us to pursue is that the same way we do for NG-CDF that is so structured; 2 per cent for sports, 2 per cent for environment and a maximum of 35 per cent for bursary and education, and 5 per cent for administration, the same should be done when we increase that money in respect of counties and demand that 5 per cent of the money that goes to the counties, must be dedicated to youth programmes, youth activities, creation of sports stadia, creation of sports academies, ICT hubs, cinema *mashinani*, studio *mashinani* and the things that the young people of this country can gainfully get involved in.

Fourthly, there are many littered funds that we have in terms of Uwezo Fund, Youth Enterprise Fund and the Biashara Fund that the Committee on Delegated Legislation nullified. Those funds serve very little purpose. I agree with the Members of Parliament who have spoken. In Mathare Constituency where I am serving my third year, we have been told that we cannot

access these monies because the people who borrowed in the last regime when I was not a Member of Parliament, have not returned it. What am I supposed to do? The second condition is, you must have a certificate of good conduct, KRA clearance, and so on. I agree with Hon. Khamisi who said that the youth who benefit are those who want to be entrepreneurs. We can give grants to the youth in the same way that we do with the NG-CDF. The NG-CDF is the best-managed fund. Its benefits are tangible. We can do the same for youth programmes that are cascaded to the constituency level.

My challenge to Keter is that as you create structures and align them to the new Constitution and increase representation, please, consider creating a fund, cascading it to the constituency level and having those funds managed by the constituency branch of the NYC at the constituency level. This is in line with the principle of devolution. Under Article 10(2), devolution is now a principle and value of governance also captured under Article 174 of the Constitution. We cannot concentrate and focus at the centre instead of going down. I encourage you to bring up amendments so that instead of static leadership at the national level, similar structures should be replicated at the constituency level. The objectives, powers and functions of the NYC at the national level should be to supervise the 290 NYC constituency committees complete with a fund that can do proper things for the young people of Kenya.

I agree with Hon. Cecily Mbarire on the leadership issues in the youth agenda. There are those who were in student leadership. I was a student leader when I was doing my first degree at Kenyatta University. There are those who look back on the glory days of student leadership. That was the preparatory ground where we developed national leaders. Look at what the Education Act has done in respect to our university students. I was hoping that Babu Owino would have spoken to that issue because he brought an amendment.

At a time when we have a right to universal suffrage under the Constitution, namely, one man one vote, why would the Ministry of Education decide that they can micromanage by way of whatever system they call it - Musimba might know – to elect cronies and people who are close to the administration and, therefore, rob us of very robust leaders who would be our ministers, prime ministers, Members of Parliament and presidents in the next dispensation? Hon. Keter, please also look at the Education Act and work together with Babu Owino so that we remove that draconian provision that requires that universities come up with some funny delegates system that circumscribes how we elect our university students.

Otherwise, I support the Bill but a lot of work needs to be done.

Lastly, there is the issue of legislation. There are so many pieces of littered legislation such as the National Youth Council Act and the National Employment Authority Act. I do not know which others are there. I had proposed in my Bill which was killed by the Public Accounts Committee that we have one big Bill that deals with the youth and put everything inside it.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well, Member for Mathare for understanding the Standing Orders. For the purpose of those who came to watch the proceedings, you quoted Patrick Lumumba and that is why you spoke in Kiswahili. Otherwise, when one starts speaking in English or Kiswahili, you must finish in English or Kiswahili respectively.

Next is the Member for Kilifi North, Hon. Baya.

Hon. Owen Baya (Kilifi North, ODM): Thank you, Hon. Temporary Deputy Speaker. I would like to say one or two things regarding this Amendment Bill. As the recent statistics of the census show, the youth form a bulk of the population in this country. The bulk of the population of the country consumes a bigger budget of the country in terms of education, healthcare and a

lot of things that go towards the budget of this country. The biggest chunk of the resources of this country are consumed and used by the youth.

There is one thing that we must look at when we follow and try to pursue a law like this. Any time you hear the youth trying to create space for themselves through affirmative action and Bills in the same way as the women, then you realise that there must be something wrong with the management of resources within the country. If this country's economy is growing, the youth cannot look for special positions using an Act of Parliament. They would be moving in the current of the nation. If Hon. Gideon Keter has brought a law such as this to try and create a National Youth Council, then you realise that there must be something that the youths are not getting within the main system. That is why they want to create a niche for themselves to access a lot of the things that we have in this country.

Hon. Temporary Deputy Speaker, when a country functions very well and everything is constant and moving as it is supposed to be, the youth would not seek opportunities through affirmative action. What do the youth want? They want jobs, good education, opportunities in business and many opportunities to make their lives prosper. When it comes to a level like this when the youth say that they need to amend this Act, it tells you that there is something wrong within the system of Government. That is why the youth cannot prosper on their own. Opportunities must be created for them within an Act of Parliament.

*[The Temporary Deputy Speaker
(Hon. (Ms.) Jessica Mbalu) left the Chair]*

*[The Temporary Deputy Speaker
(Hon. (Ms.) Soipan Tuya) took the Chair]*

At Independence, we had people in this country like Hon. Tom Joseph Mboya who, as a young person, shook the pillars of this country. Everybody knew him. He was barely 26 years but the country listened to him. We had Hon. Kenneth Matiba who was the Permanent Secretary in the Ministry of Education when he was 29 years old. I know that we are quoting Prime Ministers of other countries who are young. However, look at this country. There are people in this country who succeeded to push the economic agenda of this country when they were very young. They did not do that because special seats or things were created for them. However, there was an equal opportunity for them to pursue their dreams. They succeeded. Every time there is a problem to access opportunities in this country today, we create them through affirmative action. We have young people in this country who came to this Parliament. Hon. Mohamed Ali, Member for Nyali, came to this Parliament as a young person. He fought his battle and managed to come here. Hon. Babu Owino came here as an elected Member. We need to create an equal playing field without falling back to affirmative action and creation of positions for people all the time.

I support this Bill. It should go through. However, there are certain things that this country needs to re-engineer to give every person an equal opportunity to achieve his or her dreams. Young people succeed in business worldwide today. Young people succeed in business even in this country. What do we need to do to ensure that a young person can get a loan without being asked for a title deed in the business world? What do we need to do to ensure that he can access credit without being told to give collateral or access employment without 10 years' experience? These are the things that the young people in this country are looking for. They are

looking for opportunities to develop and be economically empowered. When there is no level playing field in the country, then we come to a situation like this.

I appreciate this Bill. The Memorandum of Objects and Reasons of this Bill says that we want to depoliticise the membership of the National Youth Council. As you go through the amendments, you realise that we are deeply depoliticising it. We are giving Principal Secretaries an opportunity to appoint a lot of people there. I saw something else in this Bill. Clause 5 (1)(h) of the Bill says that the National Youth Council shall consist of not more than eight youths, of whom at least three shall be of female gender and one shall be a youth with disability, nominated by the National Youth Congress in such manner as be prescribed and appointed by the Cabinet Secretary. Why are we being specific that we want female gender instead of saying the opposite gender or the other gender? What happens when the others are female? Do we still nominate them? The other thing that you need to look at is that this Bill requires a rework. If the youth are elected in such a manner as prescribed, we are giving the method of prescribing how these youths will be elected, as Cabinet Secretaries. Again, we are taking the gains from the same line by saying that the youths will be elected but then the CS will determine the method of elections. This requires a relook.

We are then giving seven of the positions to Permanent Secretaries and Cabinet Secretaries to appoint the youth directly. So, you end up having more people appointed and only eight elected, you will not achieve what you intend to achieve in this Bill. You will actually deeply politicise it because those people who have been appointed will come with instructions from the appointing authorities.

Hon. Temporary Deputy Speaker, all members of the NYC should be elected in the format that democracy allows people to be elected through universal suffrage. That is why we create competition. We are able to sieve and get good leaders that will be like Hon. Cecily Mbarire here who said that she went through all those stages of elections. Student leaders at universities go through an election process.

I want to appreciate what Hon. Oluoch talked about that we are introducing a method of appointing leaders within universities that will kill budding leadership. This is because a few cronies will be appointed by the administration instead of a properly democratic elections process within the universities.

This is a very good Bill but we also need to look at the other Acts that talk about youth in this country and put them into one Bill so that they do not continue to contradict the spirit in which this National Youth Council Bill is pedastaled on.

I want to say one last thing: on the culture of hard work and commitment, when we continue to bring in the issues of affirmative action into the youth issues, we are actually killing it. When I know I will be appointed or nominated, yes, it is a good training ground but why do we not allow people to go through competitive processes so that at the end of the day we will get quality leadership in the NYC and in the country?

Lastly, I would like to say that the potential in the youth in this country is amazing. We have seen young people running strong businesses. In the USA you have the Young Business Leaders of America (YBLA) who are trained even from high school to be leaders in the business sector. At the end they emerge and have always driven the economy in the USA. What we need now apart from the NYC is to bring something for the Young Business Leaders of Kenya so that they can be nurtured to be successful and drive this economy.

With those many remarks, I support and I thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Let us have the Member for Keiyo South, Hon. Rono Kipkogei.

Hon. Daniel Rono (Keiyo South, JP): I thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to support this Amendment Bill.

I reiterate what the Member has just said about depoliticising the NYC and which our friend Hon. Keter has emphasised. The people taking up these positions for the youth should bear no political inclination because that is how we will get pure members. In fact, the way one comes to Parliament should be competitive so that you do not just come here because a certain political party says it wants you. They should go through some competitive processes so that the youth feel that they get the real representatives they desire.

The youth in Kenya are faced with a lot of challenges. These proposed amendments seek to give them the right leadership that will address the challenges they face, particularly unemployment.

As the Whip of the Majority Party stated, we do not expect a youth to have experience when he is looking for employment because he or she has just finished school. Where will he or she get the experience from? The youth are literally marginalised. By asking experience of them before you give them a job or needing them to have capital before you award them a tender, you are already marginalising them. When they want to further their education, their parents tell them that for them to get a second degree they need to fund themselves. Where will they get the money to fund their further education?

The youth should borrow a leaf from the women in the way they drive their agenda. We want the youth to drive their agenda with the spirit and energy of the ladies. The ladies always shout at the top of their voices about gender issues. We want to hear the youth also doing exactly the same.

Another issue, Hon. Temporary Deputy Speaker, is the Building Bridges Initiative (BBI). They have told us that the youth agenda will be addressed. We hope and pray that it shall be so. I think it is already too political and I wonder whether they will address youth issues. I request and appeal to Hon. Keter, the Mover of the Motion, not to over rely much on the BBI. Let him drive his agenda the way he has been doing it. Let him effect the amendments he has proposed and let the youth be vibrant in fighting for their matters.

I support the Hon. Member who talked about a certain percentage of money to be put aside in counties and even in our NG-CDF. That way, we will address the youth issues and their agenda. We do not expect the youth to start business ventures without money. Literally, nothing can move without a budget. We need to give out some portion of the money. Parliament should take the lead and set aside funds for the youth through the NG-CDF and the counties.

As we go global, we need to realise that there are many countries with job opportunities. Let us have a way of sending our youth to those countries which have job vacancies in various sectors. The youth who went to Australia or Canada have managed to get job opportunities there. What can we do, through the Ministry of Labour and Social Protection, to take our qualified youth to those countries? There is no need of sitting with them here when they are doing virtually nothing.

With those remarks, Hon. Temporary Deputy Speaker, I support the Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Member for Kisauni, Hon. Mbogo Menza.

Hon. Mbogo Ali (Kisauni, WDM-K): Thank you Hon. Temporary Deputy Speaker for giving me this opportunity to echo my voice on this extremely important Bill, the National Youth

Council (Amendment) Bill. At the outset, I wish to state clearly that I fully support the Bill because it is extremely important.

As Members of Parliament, we have to walk the talk. We have had occasions in this same House where we continuously advocate for the youth but after the vetting has been done - like I know, there are quite a number people who have been vetted - you will find that all those who have been appointed are above 61 years old. It is the same House that will confirm them as leaders yet we are here advocating for the youth. We, as Members of this House, have to be honest to the youth of this country.

The census results were released late last year. The results confirmed that 73 per cent of the population of this country are youth. This clearly confirms that this country is a youthful nation but what are we doing about these youth? What resources have we deployed to ensure that the youth are catered for whatever they want to do? There are issues of medical care. There are also issues of funding to encourage them to venture into businesses but this has not been actualised. The Government came up with so many initiatives to support the youth. They came up with the Youth Enterprise Development Fund, Uwezo Fund and Biashara Fund but all these initiatives are not delivering what is expected of them. In my constituency of Kisauni, for example, the youth have been applying to get funding from the Youth Fund and Uwezo Fund but there is a lot of bureaucracy. The Youth Fund is centralised. Everything has to be decided in Nairobi. It is not like Uwezo Fund where Members of Parliament are patrons.

Nevertheless, most of our youth today end up being given small loans here and there and their names have ended up in Credit Reference Bureau (CRB). So, they are not able to access those funds because one of the requirements to access money from the Youth Enterprise Development Fund and Uwezo Fund is that you have to be cleared by CRB. Most of our youth are victims of small loans they took through Fuliza, M-Shwari and so forth. There is need for all these funds to be restructured, if we want to help the youth of this country.

We came up with Access to Government Procurement Opportunities (AGPO) initiative whereby the youth of this country can access the Government procurement opportunities. Thirty per cent of Government tenders are supposed to be allocated to youth, women and persons with disabilities but does it happen? The answer is no. If a youth today applies for a tender advertised by, say, the NG-CDF, KeRRA, county government or the national Government and he is awarded the tender, he cannot raise the required capital to do that job. What happens? He or she ends up defaulting in doing that job and eventually it is re-advertised or it goes to somebody else.

Because the youth do not have the resources to do these jobs, rich members of the business communities have started companies which have youth as a face but at the end of the day it is being controlled by the same people. So, our youth will just be given the tender but at the end of the day, they will not realise the full benefit of that tender. It is the person pulling the strings who will take the bigger cut. The youth will end up with, say, 10 per cent of what will be realised. Actually, we are not helping the youth of this country.

We came up with programmes like *Kazi kwa Vijana*. Eventually, we saw what happened. It had raised hopes for many youths of this country. You could visit any constituency and find the youth engaged in some activities but corruption came in. Eventually, the whole programme was killed and we left our youth high and dry. This is a time bomb. We cannot be talking of 73 per cent of the population of this country being constituted by the youth and a majority of them are unemployed and we, who have already transited that category, are sitting pretty quiet and assuming things will just happen. Things will never happen if we, as a House, do not take action and push things to the end.

Madam Temporary Deputy Speaker, this country is not a manufacturing nation. It is an agrarian nation, but we can revitalise it if we focus to empower the youth whereby funding and everything else can be provided to them so that they can start their own businesses. My colleague, Hon. Owen Baya, talked about the youth business leaders like what is happening in the United States of America (USA). These are the things that need to be initiated and actualised because we know that this country does not have proper plans. In fact, we do not have oil in this country. We just discovered oil the other day in Turkana, but still we do not have a refinery there. We are just transporting that oil via the road network to Mombasa and the same oil is exported to other countries. We do not see value addition on that oil which could have actually created employment for the many youth of this country. There is serious need for us, Members, to consider how best we can bring resources together and make sure that this 73 per cent of the Kenyan population is taken care of.

We started the Technical and Vocational Education and Training (TVETs) institutions which the law is very clear on that they are supposed to be devolved to every constituency, but there is a lot of politics in them. Today, there are quite a number of constituencies in this country that have not benefited from the TVETs which are supposed to provide sound training in technical skills. We know that if our youth are trained properly, this country can become a major exporter of skills to many parts of the world. If these youth are trained, we can have a serious and vibrant manpower out of this country.

It is my wish that Hon. Gideon Keter seriously takes into consideration the issues that we have raised, for instance, they should not only reduce the membership of the Council from 24 to 10 at the national level, but also cascade downwards to the constituency level. These members have to be elected competitively. They should not be spoon-fed or nominated to these positions. The moment you know that you are nominated, basically, somebody is pulling the strings for you. He is actually controlling you because you are there not by your own effort, but somebody has just planted you there.

Madam Temporary Deputy Speaker, with those few remarks, I fully support the Bill. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. (Ms.) Dennitah Ghati.

Hon. (Ms.) Dennitah Ghati (Nominated, ODM): Thank you very much, Madam Temporary Deputy Speaker for the opportunity to support this crucial Amendment Bill, that is, the National Youth Council (Amendment) Bill (National Assembly Bill No. 8 of 2019).

This is a Bill that is coming at the right time. We have conducted our national population census and we have seen that the young people in this country constitute over half of our population. They are over 73 per cent. Majority of them are unemployed, untrained and unbanked. They face a myriad of challenges. These young people live in our counties.

Madam Temporary Deputy Speaker, allow me to thank the Member who has brought this Amendment Bill, that is, Hon. Gideon Keter. The youth population in this country needs serious attention. I am happy that this august House is looking at the issues of young people with serious consideration.

What are the challenges that the young people face in this country? Every year, young graduates leave our universities with their Masters' degrees, Doctorates of Philosophy (PhDs), under-graduate degrees, *et cetera*, to roam our streets.

I come from the County of Migori and I speak on behalf of our young people in that county. From Rongo all the way to Isebania border, where I come from, you will find many

young people in the streets with degrees and they have nothing to do apart from the *boda boda* business. Young people in this country should not look at *boda boda* as the only business they can engage in. We need to diversify. It comes with capacity building, training and how we empower our young people. I have looked at the Amendment Bill and, it is good. It is looking at how we can strengthen the National Youth Council at the national level. We have to bear in mind that majority of the young people live in our counties. The county chapter of the National Youth Council should look after the young people in the county. It is the responsibility of county governors to take care of young people because that is where young people reside. As we think about empowering the young people, every county governor should ensure that they put in place mechanisms to absorb our young people who are university graduates or who are continuing with education to attain skills through internship. Every county should have criteria for creating internship opportunities for our youth to get experience that is sought when they are looking for employment. Employers look for experience. Where do young people get experience, for example, if one is coming all the way from Isebania yet their own county has not prepared them? It is, therefore, the responsibility of our counties to ensure that even 30 per cent of our young people should be absorbed – even if it is on internship basis – as the Constitution stipulates to gain experience.

We have done well in this House in terms of scrapping some of the requirements of employment. Most of our employers in this country look for CRB clearance certificate; Higher Education Loans Board (HELB) certificate and certificate of good conduct. Young people living in Migori or Turkana do not have so many of these certificates. If we have not prepared structures in villages where we come from for these young people, how do we expect them to get employment in Nairobi, Mombasa or Garissa?

I am happy that this Amendment Bill is looking at the issue of youth with special needs. If there is a group of young people in this country who are suffering, it is the youth living with disabilities. Youths living with disabilities like hearing impairment, visual impairment and those using wheelchairs are not considered. They do not go to school and they do not get any form of employment. That is the reason most of the time in our counties, you will see young people living with disabilities crawling to governors' offices to look for employment. We need to be serious. I am happy that this Amendment Bill seeks to look at issues of young people living with disabilities. Nobody talks about youth living with disabilities. They have no office. We have to look at the infrastructure of offices where they go to work and look for jobs. Consider this scenario where a young person living with disability is going to be interviewed? As an MP for persons living with disabilities in this country, I have seen situations where if an employer sees that you have a disability, even if you have the right papers, you are not given an opportunity to present yourself for an interview. We have to change that mindset if we are talking about not leaving anyone behind in this country. We have to ensure that our young people get equal opportunities. Where do young people who do not join universities go to? They are supposed to join other institutions of higher learning. We have to make those institutions accessible to our young people and ensure that they get jobs.

I am happy that devolution had provided opportunities for jobs. That is what the National Youth Council (Amendment) Bill needs to take into consideration. Right now, we are in the mood of BBI and I will not be shy to talk about BBI and how it is pronouncing itself on tax rebates for young people in this country. I support the amendment. The BBI is proposing to provide tax rebates for young people in this country so that they able to get access to loans and to support their Small and Micro Enterprise Promotion Service (SMEPS) in this country. Those are

things that if implemented, will ensure that our young people live dignified lives. You cannot be in a situation where to Nairobi all the way from Isebania border or Vanga in Mombasa or Turkana the only people you are seeing are young people using *boda bodas*. That is not the job of young people in this country. Education must guarantee employment. There is no point of going to university when the university cannot guarantee you employment to put food on the table for your family. We have to be very serious. And that is why I support this Bill to ensure that once we create the National Youth Council at the top, with a lean composition, we also have a branch at the county level, where a majority of our young people live. I fully support.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Member for Ndhiwa, Hon. Martin Owino.

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Temporary Deputy Speaker, for this opportunity. I want to restrict myself to the Bill. Gideon Keter, this is wonderful. The reason why I support this Bill—and there are some areas you really need to think through—is that the youth are going through what they are going through because there is no functioning, well-oiled Council to articulate, advocate and defend and sometimes go to court for legal redress when their rights are tampered with. That is missing. If I look at the principal objective of your Bill, it is trying to address that by having the right membership of the Council.

The problem which means to be teething, and other Members have talked about it, is, yes you can depoliticise but what is the replacement procedure? If it is appointment, then we have another problem. In fact, the reason we have corruption everywhere in this country is because of appointments, because the appointees owe loyalty to the appointer. You can do so many things because you cannot say no. If you say no, maybe you will be kicked out. Look at that appointment issue. Even the Chair of the Council should be elected first by the stakeholders in that Council and then the appointment by the CS becomes only a formality. If we leave it open for the CS to appoint, then that loyalty will supersede the fight for the rights of the people. That is one point.

If I read it well, this is not a money Bill. And that made me a bit jittery. Well, to enact the amendment may not require funds, but to make the Council effective—because most councils get seed money from the government before they make their own—at both the national and county levels, it will need to be resourced very well so that it can stand up for the rights of the youth. When that is done, what should follow is empowerment of the youth to formulate and implement their own programmes. The problem we have now is that there are programmes which were formulated by somebody else and heaped onto the youth without them being a part of it. That becomes a problem.

Hon. Keter, there is also an element of capacity building. For this Council to function, the youth will have to go through a myriad of trainings and exposures. I do not know where funding will come from. You said you will be acting in a league with some donors. Maybe that can help. One aspect which this Council should address is career counselling and guidance. By God's grace, I became what I became because somebody guided me on what to do in order to become who I wanted to become. This was in high school. We used to write down our career hopes and we followed through with them at the degree level and became what we wanted. We have said in this House that we need career counselling and guidance at the constituency level, so that children can grow to become what they really aspire to become. That is missing. We also need talent academies in constituencies so that these talents can be identified earlier for children to run on the rails which they love and cherish.

Hon. Temporary Deputy Speaker, even if all the Cabinet Secretaries are young people, it will not address the problem youths are facing. What will, is the sensitivity of what young people are going through and the framework of addressing them from the grassroots to the national level. We have a good example of a young Cabinet Secretary who is now facing legal issues. The issue of integrity, vision and commitment comes from the grassroots level. Even us who are past the youth age can still consider ourselves current youth. I am a father of a youth and I am sensitive to what goes on in a youth's life. It is an allergy that cuts across gender, that is, women for women and youth for youth. Really, as a nation we should have a framework of addressing population segments of our people rather than looking and yearning to put them right there in order to solve the problem. It would not work. That is missing in our national thread of responsibility as Kenyans.

In conclusion, I urge KYPA that even though there is no youth representation in BBI secretariat, that does not really matter. What matters is how organised you are in presenting your views on what you want and defending them up to the time of voting yes or no. If we do not do that, we will keep on crying for them and before we know it, we would have become crybabies. In the analogy of solving problems, that does not help anybody. If KYPA is hearing me, organise yourselves, present your issues, defend them, get them passed and we will back it up.

I support and encourage Hon. Keter and the entire House to fast-track this so that we can get it in place to address the problem of young people, including those who are in Ndhiwa which has over 70 per cent joblessness. If we do that, we will close the revolving doors of poverty, unemployment and also bad behavior which is creeping into young people's domain.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): One Member of the KYPA is Mohamed Ali. Let me give him the Floor.

Hon. Mohamed Ali (Nyali, Independent): Asante sana, Mhe. Naibu Spika wa Muda. Ningependa kumpongeza Mhe. Keter kwa kuleta maoni na fikira za vijana katika Bunge Hili.

Hakika, kama taifa tunalo tatizo kubwa. Tangu enzi za hayati Mzee Jomo Kenyatta, hayati Daniel Toroitich arap Moi, Rais Mstaafu Mwai Kibaki na sasa, Rais Uhuru Muigai Kenyatta vijana wamekuwa ni wakupewa ahadi kwa midomo tu wakati ambapo wanatafikana kutimiza malengo ya watu fulani. Asilimia sabini na tatu ya wakenya ni vijana. Ni dhahiri hiyo asilimia sabini na tano haionekani. Kuingia katika Bunge hili, kupata kazi na kutafuta riziki katika Jamhuri ya Kenya imekuwa ngumu sana kwa vijana wetu. Hii ni kwa sababu ya sheria ambazo hazina huruma kwa vijana. Ni sheria ambazo badala ya kuwalinda, zinaweza kuwaangamiza. Chukulia mfano wa suala la kuteua mwakilishi wa vijana katika taifa hili. Si vyema Waziri aachiwe jukumu hilo. Inafaa vijana waachiwe jukumu hilo ili wajiteulie wenyewe na waangalie ni kijana yupi ataweza kuzungumzia maslahi ya vijana.

Katika Bunge hili, vijana ni wachache. Wale wanaorudi mwaka nenda mwaka rudi ni makaburu weusi ambao wamekataa kuachilia nafasi kwa vijana. Na taswira hii haihusu Bunge peke yake, inahusu taasisi zote katika Jamhuri ya Kenya wakati nyadhifa mbali mbali za uongozi zinapotolewa. Wakionekana kule mitaani ama wanapoomba kazi, sura za vijana kwa Serikali ya Jamhuri ya Kenya ni sura za uhalifu. Vijana wengi "wanapotezwa". Vijana wengi wanauawa kwa sababu hawapewi nafasi ya kujiendeleza. Katika masuala ya kikazi, hawawezi kupewa kazi kwa sababu kupata nafasi ya kazi ni sharti uwe mjuzi wa kazi hiyo. Utakua vipi mjuzi kama hupewi nafasi hiyo? Kwa mfano, Wabunge wengi wachanga walio katika Bunge la Taifa hawajawahi kuwa Wabunge lakini kwa sababu ya kukataa na kupinga dhuluma za hapo awali, waliweza kusimama kidete na kufika katika Bunge hili. Kwa hivyo sisi ujuzi tunaupata ndani ya

Bunge. Huwezi kupata ujuzi wa Bunge ukiwa nje. Huwezi kupata ujuzi wa kuwa daktari ukiwa nje. Wewe ni mwanagenzi, hupewi nafasi ya kuweza kujifunza.

Jambo lingine ni kuhusu masuala ya elimu. Ningependa kumkosoa Prof. Magotha kidogo na kusema kwamba ukiweka akili yako katika vyuo vikuu sana na usahau kuwekeza katika vyuo vya anuwai, basi kutakuwa na matatizo chungu nzima. Mimi siwezi kuwa profesa. Sote hatutoshi kuwa maprofesa. Sote hatutoshi kuwa madaktari au wahandisi. Kuna wale wanaoongozwa na talanta ya Mwenyezi Mungu. Wengine wamepeva talanta ya kucheza mpira, wengine wamepeva talanta ya kuimba, na wengine wamepeva talanta ya kufanya sarakasi. Ni sharti tutoe nafasi hizi kwa vijana ili waweze kukuza talanta zao.

Vikwazo ambavyo vimewekewa vijana – masuala ya vyeti vya kuthibisha tabia njema, KRA PIN, CRB, EACC, na hata ada ya kupata leseni kutoka NTSA ya Ksh3,000 – inakuwa ni kama dhuluma na kejeli kwa vijana.

Ninapotazama siasa za nchi zinavyoenda na kuangalia masuala ya BBI, ambayo inasema ni kuwaleta Wakenya pamoja, hamna mtu ana pingamizi nalo lakini ukiangalia misafara ya BBI, hamna sauti ya vijana, ambao ni asilimia 73 ya Wakenya wote. Hamna sauti ambayo imekwa pale ya kusema itazungumzia masuala ya vijana peke yake. Building Bridges Initiative itatumia vijana kuwasilisha hoja yao na matakwa yao lakini itahakikisha kwamba hao hao vijana, ambao ni idadi kubwa zaidi katika nchi hii, hawataweza kupata nafasi.

Pesa kwa vijana ni suala lingine. Katika Eneo Bunge langu la Nyalii kuna pesa ambazo zimetengewa vijana lakini vijana kuzipata ni vigumu sana kwa sababu ya masharti, wizi na ufujaji wa pesa hizo. Dhambi zilizotekelezwa na vijana hapo awali zinabandikwa vijana wa sasa. Ukienda kuomba pesa za vijana, unaambiwa: Kuna wale ambao hawajalipa deni, wakilipa ndiyo tutawapatia. Ni kana kwamba pesa hizo zinatumiwa na watu fulani ambao si vijana – zinawafaidi watu ambao rika yao imepita rika ya vijana. Kwa hivyo, matatizo yote tunayowaletea vijana ndiyo yanayosababisha nchi hii kuenda segemnege.

Leo kuwa kijana ndani ya nchi hii ni dhambi. Tukipatikana usiku au mchana, sura zetu zinakaa sura za wezi kwa sababu hatuna kazi, tuna njaa. Tumeponzwa na Serikali, hatupewi lolote. Kila kijana atakayeonekana mitaani anaonekana kama mhalifu – mwizi, muuaji. Hakuna mtu atatizama kijana na sura ya huruma na kusema kwamba huyu kijana hajapata jambo fulani, ndiyo maana yuko mahali alipo. Leo zawadi tunayopata katika nchi hii ni kuuwawa. Ukiangalia wanaopigwa risasi na polisi ni vijana. Waliojaa katika jela zetu ni vijana. Wanaodhulumwa kila siku ni vijana. Ni kwa nini nchi hii isiweze kutatua shida ya vijana mara moja kwa kuhakikisha kwamba vijana wanapewa zabuni katika taifa hili? *Tenders*, kama munavyoziita kwa lugha ya kimombo, hazipewi vijana kwa sababu watu fulani wanaamini kwamba kijana akipata maarifa zaidi yako atakuja kukukalia na kufanya mambo ya ajabu. Hizi zabuni zinawekwa kila siku kwa magazeti. Zinatangazwa kwa mdomo tu lakini vijana wa Jamhuri ya Kenya hawapewi nafasi hizi na Serikali ya nchi.

Kutakuwa na athari kubwa sana katika taifa hili iwapo masuala ya vijana hayatatuliwa. Hii ni kwa sababu itafika mahali ambapo vijana watachoka katika taifa hili na tukifika hapo, kurudi nyuma itakuwa vigumu. Saa hizi ukiangalia ni kama kwamba kuna vuguvugu la tatu ambalo lina njaa, hasira, limedhulumwa na linaogopa kuingia katika karne ya kuitwa wazee sasa.

Tukiingia katika Bunge hili tulikuwa vijana chipukizi, lakini sasa tunaanza kuaga miaka hiyo ya thelathini na tano na kuanza kuitwa wazee. Lakini hatujatimiza tuliloletwa kutimiza katika Bunge hili kwa sababu hiyo nafasi imekuwa ni haba. Hiyo nafasi ya kuleta idadi kubwa hapa imekuwa ngumu. Nchi zinazoendelea na kustawi duniani, nchi zinazofanya vyema na kutoa

mfano mzuri ni zile ambazo kazi zinaekezwa kwa vijana. Nchi ambayo inaendeshwa na vijana inakwea kisiasa, kiuchumi na inahakikisha ya kwamba nchi hiyo inakuwa mfano bora kwa mataifa mengine. Ni lazima tuwe waangalifu katika hii nchi yetu, na hili suala litatuletea matatizo katika siku za usoni. Iwapo hatutawasaidia hawa vijana, basi Kenya itakuwa katika hali mbaya sana.

Ninamalizia kwa kusema ya kwamba Mhe. Keter ameleta wazo nzuri katika Bunge la taifa, na mimi naliunga mkono na ninatumai ya kwamba haya yote yaliyoweza kuzungumziwa na Wabunge wengine yatasikizwa na kuhakikisha ya kwamba nafasi ya vijana imepatikana katika Jamhuri hii ya Kenya.

Asante

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuyu): Let us have Hon. Patrick Musimba.

Hon. (Dr.) Patrick Musimba (Kibwezi West, Independent): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to give a word on this very important Amendment Bill. At the outset, it is critical to recognise the amount of resources as a nation that we bestow unto our youth. When we see staggering figures such as 73 per cent of this nation is composed of the youth, it lends a hand to seeing if we are positioning ourselves as a country in the right way.

In the statistics which were presented to us during the last census, we had more than 1.8 million graduates looking for jobs. If you do a quick arithmetic for a graduate and you know a graduate programme costs an average of Ksh1 million over a four year period, this means parents in this nation have deployed in excess of Ksh1 trillion shillings which is almost a third of our national Budget towards these youth who are gravely disenfranchised.

That is just the cost of their university education. We are not talking about high school expenditure, their living expenses and what drain has already occurred at the family level. It begs to follow when you hear that the National Youth Council gets a budget of only Ksh348 million a year. Where are we placing our priorities? If Kenyan parents invested in land and property, livestock or other intangible investments using the same funds, certainly they would have title deeds and way to cash back that money so as to make greater investments.

However, the value of a certificate cannot be put into any financial institution in Kenya to give a percentage of that back to them, which begs us to look inwardly at even the composition. Much as we are talking about politicising the selection process of the NYC, we need to go down to the fundamentals in this nation and see how well we are indoctrinating our youth into the realities of life and what position innovation takes in growing our country. I will share examples of the power of innovation. A young Edison discovered electricity that transformed the world and yielded, till this day, huge fortunes to the great nation of USA. A young Mark Zuckerberg invented *Facebook* and has changed the face of this world. Look at the young Bill Gates coming up with software that has changed this world. We have innovations driven by our very own people like Dr. Arthur Obel who made fundamental movements towards the study of HIV and AIDS research when it was a global epidemic and the basis of that research yielded great strides into saving humanity.

We must look at the age of our innovative people which is the young people and see what we are giving ourselves to take us to the next level. Today, we are talking about artificial intelligence. We heard about the recent visit by President Trump to India and Prime Minister Modi boasting they will become a leading country in the export of military hardware around the globe and take the lead in the innovations towards artificial intelligence.

We need a council that does not get intimidated. Looking at the current composition, and Hon. Keter being the Mover, we need to get bolder. You cannot have eight representatives of the youths selected by a process determined by the Cabinet Secretary and six other representatives who outweigh them in terms of resources and position in this country because they will intimidate them at the Board. This is because there is a skew and we need numbers that make sense in the NYC. We need other bodies like the Attorney General propose people who have power but are also in the youth category. So that, it is momentous in the things they propose and how they want to thrive.

Just to drive the point forward, we must have youths elected competitively. The whole essence of politics and power is to fight for allocation of resources. The youths are at best to know what their priorities are. We need to adventure. The USA created great funds and that is why today it is a manufacturing and industrial superpower. Year after year they pumped in excess of US\$ 300 billion into the economy for start-ups and not wasting. Certainly, that money is rotating within the economy.

Even this era of austerity which we are talking about, there are things you do not mess around with. You cannot say you will do austerity and cut budgets across the field. Where is your innovation and great strength in the name of the youth going to come from? We have to empower even at the leadership level. Personally, my commitment to my constituents is that the next Member of Parliament will be a youth come 2020. This is a personal vocation I have given to the people of my constituency because if we are not getting the transitions right certainly, we are not in our laurels.

We have to learn from the history of this nation, we have talked ably about people like Tom Mboya and the people of the stature of Kenneth Gido wa Matiba. We have looked at industrial leaders and business titans such as Jeremy Awori and it is not a shock that the son is today running ABSA Bank Kenya. These things are generational. Today, in USA we celebrate an icon called Kobe Bryant who passed away at the age of 41 years but the impact onto the lives of Americans in sports is unheard of. At the age of 18 years, the kid had belief in himself and transformed a sport called basketball. He showed there is hard work, tenacity and values towards success that can be given. He retired at the age of 41 but his impact to the nationhood of USA is seen in a generation and there are great players who have gone through it.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Wind up.

Hon. (Dr.) Patrick Musimba (Kibwezi West, Independent): In the month of February, I celebrate Lieutenant Baden-Powell who came to Kenya and founded the scouting movement that inculcated in so many a will to succeed. As such I support this Amendment Bill but as we get to Committee stage we need to recognise that the youth are the future of this nation.

Thank you, Hon. Temporary Deputy Speaker.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Members, we have come to the end of the morning session. We still have a balance of 25 minutes to debate this Motion when it comes next on schedule. Hon. Members, the time being 1.00 p.m., the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.00 p.m.