



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Sixth Session

Thursday 7th April 2022

The House met at 2.30 p.m.

[Hon. Deputy Speaker (Mr. Geophrey Majiwa) in the Chair]

PRAYER

QUORUM

Hon. Deputy Speaker: Clerk, we have no quorum. Sergeant-at- Arms please ring the bell for ten minutes.

(Quorum bell was rung)

(The Clerk-at-the Table confirmed there was quorum)

Clerk, proceed.

MESSAGE

MESSAGE FROM GOVERNOR REGARDING MEMORANDUM ON THE NAIROBI CITY COUNTY EARLY CHILDHOOD DEVELOPMENT AND EDUCATION BILL 2022

Hon. Deputy Speaker: Hon. Members, the Standing Order No. 43 (1) provides that the Speaker shall read to the County Assembly any messages from the Governor or from the Senator delivered to the Speaker for communication to the County Assembly.

In this regard, I wish to report that the Office of the Speaker is in receipt of a message on 1st April 2022 from Her Excellency the Governor of the Nairobi County via letter reference NCC/GOV/2/2022/030 dated 28th March 2022

Hon. Members, the message regards the memorandum on the Nairobi City County Early Childhood Development and Education Bill 2022. I now wish to convey the following message:

Hon. Members, you may recall that on Thursday 3rd March 2022, the County Assembly passed the Nairobi City County Early Childhood Development and Education Bill 2022.



Thereafter, I presented the Bill for assent by her Excellency the Governor on Tuesday 15th March 2022 in accordance with provisions of Section 24 of the County Government Act 2012 and Standing Order No.145 (3).

However, on Friday 1st April 2022, Her Excellency the Governor by way of memorandum referred the Bill back to the assembly for consideration pursuant to the provisions of Section 24 (2) (b) of the County Government Act 2012 and Standing Order No.145.

Hon. Members, Standing Order No. 146 (91), provides that whenever the Governor refers a Bill back to the County Assembly under Section 24 (2) of the County Government Act 2012 and Standing Order No.145. (3), the Speaker shall convey to the assembly a message in the memorandum pursuant to Standing Order No. 43 on messages from the Governor and where applicable give any special guidelines.

Hon. Members, Standing Order No. 146 highlights the procedures in consideration of the Governor's memorandum. The Office of the Speaker will therefore give the memorandum from Her Excellency the Governor on the Nairobi City County Early Childhood Development and Education Bill 2022 on Tuesday 12th April 2022 at 2.30 p.m.

I now want to commit this message to the Education Committee for further action. Thank you.

PAPERS

Hon. Benson Macharia: Thank you Hon. Speaker. I beg to lay the following paper on the floor of the assembly: That this assembly adopts the report of the Sectoral Committee on Planning and Housing on consideration of the Session Paper No. 2 of 2021 on Nairobi City County Property Address and Street Naming Policy. I beg to lay.

(The Paper was laid on the Table of the Assembly)

NOTICE OF MOTION

Hon. Benson Macharia: Hon. Speaker, I beg to give Notice of the following Motion: That this assembly adopts the report of the Sectoral Committee on Planning and Housing on consideration of the Session Paper No. 2 of 2021 on Nairobi City County Property Address and Street Naming Policy laid on the table of this assembly today Thursday 7th April 2022.

MOTION

MEANINGFUL YOUTH PARTICIPATION

Hon. Mbugua Kabiro: Thank you very much Mr. Speaker sir. I would like to move the following Motion which I gave notice last week; meaningful youth participation. That, aware that Article 55 of the Constitution provides for the State to take measures, including affirmative action programmes to ensure that the youth have opportunities to associate, be represented and participate in political, social, economic and other spheres of life, access employment and are protected from harmful cultural practices and exploitation; cognizant that Part Two of the Fourth Schedule to the Constitution provides for the functions of the County Government which include ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level;

concerned that the quality, quantity and nature of public participation conducted by the County Government on the County development programmes especially youth related programmes are still low and should be improved not just to realize the minimum standards required; acknowledging that the County Assembly enacted the Nairobi City County Public Participation Act, 2015. which provides for a comprehensive involvement of residents of the County to participate in the County Governance, this Assembly urges the County Executive to: -

1. Develop youth related programmes and strategies that will ensure meaningful youth participation in decision making processes in the County; and
2. Increase scope of public participation from not just planning but also implementation, monitoring and evaluation of youth development agenda.

Mr. Speaker, I would not want to speak a lot today, it is a free day and I am happy that you are the one who is sitting here. I would like to tell the Hon. Benson to come back.

Mr. Speaker, there are certain things that require public participation. On several occasions, we have had the situation to call for public participation yet very few people show up, few memoranda are given and little contribution from the public is gathered. On an important issue of interest to the County Assembly and even to the residents of Nairobi, I will start by highlighting the things that require public participation, having served here for the last four and half years. This being the sunset days of my service in this Assembly, I am not going to renew my term to come back. So, I have learnt that the County Integrated Development Plan (CIDP), a very important document that is a five-year document that puts together strategies of a government which are to be implemented within the five-year term that the Governor and the officials who are serving together with the Governor, are supposed to implement.

This is a document that is being crafted right this minute in this year and may be complete immediately a new governor or the current governor is sworn into office again. That document requires public participation. Now, will we get meaningful public participation? I doubt. It is for this reason that I am saying let us engage the youth because they are the security for tomorrow and they would know ideally which way Nairobi should move because the large population in Nairobi are the youth.

Another document is the Annual Development Plan (ADP). This is a one-year document that puts together a plan of what the county seeks to achieve and do. Development projects that need to be done within that span of one year so that they can be budgeted for. That is a document that requires public participation. When you go to a place like Kayole South, Ngara or even CBD headed by Hon. Ngengi, youth have to organize themselves in a certain way for them to present certain ideas which are derived from the CIDP. Do you think we will get the required public participation? I doubt. That is why I am asking that we encourage meaningful youth participation in such programs.

Another document is the County Fiscal Strategy Paper (CFSP). It is in the process right now. The CFSP implements the ADP. It puts ADP in a way that it can be funded. These programs find themselves in budgets and then they are implemented. This is a document that I have organized youths to come up with memoranda to submit on behalf of youths of Nairobi. It has been successful. I remember the Chair of Budget, Hon. Robert Mbatia commended me for that. I pushed for the implementation for a memorandum to be submitted in favor of the youth to encourage youth participation and youth projects that are highlighted in the ADP to be implemented in the CFSP. That is something that requires meaningful public participation. As currently as it is, I do not think that we are able to get.

The budget estimates is an important thing that requires meaningful public participation. Mr. Speaker, if your road, for example in Baba Dogo Ward which you heavily represent and I wish that you come back and continue to serve us as the Deputy Speaker or even the Majority Leader, is not captured, it will never be implemented.

This Assembly has taught us lessons where whenever you go to the budget documents and you realize that none of your roads is there, you go and complain. We have had teargas and other things because of unfair treatment of people. If we pushed for meaningful public participation so that your people in your ward can go and say we really want this road done and say indeed we want it done and put in the budget estimates, then it will be done without you as the area MCA vouching for it so much. Those are very crucial documents that happen in the life of this Assembly.

Now, there are things that we also have in the life of this Assembly which come from time to time. One of them is the bills, which later become laws that regulate this great city of Nairobi. Any bill that is fronted for adoption by this House requires meaningful public participation. Mr. Speaker, I have sponsored two bills. One of the bill is the Nairobi City County Corporations Bill. It is now an Act; it was signed by the Governor. The other is the Nairobi City County Pop Up Market and Street Vendor Bill, which is now an Act as well. So, I have gone through the trouble of getting people to participate in submission of memoranda to better this bills. I have seen the trouble that people go through. If you are not committed, nobody will come for your public participation fora. So, you are not going to get any input from the public. What we are asking here is that there should be a structured way for meaningful public participation amongst the youth. It could be through certain mediums like SMSs and the website. Most of the people in Nairobi are privileged in a way that they are able to access a gadget that can allow them to go into the online community.

One can submit a memorandum or one can submit a correction on a Bill or a policy for example that has been fronted from the Executive side. It also requires public participation. Therefore, if we provide mediums through which meaningful public participation can be done, we will make sure that we strive to have the best laws, policies, budget estimates, CFSP, ADP and CIDP that we would not ever had in this great county; the one that is easy to implement and people-driven.

Speaker I would like to stop there and encourage Members of this House to support this, so that we may provide meaningful platforms for meaningful public participation, especially among the youths who are the majority and are on Twitter, Instagram and other social media which are all there.

Therefore, let us provide platforms and allow them to participate meaningfully. Speaker, I would like to thank you very much and I would like to invite my colleague Hon. Millicent Jagero to second thank you.

Hon. Millicent Jagero: Thank you, Mr. Speaker, and I will pick it up from where my colleague Hon. Mbugua has said regarding public participation. Sometimes I sit down and wonder why we passed the Constitution and why the previous County Assembly passed the Public Participation Act.

Article 10 is very clear on public participation. We as the Nairobi County also have the document with us but in most cases, I do not know who is supposed to do that public participation and who is supposed to be called for that meeting.

This is because as my colleague is saying many young people are left out and whenever public participation is called to this charter you will always find very few people, apart from the few organizations that will always come out and decide to be reimbursed. As for the young people you will not find members or memorandums that are being submitted to our county.

Therefore, we have an obligation as a county to know who is supposed to be called for this meetings and I would not suggest a closed-door meeting that are usually held in hotels especially if a particular organization is spearheading that particular Bill. This is because it does not capture the needs or the recommendation of those that are supposed to be represented within those sectors. If the meetings can be taking place at a central place maybe like within this hall or maybe in the resource centers of those communities, it will help us as a county to achieve the goals that are intended to achieve at that particular Bill and in public participation too.

Mr. Speaker we have the CFSP that is ongoing currently and as an Assembly and sectoral group, we have already deliberated on it. What of the people on the ground? It only took place once since 2017 whereby the residents were called to deliberate on whether the project that was proposed in the ADP was implemented, on ongoing, completed or stalled.

Through this we realized that many projects were ghost projects and in particularly I will speak of the ward that I come from in Airbase ward. We had a project that was funded by the agriculture sector and in reality on the ground there was nothing that was done and it was only through this paper that helps the residents particularly the youths to know whether their projects were implemented as per the ADP or as CIDP when they are called for this particular meetings.

Therefore, I am urging the Budget Committee to do follow-ups on the papers that are usually brought before the Assembly and go down and inquire whether these projects took place so that they can avoid the workload to the Public Accounts Committee during auditing.

Our young people are usually left out in most of the decision-making and they face various challenges. They face scheduling of conflicts, whereby they are used as agents and tools of causing conflicts within us. The youths are usually being radicalized so that they can cause chaos in their areas. The only solution that can help these young people is to engage them in meaningful activities like economical programmes whereby they can sustain themselves.

Last week on Thursday, this House passed a Motion that was sponsored by me on having youth centers whereby the young people can engage themselves in activities rather than being used as tools as agents of conflicts.

Secondly, Mr. Speaker the young people are usually judged based on their experiences. You find out that a job has been advertised requiring 15 years or 10 years' experience and am just from graduating. Where do you expect me to get that experience if you cannot offer me that particular opportunity to come and showcase the skills and knowledge that have acquired from that institution. It is only through being engaged in such areas whereby you can make me as a young person being meaningful to this society and be able to participate in the spheres of this life economically, politically and socially.

Lastly, Mr. Speaker, the youths usually face the ratio gap between the young and the old, you find that in meetings whereby the old people are the majority while the young people are never given the chance opportunity to represent themselves. This is because you will be told the same thing that 'we do not have experience in this life'. That some things need 'deep experience' that is how they usually put it, we cannot talk because we do not have that wisdom and the world have gone digitalized, whereby if you google and go through so many notes and books you come across. When you read them they give you that wisdom that some of them do not have, if they stop only discriminating us from this, because Article 55 of the Constitution is very clear and I will particularly quote Articles of part (b) and (c) that the young people need to have opportunities to associate, be represented and participate in political, social, economic and other spheres of

lives whereby we are usually denied those opportunities, because they believe that we are not wise enough to make decisions.

I therefore congratulate my colleague Hon. Mbugua Kabiro who has been in the frontline ensuring that young people are well represented in this House. It is now the duty of the Implementation Committee to ensure that all these Motions are implemented. I urge the Clerk and the Speaker to push for these Motions to be implemented. Mr. Speaker, I beg to second

(Question proposed)

Hon. Deputy Speaker: Members? Anyone from online? Mover

Hon. Mbugua Kabiro: Thank you very much Mr. Speaker. I would like to register my appreciation to Hon. Jagero for seconding and Members who supported this even though they are not presently here from the leadership.

I ask that we push forward this agenda and make sure that the youth and people in Nairobi participate meaningfully in the public participation that is being organized by the Assembly, the County Executive and any other state or non-state organ in this country. I also wish to state that I am the vice chair of the Implementation committee and wish that we push for the implementation of many of these Motions. We will have a report on the Motions passed against those that have not. I believe that laws do not expire but live for posterity because they have already been passed at the Assembly. Having said all that, I beg to reply. Thank you.

(Question put and agreed to)

ADJOURNMENT

Hon. Deputy Speaker: There being no other business, the Assembly adjourns to Tuesday 12th April 2022 at 9:30 in the morning. Thank you.

The House rose at 3.30 p.m.