

**PARLIAMENT OF KENYA****THE SENATE****THE HANSARD****Thursday, 6<sup>th</sup> November, 2014**

*The House met at the Senate Chamber,  
Parliament Buildings, at 2.30 p.m.*

*[The Deputy Speaker (Sen. Kembi-Gitura) in the Chair]*

**PRAYERS****MESSAGE FROM THE COUNTY  
ASSEMBLY OF KIAMBU**

COUNTY ASSEMBLY POWERS AND PRIVILEGES BILL,  
SENATE BILL NO.11 OF 2014

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, I have a message from the County Assembly of Kiambu on the County Assembly Powers and Privileges Bill, Senate Bill No.11 of 2014.

Hon. Senators, I wish to bring to the attention of the Senate that pursuant to Standing Order No.42(3) and (4), the Clerk has delivered to me the following Message from the County Assembly of Kiambu on the County Assembly Powers and Privileges Bill, Senate Bill No.11 of 2014. The message states as follows, and I quote:-

“Pursuant to the provisions of Section No.38 of the Kiambu County Assembly Interim Standing Orders, I hereby convey the following message to the Senate. Whereas the County Assembly Powers and Privileges Bill, Senate Bill No.11 of 2014, a Bill concerning county governments, was introduced in the Senate on Tuesday, 10<sup>th</sup> of June, 2014, subsequent to which by way of a letter dated 29<sup>th</sup> of October, 2014, the Senate sought the views of the county assemblies on the said Bill; whereas the Kiambu County Assembly, having deliberated on the contents of the Bill as published by way of a resolution made on Thursday, 16<sup>th</sup> of October, 2014, adopted a position on the Bill for which a detailed memorandum is herein included. Therefore, in accordance with the provisions of Articles 96(1) 118(1)(b) of the Constitution and Section 38 of the Kiambu County Assembly Interim Standing Orders, I hereby convey the said decision of the Assembly, the effect of which is to beseech the Senate to reflect on the views of the Assembly in its consideration and passage of the Bill.

Hon. Senators, for your information, the provisions governing how the Senate should deal with a message reported from a county assembly are found in Standing Order No.42(6), which provides as follows, and I quote:-

“When the Speaker reports a message from a County Assembly under paragraph (4) and (5), the message shall be deemed to have been laid before the Senate and the Speaker may-

- (a) direct that the message be dealt with forthwith;
- (b) appoint a day for the consideration of the message; or
- (c) refer the message to the relevant Committee of the Senate for consideration.”

Pursuant to Standing Order No.42(6)(c), I now refer the Message from County Assembly of Kiambu to the Standing Committee on Legal Affairs and Human Rights for consideration. The Committee should take note that the Bill is due for consideration in Committee of the Whole and expedite the consideration of the memorandum from the Assembly ahead of the consideration of the Bill at the Committee of the Whole Stage.

Thank you, hon. Senators.

Next Order.

### PAPERS LAID

**Sen. Sang** Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate, today, Thursday, 6<sup>th</sup> November, 2014.

#### GRABBING OF KISII MUNICIPAL MARKET BY PRIVATE DEVELOPERS

Report of the Commission on Administrative Justice on alleged irregular and illegal acquisition of Kisii Municipal Market by private developers.

#### NATIONAL CONSTRUCTION AUTHORITY REGULATIONS 2014

Report of the Sessional Committee on Delegated Legislation on the National Construction Authority Regulations, 2014.

#### ANNUAL REPORT (2012/2013) OF THE JUDICIARY AND STATE OF ADMINISTRATION OF JUSTICE

Report of the Standing Committee on Legal Affairs and Human Rights on the Annual Report (2012/2013) of the Judiciary and State of Administration of Justice.

#### REPORT OF SESSIONAL COMMITTEE ON LEGISLATION WITH CHAIRPERSONS OF COUNTERPART COMMITTEES OF COUNTY ASSEMBLIES

Report of the Sessional Committee on Delegated Legislation on Committees with counterpart committees of the county assemblies held between 18<sup>th</sup> September and 23<sup>rd</sup> October, 2014.

GUIDELINES ON ADMINISTRATION OF THE EQUALISATION FUND 2014

Report of the Sessional Committee on Delegated Legislation on the Guidelines on Administration of the Equalisation Fund, 2014.

ANNUAL REPORT (2012/2013) OF THE COMMISSION  
ON ADMINISTRATIVE JUSTICE

Report of the Standing Committee on Legal Affairs and Human Rights on the Annual Report (2012/2013) of the Commission on Administrative Justice.

REPORT OF COMMITTEE ON LEGAL AFFAIRS AND HUMAN RIGHTS WITH CHAIRPERSONS OF  
COUNTERPART COMMITTEES OF COUNTY ASSEMBLIES

Report of the Standing Committee on Legal Affairs and Human Rights on the Retreats with chairpersons of counterpart committees of county assemblies held between 7<sup>th</sup> and 10<sup>th</sup> May, 2014.

Thank you, Mr. Deputy Speaker, Sir.

*(Sen. Sang laid the documents on the Table)*

**NOTICES OF MOTIONS**

**Sen. Sang** Mr. Speaker, Sir, I beg to give notice of the following Motions:-

ADOPTION OF REPORT OF COMMITTEE ON LEGAL AFFAIRS AND HUMAN RIGHTS WITH  
CHAIRPERSONS OF COUNTERPART COMMITTEES OF COUNTY ASSEMBLIES

THAT, this House adopts the Report of the Standing Committee on Legal Affairs and Human Rights on the Retreats with chairpersons of counterpart committees of county assemblies held from 7<sup>th</sup> to 10<sup>th</sup> May, 2014, laid on the Table of the House today, Thursday, 6<sup>th</sup> November, 2014.

ADOPTION OF ANNUAL REPORT (2012/2013) OF THE  
COMMISSION ON ADMINISTRATIVE JUSTICE

THAT, this House adopts the Report of the Standing Committee on Legal Affairs and Human Rights on the Annual Report (2012/2013) of the Commission on Administrative Justice laid on the Table of the House today, Thursday, 6<sup>th</sup> November, 2014.

ADOPTION OF ANNUAL REPORT (2012/2013) OF THE JUDICIARY  
AND STATE OF ADMINISTRATION OF JUSTICE

THAT, this House adopts the report of the Standing Committee on Legal Affairs and Human Rights on the Annual Report (2012/2013) of the Judiciary and State of Administration of Justice laid on the Table of the House today, Thursday, 6<sup>th</sup> November, 2014.

ADOPTION OF REPORT OF NATIONAL CONSTRUCTION AUTHORITY  
REGULATIONS, 2014

THAT, this House adopts the Report of the Sessional Committee on Delegated Legislation on the National Construction Authority Regulations, 2014, laid on the Table of the House today, Thursday, 6<sup>th</sup> November, 2014.

Thank you, Mr. Deputy Speaker, Sir,

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you, Sen. Sang.  
Next Order.

### STATEMENTS

BUSINESS FOR THE WEEK COMMENCING 11<sup>TH</sup> NOVEMBER 2014

**Sen. Elachi:** Mr. Deputy Speaker, Sir, pursuant to the provisions of Standing Order No.45, I rise to present the business of the Senate for the coming week. On Tuesday, 11<sup>th</sup> November, 2014, the Rules and Business Committee (RBC) will meet on Tuesday, 11<sup>th</sup> November, 2014, at 12.00 noon to schedule business for the Senate for the week. Subject to the further directions by the RBC, the Senate will continue with business that will not be concluded in today's Order Paper focusing on debate on Bills at the Second Reading and Committee of the Whole. On Wednesday, 12<sup>th</sup> November, 2014, the Senate will continue with business not concluded during Tuesday's sitting and consider any other business scheduled by the RBC. The Senate will also deliberate on the following Motions. Resume debate on the Motion by the Chairperson of the *Ad hoc* Committee on Adoption of a Report on the Establishment of the Public Compensation Bureau; a Motion by Sen. Sammy Leshore on the Establishment of the National AIDS Control Council County Offices; a Motion by the Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries on the status of food security in Baringo County; Reports of the Kenyan Delegation to the ACP-EU Joint Parliamentary Assembly meetings held in 2013/2014 and a Motion by the Chairperson of the *Ad hoc* Committee on Adoption of a Report on Legislation on *Harambees*. On Thursday, 13<sup>th</sup> November, 2014, the Senate will continue with business not concluded on Tuesday and Wednesday, in particular deliberating on Bills at Second Reading and Committee of the Whole and any other business scheduled by the RBC.

Mr. Deputy Speaker, Sir, let me take this opportunity to once again appeal to hon. Senators to avail themselves to achieve the requisite thresholds to dispose of business before the Senate. I hereby lay the Statement on the Table.

Thank you, Mr. Deputy Speaker, Sir.

*(Sen. Elachi laid the document on the Table)*

**The Deputy Speaker** (Sen. Kembi-Gitura): There are still other statements to be issued.

Sen. Madzayo, are you issuing a statement? I can see your item on the Order Paper.

#### COMPENSATION OF IDPS IN NYAMIRA AND KISII COUNTIES

**Sen. Madzayo:** Mr. Deputy Speaker, Sir, this is a statement in relation to a request that was sought by Sen. Mong'are. The Statement is on the status of compensation for Internally Displaced Persons (IDPs) in Nyamira and Kisii counties as a result of the 2007/2008 post-election violence. The statement had four questions as follows:

(i) Whether we are aware that various persons from Nyamira and Kisii counties, including businessmen, farmers and workers were displaced as a result of the violence and, if so, whether the list could be attached.

(ii) Whether the Parliamentary Select Committee on Internally Displaced Persons which was appointed in 2012---

**The Deputy Speaker** (Sen. Kembi-Gitura): Order, Senator! I notice that the answer is quite long.

**Sen. Madzayo:** Yes.

**The Deputy Speaker** (Sen. Kembi-Gitura): Does Sen. Mong'are have a copy?

**Sen. Madzayo:** Yes, he does.

**The Deputy Speaker** (Sen. Kembi-Gitura): Okay. Proceed.

**Sen. Madzayo:** Mr. Deputy Speaker, Sir, the Committee recommended an *ex-gratia* payment of Kshs10,000 as well as Kshs25,000 for loss of property and homes to all IDPs.

(i) Whether it can be confirmed that out of 6,000 households affected by violence in Kisii and Nyamira counties, only a few received *ex-gratia* payment and none received compensation for the loss of property and homes.

(ii) Whether the action that was taken to ensure registration of IDPs, including those in Nyamira and Kisii counties ensured that they were protected and assisted under the fund set up by Section 15 of the Prevention, Protection and Assistance to IDPs and Affected Communities Act, 2012.

Mr. Deputy Speaker, Sir, I wish to respond on issue No.1. We are aware that various persons from Nyamira and Kisii counties, including businessmen, farmers and workers were displaced as a result of the violence. I have managed to give my colleague, the Senator for Nyamira, the attached list of the IDPs. During the 2007/2008 post-election violence, 663,921 individuals were profiled as displaced within the country. At the height of the violence, 350,000 IDPs sought refuge in 118 camps, while 313,921 IDPs were integrated amongst various communities in the country. Given that the IDPs were faced with different situations and needs, the 245,416 IDP households that had been

provided were grouped into four main categories. I do not think I need to go into these four main group categories. I have already submitted the copies to the Senator for Nyamira. I would, therefore, go ahead to issues No.2 and 3.

Mr. Deputy Speaker, Sir, the other question was whether we are aware that the Parliamentary Select Committee on Internally Displaced Persons, which was appointed in 2012, recommended *ex-gratia* payment of Kshs10,000 as well as Kshs25,000 for loss of property and homes to all IDPs. The second part is whether we can confirm that out of the 6,000 households affected by violence in Kisii and Nyamira counties, only a few received *ex-gratia* payment and none received compensation for the loss of property and homes. I wish to request that I handle the two issues together, given that they are all interrelated.

I am aware that IDPs were supposed to be given Kshs10,000 for start-up capital and Kshs25,000 for burnt houses. Countrywide, 170,416 households were paid the Kshs10,000 *ex-gratia* payments for start-ups while 37,843 households were paid Kshs25,000 for the reconstruction of burnt houses. In Kisii and Nyamira counties, the Ministry disbursed Kshs181,200 to the Deputy County Commissioner---

**The Deputy Speaker** (Sen. Kembi-Gitura): Order, Senator! It was Kshs181 million.

**Sen. Madzayo:** Yes, Mr. Deputy Speaker, Sir, it is Kshs181,200,000, which was sent to the Deputy County Commissioner (DCC) to pay 18,120 IDPs an amount of Kshs10,000 each as start-up capital. We have the tables, which we have explained below and I believe the distinguished Senator for Nyamira should go through it and find it adequate explanation.

Mr. Deputy Speaker, Sir, despite these efforts, the DCC is yet to account for the Kshs22,260,000 disbursed to them for payment of start-up capital of Kshs10,000 to 2,226 Kisii IDPs. It, therefore, means that only 15,160 IDPs are confirmed to have been paid whereas the payment to 2,225 IDPs cannot be confirmed until we receive returns from the DCC. The normal practice is for the Ministry to send funded authority to incur expenditure (AIE) to the DCC with an approved register of the IDPs to be paid. Once the DCC has finalized payments, the file is returned indicating how many IDPs were paid, how many were not paid and reasons for non-payment, if any. They also return copies of the Government of Kenya Support Payment Form duly signed by the recipient to show who was paid. It is these returns which enable the Ministry to update the records of those who have been paid. Any disbursement not supported by returns is considered as unaccounted funds.

Mr. Deputy Speaker, Sir, non-payment to IDPs is normally due to various reasons, including lack of necessary documents such as identity cards or the death of beneficiaries; non-availability of the beneficiaries for one reason or another or differences in particulars, amongst others. In the case of Kisii, the unaccounted funds are shown in the tables there. Letters have been written to the DCCs to make the returns and we are still waiting for the responses.

Mr. Deputy Speaker, Sir, from the above analysis, out of the total number of IDPs profiled among the Kisii IDPs, 15,160 have been paid and accounted for while 2,226 IDPs have not been accounted for and, hence, cannot be said to have been paid despite the fact that the money was disbursed to the DCCs for the purpose. However, the

Ministry is aware that some of the Kisii people have been complaining and claiming that they were left out of the IDPs compensation exercise. We recall that in April, 2012, the then Minister of Special Programmes, hon. Mirugi, was accompanied by Members of Parliament (MPs), the District Commissioners (DCs) and local leaders who held a meeting in the regional co-ordinator's office in Kisii with the objective of sorting out the complaints.

However, they were unable to resolve the matter and had to send a team of officers to do the vetting of the list that was being presented. What eventually came out of the vetting and verification exercise was that very few cases were genuine. We have given an analysis in Table 4.

Mr. Deputy Speaker, Sir, out of the 14,074 names submitted for vetting and verification, only 414 were found to be eligible for consideration. The rest were dubiously attempting to seek recognition through means which we have demonstrated. Only profiling forms for the complainants from Kisii South, Nyamira North and Manga districts were submitted by the DC to the vetting team. No forms from Gucha South and Masaba districts were submitted. The profiling forms submitted were checked and found to have a lot of anomalies, which were as follows:

1. The forms from Kisii South were not the forms used by the Kenya National Bureau of Statistics for profiling of the IDPs and they were not fully filled.
2. The forms for Manga District through duplicates of those used in profiling in 2008, were not signed. This was a requirement during the profiling.
3. The forms of Nyamira North District had the following issues.
  - (i) Some had dates indicating that the persons were profiled before June, 2008, whereas the profiling exercise took place between June and August, 2008.
  - (ii) Some of the forms indicated that the persons were profiled in 2012.
  - (ii) Others were not fully filled.

Mr. Deputy Speaker, Sir, the vetting team recommended the following:

1. That the Government should not entertain any claim by any persons or groups of persons claiming to have been profiled in any way other than those existing in the database. The Government should reject the claims presented after 31<sup>st</sup> December, 2008, registration deadline by various districts.
2. The Government was to update the records of those paid to ensure that they tally with the existing number in the database.
3. In the absence of any list and supporting profiling forms to prove that the IDPs were profiled within the stipulated period and registers submitted by 31<sup>st</sup> December, 2008, the Government should reject any further claims from the districts.
4. The Government should investigate where the profiling forms in their positions emanated from and by whom with a view to ensuring that such activities do not occur in other areas.
5. The Government should investigate where the profiling books in Nyamira North District came from and why they are in their possession since they should have been surrendered at the end of the profiling exercise in July, 2008.

Mr. Deputy Speaker, Sir, the action that was taken on the recommendations were as follows:

1. It was noted that there was an attempt to defraud the Government, an attempt that was prevented through the vetting exercise.
2. The National Humanitarian Board only approved payment for the 414 IDPs who were found to be eligible for payment.
3. The Government decided to limit its resettlement programme to only those registered by 31<sup>st</sup> December of 2008 and rejected any further claims beyond this deadline.
4. Last but not the least, the Government rejected all claims by persons or groups of persons claiming to have been profiled in any way other than those existing in the database.

In addition, the State Department of Devolution and the Directorate of Special Programmes has been updating those Internally Displaced Persons (IDPs) who have been paid against its IDP database on a continuous basis. Arising from these actions, there has been continued pressure to include the rejected IDPs in the resettlement programme. This has never been possible especially after realizing that there were fraudulent attempts to penetrate the profiling systems for personal gains.

Mr. Deputy Speaker, Sir, it is worth noting that profiling of IDPs was done at two levels:-

- (i) by the District Commissioners (DCs) at the district level;
- (ii) by the Kenya National Bureau of Statistics who were contracted by the Ministry to undertake national IDP census.

Mr. Deputy Speaker, Sir, any IDP claiming to have been missed in the registration exercise at the two levels is being economical with the truth. This is clearly demonstrated by the fact that those who were attempting to be recognised were more than those who were actually profiled and paid. That could not have been a true reflection of any omission and surpasses any justifiable

degree of error. The Ministry is also aware of the complaints regarding some Kshs55 million that was disbursed to Kisii for payment as starter-up capital. Kisii IDPs have alleged that the amount was misappropriated and/or paid to the wrong persons. Although the allegations have never been substantiated, the Ministry took action and referred the matter to the Kenya Anti-Corruption Authority (KACA) for investigation. We have enumerated the areas on the register. The Ministry is still awaiting the KACA report to rest the matter.

Lastly, on the third issue regarding action taken to ensure registration of IDPs including those in Nyamira and Kisii counties and ensure that they are protected and assisted under the fund set up by Section 15 of the Prevention, Protection and Assistance to IDPs and Affected Communities Act, 2012. The Act was gazetted on 4<sup>th</sup> January, 2013 through gazette supplement No.220 and became effective on 28<sup>th</sup> January, 2013. The Chairman of the National Consultative Coordinating Committee, Mr. Adan Wachu, was appointed by His Excellency the President, Hon. Uhuru Kenyatta, on 19<sup>th</sup> February, 2014 and gazetted on 28<sup>th</sup> February, 2014 *vide* Gazette Notice No.1361.

The National Consultative Coordination Committee was gazetted on 3<sup>rd</sup> October, 2014 *vide* Gazette Notice No.6853. The Committee has not met to deliberate on how they will handle the IDP matters. However, the Kisii IDPs are already profiled. We may not



tell how many or how the Committee will approach the issue of post-2007/2008 IDPs who failed to register when they were supposed to. The Act covers the whole spectrum of IDPs management including prevention, protection and assistance. Therefore, it will be able to deal with all IDP issues in the country.

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you, Senator. That was quite lengthy and detailed. I am sure Sen. Okong'o is satisfied.

**Sen. Okong'o**: Mr. Deputy Speaker, Sir, I do not understand how I can be satisfied with a very lengthy statement which is full of contradictions and counter-contradictions.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Okong'o, remember that you are seeking clarifications.

**Sen. Okong'o**: Yes, Mr. Deputy Speaker, Sir. I want the Chairman to clarify when he says that IDPs did not provide identification cards whereas these are documents which were burnt. I would also like him to clarify that monies were sent to the DCCs who have not accounted for it. I would also like him to clarify why he brought an answer which is not complete. We have been told by the Chairman that the then Minister went to negotiate and see how they can arrest that situation but they failed. I also need a clarification from the Chair when he tells us that there were some reports sent to KACA but they have no file. That is why I am saying that this report is full of contradictions and I need a clarification on the same---

**The Deputy Speaker** (Sen. Kembi-Gitura): Senator, just seek clarification on what you want. I cannot give you too much time.

**Sen. Okong'o**: Mr. Deputy Speaker, Sir, I think we are not here for purposes of raising issues for the sake of raising issues. I need sufficient time to respond---

**The Deputy Speaker** (Sen. Kembi-Gitura): Order! You are not going to direct me on how to conduct the House. You must get that very clearly in your mind.

**Sen. Okong'o**: That is very clear. Most obliged.

**The Deputy Speaker** (Sen. Kembi-Gitura): I am telling you for the last time that you do not have indefinite time to deal with statements. Therefore, seek your clarification and others who want to do the same must be given a chance. Remember, I asked at the beginning whether you had looked at the Statement and you accepted. So, seek a clarification.

**Sen. Okong'o**: Since this is my question, I will try to be as brief as possible. I had reached the fourth clarification.

To go further, the report has indicated to us that there are many answers which have not been given and I need the Chair to tell us. The IDPs in Nyamira and Kisii were given Kshs10,000 and Kshs25,000 respectively whereas elsewhere in the country, people were given Kshs470,000. Are the people Nyamira and Kisii lesser than other Kenyans? Those are the clarifications I want the Chair to give to this House.

**Sen. Obure**: Mr. Deputy Speaker, Sir, thank you for giving me a chance to seek a clarification.

First, I want to state for the record that the handling of this matter by the Government and its agents particularly in Kisii and Nyamira counties has been very poor leaving many people dissatisfied.

Why did the Government find it necessary to classify IDPs into several categories despite the fact that all of them suffered a similar fate namely; they were tortured, humiliated and displaced from their homes and residences? Is the Chair aware that this categorization has led to different levels of compensation resulting in some IDPs being paid less than others and consequently feeling discriminated against? I also want to seek a clarification from the Chair in respect to what he has said in this answer, particularly as relates to Kisii and Nyamira counties. He has stated that an amount of Kshs181,200,000 was paid as start-up capital and another Kshs800,025,000 for construction of burnt houses. Of this amount, Kshs22,260,000 plus a further Kshs55 million has not been accounted for by the DCC. Is the Government aware that the intended beneficiaries of the funds which have not been accounted for are still homeless and suffering, seven years after they were displaced from their farms and businesses? Is he also aware that these groups of Kenyans now feel that the Government is not sensitive to their plight? What action is the Government taking urgently to address the predicament of this group of Kenyans?

**Sen. Khaniri:** Mr. Deputy Speaker, Sir, I had two clarifications to seek but one of them has been adequately covered by Sen. Obure. Therefore, I will go straight to the second one. In the Statement, the Chairman has informed us that Kshs22 million that was meant to be paid to 2,200 IDPs has not been accounted for. This money was disbursed in the financial year of 2012/2013, and we are all aware that when the financial year comes to an end, monies that have not been spent are returned to the Treasury. We want to know where the Kshs22 million is. Is the money still there? If it is there, where is it? Is it earning interest? What is going to happen to the interest that is being earned on this money?

**Sen. Sang:** Mr. Deputy Speaker, Sir, I want to seek one clarification from the Chair. We know that there were IDPs in the North Rift region who were displaced and found themselves in other counties like Nakuru and the Government had to compensate them. If they owned land in Uasin Gishu, Nandi or any other place, because if they were compensated with pieces of land and other resources, who then took the land that these IDPs left in the other areas? Did the Government repossess that land or is it a state of a compensating people who have their original land, the one allocated under the compensation programme?

**Sen. Ndiema:** Mr. Deputy Speaker, Sir, I would want to get further clarification on the following: Is the Government aware that there were two categories of people who were displaced; those who went to the camps and those who were integrated in communities? Is the Government also aware that most of those integrated were not fully profiled? This happened in the North Rift and Trans Nzoia. What is the Government doing to ensure that those who were not profiled and therefore not compensated are now profiled and compensated accordingly?

**Sen. (Dr.) Machage:** Mr. Deputy Speaker, Sir, I remember when this issue was raised, I added an addendum that the Statement should include IDPs in Migori County but as the Chair was reading it, I have heard nothing about the IDPs in Migori County. What informed the Government to pay Kshs10,000 as an *ex-gratia* payment and Kshs25,000 as compensation to the IDPs which I find as an insult to humanity and total

disregard to the pain these Kenyans went through whereas as we have been told other IDPs in other areas were paid given Kshs470,000?

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you, Senators. Before we proceed with the answer from Sen. Madzayo, I wish to make a short Communication.

### COMMUNICATION FROM THE CHAIR

#### DELEGATION FROM AIC CHEBISAAS BOYS SECONDARY SCHOOL AT THE PUBLIC GALLERY

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, I wish to recognise in the first instance, the presence of students and teachers from AIC Chebisaas Boys Secondary School in Uasin Gishu County who are seated in the public gallery. On behalf of the Senate and on my own behalf, I extend a warm welcome to them and wish them a happy and fruitful visit. I also hope and trust that they will learn something important when they go back to their school.

#### DELEGATION FROM MOMBASA COUNTY ASSEMBLY AT THE SPEAKER'S GALLERY

Hon. Senators, I also wish to recognise in the Speaker's Gallery Members of the Mombasa County Assembly, members of the Committee of Justice, Labour and Legal Affairs. This morning, there was a meeting between committees of five counties, the equivalent of a committee of justice and legal affairs. The ones from Mombasa have to come to see what we do here. I wish to recognise them in the usual manner. I will mention their names and when the name is mentioned, please, rise and bow and you will be acknowledged in the usual manner of the Senate.

Hon. Jimmy Ondari	-	Chairman of the Committee
Hon. Jabes M. Oduor	-	Member
Hon. Lucy Chizi Chireli	-	Member
Hon. Tom Ogalo	-	Member
Hon. Patrick Simiyu	-	Member
Mr. Abdallah Hamisi	-	Clerk Assistant.

Again, welcome to the Senate and I hope you are going to enjoy our proceedings for the period that you are going to be there.

Sen. Madzayo, there are several issues which were raised and I would like you to respond.

Sen. Munyes, did you want to intervene on the question?

**Sen. Munyes:** Yes.

**The Deputy Speaker** (Sen. Kembi-Gitura): Yours will be the last one.

**Sen. Munyes:** Mr. Deputy Speaker, Sir, I want to join my colleague by expressing our concerns as the Senate that matters of IDP in this country have not been dealt with in a manner that seeks to finalise it. Turkana County was also affected as per the database. There are so many IDPs who have not been compensated; those who were

supposed to benefit from the shelter programme, four houses which were constructed in four locations have not been completed.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Munyes, I get the impression that you are raising a completely new issue. I am not sure whether when the answer was prepared, it was comprehensive and related to the specific area which you have raised. If you want to seek a clarification, please, do so but if you bring completely new issues, Sen. Madzayo may not be in a position to deal with them unless you want to seek a fresh statement.

**Sen. Munyes:** I could seek the latter but I just wanted the Chair to enlighten the House on the matter of compensation as far as housing is concerned. That is one area the Government has not done a good job. In Turkana, in five locations, IDPs are still staying in shelters while the houses are incomplete. I want to challenge the Chair, who is also my Chair in the Committee for Labour and Social Welfare, to get a comprehensive report for the whole country so that we can understand what is happening and when this matter will be dealt with finality.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Hassan, is it a point of order?

**Sen. Hassan:** It is also a clarification.

**The Deputy Speaker** (Sen. Kembi-Gitura): On what?

**Sen. Hassan:** It is further clarification on this issue.

**The Deputy Speaker** (Sen. Kembi-Gitura): I will make yours the last one so that we can get a response and go to the second round.

**Sen. Hassan:** Mr. Deputy Speaker, Sir, first and foremost, I also seek to recognise Members of the Mombasa County Assembly.

**The Deputy Speaker** (Sen. Kembi-Gitura): I have already done that.

**Sen. Hassan:** I just want to welcome them and appreciate their being here. That extends to the students, whom I believe, one day will be sitting in this Chair as Senators of this distinguished Republic. That said and done, I dealt enormously with matters of IDPs when I was with the KNHCR.

**Sen. Sang:** On a point of order, Mr. Deputy Speaker, Sir. Along the same lines with Sen. Hassan, for welcoming Members of the County Assembly of Mombasa, I am stepping in for Sen. Melly of Uasin Gishu.

**The Deputy Speaker** (Sen. Kembi-Gitura): Order. Take your seat. Your point of order is not even related to the issue before the House this afternoon. We are talking about IDPs.

Sen. Hassan Omar, if it is on the issue of Internally Displaced Persons (IDPs), I will give you a chance to seek a clarification.

**Sen. Hassan:** (*Spoke off the record*).

**The Deputy Speaker** (Sen. Kembi-Gitura): Move on to the Dispatch Box if the microphone is not coming on.

**Sen. Hassan:** As I said, I did a lot of work around IDPs at the Kenya National Human Rights Commission (KNHCR). There is a group of IDPs who are totally lost in this regard. There are those IDPs who at the advent of the violence returned home, be it in central Kenya, Nyanza or wherever it is. They are no longer in camps and have not gone back to those areas that they were displaced from. They are living with their relatives and have been totally forgotten in terms of compensation. Is there any

knowledge on the part of the Government on how many of these IDPs are there and whether there are any other reasonable measures to compensate them?

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Madzayo, you may now deal with all those issues.

**Sen. Madzayo:** Mr. Deputy Speaker, Sir, I appreciate the interest of the Senators on this matter. There are quite a number of questions that they have been asked. I need some two weeks to come up with a substantive answer.

**The Deputy Speaker** (Sen. Kembi-Gitura): Senator, you are seized of the answer from the Cabinet Secretary. Most of the issues that have been raised especially by Sen. Okong'o and Sen. Obure are questions emanating from the statement you issued. Why do you require two weeks?

**Sen. Madzayo:** Mr. Deputy Speaker, Sir, you know the Government bureaucracy.

**The Deputy Speaker** (Sen. Kembi-Gitura): I mean the issues that have been raised that by Sen. Okong'o, Sen. Ndiema, Sen. Obure and even the one that was raised by Sen. Khaniri about the Kshs22.6 million are issues that are in your statement.

**Sen. Madzayo:** Exactly, but I want to seek instructions to be able to give a comprehensive answer to all of them.

**The Deputy Speaker** (Sen. Kembi-Gitura): Are you saying that you are not satisfied with the statement as it is right now?

**Sen. Madzayo:** Exactly, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): That is reasonable. Sen. Okong'o, if it is reasonable, then we are going to make it beyond that. If you look at the HANSARD, there are Senators like Munyes who have raised issues which were not specific to the question raised. I would like you, in the interest of time, that you also consider from the Cabinet Secretary those other issues that have been raised. Take a copy of the HANSARD and in two weeks time, give us comprehensive answers.

**Sen. Madzayo:** Much obliged, Mr. Deputy Speaker, Sir.

**Sen. Muthama:** On a point of order, Mr. Deputy Speaker, Sir. Every supplementary question that is raised no matter how big or small it is, it will be in order to say that the chairperson of any committee will not have an answer unless he or she goes back and consults. The chairpersons walk in here with written answers. Those answers are based on the questions that have been raised. So, I am in order to say that every supplementary question must be clarified by the Cabinet Secretary no matter how big or small it is?

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Muthama, are you saying that chairpersons have no capacity? Is that what I am getting you to say?

**Sen. Muthama:** Mr. Deputy Speaker, Sir, they do not lack the capacity. The capacity is based on what has been asked and the answer given. They have to consult on anything outside that written statement. That is the truth.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Muthama, I appreciate what you are saying. Of course, Cabinet Secretaries do not come to the Floor of the Senate to give the statements. Now that Sen. Madzayo has sought leave to come back in two weeks' time, let it be two weeks. Let the Committee try and get the comprehensive answers.

*(Sen. (Dr.) Machage stood up in his place)*

Sen. (Dr.) Machage, are you on a point of order?

**Sen. (Dr.) Machage:** Yes, Mr. Deputy Speaker, Sir. In view of the reaction of Sen. Madzayo to the many questions and the comment from the Senator from Machakos County, am I in order to remind this House that the political system operating in Kenya now has failed? We need a mongrel or a parliamentary system and, therefore, a referendum.

*(Applause)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Order, Senator! You are completely out of order because that was not the issue before the House.

Hon. Senators, that marks the end of the Order on Statements.

Before we move on to the next Order, Sen. Mositet had sought the Floor.

Proceed, Sen. Mositet.

**Sen. Mositet:** Mr. Deputy Speaker, Sir, I wanted to comment on something, but I have decided to defer it to next week.

**The Deputy Speaker** (Sen. Kembi-Gitura): You have changed your mind?

**Sen. Mositet:** Yes, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): That suits me.

Hon. Senators, that brings us to the end of the Order on Statements. Let us move on to the next Order.

Hon. Senators, before we proceed with the next Order on Committee of the Whole, may I request that I consult.

*(The Deputy Speaker (Sen. Kembi-Gitura) consulted  
the Clerks-at-the Table)*

Order Members. Clerk, you may now call out the next Order.

## COMMITTEE OF THE WHOLE

*(Order for Committee read)*

*[The Deputy Speaker  
(Sen. Kembi-Gitura) left the Chair]*

## IN THE COMMITTEE

*[The Temporary Chairperson  
(Sen. (Dr.) Machage) took the Chair]*

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL,  
SENATE BILL NO.10 OF 2014

**The Temporary Chairperson** (Sen. (Dr.) Machage): Order, hon. Senators. We have a herculean task today. There is a lot of voting to be done. As you will recall, we had gone through all the processes on Order No.8(1), save for the division. I order that we complete that division and embark on the other Orders. We will ring the Bell once for all of them. However, we will finish the first one first because it had been dealt with completely and the procedure does not allow that we mix it with the others.

Therefore, I order that the Division Bell be rung for only two minutes.

*(Division Bell was rung)*

**The Temporary Chairperson** (Sen. (Dr.) Machage): Order, hon. Senators. Let the Division Bell stop ringing first for some consultations. Order, hon. Senators, I will put the question later.

*Clause 3*

**The Temporary Chairperson** (Sen. (Dr.) Machage): Order. Hon. Senators, where is the Chairman of the Committee on Finance, Commerce and Budget? I think he has an amendment.

*(The Speaker consulted with the Clerks-at-the-Table)*

I am informed that the amendment was dealt with earlier.

*(The Division Bell was rung)*

**The Temporary Chairperson** (Sen. (Dr.) Machage): Clerks-at-the-Table, do we have the threshold to vote? Please, let the bars be drawn.

*(Sen. Obure walked to the doors of the Chamber)*

**The Temporary Chairperson** (Sen. (Dr.) Machage): You are too late. You cannot go anywhere.

**Sen. Hassan:** On a point of order, Mr. Temporary Chairman. I think you should deal firmly with Sen. Obure for trying to walk out when the bars are being drawn.

**The Temporary Chairperson** (Sen. (Dr.) Machage): Do you doubt the firmness with which I dealt with Sen. Obure?

We are dealing with the amendment on Clause 3. I just want to bring you at par with my thinking. Every Senator knows what it was about. Those who want to be assisted, I will deal with you later. You have 30 seconds to vote. We are trying to conserve time.

**DIVISION**

## ELECTRONIC VOTING

*(Question put and the Senate proceeded  
to vote by County Delegations)*

**AYES:** Sen. Abdirahman, Wajir County; Sen. Chelule, Nakuru County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Hassan, Mombasa County; Sen. Kagwe, Nyeri County; Sen. Kanainza, Kakamega County; Sen. Kembi-Gitura, Murang'a County; Sen. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. G.G. Kariuki, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Mositet, Kajiado County; Sen. Munyes, Turkana County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndiema, Trans-Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Sang, Nandi County; Sen. Sijeny, Nairobi County; Sen. Wetangula, Bungoma County and; Sen. (Dr.) Zani, Kwale County.

**The Temporary Chairperson** (Sen. (Dr.) Machage): Order, Senators! I wish to announce the results of the Division as follows:-

**AYES:** 28

**NOES:** 0

**ABSTENTIONS:** Nil

So, the "Ayes" have it.

*(Question carried by 28 votes to nil)*

*(Clause 3as amended agreed to)*

*Clause 2, Title and Clause 1*

**DIVISION**

## ELECTRONIC VOTING

*(Question, that Clause 2, Title and Clause 1 be part of the Bill put and  
the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. Chelule, Nakuru County; Sen. Elachi, Nairobi County; Sen. G.G. Kariuki, Laikipia County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Hassan, Mombasa County; Sen. Kagwe, Nyeri County; Sen. Kajwang, Homa Bay County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura,



Murang'a County;; Sen. Khaniri, Vihiga County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Munyes, Turkana County; Sen. Murungi, Meru County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Ndiema, Trans Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Orengo, Siaya County; Sen. Sang, Nandi County; Sen. Wetangula, Bungoma County and Sen. (Dr.) Zani, Kwale County.

**The Temporary Chairperson** (Sen. (Dr.) Machage): Order, Senators! I wish to announce the results of the division as follows:-

**AYES:** 31

**NOES:** 0

**ABSTENTIONS:** Nil

So, the "Ayes" have it.

*(Question carried by 31 votes to Nil)*

*(Clause 2 agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**Sen. Hassan:** On a point of order Mr. Temporary Chairman, Sir.

**The Temporary Chairperson** (Sen. (Dr.) Machage): What is it, Sen. Hassan?

*(Sen. Hassan stood up and crossed the Floor)*

Order, Sen. Hassan. This is a serious sitting. Could you be composed? Let us transact the business of the House.

Sen. Hassan, could you raise that point of order? I think it is pertinent.

**Sen. Hassan:** On a point of order, Mr. Temporary Chairman, Sir. The reason I am raising a point of order is because the bars have not been drawn. So, that means that all of us are here. We are full House. In the first vote, we had 28 "Ayes" and in the second vote, we have 31 "Ayes"; an increment of three votes. There was a ruling in this House by the Speaker that once you are in the House, you must vote in one way or another; either you vote "yes", "no" or you abstain. Those are the only three votes. It is a Standing Order. Therefore, if there are three voters who did not vote initially, that led to that increment. That is what I just want to point it out to the Chair for the purposes of him taking note.

**The Temporary Chairperson** (Sen. (Dr.) Machage): That is a valid point of order. However, the Chair does not want to be assisted at this time.

*(Laughter)*

The Clerks-at-the-Table will look into the records and those who will be found not to have voted either way, and did not record their desire not to vote, believe it or not, there will be some reprimand.

Let us proceed.

**Sen. Musila:** On a point of order, Mr. Temporary Chairman, Sir. I will be excused because I just want to assist the Chair and say that some of us did not vote electronically because we thought that we had voted. However, when we checked later, we were told that our cards were defective. They could not be used to vote. So, we voted through assistance. I am one of those who did not vote but it is because I thought that my card was working while it was not working. I am sure there are two other Members.

**The Temporary Chairperson** (Sen. (Dr.) Machage): Thank you for owning up. However, I cannot count your vote now.

**The Senate Minority Leader** (Sen. Wetangula): On a point of order, Mr. Temporary Chairman, Sir. The point raised by Sen. Hassan is very critical because we vote as delegations. This could be a Bill where whichever vote we throw in may not count much other than in winning the vote. However, we also have a contested matter where each vote counts. What happens if an illegible voter fraudulently casts a vote and tills the result of the vote? Will the Chair annul that vote and send us to back to vote? This is not just a question of delegations voting but legibility of the vote. Each county has only one vote and if Nominated or Members of Delegations vote when they are not supposed to vote because their principals are there, then those votes become invalid.

**The Temporary Chairperson** (Sen. (Dr.) Machage): Thank you, the Senate Minority Leader. I draw your attention to Standing Order No. 75 which says:

“In the event of a technical failure, confusion or error occurring in the course of voting which in the opinion of the Speaker cannot otherwise be corrected, the Speaker may direct the Senate to another round of electronic voting or proceed to a roll call vote.”

**The Senate Minority Leader** (Sen. Wetangula): That is contemporaneous to the vote. What happens thereafter?

**The Temporary Chairperson** (Sen. (Dr.) Machage): Could you read that? The onus rests on the Speaker to make a decision. In this instance, I have not seen that kind of theoretical happening. I would do exactly as Standing order No. 75 says. I believe Members would alert the Chair in case there was a problem with voting by delegation. The Clerks-at-the-Table would also alert the Chair in case of such an eventuality. This has not been done to me now.

So, let us proceed.

**Sen. (Dr.) Zani:** On a point of order, Mr. Temporary Chairman, Sir. An attempt has been made to automate these machines so that they detect who should vote and who should not vote. For example, a few minutes ago, a Nominated Member who was trying to vote could not vote. You can only vote after you have been cleared by the Clerks-at-the-Table. The fear that a Nominated Member who is supposed to vote has not been given authority to vote may not be the case. I realised a few minutes ago that a system has been put into place to ensure that you cannot vote if the elected Member of the county is present in the House.

**The Temporary Chairperson** (Sen. (Dr.) Machage): Actually, there are only three names that have been picked by the Clerks-at-the-Table that have problems that is; Sen. Musila's, Sen. Murungi's and Sen. Adan's. We have already depicted that but as far as I am concerned; I have written notifications from the leaders of delegations authorising the Nominated Senators in the House to vote. So, everything is in order.

Is there another point of order? What is it, Sen. Karaba? *Mwalimu*?

**Sen. Karaba:** On a point of order Mr. Temporary Chairman, Sir. In view of the very many problems which are arising from the use of these machines, could we go by the earlier roll call system which could be more effective? We are wasting a lot of time here queuing.

**The Temporary Chairperson** (Sen. (Dr.) Machage): Yes. Sen. Ong'era.

**Sen. Ong'era:** Mr. Temporary Chairman, Sir, I am surprised that the Chairman of the Committee on Education, who I highly respect, is actually suggesting that we go analogue when he has been saying that they are digital.

**The Temporary Chairperson** (Sen. (Dr.) Machage): Sen. Janet Ong'era, some of *Mwalimu's* students are Senators here. Are you surprised?

*(Laughter)*

Anyway, that is on a light note.

Let us have the Mover.

## REPORT

### THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL, SENATE BILL NO.10 OF 2014

**Sen. Sang:** Mr. Temporary Chairman, Sir, I beg to move that the Committee do report to the Senate its consideration of the Public Finance Management (Amendment) Bill, Senate Bill No.10 of 2014 and its approval thereof with amendments.

**Sen. Murungi** seconded.

*(Question proposed)*

**The Temporary Chairperson** (Sen. (Dr.) Machage): Hon. Senators, I will now proceed to put the question and the response will be by acclamation.

*(Question put and agreed to)*

Hon. Senators, let us now move on to the next Bill. The doors are still closed and the bars still drawn. This is Order No.8(ii), the National Honours (Amendment) Bill, (Senate Bill No.16 of 2014). This is a Bill by Sen. Amos Wako.

THE NATIONAL HONOURS (AMENDMENT) BILL,  
(SENATE BILL NO. 16 OF 2014)

**Sen. Muthama:** On a point of order, Mr. Temporary Chairman, Sir. In this New Clause 1A, there is some wording there---

**The Temporary Chairperson** (Sen. (Dr.) Machage): Order! We have not yet got there. Just hold your horses.

**Sen. Muthama:** I will hold them, Mr. Temporary Chairman, Sir.

**The Temporary Chairperson** (Sen. (Dr.) Machage): Hold them tight!

*(Laughter)*

*New Clause 1A*

**The Temporary Chairperson** (Sen. (Dr.) Machage): Where is the Chairperson of the Committee on Labour and Social Welfare?

*(Sen. Madzayo approached the Chair)*

Do you have any problem? Do you want any assistance?

**Sen. Madzayo:** Yes, Mr. Temporary Chairman, Sir.

**The Temporary Chairperson** (Sen. (Dr.) Machage): Okay, I give you only one minute to consult, exactly 60 seconds.

*(Sen. Madzayo consulted the Clerks-at-the-Table)*

Chairperson, it seems you do not understand your own amendment. I really do not see why we should spend a lot of time on this. The Mover should have understood what he wanted to amend. I can as well say we remove the amendment, because I have those powers. We are taking so much time consulting on this. Remember, you cannot do much, the bars are already drawn. Really, you cannot make any changes, unless you want me to open the bars for you to canvass your thinking which we cannot agree.

Chairperson, can you move your amendment, please?

**Sen. Orengo:** On a point of order, Mr. Temporary Chairman, Sir. If the bars are drawn, it means that we cannot transact any other business other than business of voting. If somebody wants to move an amendment, then we have to draw the bars. This is there for a good reason.

**The Temporary Chairperson** (Sen. (Dr.) Machage): Yes, that is quite in order. Can the bars be drawn and the doors opened?

*(The bars were drawn and the doors opened)*

Please, do not go because the doors are now opened. It is just for the purposes of moving this amendment in an orderly way.

Sen. Madzayo, are you ready? *Kuna* microphone *hapa* or you prefer that one? Use the Dispatch Box if that one is not working.

*New Clause 1A*

**Sen. Madzayo:** Mr. Temporary Chairman, Sir, I beg to move that the Bill be amended by inserting the following new clause immediately after clause 1-

Amendment  
of Section 6  
No.11 of 2013

1A Section 5 of the National Honours Act is amended in paragraph (d) by deleting the word “elected” appearing immediately after the words “two Governors” and substituting thereof the word “nominated.”

The words “two Governors” are already in the Act. What we are dealing with here is that we are deleting the word “elected” appearing immediately thereafter the words. I hope I am understood.

**The Temporary Chairperson** (Sen. (Dr.) Machage): Very well. Nobody has complained. You are very well understood.

**Sen. Madzayo:** Thank you, Mr. Temporary Chairman, Sir.

**Sen. Muthama:** On a point of order, Mr. Temporary Chairman, Sir.

**The Temporary Chairperson** (Sen. (Dr.) Machage): What is it, Sen. Muthama?

**Sen. Muthama:** Mr. Temporary Chairman, Sir, if you insert the word “nominated” immediately between the words “two governors”, it reads two governors. If you have nominated, you say “nominated two governors”. What is two governors?

**The Temporary Chairperson** (Sen. (Dr) Machage): Sen. Muthama, some people would read a small clause in the Bible which says “Carry my cross and follow me” and they will go and make a very big wooden cross and begin walking in the streets. You have to read the whole Act because if you want to amend the “two governors”, then you will have to move an amendment. The “two governors” are in the Act. Nobody has moved any amendment. If you so desire, then you should have done that earlier, with a notice to this Chair which you did not. There is nothing I can do about it now.

**Sen Kagwe:** Mr. Temporary Chairman Sir, First of all, I am not sure whether we are operating the electronic way of pressing the button when you want to raise a point of order or whether we are shouting it.

Secondly, it is only right and fair that the Mover of the amendment explains to the House what the impact of the amendment that he is proposing is.

**The Temporary Chairperson** (Sen. (Dr) Machage): You are quite in order on the second point but on the first one, you cannot compel the Chair to see you, I did not see you, that is all but it is noted. We are on the electronic system not a shouting match.

Sen. Madzayo, Sen. Mutahi Kagwe’s request is quite in order. Why do you want that amendment? Can you enlighten the House?

Senator for Marsabit, what is it?

**Sen. Hargura:** Mr. Temporary Chairman Sir, my point of order is that, the particular amendment which the Senator is introducing is not part of this amendment to

the Act. It is another clause within the parent Act that is not part of this amendment. Is it in order to amend another clause in the same Act which is not part of the amendment we are handling?

**The Temporary Chairperson** (Sen. (Dr) Machage): It is quite in order if someone so wished to amend a clause in an Act, but we do not have it today. What we have is a new clause. That is the explanation that Sen. Madzayo needed to tell the House. Since you have offered to give that explanation, which is very satisfactory, I see no need for Sen. Madzayo to give more unless you so desire to do. Do you?

**Sen. Hargura:** No, Mr. Temporary Chairman, Sir

**The Temporary Chairperson** (Sen. (Dr) Machage): Okay, I will now propose the question.

*(Question of the New Clause 1(A) proposed)*

*(New Clause 1(A) read the First Time)*

*(Question that the New Clause be read  
a Second Time, proposed)*

**Sen. Chelule:** Somebody is requesting that Sen. Madzayo explains that amendment because we cannot vote if he has not clearly explained why he is amending it. He needs to explain to us.

**The Temporary Chairperson** (Sen. (Dr) Machage): Yes, I had addressed that issue. Instead the Senator for Marsabit explained but if you so desire that the Sen. Madzayo must do it himself, then Sen. Madzayo, you are challenged. Sen. Madzayo said he had nothing to add over what his fellow Senator had explained. Essentially, this is a new clause.

Let me read what the National Honors Act, 2013 says, you better listen. I am picking on Clause 5(d) which is our concern now.

It says:

“Two governors elected by the Council of County Governors.”

We are saying that you delete the word “elected” and say “two governors nominated by the Council of Governors”. Now, do you understand?

The essence here is that they do not to have an election, they just nominate. That is all. It is not a very difficult thing to understand. Again, if you do not agree, you can say no, you have the powers not to vote yes. You can abstain if you think it does not make sense to you.

There is no much ado over this issue. I have already proposed the question and I see no other person willing to contribute, so I will put the question that New Clause 1(A) be read a Second Time.

I order that the Division Bell be rung for one minute.

*(Divisional Bell was rung)*

The bell was to be rung for one minute, that was too much. Can you enter? I can see a Member outside. Okay, you can now close the door.

*(The doors were closed)*

Do we have the numbers? Can you ring the Bell for another two minutes?

*(The Division Bell was rung)*

**The Temporary Chairperson** (Sen. (Dr.) Machage): I order that the doors be closed.

**An hon. Senator:** What are we voting on?

**The Temporary Chairperson** (Sen. (Dr.) Machage): I will tell you what we are voting on. Draw the bars. Log in first. We are voting for the question that the New Clause 1A be read a Second Time.

## DIVISION

### ELECTRONIC VOTING

*(Question, that New Clause 1A be read a Second Time put and the the Senate proceeded to vote by County Delegations)*

We are starting to vote now for 30 seconds. Start voting now.

**AYES:** Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Bule, Tana River County; Sen. Chelule, Nakuru County; Sen. Elachi, Nairobi County; Sen. G.G. Kariuki, Laikipia County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. Khaniri, Vihiga County; Sen. Kivuti, Embu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Melly, Uasin Gishu County; Sen. Mositet, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndiema, Trans-Nzoia County; Sen. Ntutu, Narok County; Sen. Okong'o, Nyamira County; Sen. Ong'era, Kisii County; and, Sen. (Dr.) Zani, Kwale County.

**The Temporary Chairperson** (Sen. (Dr.) Machage): Hon. Senators, I will now report the vote:-

The "Ayes" who voted electronically are 19, plus 7 who voted manually. The total for the "Ayes" is 26 votes.

**AYES:** 26

**NOES:** Nil

**ABSENTIONS:** Nil

The "Ayes" have it.

*(Question carried by 26 votes to 0)*

*(New Clause 1A was read a Second Time)*

**The Temporary Chairperson** (Sen. (Dr.) Machage): You can now open the bars and the doors.

Now, I propose the question that the New Clause 1A be part of the Bill.

I see no intervention. I now put the question that the new Clause 1A be part of the Bill.

*(Question that the New Clause 1A  
be part of the Bill, proposed)*

**The Temporary Chairperson** (Sen. (Dr.) Machage): Ring the Division Bell for one minute.

*(The Division Bell was rung)*

**The Temporary Chairperson** (Sen. (Dr.) Machage): One minute is over. Can you close the door and draw the bar? Numbers *sasa zimeenda wapi tena?* Some people are just disturbing others. What is all this hell?

Log in everybody. Start voting.

## DIVISION

### ELECTRONIC VOTING

*(Question, that New Clause 1A be part of the Bill put and the  
the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Chelule, Nakuru County; Sen. Elachi, Nairobi County; Sen. G.G. Kariuki, Laikipia County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Kembu-Gitura, Murang'a County; Sen. Khaniri, Vihiga County; Sen. Kivuti, Embu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Melly, Uasin Gishu County; Sen. Mositet, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndiema, Trans-Nzoia County; Sen. Ntutu, Narok County; Sen. Okong'o, Nyamira County; Sen. Ong'era, Kisii County; and, Sen. (Dr.) Zani, Kwale County.

**The Temporary Chairperson** (Sen. (Dr.) Machage): Hon. Senators, I want to announce the votes:-



The “Ayes” who voted electronically are 17 plus 8 who voted manually. The total for the “Ayes” is 25 votes.

**AYES: 25**

**NOES: Nil**

**ABSENTIONS: Nil**

The “Ayes” have it.

*(Question carried by 25 votes to 0)*

*(New Clause 1A agreed to)*

*Clause 2, Title and Clause 1*

### **DIVISION**

#### **ELECTRONIC VOTING**

*(Question, that Clause 2, Title and Clause 1 be part of the Bill put and the the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdirahman, Wajir County; Sen. Chelule, Nakuru County; Sen. Dullo, Isiolo County; Sen. Elachi, Nairobi County; Sen. Hargura, Marsabit County; Sen. Hassan, Mombasa County; Sen. Kagwe, Nyeri County; Sen. Kembi-Gitura, Murang’a County; Sen. Karaba, Kirinyaga County; Sen. Kivuti, Embu County; Sen. (Dr.) Machage, Migori County; Sen. Melly, Uasin Gishu County; Sen. Mositet, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndiema, Trans Nzoia County; Sen. Ntutu, Narok County; Sen. Okong’o, Nyamira County and Sen. Sang, Nandi County.

**The Temporary Chairperson** (Sen. (Dr.) Machage): Order, Senators! I wish to announce the results of the Division as follows:-

**AYES: 25**

**NOES: 0**

**ABSTENTIONS: Nil**

So, the “Ayes” have it.

*(Question carried by 25 votes to nil)*

*(Clause 2 agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**Sen. Madzayo:** Mr. Temporary Chairperson, Sir, I beg to move that the Committee do report to the Senate its consideration of The National Honours (Amendment) Bill, (Senate Bill No.16 of 2014) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*[The Deputy Speaker  
(Sen. Kembi-Gitura) in the Chair]*

## REPORTS, CONSIDERATION OF REPORTS AND THIRD READINGS

### THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE NO.10 OF 2014)

**Sen. (Dr.) Machage:** Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered The Public Finance Management (Amendment) Bill, (Senate Bill No.10 of 2014) and approved the same with amendments.

**Sen. Madzayo:** Mr. Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

**Sen. Murkomen** seconded.

### THE NATIONAL HONOURS (AMENDMENT) BILL, (SENATE BILL NO.16 OF 2014)

**Sen. (Dr.) Machage:** Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered The National Honours (Amendment) Bill, (Senate Bill No.16 of 2014) and its approval thereof with amendments.

**Sen. Madzayo:** Mr. Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

**Sen. Murkomen** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**Sen. Madzayo:** Mr. Deputy Speaker, Sir, I beg to move that The National Honours (Amendment) Bill, (Senate Bill No.16 of 2014) be now Read a Third Time.

**Sen. Murkomen** seconded.

*(Question proposed)*

*(A Senator spoke off record)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Order! Yes, but you are not going to sit there and tell me how I am going to run the House. In my view, it is unbecoming conduct.

I order that the bell be rung for two minutes and then we go to Division.

*(The Division Bell was rung)*

Do we have the threshold, Chief Whip?

*(Consultations)*

Order Senators! It appears that we do not have the threshold. We can ring the bell for another two minutes. Ring the bell.

*(The Division Bell was rung)*

Order Senators! We need to make progress on this issue. We are going to division unless a Member wants to request for a postponement of the voting. Otherwise, we have to proceed and vote. The Bell has rung twice and---

**Sen. Murkomen:** On a point of order, Mr. Deputy Speaker, Sir. Considering the precedence that has been set and the seriousness of this matter, am I in order to request that the vote for the Third Reading for the two Bills be postponed to the next day, that is, Tuesday?

**The Deputy Speaker** (Sen. Kembi-Gitura): Right now we are dealing with only one Bill. We have gone up to the proposal. I have put the question on The National Honours (Amendment) Bill. We cannot be talking about two Bills.

**Sen. Murkomen:** Mr. Deputy Speaker, Sir, on behalf of Sen. Madzayo, am I in order to request that you use your discretionary powers and considering that precedence had already been set, that we postpone the voting on the Bill to the next day of our business which will be Tuesday, next week?

**The Deputy Speaker** (Sen. Kembi-Gitura): It looks like we have to do so because it would be futile to go to the vote without the requisite threshold. I know we can vote and lose the Bill. I think that is what we should do considering that some Members who were here have walked out in the middle of the voting. As I have always said, voting is either way; you can vote "yes," "no" or "abstain." Maybe walking out is a vote. In fairness to the Committee that came up with the Bill, it is imperative to defer the voting to Tuesday, 11<sup>th</sup> November, 2014 at 2.30 p.m.

It is so ordered.

We are now going to deal with The Public Procurement and Disposal (Amendment) Bill and we are going to pursue the same route.

Hon. Senators, there is a Bill that we still have to deal with and which might go to voting. I would request that you give it a little bit more time. If you look at the Order Paper, Order No.8 on the Public Finance Management Bill, the National Honours (Amendment) Bill and also on the Public Procurement and Disposal (Amendment) Bill, it would be futile to go into voting now because even as I am talking, Members are walking out which means that we cannot sustain the numbers. So, I am going to defer Order No.8 until such time that the Rules and Business Committee (RBC) reinstates the same on the Order Paper.

### **DEFERREMENT OF THIRD READINGS**

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT)  
BILL (SENATE BILL NO.10 OF 2014)

THE NATIONAL HONOURS (AMENDMENT) BILL,  
(SENATE BILL NO.16 OF 2014)

THE PUBLIC PROCUREMENT AND DISPOSAL (AMENDMENT)  
BILL (NATIONAL ASSEMBLY BILL NO.31 OF 2013)

*(Bills deferred)*

Regarding Order No.9 and Order No.10, we were also going on division and for the same reason that I have given, it would be futile to go to vote unless we want to go into it with our eyes open knowing that the vote is going to be lost, which I would rather not do. So, I am also going to defer Order No.9 and Order No.10 to such a time that the RBC decides to put it on the Order Paper.

### **DEFERMENT OF SECOND READINGS**

THE GOVERNMENT PROCEEDINGS (AMENDMENT)  
BILL, SENATE BILL NO.10 OF 2014

THE PERSONS WITH DISABILITIES (AMENDMENT)  
BILL, SENATE BILL NO.24 OF 2014

*(Bills deferred)*

Shall we go to the next Order?

*Second Reading*THE NATIONAL YOUTH SERVICE (AMENDMENT)  
BILL, (SENATE BILL NO.26 OF 2014)*(Sen. Elachi on 4.11.2014)**(Resumption of Debate interrupted on 4.11.2014)*

**The Deputy Speaker** (Sen. Kembi-Gitura): This is an interrupted debate and when we adjourned, Sen. Omondi had eight minutes. I can see she is not here. Could the Clerk-at-the-Table open the screen so that I can follow what is going on? We resume debate now. I see no requests from the Floor.

**Sen. Kagwe:** Mr. Deputy Speaker, Sir, thank you very much---

**The Deputy Speaker** (Sen. Kembi-Gitura): There is a point of order from Sen. Mutula Kilonzo Jnr.

**Sen. Mutula Kilonzo Jnr.:** On a point of order, Mr. Deputy Speaker, Sir. There is a school that has been watching us for the last one hour and we have not recognized them. Would I be in order to suggest that we recognise them?

**The Deputy Speaker** (Sen. Kembi-Gitura): From where I am sitting, I cannot see the school unless the Clerk's desk gives me the details, I would not know, but that is an important point of order.

**COMMUNICATION FROM THE CHAIR**VISITING DELEGATION OF MOI FORCES ACADEMY AT  
THE PUBLIC GALLERY

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, there is a short communication from the Chair before Sen. Kagwe proceeds with the date.

I wish to recognise the presence of pupils and teachers from Moi Forces Academy from the County of Nairobi who are visiting the Senate. On behalf of the Senate and on my own behalf, I extend a warm welcome to the pupils and teachers from Moi Forces Academy and wish them a happy and fruitful visit. By fruitful, I mean that I hope that they will learn something from the Senate this afternoon. As somebody said earlier, we are moulding Senators for the future by having such young students and their teachers in our gallery this afternoon.

Sen. Kagwe, you may proceed.

*(Resumption of Debate)*

**Sen. Kagwe:** Mr. Deputy Speaker, Sir, from the outset, I rise to support the Bill and congratulate Sen. Elachi for bringing it to the Floor of the House. I also wish to take this opportunity to congratulate the Director of the National Youth Service, Dir. Githinji,

for the work that he has introduced there and making it useful to the organization and the country.

Mr. Deputy Speaker, Sir, Kenya is a fairly indisciplined society. The issue of a disciplined society begins with building a conscience for oneself which makes you believe that it is always the right time to do the right thing. Even this Senate, when you look at us and see our behaviour, you can see we are indisciplined and we represent an indisciplined society. The reason why I am saying this is because we have just seen an example of indiscipline. It is good for us to criticize ourselves because the nation is watching us and seeing our performance. It is important for us to appreciate, as elected leaders in the National Assembly and elsewhere, we are not doing Kenyans a favour. We are being paid to be here by Kenyans. We are being paid to be in the National Assembly and to be in the county legislatures. Sometimes, elected leaders act as if we are nominated, volunteers to do work for Kenyans.

From the outset, I would like to say that we are not volunteers, but employees of the society. If the National Youth Service (NYS) training can inculcate some sense of discipline in those people so that they can grow up to be different from this age that we today, I think it will help Kenyans very greatly. I want to encourage that the NYS be expanded. I also want to encourage and congratulate the President for his initiative to have this national youth training started in our nation.

Mr. Deputy Speaker, Sir, if you look at our disciplined forces like the military, it is, probably, one of the few disciplined and conscientious institution that exist in our nation. One of the reasons that is the case is because the military goes through training that makes individuals conscientious and makes individuals want to do the right thing.

In fact, in dealing with most of the challenges that we face, we go back to the military. The reason we go to the military is not so much because they have bigger guns than other institutions or because they have better equipment for the kind of situations that exist, for example, in Turkana and Pokot counties, where we have now deployed the military rightfully so. It is because these are disciplined people who have a conscience and will not take a bribe and allow a terrorist to come into our nation. Such behaviour, as they have, comes out of training and good training for that matter.

*[The Deputy Speaker (Sen. Kembi-Gitura) left the Chair]*

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

Madam Temporary Speaker, I would even pause to say that when the military is recruiting its personnel, as Sen. Elachi has rightfully proposed, the first place they should look at is the National Youth Service (NYS). This is because they are already trained, disciplined and part of the disciplined forces in a sense. So, if we could make use of those young women and men in a manner that is proposed by the Jubilee Administration, we would find that they can do a lot for our nation.

Madam Temporary Speaker, when you go round Nairobi City, you will find like today we were totally unable to move. People were in traffic jams for as much as three to four hours. When you consider the amount of petrol that has been wasted today on our

roads here in Nairobi; when you consider the amount of man and woman hours that have been lost today on our roads; when you consider how much executive time has been wasted today; you will find that this would have helped a great deal if we had some cadre of the NYS who have been trained and can be deployed in traffic control alongside the traffic police. You can see the impact that these young men and women would have if we gave them the opportunity, remunerate them as they are supposed to be and treat them with respect. If they are deployed in various sectors of our society, they can improve it.

Madam Temporary Speaker, in the same City of Nairobi, there are laws regarding cleanliness. It is against the law to litter our roads even in this city, which you belong to as well. This is against the law and yet you will find individuals throwing all sorts of litter on the roads and then complain that the City Government of Governor Kidero is not cleaning the city. It is not possible for any government to completely clean a city or a town, if the individuals in those cities or towns are not conscientious enough not to litter. Otherwise, you will need three million *askaris* to follow around three million civilians here in Nairobi so that everybody who litters has somebody policing them to collect that litter. That is the only way to have a clean city. Given that that is not practical, neither is it possible, it is only right that again we use those NYS personnel, not just to clean the city, but also to expand the inspectorate in Nairobi. This way, they will have sufficient clout working alongside the City Inspectorate Department to arrest and point out those people who are littering the city, such that if you “rubbish” the city, you are also “rubbished” in jail. You go there in a cooler and you pay a reasonable fine so that others can learn from the fines and keep our cities clean.

Madam Temporary Speaker, when I talk about this issue of discipline, one may imagine that we are exaggerating the situation. No nation has ever developed properly without some sense of discipline. In fact, if you look at the nations that are making the most progress on earth like Singapore and others which moved from the third world to the first world status in a generation, were largely a very disciplined societies. Whenever I hear of a headmaster who is a total disciplinarian, I applaud him. If I hear of a headmistress who is a disciplinarian, I applaud her. That is the only way we are going to develop a disciplined society.

Madam Temporary Speaker, I applaud the idea of expanding the NYS to train over 20,000 people. This is because if they see anybody making a mistake in town, they can deal with them, because they understand. From a conscientious point of view, it is necessary that societies be disciplined. If you look at the way we drive our vehicles; if you look at the way we park our vehicles; if you look at how we double park *matatus* on our roads, you know why we have a snarl up of traffic jams in this city. In fact, a half of the so-called traffic jams in our country are not caused by too many vehicles, but indiscipline. We do not cause traffic jams because of anything else other than indiscipline.

Madam Temporary Speaker, our society is stained with this sickness and ill behaviour that can only be solved if we start in schools. We are glad to see that today we have schools listening to this debate. They should also understand the seriousness with which we take discipline in schools as a House.

Madam Temporary Speaker, we want these people from the NYS to be deployed in many parts of our country. However, let us not just make them our slaves. We cannot

say we have the NYS, therefore, come and just follow us around while they are cleaning. We must give them some clout in our laws so that they can serve, not as a military force, but certainly as a disciplining force for our society. I would like to urge the Mover of this Bill to consider further amendments to include the aspect I am talking about of giving capacity to those young men and women to enable them to participate in the process of discipline building in our communities.

Madam Temporary Speaker, when you look at our hospitals, you will find that most public hospitals need help. Therefore, I would propose further to the proposed amendments that some of these people who are in the NYS are also exposed, to an extent, to matters health and treatment. This way, even as we face the kind of situation we are facing, for example, with Ebola across our borders and elsewhere, these are the people who can be trained so as to assist in solving some of the problems alongside medical personnel. They can be of assistance to medical personnel if they are properly trained to deal with that kind of situation.

Madam Temporary Speaker, we are creating, in our nation, a cadre who are jacks of all trades; probably, masters of very few, but certainly people who can be very effective as far as assistance to our country is concerned.

Madam Temporary Speaker, I want to further propose that this programme should be expanded, not only to be a national project, but to have branches in the counties. As we move into the future, starting with few other areas, we should have one in the coast, another in the north, central and one in western. We should expand this so that in some counties, we have the national youth training taking place for those youths who can take responsibility within the counties.

These 20,000 people are very few for a nation. We should train them in the institutions that are available. They should then be deployed to secure and help within the county administration. In fact, when you think about this, if you have the NYS and you have a branch of them being trained alongside the Navy, then they can be of great assistance to man and observe our territorial waters and also ensure that fishermen are safe along the coast. They should also be sent to do lifesaving duties in those areas. We can think of many ways that we can deploy our young men and women within the movement of the NYS. That would be extremely useful to our society.

Again, I want to congratulate Sen. Beatrice Elachi. Thank you, Senator, for thinking and caring for our youth. We hope that you can take the ideas that we are presenting in our debates so that you expand your amendments when it comes to the Committee of the Whole so that the law can take effect and have greater impact than you had expected to have with your own amendment.

**Sen. (Dr.) Zani:** Thank you, Madam Temporary Speaker. I stand right from the beginning to support the National Youth Service (Amendment) Bill, Bill No.26 of 2014 and to congratulate Sen. Elachi for; one, thinking about the youth and; two, for agreeing that without a youth, a country cannot have a future. If we do not do something about our youth today and find ways of instilling discipline, a sense of life and direction now, it becomes very difficult for them to operate properly when they become adults.

It was in 1980s that a programme was introduced in Kenya to allow people who were joining universities to attend the NYS programme. Many students who joined the universities around the late 1980s had to go through that programme. This programme



was interesting because it linked two aspects. It linked the intellectual and the technical aspects.

The programme which was for a specific group ended. However, many people remember that time with a lot of joy and realisation that there were certain values that they learnt. There were people, for instance, who came from elitist groups who had not had a chance to do manual work and to see what they were capable of. There were aspects of technical expertise that would be given to the recruits at that time so that they could learn different things in agriculture, sewing and about anything so that when they came out, they could do something for themselves.

I think the most enjoyable part in that programme was the resilience that it built in the recruits. The young people; men and women, used to wake up at 5.00 a.m. and at times would run for long distances. Initially, they would run from Naivasha and they were expected to run all the way to Gilgil. At times, the run would be extended to Nakuru. They would start by climbing one hill, but they ended up climbing three hills. When they started, they thought that they would not do it. However, they did it and realised that they came out stronger and resilient.

If such a programme is coupled with elements of patriotism and this is given in a context that makes these young people realise that they are doing it for the service of their country, then we will move on to a point where we can secure a future for Kenya. The way to secure a future for Kenya is to carry out these programmes at the level of the youth at a national context. That is why I am congratulating Sen. Elachi and support the amendment that seeks to have the NYS in each county.

At present, the NYS is in much selected counties. We have it in Gilgil, Yala, Yatta and other specific places. However, if this was extended to all counties so that the programme gives the necessary skills and values and that is localized, we may end up with a programme that is contextualised to the needs of a specific county in terms of the specific technical training. The people who cannot go to the universities should gain from this programme. I am saying this in the light of the fact that many middle level colleges are now being eradicated. Universities are being set up and skills, along the line, are being lost. Opportunity is not being given for people to have training, so that they contribute sufficiently to this society.

This law came for the first time in 1963. The first statute was in 1963, but was amended in 2003. We are now in 2014, but in a dispensation of devolution. Therefore, the applicability of that statute, as per 1963 and 2003 cannot work anymore. That is why this specific amendment from Sen. Elachi is really key because it contextualises this training within a devolution context. The youth from Kwale may not come all the way from Kwale to Gilgil. However, they can go to Golini to train. The youth from Kilifi will go to Malindi and train. That is what we need. We need to have everybody trained. That sort of training is very critical and important, especially for the NYS.

There are all sorts of training that takes place, but the very specific training that takes place in the NYS is the positive outlook that somebody is trained to have. No matter what hardships somebody to go through, they should sustain and overcome.

The whole idea about physical growth, discipline, endurance and taking criticism is good. One is punished and comes out of the punishment after realizing what they have done wrong. The other element that is very key in this training is that of respecting

authority. Therefore, most recruits learn to obey their elders. We know that this was one of the tenets in the African traditional society which was very important which we are losing out in the current generation. Those aspects of respect and discipline that give purpose to life remain the tenet for the training for the NYS which remains to be very important.

I suggest that the curriculum for the NYS training needs to be cascaded across the 47 counties, so that they have a formula or a programme that is equal across the board so that there is some level of equity. The level of equity in all counties in terms of the training that is attained is very key. The possibility of the recruits moving into employment should also be put into place so that they get real employment skills that can be actualized within the county level.

Now that we have devolution, this amendment is very critical. We are missing levels of manpower, especially in terms of technical aspects of training and employment. Therefore, the NYS should tilt to this kind of training and ensure that some openings remain at the county level, so that we do not have to run away from a centralised system. We will not have to be in the main towns of Nairobi, Mombasa or Kisumu counties to witness real development. This is the right time for this.

Many people are realising the importance and context of devolution and want to play a part in the process within their counties. That is very critical. This whole context of discipline and doing the right thing comes at a time when we must admit that our institutions are breaking down. Let us start with the family, values of the family, the role that the family plays and the time that the family allocated to the youth which has reduced over time. You will find that many youth end up in drug habits and feeling isolated. They develop a culture of apathy and feel completely lost. Therefore, this training will be very critical for any youth, so that they have a vision and direction for what is important in their lives.

Educational institutions are now focusing on the formal aspects of education and not the extra curriculum they did before.

Therefore, various lessons that are very critical which our grandparents and aunts gave us are not being given any more. Nobody is doing that anymore, including the religious institutions. In the context of these institutions not creating a space for the youth, the NYS should be anchored as an institution that can begin to save and reduce on the breakdown that has happened in various institutions in terms of creating employment over time.

Madam Temporary Speaker, I think the other amendment that suggests that the national security organs shall give priority to members of the service in recruitment is key in the sense that we will be building up on a system that is already in place. As the recruits go through the NYS, they are already put in a position where they have been trained, they know about discipline and, therefore, it becomes easier for them to sieve in and be able to join the other national security agents. The training is already inherent; it is only that it needs to be upgraded. For example, in the NYS you are not going to be trained how to use guns; you are only going to hold the spades, but then at least, you already know about the marching, the commands, the respect in terms of authority within the system and, therefore, it makes it a lot easier for you to fit in because you are already part of the culture. The value of patriotism which is instilled through NYS programmes

would already have been built up and that means that by the time these youths go into the national security organs, they already have that background.

Madam Temporary Speaker, having said that, it is very important in the light of equity and proper distribution that right from the beginning, the recruitment at the NYS should take into consideration gender, regional and ethnicity aspects. It would be a sad day in Kenya if those aspects are not taken into consideration. We will have a problem when they have to move into the national security organs. As we make this amendment, we should be very specific and particular that the qualifications and the criteria for joining the NYS across the various counties has to be upheld so that we do not find any sort of redistribution tendency into the national security organs. That might create a problem in the near future. That training should be focused towards them moving into specific places.

There is need for specific values. You can know a country from the way the people behave. If somebody lands in Kenya and sees the drama on the roads, he will know what sort of country this is. We will never have proper economic development. Academic development is based on transparency, loving your neighbour and knowing that that Kenyan next to you has equal space as you who is already there. Those are the values that become very critical. We are missing honesty, perseverance, hard work, inclusivity and tolerance. We want a Kenya where everybody respects the other person. We should be able to fight illicit drugs and not just keep on complaining. The times I have interacted with the NYS, I did not find anybody who had been caught drunk or with drugs. Even those who join the NYS with those habits, they stop those habits within a month. They were able to realize that there was another alternative style; healthy styles of living where you wake up early and shine your boot. If you have a situation where the boot does not shine, you cannot stand on the parade and start defending yourself. You will have to make your bed every day. There are young people in this country who do not know how to make a bed or cook; there are young people in this county who do not even know how to boil an egg. There are boys as old as 18 years old who still want to be mummy's boys and girls. Kenya cannot grow with such people. Our youth should mature.

Madam Temporary Speaker, the NYS has existed for a long time and they have got it right. The youth who go through this programme are able within the time they are there to transform themselves emotionally, physically and socially. By the time the passout parade is taking place, some parents are not able to recognize their children because of the transformation. This is a programme that has been tested; we are not re-inventing the wheel. All we need to do is to ensure that adequate resources are put into this programme. As we devolve programmes to the counties, we should try and resolve the challenges the NYS has faced at the national level and correct them. We should give the county the best so that they can do what has been tested. We should get the right level of recruitment into the NYS so that the people who are there are given the right training. The programmes should also focus on specific aspects, for example, agriculture.

**Sen. Mositet:** Madam Temporary Speaker, this is a very good Bill. The author of the Bill must have researched and come to the conclusion that, as a country, there is need to take care of our youth. Everyone of us remembers the time the NYS was very

effective. Graduates from the NYS were very productive people, very disciplined and respected.

As the Government continues to strengthen the NYS in terms of financial and human resources, I see a very good future for our youth. I want to congratulate the Cabinet Secretary and her staff for having a focus on the NYS. The Government started taking students who were to join university to the NYS after the 1982 coup. The Government thought it wise to instill some discipline into students joining the universities so that they are more focused but after sometime, the training became militarized. They started becoming hardened and resisting Government rules. That is what led people like Mwandawiro Mganga to join other Kenyans in liberating other Kenyans from the one party rule.

Madam Temporary Speaker, the graduates of the NYS, those people who had even trained as plant operators, drivers, painters, a good mechanic; when we talk of plant mechanics that is the big machines and even the small vehicles, these are people who have been tested. I can tell you that each and every employer who has tested those people are always asking where those people come from or where they went to school. Since we are now training our people, let us not just imagine that the only area they can go to after the NYS is to be police officers or to be employed in the security departments. There are other areas that they can equally contribute. On the issue of the plant or the mechanics, there are quite a lot of machineries with the NYS and new ones have been bought. Currently, they are doing a lot of water pans and small earth dams in the arid areas.

Madam Temporary Speaker, having seen them working in the arid areas while on training, you can always see a lot of hope in them. You can see they are responsible people through their training. Let us encourage them, so that they can continue offering the many courses they used to do, not to just pass there to be instilled discipline, but to also make sure that they graduate with skills. This country is suffering, we do not have good *fundis*, because the good ones have aged. If you want a very good painter today or a *fundi* to put tiles in your house, you may even go up to Kisumu to get one. If you want somebody to do some terrazzo, you will have to go and get a very old man in Machakos or Kitui to train others how to do the job.

Let us encourage the NYS to continue offering those courses that support the usual works we go through in life. It is also good to commend some of the colleges which have tried to instill discipline to our youth by requiring them to go and perform some social work after some semester. I commend the graduates and the management of Strathmore University where they make sure that their students are involved social work. They make sure that they serve those who are very disadvantaged in one way or the other. This is so that they can understand that life is not just where you will expect plenty and everything to be running well, but where you can go and find that we should stand with the very weak and needy. Also, in some situations, they are made to think and become responsible citizens.

In terms of recruitment, I echo the sentiments of other Senators. I think it is good if the distribution is well. For example, I know that that from tomorrow, there are a lot of recruitments for the NYS and other security departments like the Kenya Defence Forces (KDF). There are some counties and areas that are disadvantaged. Currently, the way the recruitment is done is through the districts.

Madam Temporary Speaker, we know very well that up to now some of the districts are serving more than one constituency. Out of that, you find that at least those that are serving more than one constituency are disadvantaged. Those are districts and also constituencies. They take a big portion of the intake.

Madam Temporary Speaker, the management of the NYS should try as much as possible to have the distribution depending on the counties we have, taking into consideration, the regional balance and also the tribal factor, so that we can make sure that each and every sector or person is catered for.

We remember very well of the old NYS, which at one point was even in the transport business. Currently, we are trying to suggest that we use our NYS in the cleaning services. In other areas, they will be paid. As we do that, let us also try to remember that, at one time, we did some business through the same department. We can see whether it is viable or not. That time, we failed. Where did we fail? I am sure that if we do that, we will make sure whatever we are doing, we will do it perfectly and correctly.

I also believe that the NYS was having a lot of property in terms of land. It is in order if the Ministry in charge can make sure that in case there were grabbers who ended up putting their hands into those properties, then they should be followed up so that we can instill more energy and make sure that we build what we have.

I want to congratulate, Sen. Elachi, for the good job of bringing this Bill.

With those few remarks, I support.

**Sen. Ong'era:** Thank you, Madam Temporary Speaker, for giving me this opportunity to also rise to support this Bill. From the outset, I would like to applaud my sister, Sen. Elachi, for seeing it fit to bring this amendment to the NYS Act by amending Section 13 to devolve this unit to the counties. This will be a very good thing to do because we shall be devolving some of these services to what we think there are some security aspects of essential services like the police services and the national youth that should be taken to the counties.

As we are aware, the NYS plays a very important role in this country, in vocational training for the youth and also in teaching some of these youth patriotisms and a sense of self-worth. I am sure that if this is devolved to the counties, we shall be empowering our youth out there, so, that they are not trained at just one place at a national level. We know that some of these youth have actually found themselves in the police forces, Administrative Police (AP) and also the armed forces. We know the number has not been sufficient, for example, in the year 2008, only 6,500 of the NYS members were recruited to join the armed forces. In the year 2010, only 2,550 were recruited. These are already trained youth and they should be given the first priority to get to the armed forces.

Madam Temporary Speaker, I am an alumni of the NYS. I was there and I trained for one year in 1986. Some of the things that I learnt there up to today in terms of discipline, I actually apply them. It made me a more organised person. I hope that my friend Githinji, the new director, who I have a lot of respect and faith in, can actually revolutionise the NYS. He will look at the best practices that we have in the world. For example, in Israel, the NYS has been used by taking youths of between 18 and 22 years and conscripting them. They can work in the armed forces for two to three years. When

they finish, they can go back into the *Kibbutz* system where they help in the farming or assisting farmers to learn best practices.

Madam Temporary Speaker, Israel is not the only country where these best practices are applied. In the United States of America (USA), for example, the youth have been taught on how they can create new jobs for themselves, they have been taught new technologies and have been used for public education campaigns. I think that these best practices can also be brought here to Kenya so that we can have our youth participating in some these very best practices.

However, as much as we are supporting that, the NYS should be devolved to the counties. I think that my sister Sen. Elachi will consider adding an amendment to this Bill that county governments, especially the governors, are involved in the recruitment of these youth and also that recruitment is not skewed by just the director deciding how they are going to recruit.

Madam Temporary Speaker, I hope that in devolving these services, we are not going to devolve the youth service so that the Jubilee Government uses it as a way of scoring up against the CORD Coalition. I hope that this will not be used during the general elections by our opponents to score against us. I also hope that as we devolve these units, it will not be a way of encouraging corruption in this country.

We are aware that in 1986, the NYS introduced a scheme called the Nyayo buses. We all know what a disaster it was. We know how money was misappropriated through these Nyayo buses. Therefore, we are hoping that as we give the director of the NYS more work to do, he is not going to use it as a scheme in which our public funds are misused. As you know, the taxpayer is paying a lot of money for these services as a way of reaping off this nation.

Madam Temporary Speaker, I hope that the recruitment of the youth will be done in a manner that there is ethnic balancing. We do not want to see where one community is disadvantaged against another. Let us not find that one community has so many youth while another one, may be the Kisii Community, just have five youth, the Pokots are three yet you may find another community has 100 youth recruited. We want a fair way of recruiting the youth in the NYS.

Madam Temporary Speaker, I hope that there will be considerations of gender mainstreaming. We want to see more women or more of our young girls joining the NYS.

Madam Temporary Speaker, I also hope they will think of persons with disabilities and how we can mainstream them into the NYS.

I hope they will consider regional balancing. By regional balancing because---

**The Temporary Speaker** (Sen. Ongoro): Sen. Ong'era, do you wish to be informed by Sen. Elachi?

**Sen. Ong'era:** Temporary Madam Speaker, I always like being informed.

**The Temporary Speaker** (Sen. Ongoro): Proceed, Senator.

**Sen. Elachi:** Thank you, Madam Temporary Speaker. I just want to inform my dear, Senator, who is also the Minority Whip that, indeed, already the disabled and even the albinos were given forms in every county beginning this week. The NYS has ensured that they have been given an opportunity to apply. They have returned the forms. It is a better system where the directors themselves will look at the forms. This is a different

NYS. We are trying to reform it. My sister should not get worried that the same young people will be used. They are being recruited all over the country.

**The Temporary Speaker** (Sen. Ongoro): Do you find that sufficient information for your contribution?

**Sen. Ong'era:** Thank you, Madam Temporary Speaker, for that information from the Mover of the Bill.

I want to conclude by saying that as we devolve these branches to the counties, as we have proposed, let us involve the people who are dealing with the grassroots; the governors and the people right from the polling stations and the wards. Let us not just recruit a few Kisiis at the top level. Let us recruit right from every polling station and village right up to the county level.

I beg to support.

**The Temporary Speaker** (Sen. Ongoro:) Yes, Senator, from Pokot, Prof. Lonyangapuo.

**Sen. (Prof.) Lonyangapuo:** Madam Temporary Speaker, it is hon. Senator for West Pokot County. We do not have a county called Pokot.

**The Temporary Speaker** (Sen. Ongoro): Apologies, Senator for West Pokot County.

**Sen. (Prof.) Lonyangapuo:** Thank you, Madam Temporary Speaker. I rise to join my colleagues in supporting this Bill. In the same vein, I would like to congratulate the Mover, Sen. Elachi, for her thinking at the right time. There are a lot of innovative ways and changes taking place at the NYS. We need to come up with a Bill that can look at the country and the changes which are taking place there. It is four years since we got a new Constitution which created 47 counties out of the original central system. Therefore, we have 47 county governments in which the youth, as anticipated in this Bill, are growing in number. We have many youths that need to be considered and tapped.

This Bill looks at introducing the amendment in Section 13 of the National Youth Service Act, where it is proposing to insert this new subsection which says that the NYS shall have a branch in each county. This is laudable. When the law comes into effect, it means that the NYS will have to budget, working in consultation with every county government to get land in every county for which sufficient land is going to be set aside for the purpose of building a proper branch for the NYS. We are not going to call it a county youth service; it is a branch of the NYS going by the names that will be identified from that county. There was a time in my county when we had a youth service camp called Lomut Youth Service, somehow it disappeared. I do not know what happened, yet they had come with a noble idea of planting fruits in Kerio Valley region. All the beautiful and nice mango fruits that were enjoyed those days and to date were introduced by the NYS at that time.

In 1986, the Government came up with an idea of making the NYS commercially viable by introducing the Nyayo buses and so many other ventures that took place. There is nothing new that we are doing here. We are just improving on what had come at that time. My only worry is that as we are bringing the changes that we have seen being brought by Director Githinji who worked as an Under-Secretary in the Ministry of Tourism. The question is: Are the people working with him reformed? Are they the same people who brought down that brilliant idea that we are revisiting again several years

later? It calls upon the implementers of the policies that have been introduced by the new Government in NYS that they must also reform. They have been given new buses and new machinery from China. I hope they went to China to train so that they can manage the machinery.

It is important that a comprehensive syllabus is introduced to manage the system. In 1988 and before it was compulsory to go through NYS, there was no room for anybody to say no even if one was sick or had an accident. I am very happy to note that after three months of intensive training, almost everybody came out very healthy due to the rigorous training. Due to the challenges of sicknesses that Kenyans are going through because of our lifestyles, it is proper that we subject our bodies to rigorous training.

Madam Temporary Speaker, there was also patriotic training during that time. Therefore, I am proposing that when they are preparing the syllabus they should look at 1965 documents that introduced NYS. They intended to make NYS a place where nationalism and patriotism was going to be imparted to the youth. As they mature and go to work, the youth became the model person we want. The kind of training at the NYS was of a disciplined nature. There is somebody who trained us at NYS and it was very good. He was called Tola Kofa, a very brilliant man. I wish we still have such a person in the NYS so that the youth who go through the training are extremely refined.

Madam Temporary Speaker, gender and ethnicity should also be taken into consideration. After going through training, they are normally posted to train in specific skills like tailoring, hides and skins, farming techniques, driving, masonry and so on. Since we seem to have lost track and some of the middle level colleges have vanished because of the clamour and admiration of grading them into universities, I have seen my neighbour, Sen. Ndiema, planning to upgrade the only technical college we have near West Pokot, that is, Kitale Technical Institute to a university status. They are really "making noise". As late as yesterday, they were agitating for it to be a university. We have over 16 universities---

**The Temporary Speaker** (Sen. Ongoro): Order, Senator. Use parliamentary language. Are they making noise or giving their opinion?

**Sen. (Prof.) Lonyangapuo:** That opinion may not be very palatable and may almost look like noise.

**The Temporary Speaker** (Sen. Ongoro): Do not repeat unparliamentary language.

**Sen. (Prof.) Lonyangapuo:** Madam Temporary Speaker, I withdraw and ask Sen. Ndiema that we should not touch Kitale Technical Institute. There is enough land in Trans Nzoia, including Agricultural Development Corporation (ADC) farms. You can appeal to the Head of State and be given a small portion of land to build a university from zero. I saw you have enough money to the extent that you have gone to buy a very tiny little hospital about one acre using a lot of money.

Madam Temporary Speaker, I propose that we do a serious thinking on NYS to fill the gap where we have lost it. Look at our textile industries, we used to have 26 industries, but today we only have four.

Where have the tailors gone to? We used to train them during the industrial training. The only hope we have now is the NYS. It is the only institution still offering these skills. We need to benchmark and work with India and China where we still have skilled labour.



There are very many youths in this country and it would be proper if we put our mind into NYS. I was reading the Session No.1 of 1965, it says that since agriculture is the heart of the economy of Kenya, the NYS was supposed to go to some of the most remote areas to implement irrigation schemes. We had Bura Irrigation Scheme. I do not know what became of it. The Jubilee Government has come up with a very ambitious plan of irrigation one million acres between now and 2017, but who will be working in the canals? Who will be manning these big farms? These skills can only be found if individuals are properly trained.

In my county, there are very many productive rivers. If we get the NYS to work with the Governor of West Pokot and other leaders, we can involve the youth actively. We have idle youth who have ended up in petty crime like the banditry in the north rift. We are asking the Government of Kenya to treat the idleness of the youth just like any other problem that has befallen Kenya in other part of the country. We should not use heavy force to the extent that we kill the youth whom we are supposed to renovate. I even proposed that since the NYS is recruiting tomorrow, the first people to be considered should come from the north rift, particularly West Pokot, Turkana or Samburu counties. We can assist by summoning all the boys and girls who are idle to the extent that they are killing one another.

Madam Temporary Speaker, as we do so, we need to pay attention to all parts of this country. We will be recruiting tomorrow, and I am hoping that there will be equal distribution. If we are taking 2,000 people, then it should be divided by 47 so that all counties can get an equal share. Countries like Israel and the United States of America (USA), it is mandatory for every youth to pass through these institutions so that the country can be proud.

Before I joined the university, somebody decided to abolish the NYS. I think we should have continued with this. Maybe there were a few people who thought that they could make noise and overturn the Government. How can you overturn the Government using your fingers and hands? I think we should revisit this.

When I was coming to the office at exactly 6.00 a.m, I saw, at the roundabout, some idle youth in branded uniform giving fliers out so as to get something for a living. Why can we not recruit such people? These are people who can do a lot of value addition. We also know that since there is no school fees paid at the NYS, when we take these people there, we could use them in certain counties. They could be sent to Wajir, Marsabit or Turkana counties where children are riding on devolution.

**The Temporary Speaker** (Sen. Ongoro): Senator, your time is up! Do you support?

**Sen. (Prof.) Lonyangapuo**: Yes, Madam Temporary Speaker. I support.

**Sen. Ndiema**: Thank you, Madam, Temporary Speaker. I stand to support the amendment to this Bill because it is timely. The original idea of the NYS was very noble. Initially, the NYS did what it was supposed to do.

We all remember the NYS in the 1960s and 1970s that constructed very many roads and bridges in this country. The NYS produced very many artisans and technicians for our young economy then. Some of us who had the opportunity to serve in Government remember very well the good products of the NYS in

the form of very disciplined and hard working drivers, plant operators and even very good secretaries. If you got one from the NYS, you were very lucky.

Over the last decade, something seems to have struck us. We do not put money or any emphasis in the NYS. Everything seems to have crumbled. Some of their properties were taken away and even the machinery has not been replaced and so forth. It is very good that we are now reviving this idea. As we are doing this, we should make sure that we do not fall into situations where we will digress again.

I support the idea that with devolution, we should not only revamp the NYS as it was. but expand it to the counties. Indeed, this is in accordance with the Constitution which talks about equality, inclusivity and so forth. Therefore, I support this idea. However, we want this expansion, not only to be physical, but to impact on the quality of training that we will give to our youth.

Today, there are many youth who are very energetic and patriotic. Some of them have completed Class Eight, but they cannot continue with their education in secondary school. We have others who have completed secondary schools, but cannot proceed for further education. We need to engage them in the NYS. They are in a very difficult situation because they do not have the opportunity to improve on their skills. When we talk about improving their skills, we are talking about the curriculum. I have heard of the disciplined forces outsourcing from the NYS. I want the new NYS not to be looked at as a military institution. We should demilitarise it, so that this becomes a place where we can get skills in almost every field.

I hesitate to say that we should legislate so that recruitment for the disciplined forces should be done from the NYS. That was already there without any legislation. We should leave it at that because some youth do not join the military. They do not want to be policemen at the end of it. They only want to get various skills. Of course, there are those who want to join the police. If they were to be recruited in their counties, they would present their certificates to show that they attended the NYS.

For one to be recruited, physical ability must be looked into. There are those who are disabled and who would wish to join the military. There are people who do not have all the teeth. They, probably, lost their teeth while playing. We should leave this open to all youths of all categories, including the disabled so that they improve on their skills. Within their disability, they should gain some skills.

There is the issue of qualifications. For you to join the military or the police, there are cut-off points. You must have a "C+" or probably, a grade "C" and above. Where would the youth who have not gone through Class Eight or those who failed to get those qualifications go and yet they are Kenyans who deserve to be given equal treatment? The issue of qualifications should be down placed and instead, courses designed for different categories. There should be courses for those who complete Class Eight, those who complete Form Four and those who are supposed to join universities. Every category should be catered for. We should produce better pastoralists, fishermen, traders and entrepreneurs.

The NYS should be a place where patriotism and our values can be inbuilt in the youth. Therefore, I suggest that as we establish centres in every county, admissions to those colleges should be drawn from a course. Our youth must be mixed so that they learn about one another and appreciate our cultures and diversity. At the end of the day,

when they are employed, they should be ready to work with Kenyans from across the counties.

Unfortunately, there was no follow up on graduates of the NYS to ensure that they get employment or to see that they are self-employed. Even when there are funds for the youth like the Uwezo and Kazi Kwa Vijana funds, you will find that nobody has ever thought of bringing in this ready fruit in the name of trained NYS graduates to assist them with tools and capital to start business. We should not only look at these people, but let us also look at those who completed the training and see how we can assist them as they are aging. We should look at them and assist them because in that way, those who are joining the NYS will be encouraged to know that there is a future in joining the NYS.

Madam Temporary Speaker, the NYS being a place where discipline and values will be instilled, it is very important that those who are working there, from the top to the bottom, be officers of integrity. The NYS should be an area of corruption free values whether we are dealing with procurement or financial management. These are youths who know that they will be feed on food which is of inferior quality and they know that there were funds voted; they know that some money has disappeared somewhere, they will not keep quiet. It is important that NYS becomes a place of training. Our youths have done very well in various fields. Sometimes we blame them for nothing. They are capable if only we can use them.

Is my time up?

**The Temporary Speaker** (Sen. Ongoro): Not yet, Senator.

**Sen. Ndiema:** Thank you, Madam Temporary Speaker. We are talking about development; Vision 2030 and Millennium Development Goals (MDGs). We want to develop this country. However, we cannot talk about development if we are doing nothing about our youths, if we are not preparing our youth to face the challenges, if we are seeing our youths engaging in anti-social activities, if we are seeing our youths killing each other; whether in the name of illegal groups or cattle rustlers. I want to support the idea from my brother, Sen. (Prof.) Lonyangapuo, that when it comes to recruitment, priority should be given to those communities that lag behind in terms of training and employment opportunities. In some countries, there is a policy that each and every family should have somebody working somewhere in the Government or in other organisation, so that not many employees are from one family and another family is starving. In that way, we will ensure that every family has at least somebody to support them.

If we are going to recruit the youth, I would urge that the recruitment should be done right to the village level. Other arms of Government recruit at county level, perhaps, at the district level. However, I think that in this case, let us not complicate it very much because we are not looking for experts or scientists. Let us leave it to the village elders to identify because we now have structures in the devolved systems. We have the county, sub county, ward and village level. Let us allocate slots to the villages; let them be recruited and identified there, who is from a poor family, to be able to gain from this. When they graduate, let us follow up to ensure that they are at least in gain-full employment or they are self-employed, not only in Government, but in other sectors of our society. That is why I do not want it legislated that it will be for security forces. The NYS should be for all organizations that seek to recruit; whether they are private security companies, industries, construction firms or for security, but other jobs as well.

I remember several years ago, there were a programmes called Kenyanization and Tripartite Agreements; where occasionally, perhaps, after three years, employers would be called and asked to recruit additional staff by consensus. They were able to take so many youths by agreement. We are not saying that we should force every company to take people, but we can persuade them to take our youth who currently have no jobs.

Madam Temporary Speaker, this is a very good idea. We no longer have middle level colleges. They were all converted into universities. I have heard what my colleague from West Pokot said because he is benefiting from Kitale Technical Institute. This is a matter that we are currently debating and the county public participation will talk about it. We are looking at all options to ensure that we have a university in Trans Nzoia County. I do not know whether the Cabinet Secretary for Agriculture, Livestock and Fisheries together with the ADC can allocate some land to us to start a university.

**Sen. Karaba:** Thank you, Madam Temporary Speaker, for allowing me to contribute towards supporting this Bill. This is a type of Bill that should be coming to this House more often. There are some rules which are passed here, but they just go to the same custody where we put papers to gather dust. However, this one should be followed to the letter by the Mover to ensure that it is implemented. I am very particular when it comes to the youth because the NYS as it is now, developed from schools.

Having been a teacher at one time; a headmaster for that matter, we used to teach skills of these kind of disciplines. However, what we get after that is after Form Four or Class Eight, majority of the standard eight pupils do not go to Form One. Next January, you will hear of 200,000 will not go to Form One. When the Kenya Certificate of Secondary Education (KCSE) results are out, you also hear the same story of about 200,000 students not joining universities. What happens to those who do not join institutions of higher learning? These are the ones who are supposed to be catered for by this Bill. This Bill is so significant to us that we should think as to how some of the countries in South East Asia, like China, feeds her population of 1.5 billion people when we cannot afford to feed 40 million Kenyans.

I support.

**The Temporary Speaker** (Sen. Ongoro): Order Senator! Sen. Karaba, in case you had not concluded, you would have still remained with 13 minutes. However, you seem to have concluded.

This Bill by Sen. Elachi seems to have generated a lot of interest from all Senators. Therefore, this is a Bill that is not timed. All Senators wishing to contribute will still have time to do so when it is next on the Order Paper.

### ADJOURNMENT

**The Temporary Speaker** (Sen. Ongoro): Hon Senators, it is now time to adjourn the Senate. The business of the Senate stands adjourned until Tuesday, 11<sup>th</sup> November, 2014 at 2.30 p.m.

The Senate rose at 6.30 p.m.