

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Tuesday, 16<sup>th</sup> July, 2013

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

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

### PRAYERS

#### QUORUM CALL AT COMMENCEMENT OF SITTING

**The Speaker** (Hon. Ethuro): Order, hon. Senators. We need to determine if we have a quorum.

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

I am informed that we do not have a quorum. Ring the Division Bell.

*(The Division Bell was rung)*

Order, hon. Senators! We now have a quorum. Let us proceed.

### NOTICE OF MOTION

#### SETTING UP OF MODERN ABATTOIRS BY COUNTY GOVERNMENTS

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

THAT, aware that the pastoralist areas account for the largest proportion of livestock production in Kenya estimated to consist of 81 percent indigenous cattle, 92 percent of sheep, 93 percent of goats, and 99 percent of camels; further aware that livestock is the economic mainstay and source of livelihood for the populations in these areas; noting that it has potential to reduce unemployment especially among the youth by supporting livestock based industries; concerned that this economic potential in production remains untapped while the areas continue to lag behind other parts of the country in development; cognizant of the renewed Government commitment to transform livestock production; recognizing that livestock products enjoy an insatiable market both locally and abroad; further aware that value addition would enhance marketability

and returns from livestock; the Senate urges the national Government to urgently facilitate respective county governments to set up modern abattoirs and related facilities to stimulate livestock production and business.

### MOTION

#### ESTABLISHMENT OF NATIONAL YOUTH SERVICE OUTLETS IN ALL COUNTIES

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

*(Sen. Elachi on 11.7.2013)*

*(Resumption of Debate interrupted on 11.7.2013)*

**The Speaker** (Hon. Ethuro): Hon. Senators, as indicated, this Motion has a balance of one hour and 20 minutes. The last contributor to this Motion was Sen. Beth Mugo who concluded her contribution. Do I take it that there are no other contributors?

Sen. Murkomen, you have not given to the Chair strong indication that you want to contribute. This is the only chance. If you do not make use it, there may not be another one. You had better make use of this one.

For avoidance of doubt, proceed, Sen. Murkomen Kipchumba.

**Sen. Murkomen:** Mr. Speaker, Sir, I would like to make a few remarks in as far as this Motion is concerned. First, I would like to congratulate my colleague and our Chief Whip, Sen. Elachi, for thinking through this.

It is important to note that the Jubilee Government has always made an emphasis that the youth should be given opportunities in terms of employment and business, so that we, as a nation, can prosper. We know that the current demographics of the country indicate that over 70 per cent of the population is less than 40 years of age. It is important to note that if we do not provide a lasting solution to the unemployment problem, we will

be unable to solve issues of insecurity, drug and alcohol abuse. We need proper training and opportunities provided for the youth. In fact, I would like the Government to note that in the recent public appointments, few people represent the youth; few are under the age of 35. I expected that one Cabinet Secretary would have been less than 35 years. It is important that we have young people playing an integral role in Government. I would like to encourage the President, that in the remaining appointments, to consider the youth. I speak this way because I am young. I still have one year within that bracket of the youth. Sen. Lesuuda and Sen. Sang also fall within that bracket. It is still debatable whether Sen. Haji falls under that bracket.

*(Laughter)*

I want to appreciate that the President and his deputy for giving those who were running for various positions an opportunity to be candidates despite the fact that some of us were running against people who were considerably older than ourselves. However, in the remaining appointments in Government, I would encourage that more youth be considered.

Mr. Speaker, Sir, more importantly is the situation and position of the National Youth Service (NYS). Those of us who never went through the NYS as a compulsory programme--- Mr. Chair, I think you and other hon. Senators of this House were beneficiaries of this programme. The stories that we hear is that it was an important step in terms of building national values, engraining abilities to be self dependent, giving business skills to young people and so on.

As a former lecturer, one of the sad things that I would like to note is that, our universities have now been reduced to a place where we churn out graduates who cannot practise. For example, someone is a graduate of civil or electrical engineering, but they cannot even connect wires because we have put a lot of emphasis on theory rather than practicals. It is important that the NYS is revamped and become an important institution. We should emphasise that before students proceed to university, they must go through the NYS programme. We should even come up with a National Service Day in the country where all of us give voluntary services. The USA has a designated national service day where people give free services to the public. If you are a lawyer, for example, on that day you are allowed to go to court for free and represent a particular client who did not have legal representation. This is one way of giving public service.

Mr. Speaker, Sir, those students who have not attained the academic qualifications to proceed to other colleges should be trained. These institutions, as provided for in this Motion, should have outlets where absorption of those who have been trained---People go through the NYS and they are dumped in a particular location. There are no clear mechanisms on how to absorb them. In fact, all the people who go through the NYS should be given the first priority in the Youth Enterprise Development Fund (YEDF) that was set up. We should identify those who have received necessary skills and give them money to use those skills for purposes of building this nation.

Mr. Speaker, Sir, this is a very important Motion. I would like to use the remaining one minute to request that the implementation committee and this House ensure that this Motion is implemented. Beautiful Motions have been passed here but we

should ensure that we follow them up and ensure that the relevant departments of Government are able to implement the directives that are given through these Motions.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): Sen. Karaba.

**Sen. Karaba:** Thank you, Mr. Speaker, Sir, for giving me this chance to contribute to support of this Motion. This Motion is crucial to the country's development. It is also an inspiration to students in this country who complete Form Four and move out and wander around, not knowing what to do. Every year, we have a tune of about 400,000 students who complete Form Four education. About 20,000 of these students end up in universities. This means that the rest of the number, more than 300,000 of them, is out there not knowing what to do. Therefore, if this Motion is passed, it will be an avenue of helping many youth move to the NYS and get trained to acquire skills that are necessary for industrial development in our country.

Mr. Speaker, Sir, we note that skilled manpower is lacking in many areas. When we have to develop some projects, the semi skilled manpower is a very important requirement. We have not been able to train our population in certain skills which can only be acquired at the NYS. It is important for us to also consider the people who will train those admitted to the NYS. We need to be careful on how skills will be imparted. We need to get the correct way of training the trainers so that they are not seen like the military type. They should be seen as having a scholarly attitude so that they do not scare away the youth. In the past, the NYS was dreaded by the youth as a den of committing the youth to hard labour. We need to develop a curriculum on who will be trained. The trainers should be experienced graduates who can teach in high schools and universities. The students who leave the NYS should not be seen as people who have just acquired manual skills.

In the past, recruits of the NYS were trained on how to construct roads, bridges and so on. Anybody can construct roads. It does not require a lot of knowledge to do this. However, if we can include some engineering, electrical or mechanical aspects, this will attract the youth. After this, it can be a requirement that any employer willing to employ should, first of all, employ a graduate of the NYS. If this is a commitment by all employers in our country and more so the Government, this will attract serious people and we will have a good labour data bank which can be used in developing many projects.

Mr. Speaker, Sir, I have had a chance of visiting Malaysia with a committee in 2004 and what we saw there was wonderful. The capital city of Malaysia, Kuala Lumpur, was designed by students. They were the ones who decided the kind of roads and bridges to be erected. They design and come up with very good architectural work which is then used by the Government. The students are given a chance to evaluate their skills. These are the skills that generate very good projects which are enviable. If we can do the same in Kenya, where the students who come from the NYS acquire skills, especially specialised skills, this can develop our country. We will end up not using a lot of money hiring foreign labour. That is one area where the Government uses a lot of money.

Mr. Speaker, Sir, I watched how the Thika Super Highway was constructed. We used the expertise of the Chinese. Even if they did a good job, they did a lot of other things which are morally not very good. If we can use our people, who will later on be

used to construct such roads, I am sure such skills will be wonderful. Those skills can then be used to construct a good road network in this country.

Mr. Speaker, Sir, this is a very important Motion and I congratulate the Mover. I would like Sen. Elachi to bring amendments that are necessary to ensure that the NYS is a serious institution that is staffed with qualified personnel. We need to ensure that NYS recruits develop the country. We do not want the military kind of training, but the academic one. We also need to open up more NYS centres instead of just Nairobi and Gilgil. We need more centres to allow transfer of labour to other projects which are in the neighbourhoods without going into unnecessary details of recruiting labour from elsewhere.

Mr. Speaker, Sir, I beg to support.

**The Speaker** (Hon. Ethuro): Kennedy Mong'are.

**Sen. Okong'o:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to this very crucial Motion brought by my friend, Sen. Elachi. I support this Motion by saying that time has come for our youth to be engaged in very constructive work. By devolving or creating outlets to counties, the youth will have meaningful work. For example, in my county of Nyamira, there is ongoing construction of Ikonge-Chabera Road. It is surprising that the youth of that area are not engaged because they may not have actual skills. If we had an outlet where there were skilled youth, they would be absorbed in this kind of work.

More often than not, we have experienced many disasters in this country, be they fire or road accidents. It takes quite a long time to get rescuers to disaster areas. If we had NYS outlets, lives can be saved. This Motion needs to be supported. We should move all the necessary amendments so that we capture the concept of devolving units to all counties. Recently, I was with some graduates from one of the local universities who had studied marine studies. They went through the in-service training at the NYS. In fact, they graduated the other day after they got the physical fitness training, after what they had acquired in class. That was splendid. I support this Motion so that we move on in this direction.

Mr. Speaker, Sir, Cuba has made it mandatory for the youth, from the ages of 15 to 25, to go for in-service training. In those countries, calamities are arrested promptly because there are people who are on standby. When some of us were attending the inauguration ceremony of His Excellency the President, we were driven in buses which are from China. The NYS officers were on board to drive some of us. It is appropriate if these kinds of outlets are set up in counties so that the youth can get employed in hospitals and in road construction. I heard my colleague, Sen. Mwalimu Karaba, say that anybody can do construction of roads. Not anybody can be involved in construction of roads. It is only those who are trained in some specific areas like doing culverts and other areas which require expertise. For some of us who had an opportunity to have some basic training at NYS, even if we were pursuing an academic line, it also assisted us in various areas such as endurance.

Mr. Speaker, Sir, if we have to think about the young people of this country, we need to devolve the NYS units. Our Government can deal with the Chinese who have given backup to the current NYS. This will help get rid of the hopelessness in our youth. If we do this, we can develop this country in line with Vision 2030.

With those few remarks, I beg to support.

**Sen. Murungi:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to this very important Motion. I also want to thank the Secretary General of the “Bus” Party, who is our Chief Whip, for bringing this critical Motion to this House.

Mr. Speaker, Sir, the Motion reads: -

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

Mr. Speaker, Sir, one of the greatest challenges that we are facing in all our counties, without any exception, is in the area of youth poverty, unemployment and hopelessness. I have been involved with the youth since I came to Parliament, way back in 1992, when we formed the South Imenti Youth Development Programme and tried to see what we could do to uplift the rural youth in our constituencies. This is a very difficult problem with no easy solutions, because there is no Government which will come in Kenya and be able to provide jobs for all the youths. Right now, in fact, every Member of Parliament will tell you that the biggest challenge that we have is unemployment. In every home that you will visit today, you will be given curriculum vitae (CV) and told: -

“So-and-so has got this and that skill, be it “O” Level, degree, *et cetera.*”

The problem is big. We are not creating jobs at the same pace as the way people are graduating from universities. Universities, secondary schools and primary schools have mushroomed, but job opportunities have not. It is for us to be very innovative otherwise, we are going to create a very hopeless and dangerous society where people cannot survive.

Mr. Speaker, Sir, I think that the focus that we had of the National Youth Service (NYS), where we targeted university undergraduates, was wrong. This is because the undergraduates took it as punishment and many of them ran away from Naivasha. We have very many other youth who really need this service. There are those who get a mean grade of D in secondary school examinations; and there are those who do not pass and, hence, do not look for very high level jobs. There are many opportunities that we can open for them within our counties. For instance, we have been talking about making roads in our counties, through labour-intensive methods. We are spending so much money on the foreign contractors doing our roads in this country. If you look at the billions that we are allocating for roads, those are youth jobs that we are exporting to

other countries. Europe did so many roads without any tarmac through the Julius Caesar technology, where they just arranged stones nicely and compacted them. Those are the Roman technology roads. They have tried that technology not long ago in Eritrea and the roads there are passable. Why do we not have the NYS disciplining the youth in various camps in our counties and then we allocate money to do rural roads using youth labour?

Mr. Speaker, Sir, we are opening water projects, which is a major problem in all our counties. Why do we not get the youth to be the ones involved in laying the pipes? There are various other things that we can do with the youth who are disciplined and organized. I do not see why we do police recruitment across the country, among people who have no basic training. Why do we not recruit from the NYS? We should recruit youth from various counties, who have undergone NYS training. So, when you want to recruit, say, 100 policemen from Kisii, you should go to the NYS and find out whether there are 100 youth from Kisii, and recruit them. The same thing should apply to recruitment into the Kenya Defence Forces (KDF). Why do we recruit people into the KDF when we have people who are already semi-trained? That direct recruitment should stop, so that we can encourage people to go to the NYS, from where they will be recruited into the other disciplined Forces.

Mr. Speaker, Sir, this frustration among the youth and graduates is real and we have seen it. The other day I met a Minister for Disaster Preparedness who had gone to Philippines because there are a lot floods and other things there. I asked him: "What skills are you going to gain in Philippines because in the interior of Africa we are unlikely to have massive floods? He said: "You know, *mheshimiwa*, you are correct." The biggest disaster that we are going to have in Africa is really not a natural disaster, but a social disaster. Actually, he was a Ugandan and he told me that in Uganda, they have so many private universities which are coming up. I think there were 11 at that time. He said that there were MBA courses, where students were learning strategic management and good English. What will they do with these skills when they come out and find that there are no opportunities? They will be organizing demonstrations and destabilize systems. This is what we are training our youth for. So, the disaster that we should be preparing for is the one that we have created ourselves; the social disaster which will bring major political problems in the whole of Africa, because we are not giving people relevant skills. We are training people for unemployment.

Mr. Speaker, Sir, I support this Motion because if we have NYS camps in every county, this will be a transition point where one will leave secondary school and instead of loitering and spending time in the village, you will learn some skills. What we need are engineers and artisans for the development of this country. Even in the Army itself, if we can enlarge the engineering component, so that we are able to make so many roads from our own Army engineers, instead of employing the foreign contractors, I think that we can use the money in this country better and make more roads.

Mr. Speaker, Sir, the issue of the youth is a constitutional issue. This Government has said that it is going to give priority to promotion of youth enterprise. The practical steps are like this one that we are talking about here today. Let the county youth service centres be areas where we will provide that expertise. Let them be the breeding grounds for incubating youth enterprise for creating businessmen and also the staging ground from which our disciplined forces recruit. If we will have those centres, we will also be providing opportunity for teachers. I have seen many teachers in the so-called village

polytechnics going without employment or salaries for a long time. We can also create teacher training colleges where we can train the youth for those polytechnics and tertiary institutions. As a result, they will help us as masons, welders and such things. You will be surprised that when we were doing the pipeline from Nairobi to Eldoret, we had to get industrial welders from China. Why can we not train them in this country?

Mr. Speaker, Sir, there are a lot of opportunities and I think that this Motion has come at the right time. The relevant Committee should follow it up to make sure that resources are channeled to the NYS. But the NYS itself should devolve to the various counties, so that we can sort out this issue of youth unemployment, apathy and hopelessness.

Mr. Speaker, Sir, with those few remarks, I beg to support.

**Sen. (Dr.) Zani:** Thank you very much, Mr. Speaker, Sir. This country has had a tragedy of dealing with the youth, for which it has not planned in terms of activities and what is expected of them. It is a large group of people, 15 to 35 years old, who are so troubled by various factors.

Mr. Speaker, Sir, one of the things that are troubling the youth right now, really stems from the family, which is the primary unit that raises any youngster in this country. Many youth come from broken families and are exposed to drunkenness, drug abuse and lack of self-esteem. Many youth in this country are crying for help. The situation is made worse by an educational system that is very formal rather than informal in certain aspects. It has been stated that, especially in terms of technical skills and considering our Vision 2030 and actually ensuring that manufacturing and agriculture become key sectors, these have been ignored in the educational sectors.

That is why Sen. Kiraitu said that at the end of the day, there are all sorts of courses that are being offered. Remember that education expansion has been a good thing. Right from Independence up to now, the level of expansion at primary, secondary and university has really increased over time, both in terms of access to, participation in education and attainment for that specific education that students are taken through. Unfortunately, at each of these levels of transition, very little is done to ensure that, that resource is turned into useful labour activities. So, at the end of it all, we expect students to have gone through university. Remember now that the universities have got both what we refer to as Module I and Module II programmes, that means an expanded set of students who are acquiring skills that they are not really about to translate, to make sure that they get into self-employment.

Mr. Speaker, Sir, this country has killed innovation among our young people. There is a story of a young man from Kitengela, who has caught the eye of somebody called Ted Turner, who is the owner of CNN. This young man discovered that by just having lights, you can actually detract lions. Since he had passion to ensure that he protected his father's herd, he looked for an innovative way of ensuring that one way or another, the herd that he was taking care of would be protected. Did Kenya recognize that? It took somebody else, who is an outsider. This is the sort of innovation and energy from young people that we need to nurture. It is high time that in this country we really looked hard and thought about the technical skills.

Mr. Speaker, Sir, this whole thing is also historical. During the colonial times, of course, blue-collar jobs were made to be looked down upon and everybody aspired for white-collar jobs. But it is about time in this country – 50 years after Independence – that



we have a total mindset change, so that we begin to look at technical skills, blue-collar jobs and agriculture, because that is where industries can really develop from. We should encourage our youth to move to technical training rather than formal education. There is capacity for self-employment in this country in all sectors. I think that leaders should pay attention to the Youth Enterprise Development Fund and other funds, to ensure that really it has become a reality. We cannot talk about unemployment day in, day out. What are we doing on the ground? We cannot give promises. We are talking about university students, and Sen. Kiraitu has mentioned this. One of the things that really people fear is that with a lot of education and without outlet, then people might even turn to criminality. It has not been a surprise that over time, some of these criminals have actually been our graduates and secondary school leavers. This is because innovation entails that if you have an idea, but not an outlet for it, then you will put it into any avenue that is really available for you. I think that we are really sitting on a time bomb and a group of energetic youth, who even during elections time have been used for violent activities, because of their energy, time, mindset and the way they do things. It is very important that we change that.

Mr. Speaker, Sir, in the early 1980s, the Government at that time introduced the NYS. The NYS, at that time, targeted students who were actually just about to go into the universities. It was a programme for just about three months and many people went for it. Apart from the educational value, there was the technical as well as the discipline value that went into it. There was a sense of righteousness; there was a sense of what needed to be done and what had to be done, and a sense of ensuring that it was going to be done. I remember that many people who left that programme were changed people. We left as people who would wake up in the morning with a focus; we woke up as people who knew that once you set yourself a goal, you were going to attain that goal.

Unfortunately, most of the people who went to the universities used those skills for stone throwing; and, now, they had a more co-ordinated approach. So, we had all the terminologies to use – *afande, ajuab* – and we used those skills to our advantage. But there was an advantage in that particular programme. I think this is the advantage that we can tilt, take it to a national and county government level and begin to tilt the mindset, not only towards a formal acquisition of education, but everything else that comes with it. This is especially so given the sort of background and all the things that are happening to our youth both in terms of, for example, harmful cultural practices; and Article 45 of the Constitution protects the youth from harmful cultural practices. There are so many girls and boys who are not able to proceed with their education; girls because of early marriage and other harmful practices such as Female Genital Mutilation (FGM). It is within this context that we can turn that training to something useful and attractive.

*(Applause)*

The whole idea with the NYS, especially at the county level, means that each county can be very focused with regard to the sort of skills and training that it wants to give to those particular constituents. I think that in such a programme, the technical aspects and the discipline aspect should not be lost and, may be, other skills, for example, nursing and a little bit of agriculture can go into that programme. That programme should take a much longer time. It should not be a programme of just about three months,

because you can hardly learn enough within such a time. It is better to educate a person fully than to educate a person in half; then you are actually able to extract the best that you can extract from them.

So, Mr. Speaker, Sir, I would like to thank Sen. Elachi, because I think this is a very, very important Motion. It is a Motion upon which our youth can begin to have hope, and we want to focus not just on the formal, but on the discipline bit of it. We could also use such an opportunity to teach our youth about patriotic values. If you ask a young person aged five years old to sing the National Anthem in Kiswahili, for example, I am not sure they will be able to sing that anthem to the third stanza. What are our patriotic values? What are we looking for in this country? The American educational system actually went backwards and began to train their youth about what these national values are and how they are going to hold them together. This is so critical now, especially with the sort of disunity that we are experiencing arising out of regional, ethnic, social-cultural differences. Now, more than ever before, it is important that we give consideration to really keep together the national appeal and ensure that we keep that appeal together in county governments. I think that role can best be played by the NYS. I think a strengthened, more co-ordinated and more collaborative NYS will make a big difference in this country.

Mr. Speaker, Sir, I beg to support this Motion.

Thank you very much.

*(Applause)*

**The Speaker** (Sen. Ethuro): Sen. Linet.

**Sen. Nyakeriga:** Asante sana, Bw. Spika, kwa kunipatia nafasi hii ili niweze kuunga Hoja hii mkono. Kwanza kabisa, namshukuru Sen. Elachi kwa kuleta Hoja hii hapa. Pili, ningependa kuchangia kwa kusema kwamba kwa kweli tumewakumbuka vijana, haswa walemavu. Kwa upande wa walemavu, unapata ya kwamba sisi hatuna shule ambayo inawafunza vijana. Kwa hivyo, yatakikana vijana wawe waangalifu na wafanye zile kazi wanazopewa. Ningependa pia kuomba kuwa Serikali inapoajiri, iajiri vijana na ikumbuke walemavu kwa sababu vijana walemavu wako na nafasi chache zaidi. Tukiangalia haswa wakati askari wanapoajiriwa, vijana walemavu hawawezi kufanya kazi ya uaskari. Kwa hivyo, tunafaa kuwaangalia kwa upande huo pia. Nashukuru Serikali kwa kutukumbuka sisi vijana ili nasi pia tuweze kupata kazi.

Kwa hayo machache, naomba kuunga Hoja hii mkono.

*(Applause)*

**The Speaker** (Sen. Ethuro): Sen. (Prof.) Lonyangapuo.

**Sen. (Prof.) Lonyangapuo:** Mr. Speaker, Sir, I join my colleagues in thanking Sen. Elachi for bringing this Motion at this time when devolution is taking root here in Kenya. We are talking about youth in Kenya, and we are talking about the NYS, which was a very good avenue for churning out skilled labour; and which was funded by the Government as opposed to the polytechnics where parents and youth themselves paid fees. We read that when the NYS was established in the late 1960s, it generated and brought up well thought and well planned syllabi where skilled labourers – tailors,

masons, carpenters and various other types of skilled labour that was available then, including even drivers – were trained. During those days, it was said that if you got NYS training and you were a driver, it meant that you had undergone a lot of training and that you were in safe hands; and nearly all of them would get positions at that time.

Mr. Speaker, Sir, the problem now arose when it looked like the NYS did not tailor and improve on the agenda that had been given to them to produce this skilled labour. It reached a time when it became a place where people would just go to as a stepping stone when they wanted to be employed as police officers, army offices and so on, because they had to go through the NYS. Why was this the case? This is because their syllabus changed from paying attention to skilled labour to training people on physical preparedness where people were trained from dawn to dusk in drills, running and so on; which was good, but that alone was not enough. Again, I think there was also a shortage of funding because the Government did not put sufficient funds in the NYS to the extent that some of the existing outlets – like Sen. Elachi proposes to have more here – were closed down.

I know of one such outlet in West Pokot County which was closed down and which was very famous in the 1970s and 1980s, called Lomut NYS. The two main priority activities that were taking place there were cotton production, where they had hundreds of acres; and, number two, they were also keeping a very good breed of animals on top of the other courses that they were offering. I am also told that other NYS outlets closed down to the extent that we now only have the Gilgil outlet – which is not very feasible – and the one in Nairobi. The only time that I encountered the existence of the NYS was about three years ago in 2010, when the Government was rolling out the irrigation scheme in Hola, and the NYS officers were brought in to do farming there. Their work was very brilliant; they cleared the bushes, prepared the canals and this is what they are supposed to do. Today, they still recruit them but we do not know what they do in the stations where they are taken to.

Mr. Speaker, Sir, we expected that after they have been trained for one or two months, they are now supposed to go and work in the relevant field on attachments, like in the road works. You will remember that, two years ago, we had a programme called *Kazi kwa Vijana* and it was just manual work. We expected that this type of money would be taken to the NYS so that it can help them. I saw that a lot of donations, like buses from China, were given to the NYS, but we do not know what they do there.

Mr. Speaker, Sir, I support this Motion by saying that every county should have an NYS outlet; they can even call it “County Youth Service” if they want. The youth from that area should then be recruited such that after standard eight, anybody who has not made it to form one is taken there for relevant training. Similarly, those who would not have made it to the universities should be taken there for training which is relevant to their level of education. Those who have completed university education can also be taken there for training if they want.

Mr. Speaker, Sir, in the county where I come from and the neighbouring counties, we will not say “let us take only those who are educated.” We can also take those ones who are semi-educated so that the people are screened and taken though the changes in life that have come now. For example, if you are a pastoralist, you can be trained to be a better pastoralist through this programme that has been brought by the NYS so that we can have people we can depend on. If we do not pay attention to the evolution that we

have where we are churning out students from colleges having learned every course and they are pouring into the streets looking for jobs, it is a very serious disaster that will affect us in the years to come. Everybody has a mobile phone but they do not have any meaningful work to do. If I may give an example, we are just like the person who has a dairy cow and when he gets calves, a good dairy farmer would prepare the calf to either become a good producer of milk in future or a bull. But in our case, we are just churning out students and there is no future that we have prepared for them. We are hanging on to the mentality of those years where we used to say "My child, study and then you will get a job." There is no job now! So, we need to see how this situation can be changed. I heard the Deputy President say that we are going to build a polytechnic of substance in every county. We should link up all the technical institutions in every county to the National Youth Service (NYS) so that there is a linkage. Did you know that the uniforms for our officers are not made in Kenya? These uniforms can be made by the NYS if the tailoring units are enhanced and if they also revive the industries which have collapsed. This is a way of trying to re-introduce what we are supposed to do. We should not just be a nation that exports a lot of expertise or jobs to other countries and yet we can make use or utilize some of the manpower here.

Mr. Speaker, Sir, I support this Motion and would like to say that the Committee on Implementation should follow up on all Motions passed by the Senate and which touch on the livelihood and future of Kenyans. The Government should be able to implement these proposals in their programmes in future.

With those few remarks, I support.

**Sen. (Dr.) Machage:** Bw. Spika, nashukuru kwa nafasi hii ili niweze kuongea juu ya Hoja hii. Sen. Elachi, ametukumbusha kwamba Kipengele cha 43 cha Katiba yetu kinawapa nafasi vijana wapewe haki yao kiuchumi katika hali ya maisha. Pia Sura ya 13 ya Sheria za Kenya, Kipengele cha Sheria 208, kinampa Waziri anayehusika uwezo wa kujenga vituo hivi vya jeshi la vijana wa Kenya popote anapotaka. Yeye anaomba kwamba jeshi hili litawanywe na kuwekwa kwa kila jimbo nchini. Sio kwamba tunahitaji sheria mpya, kwa sababu sheria ipo na sio kwamba tunahitaji mamlaka mapya kwa sababu yapo, bali ni kumpa wasia Waziri anayehusika kwamba yuko na uwezo na ataanza kusambaza haki ya huduma hii kwa vijana wetu.

Jeshi la vijana wa Kenya limeandaliwa hapa nchini kwa miaka mingi, likatumika vile na vile lakini nakumbuka kwenye mwaka wa 2004, jeshi hili lilitumika kwa kukusanya vijana ambao wanaranda randa mjini Nairobi na miji mingine. Walipelekwa kwa mafunzo kadhaa wa kadhaa. Sisi hatujafahamu ni fundisho gani tulilolipata kwa jambo hili. Hawa vijana walipotoka, walienda wapi, waliajiriwa wapi, ni wangapi walifaulu kwa maisha yao na ni wangapi walirudi barabarani kuomba omba. Tunahitaji kuambiwa mpango huo ulifikia wapi. Lakini kuna ishara kwamba mpango huo uliishia hapo. Baada ya vijana kujua kwamba wanachukuliwa kutoka barabarani, basi wengi walijitupa barabarani kusudi wakusanywe na wapelekwe kwa jeshi la vijana wa taifa.

Bw. Spika, sio lazima tuangaze mawazo yetu kwamba ni wale ambao wamemaliza Kidato cha Nne tu bali kuna wale vijana ambao pia wana uwezo na wamemaliza Darasa la Nane lakini kwa sababu ya hili na lile hawakuweza kupata elimu nyingine. Kwa hivyo, ningesema kwamba sio tu kuandaa na kuanzisha vituo hivi lakini vianzishwe vituo vya madaraja tofauti tofauti. Hivyo ni vituo ambavyo vinaweza kuelimisha yule kijana ambaye amemaliza darasa la kumi na mbili au Kidato cha Nne na

vingine ambavyo vinaweza kuanzisha huduma za elimu kwa vijana ambao wana masomo nadhifu hata kama ni wa Darasa la Saba au wale ambao hawakupata nafasi ya kwenda shuleni kwa sababu sio kila mahali ambapo watu wote wamepata nafasi ya kuelimika. Hata hivyo ingekuwa vizuri kwamba jeshi hili lingejandaa kutoa nafasi za elimu na mafunzo tofauti tofauti kwa kila kituo. Hakuna haja kwamba kila kituo kitoe nafasi ya kufundisha mambo yote kwa kituo kimoja. Kwa mfano, Migori ichukue mafunzo ya uandishi, Kakamega ichukue mafunzo ya upishi, Pwani ichukue mafunzo ya uvuvi na kadhalika. Sikusema hivyo kwa sababu nataka hivyo lakini nimetoa mfano tu. Nisije nikaeleweka vibaya.

Hii ni kusudi kwamba watu wa eneo fulani wanaweza kutoka jimbo fulani na kwenda jimbo lingine ili mradi wapate elimu fulani na hapo basi kuna nafasi ya vijana kuchanganyika na kuwa na mawazo ya kizalendo badala ya kuwa na kituo kimoja ambacho masomo yote yanapatika. Haya masomo yawe ambayo yanaweza kuwapa vijana uwezo na uadilifu kuwa wataalamu kwa nafasi hizo ambazo wamepewa kusomea na wasirudi nyumbani tena kusumbua watu kwamba hamna kazi. Inafaa wawe wamepewa masomo ambayo yanaweza kuwapa uwezo wa kujiajiri. Haya masomo ni kama uhunzi, umekanika na kadhalika. Tukifanya hivyo kwa mpango bora, basi tutafaulu. Sio lazima kwamba jambo hili likienezwa kwa majimbo kwamba ni lazima wanafunzi hao waishi kituoni. Kwa sababu jambo hili limeenda mashinani, basi wanafunzi wengine ambao hawana uwezo wengine wanaweza kutoka nyumbani na waje kusoma. Wakitoka nyumbani gharama itakuwa chini na nafuu ili mradi huu usambazwe kila mahali. Hili ni jambo nzuri na ni la hekima. Hili ni wazo nzuri ambalo Sen. Elachi ameleta, kwa hivyo yafaa litiliwe maanani na kutekelezwa ili tufaulu.

Asante. Naunga mkono.

**Sen. Chelule:** Mr. Speaker, Sir, I rise to support this Motion and I want to congratulate Sen. Elachi for bringing it. I want to support the Motion because of the following reasons:-

The programme will build the capacity of our youths because this is a stage where they will be able to decide which way to go in life. It is a stage that will also take into consideration the issue of age. At some point, youths are faced with challenges that are brought about through peer influence. This programme will support them to decide which way to go in life. It is a programme that will also prepare them to use the Youth Enterprise Development Fund adequately. We all know that youths are not very enlightened on the matter of youth funds, therefore, they are not ready to utilize the funds just because they are not trained. This programme will build their capacity through training and they will be ready to utilize the funds. This will enable them to build their lives economically.

This will again prepare all the youths to promote peace. When the youths are engaged in different activities--- I was surprised yesterday because as I was going home, in my county of Nakuru, I saw very many young men sitting along the main road. When you see this, you will realize that there is a problem ahead of us. When you see youths or idle people sitting along the road, you might wonder what will happen next.

Therefore, this is a very nice programme and I support it. I know it will do a lot of good to our youths.

With those few remarks, I beg to support.

**Sen. Bule:** Bw. Spika, nakushukuru kwa kunipa fursa hii ili niweze kuunga mkono Hoja hii. Hoja hii ni ya muhimu sana. Hoja hii inaangazia matatizo ambayo yanatukumba kwa njia tofauti tofauti kutoka kaunti zetu. Maswala ya vijana ni ya kusikitisha sana. Asilimia 70 ya vijana haswa kule ninakotoka ni watu wa kurandaranda na ni watu ambao hawana kazi. Hawa ni watu ambao wamebaki nyuma kimaisha. Kwa hivyo, ni lazima Serikali iangazie swala hili na iwe na njia mwafaka inayowezesha kuleta maisha yao sawa na wengine.

Bw. Spika, Kipengele cha 27 cha Katiba kinasema kwamba kila mmoja ana haki sawa na mwingine. Kwa hivyo, yule kijana ambaye hajasoma yuko na haki sawa na mwingine ambaye amesoma.

Kwa hivyo, tunasema kwamba Hoja hii ni ya muhimu na yafaa Serikali itilie maanani ili tuwe na mahali pa kuhifadhi na kuwafundisha vijana hawa. Ujana ni kiungo muhimu katika maisha ya mwanadamu. Ujana ni umri ambao kila mtu anapitia na kila mmoja anajua shida ya ujana. Vijana hawa hutumika vibaya, vijana huwa shiftas na hutumiwa kuchukua ng'ombe wa wenyewe na kuuwa watu. Vijana pia hutumiwa na wanasiasa na kadhalika. Kwa hivyo, tusipowatumia vijana vizuri, basi tatizo halitatoka kati yetu. Kwa hivyo, ningepomba Serikali ichukulie Hoja hii kwa maanani. Kila kaunti yafaa iwe na mahali pa vijana. Yafaa tuwe na mahali pa kufundisha ama kurekebisha vijana ili kila kijana akitoka huko awe anaweza kupata elimu ambayo inaweza kumnufaisha usoni.

Kwa hivyo, ninaunga Hoja hii na kusema kwamba ninashukuru mwenye kuileta. Aliweza kukumbuka kwamba vijana ni muhimu na ni hatari. Tusiseme kwamba kijana ni yule wa Darasa la Nane bali kijana yeyote wa Kenya. Kuna wengine huwa wanaitwa chokora na ndio wanaleta matatizo. Wale ambao wanaleta matatizo ni wale ambao wamekosa nafasi huko mbele; wale ambao wazazi wao walikosa kuwapeleka shuleni. Kwa hivyo, wale ambao wamepata fursa ya kupata rasli mali Kenya hii ni wale ambao wazazi wao waliweza kusoma na kufanya biashara.

Jana katika magazeti, kuna picha za vijana; zilikuwa zimewekwa kwa gazeti kwamba wamepotea na wanatafuta wazazi wao. Vijana kama hao hawawezi kujua wazazi wao. Kwa hivyo, kuna matatizo huko mbele kwa sababu tusipowaangalia vijana hawa, wazungu wanasema, *spare the rod and spoil the child*. Mtoto asipolelewa vizuri hatakuwa mzuri. Juzi nilisikia kwamba *Al Shabaab* wananyemelea Kenya na kuchukua vijana. Kwa hivyo, tutakuja kupata Amerika imewachukua vijana wetu. Pia, vijana watakapokufa nchini Somalia, vijana wetu watachukuliwa kutoka hapa ili waende wakatumiwe vibaya. Tunataka kuwa na mafundisho ya vijana.

Sehemu hizo za mafundisho hazifai kutumika kuwafundisha askari. Hapana! Askari hufundishwa kuuu. Mtu ambaye ni askari hafai kuwa mwanasiasa. Askari ni mlinzi. Tunataka vijana ambao wamefundishwa kazi mbali mbali kama vile kazi ya kujenga nyumba, kupiga randa, kupiga tarumbeta na huduma zingine ambazo tunahitaji. Vijana wanapohitimu masomo hayo hawafai kuwachiliwa. Wanafaa kuonyeshwa kazi ambazo wanayoweza kufanya. Tunataka vijana wajue kupiga randa kwa sababu kazi hiyo huwa haihitaji masomo mengi.

Madereva wa malori na magari ambayo huenda safari ndefu kama vile Uganda, Burundi na Tanzania hawajasoma lakini wao huenda na kufika. Utaona Msomali akifanya biashara bila kuwa na masomo. Watu hawa hufanya biashara na kuwa na maisha mazuri hata kuliko Sen. (Prof.) Anyang'-Nyong'o, na watu wengine ambao wamesoma.

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

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

Naunga mkono Hoja hii. Ni lazima mambo ya vijana yaangaziwe na kutiliwa maanani. Sio lazima vijana wasome lakini wale ambao hawajasoma hutumika vibaya kama vile kuungana na mashifta. Kuna wengine ambao hawajui kusoma “a” na “b”. Hawa ndio wanaojiunga na vikundi vya Mombasa Republican Council (MRC) na *Mungiki*. Tusipoangazia mambo ya vijana hawa, Kenya yetu itakuwa katika matatizo mengi. Waswahili husema, asiyejua maana haambiwi maana. Yule ambaye hajui kusoma hajui ubaya wa mambo mengi. Mambo ya vijana yanafaa kuangaziwa. Baada ya vijana kukamilisha masomo, Serikali inafaa kuwapa pesa za kuanza biashara ili kujiendeleza katika maisha.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Melly, it is your turn. I must, however, point out to you that you have only five minutes. The Mover must reply in the next five minutes.

**Sen. Melly:** Thank you, Mr. Deputy Speaker, Sir, for giving me this chance to make my contribution on this Motion that concerns the young people of this country. First, the youth of this country continue to suffer. That is why we talk about insecurity in this country. Previous Governments have allocated money to issues regarding security. You will hear the Government say that it wants to purchase 200 vehicles for the police. The Government may also say that it will employ a number of policemen to take care of the security of this country. If young people were empowered and earned some income as we do, issues of insecurity would be long gone.

Secondly, I do not know whether the previous Governments have been serious in dealing with issues of unemployment. The retirement age used to be 55. However, the Government moved this to 60 years. There are a number of young people with new ideas and information who should have been employed by now. This country can be transformed by bringing new ideas and policies on how to deal with unemployment and other things. However, young people are not being given that chance. We increased the retirement age but at the end of the day, we will be deploying security officers to our counties to fight the same men who are our voters.

With regard to issues related to the National Youth Council, we held elections up to the constituency level. From there, some few politicians influenced some youth to go to court to challenge the election. A number of youths were organized at that time. Those who were in court knew very well that if the youth united, they would cause problems. So, this issue was done away with by the court. So, as we talk here, I am not sure that we are ready to address the issue of youth unemployment. These are the people who voted for us to be here today, the Upper House. This is at the expense of young people who are dying of poverty.

Today, our counties have said that they will give contracts to the young people. However, the challenges that will be faced include the procurement procedures. The procurement procedures in place do not allow the youth of this country who do not have experience and have not done anything else to succeed. They have not worked for any

other company. If we are serious, we should change the procurement procedures so that our young people at the counties are given contracts and start working.

This country is not so poor to the extent that it cannot support its people through employment and by giving them new ideas so that they create employment for themselves and others. The biggest problem in this country is unemployment. Money intended to go to young people cannot be accessed by those in need. This is because of the poor leadership that was in place. I want to make this clear to the Senate. We are here to represent the issues of the counties. I want to request the Government and all of us to unite and fight corruption. Any money allocated to the young people should go to the young people.

The National Youth Service (NYS) as proposed by the Mover of this Motion can play an integral role in ensuring that young people are empowered and that they can employ themselves and others. The NYS should come up with programmes that are in line with the needs of the counties. As we all know, all our counties need expertise, ideas and skills that come from the polytechnics and the NYS.

I want to urge the Government and the county governments, as one, to come up with good programmes tailored to the needs of each specific county. At the end of the day, when these people graduate from the NYS or other technical colleges, they can access employment in their counties.

With those few remarks, I support this Motion.

**Sen. Elachi:** Thank you Mr. Deputy Speaker. I will donate some of my time and remain with only two minutes. I will give Sen. Hassan Omar two minutes, Sen. Wako, three minutes; Sen. Lesan, one minute; Sen. Nabwala, one minute; and, Sen. Lesuuda one minute.

**Sen. Hassan:** Bw. Naibu Spika, leo nimeambiwa na mwenzangu, Sen. Elachi, kwamba tangu tuje katika Bunge hili, hatujazungumza katika Lugha ya Kiswahili. Msije mkaona kwamba hatuijui.

Pili, ningependa kuhimiza tuunge mkono Hoja hii kwa sababu ya kipengele kimoja tu. Katiba yetu ya Kenya imeangazia maswala ya vijana katika kipengele cha 55. Hakuna jambo ambalo tunafanya katika taifa letu ambalo haliendi sambamba na katiba yetu. Kwa hivyo, ningependa kumuunga mkono zaidi.

Tatu, tusiwachukue vijana ili tuwatumie vibaya na kuwapa mapato duni. Tunafaa kuhakikisha vijana hawa wanapata mapato ambayo yanaleta heshima kulingana na kipengele cha 28. Wanafaa kupata mapato ambayo yanaleta *human dignity* ili waweze kugharamia mahitaji ya familia zao.

Kwa hayo machache, nimeshukuru sana.

**Sen. Wako:** Mr. Deputy Speaker, Sir, I would like to thank Sen. Elachi for giving me three minutes. A lot has been said relating to the fact that this programme will give our youth skills. It is true that the NYS will give our youth skills because it has been shown that 75 per cent of the unemployed people are the youth. However, 94 per cent of these youth do not seek to be self reliant. They seek employment and hence bring about unemployment.

I just want to emphasise something that is not connected to skills. This is something that is very critical if we have to develop. This is character. You may have the skills, you may be brilliant but if you do not have a good character or uphold some values; if you do not subscribe to the values enshrined in our Constitution, you will get



nowhere. The NYSs all over the world have been used to mould character that would give credit to the skills that one has received.

I remember in Tanzania when universities went on strike, they said that the days of colonialism were better than the days after Independence. President Nyerere took these young people to the NYS to re-educate them on the values of Independence. The same thing happened in Nigeria.

We also have village polytechnics and other institutions like technical schools but the value of the NYS is that it also equips the youth with the necessary values that they require. Other than the NYS, as per the circular that came out in 2007, the training must be such that it trains the youth holistically in all aspects.

If you train these people holistically and they apply their minds to the training, they will end up obtaining their objectives. Without these characteristics, we will get nowhere. I want to emphasise that I support this Motion not only for the reasons given but also due to the fact that the NYS is where the characters of the youth can be moulded for the good of the counties and the development of this country.

I support. Thank you.

**Sen. (Prof.) Lesan:** Thank you very much, Mr. Deputy Speaker, Sir, for the opportunity to make my contribution to this Motion. I wish to thank Sen. Elachi for bringing the Motion.

Mr. Deputy Speaker, Sir, I just want to mention a few things regarding the provision of skills to our youth. I think that this is a very important thing, that we have ignored for a long time or approached wrongly. In 1983, the youth of this country who were to join the university were taken to the National Youth Service (NYS), but the approach was punitive. Therefore, the ideology of going to the NYS in this country is negative, because of the negativity that was associated with it.

Mr. Deputy Speaker, Sir, the creation of skills among our youth is a very important thing. This is because there are so many skills within our youth that we have not exposed. Even the seat that you are sitting on there was made by a skilled individual, but in difficult circumstances. We have tried to create skills through the wrong means. The NYS is punitive and the other skills are developed in the prisons. The seats in the National Assembly were actually made by prisoners who were given the skills. So, I would like to urge that we look at this, not in the ideology of the NYS, because it already has a negative connotation. In fact, I would like to call this the national skills development programme, so that we give it a different ideology than what we have had before, which has got some issues.

Mr. Deputy Speaker, Sir, there are many opportunities in this country, but because it is urgent, we can use the facilities that exist, like the ones which are in Nyeri---

**The Deputy Speaker** (Sen. Kembi-Gitura): Order, Professor!

**Sen. (Prof.) Lesan:** Mr. Deputy Speaker, Sir, I support the Motion.

**Sen. Nabwala:** Mr. Deputy Speaker, Sir, I rise to support this very important Motion and congratulate Sen. Elachi for bringing it to the Floor of the House. This is because it addresses the problem of limited access to training opportunities as well as unemployment.

Mr. Deputy Speaker, Sir, the NYS was very useful in the development of the national values, particularly discipline and morality, although at one stage, this was killed for one reason or the other. But considering that the problem of the youth and

unemployment is rising, I support this training because the Government has released money for the youth enterprise development. But most of our youth do not know what to do with the money if they were given free loans. I was out there in Trans Nzoia where I talked to a few youth. They lack the ideas because they do not have the skills. So, this Motion has come at the right time because it is going to train our youths, so that the Youth Enterprise Development Fund can be put to better use.

Mr. Deputy Speaker, Sir, I beg to support the Motion.

**Sen. Lesuuda:** Mr. Deputy Speaker, Sir, I think that as a youth, I should have had more than one minute, but let me use my one minute well and adequately. I support this Motion.

Mr. Deputy Speaker, Sir, we cannot overemphasize the importance of empowering our young people, especially even in issues to do with discipline and values, as a nation. I know that for sure, the NYS is one place that will, definitely, impact on our young people. I want to speak for the young people, mostly in pastoralist areas, who do not have formal education. These people are energetic and run with cows for over 300 kilometers when they go for cattle rustling. That energy can be used to build this nation. I know that during the times of the late Mzee Lengesi, he took a number of these young people and they were recruited into the Army. We can tap that energy to build our roads and do very many other things. Since there is nowhere else we can take them, we should take them to the NYS where they can undergo basic education and acquire skills.

Mr. Deputy Speaker, Sir, the young people should not go to a NYS centre because it is in that county. We should encourage a Samburu to go to Kakamega to know what happens there, so that we also build a cohesive nation and not just limit the youth to one county. They should also go to other counties and interact with the young people there.

Mr. Deputy Speaker, Sir, we can use the NYS as a transition to other Government agencies like the Army, Administration Police (AP) and Police Service. But I have to caution that we should meet the requirements.

Mr. Deputy Speaker, Sir, finally, the Committee on Implementation needs to look into this---

**The Deputy Speaker** (Sen. Kembi-Gitura): Order, Senator! I actually think that your one minute was stretched, but it is fine. Your time is up!

**Sen. Lesuuda:** Thank you, Mr. Deputy Speaker, Sir.

I beg to support the Motion.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Elachi, you may now take your one minute.

**Sen. Elachi:** Bw. Naibu Spika, nakushukuru sana. Kwanza, ningependa kumwambia mwenzangu, Sen. Lesuuda, kwamba Sen. Nyongesa alichangia kwa zaidi ya dakika 25. Kwa hivyo, nafikiri kwamba alizungumza zaidi juu ya maswala ya vijana. Kwa hivyo, asiwe na huzuni sana.

Bw. Naibu Spika, ningependa kuwashukuru Maseneta wote. Najua ya kwamba tutakapoendelea, nitahakikisha kwamba ninaleta Mswada kamili. Nitaomba msaada kwa Serikali ili tuiptishe Mswada huo na uwe sheria.

Bw. Naibu Spika, naunga mkono Hoja hii.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you, Sen. Elachi.

Before I put the question, I need to make the usual ruling, under Standing Order No.69. This is a Motion that touches on counties and so, we have to go into Division. Can I put the Question?

**Sen. Elachi:** Mr. Deputy Speaker, Sir, I humbly request that pursuant to Standing Order No.51 (3), you defer the voting to tomorrow, at 3.00 p.m.

**The Deputy Speaker** (Sen. Kembu-Gitura): Of course, Standing Order No.51 (3) gives that authority to the Speaker, to defer the putting of the question. I will accede to your request, but believe that sooner than later, we will have to make a ruling on what “the following day” means. This is because if I remember correctly, tomorrow being Wednesday, “the following day” would mean tomorrow, morning sitting. That is my understanding, but until that vacuum is filled, I will allow your request of tomorrow afternoon for the putting of the question. But I do not want to put a very specific timing, because we do not know what will happen on the other issues. It is ordered accordingly.

*(Voting on the Motion by County Delegations deferred)*

Next Order!

MEASURES TO PROTECT WATER  
SHEDS AND RIPARIAN RESOURCES

**Sen. Kittony:** Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

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

Mr. Deputy Speaker, Sir, my Motion is to ensure that we safeguard our riparian resources. Riparian refers to the interface between land and a river or stream. It targets the habitats and communities along the river margins and banks. As a farmer in the countryside, I have seen a lot of destruction when there is a lot of rain and floods. We also see a lot of water being wasted. So, I am urging the Senate to look at this issue very seriously.

Mr. Deputy Speaker, Sir, I beg to move this Motion and call upon Sen. Obure to second.

**Sen. Obure:** Mr. Deputy Speaker, Sir, I rise to second this Motion.

Mr. Deputy Speaker, Sir, you will agree that in the last few days, we have debated in this House very high quality Motions.

Mr. Deputy Speaker, Sir, we all agreed that we cannot be self sufficient in food if we relied entirely on rain-fed agriculture. This is because weather patterns change and the rain does not come when it is expected. When we experience periods of drought, we are unable to produce food. Therefore, families and the whole country go hungry. As a result, we are all subjected to the indignity which arises when we are not able to feed ourselves. From that perspective, this is a very important Motion because we cannot rely on rain for the production of food and all the water we need. It is, therefore, imperative that, we, as a nation, move away from the reliance on rain. We cannot carry out agricultural activities solely based on rain water. Therefore, I want to agree with the recent initiatives by the national Government to introduce irrigation and to put large tracts of our land under irrigation for the production of food in order for us to become food self sufficient, not just for local consumption, but also for export.

Mr. Deputy Speaker, Sir, we know that irrigation will be productive. So, if we go into irrigation, we will succeed for sure. We need to preserve water, rivers and lakes. It is from these rivers that we will develop dams. With dams, we can carry out irrigation and put a lot of our land under irrigation.

Mr. Deputy Speaker, Sir, we just saw what happened in Hola about two years ago. At that time, the then Coalition Government decided to put some land under irrigation using the National Youth Service (NYS). At the end of that experiment, we produced so much food that we did not have sufficient storage space for it. Therefore, we know, for sure, that irrigation is good because it enhances our food security. This Motion has been brought here in very good time because our rivers and all the water we are able to harvest can be used to increase food production and to enhance livestock production in this country.

Unfortunately, Mr. Deputy Speaker, Sir, we are all aware of the serious encroachment which has taken place along our rivers. We are aware that people have moved in to clear the natural vegetation along the rivers and, instead, to plant exotic trees and so on. These exotic trees have virtually exhausted the amount of water available in our rivers. We know that human settlements have taken place along our rivers. Only the other day in this House, we were debating a Motion relating to pollution along Tana River and Athi River. A lot of destruction has been done along those two rivers; the industrial waste being discharged into them is huge. Those rivers are not useful to the residents living downstream. The people cannot use the water because it has been polluted and there are all sorts of chemicals and industrial waste in it. If they tried to use it, then, of course, they suffer from all kinds of diseases. It is even more pity that even our livestock cannot use that water. Therefore, it is a huge challenge. We all need to come together to think about it, so as to find a solution to this problem. We must rid our rivers and lakes of pollution.

Mr. Deputy Speaker, Sir, I wish to support the spirit and letter of this Motion. I wish to urge the national Government as well as the county governments, which are responsible for issues of agriculture, to take seriously the threat posed by encroachments along our rivers; the threat posed by human settlements and all such threats, so that we can together design policies and measures which can clear these human settlements along

these rivers to ensure water is available for irrigation and for use to enhance production, to allow animal husbandry, agriculture and all that.

Therefore, Mr. Deputy Speaker, Sir, I wish to urge all honorable colleagues in this Senate to support this important Motion. This is a Motion that, if properly implemented, will enhance our food security. It will also ensure that, we, as a country, are secure and that we eliminate this threat caused by pollution of our rivers through human settlements and so on.

Mr. Deputy Speaker, Sir, I beg to second this Motion and urge hon. Members to support it.

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you, Sen. Obure.

*(Question proposed)*

Yes, Senate Majority Leader?

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Deputy Speaker, Sir, thank you for this opportunity. I rise in support of this Motion. I think this is one of the best Motions that this Senate has had to consider because it is a Motion about the future of Kenya. I, therefore, want to take this opportunity to thank the Mover of this Motion, Sen. Zipporah Kittony, and also my friend, Sen. Chris Obure, who has seconded this Motion. We, as a country, have to confront the reality that water is a finite resource which, unless we protect it, this country is staring at a serious ecological crisis that can even have implications on its own security. In many of the places where you have seen war and conflict, there is sometimes a natural resource connection. Sometimes, it has to do with water.

Mr. Deputy Speaker, Sir, this Motion, therefore, comes at an important time when we are trying to use the new Constitution as a basis of relooking at our country and identifying the priorities that this country must deal with if we have to face the future as a united, prosperous and stable country.

Mr. Deputy Speaker, Sir, if you allow me, I would want to anchor this Motion within the provisions of Article 69 of the Constitution, which says:-

“The State shall—

(a) ensure sustainable exploitation, utilisation, management and conservation of the environment and natural resources, and ensure the equitable sharing of the accruing benefits;”

Part “b” of the same article says that the State shall:-

“work to achieve and maintain a tree cover of at least ten per cent of the land area of Kenya;”

It goes on to say, in part “f,” that the State shall:-

“establish systems of environmental impact assessment, environmental audit and monitoring of the environment;”

And, finally, in part “h,” it says that the State shall:-

“(h) utilise the environment and natural resources for the benefit of the people of Kenya.”

Mr. Deputy Speaker, Sir, it is in this connection that I feel that unless we, as a country, are able to realize that our rivers will dry up unless they are protected from

human settlement and other forms of encroachment and degradation, then as I have said, we are staring at an ecological crisis.

Mr. Deputy Speaker, Sir, Kenya is a party to a number of international environmental protection agreements, notably, the Ramsar Convention that relates to the protection of wetlands. Again, looking at Article 2 (6) of our Constitution, it says that all international Agreements to which Kenya is a party are part of the law of this country.

Mr. Deputy Speaker, Sir, there are enough constitutional imperatives to compel this country, not only in the form of a Motion like this--- I believe this is one Motion which should also be translated into a legislation that can basically protect our wetlands. Our wetlands are our future.

Mr. Deputy Speaker, Sir, juxtaposing the need to protect our wetlands with the continued pressure for adequate food supplies for our people, then the more reason a Motion like this one and, perhaps, a legislation which may ensue along the same lines becomes extremely important. It is true that encroachment of our wetlands has not only interfered with the natural vegetation and biodiversity, but has caused serious pollution, including the ever increasing problem of persistent organic pollutants some of which are carcinogenic.

**Sen. (Dr.) Khalwale:** Carcinogenic!

**The Sen. Majority Leader** (Sen. (Prof.) Kindiki): Thank you, Dr. Sen. Khalwale. These are some of the few instances when Dr. Khalwale's background can be extremely useful as a medical doctor. I appreciate.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Deputy Speaker, Sir. I do not think it is helpful in any way for the Senate Majority Leader to impute an improper motive against my background. I would like that he apologizes and withdraws the unnecessary remark.

**The Deputy Speaker** (Sen. Kembi-Gitura): I do not know, but the only thing I would ask him to apologize for is the sequence. You are not Senator Doctor but Sen. (Dr.) Khalwale.

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

**The Deputy Speaker** (Sen. Kembi-Gitura): What is your point of order, Sen. (Dr.) Khalwale?

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, are you saying that you are in agreement with the Senate Majority Leader? If, indeed, you are in agreement then may you rule that we have a session where we shall be given an opportunity to lay our resumes on the Table of this House?

**The Deputy Speaker** (Sen. Kembi-Gitura): Nobody has doubt on your resume, Sen. (Dr.) Khalwale. However, I agree with the Senate Majority Leader that you are very useful to him in the contribution.

Go on, Senate Majority Leader.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Deputy Speaker, Sir, I wish to withdraw the sequencing aspect with all due respect. Thank you for affirming that I was actually praising Sen. (Dr.) Khalwale's rich background in medicine. It is only him and, perhaps, and a few others of his kind who can understand that I wanted to refer to cancer causing pollutants. The rest of my friends, including my learned friends here, I am sure were in the wilderness. So, Sen. (Dr.) Khalwale, we really appreciate you for that input.

Mr. Speaker, Sir, the nexus between environmental protection, wetland protection and adequate water for irrigation cannot be over-emphasized. This is one area where we want to, not only urge the national Government to put in place effective measures to protect water sheds and other riparian resources, but also to carry out public education among our people. Most of our people think that when they are told to move far away from water bodies, the Government is punishing them. The Government does not want to benefit from the water resources nearby. I remember in the past, even during the colonial days, there were very strict rules. You could not build or cultivate up to a certain distance from a water source. Even now in our Agriculture Act, those regulations are there. I am a lawyer and I have studied legal history. I can remember the history of Kenya since time immemorial.

Mr. Deputy Speaker, Sir, the short point we are making here is that we need to enforce environmental protection vehemently. We need to protect our water so that we can have adequate water which we can use to provide food for our people so that we can have an environment that protects the interest of the present generation without compromising the interest of future generations. That is what we call inter-generational equity.

With those few remarks, I fully support this Motion.

**Sen. Karaba:** Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to contribute in support of the Motion in front of us this afternoon. I also want to thank the Mover for doing what is required by a nation which is focused to feed its people. This trend of people staying along river banks, people planting vegetation along the wetlands, grazing animals along the rivers, polluting rivers and many other acts along the river is something that is serious. We have had a number of Motions discussed in this House about how people should avoid river valleys because it may cause other serious consequences.

As we all know, the five water towers that we have are on the verge of degenerating into deserts because of deforestation. Most people are even harvesting the trees and even cultivating along river banks thus facilitating soil erosion. We have had mudflows, landslides and extension of river banks to other valleys as more soil erosion takes on the banks. So, the only way we can avoid this menace is by trying to prevent encroachment along river banks and that is the spirit of this Motion. If that happens, we will restrict erosion along river banks. It will also restrict river erosion both vertically and laterally. This will ensure smooth flow of the river from the mouth to the ocean. When this happens, we are going to have water well spread from the source to the mouth and people staying along the river banks will benefit even more than those others who would have settled along it. This brings us now to what we would call the riverine revolution where the rivers in Kenya are going to be put into use for their intended purpose. If it is for lumbering, let it be for lumbering. If it is for navigation, let it be for navigation. That is what we are lacking in Kenya compared to other developed countries.

I want to draw your attention to what I said here one time about the Tennessee Valley Authority (TVA) which was instituted by none other than the President of the United States of America (USA) in 1945, called Franklin Roosevelt. There was a problem in River Tennessee which occasionally would cause floods in the lower section in Alabama and even cause deaths due to flooding. So, the Americans came up with a policy which made River Tennessee a multi-purpose development project. So, it was

developed to harness and store the water when it rains. If this can happen here in Kenya and many other African countries, we will have water when we need it. When the water is too much during the rainy season, we will store it in the many dams that we will build. If we can afford many dams from the source to the mouth of the river, we will regulate the flow and there will be no serious erosions along the banks. This way, we will make use of that stored water to irrigate neighbouring lands during the dry season. That will increase the food security in the neighbourhood. This is what should happen.

In many places, cultivation on river banks cause serious erosion hence transporting fertile soils to the sea. To me, this is not necessary because we have lost all the soil which would have been used by farmers. In this case, I will call upon the Government to make sure that river banks are preserved. We must make sure there is no erosion and water is flowing consistently up to the mouth of the river. This is what most of the developed counties have done. They have few problems when it comes to navigation. We can use the same river, like River Tana, for navigation which can also be used by people living along the river to transport their wares, both agricultural and industrial materials downstream and upstream.

We also need to imagine that such rivers, like the River Rhine stretching from Switzerland to Poland, is well maintained and those who live along those rivers utilize them. Given the scenario we have in Kenya, such rivers like River Tana, having its source in Mt. Kenya, we need to observe and make sure that those living upstream are given adequate caution and those living downstream are made to make sure that the river beds, even in the water sheds, are properly forested. Any tree which is deforested is replanted, so that we preserve the forest, conserve the river and prevent soil erosion downstream to the sea. The soil being eroded is fertile soil which can be used by farmers. This is the spirit of the Motion. If that can be done in our country, I am sure we will have more cultivation even further from the river because we will be having enough water.

Mr. Deputy Speaker, Sir, I would urge the Mover of the Motion to continue with the same. I urge those who are here to support this Motion because if supported it can even give equality to food production. It can also supply more food which can be fed to the ever increasing population which even live further from the river or even in the semi-arid areas. The people who live near the river will cultivate enough food to feed the increasing population. This is a very important Motion. With its implementation, the water which will be conserved in those dams will be used to produce hydro-electric power and in generation of power downstream and upstream. This water can also be used in industries. So, you will find that there will be linear development along the river. This development will be conducive to the people who live near and further to the river. Power will be transmitted through overhead grids to greater distances. The power will be produced by the river which will be harnessed using proper and appropriate methods along the riverine.

It is important, therefore, that this Motion is discussed further and is supported so that we can put into use all the rivers that we have in our country.

With those few remarks, I support.

**Sen. Hassan:** Bw. Naibu Spika, leo tumeamua tuendelee kwa lugha ya Kiswahili. Mimi ningependa kuzungumzia mambo mawili ambayo ni muhimu sana. Sisi kama taifa la Kenya, tumepewa utajiri mkubwa sana katika upande wa mazingira. Sijaenda katika taifa lolote ambapo nimeona utajiri kama tulionayo. Tuko na mabonde, bahari, mito,



nyika na kadhalika. Wageni wengi wakija hapa husema tuna kila kitu ambacho kinaweza kukuza uchumi wetu. Lakini kwa sababu ya ukosefu wa mipangilio maalum ya Serikali na utovu wa nidhamu wa raia wetu kwa jumla, utajiri huu hautusaidii. Sisi ni maadui wakubwa wa mazingira yetu. Tumeuharibu utajiri wetu tuliopewa na Mungu. Hili ni jambo la kisiasa. Kwa hivyo, ninaunga mkono Hoja hii kwa sababu ni lazima tulinde na tutunze mazingira yetu. Huu ni utajiri ambao tumepewa na Mungu.

Kama vile Kiongozi wa Wengi alivyosema, ni utajiri ambao tunafaa kuudhibiti kwa niaba ya kizazi hiki na vizazi vijavyo. Vizazi vitakavyokuja ni lazima viishi katika mazingira ambayo yanaweza kujidumu. Mimi ninamshuruku yule aliyeleta Hoja hii.

Sisi kama wanasiasa hatuna ujasiri wa kufanya mambo mazuri kwa sababu tunaogopa kuwa siku ya uchaguzi itakapokuja, watu ambao tuliwaambia waondoke katika fuo za mito watapiga kura pande nyingine. Wanasiasa ambao wamekaa hapa kupitisha Hoja hii ndio watakaopigwa watakapotaka kutekeleza mambo haya. Ni lazima Wakenya wafahamishwe mambo haya. Tunajua watu wetu wanatafuta riziki za kimaisha. Lakini hali zao haziwezi kuyahatarisha mazingira yetu na maisha kwa jumla. Mtu ambaye anajua anafanya kitu ambacho kinaweza kuleta madhara ya kudumu kama vile mchafuko katika mito na mazingira yetu ni lazima tutumie njia za kisheria kumtia kikomo. Tunataka Wakenya kwa jumla, wale walio sasa na wale watakaokuja baada yetu warithi mazingira ambayo yamedumishwa na sisi. Tunafaa kuwa na mazingira ambayo yanaleta afueni katika maisha yetu sisi sote.

Jambo la mwisho katika kuchangia Hoja hii ni kwamba wanasiasa wanafaa kushirikiana na Serikali inapofanya kazi ambayo ni ya manufaa kwetu sisi sote. Tukisema tunataka kwenda Tana River kuhifadhi mazingira, Sen. Bule hafai kukataa ama kuwa na shida yoyote. Hafai kulifanya hili kuwa jambo la kisiasa. Lazima watu waelimishwe.

Wanasiasa wanafaa kuwa katika mstari wa mbele katika kuhakikisha tunawaelimisha watu wetu ili wayaelewe majukumu yao. Wanafaa kuelewa kwamba kuna majukumu na haki zao pia lakini kuna haki za kijamii na taifa la Kenya kwa jumla. Kwa hivyo, haki zako na maisha yetu sisi sote ni lazima ziangaliwe. Hata hivyo, kuhifadhi mazingira yetu ni jambo ambalo tunafaa kulizingatia kama Wakenya na kama wanasiasa.

Tuliona Serikali zilizopita zikipora mazingira yetu. Walijigawia ardhi za umma na kupora mali za kiasili. Tulipowaonya dhidi ya kufanya hivyo, siasa zikazuka na kutawala akili zetu. Jamii fulani ilianza kusema inadhulumiwa na kuonewa. Ni lazima tuseme ukweli katika maswala ya kisiasa, mazingira na maisha yetu.

Nataka kumhakikishia Sen. Kittony kwamba tuko katika taasisi moja na tutahakikisha tumetekeleza Hoja hii. Mtu yeyote akisimama kati yetu tutamwambia anatakosea ili tusonge mbele na kuhifadhi mazingira yetu.

Hoja hii haitaki Mkenya atolewe katika mazingira yake. Hoja inaomba tuwaelimishwe Wakenya wote juu ya faida za kuifadhi mazingira yetu. Hatufai kuleta mchafuko katika mazingira yetu na katika maji yetu. Maji hutupa uhai. Wakenya wakielimishwa na kufahamu majukumu yao watajua miradi ambayo wanafaa kutekeleza. Wale ambao wataendelea kupora mazingira yetu hatutakuwa na namna ila kuwachukulia hatua za kisheria. Sheria hii inafaa kuzingatia vile itahifadhi maswala ya kisiasa. Mara nyingi sisi wanasiasa huwa adui wa zile sheria tunazopitisha katika Bunge letu.

Leo tumeonyesha ya kwamba tunajua kuzungumza Lugha ya Kiswahili. Hii ndio mara yangu ya kwanza kuzungumza Lugha ya Kiswahili katika Seneti hii. Mhe. Obure alisema Lugha ya Kiingereza ilikuja na mashua. Kama mashua ilitia nanga katika ufuo wa Pwani, basi ni sisi tuliyopokea Lugha ya Kiingereza kwa mikono miwili. Sisi ni Waswahili.

**Sen. Ongoro:** Thank you, Mr. Deputy Speaker, Sir. I also rise to support this Motion. Everything we do in terms of livelihoods, wellbeing and anything that is developmental depends on water. This ranges from building of houses, construction of infrastructure, among other things. During the construction of a building, masons use a lot of water. They use it to mix cement with other building materials.

Water is the source of all life. I also know that we, as a country, cannot continue to depend on rain-fed agriculture. A country like Kenya which is 70 per cent arid and semi arid, even if it rained from January to December, most of it would not receive enough rain. It is also true that the areas of this country that receive enough rain and have good fertility in the soil are already overpopulated. So, we cannot hope that these areas will one day produce enough food. The way to go is irrigation. If we have to irrigate the one million plus acres of land as it is contained in the Jubilee manifesto, then we need enough clean water.

Where do we get this water from? In the past, we have tried to relocate communities that are living in riparian areas, but with little success. I think some minimal civil education is required for them to understand the importance of conserving water. It is my opinion that the solution does not lie in the absolute relocation of communities. For how long are we going to sustain this? Our population is rising. Encroachment is a reality. The land we refer to as riparian is also referred to as ancestral land by local communities.

Under the new Constitution, we will be faced with a challenge of either forcefully removing people from what they refer to as ancestral land or educating them on how to live in the very delicate ecosystems. If we educated them enough and sensitized them to know that their ecosystem is not like any other and that if they behaved in a particular manner, they would sustain various resources contained in this very productive ecosystem, then they would become partners with the Government in maintaining a certain level of way of life. This would ensure that their activities do not translate into pollution, especially to riparian communities downstream. We know that every activity upstream has a direct impact on those living downstream. They should become our partners in ensuring that water bodies remain pure, sustained and that activities downstream are maintained.

I believe now that we have a country that is over 70 per cent arid and semi arid land and with the real threat of food insecurity, we need to take these issues more seriously. If we have to make this a reality and avoid suffering as we have suffered for a long time, then the dream of feeding ourselves, as a nation, must become a reality. For us to have enough food stocks to feed our nation, this is the only way to go.

The only other way is to ensure that, it is not only in the civil education and in sensitizing these people, but we need to interrogate the kind of development activities that take place in riparian communities. There are some development activities whose effects spark a ripple effect that cannot be reversed. You will find the construction of one very good development activity that also brings positive effects, but in the short term has

far reaching negative effects to the point that by the time we want to reverse the effects, we cannot recover the ecosystem.

My support lies in the last part of this Motion. We should sensitize these communities. We should also facilitate these communities. Special facilitation should be given to communities that are living in riparian areas, so that they can select the kind of development activities that can be undertaken in those areas. The kind of houses to be constructed in those areas are not the same ones that can be constructed, for example, in non-water catchment area. To pretend that we will not allow any human activity is not being realistic. So, this is the way to go. We should educate them and facilitate them. In case they are withdrawing their livelihoods in those areas, for instance, if one is withdrawing from selling firewood, we should supplement them. We need to supply them with special *jikos* that would stop them from cutting down trees. Telling a community to stop cutting trees without giving them an alternative and yet, they have to feed themselves and cook every day, is an exercise in futility. They will somehow continue to cut down trees to get firewood or charcoal to cook.

The Government should give this matter a different approach and treat it as a source of livelihood. If we treated it as a source of livelihood and injected a lot of money in sustaining these communities in terms of civic education, financial assistance and bursaries to educate children and students in those areas and offload the burden from parents who would otherwise find economic activities that are not friendly, we would achieve the sustenance of clean water that would, by extension, be used for irrigation. Eventually, they can produce the kind of food that can feed this nation.

I support.

**Sen. Sijeny:** Thank you, Mr. Deputy Speaker, Sir. I want to support this Motion which has been brought by Sen. Zipporah Kittony. It is appropriate since this is a new Government which is coming up with its policies and rules. We, as Kenyans, have suffered very much for many years, especially people who live along water bodies. Others have watched helplessly as their brothers, sisters or fellow Kenyans go through harsh conditions because of our failure of taking strong measures which Senator Zipporah proposes.

As we were growing up, I remember President Moi even used to do it personally. He tried to help the people, especially around Kamba land, to tap water and protect their land which was going to waste because of excessive soil erosion. He would lead the entire Government, physically, to do it. That was the way to go. We also need to come up with regulations and statutes which ought to be implemented to the letter. We have been watching the lady from Kano, which is not very far away from where I come from, crying every year that she wants to see the President, because they are suffering. When she is told why she cannot relocate or do something, she says that she cannot leave the ancestral land. Such communities should be sensitized. It starts with the way you build the houses. You do not have to build houses the way other people are doing it in other parts of the country. Even in the Mexican movies, we see that they live on the shores of the water, but their houses are built up stream. There is room for water. They stay there, year in, year out. Those are some of the issues which the Government can take up and see what to do, so that when water comes up, people do not lose lives and property.

Mr. Deputy Speaker, Sir, if all this is done, it shall return Kenya to the rich agricultural State that it used to be when we were growing up. We did not lack food and

the poverty level was not as high as it is today. This was because water was not wasted as it is nowadays. The riparian communities were not at loggerheads with the Government. People were living in harmony and everybody knew what they had to do.

Mr. Deputy Speaker, Sir, this will help us also to stop the over-dependency on donors. If every now and then we are asking for food, because we are starving, yet we are capable of growing all these crops, it becomes such an embarrassment. We just need to change our systems and come up with more irrigation schemes. This will upgrade the agricultural land and improve the livelihoods of people. It has also been said that this has been done in a certain area in Kenya before, you will find that there is so much food and nowhere to keep it. We can export this food because there are other countries also which need it. We can learn from other countries like Egypt whose areas are arid and semi-arid. How are the countries along the River Nile surviving? These are the best practices that we should bring on board and ensure that our country moves on. Other than the oil and minerals that we are discovering, we should not forget agriculture because it is a very important component within our society. With agriculture, we will be safe because we will always have food and a healthy nation.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to support.

**Sen. Mungai:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. Today's newspapers were talking about the Kenyan population growing at a rate that it is not going to be able to feed itself. Therefore, when Sen. (Dr.) Kittony brings a Motion like this one which calls for measures to be taken to protect our water catchment areas and irrigate our land, so that we produce more, it could not have come at a better time.

Mr. Deputy Speaker, Sir, the Jubilee Government talked about giving irrigation a lot of prominence. This means that we will be protecting the areas where that water to do irrigation will be coming from. For a long time, the Greenbelt Movement that was led by the late Prof. Wangari Maathai did a tremendous job in ensuring that some of these areas were protected through tree planting. Trees are very essential in holding ground and ensuring that soil erosion is controlled. I would request the Government to give the Movement a lot of support, now that it has been quiet since the Karura Forest issue.

Mr. Deputy Speaker, Sir, I happened to overfly various lakes within the Rift Valley and I saw some brownish water in the lakes. This is as a result of the top soil that Sen. Karaba talked about. So, it is important that the Government takes heed of this particular Motion and its spirit to ensure that cultivation is not allowed along the river banks. We have also had cases where the blue gum trees that are known for their consumption of very high quantity of water, are planted along river banks. I would request the Government to ensure that these trees are not planted along river banks. I believe that there are other species of trees that can be planted along the river banks, that will hold the soil, rather than consume the water that we are trying to preserve for irrigation.

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

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

Madam Temporary Speaker, when we talk about irrigation and conservation of these areas, I know an area within my county, called Kijabe. The people of Kijabe have conserved their areas very well. Kijabe is a water tower, whose potential to irrigate the Mai Mahiu area is enormous. I would request the people there to continue conserving that area. I believe that the Government has a vision in ensuring that irrigation takes precedence in our agricultural sector and this is one way of ensuring that this vision is achieved.

Madam Temporary Speaker, we are talking about creation of dams. We only construct dams alongside our rivers if they have enough water. So, when Sen. Kitony talks about preservation of these riparian areas, she is apparently looking at the fact that there is no way those dams can have water if the rivers are dry. Lake Naivasha is known for a certain period when it was drying up; when the flower farmers were digging trenches along the riparian land to try and get to where the water is. Right now, the preservation of the Mau Ecosystem has done a wonderful job. When we went over to the lakes, things are apparently happening very well because those lakes are now overflowing. We could see areas where trees are submerged in water; not only trees, but there are even hotels that are trying to relocate to higher ground because water has filled their premises. It is, therefore, a good example to realize that the efforts that were taken to preserve the Mau water tower are now bearing fruits.

Madam Temporary Speaker, it is my prayer that if we will not be able to feed our generation, it means that we, as leaders, would have failed in our priorities.

With those few remarks, Madam Temporary Speaker, I beg to support the Motion.

**The Temporary Speaker** (Sen. Ongoro): Senate Majority Chief Whip, Sen. Elachi.

**Sen. Elachi:** Thank you, Madam Temporary Speaker. I also rise to support the Mover of the Motion and to congratulate her for reminding us today that it is important to remember the late Michuki. It is during the time of the late Michuki as the Minister for Environment that we saw this country redevelop environmental policies to ensure that we are able to safeguard the rivers and river beds. Madam Temporary Speaker, you remember you were also an Assistant Minister at that time. You both joined hands together to make sure that we could safeguard Nairobi River. Again, I know today that the gains have been eroded; we are back to the same problem.

Madam Temporary Speaker, maybe what we face in this country today is an attitude problem. We need to ask ourselves: "How do we deal with this character? I know that Sen. Amos Wako talked about it. I think that is the most challenging thing with all of us, Kenyans. We start something so well, but in between, if we do not have the person insisting and being committed, then it just dies off. The next person who takes over that Ministry, if he or she is not going to do the same, then you find everything just going back to zero. But today, we want to thank God that the policies that the late Michuki started, are continuing. We are able to see their impact in Naivasha, Elementaita and in all the ecosystems which are recovering. We have even been able to understand why we need to conserve our rivers. You can imagine what happened in Mau forest. It is the same challenge we are facing here. We are faced with about 12 rivers that flow down to the Mau forest disappearing. But, again, I think we are now recovering them. These are resources we are talking about. These are the natural resources we can now use to develop the counties that we have.

Madam Temporary Speaker, I know also that the late Wangari Maathai was one woman who stood firm to protect the environment. You will remember that in Spring Valley, Nairobi, she was able to push an agenda but, apparently, it was too tough for her that, today, the rich were able to build on top of the water catchment areas that we know would also have sustained the Nairobi River. This is one thing we, as politician, find ourselves tied up. As I would wish to push an agenda, I know that we also have a private sector that is interested in whatever we do. We must encourage a mindset change so that we fight corruption. For example, we need to talk to stakeholders in industrial area so that they stop polluting Nairobi River. We should impose stiff penalties on anybody who pollutes our rivers. I urge the communities living along river banks to safeguard the water from those rivers. These are the same waters that ensure that we have the best *Sukuma wiki*, as you move down to where the Chair comes from, Kasarani Constituency. We admire them. But when they come to the shops, they lead to high cases of cancer among our people. These vegetables are mixed up with chemicals and other effluent from industries. This could be the reason we have many Kenyans and even young children suffering from cancer and diabetes. It is also time we questioned our way of approving things. We must find out what the National Environment Management Authority (NEMA) is doing about our riparian areas. They are so quiet. We do not know what they are doing. They are supposed to take care of our environment. NEMA is supposed to guide us and to remind us every day that water is life.

Madam Temporary Speaker, I know those who can afford to build houses are also able to install very serious rain water harvesting systems. I urge them to harvest water within their compounds to reduce soil erosion. Most of our fertile soil is washed away and taken into lakes and oceans. How can we safeguard our natural resources? If we make good use of our resources, our counties will develop. They will be transformed and help our people.

Madam Temporary Speaker, we need to ask ourselves whether our environmental policies are serving us well. Do we need to continue creating awareness? Do we also need to deal with those who are there to pollute and we are not penalizing them?

With those few remarks, Madam Temporary Speaker, I beg to support.

**The Temporary Speaker** (Sen. Ongoro): Sen. Lonyangapuo.

**Sen. (Prof.) Lonyangapuo:** Madam Temporary Speaker, may I join my colleagues in thanking Sen. Zipporah Kittony for bringing this Motion at this time when we know that we are faced with a lot of environmental challenges. If we really were to talk about what is happening in Kenya today, we would feel sorry for ourselves. Our forests are depleted. Some of the natural forest covers we used to have are all gone. I remember in the 1980s and beyond, Nakuru was a very brilliant place to stay in. Lake Nakuru was full of life. But the moment the forest behind Egerton University was eliminated, River Ndarugu, the only river that feeds Lake Nakuru, dried up. If you go along River Ndarugu, you will find people farming near the river banks. If you fly across the country, especially around the area where we used to have forests, there are no trees. We only have a few trees near the road. This goes all the way to Cherangany Hills which is the main water tower for Lake Turkana and Lake Victoria. The Government of the day at that time did not do what it was supposed to do to safeguard our natural resources. For example, in the 1980s, the then President led Kenyans in reclaiming land that had been lost due to erosion. You could see the President carrying huge rocks to reclaim the lost

soil due to erosion. Along the way, we simply lost it because that energy and excitement of reclaiming the lost soil faded.

We continue giving birth at a rate that we cannot control. When population increases, people want to settle on land. So, people went to settle in the forests. The trees were cut down to pave way for settlement. That is why we find ourselves in the scenario that we are in today where, when it rains in April there is disaster in Budalangi. When this happens we run there with relief food. We have all heard the lady from Nyando calling upon the Government to help. We also hear another song coming from Tana River County. We cannot control nature, but there are some things that we can do. When you cut trees, you can imagine the speed at which the floods come and cause havoc.

In West Pokot, there is River Swam which emanates from Mt. Elgon. Last year, a whole town called Kong'elai was swept away. You could see sugar and soap floating on the water because all the items from shops had been carried away by the raging water. These are some of the effects that we can see when we do not take keen interest in such matters. This happens when there is no systematic and active Government plan on the ground. Nobody tells our communities that it is healthy to stay with trees or it is not healthy to go and farm near rivers. So, young men for lack of what to do, go to plant *mboga* and so on along river banks. I am calling upon the Government to restore all the water towers that we had in this country.

Another problem that I have seen is that all the indigenous trees that are found in arid and semi-arid areas are now being cut down to burn charcoal. These are natural trees. It is not known how old they are. When you ask these people why they do those things, they will tell you that they do not have food. I think they also lack knowledge.

I now call upon the Government to come up with serious action on how communities can be educated on protecting their own environment. Now that we have county governments, do we have any plans? Does the Kenya Forest Service (KFS) have officers on the ground to work with communities? Three weeks ago, I had a serious case where the same agency decided to outsource trees in an area called Sioi in my county and they were cut at night. This is not a commercial forest, but a catchment area. They usually come at night and disappear during the day. When you ask them about it, they say that they were given a formal permission from Nairobi. Nairobi is very far from West Pokot. They do not know if it is a catchment area. These are some of the things that we need to look at critically.

Madam Temporary Speaker, we also have water flowing from Lake Victoria to Egypt through River Nile. Do we keep any royalties? Do we get any money to protect this water? If it is given, how do the counties where these rivers emanate benefit so that they can continue keeping the environment well? For example, if Tana River County wants its water to continue flowing, then they need to look at areas around Mt. Kenya. They should be given some royalties to plant trees. We are talking to our people in Turkana County; their water comes from West Pokot. We will need some money to plant trees so that the water continues to flow. These are some of the challenges that we shall continue to face. Do we still have any colleges where people are trained in matters of forests? I do not know whether we have them.

The NEMA has turned out to become a tax collector. Instead of being an agency that is training and educating people on how to make use of the environment, they only wait for a house to be built. Once it is completed, they do not educate people on how to

sustain themselves within that environment. These are some of the challenges that we need to look at critically. There was a time when the Government was tough where one could not plant or plough certain metres or yards away from the river. Some trees were not allowed to be planted near the water source. These measures disappeared because the Government agencies on the ground were absent. There is no harm in restoring what we lost slowly and surely. We can even start with some areas that are active and which can harm us if we do not move in as a nation. Most of the rivers and lakes are in Rift Valley. Therefore, if we have to irrigate one million acres between now and 2017, which is the Jubilee Government's agenda, where is the water going to come from when the river sources have been destroyed and so on? So, we need to put our priorities right. People should continue farming, but they also need to take good care of where the water comes from.

Madam Temporary Speaker, I will need to start from the areas where we have mountains, but there is no single foreign tree that has been planted there, except the ones that God gave us. In my county, we have numerous hills like Kasei and Sok where there is no forest cover. I would propose that we start with the tall ones. The only forest that we have is the one that was done by prisoners in 1950s when the colonial government decided to plant *Amarula*. *Amarula* tree is the one that protected the whole of Chepereria all the way to Turkana. There are no other trees planted by the Government since then. This is a shame. We are not able to improve on what we inherited. I would suggest that we follow this. If it is approved, the Implementation Committee of the House has to stand strong to make sure that what we are recommending is done.

With those few remarks, I beg to support.

**The Temporary Speaker** (Sen. Ongoro): Hon. Senators, it appears as if there is no one else interested in contributing to this Motion. Therefore, the Senate stands adjourned.

No, no! Pardon me. I think the Mover wants to reply.

**Sen. Kittony**: Madam Temporary Speaker, I was worried that the House would adjourn without me saying something.

I would like to thank the people who have contributed to this Motion. People say that water is life. Indeed, the contributors have said the right things about water and encroachment on water catchment areas. This is a serious issue. It is food for thought. We are playing with fire. I do not know for how long we can sustain the sources of drinking water that we currently have. We are not even sure where the water comes from. Probably, it is not even clean water. If we do not start saving the rivers that have been encroached, then this country will be done.

We need to realise that water is life. It is important for the secretariat to continue carrying out research on this so that we get to the root of the matter. We should put in place the right policies and sensitise people.

We know that the NEMA is in place. However, what has it done? Article 69 of the Constitution says;

(1) The State shall

(a) ensure sustainable exploitation, utilisation, management and conservation of the environmental and natural resources, and ensure the equitable sharing of the accruing benefits;



(b) work to achieve and maintain a tree cover of at least ten per cent of the land area of Kenya;

(c) protect and enhance intellectual property in, and indigenous knowledge of, biodiversity and the genetic resources of the communities;

(d) encourage public participation in the management, protection and conservation of the environment;

(e) protect genetic resources and biological diversity;

(f) establish systems of environmental impact assessment, environmental audit and monitoring of the environment;

(g) eliminate processes and activities that are likely to endanger the environment; and

(h) utilise the environment and natural resources for the benefit of the people of Kenya.

This Motion is very important. I want to thank all those who have contributed to it.

I beg to move.

**The Temporary Speaker** (Sen. Ongoro): Hon. Senators, this Motion does not affect counties. Therefore, the vote will be on a simple majority.

*(Question put and agreed to)*

#### ADJOURNMENT

**The Temporary Speaker** (Sen. Ongoro): Hon. Senators, there being no other business, the Senate is, therefore, adjourned until tomorrow, Wednesday, 17<sup>th</sup> July at 9.00 a.m.

The Senate rose at 5.35 p.m.