

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 23<sup>rd</sup> November, 2016

The House met at 9.30 a.m.

*[The Deputy Speaker  
(Hon. (Dr.) Laboso) in the Chair]*

### PRAYERS

### QUORUM

**Hon. Deputy Speaker:** Let us have the Quorum Bell rung, please.

*(The Quorum Bell was rung)*

Hon. Members, you may settle down. We are now properly constituted.

### PETITIONS

**Hon. Deputy Speaker:** Remember this is the day of reporting on petitions. We are supposed to hear from the Chairperson of the Departmental Committee on Administration and National Security report on some petitions. I do not see the Chair. Is the Vice-Chairperson here or any representative? Nobody is here.

Let us move on to the next Order.

### PAPERS LAID

**Hon. Deputy Speaker:** We are supposed to receive tabled Papers from the Chairperson of the Departmental Committee on Administration and National Security who, again, is not here. The other one is the Chairperson of the Joint Committee on National Cohesion and Equal Opportunity. We have received their message. They will do it this afternoon.

We should move on to the next Order.

### STATEMENTS

**Hon. Deputy Speaker:** I can see Sunjeev Birdi. Are you intervening? Is it a point of order?

**Hon. (Ms.) Sunjeev:** Hon. Deputy Speaker, I rise on a point of order because the Petition for which the Report was to be laid on the table today is with regard to delayed issuance of citizenship. This is a matter of serious concern to many people. It has been going on for a very long time and I do not see any action being taken by the Committee. It is of deep concern to me.

So, I seek your intervention or help so that we can get somewhere with this. To date, we have only had two meetings and after that nothing happened. So, there is nothing solid that the Committee can report. So, I do not understand what is going on.

**Hon. Deputy Speaker:** Which Petition are you talking about?

**Hon. (Ms.) Sunjeev:** The Petition on delayed issuance of citizenship concerning immigrants residing in Kenya.

**Hon. Deputy Speaker:** Is this from your Committee? Are you in the Departmental Committee on Administration and National Security?

**Hon. (Ms.) Sunjeev:** I am not, but I had tabled the Petition, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** As you can see, it is one of those that were supposed to be reported on. So, let us wait until the he comes then we will know whether they have a report to present to the House or not. Let us give them an opportunity.

**Hon. (Ms.) Sunjeev:** Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Wilbur Ottichilo, you are on a point of intervention

**Hon. (Dr.) Ottichilo:** Thank you, Hon. Deputy Speaker. I am rising on a point of order in connection to a ruling you made three weeks ago regarding a Motion I had introduced in this House to set up a select committee to investigate issues related to genetically modified crops and animals.

In your ruling, you said that because the Departmental Committee on Agriculture, Livestock and Cooperatives had done similar work, it promised to table its Report so that I can look at the Report and see whether it meets the requirement of the select committee I was proposing.

Hon. Deputy Speaker, to date, that Report has not been tabled unless that was done in my absence. I would like to know where the Report is and if it has not been tabled, I would like you to make a ruling so that I continue with my Motion. This is because this Motion has been on the Order Paper for the last one-and-a-half years.

**Hon. Deputy Speaker:** Thank you, Hon. Dr. Ottichilo. I had some information on the same but I will allow a Member of the Departmental Committee on Agriculture, Livestock and Cooperatives to comment. Is the Chairman here? I can see Hon. Maanzo. He had indicated that he has some information to share with *Daktari* and the House.

**Hon. Maanzo:** Thank you, Hon. Deputy Speaker. It is true you ruled that within 10 days of working of Parliament we should submit the Report. The days expire today. Hon. Ottichilo is right in what he is saying. As a Committee, we met over the matter following your ruling and we have a tentative Report, but we realized that it had a slight problem. There was a task force that was set up by the Ministry of Health which deliberated on the same matter and came up with a draft report. The Report of the task force was to be discussed and approved by the Cabinet and that is pending.

We summoned the Cabinet Secretary (CS) to appear before us and he gave us an explanation. Our Chairman is not here today because he is in Mombasa representing Parliament in an agricultural forum related to the counties. He is meeting the governors in Mombasa. The Chairman went to see the substantive Speaker, who is well briefed but will unfortunately not be here this week. So, it is a matter we have taken seriously because issues GMO are serious.

We will soon get a report from the CS. We can also share with Hon. Ottichilo the draft report by the task force and our own draft report. I am sure his contribution is featured majorly in the reports. We will keep him posted. I believe we will act as soon as possible to sort out this matter.

I am sure Hon. Washiali can explain further this matter because he sat in that meeting and he is also a whip in this House.

**Hon. (Dr.) Ottichilo:** On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Order Members! You will all get your chance. Hon. Washiali is next. Let us move on in that order. Hon. Ottichilo, hold your horses. Let us hear what they have to say.

**Hon. Washiali:** Thank you, Hon. Deputy Speaker. It is unfortunate that the Chairman and the Vice-Chairman are not here with us. However, I want to confirm what Hon. Maanzo has said. It is true that the Departmental Committee on Justice and Legal Affairs has been looking at this Report. It was unfortunate that immediately you made that ruling, we also went on a recess for two weeks in which case Members went back to their constituencies. We have since re-looked at that Report and very soon we shall lay it on the Table.

Usually when the Speaker makes a ruling, there is a procedure that is followed. I am sure the Chairman of the Committee will have to follow that procedure in requesting for more time in respect to the report that we have not got from the committee that was meant to hand it over to us. We are supposed to give a conclusive Report. I am one of the Members who sit on this Committee and I was opposed to the formation of a select committee. This is because it will not be prudent to form a select committee when the Departmental Committee on Agriculture, Livestock and Cooperatives is already looking into the matter.

Hon. Deputy Speaker, we must use taxpayers' money prudently. In this case, it will not be fair that we set up a select committee when we know that one of the proponents of this select committee is one of the witnesses who appeared before us to give us information on the aspects of GMO.

I wish to rest my case. I also wish that we give the Departmental Committee a little more time. I am sure all other committees have had delays when it comes to submission of reports. I am also sure that there is a way the House has gone about it to allow late submission.

**Hon. Deputy Speaker:** Let us have Hon. Dr. Eseli. Hon. Dr. Ottichilo, please, allow them to ventilate on this matter. Let them have their say. I will give you an opportunity.

**Hon. (Dr.) Simiyu:** Hon. Deputy Speaker, this is a classic case of stone-walling, filibustering and procrastination on the part of the Departmental Committee on Agriculture, Livestock and Cooperatives. Even the accusation that it will not be prudent use of public resources does not stand. In fact, the biggest misuse of public resources has been occasioned by the Departmental Committee on Agriculture, Livestock and Cooperatives that has delayed this matter up to now. There must be something they are avoiding. They are going to try and cynically misuse Standing Orders to delay the eventuality.

The Departmental Committee on Agriculture, Livestock and Cooperatives can run but it cannot hide. There is something it is hiding. The Committee will have to tell us what it is hiding and on whose behalf. It is trying to avoid a conclusive end to this matter about GMOs. The Committee is doing Kenya a disservice and yet it is composed of elected and responsible Members of this House. The Committee is supposed to act expeditiously in the interest of the Kenyan people. It has failed hence Hon. Dr. Ottichilo's proposal to form this select committee, which you are avoiding and trying to run away from. The Committee Members are using many words and accusing Hon. Ottichilo of trying to misuse public funds. They cannot transfer their guilt to Dr. Ottichilo.

Hon. Deputy Speaker, it is time the Chair took serious steps against this lazy Committee called "the Departmental Committee on Agriculture, Livestock and Cooperatives".

**Hon. Deputy Speaker:** That is okay. Let us have Hon. M'eruaki. You will get your chance.

**Ho. M'uthari:** Thank you, Hon. Deputy Speaker. This is very sad. These are matters of very serious magnitude. The question of GMOs and biotechnology is what drives the food economy in other parts of the world. Here in Kenya, we are hiding our heads under the sand as our people get afflicted by the problem of food insecurity. If the Departmental Committee on Agriculture, Livestock and Cooperatives cannot prioritise this issue, what is it really doing? I think that Committee is unable to do its job and that is why there is a proposal to establish a select committee that can work on this matter, conclude it and help the country. We are here as policy makers to come up with policies, laws and recommendations that can make our country move forward. I urge that you make a serious ruling regarding the question of reports from the Departmental Committee on Agriculture, Livestock and Cooperatives so that you can allow us to move forward.

Just this morning, people came from other parts of the world for benchmarking. People come to our country, study our ideas, take them to their countries and implement them. Later on, we visit those countries and claim to have learnt what they learnt from our country. It is shameful and we must act fast.

**Hon. Deputy Speaker:** Yes, Hon. Makali.

**Hon. Mulu:** Thank you, Hon. Deputy Speaker. The Departmental Committee on Agriculture, Livestock and Cooperatives is being unfair to Dr. Ottichilo. I remember very well, and the HANSARD can bear me witness, you are the one who was seated on that seat. We agreed to give the Committee two weeks to submit their Report so that the Committee proposed by Dr. Ottichilo could be established. That is why we stepped it down.

Hon. Deputy Speaker, being the Chair of the Liaison Committee of this House, you need to take stern action against the Committee because it is being unfair to this Hon. Member.

On the issue raised by Hon. Birdi, in terms of her Petition, I am the one who was to report on behalf of the Committee but I got a bit late because I received the Report about five minutes ago. For purposes of the record, I have three Reports on the petitions by Hon. Birdi, Hon. Dido Ali Rasso and Hon. Kimani Ichung'wah. If you give the Committee time, we should be able to present these Reports so that the House can debate them.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** You were supposed to be here at the time this session started.

Hon. Chrisantus Wamalwa, you have the Floor.

**Hon. Wakhungu:** Thank you, Hon. Deputy Speaker. It is very embarrassing for the Departmental Committee on Agriculture, Livestock and Cooperatives. It is not the first time we have had issues with the said Committee. We have also had issues with them concerning sugar and fertilizers. When this matter came up last time, I was also for the idea that we do not come up with a duplicate committee given the fact that we have a substantive Committee.

From what Hon. Maanzo has said on the task force by the Cabinet, we have three arms of Government. There is no way we can allow the Executive to dictate what goes on in the Legislature. We have the Judiciary, the Executive and Legislature. The Legislature enacts laws, the Judiciary interprets the laws and the Executive implements the laws. It goes without saying that this Committee is being compromised by the Executive. From the look of things, we cannot waste any more time.

Article 94 of the Constitution is very clear that this House discusses and deliberates on the issues that affect the people. Today, we are humbly requesting you to rule so that the

Committee proposed by Hon. Ottichilo can take over. From the look of things, this Committee is sleeping on the job. Parliament cannot just look at it as things get worse. This is a serious matter and the Constitution is very clear. We can resolve all the issues. If the Members of the Committee are affected by the Executive, or whatever it is, we can do away with that Committee and pave the way for the select committee proposed by Hon. Ottichilo to take over.

**Hon. Deputy Speaker:** I will give the Floor to Hon. Murungi, who will be followed by Hon. Wanyonyi and, finally, Hon. Ottichilo. Let us dispense with that matter.

**Hon. Murungi:** Thank you, Hon. Deputy Speaker for giving me this opportunity. I also want to express my disappointment because the Motion by Hon. Ottichilo is no longer his property. It is the property of the House. It is very bad for Members to insinuate that Hon. Ottichilo intends to use taxpayers' money carelessly.

The Departmental Committee on Agriculture, Livestock and Cooperatives is intentionally delaying this Report. I doubt whether what Hon. Maanzo and Hon. Washiali stated in this House is the official position of the Committee. We need a report, be it a skeleton report or a substantial report from the Committee. What this House needs is a report on what it has done. Hon. Maanzo said that they will give Hon. Otichilo a draft report. Hon. Ottichilo does not need the report. It should be tabled in the House. We have interest in this Motion because we want to improve the food security situation in this country. People are dying from the effects of drought. The Motion will address some of these matters. Let us get the report, be it a skeleton report or a draft report.

You are good at making decisions in this House. You gave them two weeks. Use the same wisdom to declare that Hon. Otichilo's Motion should proceed without further delay.

Thank you very much.

**Hon. Deputy Speaker:** Hon. Wanyonyi, you have the Floor.

**Hon. F.K. Wanyonyi:** Hon. Deputy Speaker, I take the view that Members are a bit disappointed that the Report has not been brought to this House. I am a very dedicated Member of the Departmental Committee on Agriculture, Livestock and Cooperatives.

You should start from what the Members of the Committee have agreed on. Members have explained that we have actually met. Our reference to the Executive does not mean that we are hiding anything. Some of the issues are very technical. We also have technical staff in the Ministry of Agriculture and the Ministry of Health. We have met them and deliberated on this matter for some time. I participated in the discussions.

Therefore, I take great exception that Members of this House can stand here and tell us that we are sleeping on the job. That is belittling the effort that the Members of the Committee have made. We have done a number of things. Members are wrong in saying that we have something to hide. I wish Dr. Eseli is here to withdraw his remarks. It is wrong for him to tell us that we are sleeping on the job. I dedicated much of my time to the work of the Committee instead of going to meet my constituents.

The Departmental Committee on Agriculture, Livestock and Cooperatives does not deal with a small sector. It deals with one of the biggest sectors in this country. Therefore, I take great exception that Members can say that we are sleeping on the job.

I take this opportunity to assure the House that I have consulted my colleagues here, save for the Chairman because he is not here. We will table the document next Wednesday. It is fair that we leave this matter that way. I am also a Member of the Committee that Hon. Ottichilo had proposed. I have no problem with his proposal. However, it is not fair for Members of this august House to depict others Members as people who are sleeping on the job. Those who made such remarks should withdraw them.

As I conclude, I assure the House that we will reconvene on Tuesday with a view to tabling our Report in this House on Wednesday.

**Hon. Deputy Speaker:** I want to give Dr. Ottichilo a chance to say something, having heard what everybody else has said.

**Hon. (Dr.) Ottichilo:** Thank you, Hon. Deputy Speaker. I am a very sad person because I have been thoroughly frustrated by the Departmental Committee on Agriculture, Livestock and Cooperatives.

I raised this matter two years ago, but the Committee could not do anything. I waited for the Committee severally and they kept on giving the same story that the Ministry had set up a task force. I am aware that the Ministry finished with the task force and that Report should have gone to the Cabinet. It has never come out.

That aside, when Hon. Washiali and his colleagues were appealing to you to defer my Motion, Hon. Washiali categorically said that the Report was ready for tabling. I am surprised now that Hon. Maanzo can say that it is in draft form. You can see that there is a deliberate effort to delay this matter. This is a very important matter for this country in terms of food security. We are stopping this country from moving into the area of biotechnology in food production because of all these delay tactics.

Hon. Deputy Speaker, I appeal to you to allow me to move my Motion so that we can bring to this House a legitimate and scientifically approved report that this Parliament can use to make its own decisions. Otherwise, the Committee is using delay tactics and they have no report.

**Hon. Deputy Speaker:** I would like to thank the Members who have commented on this issue. In all fairness, one of the issues that Hon. Maanzo mentioned was that the Speaker, Hon. Justin Muturi, was briefed. Because he is not here, I cannot make a ruling without first knowing what the briefing was.

On top of that, your Motion is not on the Order Paper now. We need it to first find its way to the Order Paper. The Committee Members have requested that we give them one week. If at the end of Wednesday, next week we do not have a report as the Committee Members have said, we will then revert to what we had said from the beginning. We will believe that there is no report and that you have not done any work.

It is not wrong for Members to get frustrated or to even demand an apology from Members if you have not presented any report. We cannot know how hard you have been working if you do not have evidence of that work. That is what Members have been asking for: the evidence of the work that you have done on this issue of Genetically Modified Organisms (GMOs). It is in order for Members to be frustrated by your lack of evidence to show the work that you have done. My ruling is that we wait and give them that one week Hon. Ottichilo and then we make a ruling. If we do not see that then we will assume that there is no report to be presented.

We will rest the matter there and move to the next Order.

## MOTION

### SUPPORT FOR YOUTH INNOVATIONS BY THE GOVERNMENT

THAT, aware that there are many talents amongst the youth of this country; having noted that these talents have been severally displayed through various inventions and innovations by the youth in platforms such as the Science

Congress and the Annual Youth Innovation Week; concerned, that most of these discoveries do not go beyond making sensational newspaper and electronic media stories; noting that most of these innovations are aimed at addressing the problems that afflict us as Kenyans on a daily basis; further concerned that there is inadequate enabling legislation and administrative measures to support these innovations; cognisant of the fact that the Kenya Vision 2030 seeks to make our country an industrialised middle-income economy in the next 14 years; aware of the immense potential for wealth creation and job opportunities that such innovations would generate if well-developed and commercialised; also recognising that our imports are well in excess of Kshs1.3 billion, a gap that would be narrowed if we had our own local production, this House urges the Government to support youth innovations by creating an innovation fund and a national incubation system, among other measures.

*(Hon. Mwaura on 16.11.2016)*

*(Debate concluded on 16.11.2016 - Morning Sitting)*

**Hon. Deputy Speaker:** Order, Hon. Members! I want to put the Question. Hon. Elmi, please take your seat. Members, this Motion had been debated and concluded. The only thing left was putting the Question.

*(Question put and agreed to)*

## **BILL**

### *Second Reading*

#### THE REFUGEES BILL

**Hon. Deputy Speaker:** Let us have Hon. Neto.

**Hon. Oyugi:** Hon. Deputy Speaker, I beg to move that the Refugees Bill be now read a Second Time.

As I move that this Bill be read a Second Time, I would like to thank the staff, Irene Namunyak and Kwame Oyugi who did the research work for the past two years supporting this work. I would also like to thank the Chair and the Members of the Departmental Committee on Administration and National Security even though they are not in the House today to respond to petition issues. They have been very useful in terms of contributions and challenging the various aspects of this Bill.

I would also like to thank a variety of partners. I have in mind the Refugee Consortium of Kenya (RCK), especially Madam Lucy Kiama, who took us through refugee issues by taking us to a couple of field trips in Daadab as well as exposing us to refugee issues. Partners such as the United Nations High Commissioner for Refugees (UNHCR) were useful in particular with regard to helping us understand refugee issues. I would also like to thank and pay special tribute to my colleagues in the Parliamentary Caucus on Human Rights. The ladies and gentlemen worked many months for hours on end to ensure that this draft Bill sees light of the day.

Posthumously, I would like to remember one of my friends who introduced me to the business of refugee law, Madam Chris Otieno, at the Law School in Nairobi. She tried to explain to me the importance of engaging in refugee issues. To that extent, this Bill that I am moving today, the Refugee Bill, 2016 is very important to me because of the fundamental human rights issues that it will expose.

In moving this Bill, I will do two things. I will talk about general policy issues and then my very able colleague, Hon. Abdullahi Diriye, will speak to the specific aspects and clauses of this Bill. Kenya has been hosting refugees for the longest time possible.

Daadab Refugee Camp is known the world over as one of the largest refugee camps. Kenya, in my view, should use the Daadab example so that it sets the stage for policy on migration and showing the world how best to deal and live with refugees. We have seen migration issues in the past many years. The past two or three years have not been very good for refugee law. In fact---

*(Loud consultations)*

**Hon. Deputy Speaker:** Order, Members! The volume of the consultations is too high. Hon. Wafula, you are on intervention. Give him the microphone.

**Hon. Wekesa:** Thank you, Hon. Deputy Speaker. There is a loud *kamukunji* near me and I cannot hear the speaker.

**Hon. Deputy Speaker:** That is what I have just said. Hon. Members, can you allow other Members to listen to the Mover of that Bill?

**Hon. Oyugi:** Thank you, Hon. Wafula and Hon. Deputy Speaker, for coming to my rescue. I would like to request that the Members listen to me so that they understand the gist of this Bill. Kenya has been hosting refugees for a long time. It is important for Kenya to use the knowledge and experience it has in Daadab and Kakuma Refugee Camps to set the pace for refugee issues across the world. We have seen that migration issues have not been very well received in the past two or three years. We have seen various frontiers chasing away refugees. We have also seen the international community chasing away refugees against the international principles of non-involvement.

In fact, it has not been very fair for them to ask Kenya to constantly host refugees while on the other hand the international community has been chasing away refugees. That is why Kenya needs to use its example to set the stage and show the world what good refugee practice is because we have been able to coexist with refugees for the past 30 or so years.

I am moving the new Refugee Bill to repeal the Refugee Act, 2006. The reason we are repealing the Refugee Act, 2006 is because it was responding to an emergency scenario. Right now, we have what is called in refugee parlance “a protracted refugee scenario”. When the refugees were leaving Somalia in the 1980s, no one thought that Somalia would be unstable for well over 30 years. To that extent, the law that we brought in place was managing refugees in an emergency scenario. That is why the law was responding to an incumbent policy. An incumbent policy is, therefore, not possible to sustain right now because for 30 years the refugees have been living in Kenya, thereby seeping into the city and getting out of the camps. The law that we passed does not respond to that.

The third thing is that there has been refugee insecurity concern. People think that refugees are equal to insecurity. There are people in Dadaab and Kakuma who are living in penury; people who are living in very vulnerable conditions; women and children who have no



shelter above their heads and women and children with no water. Those kinds of people cannot think about insecurity in a country that has been fair to them for well over 30 years. Whereas it is true there are people within the refugee camp that are plotting insecurity issues, the same thing applies to other places in Nairobi, Homa Bay or even Mombasa. That has nothing to do with refugee issues.

The other thing I would like to talk about is the issue of dignity and human rights. If you see the kind of squalor the refugees have been living in in the past 30 years, it goes against what human rights and human dignity ought to be. You have women and children who have no food; people with no water; people with no shelter and people without basic sanitation programmes. A regime that protects and respects human rights ought to be one that responds to those dignity issues about refugees.

Right now, the tripartite programme that was signed by Kenya, UNHCR and the Government of Somalia has come to an end, but we are requesting the Government of Kenya, in solidarity and within the meaning of voluntary repatriation programme to agree and sign the voluntary repatriation programme. In the same breath, we appreciate that there are members of the international community who pledged to support Kenya in the voluntary repatriation programme. Some of these governments are yet to meet part of their bargain. They have not been able to---

*(Loud consultations)*

**Hon. Deputy Speaker:** Order, Members! The Member for Mavoko and your team in that corner, please find another place to consult.

**Hon. Oyugi:** Thank you very much, Hon. Deputy Speaker. I hope Hon. Johanna Ngeno and the Member for Mavoko will listen to this very important Bill.

*(Technical hitch)*

**Hon. Deputy Speaker:** We are really having problems with these microphones.

**Hon. Oyugi:** It seems like there are many problems, Hon. Deputy Speaker. We would like to request the other members of the international community to meet their pledge in supporting Kenya in terms of the voluntary repatriation programme so that Kenya is able to fast-track the programme. If you look at the voluntary repatriation programme, you will find that not very many people have gone to Somalia because half of the funds have not been released by the various members of the international community.

I think the refugee law ought to be responding to human rights issues and protection issues. It is not supposed to be about immigration issues. Refugee is not supposed to be a permanent status. Refugees are supposed to be here temporarily and they are supposed to go back to their homes once the status in their countries has stabilised. To that extent, I will be requesting the Government of Kenya to work closely with the members of the Intergovernmental Authority on Development (IGAD) and the East African Community (EAC) to ensure that Somalia is stable so that the refugees from that country can go back to their country.

Kenya is surrounded by volatile states. To that extent, we need a sober, strong and forward-looking refugee law. That is why we are proposing the Refugee Bill, 2016, one that is forward looking. It is not just responding to the Somalia concern, but it is also supporting South Sudan, Rwanda, Burundi and other states that are neighbours to Kenya that are constantly in war,

that we can accommodate these people in a manner that makes sense; in a manner that is useful; in a manner that makes Kenya's borders secure and in a manner that ensures that women and children who come into our country are people who get protection.

The refugee law we are proposing is supposed to provide protection in a way that is reconcilable with Kenya's security interests. One of the things I spoke to is that we know that for a long time people have been concerned that refugee is equal to insecurity. But we are proposing a regime where Kenya's security interests are going to be foremost, and that Kenya should first be protected before we think about protecting refugees. A discussion about protecting refugees should not be seen as if we are protecting refugees more than we are protecting Kenya's territorial sovereignty. It is true that Kenya needs to be secure, but we are proposing a regime which puts Kenya first and the refugees second.

I am sure that the Member for Mount Elgon is very happy with that concern. One of the things he raised in the Departmental Committee on Administration and National Security was the fact that he thought that refugees should not be elevated to the level of importance of Kenyans. But I am saying that Kenya's security interests should be first and anything else comes second.

One thing that is important before I speak to the specific aspects of this Bill is that refugee law is a powerful sign of solidarity with the world's most severely at-risk people. It is the only international human rights remedy which can be engaged directly and immediately by at-risk people. Most important of all, it is a fundamental practical remedy which can be reconciled to the most basic interests of the states. In sum, it is a uniquely valuable asset which must be allowed to a trophy.

On the specific aspects of this Bill, first from the short title, this is a Bill that is supposed to provide for recognition, protection of refugees, and to give effect to the convention relating to the status of refugees; the protocol on the status of refugees and the AU convention. One of the things this Bill seeks to do is the recognition of refugees and, two, to provide for their protection.

The first part of this Bill is with regard to preliminary issues. It deals with definitions of who is a refugee, who is supposed to be a refugee and exclusion of who cannot be a refugee. Those are lifted directly from various conventions and various protocols of the AU with regard to refugees. I would request colleagues to read them and at least understand.

The most important part of this Bill, in our view, is Part II which is on administrative provisions of the Bill. In Clause 6 we seek to establish the Kenya Refugee Repatriation and Resettlement Commission. Right now refugee affairs have been managed and administered by the Secretariat of Refugee Affairs.

As we know, two or three months ago the Cabinet Secretary for Interior and Coordination of National Government disbanded the Secretariat vide a Gazette notice. So far, we have an amorphous body with no legal backing whatsoever. That is one of the reasons we are trying a commission that is going to be vested with refugee affairs. We propose that in that commission, the Chairperson be the CS in charge of internal security, the Vice-Chairperson be the CS in charge of foreign affairs, and then there be people from the Ministries of Education, Labour, Health, Social Welfare and Devolution. We are going this way because we believe that refugee issues are overarching issues; they are not just internal security issues or foreign affairs issues. They cut across the body corpus of health, education, labour, social welfare, among others. We are also proposing that in that commission there be a representative of the Kenya National Commission on Human Rights (KNCHR). This is the Commission that is charged with human rights and dignity issues, and is a representative of the UNHCR.

The purpose of this Commission is set out in Clause 8 of the Bill. One of the many things it is going to do is to formulate national policy on matters relating to refugees in accordance with international standards. Right now what we have in Kenya is that the CS for Interior and Coordination of National Government has once or twice made very interesting declarations, some of which may not be within the meaning of international conventions and practices. That is why we are saying, let there be a commission where the CSs in charge of internal security and foreign affairs sit. This is a commission that will handle policy issues.

The commission is also supposed to propose and ensure there are durable solutions for refugees. Good practices of human rights and refugee practice is called “durable solutions”, which are contained in this Bill. These are with regard to local integration. The moment you have refugees having lived in a country for too long, like they have done in Kenya, and the experience has been tried in Sierra Leone, Tanzania among other jurisdictions, from which this Bill borrows sufficiently, durable solutions then talk about local integration and resettlement issues.

On resettlement, you want to believe that other countries like the UK and in the European Union face the same issue. The refugee issue is not solely a Kenyan problem, but an international one. Kenyans should not be the only ones bearing the burden of refugees on behalf of the international community. Other international community partners ought to bear the responsibility by also ensuring that they open their borders or frontiers for purposes of resettlement of refugees.

The third thing is the issue of voluntary repatriation as a subject of durable solution. There are people who made pledges and various promises in the Refugees and Humanitarian Summit. They promised Kenya and other partners who host refugees support. To that extent, I hope they meet their obligations in helping Kenya attain durable solutions.

Hon. Deputy Speaker, Clause 9 of this Bill speaks to the establishment of the Secretariat of Refugee Affairs. It is going to assist the Legibility Committee and work in conjunction with the UN Office for refugees. It will also receive and deal with application of refugee status among other things. We have also established the Secretariat for Refugee Affairs which is supposed to be handling all the operations and protection aspects of refugees.

Presently, the people handling protection issues of refugees have been the officers of the UNHCR with a bit of support from the Government of Kenya. We are saying that the UNHCR is supposed to help Kenya as a corporate partner. However, refugee protection should be a Kenyan issue with a bit of support from the UNHCR. In fact, the moment you leave an external body to solely run the issue of refugees, there will be a problem. That is why we are establishing a proper Secretariat that will ensure that it works in conjunction with the UNHCR and the KNCHR to ensure that all issues of refugees are put under one body.

Presently in Kenya, if you asked how many refugees exist or how many refugees are in Kenya, no one might have the exact number simply because there have been several points of entry into this country. Every place has been a refugee entry point. The only registration points have been in Dadaab, Kakuma as well as the Office of UNHCR in Nairobi.

In Clause 13, Part III of this Bill, we propose to establish an application regime that will be managed by authorised officers. “Authorised officers” in the Bill will include the Director for Refugee Affairs, a refugee officer, a settlement officer or an immigration officer. The importance of that provision in this Bill is that presently, refugees enter Kenya from anywhere but the registration points have been centralised to only three places. If we decentralise authorised officers including immigration officers so that they register refugees, it will be possible to trace all issues of refugees.

In Clause 15 we have created the National Legibility Committee. It is composed of the Director of Public Prosecutions, a representative of the Ministry of Interior and Coordination of National Government, Inspector-General of Police and the Director of Immigrations. This is what I spoke to earlier on. We are trying to create a refugee regime that is responsive and responds to Kenya's national security interests. That is the reason we have included a member from the Ministry of Interior and Coordination of National Government and the Inspector-General of Police to be sure that the persons we are going to admit to be refugees in this country are people who do not have insecurity concerns. If we do not take care of that consideration, then we should not be endangering the lives of Kenyans at the expense of admitting refugees. That is why the inclusion of the National Eligibility Committee under Clause 15 is interesting.

In Clause 17, we are speaking to an appellate process for denial. We know some refugees will be aggrieved by the fact that they will not be allowed to settle. We have established a Refugees' Appeals Board where every refugee will have a chance to appeal the decision of the Refugees Eligibility Committee.

Hon. Deputy Speaker, Clause 20 of the Bill talks about cancellation of refugee status. We are saying that once you get refugee status, it is not absolute. The Director of Refugee Affairs can cancel that status if the persons fraudulently or misrepresented facts the time the status was given to them.

Under Clause 21, there is a provision for the Cabinet Secretary for Interior and Coordination of National Government to actually revoke the refugee status. So, refugees or any person who applies to be a refugee should know that granting of refugee status is not absolute and that can be taken away from them.

Under Part IV, Clause 28 of this Bill, we have established something we hope, in our view, is going to help Kenya deal with the refugee problem. We have established reception centres. We have said that the Director of Refugees shall, by notice in the gazette, designate refugee reception officers responsible for every gazetted and authorised entry point in Kenya. For every single border, we will request the Director of Refugee Affairs in conjunction with the CS for Interior and Coordination of National Government to gazette those points as refugee reception centres. That is going to help us have records of refugees, their biometrics and ensure that every refugee entering this country from any country is monitored.

Clause 29 speaks about what will be the duty of a reception officer. Every reception centre will have a reception officer who will be in charge of the refugees' affairs like getting their biometrics and channeling all the records to the Ministry of Interior and Coordination of National Government.

There are other durable solutions we had proposed but Departmental Committee on Administration and National Security agreed with us to drop some of them. We had been ambitious to propose access to land, citizenship and education for refugees. The Departmental Committee on Administration and National Security agreed with us that some of those provisions were fairly ambitious. We agreed to retain only Clause 34 which talks about access to work permits and employment to refugees who are professionals. There are refugees who are doctors, lawyers and scientists who because they do not have access to employment and work permits, spend all their lives in refugee camps without being productive. We thought the refugees with professional training seeking asylum ought to be given a chance to further their professional training.

Clause 33 of this Bill talks about the non-refoulement principle. It is a principle of international law that says that no one should be turned away from a country where they seek

asylum. The non-refoulement principle is important because it ensures that every refugee from whatever country can be assured and given protection in a manner that is important without being turned away to where they fear they will be persecuted. It is important for us to retain this international principle.

Clause 42 of the Bill also speaks to the fact that the Director of Refugee Affairs shall have a chance to designate transit areas where various refugees can stay together.

Clause 44 speaks to an emergency or *prima facie* scenario of refugees. There were moments when war broke out in countries like South Sudan, Rwanda and Burundi. It will be difficult to determine, on a case to case basis, the status of refugees from those countries. Good international practice has it that if at all, for example, there is war in a particular country, then the Commission and the CSs for Interior and Coordination of National Government and Foreign Affairs can agree, for example, to make such countries have *prima facie* refugees. This will ensure that they are not subjected to case by case identification as refugees.

Part VI of Clause 45 talks about designated areas. Early on, I spoke to an encampment policy. Ordinarily, this is a policy on where refugees are supposed to be staying for only a short period of time. When the Somalia refugees came into the country in the 1990s, they were given sections of Dadaab where they were supposed to be staying. But because there is no proper control of designated areas, we have ended up with refugees intermarrying with local communities. If you go to Dadaab right now, you will find it difficult to differentiate between the people in the camp and members of the host community. This is because the designated areas were not clearly marked and designated. It is important that should we, for example, choose to relocate Dadaab Refugee Camp to some other place, we properly designate the area. This will help us have control in those areas.

The CS is supposed to control the designated area to ensure that there is organisation, safety, discipline and good administrations. Issues of transfer in a manner that people who are being transferred are not subjected to vetting should not be there. There are provisions of this Bill that we have agreed with the Committee to remove. I would like to request my colleagues to ensure that they read the Committee Report because it has certain corrections that we have agreed on.

We had proposed to include something called “Trust Fund” for purposes of supporting refugees and giving them durable solutions, but we agreed with the Committee that it might create an impression among refugees that they are here permanently. We have agreed that refugee status is not permanent. Refugee status ought to be temporary as we try to sort out the insecurity issues that made people refugees.

Hon. Deputy Speaker, we have miscellaneous provisions in this Bill which provide for penalties of violations of the law. Those are general penalties. They talk about various penalties that both officers and people who misrepresent issues can be subjected to.

There is Part VIII from Clause 57 which talks about national and regional co-operation. This is basically about international principles of co-operation with regard to refugee issues. Nothing is new there. We basically lifted some of the provisions from the UNHCR as well as the Protocol of the African Union (AU) on the Convention on the Rights of Refugees.

There is something that I spoke to earlier on which is carried under Clause 64 of this Bill. It is with regard to something called the “the authorised officer.” We are thinking that the “authorised officer” should have certain powers. Those powers are highlighted under Clause 64. Some of the powers include searching personal property, taking fingerprints, palm prints or photographs of any recognized refugee or protected person or any person who claims to be a

refugee. The officer has power to question any recognized or protected person or any person who claims to be a refugee. The importance of this is to ensure that all the records concerning refugees that we have are intact. We must have a record of everyone who is admitted as a refugee.

Clause 67, which is fairly important, speaks to the issue of legal aid. Article 59 of the Kenya Constitution agrees that every Kenyan, and everyone else who is in Kenya, is supposed to benefit from legal aid. We are also proposing, under Clause 67 of this Bill, that refugees be subject to the same constitutional requirement; that is Article 59. This is with regard to legal aid. However, it should be in a way that does not overburden the Kenyan taxpayer.

Hon. Deputy Speaker, the transitional clauses are important to us. If at all Members agree to pass this Bill, one of the things we will be doing is to repeal the Refugee Act of 2006, Cap 173. I have spoken to the reasons we need to repeal that Refugee Act. It is important for us to know that refugees, if this new law is passed, will still enjoy their rights which have been protected within the meaning of the Refugee Act of 2006. The Refugee Appeals Board that now exists shall also stay in office.

The Commissioner shall be appointed by the Refugee Commission that we are seeking to establish. The other provisions that we intend to include will be with regard to urban refugees and the rights of host communities, which are not currently in this Bill. We believe that if we do that we will ensure that a holistic refugee regime is in place. This will help secure the interest of Kenyans. It will also ensure that Kenya meets its obligations as is required by the various conventions to which it is signatory.

In conclusion, before I invite my good friend to second, I would like to request my honorable colleagues to do two things: read the Bill as it is so that they appreciate what we are trying to do and read the Report of the Departmental Committee on Administration and National Security because it contains many things that we have discussed and agreed upon.

Lastly, I would like to request our colleagues to support this Bill because it is going to change the design and manner in which we deal with the refugees in this country. It is one that is going to ensure that the refugees have their human rights and Kenya's internal security concerns are taken into consideration.

I would like to acknowledge the fact that my colleague, Hon. Ken Okoth, had a Bill which would amend the Refugees Act. We, however, agreed to consolidate the two Bills. I am looking forward to Hon. Okoth's input as well as that of the Members of the Parliamentary Caucus on Human Rights.

With those many remarks, I request my friend, the Member for Wajir South, Hon. Abdullahi Diriye to second this Bill.

Thank you, Hon. Deputy Speaker.

**Hon. Mohamed Diriye:** Thank you, Hon. Deputy Speaker. I wish to second this very important Bill by my colleague Hon. Neto, which aims at repealing the Refugee Act of 2006, Cap. 173 of the laws of Kenya.

First, allow me to thank my colleague, Hon. Neto for bringing this very important Bill. I also wish to thank the partners who helped us, particularly the RCK. Many of our Members did not know much about the operations of refugee camps. We visited Dadaab refugee camp and consulted widely. We supported each other. I remember us working together with the Human Rights Caucus when we were coming up with this Bill. So, it has been a very long process. It was inclusive, consultative and we believe, progressive. This progressive Bill will cater for the interests of the refugees and the host communities. It addresses the security concerns of the

Kenya Government. It also ensures that Kenya complies with international obligations that concern refugees.

Hon. Deputy Speaker, this Bill aims at the recognition and protection of refugees. It gives effect to the international conventions that are related to the status of refugees. It is very important that our colleagues pass this Bill because it will solve many of our problems concerning refugees.

The main concern in this Bill is the host community. The refugees have been here for too long. They came here way back in the 1990s. When they were coming, we did not anticipate that they would be here for too long. They have been here for a quarter a decade now. We had thought that they were not going to stay long. They were put in a big camp and the first casualty was the host community because the refugees had an adverse effect on the environment.

My constituency is one of the host community areas. If you go to Dadaab Refugee Complex, which includes Wajir South and parts of Garissa, you will realise that the environment is completely degraded. Trees have been cut and rangeland which the pastoralists used to graze their animals is completely depleted. There is competition for resources between the host community and the refugees and this sometimes creates conflict between them.

Therefore, whereas the refugee's presence has affected Kenya in general, it is the host community which bears the brunt. The first concern is that nobody talks about the interest of the host community; this is the Kenya Government, the UNHCR and the international community. We have been ignored completely. Therefore, as we put this very important law in place, I wish to reiterate the concerns of the host community. This is particularly on the issues of environmental degradation and the problem of double registration.

Most of our communities which live around refugee camps have registered as refugees because they are poor and there is food in the nearby refugee camps. Most of them have gone to the refugee camps, posed as refugees and registered themselves. When they register themselves, they are treated as refugees. They cannot get Kenyan identity documents. Those people are estimated to be around 40,000 Kenyans and they are stateless. In essence, they are stateless. Right now, we are involved in repatriating refugees. When they are repatriated, we are concerned about what will happen to Kenyans who have registered as refugees.

Therefore, Hon. Deputy Speaker, while we continue our efforts to repatriate refugees, the plight of Kenya citizens who have registered as refugees; who cannot get Kenyan identity cards and who are stateless in their own country must be looked into. For some of us, it is very serious. We might not support Kenya's efforts to repatriate refugees, if the concerns of our Kenyan citizens who are in that quagmire are not addressed.

My second issue is coming up with refugees durable solutions like their re-integration into the local community, resettlement into a third country or repatriating refugees into their country, which is happening now. We are already involved in this process of repatriation. We support it. So far, we have been told that, out of the 350,000 plus refugees in Dadaab Refugee camp, close to 50,000 have gone back to their country over the last three years. That is when the Kenya Government, UNHCR and Somali Government signed the repatriation tripartite agreement.

This is a very good effort because it is one of the durable solutions to the refugee problem. Repatriation is one of the durable solutions. Therefore, we support the efforts. We believe it will really help us. Partly, this is being made possible because we have our Kenyan troops in Somalia as part of the African Mission in Somalia (AMISOM) forces. Somalia is now, slowly and slowly, being civilised. There is security now in many areas including the Juba

Region, which our Kenyan defence forces have played a very important role in pacifying. Therefore, we need to laud our efforts and the efforts of our gallant soldiers in the Kenya Defence Forces (KDF) for doing such wonderful work in compliance with international law. We have not heard our KDF being involved in rape, persecution or torture of the local community in Somalia. So, this is very important. That is what has made it possible for the refugees to be repatriated.

As we repatriate refugees, we must also take care of the interests of the host community. What is going to happen when we repatriate those refugees? There are many Kenyans who are registered as refugees. There is double-registration. They cannot get Kenyan identity cards and they are stateless. You are repatriating the refugees. Are they also going to go back with the Somalis from Somalia or what is going to happen to them? That is a very serious concern.

Similarly, we are being told there are many refugees from Somalia who have registered as Kenyans. So, there is a lot of mix up. There are Kenyans who have registered as refugees, but there are also refugees from Somalia who have registered as Kenyans. This needs to be cleaned up so that, at the end of the day, when we repatriate the refugees, we will have our Kenyan citizens getting their identity documents. The Somali refugees will then be removed from our database and they will return the Kenyan identity documents.

About security concerns, I think refugees have been labelled as contributing to our insecurity; as aiding terrorists or being terrorists. I think this is too unfair to refugees. The refugees are people running away from persecution, war and from a very deep founded fear that they could not stay in their country. Nobody likes leaving his country. Nobody can just flee his country and get displaced into another country. Your homeland is very sweet. Nobody will leave his country just to go to another country and to go to the very dehumanising refugee camps. So, these guys are running from their country because there is real fear. That is why they run away. We hope that it is being stabilised now. Therefore, they are not terrorists. We cannot label refugees as terrorists. This is too unfair. They are human beings. They have the rights and the dignity. So, it is just too unfair to label refugees as terrorists. Sometime we have been too harsh on them. Remember these people are just trying to live decently and look for very good lives and livelihoods for their children and dependents. They just want to live life like us. Whenever something happens, we---

**Hon. Deputy Speaker:** The microphone is off Diriye. Have you realised that you do not have a microphone because your time is up? Just move to second, please.

**Hon. Mohamed Diriye:** With these many remarks, I second this Bill. But, while we support repatriation, I want to make it very clear the concerns of the Kenyans who have double registration must be met. Otherwise, we will even stop the repatriation programme.

Thank you.

**Hon. Deputy Speaker:** Order, Members! I want to propose the Question.

*(Several Hon. Members stood in their places)*

Those who are standing, find a place.

*(Question proposed)*

**Hon. Deputy Speaker:** I will give the first opportunity to Kimani Njuguna who is speaking on behalf of the Departmental Committee on Administration and National Security



**Hon. (Dr.) H.K. Njuguna:** Thank you, Hon. Deputy Speaker.

I am rising in place of the Chairman, Hon. Asman Kamama and on behalf of the Departmental Committee on Administration and National Security. The Committee has had a chance to thoroughly interrogate this Refugees Bill. Indeed, we have had a chance to even travel to some of these refugee camps like Dadaab and even to interrogate various stakeholders in this important matter of refugees.

To the extent that the principal objective of the Bill is to provide for the recognition and protection of refugees in this country and to align it with international conventions and treaties, the Committee supports this Bill. The Committee is alive to the fact that, perhaps, Kenya is one of the countries in the world that stands out as having hosted refugees for a very long period. We are saying for over 25 years. Perhaps, there is something to learn from this vast experience that this country has gone through on the issues of refugees.

Hon. Members, this country hosts close to 1,000,000 refugees. When we are hosting close to 1,000,000 refugees, this has serious social, political and economic considerations. The Bill we are coming up with should stand out as a best practice where other countries can learn from because we are talking from experience.

The issue of refugees in this country requires serious interrogation so that we do not just come up with a law that conflicts with various social, political and economic interests of the people of this country. It is towards that end that I would want to make comments on behalf of the Committee without the risk of repeating myself. I realise that Hon. Aghostinho Neto has spoken about the various procedural issues in the Bill. Basically, I would like to make a few observations from the Committee's perspective.

With regard to the issue that Hon. Agostinho Neto alluded to of the trust fund, we must accept that refugees are a temporary phenomenon. When this phenomenon goes on for over 25 years the way it has happened in this country, it ceases being temporary. Perhaps, that is why we need to interrogate this. We feel that by the new Bill trying to set up a trust fund, it is making the issue of refugees a permanent feature in the country. It means they will cease being refugees. Where is the trust fund going to get resources? Who is going to fund it? Who is going to manage it and for what purpose? This is a cardinal question that we have to interrogate. It is like refugees are visitors who are seeking temporary refuge. So, when we start creating a trust fund for them, then it is an issue that requires serious interrogation. The Committee will be moving amendments to the Bill because we are opposed to the creation of a trust fund.

There is also the issue of the Bill proposing to domicile management of refugee affairs in two Ministries and that the Chairperson of the Kenya Refugee Repatriation and Resettlement Commission should come from the Ministry of Foreign Affairs or the Ministry in charge of internal security. We thought that would bring problems in terms of management. The Committee feels that this responsibility should be vested in one Ministry for purposes of streamlining and ensuring that there is no conflict in the two Ministries.

The issue of employment of refugees is thorny. The Bill proposes the employment of refugees and even allows them to run businesses and access land for cultivation and pasture. These are people who have run away from their respective countries. We only host them on a temporary basis as they await things to settle down in their own countries. They are supposed to go back once things settle down. When you host such people and then propose that they should get employment, run businesses and access land, you are actually touching on very serious and weighty issues that could spark off conflicts. The Committee is opposed to such a proposal. We already have an employment crisis in this country. Allowing refugees in this country to access

pasture means that they should own livestock. These are people running away from their countries in order to seek a temporary home here and yet we are now saying that they can access employment, pasture and business. The Committee felt this will be very unwise to our people and could raise serious issues of conflict. It, therefore, needs to be interrogated. Indeed, this is an area the Committee will bring amendments. We feel that a visitor cannot be given prominence to a point where he replaces the owners of the home. When you give this visitor employment and allow them to do business and cultivate, then where is the place of Kenyans in such a scenario?

I remember when we visited Dadaab Refugee Camp the host community raised serious issues with regard to employment, business, and pasture. There is already a conflict. So, if this Bill is going to worsen such a conflict, then we need to re-think it. The interests of Kenyans should not be compromised; at least not the right to access land for cultivation and pasture and entitlement to free education.

We noted that UNHCR has already provided very good education to refugees. When we say that Kenya should struggle to provide free education to refugees are we aware of the fact that this country is host to over one million refugees? Are we saying that this country should carry the burden of free education? The UNHCR is already providing very good education. So, let us re-think what we are talking about. Should our country provide free education to refugees? This is an area where the Committee is going to introduce amendments such that the interest of the host communities and Kenyans at large are not compromised. We have had very serious experiences for over 25 years with the refugees in this country. As much as we are aligning these issues to the requirements by the international community and international treaties, the interests of Kenyans are paramount.

The Committee noted that resettlement of refugees provided for in the Bill is open ended. Are we saying we can host ten million refugees? In terms of numbers, to what extent can Kenya host refugees? In Dadaab, we have depleted the water table. The environment there has been hard hit. When you have 400 refugees in one camp, you can imagine the environmental effects. This proposal is open ended. As a country, how many refugees can we host at one particular time? This is also an issue that the Committee would want to review in terms of amendments.

Hon. Deputy Speaker, those are the observations of the Committee. In general, we support the Bill, but with the amendments that we shall be introducing at an appropriate time.

**Hon. Deputy Speaker:** Let us have Hon. Opiyo Wandayi.

**Hon. Wandayi:** Thank you, Hon. Deputy Speaker for this opportunity. I wish to support this Bill which in my view is long overdue. The matter of refugees---

**Hon. Deputy Speaker:** Order, Hon. Cyprian! Just put back your card. It came out by mistake and so you will be the next one to speak.

**Hon. Wandayi:** Hon. Deputy Speaker, if you could also ask Hon. Shidiye and the Chairman of the National Government Constituencies Development Fund(NG-CDF) Committee to take their rightful positions because I am addressing a very serious matter, I would appreciate .

**Hon. Deputy Speaker:** Hon. Shidiye and Hon. Kamama, the Chairman on Departmental Committee on Administration and National Security, this is a Bill under your docket and Hon. Wandayi would like you to listen.

**Hon. Wandayi:** Yes, Hon. Deputy Speaker. He seriously needs my input on this Bill. The matter of refugees is a matter that goes beyond the boundaries of our country. It is truly an international matter and it is gratifying that we have seen it fit to enact legislation that is going to guide the process of management of refugees.

Refugees do not just happen, they are a consequence of instability and civil strife in various countries. The matter of instability of nations is not a matter that is confined to specific parts of the world or countries. It is a matter which can happen anywhere as history has proved. This country has borne the brunt of the menace of refugees for a long time. This is because of the fact that our neighbouring countries have had issues within their territories and that has necessitated and resulted into their citizens leaving their countries and crossing over in our country.

Hon. Deputy Speaker, as a country, we are bound by international conventions and laws that we have signed. The UN itself saw it fit to create a fully fledged commission in charge of refugees. That is why we have the UNHCR and the UN High Commission. Kenya has played a key role in addressing the plight of the refugees who have continued to cross over to our country from time to time, from the countries that surround us. I am happy that the enactment of this Bill will enable us to have a structured way of managing this very vital matter. As I said earlier, civil conflicts happen. You cannot predict when they will happen, where they will happen and how they will happen. We must, therefore, be prepared as a country to deal with the consequences of civil conflicts from within or without.

In the recent past, we have had problems regarding the manner in which our Government has handled refugees. It is also unfortunate that the majority of the refugees that we have had in this country are of Somali origin. We know what happened in Somalia since the fall of President Siad Barre in the early 1990s. As a country, 2013 was our lowest level in the manner we treated the matter of refugees. There is a mindset which has got into the institution of Government in this country. It is has become fashionable to engage in ethnic profiling of people when dealing with refugee matters. What happened in 2013 was unfortunate. There was a blatant abuse of the international law in as far as the treatment of refugees is concerned. Genuine Kenyan citizens of Somali origin were rounded up and locked up in what would essentially amount to concentration camps at Kasarani Stadium. It was the first time we saw Kenyan citizens being profiled and detained unlawfully in a concentration camp. It was a spectacle to see Kenyan citizens being caged under the guise of fighting terrorism.

This is something that will remain a bloat on the image of the Jubilee Administration – that the Government profiled a whole community simply because they were Somalis and because they were the majority of the refugees at Dadaab or Kakuma Refugee Camps or wherever was unfair. They were rounded up and detained in a concentration camp. That reminds me of the things that happened during the Second World War. It is something which is unforgivable. I feel very sorry for my Somali brothers and sisters. In the fullness of time, those who are responsible for abuse of human rights will have to face the full force of the law.

There has also been the habit of people in Government profiting from the refugee industry. Some people have continued to profit through extortion and all sorts of malpractices. This is a practice which I believe the enactment of this Bill will bring to a stop so that we do not use the very sad matter of refugees to benefit a few individuals.

*[Hon. Deputy Speaker left the Chair]*

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

I want to conclude by bringing up the matter of foreign policy. The way we handle refugees, in one way or the other, reflects our policy on foreign affairs. This country has hosted, and it continues to host, people from Sudan and South Sudan. We are aware that some political leaders of South Sudan have lived in this country for so long. The Government is blatantly taking sides in the South Sudan conflict by basically branding the people aligned to the SPLA-in-Opposition, led by comrade Riek Machar, aggressors while hobnobbing with the people who are supporting the Government of this guy called Salver Kiir. This country cannot afford to be seen to be non-partisan on the matters of conflict in South Sudan. We cannot afford to be seen to be hobnobbing with Salvar Kiir while branding the other side aggressors.

**The Temporary Deputy Speaker** (Hon. Ms. Mbalu): Hon. Opiyo Wandayi, there is a point of order from the Member of Tiaty.

**Hon. Abongotum:** Hon. Temporary Deputy Speaker, with all due respect to my friend, the Member for Ugunja, is he really in order to refer to the President of South Sudan as “this guy called Salva Kiir?” Let us just give him the respect he deserves. He should refer to him as “His Excellency President Salva Kirr Mayardit.”

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Your point is taken. Hon. Opiyo, you had one minute but it is always important---

**Hon. Wandayi:** Hon. Temporary Deputy Speaker, add me two minutes please.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): I will not add you two minutes. You had less than 30 seconds but of course it is always important to address---

**Hon. Wandayi:** Hon. Temporary Deputy Speaker, on the matter of Salva Kiir, I thought he was a man. Men are referred to as “guys”. However, the other fact is that Salva Kiir is leading a disputed Government.

**Hon. Shidiye:** His time is up!

**Hon. Wandayi:** Hon. Temporary Deputy Speaker, there is a dispute between the two sides of the leadership of the Government of South Sudan. There is a dispute between Salva Kiir and Riek Machar.

**The Temporary Deputy Speaker** (Hon. Ms. Mbalu): Your time is up. You had 30 seconds.

*(Hon. Wandayi continued to speak off-record)*

Hon. Opiyo, you are not on record. It is important to plan your 10 minutes. The next on my request list is the Member for Igembe Central.

**Hon. Kubai Iringo:** Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to this Bill.

First and foremost, I want to thank the initiator of this Bill, Hon. Neto for coming up with it. I also thank the Committee, which went through this Bill and came up with some very pertinent and fundamental issues that need to be looked into.

I support the Bill because it gives a framework and gives the commission which will be formed the powers and the strength to contain the refugee menace or issues in this country.

Naturally, people run away from their countries of origin because of different reasons such as political unrest or insecurity. There are those who run away because they have committed crimes or have broken the law in their motherland, therefore, they have to run away and seek refuge wherever they go. These people should be treated as temporary visitors. We should not treat them as though they are coming to permanently stay in our country. Refugees

come from different countries. We get the biggest influx of refugees from the countries which surround us. There are others who come from afar, even abroad, and try to hide here. We need to engage the international community, the African Union (AU) and the United Nations (UN) so that the country should not carry the burden of maintaining and taking care of these refugees. We need to have a framework whereby the international community chips in for the temporary stay of these people who have come from their motherland because of one reason or the other.

As the Bill states, we need to accord them their human rights. They should be treated like any other human being. They should be handled with a lot of respect but there should be limitations as to where they stay. We should have designated areas where they are supposed to stay. They should be vetted on how they came, why they have come and what made them get away from their country. They should also be registered and their status indicated as refugees. Their movements should be limited. When refugees come to our country, especially from neighbouring Somalia, they intermingle and join the other citizens. At the end of the day, if they commit crime, they have no identification and their whereabouts cannot be traced. That is why we have a lot of insecurity in the northern part of Kenya. They should be vetted by the commission. It should be known where they stay and what they do. The areas they stay should be guarded. If they have to go to other parts of the country, they should be given permits so that it is known where they have gone.

I appreciate the issues of education and medical care as brought out in the Bill. They are humans and they should get the same. They should also be protected. There should be a formula of taking them back home. We should monitor to know the situation in the country. Is it the right time to take them back to their country or do they need to stay further? The commission should further consult with the mother country to see that these people stay the minimum time possible. Sometimes, they also become a burden to us. If the situation in their country is normalised, they have to go back. If it is a criminal who has run away because he has done one or two things, he should be repatriated back to that country and should not be held as a refugee in our country. We should not have a fixed number of refugees, like the one million we talked about, as if they came to live here permanently. Our Government is doing everything to get them to go back. If others come back, we will at least have some space to keep them so that they do not overcrowd the refugee camps and the other places.

Once these refugees come to our country, we should have a kitty to take care of them and also urge the international community to supplement the same. We should not have a fixed budget for them because we do not know how many of them will come to our country. We can have a kitty in the Ministry of Interior and Coordination of National Government which can be used to supplement or mitigate the refugees when they come and also organise for their return.

The Bill is quite perfect. I support it but we need to implement the amendments, especially those ones which were mentioned by the Committee and others which may come later, so that we can at least polish the Bill and not gag ourselves or put our country into a situation where we consider refugees to be at the same level as citizens of this country or give them an elevated status such that when they come here, they become a burden to our country.

I support the Bill.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Chrisantus Wamalwa, Member for Kiminini, you can have the Floor.

**Hon. Wakhungu:** Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to the very important Refugee Bill. This Refugee Bill is domesticating

the 1951 Refugee Convention and 1967 Protocol. Kenya is part and parcel of this protocol and the convention. Article 2 of the Constitution talks about the supremacy of the Constitution.

Article 2 (5) says:

“The general rules of international law shall form part of the laws of Kenya.”

Article 2 (6) says:

“Any treaty or convention ratified by Kenya shall form part of the law of Kenya under this Constitution.”

No one wishes to be a refugee. Kenya, like any other nation, has to move globally to where other people are moving. The 1951 Convention and the 1967 Protocol bring in the principle of non-involvement. These instruments are also based on international refugee law which protects the people who seek asylum and the refugees who have been given that recognition. It is important that this Refugee Bill brings in a clear and comprehensive framework that will domesticate that 1951 Convention and the 1967 Protocol which Kenya is part and parcel of. I was the lead consultant on the refugee policy that was developed in this country under the United Nations High Commissioner for Refugees (UNHCR).

In this country, we know very well that there is a Department of Refugee Affairs in the Ministry of Interior and Coordination of National Government. It is based somewhere in Lavington. That department is overwhelmed. It will be important that once we have a law in place, we will have something that we can rely on instead of having an issue being handled under regulation where the Cabinet Secretary (CS) can decide to do away with it one way or another.

Article 1 of the Constitution talks about the sovereign power of the people, which can be exercised directly or indirectly by their democratically elected leaders like Hon. Chris Wamalwa. You do not wish to become a refugee. Maybe because there is war in your country or for political reasons, you become a refugee. We have seen many Kenyans seeking asylum abroad. We know Koigi wa Wamwere went to seek asylum in Norway. It is something that we must subscribe to. When you look at the 17<sup>th</sup> Sustainable Development Goal (SDG), it says that we want to strengthen the global partnerships for purposes of sustainable development. In this context, as Kenya tries to host refugees, we need global support. Kenya has been very welcoming. Daadab is one of the biggest refugee camps that we have in the world. Other global nations are doing very well. They must reciprocate and support Kenya for purposes of sustaining these refugees. It is important to note that once you have the status of refugee, you also enjoy the bill of rights like any other Kenyan. We are also struggling with our economy. We have free primary education. We want these refugees to access free primary education. Where are we going to get the funds? Unless the international community supports this country, we will not manage to host these refugees. We welcome refugees in this country with both hands, but unfortunately, *asante ya punda imekuwa mateke*. I am a member of the Departmental Committee on Defence and Foreign Relations and research has shown that the planning of the bombing of Westgate in Westlands, last time, was planned in Dadaab Refugee Camp. That was the time Hon. Asman Kamama and Hon. Gethenji chaired the Committee together to investigate the Westgate bomb attack which was done by these *Al Shabaab*. If you traced back, you will be told it was done in Dadaab Refugee Camp. It is important when you allow these refugees to come; proper screening must be done because we are allowing criminals into this country to spoil the good name of Kenya, which we are trying to defend in line with the 1951 Refugee Convention.

The refugee law is very clear in terms of the non-evolvement principle. It says when you come you should not be sent back. Again, on *prima facie*, a Latin word which most of the time is used by lawyers, it simply means that you believe the evidence that is provided. You have to

show that it is true unless proven otherwise. Unfortunately, when these refugees come to this country, you will find later that they are criminals after doing some background check on whatever is presented. We cannot provide this because they are a threat to this country.

We call upon the relevant ministries. I am happy about the issue of having a commission in place, though it should have been an authority. In terms of the three arms of Government, it is in the Executive. If it will be a refugee's authority, maybe we will discuss it in detail when this Bill comes to the Committee of the whole House. We can amend it accordingly based on the set principles that are already practised in this country.

When you go to Dadaab Refugee Camp, there is a lot of environmental degradation as a result of hosting these refugees. They also come to compete for the national cake that the host country is supposed to benefit from. There must be dos and don'ts that these refugees must subscribe to because we are hosting them. It is important as they come, they must be law-abiding citizens. If somebody is not abiding by the laws set in the country, he should be sent back. I know His Excellency the President had said that they should close these refugee camps so that these people can be taken back. I know we have had an extension of six months.

From the humanitarian perspective, Kenya must subscribe to the international refugee law. As they move on they must abide by the law that is there. We call upon the global partners; the rich countries in the world to support Kenya. They should not force Kenya to host the refugees and yet they are not giving us support in monetary terms. The UNHCR is here. We have rich nations like the United States of America (USA) and the United Kingdom (UK). The G8, for instance, must show commitment that by the end of this year, a specific amount of money must be given to Kenya to sustain the refugees we are hosting. If we do not have that, where will we go? Are we going to give them the small amount we are given as the NG-CDF and it is not enough for Kenyans? The host country cannot just be humanitarian and yet the global nations are not supporting it. The Sustainable Development Goals (SDGs), even previously the Millennium Development Goals (MDGs), if I remember very well, the MDG No. 8 was talking about global partnership. We have moved to the SDGs. The SDG No. 17 clearly talks about strengthening global partnerships. We need these global nations; the rich nations should support Kenya in what they are doing.

The clause that talks about the secretariat to run the affairs, should talk about being in charge of screening. It should be the one managing the receptions; monitoring the refugees by doing the background search. It is important to note that this Bill recognises that the issue of refugees is not on a permanent basis, but on a temporary basis.

We also have experts who come as refugees and it is important as we move on to look at how we amend this Bill. For instance, we have very good medical doctors. Some of them with some specialities like neurosurgeons are very few in this country. We also have very good pilots. They ran away from their country because of the war. We can tap or do some professional mapping and know the benefits these refugees have so that we can tap into it and use it in this country. Those who are going to be---

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): You are not on record to say you are supporting. Maybe I can give you one minute for you to be on record saying whether you are supporting or not.

**Hon. Wakhungu:** Hon. Temporary Deputy Speaker, having been a leader of consultants in the development of refugee policy in this country, my name is there under the UNHCR, I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Before the Member for Mwatate we had - maybe you have not noticed - Hon. Yusuf Chanzu. Your card was on and went off. Put it on again. You were next.

**Hon. Chanzu:** Thank you, Hon. Temporary Deputy Speaker, for the opportunity to support this Bill. The way the world is going, it is opening up all the time such that we cannot live like in the past. If something has happened, like we ended up having refugees, whether they came here because of the country being friendly or the idea of neighbourliness, it comes a time when these things have to be formalised.

I have seen a very interesting case at Kenyatta University where the first President allowed people to settle there. Now it has become a problem because people who were born there now have grandchildren. The main reason I support this is there must be orderliness. It must be an issue that must be planned for and predictable, now that we are part of the global village and the problems affecting other countries may also affect us or our people.

Just like what my colleagues have said, we have also had people who go out to seek asylum, which I hope will not happen in this country now that we got a new Constitution. There is a lot of openness and the courts are working – although sometimes not very well. I believe that the fact that we are part of the international community and within the region we have got neighbours and we happen to have accommodated people from those countries, dealing with their situation must be done on humanitarian grounds. We cannot just throw people out.

The most important thing is that the Committee has gone through this and has given some guidelines on the basis of which this should be done. It cannot be open-ended, even on the issue of timeliness. On the other hand, when you allow a situation to continue, you either naturalise it or make it permanent. There must be caution. There must be a framework on the basis of which this is done. This law is intended to do that which is very important.

Hon. Temporary Deputy Speaker, we should avoid dealing with things on an ad hoc basis. It should be something that can be predicted and planned even when it comes to repatriation that a colleague was talking about. Recently, when the President announced that these refugees must be repatriated, some statements were made by the innocent children born there and are in school in Dadaab. It was something sympathetic when they said that they were going to be taken to a place they did not know, that they did not know how their lives will be and whether they are going to continue with their education or not. The fact that we are part of the larger international community, we should also care. Of course, we have an advantage and disadvantage as far as our location is concerned globally and continentally. We are strategically situated and so it is easy for those from other countries to get into our country. That, of course becomes a problem. Because of the conducive nature of the country, it is easier for them to come, but we must have a way of controlling them once they have come in. It is going to be unfortunate for those who want to seek refugee status or help in Kenya to be just thrown away to be killed or something like that.

We must be prepared for this by having adequate security in place. It is good that reference has been made both to the Ministry of Interior and Coordination of National Government and the Ministry of Foreign Affairs which should work in collaboration in order to ensure that security aspects are properly taken care of and the welfare of both the refugees and neighbourhoods is also taken care of.

Recently, when we visited Dadaab with one of the Committees of Parliament, my imagination was that the facilities put there because of the refugees are of high standards because it is a hardship area. Because of the refugees, we have international organisations which have



contributed towards the development of the area by stocking and equipping it. I thought that would be an advantage. But the larger Government's view is that it is a security risk because we had not prepared for it. If we had prepared ourselves, I am sure it would be good. Dadaab has grown faster than other areas of North Eastern which have been there from time immemorial. It has grown because of being a refugee camp and due to international organisations which support the refugees. This is something we need to take stock of so that we are able to be in control

This law also helps us to be proactive in dealing with situations like these. Firefighting or dealing with situations when they have occurred, sometimes makes us not do it right. If you know what you are going to do in advance, you are able to plan for it.

This is an important law. It is also interesting that we have had a situation in this country for 25 years, but we have been handling it in an ad hoc manner. Sometimes, it does not augur well. Sometimes you may do it, but when we say that we are going to repatriate them, you can see the reaction. Someone like Trump, having been a top level business magnet, could end up running America in a business-like manner and improve the economy but from his utterances and policies on how he wants to deal with other parts of the world, there will be repercussions. It is unimaginable that after he won the election, up to now even in America some of the cities and towns are still protesting including young people. They are protesting that they cannot have him as their president, but it has already happened. That is why I am saying that you may throw out these people, the way we are trying to do but you cannot predict the effect. That is why there should be good planning when we want to do something. If there is action the Government wants to take, it should be brought out openly so that it is debated and discussed. It is good that Parliament is here so that some of the things are debated. When we talk about these things, everybody is represented.

It is important that we have a law like this in place which can help us to deal with such an issue in an orderly manner because it is delicate since it is dealing with human beings. The other problem we have in this country is that we are very young. We have been opening up our markets to other countries like China without putting adequate laws in place. That is why we are getting substandard services and goods from those countries. So, we need a law like this to control that.

I support. Thank you.

**The Temporary Deputy Speaker (Ms.) Mbalu:** Hon Members, allow me to recognise and, of course, give the Floor to the Member for Westlands, Hon. Timothy Wanyonyi. I am sorry for keeping you for long.

**Hon. Wetangula:** Thank you, Hon. Temporary Deputy Speaker for allowing me to also contribute to this Bill. This Bill is giving a legal framework to the refugees that are hosted here in Kenya. Refugee issues have not been adequately tackled. That is why we are experiencing pressure especially with the influx of very many refugees.

This Bill provides many good things on how refugees will be managed especially by providing designated areas where they can be hosted. This is very important because the Commission that will be put in place will make sure that these people have a designated area where they can stay and their issues addressed from that end.

The other issue is about integration of refugees in local communities. This is something that is very important. Sometime back when we had problems in Uganda, many refugees resided in western Kenya. These refugees were instrumental in development of western Kenya especially in the education sector. Most of those people were professionals and some of them were employed as teachers in schools in western Kenya. We experienced a lot of improvement in

education. I believe integrating refugees some of who are professionals in their own right will help in some way in dealing with some issues that affect the local communities. It is also important that the Commission also informs the refugees when they integrate them to the host community.

Being a refugee does not take away your rights; you still remain a human being. So, human rights issues still apply to refugees. It is only that they are given duties. For example, refugees have to respect the people hosting them. As a refugee you are also supposed to behave and conform to the laws governing the host nation. Those are some of things that are captured in the UN Convention on Refugees. I believe that when we start looking into these issues concerning refugees, especially now that the Government has planned to repatriate them to Somalia--- We are a member state of the UN and the international community and the issue of refugees is an international problem. As we repatriate the refugees, we must look into the concerns that are being raised by the international community.

We have had very bad experiences of criminals taking advantage of the refugee situation in the country and then harming us. I am talking specifically about terrorists. They have been using the refugee camps as a hideout, but that should not make us stop hosting refugees. We can still deal with it as a security issue. It is important that we address the issues being raised by the international community. You realize that what has happened in Syria has awakened the world. This is because some of the countries that were shouting the loudest and forcing Kenya to keep refugees have now realized that the refugee issue is a very serious problem. They must now address the issue of stability in those countries where the refugees are coming from. When there is instability in a region, especially in our region here, we must deal with it. As we host refugees, we must deal with the issues of peace within the refugees' home nations. This will enable them go back home safely.

At this point, let me talk about South Sudan. We have withdrawn our troops from South Sudan yet we are still hosting refugees. Some of these people are likely to become a risk to our security. They could be used to revenge upon us simply because Kenya has withdrawn its concern about their country's welfare. We must look at such an issue very carefully.

As we deal with the refugees, we must also know that Kenya is signatory to some of the international instruments that address the plight of refugees and asylum seekers. Let us not forget that even Kenya has had refugees in Uganda. A number of them have been camping outside Parliament for some time now. They took refuge in Uganda during the 2008 post-election violence. They have now come back to look for resettlement. It is now clear that resettlement is also an issue that needs to be looked at carefully by the hosting community and the Commission.

There is also an important thing that this Bill raises, which is about the hosting community integrating refugees in the local community. It is an issue that will be addressed by the county government, the national Government and the UNHCR. They need to make sure that the matter is dealt with in a very humane way. Even when designating areas for the refugees, it is important to involve the hosting community to ensure that there is no pressure on the environment. Currently, there is so much pressure on our resources and that could easily bring about conflict between the refugees and the hosting community.

In a refugee camp, you will find so many resources, including water. Members of the local community also access such resources. If you go to Dadaab and other areas where there is scarcity of water you will find boreholes. The local community is sometimes not allowed to access the water points and so it breeds conflict between them and the refugees. As a Committee,

we have interrogated the many issues being raised by this Bill. During the Committee of the whole House, we shall be proposing amendments that aim at polishing this Bill.

I, however, want to congratulate my good friend, Hon. Aghostinho Neto, for coming up with this Bill that seeks to provide a legal framework on the issue of refugees in this country.

*(Hon. Shidiye crossed the Floor without bowing at the Bar)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Order, hon. Member! Let me not mention your name, you know yourself. You cannot cross the Floor in that manner. Go back and do the necessary!

*(Hon. Shidiye bowed at the Bar)*

Good. Let us have some decorum in the House. I will not allow that.

**Hon. Wetang'ula:** Thank you, Hon. Temporary Deputy Speaker. With those few remarks, I beg to support the Bill as I congratulate the hon. Member for coming up with it. I thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you. Let me have a lady. Hon. Mary Wambui, Member for Othaya.

**Hon. (Ms.) Munene:** Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to say something about refugees. Kenyans are good people. They welcome everybody who comes their way. However, we also get problems because when refugees come here, they do many things. They use some people to buy property. If you go to Eastleigh or Zimmerman, you will find so many refugees and yet the Government seems not to be aware of what is happening. I am asking our Government to come up with the right law.

We must respect human rights. We must respect refugees because we do not know about tomorrow. As we host them, the Government must have structures in place so that we know how many refugees are in this country. We cannot operate in a way that would expose us to criminals like it happened during the Westgate incident.

The refugees have stayed here for a long time. You know that when a visitor comes to your place, they are normally there for a few days and then they go away. Our refugees have been here with us for the last 25 years and, indeed, they have presented us with a lot of problems. We know we like people. We are supposed to have an international law. As my colleague, Wamalwa said, the international community has left Kenya with a burden of feeding those refugees. When we say they should go back home it is because we have helped to bring peace in their home country. They do not want to go back and all they can tell us are unfavourable words. They are telling us that it is not right for us to do what we are doing. Even now, we have many foreigners in our country who come to work here. It is good to have partners, but they are not supposed to enjoy the same rights as the citizens. If you go to River Road, you will find many shops which have been opened by Chinese. Our people are not getting business. It is our economy that suffers because our people are not doing these jobs. When they get money, they take it back to their countries. It is not good for us to make our people suffer because we are welcoming refugees and other people into this country.

I rise to support the Bill, but I request our Government and intelligence officers to identify the refugees in our country. They should know what they are doing, where they stay and whether they are getting out of the refugee camps to do other businesses. We keep these people

at Dadaab and we have been hearing many incidents about bombing and other happenings. This is not good for us. We need to protect our country. We need to protect our people, so that Kenyans can enjoy their rights. We do not know why visitors are taking our jobs. If they come as doctors, it is okay. I know some Ugandan doctors who were working here. Foreigners can work in this country if they are qualified knowing that they will go back home one day. They will help our people and at the same time get their daily bread, but you cannot keep quiet when your people are suffering.

I am begging the Government to make sure that even if people are coming here as visitors, they are not given work permits because our people are not going to have jobs. Our industries have now collapsed because the Chinese have brought everything. You will find a Chinese selling even the small items. They are selling cheap goods while we are not manufacturing anything in our industries. They bring goods that are rejected in their country. Why are we allowing this?

I support the Bill, but also ask our Government to make sure that Kenyans get their fair share. Like Trump said, he is there for Americans. Let us, leaders, be there for Kenyans.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): I am sure your amendments are very welcome when it comes to Third Reading. Let us have the Member for Mwatate Constituency; the representative of the people of Mwatate in the 11<sup>th</sup> Parliament, Hon. Andrew Mwadime.

**Hon. Mwadime:** Thank you, Hon. Temporary Deputy Speaker, for this opportunity. From the outset, Kenya has been having the problem of refugees for a long time. Therefore, it is important to have clear rules and laws to govern all this. In this Bill, structures have been clearly defined on who should be a refugee. At the same time, the methodology for somebody applying to be a refugee has been well stated and appeal procedures have been well defined. It is important to ask questions regarding the merits and demerits of refugees. Screening should be foremost because we have been having refugees, but you will, at the same time, see problems like the bombing of the Westgate and other areas. Screening should be of paramount importance.

I am happy because this Bill has clearly stated on Clause 35(2) that refugees should not acquire or hold freehold interests on land in Kenya. This is a good law because we are protecting our countrymen. At the same time, the commissioner has powers to rescind refugee status in case a person is recognised as a refugee and fraudulently misrepresented or omitted some facts. It is covered in Clause 20 of the Bill.

The problem of refugees within our country should be a problem of the international community and not a problem of Kenya alone. It is important for the originator of this Bill to see how other countries that have refugees are handling them. He should go to Tanzania to see what is happening. He should go to Somalia and all other countries where there are refugees to see what is happening, so that we can have a proper law to govern these issues.

For those few remarks, I thank you for giving me this opportunity. I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Johana Kipyegon is next on my request list.

**Hon. Kipyegon:** Thank you, Hon. Temporary Deputy Speaker. I also wish to make a serious contribution to this Bill. The Bill is geared towards giving structures and methods of dealing with refugees. Remember that refugees are people who ran or run away from their countries because of hostilities and circumstances that make their countries uninhabitable by human life. People run away because of war and conflicts. People run away from their countries

because of problems that are created by either politicians or leaders in those countries. They also run away because of problems created through hunger and all those other issues.

Kenya is a blessed country because it has been receiving refugees since time immemorial from Rwanda and Burundi in the past years and refugees from Uganda during the wars between Milton Obote and Iddi Amin Dada. People ran away from Sudan and Somalia. Others ran away from Ethiopia. I thank God for allowing this country to host refugees who have been running away from problems in their countries. Remember we almost had the same situation in 2007 because of the political contest between some bigwigs that made Kenyans run to Uganda to seek refuge. Others were internally displaced. We need to tell ourselves that we should not go back to that state because God allowed us to be a very peaceful nation, to have political transitions and peaceful handing over of power.

Having said, we must also understand that Kenya falls under the international community. We must understand that Article 25 of the Constitution states clearly that international law and any other international treaties and conventions form part of our laws. When you read the international law, namely, international treaties and conventions, they recognise refugees. It talks about the integration of refugees and how to repatriate refugees in case there is an issue of repatriation. This law that is proposed by Hon. Neto goes a long way in solving these problems, so that we do not just wake up in the morning or a Cabinet Secretary (CS) or the President does not wake up in the morning and declare that we need to repatriate all the refugees in this country. It does not work like that.

Hon. Temporary Deputy Speaker, the international law guides on how to repatriate and integrate refugees in our countries. This has happened across the world. It has happened in Europe, the United States of America (USA) and in many other countries. Refugees or political asylum seekers are integrated in countries and they become part of the citizens of those countries. Why is Kenya behaving like it is not part of the international community? I heard one Member comparing President Kenyatta to Trump who was talking about illegal immigrants. We are not talking about illegal immigrants. We are talking about refugees; people who seek refuge in our country because of hostilities in their countries.

The difference between illegal immigrants and refugees is so huge. Trump was talking about deporting illegal immigrants, which I think is a different thing. We are talking about people who have come to seek refuge in our country like what some Kenyans did in 2007 in Uganda. Therefore, this law will solve the problem that some people are trying create by declaring that Kenya should repatriate refugees immediately to their respective countries yet those countries are still experiencing serious hostilities and people are still killing each other. I wish to support this law because it gives guidelines on how to deal with the issue of refugees. I also support it because it speaks to several issues, among them, how to establish the process of repatriation and resettlement. You must understand that if you have to return refugees to their countries, there is a very elaborate process that you should follow. You do not just declare that camps should be closed immediately and that the people in those camps should disappear. If you do that, you will definitely create disharmony both within and without the borders of our country.

This proposed law establishes a commission that will be dealing with issues of resettlement of refugees in their countries of origin. If, for example, you want to return them to Somalia, how do you go about it? This is not a problem facing Kenya alone. When we say rich countries should fund some of these projects, no country was destined to poverty or riches. It is the people of a country that make a country rich. You cannot, therefore, stand here and say that

you want the rich countries to give us money. Who made them rich? It is the leaders and the citizens of those countries that make their countries rich. Kenya is also rich. Therefore, we have an international obligation to ensure that refugees in our country are safe and secure.

This law also seeks to establish a secretariat that will deal with refugee affairs, so that whenever we are dealing with refugees, we do not deal with them anyhow. It also seeks to establish a Refugee Status Appeal Board. The CS could declare that one is not a refugee or an illegal immigrant. There should be a board where people can appeal and seek a determination of their status. This Bill also seeks to establish refugee reception offices. Remember, anyone can be a refugee any time. It is not something that can be planned. People can fight in their countries at any time and there are those who would want to seek refuge in other countries.

We need to establish reception offices, so that if there is a problem and people are fleeing for safety from other countries, say, Uganda, Tanzania, Sudan, Ethiopia or Somalia, we have offices that will vet them. The officer concerned will take note of the departure routes of the refugees. They will ensure that arms carried by the refugees are surrendered at particular points. Many people have complained that refugee camps, such as Dadaab, have been hideouts for terrorists and that that is where they plan their activities from. When you fail to give these people proper means of living, anything can happen. The refugees in camps are in a vulnerable state. This means that they could do anything for a living in order to fend for their children. Refugee camps are places criminals would want to go and execute their plans. It is, therefore, the responsibility of the Government to ensure that refugees in this country are treated fairly well.

This Bill speaks to the rights of refugees. Remember that when refugees are in the country, they have a right like any other person under international law. So, I will support this Bill because it ensures that the refugees in this country are treated humanely. When there is talk about integration, we should integrate them to become citizens of this country because they can also do good things for this country.

**The Temporary Deputy Speaker** (Hon. Mbalu): Your time is over. I must appreciate that there is great demand from Members to contribute on this matter. For those who have just come in, we are on the Second Reading of the Refugee Bill by Hon. Agostinho Neto. Let us avoid repetition. One does not have to use his or her 10 minutes to speak. I am aware Hon. Agostinho had some areas in mind. Allow me to give this opportunity to the Member for Lagdera, Hon. Mohammed Shidiye.

**Hon. Shidiye:** Thank you, Hon. Temporary Deputy Speaker. From the outset, I want to appreciate the Mover of this Bill. This is a very important Bill for people like me who come from Garissa County, which has hosted refugees for the last 25 years since the collapse of Somalia. To be honest with you, nobody plans to be a refugee. It just happens when a country collapses. It could also happen when one is under prosecution and one seeks to run away to another country. Kenya has been good in hosting refugees from Uganda, Congo, Rwanda, Burundi, Ethiopia and South Sudan. It has been magnanimous because it has hosted and helped these refugees.

The host communities have also suffered with regard to keeping the refugees. There is a huge ecological disaster in Dadaab. We had a semi-arid area, but now the whole area is virtually a desert. The water resources are depleted, the little forest cover that was there is depleted, there are dry river beds and the area is virtually a desert. However, for us to handle this matter squarely, we must change our strategy as a country. It will be good if this Bill comes with the restructuring of policy and a new paradigm shift in the handling of refugee affairs.

It is only in Kenya where refugees stream in and there is no proper structure, to say the least. The UNHCR was doing things on its own. It was running the show to the extent that it

never cared about the leadership of the country. In Ethiopia, the UNHCR has to go through the Government. Here in Kenya, they had a free hand and they could do anything. So, I would like to address two things on this matter. The international community abandoned Kenya at the hour of need. They left us with a huge responsibility of hosting about one million people. The international community is not giving any support to the Government of Kenya. We have lost a lot of time and money on this matter. Time has come for the international community to chip in and, at least, provide livelihood to the refugees, so that they do not interfere with the locals.

It is very painful to keep a grown up person of over 25 years in a refugee camp. I call that a cell. A kid who was five years or 10 years old when he came to Kenya as a refugee is now a grown up. He is strong, vibrant and at his prime age yet he cannot get any job. He is confined in a camp. That is basically why I am saying it is not a refugee camp, but a cell. It is like you are in Kamiti Maximum Prison or Naivasha Prison. Time has come for us to think about the refugee issue. There are three options on this matter. The first option is to encourage the refugees to volunteer to be repatriated to their countries of origin. The problem with this option is that some refugees have been disconnected from their families. They do not know where they came from because they left their countries 25 years ago while some were born in the refugee camps. If you tell them to go back to Somalia, they do not know where to start. It is extremely difficult to start life in a country you are disconnected from. Therefore, we should allow voluntarily repatriation.

Secondly, we should, as a country, change our policies so that if somebody stays in Kenya for more than 25 years or even more than five years, they can be accorded citizenship and be allowed to be part and parcel of this country. Immigrants always bring a lot of good things. They bring business and good ideas. America is great today courtesy of immigration, economy of refugees and political refugees. America today is a cultural melting pot. Humans from the whole world have gathered there. Everybody went there with his or her skills. That is why America today is one of the greatest nations in the world. The US economy has been driven by immigrants and refugees. Therefore, as Kenyans, we should swallow our pride. Why do we have a problem with 600,000 people in one village called Dadaab or Kakuma, in making them Kenyans?

The third option is to organise for the refugees to be settled in a third country, so that the international community can share the burden. The EU nations, the USA, Australians, Canada and African countries must share the burden of refugees. We can give each country 10,000 refugees. That will be a drop in the ocean. That way, we can close the refugee camps once and for all.

However, as of now, none of the three options is being pursued. We have what we are calling “voluntary repatriation”. The Somali Government is not ready to receive them. It is not yet a fully functional state. It is still a banana republic. There is a lot of insecurity in Somalia right now. The Government of Kenya must think of ways of stabilising southern Somalia, so that Somali refugees can be repatriated and settled there. They can be provided with means of livelihood, including farmland, schools, hospitals and a reliable water infrastructure. That is the way you can settle people. However, it is unfair to repatriate and settle people in a country they are already disconnected from.

We have about 200,000 stateless people in this country who are just hovering in the darkness. The rule of natural justice demands that somebody must be domiciled in a country. You cannot operate from the air. You were brought by God to this world. You must be domiciled in one country. You must be accepted by a country. However, God did not bring you to this world to be stateless.

Another very important thing for us to ventilate on is the issue of so many Kenyans whose biometrics have been entered into the refugee database. We have Kenyans who are suffering because they cannot be issued with national identification cards. Some of them went to refugee camps just to get food and free services like education, medical care and other goodies issued to refugees by the UN refugee agencies. Today, these people cannot travel, get jobs, register businesses or get any employment in Kenya. They are now vagabonds in our villages. They are running away from the police. Even animals have more rights than them. At least animals can loiter. These people have no national identification cards. If we do not address this issue, it will become a security threat.

If somebody is denied his citizenship, which means he cannot get a job in Kenya, such a person becomes dangerous. He can commit suicide. He can be worse than *Al Shabaab*. Therefore, we must address this issue as a country. Up to now, we have failed to address it. We have many Kenyans who would be voters in the next general elections if they had been issued with national identity cards. They would add value to this country. Some refugees have Masters Degrees and PhDs yet they cannot get jobs because they cannot move around. It is very important for us to accord refugees some respect. They should be registered. For one to even be registered as a refugee today is difficult. There is so much bureaucracy and corruption involved. It is important that we have an office dedicated to registration of refugees. That way, nobody will be denied a chance to be registered. Kenya has hosted many refugees and I know we will still host more. It is very important for us to ensure that eligible refugees are registered. If one is denied registration, there must be an appeal process. Without an appeal process, it will be a problem for one to be registered.

Finally, we are facing the burden of refugees. The Government of Kenya must ensure that communities that have been hosting refugees are provided with infrastructure.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Let me add you one more minute.

**Hon. Shidiye:** Thank you, Hon. Temporary Deputy Speaker. People in northern Kenya have suffered and we continue to suffer because we host refugees. It is a huge burden. Nobody has appreciated us. Kenyans in northern Kenya are looked down upon. When some people see me, they think I am a refugee. Those people are Somali nationals and I am a Kenyan Somali. There are also Djibouti Somalis and Ethiopian Somalis. The Government of Kenya must provide a way of helping our people out of this bottom neck. You cannot host refugees for more than 25 years and fail to have a policy framework for safeguarding the Kenyans who host these refugees.

With those few remarks, I support and thank you for being generous.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): You have supported with very good points of argument, indeed. I know Hon. Neto has been listening keenly to this debate. I would like all the Members present, including the Chair of the relevant Departmental Committee, Hon. Kamama, to also listen keenly with a view to proposing necessary amendments at the right time.

Before I give the Floor to the Chairman of the Departmental Committee, because I know his preferences, it is good for us to listen to a few more Members, starting with the Member for Wajir County, Hon. Fatuma Ibrahim.

**Hon. (Ms.) F.I. Ali:** Thank you, Hon. Temporary Deputy Speaker. I almost gave up, but thank you for allowing me to contribute.

First and foremost, I want to support this Bill. I want to recognise Hon. Neto for walking through this Bill. I want to confirm that some time in 1993, I worked for a while in the refugee



camp that Hon. Shidiye has described. This Bill is very comprehensive. It has a series of progressive provisions. People do not become refugees by choice, but circumstances force them. Nobody chooses to be a refugee because it is not a good way of living. People are forced out of their countries. You can imagine yourself as a Kenyan with a very established business and property - I pray it does not happen to us - and one day you are forced to leave your country because of fear, persecution, death and other threats. We need to internalise the fact that anybody can be a refugee any time. It is a very horrifying life. It is never a choice or option.

This Bill has laid down structures. It seeks to establish a secretariat, an appeals board and an eligibility committee. It gives a process that is formal and recognised in law. Eighty per cent of the provisions in this law are well articulated and are anchored in the African Union (AU) Convention and the Geneva Convention of 1951. They are attached and made reference to in the Bill. This law recognises that there is protection of dignity and assistance to refugees and other asylum seekers. Kenya should be recognised as having hosted large numbers of refugees for a long time. Kenya has tried its best to provide assistance and protection with the support of the international community.

The Bill is trying to institutionalise the rights of refugees and asylum seekers and also give them some duties. Refugees also have duties to the country that is hosting them in terms of adhering to the law of the country, respecting systems and other structures. This law formalises access to land, education, work or employment and citizenship or naturalisation. I interacted with refugees when I was a commissioner and when I was working in a refugee camp. Back in 1993, I met an old man who was a refugee in Daadab Refugee Camp, who wanted to travel outside the country for treatment. He did not have any documents to travel out of the country and he was dehumanised and his dignity was not protected. He felt helpless and was shuttling from one office to another to secure travel documents. This law recognises that refugees need to travel outside the host country. There are processes to appeal and present their application.

With regard to naturalisation and citizenship, the law has clearly stated how a refugee who has stayed in a country for a certain period of time can apply for citizenship. When you allow people to follow the law and benefit from the law, fears, issues of insecurity and illegal issues will diminish. The person will look forward to being naturalised if they stay long in the country. There is an opportunity for them in law to apply for citizenship, work harder and invest in the country where they are being hosted rather than having fear, being intimidated and sometimes having uncertainties of being repatriated by force.

Host communities in this country have definitely suffered. The refugees also bring a lot of good things to the country. The communities hosting refugees have also benefited from the programmes, activities and the investment that refugees have brought. If you visit Daadab Refugee Camp now and compare it with how it was in 1993, it is totally different. Right now, huge investments are taking place in terms of real estate, construction, employment and schools which have totally transformed and changed the area for the better. This has been because of the presence of refugees. We need to shed off the notion of thinking that it is negative to host refugees and recognise that refugees are useful investors, professionals and do good things.

There are certain things that the international community has not done in terms of supporting the hosting countries like Kenya. They are required in law to invest in certain social programmes in areas that are hosting refugees. The international community has failed us, to a certain extent, by failing to invest and support the host countries in terms of financial programmes. I am a witness that sometimes host countries like Kenya struggle hard to offer

security and support to recognised refugees. Sometimes, there are limitations on the part of the country.

The other thing currently happening is the forceful repatriation of refugees. Under law, refugees should volunteer to go back home. They should not be forced. They should be given enough information that the place they are being taken to is safe, secure and they can return without any problem. I neighbour refugee camps because I represent Wajir County and I have witnessed that refugees are given ultimatums to go back to their countries. We know Somalia is very unstable. Security cannot be guaranteed. People will return in a few days if they are repatriated by force. They do not have enough information to go back as volunteers. They should not be coerced, forced, intimidated, embarrassed or made to feel insecure. They should not feel that they are not wanted in this country. This law will protect the refugees from forced repatriation. Kenya has done a great job to host refugees, particularly from Somalia. Kenya should also take pride in allowing refugees to be repatriated by choice and not by being forced. Kenya is proud of hosting refugees from diverse countries, such as our neighbours, in huge numbers. We know that refugees cause insecurity sometimes. Some citizens of this country also cause insecurity. So, it is not only refugees who cause insecurity. Insecurity is broader and is not just caused by hosting refugees. We need to broaden that discussion.

I support the Bill.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Let us have Hon. Michael Onyura, Member for Butula.

**Hon. Onyura:** Thank you very much, Hon. Temporary Deputy Speaker.

*(Hon. Wamunyinyi spoke to Hon. Onyura)*

**Hon. Onyura:** Hon. Temporary Deputy Speaker, protect me from Hon. Wamunyinyi.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Wamunyinyi, the Member needs to be protected. Is he safe?

**Hon. Onyura:** I will be brief. I rise to support the Bill, which is timely and will be a very useful law. I thank Hon. Neto and his colleagues for a job well done. This Bill is quite progressive compared to what existed before. It is modernising what was there before and filling in the gaps that lacked in the Act that it seeks to repeal.

I approach this Bill from the point of view that these are human beings. The refugees are human beings like any one of us. Therefore, all the human rights that apply to any human being, including ourselves, should apply to refugees. It is not out of choice that these people are refugees, but out of the circumstances that they find themselves, which are awkward and depressing.

I also look at this from the point of view that this can happen to anybody. We might be very comfortable here today. Who knows, in another five or ten years, things might change. It nearly happened to us in 2017. Looking back, during the dictatorial time of one-party state, a number of Kenyans fled this country and were accommodated in other countries. So, we should look at it and say: "Let us treat anybody who flees into our country the way we would wish to be treated, if this happened to us and we went to other people's country."

The Bill is comprehensive and I know it will serve the purpose. I am very happy with the structures that have been put in place to handle the various aspects like the commission, the secretariat and the refugee trust fund. This will go a long way in addressing issues in this area.

I promised Hon. Wamunyinyi that I would be brief. So, with those few comments, I support the Bill.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you. You used your time well. Hon. Members, I wish we could emulate that and just go to the points of argument.

The Chairman of the Departmental Committee on Administration and National Security, I must recognise you because this is your docket.

**Hon. Abongotum:** Thank you, Hon. Temporary Deputy Speaker, for granting me the opportunity to ventilate and say something about this Bill. This is a very comprehensive Bill authored by my good friend, Hon. Neto. As a Committee, we have done a lot with him to ensure that a lot of panel beating is done to this Bill.

Like other Members, I support the repeal of the Refugee Act (Cap.173) because we have made provisions that have been incorporated. It is all in line with the Refugee Convention of 1951, the OAU Convention and the Refugee Protocol of 1967. All these have been incorporated and given effect.

A lot of new clauses have been brought on board, for example, provisions on the Kenya Refugee Repatriation and Resettlement Commission, the Refugee Secretariat and the Refugee Status Appeal Board. These structures will address the administrative issues and the legal framework on the issue of refugees.

I am happy we are going to have a national eligibility committee that has powers to revoke cases of those who are not eligible for refugee status. That can be revoked. I support the designation of refugee reception officers, especially at the border, so that people do not just walk in and walk out of our country. Refugees must surrender their weapons at the border before they come to our country.

In 1993, I was a very young officer in North Eastern and I worked with Hon. Shidiye when he was a Nominated Member of Parliament. The former Deputy Speaker, Hon. Farah, was the Member for Lagdera and I remember him complaining about refugees. He complained that there was general degradation of the environment, destruction of trees and interference with water points. Somebody should not say that we have benefitted from refugees. One of my colleagues has just mentioned that there are good things. We are not interested in refugees. They just come here because they have their own problems.

The leadership in Somalia must stabilise their country. The refugees have brought more problems to our people. Dadaab has been a kindergarten for terrorists and even Kakuma to some extent. The refugees in Kakuma behave a bit better than the ones in Dadaab. We want the Somali Government to stabilise their country, so that these people can go back. In the next six months – because they have been given that extension – these refugees should go back to their country. I support that the refugees must go back. We are not guaranteed of our security with these refugees in Kenya.

There are a lot of bad things happening at the Dadaab Refugee Camp. Some Kenyans are even cleared as refugees and they end up in America looking for political asylum yet Kenya has no problem. Why should a Kenyan go to America and say that they have problems? A lot of bad things are taking place in Dadaab. I support the extension of six months, but after that, the refugees must be facilitated to go back to their country. The Somali Government must never relent in looking for peace. Why have they been killing each other for 25 years? For how long are we going to host them? Why must Kenya host them for more than 25 years? The Somali leadership must get serious and stabilise their country to make sure that the *Al Shabaab* are de-

radicalised, so that they can live in peace. Right now, Kenya has a lot of problems because of refugees.

I support the idea of giving them some access to facilities, especially education and employment, but not on the issue of land. Part V provides that if they have access to land, they should not have power to sell or alienate it. I support that.

I support the provision that gives powers to the commission in consultation with the CS, although we have ventilated on this issue with Hon. Neto. I support the issue of integration, but it must be done in a meticulous way. Anybody who is supposed to be integrated must be checked properly. The records must be checked before they can be integrated into the society.

We live in a world that is so risky to the extent that right now in America, a person who was not even prepared to win elections was elected President on the basis that there are many immigrants going to America. So, Americans are not safe. There are many terrorists trying to infiltrate America. You know the San Bernardino and all the terrorist attacks in America. So, people fear. The world is not safe because of some of these refugees to the extent that people are now living in fear. That is a sign that the world is not safe and America is leading in telling those who are not serious in taking care of their countries to go back home.

Hon. Temporary Deputy Speaker, we should support this Bill. I know quite a number of Members will come up with amendments to deal with some of the sections. My message to refugees - because I know some of them in Dadaab and Kakuma listen - is that when they come to Kenya, they must behave, and promote peace and tranquility. They will get food, education and medicine from the UNHCR and even marry here, but they must maintain peace, law and order while they are in Kenya. We can tolerate them up to some level. Tolerating has some elasticity. We can be elastic up to some extent. We do not want our country to be unsafe because of outsiders. Let them come here and while here, they should tell their leaders, for example, the Sudanese in Juba and the ones in Kakuma, to organise their country, so that they can go back. Let those who are in Dadaab inform their people and leaders in Mogadishu to stabilise their country, so that they can also go back. Must we host them for 50 years like it has happened in Palestine? It cannot take forever. We want to tell their leaders, because they are listening, that Kenyans are tired *bwana*. Let them not hang in five star hotels having fun when their people are suffering. We want them to go back and develop their country.

**Hon. Oyoo:** On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker (Ms.) Mbalu:** We have a point of order. Let it be a point of order, Hon. Member for Muhoroni. What is out of order?

**Hon. Oyoo:** Thank you, Hon. Temporary Deputy Speaker. With all due respect to my very good friend, Hon. Kamama, I am at a loss. Most of the points he is raising are very relevant, but---

**The Temporary Deputy Speaker (Ms.) Mbalu:** Order, Hon. Member! What is out of order? Just go to the point. Cite what is out of order.

**Hon. Oyoo:** Due to the interest this Bill has generated, I believe most of the points Hon. Kamama is trying to raise in this House can best be administered through the relevant Departmental Committee that he chairs.

**The Temporary Deputy Speaker (Ms.) Mbalu:** Hon. Member, you are out of order. That is not a point of order. I thought you are a long serving Member of this House. That is a point of information.

**Hon. Abongotum:** I am just about to conclude.

**The Temporary Deputy Speaker** (Ms.) Mbalu: Hon. Kamama, let me address the Member who rose on a point of order. Nothing is out of order. It was a point of argument. He should have asked to inform Hon. Kamama. I am sure he would not have refused to be informed.

Proceed, Hon. Kamama.

**Hon. Abongotum:** I am becoming a bit tough because I know the magnitude and scope of the challenges that we are facing because of refugees. Right now in Turkey, there are about 2.5 million refugees. It is not easy. They are also facing a lot of problems. I support the refugees fund and it will go a long way to get funds to assist these people.

Lastly, refugees especially those who ran away from Uganda in the 1980s did a commendable job. I commend those teachers and doctors who came and assisted us here. I was taught by Soedi Kiumia, a Literature teacher and Mchungucha from Mbarara, who taught Chemistry. They were good. I welcome the provision that those who are educated or professionals should be allowed to work in this country so that they can fend for their families.

In the interest of the other Members, I wish to support the Bill and encourage many Members to come with amendments. I also wish to congratulate the author, Hon. Agostinho Neto, for working round the clock to ensure that this Act is repealed. It is not easy to repeal an Act of Parliament. We are all in agreement with all the arguments he forwarded to the Committee.

I support the Bill.

**The Temporary Deputy Speaker** (Ms.) Mbalu: Hon. Members, I have 16 requests. As I said, unlike the Chairman of the Committee, Hon. Kamama, you can use less time and allow other Members to contribute to this Bill.

Let us have the Member for Kwanza. Hon. Members, you know yourselves because you have been coming in and you know the time you logged in.

**Hon. F.K. Wanyonyi:** Hon. Temporary Deputy Speaker, I take this opportunity to also support the Bill.

*(Hon. Wamunyinyi consulted loudly)*

Protect me from the Member.

**The Temporary Deputy Speaker** (Ms.) Mbalu: He wants to make a contribution.

**Hon. F.K. Wanyonyi:** He has just come in and some of us have been here for quite some time.

**Hon. Wamunyinyi:** Do not say that I have just come in. I was here early.

**The Temporary Deputy Speaker** (Ms.) Mbalu: Maybe he wants to inform you before you contribute.

**Hon. F.K. Wanyonyi:** I withdraw. He is going to have a problem. In supporting this Bill, I want to thank Hon. Neto for having done a lot of research on it. There are quite a number of provisions which are well researched and they are going to help this country to move forward. I am looking at what he has proposed and most of them have been supported here.

One of the most important things to note - and I want to correct my brother, Hon. Kamama - is that we are all candidates of being refugees. This country had a problem and we had to go out there where we were welcomed. As much as we are saying that we had good teachers from Uganda, we have good people even from Somalia. We have to accept professionals from Somalia. Those who have skills should be allowed to work. If we have to develop this country, we need expertise. There is nothing wrong in having a refugee who is a

doctor working in a hospital here. As long as a person has confirmed refugee status and is recognised as a profession, they should be allowed to practise. We even have engineers.

I know of cases in the Second World War where the Jews moved to Russia and USA and did good work in those countries. Space exploration, for example, was done by people who had problems in 1948 when they were persecuted. They moved to USA and Russia and did good jobs there. We have no problem with refugees who have special skills and as Kenyans, we should welcome them.

However, we have had problems in refugee camps as mentioned, particularly in Dadaab. We know for sure it has been misused, but it is not everybody in that camp that is bad. The provision here is that those who come into this country will be vetted. I am told we do not have gazetted refugee points. So, that is a problem. Our neighbouring countries have problems. We have problems in South Sudan, Somalia and Ethiopia. The Bill provides that we should have designated refugee registration points and that is one thing I like about it.

The other things I want to talk about are control points and integration of refugees. Some refugees from Uganda, for example, have married our local girls. There is nothing wrong with that. We have hosted them for over 30 years. That, again, is an issue, but we should not have the restriction that they should not be integrated into the local communities. I oppose that. During the Third Reading of this Bill, we should amend some of the offensive clauses that have been proposed. I am a Kenyan. Who knows what my children would go through in 30 years to come? As far as I am concerned, that should be considered.

I agree with this provision on points of entry. Indeed, the authorisation officers should have powers to take fingerprints and photos of those who are coming in. We have had cases where impostors come here in the name of good refugees. This will help in the screening of those who are coming into our country. It will also enable us to identify them at a later stage.

One thing I feel bad about is when our people move into refugee camps because of hunger. They move there to get food. In fact, they register as refugees so that they can benefit from rations. It is unfortunate that there are Kenyans who do not have IDs. I am told there are over 40,000 Kenyans in those camps. That, indeed, is something of concern.

Without wasting so much time on this matter, it is important that we clean up this Bill when it comes for the Third Reading. We should attend to some of the issues in the Bill that are very important. Last, but not least, we know what is happening in Syria and Libya. Our African brothers and sisters have been forced to look for safe havens in southern Europe. Most of them have ended up dying. Let us be human when dealing with refugees.

**Hon. Wamunyinyi:** On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Order! There is a point of intervention. Hon. Wafula Wamunyinyi, is anything out of order?

**Hon. F.K. Wanyonyi:** Why during my time? Why? He is wasting my time.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Member for Kwanza, let us hear Hon. Wamunyinyi.

**Hon. Wamunyinyi:** Hon. Temporary Deputy Speaker, I appreciate that Ferdinand is a junior Member. He needs to understand the rules of the House. I want to inform him - and this is very critical - that Somalia is a country that is sick. The international community---

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Do you need information?

**Hon. F.K. Wanyonyi:** I do not need the information because I am well versed in that area. I know Hon. Wamunyinyi worked in Somalia. I know he worked as an envoy in Somalia, but I also want to inform him for free that---

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Ferdinand, make your arguments. You are not informing anybody.

**Hon. F.K. Wanyonyi:** I did not need that information. He just wanted to be heard. All the same, he has been heard. On the repatriation programme, let us be humane to the people we are targeting for repatriation.

I support this Bill, but I am looking forward to proposing some amendments in the Third Reading. I want to donate---

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): You cannot donate your minutes. I am sure he will have his time to speak. Hon. Ken Okoth, you are next on my request list. I know you had a similar Bill, but I do not know whether you want to make your argument now or listen to the Members before you make your arguments. I have 11 more requests. Members, in the interest of time, it will not be possible to complete this debate because we only have 36 minutes remaining.

Hon. Okoth.

**Hon. Okoth:** Thank you, Hon. Temporary Deputy Speaker. In fact, part of me was going to consider requesting you to extend the debate until 1:30 p.m. to take care of the 36 minutes. However, that is in your discretion.

First of all, I want to say a big thank you to Hon. Aghostinho Neto. As you mentioned, I also had a Bill on the same issue. We conferenced and engaged the Committees and resolved that we would collapse my Bill. I will, therefore, bring my amendments and suggestions from the Committee discussions during the Third Reading of the Bill.

Hon. Aghostinho is, of course, the convener of the Human Rights Caucus. This is a Private Members' Bill coming out of that caucus. So, I also wish to thank the Caucus because it took a lot of its time to engage with us on this Bill. This is an illustration of how important it is to have such caucuses inside and outside Parliament. We need more support to be given to such caucuses. We could even think of hiring clerical assistants to these caucuses, so that they can carry out good research work and propose Bills.

The issue of refugees is complex and cross-sectoral. The nature of the Bill is so encompassing, progressive and it is a cutting edge. It touches on the issue of security and administration. It also touches on foreign affairs, justice and legal affairs. The Bill seeks to reach out to the various interests and topics covered by the Committees that engaged about it. This is something that could only come from a caucus that is dedicated. It is a caucus that comprised of brilliant legal minds, including my friend, Hon. Aghostinho. Indeed, that is a great thing.

Refugees have rights under our Constitution. The rights of persons and all human beings who are resident in Kenya are important. We also have an international obligation, that is, the Convention on Refugees and its protocols. There is also the Universal Declaration on Human Rights. There are many things that cover the issue of refugees. I must say that I am proud to be a Member of the 11<sup>th</sup> Parliament. We have started seeing this increasing progressive thought about legislating from a human rights perspective and orientation. Recently, when we passed the Legal Aid Bill, which is now an Act of Parliament, we made sure that it contained provisions about refugees having access to legal aid in case they need it. As I look at the Bill, I am excited to note that the clauses about exclusion and cessation of refugee status are clear. People who are considered armed aggressors and are in conflict or are criminals would not be entitled to refugee status in Kenya. This is for the protection of our State. That is a good thing because we want to be a country that is an anchor for peace and stability. Kenya must not be used as a base by any refugees who participate in the destruction of neighbouring countries.

On the institutional structure of the refugee management in this country, for too long, we relied on the UNHCR to do things that are very important and touch on the sovereignty of our country such as refugee status determination. The commission and its secretariat will build capacity to do the work of the Kenya Government and rely upon the advice and the counsel of the KNCHR and the UNHCR. They ought to work as partners to make sure that this is done. This is the way it should be done. It should not be the other way round that you have international NGOs and the UNHCR implementing the refugee policy in this country, including sensitive matters of refugee status determination. The former department of refugee affairs was acting as a minor implementing partner. We cannot accept that anymore.

Kenya, historically, has done well in meeting its international obligations. Recently, we have had some alarming concerns and pronouncements from the Government and we have had to push back on that. However, the fact of the matter is that we can be proud, as a country, because we have hosted refugees. We have had what we might call a protracted refugee situation which lasted for a long time. In fact, I would call it a chronic refugee situation. Refugees from Somalia, Sudan and Ethiopia came to Kenya and have been staying here for a very long time now beyond the initial emergency. Their numbers were obviously overwhelming. A lot has been said here about the impact of refugees on the environment and the lives of host communities. Today, there are other emerging issues such as terrorism that we need to be concerned about.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): The Member for Kibra Constituency, you will have a balance of five minutes in your other debate. Allow me, at my own discretion; the Speaker's discretion, to give Hon. Mohamed Dahir two minutes. You were here early and this is affecting your area. You did not have a card and I am sorry for that.

**Hon. M.D. Duale:** Thank you very much, Hon. Temporary Deputy Speaker, for giving me the opportunity. I represent Dadaab Constituency which is currently hosting refugees and I have a lot of interest in this Bill.

From the outset, I fully support the Bill. Our country Kenya has hosted refugees for the last 25 years, if not more. What Kenya has given to the refugees is far greater than what has been given by the international community in terms of shelter, food, land, peace and everything that we have provided. It is far bigger than the contribution of the entire international humanitarian contribution. I know refugees get rations, but they do not get firewood. They get water from our land. They get shelter materials from our land. They have security and they can move freely in addition to having thousands of refugees in the camps. We also have urban refugees in our major towns in Kenya. So, our contribution has been very great. Further, this Bill will address some of the legislative gaps that we have in the current law. I fully support.

Secondly, the host community, which I represent, has faced a lot of challenges. Even as the Government plans to close refugee camps, it is very important that Dadaab Refugee Camp is unpacked because we have non-Somali refugees who will not be taken to Somalia. We also have refugees who are awaiting resettlement to third countries. We have thousands of Kenyans who have been captured in the refugee database.

I cannot finish, but I want to say that even as we think of moving the refugees to Somalia, it should be voluntary. We must unpack and remove all the Kenyans in the refugee database, so that as we move them to Somalia, the Kenyans are freed. If a refugee camp was in Kiambu, which is the richest county in Kenya, many Kenyans would have gone to look for the same services. People went into refugee camps to look for services due to poverty around them.

With those few remarks, I support the Bill.



**ADJOURNMENT**

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, we will have a balance of 36 minutes to debate the same. Maybe the Members who have not been able to contribute on this like Hon. Gumbo who is the Chairman of the Public Accounts Committee (PAC), will debate in the next sitting at the most appropriate time as allocated by the House Business Committee.

The time being 1.03 p.m., this House stands adjourned until this afternoon at 2.30 p.m. It is so ordered. I thank you all.

The House rose at 1.03 p.m.