

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 27th September, 2018

*(Convened via Kenya Gazette Notice
No.9567 of 19th September, 2018)*

*The House met at Uasin Gishu County Assembly
Chamber, Eldoret, at 2.30 p.m.*

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

PRAYER

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM ACK ST. BARNABAS KIPKENYO
SECONDARY SCHOOL, UASIN GISHU COUNTY

The Speaker (Hon. Lusaka): Hon. Senators, I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of visiting students and teachers from ACK St. Barnabas Kipkenyo Secondary School in Uasin Gishu County. In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you.

(Applause)

PRESENCE OF FORMER SENATOR FOR UASIN GISHU,
HON. ISAAC MELLY, IN SPEAKER'S GALLERY

The Speaker (Hon. Lusaka): Hon. Senators, I have another Communication to make. I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of Hon. Isaac Melly, the immediate former and first Senator for Uasin Gishu County under the Constitution, 2010. In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to him and on behalf of the Senate and on my own behalf, wish him a fruitful visit.

I thank you.

(Applause)

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Let me also welcome Sen. Mutula Kilonzo Jnr. back to the House.

(Applause)

Let us move on to the next Order.

PETITIONS

RESETTLEMENT OF THE NGEREK COMMUNITY

The Speaker (Hon. Lusaka): Hon. Senators, I have a Petition by Joel Kenduiywa, a member of the minority Ngerek Community concerning the resettlement of the Community following their proposed eviction from South Nandi Forest in Nandi County.

Hon. Senators, pursuant to Standing Order Nos. 226(1)(a) and 230(2)(b), I hereby report to the Senate that a Petition has been submitted, through the Clerk, by Mr. Joel Kenduiywa, a member of the minority Ngerek Community concerning the resettlement of the Community following their proposed eviction from South Nandi Forest in Nandi County.

As you are aware, under Article 119(1) of the Constitution, and I quote-

“Every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation.”

The salient issues raised in the said Petition are as follows-

(a) That, the minority Ngerek Community, comprising about 244 families, has resided in the South Nandi Forest, at Ngerek Village, Chepkumia Location, Emgwen Constituency in Nandi County, since before Independence;

(b) That, in 1996, the then Government proposed the resettlement of the minority Ngerek Community from the Forest to enable its conservation and protection as a water catchment area;

(c) That, under the proposed Chepkumia Exchange Programme, the 244 families from the Ngerek Community were to be relocated from an area comprising 466 hectares and to be resettled at a parcel of land comprising approximately 1,000 acres in Yala and Kapkangani area in Nandi County;

(d) That, once the said parcel was identified, prominent persons who were not members of the Ngerek Community immediately moved in and occupied the land, leaving the minority Ngerek Community without a place to relocate to;

(e) That, subsequently, the Government, through the Kenya Forest Service (KFS), issued eviction notices to the said persons who had unlawfully occupied the identified parcel of land. The said persons moved to court to stop the KFS from evicting them. The court ruled, in the year 2007, that the KFS should proceed with eviction of the unlawful occupants and resettle the rightful people, who were the minority Ngerek Community;

(f) That, the National Land Commission (NLC) also investigated the matter and, in mid-2018, issued a two months’ notice to the persons unlawfully occupying the land set aside for resettlement of the minority Ngerek Community to vacate the said land. However, the said persons have not moved from the said land;

(g) That, the Kenya Forest Service has now issued notices to the minority Ngerek Community to vacate the area they occupy in the South Nandi Forest, to enable the KFS to plant trees and conserve the forest as a water catchment area; and,

(h) That, while this is being done, members of the Ngerek Community are left with nowhere to go as the land identified and set aside by the Government for their resettlement was grabbed by prominent people who have refused to vacate from the said land.

The petitioner, therefore, prays that the Senate investigates this matter, with a view of ensuring-

(a) That, the persons unlawfully occupying the land set aside for resettlement of the minority Ngerek Community are immediately evicted from the said land and that any titles issued thereon are revoked;

(b) That, the Government, through the KFS or any other agency, is stopped from evicting the minority Ngerek Community from the South Nandi Forest before it has secured land for their resettlement; and,

(c) That, the rights of indigenous and minority groups in the country, including forest dwelling communities, are protected and upheld.

Hon. Senators, pursuant to Standing Order No.231, I shall now allow comments, observations or clarifications in relation to the Petition for not more than 30 minutes.

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, when I hear minority groups complaining particularly about forest evictions, I feel for them. Since the previous Parliament, I have always said that some of us are lucky to be here. There are people who have occupied land which used to be forest, therefore, leaving squatters and especially young and school going children to suffer immensely.

I have a personal experience of having had to sleep in shanties after eviction from the Embobut Forest. I do not like to hear that anyone is being evicted; whether from the Mau, Embobut or South Nandi forests because it is barbaric. We have a Government. That means that we have self-rule, law and order. I personally witnessed it happen in Narok. Why should poor children and mothers suffer when the Government has alternative solutions?

The Petition actually indicates that the Government can always get alternative land to settle people. They do not have to punish them in the manner in which people are inhumanely evicted.

If you go to Narok, for example, the situation in Mau, particularly the Narok side, there are ten schools that are closed, with almost 4,000 students being out of school. I know of many intelligent people who we went to school with and who would have been in a better position than I am. They would have been doctors, engineers, lawyers or even Senators and Governors but because of these inhumane evictions and wanton violation of human rights, it led to their inability to go to school. I urge the relevant Committee that you will assign to look into this matter, to do it with the seriousness it deserves.

I challenge my senior, Hon. Tobiko, who is the Cabinet Secretary (CS) in that Ministry, that he must rise to the occasion, beyond parochial and communal interests and understand that any violation of human rights---

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

The Speaker (Hon. Lusaka): What is your point of order, Sen. Seneta?

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Sen. Seneta: Mr. Speaker, Sir, is the Senate Majority Leader in order to discuss a Cabinet Secretary who is not in a position to defend himself here? He should talk about the Petition; let him be relevant.

The Speaker (Hon. Lusaka): Senate Majority Leader, you are out of order to discuss a Member who is not here to defend himself.

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, I am not out of order and I stand my ground. The only person who has responsibility---

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

The Speaker (Sen. Lusaka): What is your point of order, Sen. Malalah?

Sen. Malalah: Mr. Speaker, Sir, is the Senate Majority Leader in order to start exchanging with the Chair of the House? If the Speaker has ruled, it is parliamentary for him to obey the rules of this House.

The Senate Majority Leader is not senior to the Speaker and this House and, therefore, he should conduct himself in a way that honours the dignity of this House. This has gone on for a very long époque in this House and we want to take this opportunity to---

(Loud consultations)

The Speaker (Hon. Lusaka): Order, Members! What is your point of Order, Senator?

Sen. Malalah: Mr. Speaker, Sir, the Senate Majority Leader is not conducting himself in a parliamentary way.

(Loud consultations)

The Speaker (Hon. Lusaka): Order, Senate Majority Leader.

Sen. Malalah: Mr. Speaker, Sir, his continued shouting and heckling at us at any time is not acceptable and, therefore, you must take charge of this House. This House cannot be controlled by the Senate Majority Leader, but by the Speaker.

The Senate Majority Leader (Sen. Murkomen): On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Order, Senate Majority Leader.

(Loud consultations)

Order Members. I have ruled that it is not fair to discuss a Cabinet Secretary who cannot defend himself in the House and, therefore, Senate Majority Leader, proceed along the lines I have given direction on.

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, I want to get your ruling so that we can obey from this day going forward. Are you saying that this Senate cannot mention a Cabinet Secretary just because he comes from a particular community, and we cannot mention his name?

This is so that we now know that from today henceforth, if a Senator mentions the name of a Cabinet Secretary and his responsibility, he is out of order.

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(Loud consultations)

The Speaker (Hon. Lusaka): Order Members. I have capacity to also understand, in what context you are discussing. Mentioning is different from trying to discuss the character of a Cabinet Secretary. If it is just mentioning, then there is no problem, but when you start discussing him then that is out of order.

Proceed.

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, I want to insist that the Cabinet Secretary must rise above any parochial, communal and personal interests and protect the interests of the people of Kenya.

We must always understand that those who hold public office hold in trust. They hold it in trust because---

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

The Speaker (Hon. Lusaka): What is your point of order Senator?

Sen. Madzayo: Mr. Speaker, Sir, with tremendous respect, I refer the House to Standing Order No. 96(1) on page 66. I want my colleagues to listen to me carefully.

Allow me to read this paragraph, 96 (1) which states-

“Neither the personal conduct of the President, nor the conduct of the Speaker or of any judge, nor the judicial conduct of any other person performing judicial functions, nor any conduct of the Head of State or Government or the representative in Kenya of any friendly country or the conduct of the holder of an office whose removal from such office is dependent upon a decision of the Senate shall be referred to adversely, except upon a specific substantive Motion of which at least three days’ notice has been given.”

(Loud consultations)

Mr. Speaker, Sir---

The Speaker (Hon. Lusaka): A Cabinet Secretary falls under one of the categories, if you---

(Loud consultations)

The Speaker (Hon. Lusaka): Order Members. By the way, the petitioners are in the Gallery following this debate.

Sen. Madzayo: I am on my feet, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Okay, proceed.

Sen. Madzayo: Mr. Speaker, Sir, I think my colleague has been with me in this House since 2013 and he knows the rules. It is a bit unfortunate that at this particular stage, because yesterday he mentioned Sen. Olekina, a colleague who was not in the House.

It is happening again today; he is mentioning a Cabinet Secretary who has not been summoned by the House to come and--- I think we are going outside the jurisdiction of this House. He is not in order and I want you to rule on that.

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

(Loud consultations)

The Speaker (Hon. Lusaka): Order Members. What is your point of order?

Sen. Kihika: Mr. Speaker, Sir, I think the Senator is misleading the House. The Cabinet Secretary does not fall under any of those sections. The Senate is not the House that removes or impeaches a Cabinet Secretary; but the National Assembly. I believe the Senator is misleading the House.

(Applause)

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

The Speaker (Hon. Lusaka): What is your point of order?

Sen. Wambua: Mr. Speaker, Sir, I want you to give guidance in this House. You have made a ruling on this matter. You have already ruled the Senate Majority Leader out of order. Are we re-opening debate on this matter after your ruling?

The Speaker (Hon. Lusaka): I made that ruling and the Senate Majority Leader should proceed along the lines I have ruled.

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, I have no doubt with my experience and the knowledge I have in this House. If there is anyone who is supposed to defend Cabinet Secretaries it is me because they come from the Majority side.

For the best interest of this country, we cannot start saying as a House that we will not be questioning Cabinet Secretaries, when they are running a docket. Tomorrow, it will be Sen. Mutula Kilonzo Jnr., raising an issue about another docket in a Government Ministry. I am just saying that when a Cabinet Secretary is running a docket of the position that is dealing with matters of minority groups like the people who are in the Gallery, we have the opportunity here, to pontify and enjoy the debate.

There are people who are sleeping outside, whose houses have been burnt. You were a District Commissioner in Marakwet and you know how people used to suffer in Embobut Forest. There is one thing I will never stop saying, anything involving the suffering of the people in Embobut or any squatter in this country, is personal and emotional to me. As a leader, if I get an opportunity to come and sit in this House and defend them, I will defend them whatever the cost.

Mr. Speaker, Sir, we, as leaders, are in a position of privilege. We must speak for those who are weak and down-trodden. I hope the Committee that will be given this responsibility will take it seriously. We have not said that we will not protect the forests and the environment. However, when we deal with the protection of the environment, it must be done in a manner that will not hurt our people. This is because it is the same Government that has the power to move people who live in a particular area to another area and ensure that they are settled. Even if that is the case, why would you want to punish small children who are less than 18 years? Why would you want to punish school going children for the sins of their fathers, assuming that they live in a particular area? Why would people want to subject people to live in deplorable conditions?

We, as a nation, must rise up to the occasion. The Cabinet Secretary (CS) in that Ministry must also rise to the occasion. This is not a matter of the Ministry of

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Environment and Forestry only because it cuts across Ministries. We all know the exercise of enforcement and removal of people is always a joint effort of the Ministry of Environment and Forestry and the Ministry of Interior and Coordination of National Government. Therefore, we must ensure that when they do what they do, they do it in the best interest of the people of Kenya.

Mr. Speaker, Sir, I support the Petition. For the petitioners in the Public Gallery, I assure them they have a defender of their rights in this House in the person of Kipchumba Murkomen, the Senator for Elgeyo-Marakwet County.

The Senate Minority Leader (Sen. Orengo): Mr. Speaker, Sir, I apologise for coming a little late when this matter was already on the Floor of the House. However, right from the outset, I support the Petition.

Having said that, we must remember the history of these evictions. It is important that it is put into perspective. No amount of shouting will alter the history behind these evictions. There are some born again Christians who, today, will speak very loudly about the issue of evictions. However, when these evictions started right at the beginning, they were quiet about them. I heard the Senate Majority Leader say that he is the one who can defend the CSs in this particular Chamber or Parliament and he could have defended them. However, it is the responsibility of Government to settle those who have been evicted and make sure that the rule of law is maintained. This is something which we cannot debate about. If we begin pointing fingers at each one of us, we will run into a lot of trouble. If we start pointing fingers without offering solutions, we will not be part of the solution.

This issue is so emotive that you can see even on the opposite side, the language is different. They say they are prepared to speak on their behalf as Senators and not mind about whether they are part of the Government or not. For this matter to be resolved through this Petition, we must find a lasting solution. The Mau issue is so important that if you just begin to point fingers to particular Members or officers in Government, including the CS concerned, we will not be part of the solution. This is a matter which, if need be, we can summon CSs. I dare say that in this country, we are so fearful.

(Applause)

Mr. Speaker, Sir, this is a matter that in another jurisdiction, we would have summoned the President before this Parliament. We could also have summoned the Deputy President to tell us what is happening and how they are dealing with this problem. Yesterday, I was listening to the security team on the ground telling us how they are dealing with it. In fact, if we look at what the security team is doing in terms of the Constitution, it is not quite right. It is also not quite right to point at some body in the Opposition or Minority trying to point fingers.

Hon. Senators: Which opposition?

The Senate Minority Leader (Sen. Orengo): There is Opposition.

Hon. Senators: Handshake!

The Senate Minority Leader (Sen. Orengo): There is Opposition.

Hon. Senators: We are partners!

(Laughter)

The Speaker (Hon. Lusaka): Order, Members!

The Senate Minority Leader (Sen. Orengo): Mr. Speaker, Sir, let those who are talking about there being no Opposition know what happened in the National Assembly. The point I am trying to make is that let us be part of the solution. It is part of incitement of our people talking without offering solutions.

I have a background in Kericho and Narok counties. If you want to know how I am related to people in Narok County ask ole Nampaso. I also have relationships in Kajiado and Meru counties. I am a true Kenyan. Even in Isiolo County, I have some background. If you have any doubt just ask Sen. Fatuma Dullo what happened during the elections. However, that is for another day.

I rose to say something about this because when we have any issue that relates to Members of this august House, instead of pointing fingers, let us bring a substantive Motion. If you have a problem about a Member of the Cabinet, we can summon that particular CS. If this debate is on the basis of ethnic orientation, ethnic debate or bigotry, then I do not want to go there. I ask the Senate Majority Leader to be part of the solution. I like the emotions with which he is speaking. However, he may find himself in the twilight zone, with respect, where he also becomes part of the problem. We must watch that all the time. We do not want anyone of us to be part of the problem.

The Senate Majority Leader (Sen. Murkomen): On a point of order, Mr. Speaker Sir. Is Sen. Orengo in order to insinuate that I am not part of the solution when a Petition has been brought to this House so that he and the rest of us, Senators in this House, resolve the problem? Why is he picking on me when the whole Senate is now seized of a very important Petition where all of us will be part of the solution?

The Senate Minority Leader (Sen. Orengo): Mr. Speaker, Sir, I said: "He may be part of the problem." The word "may" is permissive. He can either be part of the solution or part of the problem. I am giving him the benefit of the doubt. However, since he lives in the twilight zone as far as the English language is concerned, I sympathise with him.

(Laughter)

The Senate Majority Leader (Sen. Murkomen): On a point of order, Mr. Speaker Sir. The Senate Minority Leader is being economical with the truth. As a former CS for Lands, he created the problem. So, it will be impossible for him to now try to insinuate that I might be part of the problem when we will discuss who might have been the real cause of the problem. The former CS for Lands is sitting here pontifying and he is the cause of the problem.

The Speaker (Hon. Lusaka): Order, Senator!

The Senate Minority Leader (Sen. Orengo): Mr. Speaker, Sir, yesterday, I was in Iten with the Senate Majority Leader and he could see what they people here think of me as compared to him.

(Laughter)

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He was not allowed to speak in Iten, but I was allowed to do so. If he had any problem about what he did, let go with him tomorrow to Embobut Forest and he will realise what I have done in this area. The whole day we have been with him and I do not mind him being personal with me. If we go there, we can take each other on, but I do not want to be personal.

(Loud consultations)

The Speaker (Hon. Lusaka): Order, Members!

Sen. Cherargei, you are from where the Petition has come from.

Proceed.

Sen. Cherargei: Thank you Mr. Speaker, Sir. I want to welcome the great people of Nandi, who have presented this Petition.

(Loud consultations)

Mr. Speaker, Sir, can you protect me?

The Speaker (Hon. Lusaka): Let us have some order Members!

Sen. Cherargei: Thank you, Mr. Speaker Sir. From the outset, I welcome the people of Ngerek and Chepkumia Ward in Emgwen Sub-County, Nandi County. During my campaigns I was able to visit one of the primary schools that is near there and know that there are issues affecting the Ngerek in Chepkumia Ward.

I support this Petition and want to assure them that we will do anything within our powers to ensure that this issue of land is resolved, especially in Nandi County. For purposes of record, I wish to point out that I had brought this issue, among other issues, to the attention of the Cabinet Secretary in charge of lands, Madam Farida Karoney. The Ngerek, as a community, have been marginalized because they were displaced from the lower part and brought there. Most of them live in deplorable and sad conditions. They need to get title deeds, so that they can build and do farming.

I want to assure them that, as their representative in this House, we will canvas this issue and come up with appropriate solutions. I know that there are many other issues, including historical injustices on land in Kericho and Bomet counties. These are the same issues that we have been trying to address. Let us use this example to resolve the many historical injustices on land.

I know that we want to protect our forests and other vested interests, but at the end of the day, land issues must be addressed. The Cabinet Secretary in charge of Environment and Forestry, Mr. Tobiko, issued eviction orders along Sang'alo- Kebulonik in Mosop Sub-County to move people, yet the cutline had been approved. As much as we want to protect the environment, let us do so in a humane way.

I want to assure the people of Chepkumia, the Ngerek minority, that as their Senator I will stand with them through thick and thin, to ensure that justice is done, be it through legal or extralegal means.

Thank you Mr. Speaker Sir.

(Loud consultations)

The Speaker (Hon. Lusaka): Order, Members! As the Chairperson of the Committee on Legal Affairs and Human Rights, we do not expect you to talk about illegal means. You are out of order!

Hon. Senators: Withdraw!

The Speaker (Hon. Lusaka): Order, Members! I think I have warned him.

Hon. Senators, considering the time, pursuant to Standing Order No. 232(1), the Petition stands committed to the Standing Committee on Land, Environment and Natural Resources.

In terms of Standing Order No. 232, the Committee is required, in not more than 60 days from the time of reading the prayer, to respond to the petitioners by a way of a report addressed to the petitioner and laid on the table of the Senate.

I thank you.

(The Petition was referred to the Standing Committee on Land, Environment and Natural Resources)

DELAYED COMPENSATION BY NLC TO LAND OWNERS
AFFECTED BY ELDORET TOWN BYPASS PROJECT

The Speaker (Hon. Lusaka): Hon. Senators, there is another Petition by land owners affected by construction of the Eldoret Town Bypass Project in Uasin Gishu, regarding delayed compensation by the National Land Commission (NLC).

Hon. Senators, pursuant to Standing Orders No.226 (1) (a) and No.230(2)(b), I hereby report to the Senate that a Petition has been submitted, through the Clerk, by land owners affected by construction of the Eldoret Town Bypass Project in Uasin Gishu. The Petition is with regard to delayed compensation by the NLC.

As you are aware, under Article 119(1) of the Constitution, and I quote-

“Every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.”

The salient issues raised in the Petition are-

(a) That the national Government intends to construct a 33 kilometre road, which starts at Cheplaskei Trading Centre on the Eldoret-Nairobi Highway and terminates at Maili Tisa Junction on the Eldoret-Malaba Highway;

(b) That the project affects 256 parcels of land along the said route, across Ngeria, Kapseret, Simat, Kamagut and Leseru locations in Uasin Gishu County;

(c) That vide Gazette Notice Nos.1822 of 18th March, 2016 and 5265 of 2nd June 2017, the National Land Commission published notices of intention to compulsorily acquire the said parcels of land, pursuant to the provisions of Sections 107(5) and 112 of the Land Act No.6 of 2012;

(d) That subsequently, in January, 2018, the National Land Commission issued award letters to the affected land owners, which would pave way for their compensation and commencement of construction work on the bypass project;

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(e) That, a number of issues have since arisen with regard to the said compensation, namely:

(i) delayed compensation, where contrary to Sections 115 and 125 of the Land Act, owners of the said parcels of land are yet to be compensated, eight months since the award letters were issued by the National Land Commission;

(ii) unexplained undervaluation of certain parcels of land;

(iii) phased compensation for the compulsorily acquired parcels of land, contrary to Section 125 of the Land Act, which required prompt and full payment in all cases of compulsory acquisition;

(iv) illegal compensation, where persons unlawfully occupying Government land have been prioritized for compensation, and;

(v) payment of too low disturbance allowance to the affected owners, equivalent to 15 per cent of the assessed value of the land.

The Petitioners, therefore, pray that the Senate urgently investigates this matter and takes appropriate action thereon, including-

(a) Compelling the National Land Commission to avail the original award letters in respect of all affected land owners, for purposes of authentication;

(b) Ensuring that the genuine land owners are compensated promptly;

(c) Recommending that the proposed construction of the Eldoret Bypass Project is halted until all the affected land owners have been compensated in full, and;

(e) Ensuring that intended compensation of persons unlawfully occupying Government land is stopped forthwith.

Hon. Senators, pursuant to Standing Order No.231, I shall now allow comments, observations or clarifications in relation to the Petition for not more than 30 minutes.

Proceed, Sen. Olekina.

The Senate Majority Leader (Sen. Murkomen): On a point of order, Mr. Speaker, Sir. I know that people will make comments, but I do not want to do so. Considering that the Committee is already seized of this matter in terms of investigating it and was even widely reported across the country, what is the status in that situation? I know that the Vice Chairperson is here and they even visited the parcels of land. How should we proceed in such a situation?

The Speaker (Hon. Lusaka): Since I had already approved the Petition and it is in the House, the Chairperson can comment.

Sen. (Eng.) Hargura: Mr. Speaker, Sir, we visited the bypass but we advised the petitioners to submit the Petition to the House, so that it is tabled and we can take it up from there.

Sen. Olekina: He had already chosen me.

The Speaker (Hon. Lusaka): Yes, I had given Sen. Olekina a chance.

(Laughter)

Let us use three minutes, so that we have more people contributing.

Sen. Olekina: Mr. Speaker, Sir, I rise to support this Petition. I have always been an extremist when it comes to freedom and liberty; issues of justice and environment.

Mr. Speaker, Sir, when we talk about environment in this country, it behooves us, as this generation, to realize that this is the only time in history that we have a Government that is willing to protect our water catchment areas. We had a big issue in Nairobi when people made a lot of noise as to why the bypass should go through the National Park. Now, we have issues with the bypass here. However, when we are in this House and we are talking about issues of water catchment areas, it is highly hypocritical when we try to make it a red herring so as to divert attention and start focusing on other issues.

What is clear, Mr. Speaker, Sir, is that this House must always adhere to the protection of the environment. When we deviate from the main point--

(Loud consultations)

The Speaker (Hon. Lusaka): Order, Sen. Olekina. Stick to the Petition!

(Several Senators stood up in their places)

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

Sen. Olekina: Mr. Speaker, Sir, it is not fair to rise a point of order when I am focusing on the Petition. What is the point of order?

The Speaker (Hon. Lusaka): Order, Members.

What is your point of order, Sen. Wambua?

Sen. Wambua: Mr. Speaker, Sir, is Sen. Olekina in order in terms of being relevant to the issue we are discussing?

The Speaker (Hon. Lusaka): Order, Hon. Members! That is why I was cautioning him that he was veering off the subject matter of the Petition. Please, try to stick to the issue.

Sen. Olekina: Thank you, Mr. Speaker, Sir. I stand guided. It is good for us never to have any double standards in terms of focusing on the environment. When we talk about the bypass, it affects the environment in one way or the other. People are moved from the way they used to live; maybe they had planted their trees and all that stuff. All I am saying is that we are happy and very lucky that we have a Government that is protecting the environment and taking the steps that have never been taken by any other government before; not Mzee Kenyatta's, Moi's or even Kibaki's. However, His Excellency Uhuru Kenyatta's Government is actually taking the first steps of protecting the environment.

We talk about these bypasses because they affect the environment. Therefore, when we talk about issues about the Mau Forest--

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

Sen. Olekina: It is not for us to deviate. Let us focus on the environment.

Hon. Senators: Point of Order! Point of Order!

The Speaker (Hon. Lusaka): What is your point of order Sen. Wambua?

Sen. Wambua: Mr. Speaker, Sir, the petitioners have raised specific issues where they accuse the Government on matters of compensation. The Senator for Narok should actually declare whether he is in support of or against the Petition.

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The Speaker (Hon. Lusaka): Sen. Olekina, I am giving you half a minute, because your time is over.

Sen. Olekina: Thank you, Mr. Speaker, Sir. I support the Petition in as much as it protects the environment and focuses on the issues raised. The issue of compensation is broad. We are talking about compensating people and identifying whether they are the rightful owners or not. I am, therefore, totally relevant in what I am saying.

The Speaker (Hon. Lusaka): Your time is up, Sen. Olekina.
Proceed, Sen. Mutula Kilonzo Jnr.

Sen. Mutula Kilonzo Jnr: Thank you, Mr. Speaker, Sir. Article 28 of the Constitution is very clear that every person in this country has a right to human dignity. This Petition and the previous one point out illegalities that have been conducted through official purposes. It is very surprising that the original awards are not with the owners of the land. It is equally surprising that awards were given in 2016 and yet no payments have been done to date.

Mr. Speaker, Sir, this Senate had an opportunity to raise similar issues, because the Ruaraka Land Scandal speaks to the issues that are in this Petition. We had an opportunity to set the precedent of what the National Lands Commission (NLC) should do. This is yet another opportunity, because the law and Constitution are very clear that people must be paid promptly and adequately. The NLC, led by Prof. Swazuri, is worse than a disaster. This is called a disaster and this Senate must speak with one voice. I know that Sen. Murkomen might get personal and angry about these issues, because they touch him at a personal level. However, this Senate has always spoken with one voice. The first Petition I brought to this House was for the squatters of Masongaleni, who finally got titles.

Mr. Speaker, Sir, let us speak with one voice when it comes to the matter of Kenyans; whether they are the Nandi, the Kikuyu or the Kalenjin. Let us treat these people like Kenyans!

(Applause)

Usiseme Nandi; tukisema Kongoi, unasema kongoi misin so that we protect these people.

(Laughter)

The country is looking up to all of us, Senators.

Sen. Madzayo: On a point of order, Mr. Speaker, Sir. I have just heard Sen. Mutula Kilonzo Jnr. mentioning Prof. Swazuri and *kongoi missin*. I do not know *kongoi*. Is he in order?

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, I probably got carried away about something we were doing yesterday; but that is a greeting that means we are doing well. I am prepared, just the same way we went to the Talai clan on historical injustices.

Lastly, Mr. Speaker, Sir, I moved a Motion through this Senate for the rules on historical injustices. This Senate unanimously passed that the Bill on historical injustices should be brought to Parliament for passing. Prof. Swazuri and his team at the NLC went ahead and skirted around the Bill on historical injustices and brought about what we are

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calling “regulations.” This is because they do not want to deal with something called a cut-off point. At what point do we deal with historical injustices? Is it 1963, *et cetera*? This is an opportunity---

The Senate Majority Leader (Sen. Murkomen): On a point of order, Mr. Speaker, Sir.

Sen. Mutula Kilonzo Jnr.: Let me finish the point.

The Senate Majority Leader (Sen. Murkomen): On a point of order Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): What is your point of order, Sen. Murkomen?

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, for the consistency of this House, nobody stood for Prof. Swazuri. When a different public officer was mentioned in a different Motion earlier, my colleague behind here was up in arms. However, when Prof. Swazuri was mentioned, nobody on this side even shook; it is only Sen. Madzayo who tried. Can we be consistent?

The Speaker (Hon. Lusaka): Order!

Sen. Madzayo: On a point of order Mr. Speaker, Sir. Members should take your rulings seriously in this House. When you have ruled on a particular subject, then it stays as a ruling. However, when Members keep on repeating the same mistakes and the whole country is watching, it is not fair to see your rulings being discarded. I, therefore, just wanted you to caution my colleague and tell him that we should not go against your rulings in this House.

Sen. Malalah: On a point of order, Mr. Speaker, Sir. Is it in order for this House to set a precedent, that where a member of certain community is mentioned, the Maasai wake up; when a Luhya is mentioned, the Luhya wake up; when a Kikuyu is mentioned, the Kikuyu wake up? This is not a tribal House; let us rise beyond this! We are talking and handling matters pertaining to our country.

Thank you, Mr. Speaker, Sir.

(Applause)

The Speaker (Hon. Lusaka): Order, hon. Members!

Sen. Seneta: On a point of order, Mr. Speaker, Sir. I stand accused because I am the one who was defending CS Tobiko. In his particular case, the Majority Leader was not speaking of Mr. Tobiko as a CS; he was accusing Tobiko and the personality of Tobiko---

The Speaker (Hon. Lusaka): Order, Sen. Seneta!

(Sen. Murkomen spoke off record)

(Laughter)

Order, Majority Leader! First of all, nobody mentioned anybody’s name, unless you are being suspicious of the way you conducted yourself.

(Laughter)

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I will give Sen. Mutula Kilonzo Jnr. half a minute to finish.

(Loud consultations)

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, please protect me.

The Speaker (Hon. Lusaka): Order! Order, Whip!

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, the Committee investigating this matter should do it quickly. Let us not lose the opportunity that was lost by the County Public Accounts and Investments Committee (CPAIC) to set a precedent on what consists a hearing, what consists compensation and when people should leave their land---

Sen. M. Kajwang': On a point of order, Mr. Speaker, Sir. I just want us to be clear and go on the record accurately. Sen. Mutula Kilonzo Jnr., who is a Member of the Senate Business Committee (SBC), should not mislead the House to say that this House has missed an opportunity, when a report has been tabled and has not been withdrawn from the House. Is the Senator in order to say that we have missed the opportunity?

The Speaker (Hon. Lusaka): He is out of order.

Conclude, Sen. Mutula Kilonzo Jnr.

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, the Committee knows what I am talking about; I do not need to repeat it. Therefore, let us exorcize those ghosts and get to the bottom of these matters as quickly as possible. This House must rise above petty and tribal politics to discuss anything affecting Kenyans.

Thank you, Mr. Speaker, Sir.

Sen. (Eng.) Mahamud: Mr. Speaker Sir, allow me to also support this Petition. Development is important for this country thus, the importance of building this bypass cannot be overstated.

Compensation to the land owners must be done promptly. It is terrible that the National Land Commission (NLC) has taken its time to compensate these people. We are left wondering why they are waiting to get to a point where people will come with figures that are impossible. Recently, we heard of the Standard Gauge Railway (SGR) and other programmes where compensation skyrocketed and a lot of malpractices were reported. We only hope that the Committee dealing with this matter will deal with it expeditiously and that compensation will be given to the people concerned.

I will not support the issue of halting the construction of the road. The construction of the road must continue and people must be compensated.

I support.

Sen. Dullo: Thank you, Mr. Speaker Sir. I believe that land is an emotive issue. I support the Petitioners because I am sure that this is their only source of livelihood. We must protect land issues in this country. As a Senate, if we get petitions, we must look at them critically. We cannot say that road construction should continue yet people are losing their land; that is impossible. We should halt the project and allow the people to be compensated.

Normally, the wrong people are the ones who get compensated. I say this because a list has already been given here which indicates that these are the right people who should be compensated. I am sure that the NLC also has another list hidden somewhere.

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A good example is a case that we have in Isiolo. The Lamu Port-South Sudan-Ethiopia-Transport (LAPSSET) project has made our brothers and sisters in Meru to take away a whole ward called Ngaremara in Isiolo County yet this is a place where we have two Members of County Assembly (MCAs), chiefs and so many assistant chiefs. It is important to note that this is a case that was decided by the court. Next week, I will bring a Petition for us to make sure that the issue is looked at. We cannot allow the rights of the minorities to be violated. Land is an emotive issue.

We have another issue at a place called Eldera where our brothers and sisters in North Eastern have chased away our people and today, they are Internally Displaced Persons (IDPs) in another ward. This land issue is very sensitive and we should not take it for granted as we protect our cronies in this House.

I thank you.

Sen. Faki: Ahsante, Mheshimiwa Spika, kwa kunipa fursa hii kuunga mkono Ombi ambalo limeletwa la kuwalipa ridhaa wale ambao wameathirika na *bypass*.

Ni kweli kwamba serikali inazembea katika kulipa wale wanaoathirika na miradi ya maendeleo ya serikali. Tuko na mfano wa SGR kule Mombasa ambapo watu zaidi ya 76 hawajalipwa. Hii ni kuanzia kilomita *zero* hadi 20. NLC ililipa mashirika matatu Shilingi Bilioni tatu na nusu na wakaacha walalahoi karibu 70 bila malipo yoyote. Tuliuliza swali hili katika Bunge la *Senate* lakini halijashughulikiwa mpaka leo. Wananchi bado wanalalamika ya kwamba hawajalipwa pesa zao.

Ni muhimu ya kwamba watu lazima walipwe na serikali inapochukua ardhi kabla hawajaingia katika ardhi na kuanzisha miradi. Hii ni kwa sababu wengi wanaotakikana kulipwa ni walalahoi na wakiambiwa wavunje nyumba zao, hawajui watakapokwenda kuishi.

Naunga Ombi hili mkono na ni lazima walipwe ndio waondoke. Mradi usiendeleo mpaka walipwe ndio waondoke. Asante.

Sen. Kibiru: Thank you, Mr. Speaker, Sir. We are the backbenchers, so it is possible that you were not seeing us.

I support the Petition but my concern is that we have delayed compensation whereas we have borrowed heavily. One, therefore, wonders where the money goes to if we are not compensating the land owners who have been affected. The other issue is that delayed compensation and money need to attract interest. This is because these people are losing a source of production. They need to move on and be productive by way of getting the money. I say this because the value of the Shilling today is not the same as tomorrow. That kind of delay needs to attract some interest. The people who are looking at the issue of compensation need to factor in interest.

As I conclude, at one point in time I wondered whether we are drifting and behaving like the 'upper house'.

Sen. Wambua: Thank you, Mr. Speaker Sir, for this opportunity to pronounce myself on this Petition. I congratulate the Petitioners for bringing this matter to the Floor of the House. I got an opportunity to visit a section of this *bypass* and we went up to Laini Tisa and Kapseret. The complaint of the public is a common thread and the issue of compensation for land used for the construction of the road has become a thorny issue.

I want to associate myself with the previous speakers who have spoken on this matter. There can never be a continuation of this project before people are promptly and fully compensated.

(Loud consultations)

Mr. Speaker Sir, I seek that you call Members to order for them to listen to what we are saying.

The Speaker (Hon. Lusaka): Consult in low tones, Hon. Members.

Sen. Wambua: Thank you, Mr. Speaker Sir. The value of this project is set at Kshs5 billion and the compensation figure is set at Kshs4.2 billion. Kenyans are being asked to get out of their land and homes for these works to continue but nobody is giving them money for resettlement. Nobody is compensating them for houses that have developed cracks arising from activities of the contractor.

The other issue that I saw and I see in this Petition is the matter of workers; unskilled labour, that is being used along this road. There have been numerous complaints, and it is not just in this section of the road but in other sections of the road as well, of a contractor who comes to site and brings on board unskilled labourers from outside the region yet there are people within that region who are able to undertake the works being done by people from outside.

I support.

Sen. (Eng.) Hargura: Thank you, Mr. Speaker Sir. I support the Petitioners. We interacted with them when we visited the bypass. As Sen. Wambua has said, the cost of compensation is almost the same amount as the cost of the project. A Government borrows money to construct the road but it is the responsibility of the Government to resettle or to compensate the land owners. However, it is now assuming that the land owners will just stay like that and they are being asked to move out.

(Loud consultations)

The Speaker (Hon. Lusaka): Order, Members. Let us consult in low tones.

Sen. (Eng.) Hargura: We have to make sure that Kenyans are not dispossessed because of a project. It is true that the road is important but the livelihood of those Kenyans is more important. When you bring the road, it is those people that you are trying to serve but if they are the ones that you are impoverishing, then that is the wrong way to go. We will take the Petition seriously so as to make sure that the Government promptly pays the affected persons before the project is started.

Sen. Cherargei: Thank you, Mr. Speaker Sir, for your indulgence. I support this Petition because the Petitioners had approached me and I advised them to bring it to the Senate. I agree that there is a problem because this also affects part of my County. We share a common border.

This project will cost Kshs5.1 billion and more than Kshs4 billion should be paid in compensation. I agree with most of my Senate colleagues. The law is very clear and it states that when you are doing compulsory acquisition of land, the payments should be prompt. I request that the project be suspended and the Wu-Yi Company should move all

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their machines from the site until the owners of the land are fully compensated and satisfied. When that is done, the project can then proceed.

The Speaker (Hon. Lusaka): Finally, Sen. Madzayo.

Sen. Madzayo: Asante, Bw. Spika, kwa kunipa nafasi hii. Jambo la kwanza ni kuwapa heko wale ambao wameleta maswala haya mbele ya Bunge la Seneti. Hawa watu wana uchungu mwingi sana kwa vile ardhi yao ilitwaliwa bila fidia yoyote au kufanyiwa haki. Wengi wao wanaambiwa watimuliwe kutoka kwa mashamba yao bila haki yao kutekelezwa.

Matukio haya yanaendelea katika nchi nzima. Tumeona watu wakitimuliwa kutoka kwa mashamba yao bila kulipwa chochote. Tumeshuhudia haya yakifanyika katika Kaunti ya Kilifi. Nina uchungu sana kwa sababu watu wetu wametimuliwa kutoka mashamba yao bila malipo yoyote. Matajiri wana weka ua bila kujali kama kuna makao, vijiji, Misiki na makaburi. Wanatumia mashine makubwa makubwa kama vile greda kutoa miili ya watu wetu bila heshima.

Ikiwa kuna mradi wanaotaka kuanzisha, basi ni vyema kuwahusisha watu wa sehemu hiyo na lazima walipwe ridha zao ili waweze kuondoka. Tuliona vile walianzisha mradi wa SGR na vile watu wetu sehemu za Mombasa na kwingineko wanendelea kuteseka. Ndugu yangu, Mhe. Faki amesema watu hawa hawajalipwa fidia au pesa zozote. Ni muhimu kwa Bunge la Seneti kuangaliwa swala hili kwa makini sana.

The Speaker (Hon. Lusaka): I can see Commissioner Cheruyiot. Let me give you an opportunity

Sen. Cheruiyot: Thank you, Mr. Speaker, Sir. From the very onset, I stand with the petitioners. This is because on matters fashion, I always swim with the current. However, on matters human rights, I stand solid as a rock. The petitioners have been taken round in circles. They have gone to all Government offices seeking for their rights, but all in vain. If you listened to the complaints that have been raised by my colleagues Senators, we have racketeers masquerading as project managers in this country. They are pretending to be managing Government projects. However, they are profiting from public money.

If we go deep into the details of this matter, there are people who have been paid, but they are not the genuine land owners. The poor and downtrodden of this country have no other hope other than to look up to this House for justice. We must stand up against all masqueraders, including land grabbers and tribal bigots masquerading as environmentalist.

The Speaker (Hon. Lusaka): Order, Senators! The Commissioner is using very heavy vocabulary.

Pursuant to Standing Order No.232(1), the Petition stands committed to the Standing Committee on Roads and Transportation. In terms of Standing Order No.232(2), a Committee is required in not more than 60 days from the time of reading the prayer to respond to the petitioner by way of a report addressed to the petitioner and laid on the Table of the Senate.

(The Petition was referred to the Standing Committee on Roads and Transportation)

Let us move on to the next Order.

(Loud consultations)

The Senate Majority Leader (Sen. Murkomen): There are loud consultations in the House.

The Speaker (Hon. Lusaka): Order, Senators. Let us consult in low tones.

The Senate Majority Leader (Sen. Murkomen): Thanks to the “big English” from the Commissioner. There is a consultation as to who is who.

PAPERS LAID

FINANCIAL STATEMENTS OF VARIOUS COUNTY AGENCIES

Mr. Speaker, I beg to lay the following Papers on the Table of Senate today, Thursday, 27th September, 2017-

Report of the Auditor-General on the Financial Statements of the Kakamega County Trade Loans Fund for the year ended 30th June 2017.

Report of the Auditor-General on the Financial Statements of the Kakamega County Trade Loan Fund - Mkopo Mashinani for the year ended 30th June, 2017.

Report of the Auditor-General on the Financial Statements of the Vihiga County Community Empowerment Fund for the year ended 30th June, 2016.

(Sen. Murkomen laid the documents on the Table)

REPORT ON THE PETROLEUM BILL, 2017

Sen. Seneta: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of Senate today, Thursday, 27th September, 2018-

Report of the Standing Committee on Energy on the consideration of the Petroleum Bill (National Assembly Bills No.48 of 2017).

(Sen. Seneta laid the document on Table)

The Speaker (Hon. Lusaka): Let us move on to the next Order.

STATEMENT

DANGER POSED TO SOCIETY BY HYPER LIBERALISM JURISPRUDENCE OF KENYAN COURTS

Sen. Kang’ata: Mr. Speaker, Sir, pursuant to Standing Order No. 47(1), I rise to issue a Statement on an issue of general topic regarding the danger posed to society by hyper-liberalism jurisprudence of Kenyan Courts.

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Hyper liberalism jurisprudence is a concept that centres on the values of the individual liberty, equality, limited Government and the rule of law. Under the circumstances, though these values are quite important to the human rights concepts, they also tend to comprise the cultural values of our people. I make this Statement because my attention has been drawn by several court decisions rendered by the High Court on issues of religious and moral ethics of the Kenyan people.

In the recent past, the court has made decisions regarding human rights organizations. I refer you to two decisions that were made by the court recently. First, there was a decision which allowed a so-called human rights organization that purportedly fights for the rights of the people who believe in same sex relationships, that it was meant to be legalized.

There was also another decision regarding a certain movie which will corrupt the morals of our children. It is called *Rafiki*. There was a temporary ban which had been given by a certain body then a court order was issued allowing that movie to be shown to our society.

Also, again, my attention has been drawn by a decision by the High Court which compelled the Registrar to register a movement called the Atheist Society of Kenya. In all these cases the jurisprudence that underpins this decision is what is called hyper liberal interpretation of the Bill of Rights. The courts in the foregoing decisions have argued that atheism and same sex relationships may be protected under the Bill of Rights pursuant to Article 27(4) of the Constitution. It is true I agree Article 165(3) grants the High Court power to interpret the Constitution. However, Article 93(2) gives Parliament the power for representation. Therefore, pursuant to this Article I hereby express deep resentment to this jurisdiction by the people that I represent - the people of Murang'a County who feel that the courts want to impose upon us negative ideology which appears to argue that we should allow this crime.

Allow me to give five reasons why I disagree---

(Loud Consultations)

The Speaker (Hon. Lusaka): Let us consult in low tones, Hon. Senators.

Sen. Kang'ata: Mr. Speaker, Sir, allow me to give five reasons why I disagree with those decisions.

One, a majority of Kenyans do not support gay relationships in this country. That has been confirmed by surveys which have been conducted.

Article 1(1) of the Constitutions states-

“All sovereign power belongs to the people of Kenya and shall be exercised only in accordance with this Constitution.”

Sovereignty means ultimate political authority. Therefore, the Constitution vests ultimate political authority on the people. If the people of Kenya oppose gay relationships, the same court should also uphold that. They should not impose gay relationships on Kenya. I am opposed to that jurisprudence that is being pushed by our courts.

The courts appear to be encouraging these relationships, and therefore, their decisions are counter-majoritarian.

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Two, this jurisprudence undermines rationality under which other penal offences are predicated upon because if you allow gay relationships, there will be no reason why you will not legalise marijuana, allow bestiality, suicide and incest because you can as well say, it is the people's choice. Therefore, we must oppose that decision. Otherwise, we will open a pandoras box where Kenya will allow marijuana, bestiality, suicide and incest. This is so because they will say it is consensual sex. Therefore, we must oppose the jurisprudence which is being championed by the courts.

Three, this jurisprudence undermines constitutionally protected institutions, for example, the family. Allow me to read Article 45 of the Constitution. It provides in express terms.

Article 45(1) of the Constitution states-

“The family is the natural and fundamental unit of society and the necessary basis of social order, and shall enjoy the recognition and protection of the State.”

This means that the courts, this Parliament and the Executive have a constitutional duty to protect the family. I am a newly wedded man.

(Laughter)

Therefore, I take this opportunity to tell the courts that they must our children and the family units. When we allow these vices to continue getting embedded in our society, we will erode this institution.

Four, the jurisprudence ignores research driven data which proves dangers posed by these vices to persons practising such notions. Currently, there is scientific evidence showing that gays tend to be people who use drugs more. They tend to be people who have a shorter life expectancy and whose relationships only last for one or two years. For those of us who oppose these relationships, we not only oppose on the basis of what we call ethical or moral reasons but on the basis of research driven issues.

Finally ---

The Speaker (Hon. Lusaka): What is your point of order, Sen. Malalah? Sen. Kang'ata, there is a point of order. Take your seat.

Sen. Malalah: On a point of order, Mr. Speaker, Sir. Is it in order for Sen. Kang'ata to put this House in uncomfortable mood because even discussing the issue of gayism is uncomfortable? We should postpone this discussion. We should not give it audience.

Therefore, I request Hon. Kang'ata to wind up his presentation because I am uncomfortable. I do not like listening to these things, I am a religious person. I do not support gayism and I would not want anybody to lecture me on issues of gayism. So, Hon. Kang'ata, kindly, you are a newly wedded person, please wind up on this topic so that we move on to serious matters that affect this country.

The Speaker (Hon. Lusaka): Sen. Kang'ata, wind up your Statement so that we can have other issues.

Sen. Kang'ata: Mr. Speaker, Sir, what my colleague is trying to insinuate is that by keeping quiet this issue will fade away but you are in actual sense assisting the courts to continue giving us this fake philosophy of supporting gays. So, we must come to this Senate and rise up and say no!

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Finally, this jurisprudence undermines the constitutional role of Parliament as the sole law making organ of Government. It is us who should be saying whether gayism should be legal or not, but not the courts. The concept of separation of powers was articulated by one Montesquieu in 1748. He said that you must not fuse power. He said-

“There is no greater tyranny than which is perpetrated under the shield of law and in the name of justice. To be truly grit, one has to stand with the people, not above them.”

Therefore, shame on the courts which are trying to impose gay things in this country. Shame on them!

I thank you.

The Speaker (Hon. Lusaka): What is your point of order, Sen. Mutula Kilonzo Jr.?

Sen. Mutula Kilonzo Jr.: On a point of order, Mr. Speaker, Sir. I have listened very carefully to Sen. Irungu Kang’ata. His Statement is not a personal statement. It is a general statement of matters of topical concern under Standing Order No.47(1). If it was his personal statement, then we would understand he is making a personal view.

I am concerned about our Standing Orders, whether in allowing Sen. Kang’ata to issue a blanket condemnation to courts; we would not be interfering with Standing Order No.96. This is because any decision made by the court is not final. Any party who is aggrieved has the right to appeal. Can we use this Floor to condemn the Judiciary wholesome yet maybe he is referring to one judgment by one judge? On what basis did you allow this Statement to be read in such ambiguity, that it appears from the ‘upper’ House we are condemning the whole Judiciary? I am extremely concerned.

Sen. M. Kajwang’: On a point of order, Mr. Speaker, Sir. when I saw this Statement on the Order Paper, I thought that Sen. Kang’ata will introduce the subject of hyper liberalism as opposed to the ultra-conservatism that is capturing the world but he has brought about issues of morality which even though I sympathise with him, but for a lawyer of the standing of Sen. Irungu Kang’ata, who is doing his PhD--- He knows that when he is unhappy with the decisions of the court, a good lawyer like him would go on to appeal.

Mr. Speaker, Sir, we cannot sit here in Uasin Gishu today as a Senate to condemn the Judiciary. When the Judiciary ruled us out of order on the County Development Board, we were unhappy but when they allowed us to be part of the Division of Revenue, we were celebrating them. We cannot build and form a habit of condemning the Judiciary when we are aggrieved over certain rulings which, if it is true they ruled in that manner, it is unconstitutional. The Constitution does not allow same sex marriage but we cannot take this opportunity to lecture the Judiciary and legislate on morality.

Mr. Speaker, Sir, could you declare Sen. Irungu Kang’ata out of order so that he goes back to his honey moon?

(Laughter)

The Senate Minority Leader (Sen. Orengo): On a point of order, Mr. Speaker, Sir. I sympathise with the views of Sen. Kang’ata. Right now in the USA, they are trying to go through confirmation hearings of certain judges to go to the Supreme Court. As a lawyer, the best thing to do is; lay before the House the judgments that he is complaining

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about. We are law makers. When you make a Statement like that without putting the material before us, that condemnation cannot be justified.

He is also forgetting that in the debate for this new Constitution as opposed to the Constitution in South Africa, there was Article 27 which talks about discrimination on the basis of sex. In South Africa, there was a phrase which is right under the Constitution of South Africa about sexual orientation. Our Constitution does not allow protection under the category of sexual orientation. In South Africa, the Chief Justice of the Constitutional Court is a very religious man. About two weeks ago, he pronounced a judgement where he allowed same sex marriages yet he is a Christian. He did that on the basis of the foundation of the South African Constitution. What Sen. Kang'ata is saying has no foundation under our Constitution. In fact, that was the starting point. You should bring that judgment so that we interrogate it and see whether it accords with Article 27 of the Constitution because sexual orientation is not a basis for protection on grounds of discrimination. There is discrimination on the basis of tribe, race, sex or gender and that is protected under our Constitution.

There are certain things that judges say which are *obiter dictum*. There can be a lot of literature but as a basis of being a compelling decision, if you go to court, they will ask you which particular decision was made. After every case, you are required to obstruct the decision. What I mean is that Sen. Kang'ata should have brought the judgment here. By the way, this is a very liberal Constitution.

The Senate Majority Leader (Sen. Murkomen): On a point of order.

The Speaker (Hon. Lusaka): What is your point of order?

The Senate Majority Leader (Sen. Murkomen): I actually did not want to interrupt Sen. Orengo because I thought he was standing on a point of order. However, as he proceeded, he used the same Standing Orders to comment but a response had not been given on the points of order raised by Sen. Mutula Kilonzo Jnr. and Sen. M. Kajwang'. Could that point of order be dispensed, so that Sen. Orengo completes his comment on the same issue because we need to operate in an orderly manner?

The Speaker (Hon. Lusaka): Sen. Kang'ata, I hope that you know the concerns that were raised about condemning the courts in general.

Sen. Kang'ata: Mr. Speaker, Sir, I have two things to say. First, I was very careful when I was drafting this Statement to ensure I do not attack a certain court. I did not mention a certain judge or decision. That is the reason I came up with this Statement to fight the jurisprudence. By the way, that jurisprudence is not only negative in terms of those of us who are moralists but it is also negative to us the politicians. It is a jurisprudence because you find a judge who is not elected sitting there alone and making laws. That is legislating while seated at the bench. Do you get the point?

You may say that the so-called gays have rights but that is an issue that should be brought to us parliamentarians. What I am fighting against is the idea of one person sitting somewhere and making decisions that impact on our work. I am just giving an example.

Finally, this Statement was approved by your Office, Mr. Speaker, Sir. Your office was categorical. They edited to ensure that I did not bring issues which may impact negatively on the Judiciary.

The Speaker (Hon. Lusaka): Sen. Orengo, please conclude.

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The Senate Minority Leader (Sen. Orengo): Mr. Speaker, Sir, I just want to remind Sen. Kang'ata that if you have same sex marriages or relationships, sodomy is still an offence in this country. It has not been rendered unconstitutional. Try it tomorrow and you will see the consequences.

(Laughter)

By the way, I like the company you had yesterday.

The Senate Majority Leader (Sen. Murkomen): On a point of order, Mr. Speaker, Sir. Did you hear Sen. Orengo directly telling a Senator in this House to try sodomy? Is he in order? If he wanted to give a fictitious or a general comment, he should have put it in general. However, he directly pointed at Sen. Kang'ata and dared him to try.

Mr. Speaker, Sir, is he in order considering that Sen. Kang'ata just wedded recently? He had a successful wedding and he just came back from honeymoon.

The Speaker (Hon. Lusaka): Order! Sen. Orengo, you may proceed.

The Senate Minority Leader (Sen. Orengo): Sen. Kang'ata can live with that because I know his views. He is a very conservative young man and I think that is good. It is difficult to find people of his age who are conservative and I appreciate that. He knows that the family is the foundation of our social structure under the Constitution.

Generally what I want to say concerning the issues that Sen. Kang'ata raised is as follows. If you read the Penal Code, there is no room for the kind of things that worry Sen. Kang'ata. I agree with him but if there is any decision that made legal what he was trying to say, then some of us will be ready to challenge it at the appropriate fora.

As far as I know, the film called *Rafiki*, which he is complaining about, is not about the question of the practice but about freedom of expression. It is being seen from that context. It is not about what is in the movie but the basis of freedom of expression.

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

[The Temporary Speaker (Sen. Lelegwe) in the Chair]

Sen. Kang'ata: On a point of order, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Lelegwe): Proceed, Sen. Kang'ata.

Sen. Kang'ata: Mr. Temporary Speaker, Sir, the Senior Counsel is arguing that the film is perceived from the angle of freedom of expression. Does it mean that it was allowable because it is just an issue of expression?

Being a Senior Counsel, I would like him to explain to us the following scenario. For instance, assume that a court allowed the Al-Shabaab to show a film in Nairobi because that is freedom of expression. On the basis of that judgment, do you think the Al-Shabaab can say they should be allowed because it is their right to express themselves?

For me, that film ought not to have been allowed because it will form a precedent that will open a Pandora's box. That is the reason I am opposing.

The Temporary Speaker (Sen. Lelegwe): Order, Sen. Kang'ata.

I want to bring to the attention of the Senate that the matter of the *Rafiki* Movie is still pending in court and we will not allow further discussion on the same.

I would like to inform Members that we only have five minutes to make contributions regarding the Statement by Sen. Kang'ata and then we will proceed.

Sen. Orenge, you may proceed and please conclude your contribution.

The Senate Minority Leader (Sen. Orenge): Mr. Temporary Speaker, Sir, I would like to conclude by saying the following and this may be a repetition. Sen. Kang'ata should have brought those decisions here for us to interrogate instead of talking about them without a basis.

I thank you.

The Temporary Speaker (Sen. Lelegwe): Next is Sen. (Dr.) Kabaka. You have less than three minutes to contribute.

Sen. (Dr.) Kabaka: Mr. Temporary Speaker, Sir, I have heard Sen. Kang'ata sort of attack judges in their pursuit of dispensation of justice.

(Sen. Kang'ata spoke off record)

The Temporary Speaker (Sen. Lelegwe): Order, Sen. Kang'ata!

Proceed, Sen. (Dr.) Kabaka.

Sen. (Dr.) Kabaka: Mr. Temporary Speaker, Sir, I do not support such practices. As a Christian, even without citing the Holy Bible or the Quran, I wish to read part of the preamble of the Constitution which states that-

“We, the people of Kenya- ACKNOWLEDGING the supremacy of the Almighty God of all creation”.

I do not need to explain that. Those who want us to go to Theology will be in trouble because the attributes of God are very clear. We are told that we were created in the image of God and that God is perfect and He is the truth. Other things which have arisen because of human misconduct have no relevance in creation.

These are some of the western practices and traits. Therefore, we do not support as a family; men and women here--- That topic ought not to have been brought here. It should be struck out on its face.

The Temporary Speaker (Sen. Lelegwe): Hon. Senators, we will now proceed to the next Statement under Standing Order No.52(1) by the Senate Majority Leader.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 2ND OCTOBER, 2018

The Senate Majority Leader (Sen. Murkomen): Mr. Temporary Speaker, Sir, I wish to take this opportunity to thank all the Senators for their attendance and active participation in the Plenary and Committee sittings in Uasin Gishu County. The Sittings have been very successful and this forms the foundation for future Senate sittings outside Nairobi.

I want to personally thank all Senators because our attendance was always above 33 or 34 Senators. If we needed a Constitutional amendment, we would have been in a position to do so since our super majority was always here for the whole week.

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Mr. Temporary Speaker, Sir, on behalf of the Minority Leader and the leadership of this House, I thank everybody for turning up; for their commitment and passion. In fact, I want to take this opportunity to say that with our attendance, there is some research that I have requested the office the Clerk to do for me, so that I can submit the findings to the Senate next week. By virtue of holding our sittings here in Eldoret for the week – and I want the Minority Leader to listen to this – we have saved a lot of money for the Senate and for the people of Kenya. It is an empirical research that demonstrates the number of committee sittings that we have had here. If those committees were to leave Nairobi at different times to hold those sittings this week, the cost of doing so would have tripled or risen four times over.

Mr. Temporary Speaker, Sir, the number of Committee sittings that took place here were more than 20 or 30. We were also able to address our County Assembly and visit various institutions. I want to thank the hon. Senators for all that and for saving the people of Kenya a lot of resources. At the same time, I thank them for bringing the Senate closer to the people, to ensure that the people have a firsthand interaction through the Senate *Mashinani* initiative. I have no doubt that as a result of this visit, the Senate will, next year, be able to double, triple or quadruple the number of visits that we make to the counties.

Mr. Temporary Speaker, Sir, on Tuesday, 2nd October, 2018, we will have returned back to Nairobi to our usual place. I know that many Senators are unhappy about it because they would like to stay in Uasin Gishu for a longer period. However, on Tuesday, 2nd October, 2018, the Senate Business Committee (SBC) will meet to schedule the Business for the Senate for the week. Subject to further direction by the SBC, the Senate will on Tuesday, 2nd October, 2018, continue with consideration of business that will not have been concluded in today's Order Paper.

On Wednesday, 3rd October, 2018 and Thursday, 4th October, 2018, the Senate will consider business that will not have been concluded on Tuesday and any other business that will be scheduled by the SBC.

Mr. Temporary Speaker, Sir, the following Bills are on the Second Reading Stage-

- (i) The Local Content Bill (Senate Bills No. 10 of 2018);
- (ii) The Impeachment Procedure Bill (Senate Bills No. 15 of 2018);
- (iii) The Data Protection Bill (Senate Bills No.16 of 2018);
- (iv) The Care and Protection of Older Members of Society Bill (Senate Bills No.17 of 2018);
- (v) The County Planning (Roads, Pavements And Parking Bays) Bill (Senate Bills No 18 of 2018);
- (vi) The County Outdoor Advertising Control Bill (Senate Bills No.19 of 2018);
- (vii) The Prevention of Terrorism (Amendment) Bill (Senate Bills No.20 of 2018);
- (viii) The Copyright (Amendment) Bill (National Assembly Bills No.33 of 2017);
- (ix) The Public Private Partnerships (Amendment) Bill (National Assembly Bills No.52 of 2017);
- (x) The Land Value Index Laws (Amendment) Bill (National Assembly Bills No.3 of 2018);

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- (xi) The County Statutory Instruments Bill (Senate Bills No.21 of 2018);
(xii) The Petition to County Assemblies (Procedure) Bill (Senate Bills No.22 of 2018);
(xiii) The Treaty Making and Ratification (Amendment) Bill (Senate Bills No.23 of 2018); and,
(xiv) The Statutory Instruments (Amendment) Bill (Senate Bills No.24 of 2018).
- Additionally, Mr. Temporary Speaker, Sir, there are Bills due for consideration at the Committee of the Whole which the SBC will schedule accordingly. These are-
- (i) The County Boundaries Bill (Senate Bills No. 6 of 2017);
(ii) The Office of The County Printer Bill (Senate Bills No. 7 of 2018);
(iii) The Food Security Bill (Senate Bills No. 12 of 2017);
(iv) The Office of The County Printer Bill (Senate Bills No. 7 of 2018);
(v) The County Governments Retirement Scheme Bill (Senate Bills No.6 of 2018);
(vi) The Public Participation Bill (Senate Bills No. 4 of 2018);
(vii) The Disaster Risk Management Bill (Senate Bills No. 8 of 2018);
(viii) The Retirement Benefits (Deputy President and Designated State Officers) (Amendment) Bill (Senate Bills No.2 of 2018);
(ix) The County Statistics Bill (Senate Bills No. 9 of 2018);
(x) The Salaries and Remuneration Commission (Amendment) Bill (Senate Bills No. 12 of 2018);
(xi) The County Government (Amendment) Bill (Senate Bill No.13 of 2018);
(xii) The Irrigation Bill (National Assembly Bills No. 46 of 2017);
(xiii) The Kenya Roads Bill (National Assembly Bills No. 47 of 2017);
(xiv) The Energy Bill (National Assembly Bills No.50 of 2017); and,
(xv) The Physical Planning Bill (National Assembly Bills No.34 of 2017).

These are the number of Bills that have been read the First Time this week. I continue to urge Standing Committees to submit reports on these Bills and others already referred to them for consideration to enable the House to effectively navigate the Committee of the Whole. I also appeal to Standing Committees to expeditiously consider petitions referred to them.

Thank you, Mr. Temporary Speaker, Sir. I hereby lay the statement on the table of the House.

(Sen. Murkomen laid the document on the Table)

Mr. Temporary Speaker (Sen. Lelegwe): What is your point of order, Sen. Orengo?

The Senate Minority Leader (Sen. Orengo): Normally, Mr. Temporary Speaker, Sir, nobody is required to comment after the Leader of the Majority has gone through the timetable for next week. However, I seek your indulgence, particularly because of what he has said, which were very positive remarks as to why we have sat here. If you could give me just a few minutes to say something about it in support of what he has said---

Mr. Temporary Speaker (Sen. Lelegwe): Proceed, Senator.

The Minority Leader (Sen. Orenge): Mr. Temporary Speaker, Sir, there are those who have been talking about our sittings here in Eldoret in very negative terms. We have a Constitutional direction under Article 6(3) which reads as follows-

“A national state organ shall ensure reasonable access to its services in all parts of the Republic, so far as it is appropriate to do so having regard to do so nature of the service.”

This provision is not talking about “organs at the county level;” it says “a national state organ.”

Mr. Temporary Speaker, Sir, if you look at the kind of services we have offered – not in Uasin Gishu alone, but in this region – even on the issues of farmers--- When I saw the Speaker sitting there, not as a Member of the Committee, but giving that process the full might of the Senate – nobody in his right mind can criticize the Senate for sitting here in Eldoret.

Secondly, Mr. Temporary Speaker, Sir, I took trouble yesterday to talk to the Clerk and his staff, because I feel obliged. If we spend a cent more by coming here to Eldoret, my conscience would not be very clear. I had a little meeting with them and found out that we may actually have saved some money. If the calculations are done properly and considering the way the attendance has been here, the Senate has saved some money. This is unlike other organs of the State, when they hold meetings outside their normal stations. Therefore, instead of being discouraged, we should continue and hold other sessions in other regions at an appropriate time.

Thank you, Mr. Temporary Speaker, Sir.

Mr. Temporary Speaker (Sen. Lelegwe): Let us move on to the next Order.

BILL

Second Reading

THE PETROLEUM BILL (NATIONAL ASSEMBLY BILLS NO.48 OF 2017)

(Sen. Murkomen on 25.9.2018)

(Resumption of Debate interrupted on 26.9.2018)

The Senate Majority Leader (Sen. Murkomen): On a point of order, Mr. Temporary Speaker, Sir. I have had the opportunity to consult the Minority Leader, who is a very popular man in my County.

(Laughter)

I want to thank him for giving me the honour and privilege, by visiting my county. I also want to thank the people of Elgeyo Marakwet for giving him a bigger reception than myself and others who are from the Jubilee side. He has assured me that if I visit Siaya County, I will get a bigger reception. The other place where I noticed that Sen. Orenge

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was also very popular was in the Eldoret Prison. The in-mates there were very happy and excited to see him.

(Laughter)

The only person who beat him was Sen. Fatuma Dullo, who is very popular there amongst the prisoners. This is because of the work she did while at the Kenya Human Rights Commission (KHRC), particularly in fighting for the rights of prisoners.

Mr. Temporary Speaker, Sir, I have consulted the Minority Leader because there were many concerns that were raised yesterday and the day before when we were debating this Bill. Although it would not have made a big difference if we voted for it today or voted next week, I have acceded to the Senior Counsel's request that we can have the vote next week.

Mr. Temporary Speaker, Sir, I have to mention that all of us have amendments across the board. Only the Senate will have the benefit to actualise those amendments if we vote for the Second Reading, so that we can go to Committee Stage. So, either way, we will still have to vote for it. It will now be determined at the Committee Stage, whether the Senate agrees with the Bill or not. Once we make the amendments at the Committee Stage, I believe it will also determine when the National Assembly will agree with our amendments or we will have to go for Division.

I have absolutely no problem postponing. We have agreed that with your permission, we can have it voted on, on Wednesday. We are also trying through my office and that of the Speaker, to organise for a breakfast meeting like the one we had with the other Bills in Nairobi City County up to mid-morning, to go through the amendments.

(Loud consultations)

I hope Senators listen to me on this one because they are consulting loudly.

Secondly, since so many spoke to this Bill and felt like they have certain specific concerns and, since bringing personal amendments to this Chamber because of the nature of voting in the Senate becomes complicated, I hope when we call for the breakfast meeting, each of us will come with succinct amendments which are clear on the areas that you want us to amend.

We will convince each other because I also have amendments related to the office of the CS, whether there is too much power in his office, why it should be decentralised and increased representation of counties. I have no problem with that and I think all of us need to agree and then give to the Committee on Energy, Roads and Transportation to carry the amendments, so that we can proceed in an organised manner.

Mr. Temporary Speaker, Sir, that is my request. I know I have taken time to explain it. I request Hon. Senators, because of the importance that we have attached to this Bill, let us make sure ---

Allow me to ride on this, although I know it is not very relevant because I should have said it when I was reading my Statement; we need to thank Uasin Gishu County Assembly for allowing us to use their Chamber. This is on behalf of Senators. This

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Chamber is small and may not be so modern but it makes us to be very close to each other than the other one. The fellowship is warm and closer than the one in Nairobi City County. That being the case, as the Senate, when we go back, we need to think about this Chamber and the other facilities that Uasin Gishu County Assembly has.

We need to see how we can fight for some resources for them to construct a more modern Assembly that can accommodate most of the things that they do, including the offices of the Members of County Assembly (MCAs). The place where the Majority and Minority leaders use will bear me witness, it is just one office, more like a bedsitter and no room for the people who come to see them. We need to make a case for this County Assembly to expand its infrastructure to make it a place where we can sit properly.

Mr. Temporary Speaker, Sir, I now beg you to, please, postpone the voting until Wednesday next week.

The Temporary Speaker (Sen. Lelegwe): Hon. Senators, pursuant to Standing Order No.61(3) following the request by the Senate Majority Leader and consultation with the Senate Minority Leader, I, therefore, defer the Division on the Petroleum (National Assembly Bill No.48 of 2017) to next Wednesday.

(Putting of the Question on the Bill deferred)

The Temporary Speaker (Sen. Lelegwe): Let us move on to the next Order.

MOTION

ESTABLISHMENT OF MORE YOUTH POLYTECHNICS IN COUNTIES

Sen. (Prof.) Kamar: Thank you, Mr. Temporary Speaker, Sir. I beg to move the following Motion-

THAT, AWARE THAT Youth Polytechnics, also known and used to be known as Village Polytechnics and now Vocational Training Centres, are educational institutions that offer primary and secondary school leavers opportunities to acquire relevant knowledge especially technical and vocational skills to increase their employability;

FURTHER AWARE THAT youth polytechnics provide industrial and entrepreneurial skills training to young people in order to increase employment opportunities, reduce dependency levels and increase self-reliance among the youth;

RECALLING THAT in 2005, the Youth Training Department of the then Ministry of Youth Affairs and Sports was established through the Presidential Circular No.1 of 2005, with a mandate of revitalizing the Youth Polytechnics countrywide in order to empower youth through provision of accessible, appropriate and quality training in technical, vocational, industrial, entrepreneurship and life skills;

COGNIZANT THAT youth polytechnics are a devolved function;

PERSUADED THAT Vocational Education and Training is a critical aspect of a developing economy and that it would contribute towards the realization of the Big Four Agenda;

CONCERNED THAT, in Kenya, the number of young people who have completed primary school education but have not joined secondary schools continues to rise by the day;

FURTHER CONCERNED THAT county governments have not prioritized youth polytechnic functions despite the polytechnics' capacity to ultimately contribute to both social and economic development;

NOW, THEREFORE, the Senate calls upon each of the 47 county governments to:

(a) Establish youth polytechnics in every location within their respective the areas of jurisdiction and to revamp the already existing youth polytechnics;

(b) Develop a structure or guidelines for sensitizing the youth who have completed their primary school education but have not joined Form One to embrace vocational training in order to acquire the necessary skills to join the labour market.

Mr. Temporary Speaker, Sir, we have just come from a nice tour of the training institutions in Uasin Gishu County with the Committee on Education, led by my Chairperson here. We managed to go to an Early Childhood Development (ECD) centre and also visited Mugundoi Vocational Training Centre among other institutions. Mugundoi Vocational Training Centre is one of the 11 VTCs that we have in our county. We appreciated what has changed in that institution between last and this year. Last year, they had only eight students and this year, they have over 300 students.

Establishment of youth polytechnics of VTCs is extremely important when we talk of Vision 2030 or even employment as far as the SDGs are concerned. These VTCs are extremely useful for our youth because the products of VCTs do not have to be employed by anybody. They can employ others.

Today, we had the opportunity to see different centres within Mugundoi. We came across youth who were training in salon and hair dressing. This is actually the key centre in the county that is dealing with hairdressing and salon. We saw youth who have changed their lives completely. They are not only training but also giving services. We came across people who had come in to have their hair done.

A part from that, we came across a team that deals with food and beverages at the same centre. It is a very small centre with small classrooms but doing a lot of work. When we asked the same youth and the teachers where their products have gotten jobs, we were impressed to know that they are spread throughout the country. There are some at the Kenyatta National Hospital (KNH) and the Moi Teaching and Referral Hospital (MTRH).

For those dealing with food and beverages, there are some who have gone to hotels and some who are doing outside catering. We also discovered that a good number of these students have opened salons.

Mr. Temporary Speaker, Sir, youth polytechnics are something that we must embrace and push hard as the Senate. As you are aware, vocational training is a devolved

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function according to Schedule Four of the Constitution. Being a devolved function, we need to ask ourselves who are supposed to be in those areas in order to determine how many centres we should have in a county.

As we speak, nationally, the number of students who transit from primary to secondary school is only about 60 per cent. There is hope that one day, we will transition all our children to secondary school but it has not been possible. This is because even the secondary schools in a locality are only about 50 per cent of the primary schools. This tells us that there are a number of students who finish Class Eight and fizzle out into nowhere. These are the people we must skill and re-tool, so that they can go out and fend for themselves. It is, therefore, extremely important that we establish more polytechnics and vocational training centers in our counties, under the devolved government, so that our youth can go somewhere.

Mr. Speaker, Sir, the change that we saw in Mugundoi tells us that there are many youth out there, who would not have gone anywhere before the encouragement came. The kind of campaign that we have done in Uasin Gishu in the last one year, encouraging the youth to go for vocational training, has been massive. We have visited our Technical Training Institutes (TTIs) and held meetings with parents. We have also visited our youth polytechnics and vocational training centres and talked to parents, and that campaign has yielded what we saw today. We are seeing more youths going to vocational training centres. That tells us – which should worry us – that there are many more youth out there, who have not gotten any opportunity.

We also have girls who got married at a young age. There are young mothers who got married without any skills and cannot fend for themselves. This is the target group that we are also interested in. We are also interested in even our young men, who do not have any skills. If we can skill these young people in Kenya, we will be able to change not only the culture of unemployment, but also bring the much needed income to the families.

Mr. Speaker, Sir, one of the reasons we must encourage them now - and I want to thank the Government for sponsoring TTI and polytechnic students - is the fact that we are going for housing, under the Big Four Agenda. If we are going for housing and do not have enough plumbers, masons and electricians, who is will do the work? We do not want to go into Public-Private Partnership (PPP) with a company that might decide to bring employees from elsewhere. We have been talking of a worrying trend, where in most of the areas where we have allocated jobs to Chinese contractors, they have used the excuse that there are no technically qualified people. They, therefore, bring the Chinese people to work in Kenya.

Mr. Speaker, Sir, if we increase the number of youth polytechnics, we should be able to absorb more youth. My plea is that in this country we should have a vocational training centre for every four primary schools. This is because we cannot afford to have secondary schools absorb all of them. In my estimation if you talk of every four, the minimum would be at the locational level. In some cases, it should be at the sub-locational level. It is very important that we actually encourage our governors to divert more resources to save us in the area of unemployment and skilling of our youth. The only way they can do that is to create more vocational training centers.

Mr. Speaker, Sir, when it comes to Vision 2030, we are talking of industrialization. A country that it is industrializing needs technical personnel. You must have your own technical team to push. In fact, the last institution that we visited with the Education Committee was that the Rift Valley Technical Training Institute (RVTI). We realized that they have also had a jam since this encouragement came in. They have had almost a ten times increase in the number of students. Currently, they are running an institution of more than 7,000 students. Of course, we know that, that is a model institution that started in the 1950s and so, it had the capacity to grow and expand. It has been recognized as the East African center of excellence in technical training. Therefore, it is in its own class, but all the same, we need to tool and skill our youth. This will enable them to employ themselves and, more than anything, that is the only way we can industrialize. There is no way we can talk of industrialization, if we do not have the right numbers.

Mr. Speaker, Sir, when Petroleum was discovered in Turkana we heard some worrying statements from the engineers of Tullow Oil Company; that most of the plumbers that Kenya has can only deal with water pipes, they cannot deal with high pressure pipes, which is the reason they brought people from outside the country. For how long will we train people who can only do the small manual jobs? It is my prayer that we will pass this Motion and ensure that our governors and county governments establish more youth polytechnics. I have given the minimum to be the locational level, but we should even go to the sub-locational level. As I said, it only makes sense to have one vocational training center for every four schools, because those four schools will give us a complete class. This is because we can only transit 60 per cent or an equivalent of two schools in some cases, and the rest are left out.

Also, in the vocational training centers we harvest from the Form Four leavers. In the last two years, very many students could not join universities. At the moment, the universities only take about 25 per cent of what we produce in secondary school. At that rate, we have another group of 75 per cent that needs to be skilled differently. If only we had more vocational training centers, we would be able to expand on the training.

After training youth of this county in various skills, we will be able to give them the necessary tools. The number of unskilled youth in every village is shocking. For example, for every youth group that you meet in our villages, only 10 per cent of them have undergone some kind of training. Many of them are not trained at all. When they seek for employment, they say they are ready to do any kind of job you will offer them because they have no skill.

I appreciate the fact that the Government has now roped in the Technical Industrial, Vocational Education and Training (TIVET) into the Higher Education Loans Board (HELB). Students in TIVET will be advanced some loan by HELB. I also appreciate the fact that county governments have also set aside some budget for TIVET. I laud the County Government of Uasin Gishu for giving grants to over 300 students in TIVET at Mugundoi. This is what we should be encouraging in all our counties. However, 11 TIVETs in Uasin Gishu is extremely low. We should strive to double them in the next year or two years.

Mr. Temporary Speaker, Sir, I know there are a good number of Members who would like to contribute to this Motion. This is a very straightforward Motion. I beg

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to stop here and ask the Chair of the Senate Committee on Education, Sen. (Dr.) Langat to second it.

Sen. (Dr.) Langat: Thank you, Mr. Temporary Speaker, Sir, for giving me the chance to make my contribution on this very important Motion which has been ably moved by the Sen. (Prof.) Kamar. This morning we went round this county inspecting conditions of these institutions that squarely under the docket of the Senate. The promotion of these institutions is very important because many of our youth are not employed. They lack the necessary skills to be absorbed in the job market. Many of them are loitering in our villages and centres because of lack of employment.

The importance of having these TIVET in our villages is cost effective. There will be no boarding facilities. Food will not be an issue because students will be operating from their homes. Therefore, we should establish many TIVETs as possible in our counties. They will help us reduce unemployment which is currently a very big problem in our country.

I support this Motion because the moment our youth are trained and equipped with necessary skills, crime rates will greatly reduce in our country. For example, skilled youth like mechanics and other artisans do not engage themselves in crime. They are busy working throughout the day. It is those who are not skilled and are loitering around over the places who are culpable of committing crime.

Many of our *boda boda* cyclists lack the necessary training to handle their motorbikes. We know most of them cause accidents on our roads. I want to laud most of the counties that have introduced mass trainings of their cyclists. In fact, when we visited the Rift Valley Technical Training Institute (RVTTI) we were told that Uasin Gishu County has been taking most of their *boda boda* cyclists to be trained in the garage. That has greatly reduced accidents in this county. To reduce the risks, people must have skills.

Mr. Temporary Speaker, Sir, most of the people who are working now must have obtained the skills. As I mentioned earlier, if we encourage training in our counties, we will reduce crime and accidents.

Out of my experience as an educationist, the challenges that have been facing in these vocational training is the attitude towards them. We normally encourage pupils in primary school to excel in their examinations so that they may go to national schools or district secondary schools. However, if they fail to go to secondary school, they are taken to the local polytechnic. We, as leaders, must encourage our children to have a positive attitude toward these institutions. They are not for the failures. It is, in fact, a strategy and immediate way of getting employment.

Mr. Temporary Speaker, Sir, there is another problem that is affecting enrolment in these training centres. The Government has provided capitation of Kshs30,000 for these institutions. For anyone who enrolls the school fees is Kshs56,000, but the Government provides Kshs30,000 capitation to all students. If we go to Eldoret Polytechnic, the RVTTI and any other in this country, the Government provides Ksh30,000. The student remains with a balance of Ksh20,000 which he can get from the HELB.

As I speak here, the Government provides a HELB loan of Kshs40,000 to students in TTIs. When one gets Kshs30,000 plus a HELB of ksh40,000, it totals to Kshs70,000. The fees required is Kshs56,000.

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We, as Senators, should go to our villages and encourage our children to embrace these institutions. Sen. (Prof.) Kamar and I had done so. There is a TTI where I come from. It has 200 students. This year we have gone round preaching to these students and telling them the Government has provided Kshs30,000 capitation and that there is a loan of Kshs40,000. Yesterday, I was told by the principal that I should not tell the students about enrolment anymore because there are no more vacancies. They have enrolled 1,700 students.

The challenge now comes to the vocational training centres within our counties. We must ask the county assemblies to come up with Bills that will provide finance to TIVETs by equipping them with proper facilities. This has been a great challenge to them. If you read the latest Controller of Budget Report, it shows that many counties had budgeted for these centres. However, they never used it. For example, one county had set aside Kshs40 million, but the money was not used.

Mr. Temporary Speaker, Sir, we must encourage our county assemblies and county governments to make sure that any money that is budgeted for these centres must be used for construction and provision of facilities. There are many students who never completed primary education. They are in dire need of acquiring skills. The only challenge for them is finances. Our county governments use most of their money in building secondary and primary schools. This is not their mandate, but for the national Government. I advised the County Government of Bomet to concentrate on building these vocational training centres. As the Senators, we must put emphasis on vocational training centres.

Apart from the fees issues and the attitude of learners that plays negatively on the enrolment, the other challenge is what we call policy road blocks. The vocational training centres in our counties insist that for one to be admitted; they must have completed Standard Eight. However, the United Nations Children's Fund (UNICEF) report confirms that there are so many youths in our villages who have not completed Standard Eight. Those vocational training centres in the villages should be open to interested learners when it comes to admission.

They should even admit those who dropped at Standard Five because we do not ask the mechanics their level of education whenever we go to repair our vehicles. They should be allowed to go there *en masse* to be trained so that they can get the skills. In fact, examinations in those areas should be skill-based and not necessarily academic. We should avoid a lot of academics in such programmes because that is what discourages the youth. Apart from establishing so many of these colleges, we should we reduce the bureaucratic red tapes that are required for admission for every youth in this country to benefit.

In my village, there are so many youths who have never reached Standard Eight and when you tell them to go to the vocational training centres, they will tell you that they do not have Standard Eight certificates. We should come up with policies that will help them to be trained to get the skills and go to their places of work without them being asked for so many requirements.

Today, we were happy when we went to Mugundoi Vocational Training Centre because the management told us of the success stories of their students. We were given a

long list of students who are already working in this particular town and are self-employed.

Something else that always discourages these youths from pursuing their studies after being trained is poverty and lack of facilities because they do not have anything to start with when they come out of these institutions. I have seen some of us do what we call youth empowerment where we want to talk to the youths and at the end of the talk, we give them some money. The best way to approach youth empowerment programme is that the county government should organise for these youths to form groups and register companies which will be equipped with facilities to help them go and work. This could be done during their graduation. I told them the same when we were at Mugundoi Vocational Training Centre.

The Motion on promotion of vocational training is very important to us. Unless we do something about it, I usually say that the people who will send us home in 2022 are the youths who are not employed, trained or skilled. Therefore, to save our jobs in 2022, let us make sure that we reduce the roadblocks that are hindering these youths from getting this training.

I asked some institutions in my county to train some youths in order for them to understand how to do things, then just let them to go. That is what we should encourage. Vocational training centres are the way for us to go and it is the surest way of saving our country from unemployment, a lot of crime rate and the rest.

I beg to second.

(Question proposed)

Sen. (Prof.) Ongeri: Thank you, Mr. Temporary Speaker, Sir. I want to thank the Mover of this Motion, Sen. (Prof.) Kamar.

In order to put the records straight, as the then Minister for Technical Training and Applied Technology, I was given the first responsibility in 1988 to set up the youth polytechnics and Technical Training Institutes (TTI) one of which was the Rift Valley Technical Training Institute. One of the biggest headaches that we had at that time was that it was difficult for our school leavers to go to a job that would dirty their clothes; a job where they did not have a tie and a suit. Therefore, they were unwilling to go to those places.

If you remember, during the vertical mobility of some of these students, it was very difficult to get everybody because their transition rates was below 40 per cent which we later raised up to something like 93 per cent or 75 per cent to be precise.

We are talking about youth who are in millions. We are talking about youth who may not have the opportunity to advance beyond Kenya Certificate of Primary Education (KCPE). We are talking about youths who may not have the opportunity to translate to the university education beyond the secondary level. Therefore, it was necessary that we put structures in place. Not many youths have the predilection of going for upward mobility particularly in the academic line. There are those who are imbued with certain talents that are essential and all we need to do is to develop them. That is why the youth polytechnics became a novel for every one of us.

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What is happening in those youth polytechnics? There was a time where nobody wanted to hear that you are working in the *Jua Kali* sector. These days, when you ask civil servants who have retired where they are working, they will tell you that they are working in the *Jua Kali* sector. We had to sanitise *Jua Kali* to be what it is today.

One of the things we did is to bring an exhibition to Nairobi and a proto type one here, in Eldoret. That has spurred off some of these young Kenyans to acquire skills. So, the purpose of youth polytechnics is to acquire skills, competence and also be properly trained in the methods of production.

After they had gone through youth polytechnics, we also discovered that one of the tools that they needed was entrepreneurial skills. This is the nursery for future micro and medium level enterprises in our country. In any developing country and particularly, in the fast developing countries, one of the most important elements is to have the middle cadre level who are professionally competent in various aspects of industry.

When you talk about plumbing, what kind of plumbing? There is what we call amateur plumbing, professional plumbing and high pressure plumbing. They need to be trained along these lines so that they can handle various tasks. We have the Kenya Pipeline Company with a line from Mombasa which is putting through, the through-put of diesel or the imported fuel and even the refined fuel through the huge pipe in one of the centers, here in Eldoret.

I remember when we had a burst of one of these lines, we had to get experts from France and yet, we have our own institutional mechanism where we can train these people to the highest level in that profession. If it is electronics, today, one of the things I was so happy about when we visited the Rift Valley Technical College, was when they showed us the Robotics Laboratory where they are using new science to demonstrate what the robots can be able to do.

I want to tell you as a professional, that the reward today in complicated surgery, particularly in the spinal cord surgery or internal organ surgery, where the space operation is very minimal and very inadequate, so that the hand cannot be able to reach there, we are using robotic surgery to direct - commands being given by a specialist – in order to reach the organ you want to reach and be able to either excise it and cauterize it, so that you are able to secure a safe place and safe surgery through what we call non-invasive surgery. This is the in-thing today, and Kenyans must in-built with those top notch skills in order to handle the issues in this country.

Therefore, vocational training, technical training institutes, the national polytechnics--- We turned the former Kenya Polytechnic and Mombasa Polytechnic into universities. What were we doing? We wanted to ensure that those who have the talent in youth polytechnics during the horizontal movement from KCPE to youth polytechnics, can move towards the world of work and earn their living, because they would have been empowered with entrepreneurial skills and been given resources to establish themselves into micro and medium scale enterprises.

Those who have a pre-direction towards higher education can also move vertically towards the technical training institutes which are middle level training centres. That is the one we witnessed here today. The time when I was in that Ministry, they were eight of them, but since then, we have had quite a number of them in most of the counties and they are many.

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The Motion is advocating that we need to expand the capacity of these children. What we are talking about in primary schools is that, once one does KCPE, there are more than a million pupils and 10 to 40 per cent who get grade C+ in KCPE are the ones who manage to go to university, while the rest are left out there. You need to look after this group, because if you do not, you are courting disaster within your area of operation. That is why they must be absorbed. We also created youth empowerment centres, that when they leave there, they will enter the youth empowerment centres to get more entrepreneurial skills. They should be given money.

Women representatives have been empowered with resources for affirmative action. One of the affirmative action is to direct resources towards this level. The Members of the National Assembly have the National Government-Constituencies Development Fund (NG-CDF). They should direct some of these resources to this level. This is a devolved function; the county governments must now have tacit programmes to create favorable ground and encouragement for the children who can go through there.

The other amazing thing is that, those who are physically or mentally challenged, can be assessed through vocational and technical training. They can achieve their potential and I know that children with special needs require this type of training; the vocational training, so that they eke their living through this process.

Therefore, it serves a multiplicity of interests; from local normal children who are moving through the horizontal line, then vertically they can go to the technical universities and be able to be productive in society. These are the people who produce wealth, sustain the economy and industries.

Today, there is so much building going on in Kenya, but where are the plumbers, electrical engineers or electricians? Today, we are doing the Last Mile Connectivity. Where are the electricians who are able to do maintenance when these lines break down? An ordinary citizen at home would not know that an electricity line has broken down, but if you have a simple electrician who is properly trained and who is a certified trained electrician, they can attend to these issues.

We are doing a lot of water connections and plumbers will come in place. We are doing a lot of irrigation in our various places in arid and semi-arid areas and these are the people who come in handy. We are engaging in agriculture and these are the people who will be required to be in place. In essence, there is tremendous potential and wealth in this institution and I think if there is any one Motion to be supported, it is this one.

I support.

The Temporary Speaker (Sen. Lelegwe): Sen. Musuruve.

Sen. (Dr.) Musuruve: Mr. Temporary Speaker, Sir, I want to thank you for giving me this opportunity to contribute to this Motion.

Before I contribute, I would like to thank Sen. (Prof.) Kamar for coming up with this important Motion that addresses devolution. As Senate, we are mandated to protect the country and the interests of counties. Therefore, this Motion squarely falls under the Senate.

I want to say that we need to make devolution a reality. We will be judged harshly if we do not make it a reality. We will also be commended as the Senate if we ensure that devolution is a reality. When we are talking of village polytechnics, these are polytechnics that would serve all the youth in this country. For a number of reasons, you

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will find that some children are not able to proceed to secondary schools and even sometimes to secondary schools because the parents lack fees.

Mr. Speaker, Sir, sometimes they cannot proceed because they are not academically endowed. Not everyone must go through the academic line. We must learn to nurture talents. Some people may not go through academics but they are very good in blue collar jobs. Some do well in masonry yet they have not gone through engineering course. Even some hair dressers, welders and mechanics are just gifted in that line of career. There is need for us to nurture these kind of people. That is the essence of the competency based curriculum. We need to nurture talent.

We have been visiting special schools in Uasin Gishu. We stopped at Kapsoya School for the Deaf, I challenge the County Government of Uasin Gishu because they do not have a secondary school for the deaf. I sympathised with those children. I was heartbroken. I asked myself, where do these children go after finishing class eight? Even as we talk of youth polytechnics, let us also remember children with disabilities who need to be in polytechnics. I say so because most of the time, we have left children with disabilities behind. It is time, as a Senate, we remember that in whatever we do, we must include a disability perspective. We should not leave them to suffer. Children with disabilities also need that component.

It is important to have youth polytechnics in all the 47 counties. Even where there is a youth polytechnic, there must be a special unit that will address disability.

This is a noble Motion that should not just go like that. It should translate to a Bill. I say this because it addresses devolution and the counties. Our Senate is keen on counties. There are some youths who complete Standard Eight and after that, they have nowhere to go. If they have nowhere to go, eventually, they will become idle. What happens when youths are idle? They will turn into evil things which are not good for this nation. They will get into drug abuse and other unpleasant activities.

Mr. Temporary Speaker, Sir, we have to redeem this nation and ensure that we make use of our youths who are talented. Not everyone can excel in academics. We should tap talent. Youth polytechnics can create training for them and, eventually, they will get jobs. Job creation is important for our youth. Youth polytechnics can help us to create jobs. Even as we talk about the youth polytechnics, there is need to ensure that they are fully funded and fledged. They should have full capacity; human resource and trainers on the payroll of county governments. Coming up with the polytechnics without trainers is not enough. That would be unfair. In addition, the polytechnics must have proper infrastructure. We must invest in them.

We must embrace our youth, we must embrace our people. We do not want to lose any one of our youth. We also have to nurture and appreciate blue collar jobs. Not everyone can be in the office. Also, people in the blue collar jobs can be very productive members of our country. Everyone in this country must contribute to its development. We have to ensure that we embrace everyone, including, the youth and Persons with Disabilities (PWDS).

I strongly support this Motion which has been moved by Sen. (Prof.) Kamar. My prayer is that this Motion should translate to a Bill. I thank you for the opportunity.

Sen. (Dr.) Milgo: Mr. Temporary Speaker, Sir, I thank you for giving me this chance to also contribute to this Motion by Sen. (Prof.) Kamar. Youth polytechnics are

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long overdue. It is my prayer, as my colleague has already stated, this Motion should be developed into a Bill because youth polytechnics can be used to nurture talents of many youths in our villages.

I am glad that if these polytechnics are built in the villages, even those women who have been married off before completing school can join them. The Vision 2030 and our Big Four Agenda of the Jubilee Government is premised on the fact that Kenya should be industrialised by 2030. We will require a lot of talent, skills and competence to drive our industries.

We have been complaining about the Japanese coming to our country to construct our roads and other industries. They come along with their skilled labour because they know that Kenya has ignored that very important talent in the villages. Education in Kenya was tailored in line with white collar jobs. I am sure if these polytechnics were developed, they will go in line with the new curriculum of education. In this case, it will enhance such talents away from theories. Since Independence, our country's education has been majorly preparing people for the white collar job. I am sure this will be a departure from that kind of education, and therefore, in future, we shall have the labour force in this country to work as small entrepreneurs.

Mr. Temporary Speaker, Sir, at least 70 per cent of the population in Kenya is the youth who have a lot of energy. We need to tap this energy by taking our youths to the polytechnics. This will serve as a cure to one social aspect; rural-urban migration. All Senators here will attest to the fact that they have many files of requests for jobs in Nairobi because our youths imagine that we, in Nairobi, can offer them jobs.

Once the youths are in Nairobi, they will create problems. Since they lack employment, they will engage in crimes like drugs and substance abuse. If these polytechnics were set up to the local villages, we shall solve several problems.

In the Motion, we have heard that the major challenge even in various polytechnics is the fact that many of our youths are discouraged from joining these technical institutes because of a very bad mind set. This is a challenge to the leadership in this House. All the leaders here should sensitize the youth in their counties so that they can realise that going to the polytechnics is not for those who have failed in examinations.

As the Mover said, we realise that only 25 per cent of those who complete Form Four will join the university. Therefore, about 75 per cent are left in the villages. They should be encouraged to join alternative institutions to be trained so that in future they will become useful members of the society.

Mr. Temporary Speaker, Sir, industrialised countries such as China, Japan and the USA started from somewhere. At Independence, we were almost at the same level, particularly with China. They ensured that they took education that encouraged industrialisation right into the villages. Right now, China is an area we can call an 'IMF' to various countries in Africa. Many African countries get loans from China. We are now going to China to obtain funding for various development projects.

Mr. Temporary Speaker, Sir, I was encouraged today to learn that our Government has already set aside funds for students who join TIVETs; vocational institutions, because school fees is a challenge. We have heard from the Chair of the Committee on Education that there is HELB funding from Kshs30,000 up to Kshs40,000

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from the Government that can be accessed by students who join polytechnics. Therefore, we should encourage our youths to join such institutions to help our country develop into an industrialised nation.

I am sure our country is grappling with the issue of unemployment. The reason why there is a lot of unemployed youth is because we have not redirected the skills. We have not taken our youth to courses where they can be employed in the villages. When you talk of agriculture, you require skills. We are talking about repairing of vehicles and motorcycles in the villages. Of late, the motorcycle business in this country is booming. In any case, we require people to work there.

When we visited Kisii County, we went to a Magnetic Resonance Imaging (MRI) Unit. We realised that the individual who was operating that particular hospital had acquired skills through vocational training. In fact, we were surprised that he was one of the best. We thought he had been trained in a university but we realised that he went to a vocational training college and became one of the best MRI operator in that particular hospital. I think there are many other areas.

When we go to the villages, as leaders, we should visit schools and carry out mentorship programmes to mentor our youth. Immediately, they get out of schools, they do not have to wait to be admitted to the universities. By the time they finish Form Four, they will be aware that there is another alternative way to train and be useful members of the society. We are praying that we will have a polytechnic in every location.

With those few remarks, I beg to support.

Sen. Pareno: Mr. Temporary Speaker, Sir, thank you for giving me this opportunity. I rise to support this Motion. I would like to say that we do not have a choice in view of the systems that are being put in place courtesy of devolution. I say this because right now, there are many challenges that come with development, new things and devolution. We can only address these challenges with innovations and creative ways of handling small problems in view of development. I also think that---

Sen. (Dr.) Zani: On point of order, Mr. Temporary Speaker. I stand under Standing Order No.106, to request that we reduce time for debate to five minutes to allow more Members to contribute because there is a lot of interest on this Motion.

Sen. Olekina: On a point of order!

The Temporary Speaker (Sen. Lelegwe): Order, Sen. Olekina. Before the Chair rules, you cannot stand on another point of order.

Proceed.

Sen. Olekina: Mr. Temporary Speaker, Sir, I know it is not good to come before you but I am a little bit confused when it comes to the issue of this Standing Order. I do not know whether it applies to limiting debate when debate has already started.

Yesterday, this issue came up but it is good for us to be procedural. The Standing Order No.106(3) states as follows:-

“A Motion under paragraph (2) shall not be made in the course of the debate to which it refers unless it is moved after the adjournment of such debate and before the debate is resumed.”

Mr. Temporary Speaker, Sir, I know the decision is yours but it is important for us to be guided in terms of how we apply the Standing Orders.

The Temporary Speaker (Sen. Lelegwe): Hon. Senators, with regard to the Standing Order raised by Sen. (Dr.) Zani, it does not require the House to reduce the debating time to five minutes. However, if that is the mood of the House, we can still reduce time to five minutes per a Member.

Sen. Pareno, please proceed.

Sen. Pareno: Mr. Temporary Speaker, Sir, I was saying that because of development as a result of devolution, then we need to get skilled labour in order to match the kind of work that we expect from counties for us to develop.

Yesterday and even this morning, as we were coming from the hotel to this place, I saw a young man along the road side who seemed to be of unsound mind, and I was touched. The young man was seated by the road side with a rope that he was using to make baskets and I kept wondering if somebody of unsound mind can sit somewhere and do the kind of work that I saw him do, what would happen if we did a lot of input in terms of empowering our youth?

Since we came, the man has always been there. He seems to be doing a lot of work without talking to anybody. Later on, I approached the Senator for Uasin Gishu and asked whether the man needs rehabilitation or some sort of training or if he can be empowered through training in some of the technical institutions that we are talking about. Many of our youth are unemployed. I am sure that having tertiary institutions is the way to go for us to develop.

Mr. Temporary Speaker, Sir, the polytechnics or vocational training centres are a bridge or ladder for people to better their trainings, improve their credentials and move from one stage to another. You can imagine somebody who dropped out of school at the Form Four and had nowhere to go because they did not qualify to join university. The polytechnics are a ladder up the scale for people to improve on their studies.

You also notice that in the polytechnics, the courses are designed in a way that they are short and cheap. The courses are actually demand-driven. If you see that an industry needs a particular skill, you go for it and train people who will be out into the market within a short time. Most of the times, because they are demand-driven, the market or job opportunity is there. Instead of having many youth out there or sitting at home with no employment because they did not make it to the next level of education, it is time for us to tap and ensure that counties have polytechnics.

We should have polytechnics in each county and if possible, down to sub-counties. This is because we call them village polytechnics. Can we actualise that and ensure we have village polytechnics that will help our people to acquire the necessary skills? These polytechnics and tertiary institutions combine theory and practicals. I have always wondered why I was taught about Napoleon II in Form Six. I am a lawyer and have never, along the way in my practice, applied what we were taught in History. I keep asking myself why I was taught about Napoleon II and other things. Why was I not just taught how to behave in a court, read the law and apply it? Some of these things are designed in such a way that they address the actual need that a community requires or what we need in development. That is better for us to move.

Mr. Temporary Speaker, Sir, if you have visited any of these polytechnics, you will also notice that they have small classes, and not big ones of over 200 or 300 students.

Therefore, somebody gets actual theory and practical training; it is a one-on-one engagement with the trainer. In the end, one will give the best to the students.

This is a good idea and I support this Motion. Some counties have polytechnics and tertiary institutions, but others do not have them at all. Can we start with the ones that do not have at all?

Mr. Temporary Speaker, Sir, I support.

The Temporary Speaker (Sen. Lelegwe): Hon. Senators, I now reduce the time for contributing to this Motion to ten minutes.

Sen. (Rev.) Waqo: Thank you, Mr. Temporary Speaker, Sir, for allowing me to add my voice to this important Motion on the establishment of youth polytechnics in our counties.

I support the Motion and thank the sponsor because it touches on each one of us, as leaders.

Again, we all know the dilemma that we are all in as a nation. We are proud to have many youth in our country, but, again, as leaders, we are saddened that a large number of them are unemployed. At the end of the day, they are frustrated because they have no hope for the future and no one to guide them. If we sit here and deliberate on important issues, without thinking of the young people who are unable to go beyond Class Eight, then we will not be doing any justice.

My reason for supporting this Motion is because of our own experience. We know that almost half the number of the pupils who enroll in Class One drop out when they finish Class Eight or even before that. This exposes them to many challenges and also promotes poverty in our country. Many of us come from marginalised areas. It is even worse for students from those areas because the challenges that they go through are huge compared to those that come from urban areas. When our girls do not go beyond Class Eight, they are exposed to early marriages. Sometimes because our area is known for tribal clashes, they lose their husbands even when they are young and become so hopeless in life. If we can ensure that polytechnics are established in all counties, we will empower the girls and boys to depend on themselves.

Mr. Temporary Speaker, Sir, many parents invest a lot in their children. We should not call some of our children or students failures. This is the language that we use back in the villages. If one has not gone to high school or is unable to join high school, we call them failures in life. That is in itself traumatising, it brings down their hopes and frustrates them. As a result, many young people have committed suicide and parents who have invested in them from Class One to Class Eight have lost a lot. Their hope of one day their son or daughter giving them support is shattered. Therefore, the establishment of polytechnic is something that we all need to support and stand for.

Establishment of polytechnics in every county is an important thing, but we also know that in all the counties there is a lot of corruption. Tenders are awarded to friends and relatives. Sometimes, those in offices end up benefitting from this. They then do some shoddy work which cannot help the people on the ground. As we establish the polytechnics, it is good for us to also stress on equipping and maintaining them, so that the resources that the country is putting into establishment of polytechnics will be felt even 20 years from today. As a nation, we are known for just doing things for the sake of it and not maintaining.

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[The Temporary Speaker (Sen. Lelegwe) left the Chair]

[The Temporary Speaker (Sen. Pareno) in the Chair]

Again, I urge young people that when they get the opportunity to join the polytechnics, they should give all their attention to what they are taught. If they do this, by the time they leave, they will be able to support themselves and take care of their families. Today, many of us are complaining that young people are jobless, but in every county--- Even as we were coming here, a young man was asking us to help him get a job. Anywhere you go, that is the plea. That is the dilemma that our young people are in. I suggest that as we empower and encourage them to go to polytechnics and study, let us also think of some funds, not only to educate them, but also to even start small businesses. This will ensure that they do not go back to the streets or remain hopeless. Let us ensure that they can go back, form groups and start their own businesses, so that they can stand on their own and support their families. If we invest in their education and cannot support them to start businesses, then our investment is useless and may not help them a lot. So, let us think of how we can empower them and walk with them.

Our young people today are missing a lot in life because they have no role models. We all condemn our young girls because of moving with old men, who misuse them and, at the end of the day, frustrate them. This is because they have no alternatives. We, as mothers, as we discourage them from doing that, what alternative can we give to our boys so that they are not misused by older ladies? It is high time for us, as a nation and as leaders, to think of how we can deliver our young people from the problems and challenges they are facing today. If we cannot do that, this nation will suffer. We are already suffering and we will suffer even more.

Thank you, Madam Temporary Speaker.

I beg to support.

Sen. Wetangula: Thank you, Madam Temporary Speaker, for the opportunity. I congratulate the distinguished Senator for Uasin Gishu for bringing this Motion. However, because of the constraints of time, I will be very brief.

Madam Temporary Speaker, we have a serious shortage of skills in this country. I remember that three years ago, a company that was undertaking the construction of a highway from Eldoret to Malaba wanted to recruit drivers for earthmovers and bulldozers. Surprisingly, in the whole of my county extending up to here in Eldoret, Kitale and Kakamega, they could not get anybody. Drivers are available, but they are not technically trained and equipped to drive earth moving equipment and those heavy equipment.

Madam Temporary Speaker, I visited South Africa a year ago and I found them importing welders, fitters and other technicians from Sri Lanka, Malaysia and India to do their work. Africa is now growing and we need skills. Therefore, in the process of approving this Motion, I want the Mover, Sen. (Prof.) Kamar, to consider the following, one, that, perhaps starting a polytechnic in each location is a bit too ambitious. We probably should think of one polytechnic in every ward; or maybe two serious polytechnics in every constituency. This is because if we start a polytechnic in every

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location, there is a serious risk of lack of personnel to teach; and there is a serious risk of lack of teaching equipment. There is no point of teaching technical skills without practical work using equipment in the polytechnic. Therefore, if we can have one polytechnic per ward which is properly equipped, they can then serve the purpose we want.

Secondly, Madam Temporary Speaker, is to realign the curriculum of a technical training with the aspirations of young people. When a young person goes to a polytechnic, he comes out and he is called a carpenter, a fitter or something like that. These are not very good titles. You will remember that in the colonial days, when the *wazungus* were discriminating against Africans, when an African was called a rat catcher, a *mzungu* was called a rodent officer. When an African was called a *chura*, a *mzungu* was called a sanitary engineer; and so on, and so forth. We should have titles that also encourage people, such that you can have an engineer grade 1, grade 2, grade 3 up to those who have degrees. Then when you are looking for them, he is an engineer with a certificate, an engineer with a higher certificate, an engineer with a diploma and then an engineer with a degree, or something like that. That will help.

Thirdly, Madam Temporary Speaker, it should also be appreciated that the national Government currently pays Kshs30,000 as tuition fees for every student in technical institutions. I have seen this because students in my county have been benefiting. We should, therefore, align what we are doing to see how, when we create these polytechnics, we can tap into national resources so that we can help children, particularly from disadvantaged and poor families, poor neighbourhoods and regions of the country.

Fourth, Madam Temporary Speaker, we also need to conduct a skills needs assessment. We are moving into the oil production and extractive industry sector where prospecting, mining, excavation and value addition of various minerals will be done. Therefore, when we train these young people in these technical institutions, we should not just be training them for the sake of transition; but in preparation for being productive in a growing and changing economy. This will be helpful.

Fifth, Madam Temporary Speaker, we also need to condition investors to know that when they bring an investment into this country - whether you are an old prospector where you are mining; whether you are a Chinese building another railway line to somewhere – a certain percentage of people employed in these structures must be recruited locally, if we are satisfied that we have enough skill. When you go to any road construction today, you will see Chinese nationals holding survey sticks and all manner of equipment, a job that even our own youth can do. You do not need any special skills to hold survey equipment to see that the road must be on a straight line; or to mark the width of the road. We are seeing all this happening, yet we have the capacity to train our youth to do these kind of jobs.

Lastly, Madam Temporary Speaker, as we want to train these young people, we need to realize that in this country, a certificate is the key to everything. We must, therefore, strive to make sure that we do not train them, spend money on them and then they go back home to become *boda boda* riders. We must find ways and means of absorbing them into the economy so that they see the worth of going to a post-secondary

school or post-primary school institution, so that they can be productive in a changing economy.

Madam Temporary Speaker, I beg to support.

Sen. Seneta: Thank you, Madam Temporary Speaker, for also giving me a chance to add my voice to this very important Motion. From the outset, I want to congratulate our host Senator, Sen. (Prof.) Kamar, for having thought deeply about this important function of the county governments.

Madam Temporary Speaker, I want to remind this House that polytechnic education and Early Childhood Development Education (ECDE) are functions of county governments, which we need to support. These are some of the functions where county governments must put a lot of resources and invest in. They must fully support these functions without leaving some parts of them being performed elsewhere in the Ministries.

Madam Temporary Speaker, when we were going round with the Committee of Education, we realized that the County Government of Uasin Gishu – which I want to congratulate – should put in some effort to revive some of the village polytechnics, which are right now called vocational polytechnics. I have seen some of these polytechnics having equipment and also the county government sponsoring some students there. County governments must ensure that they equip these polytechnics with the necessary equipment of good quality. These polytechnics must also be given proper, competent and adequate tutors so that they can transfer the necessary skills to the learners. County governments need to sensitize the communities on the importance of these village polytechnics.

Madam Temporary Speaker, we are aware of the issue concerning these village polytechnics in Kajiado and other counties. Most of our communities and students look at these as institutions for those who failed in their examinations. I think it is high time that county governments took an initiative of educating the community to appreciate these village polytechnics as important institutions that offer important skills to our people.

These polytechnics need marketing. I rarely see brochures or adverts telling students when the intake is on. I wish this campaign can be taken seriously by county governments to make sure that they advertise. They should advertise the intake to these polytechnics in vernacular radios and social media so that our students and communities can get to know when they are required to enroll.

When we were going round, I also realised the issue of courses that are offered in these village polytechnics. These courses should also be tailored towards the market. What does the market have at the moment? I admire one of the polytechnics we visited today that has very nicely equipped hairdressing. Professor was also given good service there this week. I think I should also visit the institution to empower them because they are doing good work; a market tailored thing. One cannot miss to get customers and work if you have those skills.

The courses must be developed according to the market and must be relevant to the community. In some of our communities where we are doing dairy keeping, livestock keeping and agriculture, we have a problem of getting the services of an extension. Many

of our students have decided to do engineering, office administration, business administration while our farmers are left behind with nothing to do in those farms.

If we can introduce farming in those polytechnics and other courses that are relevant to the community, this will help the students to earn a living in future within their communities.

Madam Temporary Speaker, the county government should also partner with them. I saw a certain section offering mechanical engineering and vehicle mechanics. At least some of our people should also be visiting those polytechnics to empower those young men and women who are doing that work.

I also saw some of them who were doing hospitality and catering. Why do we not give them work when we are doing capacity workshops, to serve us and we pay them so that at least we can empower them?

Finally, I would urge the county government through students' associations to support entrepreneurship skills. These students' associations should be registered and given money so that they can go and start their small entrepreneurship.

Madam Temporary Speaker, this is the way to go as a country and the only way to save our unemployed youth who are lining on the roads begging for handouts which cannot help them in their lives.

Thank you.

The Temporary Speaker (Sen. Pareno): Let us have Sen. Olekina.

Sen. Olekina: Madam Temporary Speaker, I thank you for this opportunity. I rise to support the Motion by the Senator for Uasin Gishu on the establishment of youth polytechnics in counties.

I hold the view that, first of all, before we establish these youth polytechnics in these counties, we must carry out skills audit and align it with the current development in this country.

This morning, we went through audit queries relating to the County Government of West Pokot.

When I look at this Motion, it is proposing that we should establish youth polytechnics in every ward. Sometimes I think we aim too much without understanding the reality of things.

Last year, a county such as West Pokot only managed to collect Ksh80, 000,000. They were allocated Ksh80 billion by the Equitable Share Fund. Before thinking about establishing a youth polytechnic in each ward, we must ask ourselves what industries are there. Do we have any industries where these youth will get local jobs once we train them?

Madam Temporary Speaker, Sen. Wetangula spoke about the oil industry that is very key. Even in universities, we are now training doctors and engineers. However, when we look at the oil industry, for every one engineer, we need 12 technicians who can only be trained in these youth polytechnics. If we decide that every ward will have a youth polytechnic, I think we will be missing the point.

It is my humble submission that we carry out a skills audit in every county. We have masons and everyone here is constructing; I do so almost on a daily basis maybe it is a fence, a small classroom. I just get a few people who are masons and some helpers. The first thing we need to do is to carry out this skills audit, since this issue of

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polytechnics is a devolved function. Let us, for example, see how many masons, carpenters and plumbers we have in Narok County before we decide to youth polytechnics there. They can be career driven.

I would support county governments doing a career day to find out the number of youths who are graduating from primary schools and then end up being *boda boda* riders. We should also find out from them what they want to do. We have one very good youth polytechnic which is about three kilometres from my home. It is a structure that was constructed by the county government, but they missed an opportunity to approach more investors to build students' hostels. If we identify a location where there is no private land that can be used to build students' hostels, then the county government should be prepared to either build the houses or offer land so that the students who will be going there can find a place to live and learn effectively.

We were told that the Higher Education Loans Board (*HELB*) provides about Kshs40, 000 per year as loans to these students. What happens to those youth who were given Kshs40,000 and were trained somewhere in West Pokot and graduated but could not secure employment? There are so many youths in Narok? How will they ever pay that money? As we propose to bring all these things, we need to realign our existing resources. We should look at how we can help these youth.

One of the biggest problems that we have in this country is that every county wants to copy something that looks interesting. We were ashamed today when we looked at the audit query of West Pokot County Government. It seemed as if the former Governor wanted to develop a city or a country because he had *ardhi* house and *maji* house yet they do not have water. Right now, the funds sent to the county governments are being reduced yet we are telling the county governments that they must build youth polytechnics. If that is what we want them to do, we must ensure that there is a fund which caters for the construction of those youth polytechnics during the Division of Revenue Bill. We also know that there is donor funding that supports these youth polytechnics.

I support this but we should not do it blindly. Let us look at the skills that we need. Once we sort out the issue of the Petroleum Bill and Energy Bill, we will have more investors coming and there will be need for more plumbers and electricians. We can then introduce those courses in the polytechnics that already exist.

Finally, it will be wrong for us to ignore the existing institutions. Some of us in this House benefitted from the Kenya Polytechnic and Mombasa Polytechnic. Those institutions changed from being polytechnics to universities. That whole scope of work changed. Therefore, let us do an audit before we move forward. I support this Motion but it does not make sense to say that we should build youth polytechnics in every single ward. Counties that are collecting very little money should only build two polytechnics until they are able to generate more revenue. That will help us to reduce the burden on the other counties or not to have a situation where the money that goes in cannot support the entire population.

With those few remarks, I support.

Sen. (Dr.) Zani: Thank you, Madam Temporary Speaker, for this opportunity. When education came to Kenya, there was a conspiracy where sectors were either identified as white collar jobs or blue collar jobs. To a large extent, people felt that one

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cannot eke out a living unless they have a white collar job yet the evidence is to the contrary.

The Committee on Education had a good time when we went to the Rift Valley Training Institute this afternoon. We saw high training levels at Technical Vocational Education and Training Institutions (TVET). They have robots that are going to be programmed to assist in building or carrying heavy blocks. That was impressive and it shows the level of advancement.

In developed countries, the issue of white collar jobs is a non-starter. Statistics are clear that the unemployment rate is high in Kenya and TVET is the only way to go. This will be worse if we do not have the technical and vocational education which will help young people to learn skills and jobs for themselves. That is an area that is expanding. There is a good conception of having exchange programmes. If you look at the papers, you will find countries like Canada and Australia advertise everyday for skilled labour within their countries. This gives an opportunity for partnership between organisations and these countries. We can have the young people, who have been trained in these particular sectors, go there to work as plumbers and artisans.

In Canada, Australia and many other countries, technical and vocational training is key and important. It is not seen to be demeaning. Its qualifications have been given substantially and there is chance to move on to the universities. We all know the problems that the youth face in this country. Many of them have been brought up with the idea that they are going to get big jobs with cars and houses. When they do not attain that, it drags them into frustration. We know of many youths who have not attained the kind of achievement they had hoped for.

The issue of funding is critical and comes to the fore. The Government has made an effort on this and we were informed that up to Kshs30, 000 is paid per student and about Kshs10, 000 to Kshs13, 000 is paid by the parents. That enables the youth to get trained.

As Sen. Seneta said earlier, we went to a hair dressing room, mechanical engineering room, civil engineering room and a room where they were repairing cars. The labour market is waiting for this impetus to be taken to a higher level. Some structure and guideline has to be put into place. As Sen. Olekina has said, skill assessment needs to be done. They should also be encouraged.

This is a systematic problem that we have dealt with from the beginning when we had the Sessional Paper of 1963 on education, the findings of the Ominde Commission and the findings of the Swynnerton Plan. The 8-4-4 Education System was to partly address the issue of technical and vocational training. It was to give the young people a chance to do other things and to create self-employment. Self-employment is going to be the key word moving forward, hence we need youth who have expertise.

The issue on what happens when they have these skills after training came during our field visit. There was also a question on funding because they wanted to know where they can get the tools. We have to ensure that they are empowered in one way or another such that they can get the tools for work after graduating. Without that, they will not have an impact.

There is variation at various counties and systemisation needs to be done. The Senate can do an assessment of the TVET institutions that exist across the various

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counties. It can gauge them in terms of equipment, execution and operations for us to have uniformity and to also look at how the training can be innovative in various TVET institutions. The institutions at the coastal region can focus on marine, fishing and blue economy so as to revamp the economy at that level. The Western bloc or the maize growing region like Uasin Gishu can look at how they can grow maize using technology and appropriate methods.

Most of these institutions should be categorized and also organized in such a way that there is no blind replication. Some of them are specifically focused and well-endowed in terms of being able to execute their mandate. This afternoon we visited the Rift valley Technical Training Institute and we saw they have been given the certification for being the best institution in the whole of East Africa. They are drawing people from Lamu, Mombasa, Nairobi, Kakamega and Kiambu. It has a membership of students of over 3,000. This was one of the very good model of seeing a success story. This institute has become the basis of benchmarking from the other counties.

Other counties need to benchmark from this institute which has been recognized at the East Africa Community (EAC) level. They need to look at some of the issues and the challenges they have had and how they have dealt with them. An example is about the blocks that they have built and the innovative way of allocation that was given to them which was not initially enough. They were given Kshs20 million. However, they waited up to the fourth year when they had an allocation added up to Kshs80 million for them to put up a tuition block. When you look at it, you can see that a lot of efforts and inputs had been put in place.

This point cannot be overemphasized for Kenya and many developing countries. The direction is very clear. For developed countries, they have driven in and implemented the idea of vocational and technical training by ensuring that people have jobs. They have been put at a level where these jobs are appreciated by all. That is the only way for Africa. I appreciate that we have the Principal Secretary, Dr. Desai, an expert in TVET who has put a lot of effort in this sector. With the Ministry and the Committee on Education, we have started very well. Sen. (Prof.) Kamar has also been instrumental in the institutions, the way they have been built and the capacity that has come from them.

We should also note that role modeling is important. We should encourage the young boys and girls in these institutions, that they can make it and make a big difference. Today, when we visited some of the schools and institutions, we found young men and women who had a positive way of looking at life, work and training. It is imperative for us to ensure that employment is created ---

Temporary speaker (Sen. Pareno): Kindly, wind up.

Sen. (Dr.) Zani: We need to give them a chance so that they make a difference.

It would be very wasteful for this country and a disappointment when a lot of investment has been made in that sector, and then, it does not turn out to churn out the young people who can make a difference to this country. This is the direction for us to go as Kenya, especially in the education sector

Madam Temporary Speaker, with those remarks, I support this Motion.

Sen. Faki: Asante, Bi Spika wa muda, kwa kunipa fursa ya kuchangia Hoja hii ya kuanzishwa kwa vyuo vya ufundi katika kaunti zetu. Ningependa kumpongeza Sen.

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(Prof.) Kamar kwa Hoja hii ambayo ameileta mbele ya Bunge la Seneti. Hoja hii imekuja kwa wakati mwafaka kwa sababu katika maeneo mengi ya nchi yetu kuna vijana wengi ambao hawana kazi baada ya kumaliza masomo yao ya darasa la nane na kidato cha nne. Kwa hivyo, Hoja hii imekuja kwa wakati mwafaka kwa sababu ni fursa nzuri ya kuweza kupanga hivi vyuo vya ufundi ili kusaidia wanafunzi ambao wanashindwa kuendelea na masomo yao.

Nikizungumzia Kaunti ya Mombasa, zamani kulikuwa na shule ambayo ilikuwa inaitwa Magalal na ilikuwa ikifunza mambo ya kiufundi; ushonaji nguo, useremala, uashi, fundi wa umeme, na kadhalika. Wale wanafunzi walikuwa wanashona sare kwa wafanyikazi wa Mansipaa ya Mombasa. Vyuo kama hivi vitatumiwa zaidi si kuwafundisha wanafunzi tu lakini pia kuwapatia ajira wale wanafunzi wanaofanya masomo katika vyuo vile ili wanapoondoka wanapata ujuzi na biashara ya kuendeleza maisha yao.

Jambo muhimu ningependa kuisitiza katika vyuo hivi ni kwamba lazima kuwe na ushauri, yaani *mentorship*. Vijana wengi wanaotoka katika vyuo vya ufundi na vyuo vikuu hawajapata ushauri wa kutosha vile watakavyoendesha kazi katika maisha yao mapya. Ni lazima tuwape ushauri wanafunzi wote; iwapo ni mwanafunzi wa uzamili, wa vyuo vidogo vya ufundi, wa hadhi ya *diploma* ama *certificate*. Hili linafaa kuwaonyesha ni vipi wataendesha kazi na biashara zao.

Vile vile katika vyuo hivi, lazima kuwe na somo la ujasiriamali, yaani *entrepreneurship*. Ikiwa mwanafunzi atafuzu bila ujuzi wa ujasiriamali, ina maana kwamba atategemea kuajiriwa miaka nenda, miaka rudi. Itavunja ule ujuzi ambao amepata pale kwa sababu hawezi kujiajiiri mwenyewe.

Kwa hivyo, mambo mawili ningependa yafundishwe katika vyuo hivi ni kwamba lazima kuwe na kitengo cha masomo ya ujasiriamali, *enterprenuership* na pia ushauri yani *mentorship* katika masomo ili mwanafunzi akitoka pale awe ni mwanafunzi kamili.

Sehemu nyingi katika Jamhuri yetu ya Kenya, mwanafunzi anapomaliza darasa la nane anaachwa pekee ili ulimwengu umfundishe. Labda kuna sehemu zingine ambazo watu wameendelea kidogo; wanafundisha wanafunzi kazi ya useremela na *mechanic*. Lakini katika sehemu nyingi wanaachwa bila kazi. Inakuwa rahisi kuwaingisha wanafunzi kama hao katika itikadi kali, madawa ya kulevya na uhalifu.

Hoja hii inafaa kuungwa mkono ijapokuwa kuanzisha vyuo vya ufundi katika kila wadi itakuwa vigumu kwa sasa kwa sababu kwanza Serikali za kaunti zina upungufu wa fedha. Pili, Serikali kuu pia haiwezi kuthamini mambo kama haya lakini inafaa kuanzia katika kila sehemu ya uakilishi Bunge tuwe na chuo kimoja cha kiufundi. Labda wakati huu itakuwa vigumu kufanya hivyo kwa sababu ya hali ya uchumi.

Ni lazima tuanzishe vyuo hivi kwa sababu wanafunzi hawatapata elimu katika taasisi zingine. Watapata ujuzi katika vyuo vya kiufundi. Upungufu wa teknolojia umekuwa mkubwa sana kiasi ambacho zile nchi ambazo zimeendelea zimetuacha sana. Vyuo vya kiufundi kama hivi vitasaidia kuleta teknolojia karibu; iwapo ni ya ukulima, useremela, ufundi umeme na ufundi wa kila aina. Itakuwa rahisi kuleta ile teknolojia mpya katika nchi yetu iwapo tutaweza kufanya vyuo vya kiufundi kama hivi.

Kwa kumalizia ningependa kumpongeza Seneta wa Uasin Gishu, Sen. (Prof.) Kamar, kwa makaribisho murwa aliotupa kutoka tulipoingia hapa Jumanne na mpaka

sasa nafikiri anaendelea kutuangualia vizuri. Twaomba atupe fursa nyingine ya kurudi hapa Kaunti ya Uasin Gishu.

Asante.

Sen. Chebeni: Thank you, Madam Temporary Speaker, I take this opportunity to thank Sen.(Prof.) Kamar for this timely and very important Motion. It is timely because we, as a nation, are dealing with the Big Four Agenda and the Vision 2030. This needs to be realized. It can only be realized if we send our youth to technical institutions to acquire skills that will be critical in the realization of the two.

Youth polytechnics are very important in our society. It creates a skilled manpower and, eventually, we will have a skilled society. We shall have plumbers, masons, hairdressers and electricians, among other technicians who are very important in our society today.

Having technical institutions shall improve and enhance our industrial productivity in terms of having manpower for our own local industries and hence grow our local industries and eventually become an industrialized nation. This will create employment for our youth. With their creativity, they will come up with companies that will employ other youths with the same skills. This will generate taxable income for the Government and improve the overall economy of our nation.

I agree with Sen. (Prof.) Kamar that we need to revamp the existing institutions and create awareness among the youth, especially, in the rural areas. Most of them are not even aware that these institutions are there for them. They are not aware that they can get bursaries; the Kshs30,000, that hon. Senators have talked about.

Madam Temporary Speaker, we shall solve many challenges among the youth of this country if we engage them in productive activities. We will solve unemployment, reduce dependency levels and the crime rates will go down.

Polytechnics should be made available and accessible to our youths.

With those remarks, I beg to support.

Sen. Shiyonga: Madam Temporary Speaker, I thank you for giving me this opportunity to support the Motion that has been brought by Sen. (Prof.) Kamar. I applaud her form coming up with this Motion. This Motion has come at the right time to the right people, especially during this era of implementing devolution.

Many youths should be absorbed in the youth polytechnics and vocational training institutes. The prevalence rate of youths living with HIV/AIDS is alarming. Over 300,000 young people in Kenya are currently living with HIV/AIDS. What are the factors that contribute to this? One of them is poverty. Poverty is unforgiving in our communities. Many of the youths are looking for employment and ways of earning a living just like other members of the community. As they do so, they get trapped and get infected with HIV/AIDS. Sooner or later, part of the generation in this country will be wiped out by this scourge if we do not engage the youths.

Madam Temporary Speaker, I also support my colleagues who talked about aligning skills in various counties with the opportunities in those counties. It is very important to note that skills, for example, in Turkana are not the same skills that are found in the county where I come from, Kakamega. So, it is high time that the vocational institutes are aligned based on what is important to the population of the youths in particular counties. This will enable us to make use of resources in specific counties.

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Finally, we need to reduce child labour in this country. Most of our young children especially below 24 years of age are being abused. It is high time we create opportunities in vocational training so that we can reduce the incidences of child labour. Thank you.

Sen. Mutula Kilonzo Jr.: Madam Temporary Speaker, I rise to support this Motion. I wish I had read this Motion before. We have had a problem which I would like to bring it to the attention of the Mover. While this is a devolved function, national Government has not funded it either through conditional grants or shareable revenue. To the extent this function has not been funded, the little the counties are doing, we have not managed as Senate, to interrogate and audit up to what extent the budgets of counties are incorporating this part of Schedule Four into their budgets and implementation.

In the last budget, we requested the national Government to consider a grant specifically to every county in excess of Kshs5 billion, which will enable these counties to set up these village polytechnics.

The issues raised by Sen. (Prof.) Kamar are without doubt. In Makueni, when you need plumbers and carpenters, you have to go and look for them in Machakos. Why? It is so because the technical institutes – except now that we have one – is highly technical. It does not offer the sort of labour that you would require for simple things as electricity or carpentry.

Although the national Government is now building technical colleges, one in every constituency, it is not enough. As we go along, there are more young people who cannot access universities or secondary schools and they are becoming criminals. Some are in Nairobi. It was a mistake to convert Mombasa Polytechnic and the Kenya polytechnic into universities. We have a crisis in the country. The ultimate goal, Sen. (Prof.) Kamar, is to sit with the Commission on Revenue Allocation (CRA) and in the recommendations they will make for purposes of county budgets, we must have a specific figure, like the one we have done for roads, on village polytechnics.

Once we ring fence a certain amount of money from the national Government for the creation of these facilities, the next objective would be to check whether that conditional grants – and that is the reason why I am saying ‘conditional’ – if given to governors, they will find a way of putting it into budgets for reasons other than village polytechnics.

The Members of County Assemblies (MCAs) are busy chasing for their Equalisation Fund and most likely, we would not see this as a good thing to do. A conditional grant where we are supervising would ensure that at the first instance, because I am not quite certain whether we can, as proposed by Sen. (Prof.) Margaret Kamar, that you can establish youth polytechnics in every location. This is extremely difficult but we can come up with a structure. In a county, at the beginning, we can have one polytechnic in every ward. It would make it easier so that we can have things that we can target.

Makueni County has over 3,217 locations. It will take us a lifetime to attempt to do this *vis-a-vis* the sort of allocations counties are getting. I would have proposed a faster method; put them in every ward. It is easier to manage them that way even if we make them flagship projects. But the first time we begin defending this function, the way we defend the function of roads and health, the better so that we can offer an opportunity

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to the young people and even the old because it is not only the young. We have skilled labourers for example, plumbers who started their plumbing a long time ago but they do not have certificates. There is a place in Nairobi near Jamia or Khoja Mosque – I confuse it – but it is on Moi Avenue. Every morning, there are Kenyans who sit there who are either painters or plumbers ---

The Temporary Speaker (Sen. Pareno): For your information, I think we have 1,450 wards countrywide. So, it is manageable.

Sen. Mutula Kilonzo Jr.: Madam Temporary Speaker, yes. That is what I am saying. The Motion has proposed every location in a county. If it was Makueni, you would have 3,117 locations which would be much more difficult than setting up 1,450. We have over 3,000 villages and locations. Locations are less. That would form a good basis for us to set up these polytechnics and make it a must. We have asked the National Treasury to give us money to build county headquarters and county houses---

The Temporary Speaker (Sen. Pareno): You have one minute so that we have time for the Mover to reply.

Sen. Mutula Kilonzo Jr.: There is no reason why a Motion like this cannot get the sort of support that we gave Sen. (Eng.) Karue, former Senator for Nyandarua, to create five headquarters where each got Kshs465 million. It is possible. If we cost how much it would take for us to have 1450 youth polytechnics through the Commission on Revenue Allocation (CRA), we can make sure that have a budget to do this in the negotiations that will start in December.

I thank you, Madam Temporary Speaker. I also thank Sen. (Prof.) Kamar for the wonderful hospitality in the “County of Champions”.

The Temporary Speaker (Sen. Pareno): Senate Minority Leader, I wish that you be brief so that we have the Mover to reply because we would like to conclude.

The Senate Majority Leader (Sen. Murkomen): Madam Temporary Speaker, first of all, I would like to congratulate Sen. (Prof.) Kamar. For those who know, this is the work that she is taking forward from where she started, having been a lecturer at Moi University then rose to the level of administration having served as a principal of a whole college for over 21 years if I am not wrong. Thereafter, she served as a Minister of Higher Education, Science and Technology and she was also passionate. She was in charge of matters of education especially related to technical institutions. That shows she is passionate in so far as education is concerned.

The good thing with village youth polytechnics is that you do not have to know good English or Kiswahili. You only need to be trained in metalwork, roofing and so on and so forth. You can also do masonry and many other things. If we want to deal with unemployment in this country, this is the direction we must go. As a Senate, we must support that.

The problem is that once village youth polytechnics were devolved to counties, many of the governors felt that to be seen to be working, they need to put up huge buildings or tarmac roads. Even if you want to tarmac a road as a county government, you require five to ten years to complete a reasonable tarmacked road. The most important thing to do for you to have a quick win is to establish youth polytechnics as structures and institutions for resolving the question of unemployment; so that self-employment can be achieved in the counties.

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Since I do not think there is any reason why this motion should spill over to Tuesday, I support Sen. (Prof.) Kamar. I thank her for coming up with such a very wonderful Motion and creating and imagining about us pushing counties.

I agree with what Sen. Mutula Kilonzo Jnr. said. We can create a conditional grant purposely to support this sector. The good thing about a conditional grant is that it is used to assist in perpetuating the national policy. Since our greatest concern at the moment is about unemployment of the youth, we can take advantage in the next budget to think through pushing county governments and ring-fencing money through conditional grants to ensure that at least every ward, to start with, has a polytechnic as we move towards locations and so on.

If we have 1450 youth polytechnics in every ward, then we can slowly move to sub-locations and so forth and then it can be supplemented by the TTIs that have been built in every constituency. Where a TTI has been built in a constituency, the other wards can start by having youth polytechnics.

Thank you, Madam Temporary Speaker, I beg to support.

The Temporary Speaker (Sen. Pareno): Having no further interventions, I now invite the Mover to reply.

Sen. (Prof.) Kamar: Thank you, Madam Temporary Speaker. May I appreciate all the Members who have contributed to this Motion; Sen. (Prof.) Ongeru, Sen. (Dr.) Musuruve, Sen. Milgo, Sen. Pareno, Sen. (Rev.) Waqo, Sen. Wetangula, Sen. Seneta, Sen. Olekina, Sen. (Dr.) Zani, Sen. Faki, Sen. Chebeni, Sen. Shiyonga, Sen. Mutula Kilonzo Jnr.; and Sen. Murkomen. I appreciate the contributions because they have supported this Motion overwhelmingly. I also appreciate the concerns that have been raised.

Madam Temporary Speaker, let me just clarify a few things. The first one is on the issue of what should we do first; should the polytechnics be at the location or at the ward? I think that is going to be a matter of procedure; therefore, let us approve the Motion as it is for the locations. The way we process it at the county level is different from how we will end; but that should be the goal. The reason I am insisting that the goal should be to have them at the location level is because I have just given you the data on the transition from Class Eight. All of us should be concerned, because the transition rate to secondary school in Kenya is below 60 per cent. The question, therefore, should be where are the 40 per cent going? The highest transition in Kenya is in our Majority Leader's county, Elgeyo-Marakwet, which is now at 78 per cent. They are the ones who are pulling us a little higher. However, they still have many students who are drop outs; but they are not really dropouts, because they have completed Class Eight genuinely, but they are nowhere now. My concern is where we will park them. We must give them an avenue for them to be somehow skilled.

Secondly, Madam Temporary Speaker, the training that has come with TVET these days is modular. You can even go for training on painting only; and you will paint to perfection and then go out into the market. After that, you can go back and do carpentry. Therefore, I am pushing for allocation so that it can provide a classroom for tailoring only. Let the youth have an avenue where they can go and train. I still feel that if every ward could have a venue for their students to go and learn, they will have an

opportunity to become something in life. At the moment, our youth are desperate; they feel that there are no jobs and that there is nobody training them.

Madam Temporary Speaker, since the Government announced this year that training in national polytechnics will be free, we have seen that our people have now woken up. This means that there are others who are looking up to their parents, but they cannot ask for money. Therefore, they are desperate to be somewhere. We can begin with cheap technical vocational courses, like the fantastic salon that we saw today which was completely full, yet the investment is not that expensive. It is how we process it, but I support that we need to allocate some money for these conditional grants.

Madam Temporary Speaker, I still ask the Committee on Finance and Budget whether the money has really followed the functions. Have we released money that is commensurate to the functions devolved? We need to hear the voice of our Committee on Finance and Budget, so that we can start fighting for what is rightfully in Schedule Four, because we want it to be implemented. For us to implement it, we can even have other technical courses including agricultural courses. Kenya is a signatory to the Maputo Declaration on Agriculture and Food Security, where all countries pledged to allocate a minimum 10 per cent national budget allocation for agriculture. We need to look at how we can implement that.

Finally, Madam Temporary Speaker, the polytechnics in Nairobi and Mombasa were not changed to universities; they are technical universities. In fact, a technician can grow and join the Technical University of Kenya (TUK) – formerly known as Kenya Polytechnic – or Mombasa Technical University because they are technical colleges.

Thank you for the support.

Madam Temporary Speaker, I beg to move.

The Temporary Speaker (Sen. Pareno): Hon. Senators---

The Senate Majority Leader (Sen. Murkomen): On a point of order, Madam Temporary Speaker. This is a Motion concerning counties. If I may speak on behalf of the Mover of the Motion, it will only be right that we defer putting of the Question to the next day so that we can do a proper Division.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Pareno): Hon. Senators, thank you for that intervention. Having heard your submissions, I now rule that this is a matter that touches on counties and, therefore, it will have to be a vote by county delegations. That means that we put it off to the next Order Paper, as we resume next week.

(Putting of the Question on the Motion deferred)

ADJOURNMENT

The Temporary Speaker (Sen. Pareno): Hon. Senators, it is now 6.30 p.m., time to interrupt the business of the Senate. The Senate, therefore, stands adjourned until Tuesday, 2nd October, 2018, at 2.30 p.m. in Nairobi.

The Senate rose at 6.30 p.m.