

PARLIAMENT OF KENYA

THE NATIONAL ASSEMBLY

THE HANSARD

Tuesday, 8th October 2019

The House met at 2.30 p.m.

[The Speaker (Hon. Justin Muturi) in the Chair]

PRAYERS

PETITION

COMPULSORY ACQUISITION OF LAND AND COMPENSATION OF KEIYO NORTH CONSTITUENCY RESIDENTS BY GOVERNMENT

Hon. Speaker: Hon. Members, under Standing Order No.225(2)(b), I wish to report to the House that my Office has received a Petition submitted by residents of Keiyo North Constituency represented by Messrs. Francis Cheplaiti, Josphat Maiyo, John Bundotich and Cosma Cheptum of P.O. Box 44 Tambach.

The Petitioners wish to draw the attention of the House to the compulsory acquisition of land by the Government in Keiyo North Constituency. They allege that in 1985, the Government received funds from donors for the construction of a teachers training college in Keiyo after which, it gazetted the area and the land owners were notified of impending compulsory acquisition of land through Gazette Notices 4260 and 4261 of 1985.

Hon. Members, the Petitioners claim that their land was acquired by the Government after which they duly vacated the parcels of land to allow for the construction of Tambach Teachers College and awaited compensation by means of allocation of alternative land. The aforementioned compensation was afforded to other persons who were not the original land owners and the legitimate beneficiaries have not received any form of compensation to date.

Hon. Members, the Petitioners have averred that the matters raised in this petition have been brought before the relevant legal and constitutional bodies but remain unresolved. Further, they have stated that the matters are not pending before any court of law or any other legal bodies.

The Petitioners are, therefore, praying that the National Assembly, through the Departmental Committee on Lands, investigates the matters raised in this Petition with a view to ensuring that their property rights are upheld by being paid full, fair and timely compensation for their land.

I thank you.

I see some interventions. Is it to comment on this?

Hon. Members: Yes.

Hon. Speaker: Let us have Hon. Iringo.

Hon. Kubai Iringo (Igembe Central, JP): Thank you, Hon. Speaker, for giving me an opportunity to comment on the Petition that you have just read. I strongly believe that there is disconnect in the lands office and people who manage Government affairs. Somebody in an office would just document that compensation will be done after compulsory acquisition of land. If that person leaves that office, it appears as though they carry the office to other departments or retire with the office and leave people suffering. We need a system in Government whereby, once one leaves an office, they hand over everything so that whoever comes in picks from where the other one left. That way, victims will not suffer just because the person who first handled the case is not there. We should have a streamlined way of doing things.

Thank you, Hon. Speaker.

Hon. Speaker: Let us hear the Member for Kathiani.

Hon. Robert Mbui (Kathiani, WDM-K): Thank you, Hon. Speaker, for giving me this opportunity to also comment on the Petition. Land issues have become a thorn in the flesh of Kenyans. That is because almost every time when people are meant to be compensated, it is always questionable as to who the real owners are. If this is an issue of 1965 and those people are purporting that their land was acquired and yet other people were paid, it is important that, as this House discusses this Petition, it makes far-reaching decisions on what happens if that is the truth. What should be done to people who committed that offence? This is a shame for the country.

Thank you.

Hon. Speaker: But the Petitioners quote 1985 and not 1965. The Member for Lamu, you have the Floor.

Hon. (Ms.) Ruweida Obo (Lamu CWR, JP): Ahsante, Mhe. Spika kwa kunipatia nafasi ya kuchangia. Suala la ardhi ni suala tata sana, na ni donda sugu. Limetatiza kaunti nyingi. Inatatiza sana kuona watu ambao wameishi katika ardhi kwa muda wa zaidi ya miaka 200 wakifurushwa. Kwenye ardhi hiyo, kuna nyumba na visima. Serikali inakuja na kufanya *gazettement* bila ya wakazi kujua. Barabara inapitishwa hapo. Kule Lamu watu wamekatiwa mnazi na kufidiwa Kshs3,000, ilhali mnazi huo kwa mwaka mmoja unakupatia zaidi ya hizo Kshs3,000. Kwingineko kwenye kaunti hiyo hiyo, gogo la stima kupitia shambani mwake amelipwa Kshs500,000. Kwa hivyo, unashangaa ni njia gani zinatumika ndiyo watu wengine walipwe zaidi na watu wengine wanyanyaswe.

Ahsante Mhe. Spika.

Hon. Speaker: Let us have the Member for Kiminini.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Thank you, Hon. Speaker, for giving me this opportunity. Indeed, the Petition is very important. Sometime back, we passed the Land Value Index Bill. Such laws are very critical. From 1985 to-date, they have not been compensated. How I wish the Government could take the time value of money into account. Sometimes, compensation delays for over 10 years but when it eventually comes, the Government does not consider the time value of money. It is time we included the time value of money when compensating people. A sum of Kshs1 million in 1995 should be equivalent to Kshs5 million right now. So, it is important that the relevant agencies move with speed and put into consideration the time value of money.

Thank you.

Hon. Speaker: Hon. Member for Endebess, you have the Floor.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Speaker. I sympathise with the Petitioners. I used to work in Keiyo. I was an MoH engineer. I know where Tambach Teachers Training College (TTTC) is. It is next to the hospital.

From 1985 to date is 34 years. In 1985, I was in Standard VIII. Thirty-four years down the road is when the petitioners are raising this matter. Most likely, these are the children of the initial owners who may not have understood the process of seeking compensation. It is a lot of injustice. This might just be an iceberg in a storm. There could be other cases of similar nature, where people have been unfairly treated and over a period of time, they have to wait for their children to do a petition.

Hon. Speaker, this is a very sad case for the people of Keiyo. I hope the Committee will do justice to them.

Thank you, Hon. Speaker.

Hon. Speaker: Let us hear the Member for Ugenya.

Hon. David Ochieng' (Ugenya, MDG): Thank you, Hon. Speaker. I support the Petition and note that the Committee to which you have referred the Petition should generally, in their own time, look at the issue of public institutions where people donate land. This is happening all over the country where 30 years later, people come up with such matters. They could have legitimate claims sometimes, but sometimes people want to get back what they already gave out freely. So, this Committee should get to the bottom of those kinds of matters. Just as an example, throughout the country, we have primary schools and secondary schools and we are now putting up colleges and universities. People are coming up 40 years later, saying: "My father gave out this land. It was not consented to. We need our land back." So, I would like the Committee, after dealing with this Petition, to generally look into ways of dealing with public institutions where land was donated under those kinds of claims so that we do not have so many petitions coming to Parliament when those matters can be addressed through a single policy instrument.

Thank you very much.

Hon. Speaker: Very well. The Petition is referred to the Departmental Committee on Lands to handle.

Hon. Members, before we proceed, allow me to recognise the presence of students and pupils from various schools, who are seated in the galleries. In the Speaker's Gallery, we have students from Kangema Boys High School found within Kangema Constituency of Murang'a County.

In the Public Gallery, we have pupils from Prestigious Vineyard Academy domiciled in Embakasi East Constituency of Nairobi County; Tango Primary School from Kilome Constituency of Makueni County and Kirwara High School from Gatanga Constituency, Murang'a County.

They are all welcome to observe the proceedings in the National Assembly this afternoon.

Next Order!

PAPERS LAID

Hon. Benjamin Washiali (Mumias East, JP): Thank you, Hon. Speaker. On behalf of the Hon. Leader of the Majority Party, I beg to lay the following papers on the Table of the House: Annual Report of the Law Reform Commission for the Financial Year 2018/2019.

Reports of the Auditor-General on the Financial Statements in respect of the following constituencies for the year ended 30th June 2018, and the certificate therein:

- (i) Chesumei, and
- (ii) Nyakach.

Thank you, Hon. Speaker

Hon. William Cheptumo (Baringo North, JP): Thank you, Hon. Speaker. I wish to lay the Report of the Committee on its consideration of the Petition on the County Assembly (Procedure) Bill (Bill No.22 of 2018).

Thank you.

Hon. Speaker: Next Order!

QUESTION BY PRIVATE NOTICE

Hon. Speaker: Let us have the Question by Private Notice by Nominated Member, Hon. Halima Mucheke.

Question No.36/2019

MEASURES TO CONTAIN SPREAD OF HELICOBACTER PYLORI (H. PYLORI) BACTERIA

Hon. (Ms.) Halima Mucheke (Nominated, JP): Thank you Hon. Speaker, I rise to ask the Cabinet Secretary for Health the following Question by Private Notice:

(i) Could the Cabinet Secretary provide an update on the prevalence of Helicobacter Pylori (H. Pylori) in the country?

(ii) What measures is the Ministry taking to contain the rapid infection and spread of the bacteria in the country?

Hon. Speaker: The Question is referred to the Committee on Health to be responded to there.

Next Question is by the Member for Kipkelion West, Hon. Hillary Kosgey. The Member is not in.

ORDINARY QUESTIONS

Question No.435/2019

GROUND FOR SUSPENSION OF PC REBECCA MORAA

(Question dropped)

Hon. Speaker: The next Question is by the Member for Kisii County, who is out of the country on official duties. Therefore, the Question is deferred.

Question No.422/2019

INTERDICTION OF 41 TEACHERS IN KISII COUNTY

(Question deferred)

Hon. Speaker: Next is the Question by Nominated Member, Hon. Dennitah Ghati.

Question No.442/2019

FUNDING OF SPECIAL NEEDS SCHOOL

Hon. (Ms.) Dennitah Ghati (Nominated, ODM): Hon. Speaker, I rise to ask the Cabinet Secretary for Education the following Question:

Could the Cabinet Secretary:

- (i) Provide a list of all special needs schools in the country per constituency?
- (ii) State the number of special needs schools that received infrastructural development funds in the financial years 2016/2017 and 2017/2018, indicating the names of the constituency, the amount of money received and an account of how the said funds were utilised?
- (iii) Explain the criteria used to identify special needs schools to benefit from infrastructural development funding?

Hon. Julius Melly (Tinderet, JP): On a point of order, Hon. Speaker.

Hon. Speaker: Very well. The Question is referred to the Departmental Committee on Education and Research to be responded to. I notice there is an intervention by Hon. Melly, Chair of the Departmental Committee on Education and Research.

Hon. Julius Melly (Tinderet, JP): Hon. Speaker, my intervention is as a result of a statement which I had given assurance to issue relating to a Question raised by Hon. Kaluma on interdicted teachers.

Hon. Speaker: What?

Hon. Julius Melly (Tinderet, JP): Hon. Kaluma had sought a Statement on interdicted teachers and issues that the Teachers Service Commission (TSC) had with Kenya National Union of Teachers (KNUT). I wanted to inform the House that we are in receipt of that Statement. We went through it as a Committee and realised it was not good enough to be brought here.

We discussed and decided to take it back to the TSC to add certain facts especially on how many teachers were interdicted, how many have been brought back, how many have been dismissed and the disciplinary procedures the teachers went through. So, as a Committee we felt the Statement was not good enough to answer that Question and we will bring it next week.

Thank you, Hon. Speaker.

Hon. Speaker: Very well. That is how it should be if, as a Committee, you find you have been given an unsatisfactory answer that does not meet the required standards. You are at liberty to send it back and demand for a proper response. Thank you very much Hon. Melly.

Hon. Kaluma, were you satisfied with the Statement?

Hon. Peter Kaluma (Homa Bay Town, ODM): Thank you, Hon. Speaker. I am grateful they are taking the issues in that Statement seriously. I have been told that, so far, about three of the interdicted teachers have passed on. I think there are associated challenges, but this is something to investigate. I would be grateful if a timeline was given. So, we do not let the TSC to sit on the matter for eternity. If you could indulge them maybe two weeks maximum, I would be grateful. This is a matter that is causing a lot of anxiety within the education sector.

Hon. Speaker: Hon. Melly, is that okay? Hon. Kaluma has suggested two weeks.

Hon. Julius Melly (Tinderet, JP): Thank you, Hon. Speaker. Actually, it is a matter of grave concern and we are taking it very seriously as a Committee. We shall bring a very comprehensive Statement to this House before two weeks are over.

Hon. Speaker: Very well. Yes, Hon. Munyaka.

STATEMENT

OUTSTANDING PERFORMANCE BY KENYA ATHLETICS TEAM AT THE IAAF WORLD CHAMPIONSHIPS

Hon. (Dr.) Victor Munyaka (Machakos Town, JP): Thank you, Hon. Speaker. Pursuant to the provisions of Standing Order 43, I wish to raise a matter regarding the outstanding performance of the Kenya athletics team in the International Association of Athletics Federation (IAAF) World Championships held in Doha, Qatar.

Hon. Speaker, I wish to take this opportunity to congratulate our heroes and heroines who have made us proud in the just-concluded IAAF 2019 championships. Kenya was one of the 208 countries and territories taking part in the games that were held from Friday, 27th September 2019 to 6th October, 2019, with 48 of our athletes participating in different disciplines. Due to their hard work, Kenya was able to finish second in the medal standings after the United States of America (USA) with a total of 11 medals: Five Gold, two Silver, and four Bronze. This outstanding victory places Kenya high in the field of world athletics having defeated other well-known sporting nations. There is need to accord those individuals who have dedicated their lives to serve this nation through sports the support that they require to enable them to give their best.

It is, therefore, against this background that I seek your leave to raise this matter during today's Statement Hour.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members that was merely information by the Chair of the Departmental Committee on Sports, Tourism and Culture. Member for Kimilili, you have the Floor.

Hon. Didmus Barasa (Kimilili, JP): Thank you, Hon. Speaker. I just wanted your direction. Today morning, I appeared before the Departmental Committee on Health to get a reply to a Question I had asked. I refused the reply because it was coming from a Chief Administrative Secretary (CAS), a person who is not in the Constitution. I say so because, when we ask Questions, we do not do so for the sake of it. But we would like to get a reply from a person who has some authority to decide even as he/she goes back to his/her office to issue a policy guideline.

Many a times, the deliberations and resolve of this House are taken for a ride. I went through the Standing Orders and the Constitution. This is because you had earlier on ruled that the person who can appear before this House to provide answers to the very many Questions we ask should not be a person below the rank of Principal Secretary (PS). But I do not know whether the CASs are clerks or messengers who operate between the office of the PS and the CS. So, unless, you give direction, I have made it very clear that going forward, I will never take an answer from a person who is below the rank of a PS or whose job description and title is not provided for in the Constitution or regulations of this country.

Even the answers we get from a CAS clearly indicate that they are people who do not understand. They are mean with information and it is like they fear being disciplined for speaking on behalf of the Ministry when they are not authorised. We need a proper ruling on this matter. If you want to reaffirm your earlier ruling, we should write a letter to the Government of Kenya so that they know who to send to answer the many Questions we ask. Otherwise, I am a

law abiding citizen and will continue to not take any answer from a person whose title is not provided for in the Constitution of Kenya.

Thank you, Hon. Speaker.

Hon. Speaker: I heard you say Government of Kenya and it has three Arms. One of the Arms is this one. So, who should we write to in the three Arms?

Hon. Didmus Barasa (Kimilili, JP): Hon. Speaker, we should write to the Executive. It is the one that has the tendency of sending very junior officers or clerks to appear before this House. Yet, this House is the apex place where the sovereignty and the power of the people of Kenya are exercised. They should bring people who make decisions and not fellows who will go consulting some other three layers before they reach the person who makes decisions.

Hon. Speaker: Yes, Hon. Mbadi.

Hon. John Mbadi (Suba South, ODM): Hon. Speaker, the issue that Hon. Didmus Barasa is raising is very fundamental. The truth is that we have complained about this issue of CASs a number of times, but how I wish that Hon. Didmus Barasa started seeing the light those days when we were complaining about the creation of positions in the Government that did not exist. When we passed the 2010 Constitution, we were very clear. We wanted a lean Government of a maximum of 22 CSs and no one envisaged a situation where we would have assistant ministers or individuals exercising powers close to what the assistant ministers used to exercise.

However, those days, the assistant ministers like Hon. Duale and I were actually just getting some little allowance from the Executive. There was also Hon. Cheptumo before he was fired. I was never fired. We were actually earning some little allowance and it was not such an extra burden to the economy. However, now we have officers who are in office earning huge salaries with vehicles and all the trappings of power. I am told their combined emoluments could even be in excess of what Members of Parliament are earning. Sometimes you ask: Why do we struggle so hard to really win our seats if those who lost to us are actually occupying prime offices? This matter would have been resolved at the point of appointing those individuals. Now that they have been in office for years is when Hon. Didmus Barasa is waking up. Those days when we used to complain, he was very busy defending the same sin that he now sees. That is why I am reluctant. Although we have kind of exchanged roles, I am reluctant to support this because I am not sure when it will come to haunt me again.

(Laughter)

I think it was a wrong move. What I do not know is how we need to deal with this. We have talked about it. The Government has created positions which should have been created by the Constitution. If you ask me, it is beyond the powers which were given to the President to create offices in Government. There are powers that the President has, but when you use the powers to create offices which more or less appear like cabinet positions or assistant ministers, then questions need to be asked. Hon. Didmus Barasa is late. The horse has bolted. I do not know how we are going to help him but that is where we are.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Duale, you have the Floor.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, I remember in the 10th Parliament, the main function of an assistant minister was to answer questions. I used to answer questions but Hon. John Mbadi, because he was in the Prime Minister's office, used to carry the

briefcase of the former Prime Minister on Wednesdays. As the former Prime Minister was answering questions, he used to give him the documents.

(Laughter)

At least, I could answer questions. Because he was in the former Prime Minister's Office, his main business was not to answer questions but to carry his briefcase on Wednesday - either for him or for the two deputies, Hon. Uhuru Kenyatta and Hon. Musalia Mudavadi.

Hon. Speaker, I think you need to make directions on who is accountable to Parliament. I know for the Public Accounts Committee (PAC), it is the Principal Secretaries (PSs) or accounting offices that answer questions before it. That is because they are accounting officers and it is in the Standing Orders. When it comes to questions, I think the Constitution is very clear that it is the CSs. We need the Speaker to give direction because we agreed last week that if the CS is not available, he can pick another date. However, who said if you fail to win an election, you should not get a job? This is where I disagree with Hon. Mbadi. There are many people who lose elections but it is good there are opportunities to be given. But we, as politicians, do not want to see the ones who lost to us survive. That is the nature of politics, but I think we should run away from that. Those who lost elections to us must get opportunities either in the commissions, Government or ambassadorial.

Hon. Mbadi is one of the front runners for the gubernatorial election in Homa Bay. In the likely event he loses...

(Laughter)

I am sure our side will form the next Government. In the unlikely event he loses, we might appoint him as the CAS for the CS for Finance.

(Laughter)

Because the next CS for Finance is sitting here and Hon. Mbadi is good in budget-making, he might become the CAS for Hon. Ichung'wah in the *tangatanga* Government that will come. I think Hon. Didmus has raised a good issue and it is only the Speaker who can give direction. Let us not cascade. The President was within the law. I think even the Speaker made it very clear on the appointment of the CASs. They are doing a very good work. They are helping ministries. They are deputies to the CSs but, on whether they can appear before a Committee, I think it is for the Speaker to make that decision.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. David Ochieng', do you want to weigh in into this one?

Hon. David Ochieng' (Ugenya, MDG): Yes, Hon. Speaker. Let us not miss the point. The point that is being raised by Hon. Didmus Barasa is very important. It is not about the legality of the position of CAS or the propriety of that position. It is about whether a CAS is legally allowed to appear before a committee to answer a question addressed to the CS. That is the issue. The issue is not who was answering questions. No! Hon. Speaker, the issue you are being asked to rule on...

Article 153(3) of the Constitution says that one of the roles of CSs is that a CS shall attend a Committee of the National Assembly or the Senate when required by the Committee and

answer any question concerning a matter for which the CS is responsible. That is the job of the CS and nobody else. So, whether somebody else can purport to represent the CS or to say that the CS is sick, is what you are being asked to rule on, Hon. Speaker. This is not a delegatable function. This is not a function that a CS can delegate and say: "So and so go and read this." I was in that Committee in the morning where the Hon. Member raised the issue and someone was pointing to the fact that the CS has already signed the answer and, therefore, anybody can read it for us. The requirement is for the CS to appear before the Committee. This is not a role he can delegate. The role of Parliament in overseeing the Executive is so important that you cannot allow anybody to willingly decide who is going to represent the Executive. This is how Parliament works; that we approve CSs and PSs and they are the only ones that are responsible to us and they are the only ones who can take responsibility.

What are they called? Chief Administrative Secretaries! It does not even appear within the framework of Public Service. They are neither here nor there in terms of the pecking order. Someone suggested in the Committee that the CAS is senior to the PS. That is the arrangement of the Executive. The persons we know that the Constitution recognises are the positions of the CS and the PS. If the President wants to appoint anybody in the Public Service, he is allowed, but he cannot choose for us who will answer questions in Parliament. The questions that we will ask in this Parliament are not directed to the ministry. No! They are directed to the CS and that is why when somebody reads a question, he reads that the question is put to the CS and not to the ministry concerned. It is addressed to the head of that ministry.

So, Hon. Speaker, as you do your direction and ruling, I request you to consider whether, in terms of oversight, it will be appropriate to allow anybody other than the CS or the PS and whether, in future, apart from the CAS that is being talked about, like a director, a secretary or any other position to appear before Parliament to answer a question that is directed to the CS. This happens a lot. People have been sent to committees and the chairs have no direction on how they are supposed to deal with them.

Hon. Speaker, I beseech you in your ruling to ensure that you uphold the sanctity of Parliament and its role to oversee the Executive; which are the President, the Deputy President and the Cabinet.

Hon. Speaker: Let us have Hon. Ichung'wah.

Hon. Kimani Ichung'wah (Kikuyu, JP): Thank you, Hon. Speaker. I also wish to support the Statement by Hon. Didmus.

Hon. Speaker, with regard to what you are being asked to give direction on, Standing Order No.42 is quite clear. I have just been perusing through it. The drafters of these Standing Orders did not envisage any other position other than that of the CS and, in his absence, the PS. The question that we should be asking ourselves is: When we ask questions as one arm of Government, whom do we ask? We do not ask administrative secretary questions. We ask someone with executive powers in an office in the Executive. I doubt that the CAS has executive powers to appear before parliamentary committees. Maybe, His Excellency the President, in his own wisdom, sought to create that position to enable CSs to have more time available to appear before Committees of Parliament. Administrative work that would, otherwise, bog down either a PS or a CS, can now be delegated to the CAS.

I am glad that for the time that I have been the Chair of the Budget and Appropriations Committee, I have not seen one single occasion where the CS or the PS in the National Treasury has not had time to appear before Parliament. The national Treasury is one of the busiest offices for a CSs and a PS. If they create time to appear before Parliament, including this morning when

the CS and his Director-Generals were in this Chamber in a Joint Committee sitting with the Departmental Committee on Finance and National Planning, there is no reason why - after the President has created a position of Administrative Secretary to assist the CS and PS on administrative matters - they would appear pretending to answer questions before committees of Parliament. Hon. Speaker, it is up to you and your office to safeguard the dignity and honour of this House by stating clearly what is in our Standing Orders. Only a CS or a PS can appear before a committee of Parliament.

I have seen one CAS holding night meetings with groups of youths who do not have a very good reputation. I have seen the former Nairobi County Member of Parliament, Rachel Shebesh, holding night meetings with the Mungiki. If that is anywhere within the definition of administrative work, she can be allowed to hold night meetings with Mungiki, Chinkororo and all other illegal groups. Kibra, as it is said in Kiswahili, *imeleta tumbo joto*. It has really done that. It should not be an excuse for those CASs to act in a way that brings dishonour to the offices they hold. They should not act in a way that will bring dishonour to that office. You must be careful who you meet during the day and even at night, when you are a CAS. If you are being sent to a parliamentary committee to answer questions... Imagine if Rachel Shebesh was CAS in the Ministry of the Interior and Coordination of National Government, how would she answer questions to deal with the Mungiki menace?

(Loud consultations)

I beg that you put your foot down so that only CSs and PSs can and should answer questions before committees of Parliament.

Hon. Speaker: I am sure the excitement is about the wrong reasons. We are dealing with issues of accountability to Parliament. You can address those others dressed in whichever way or not at all. If you want to do it, do it there if it pleases you.

The issue raised by Hon. Didmus Barasa is one of accountability to Parliament. Let us not bring other issues so that we can debate it within those confines. If we introduce other issues where I am not a referee, I will be unable to express any opinion. All these are points of order. All these are interventions. They are now about 19 of them. I can see all of you. Hon. (Prof.) Oduol, I will give you an opportunity to say something.

I want us to, first of all, just limit ourselves to this aspect of accountability to Parliament, bearing in mind - and I want us to be clear - that the Constitution permits the President to make appointments to the public service on the recommendations of the Public Service Commission. That is part of the powers given to the President in Article 132 of the Constitution. Article 152 is on CSs and Article 155 is on PSs.

Hon. David Ochieng has just made reference to the provisions in Articles 153 about CSs being obliged to appear before Committees of Parliament to answer questions on matters that fall within their dockets. The wording of Article 155 with regard to PSs is that each state department shall be under the administration of a Principal Secretary. We need to address the issue raised by Hon. Barasa within those confines. I saw many of you were very excited. If you want to address me on issues that happened in whichever village, however big or small, please, that is not what we want to deal with. Let us deal with the issue because this is a matter upon which you may be called upon to make a resolution as a House, that is, as to which of those officers should appear before your committees, if you desire to do so.

Let us have Hon. Cheptumo.

Hon. William Cheptumo (Baringo North, JP): Thank you, Hon. Speaker. Once again, this House is calling upon you to make a determination on a very important issue. I have no doubt in my mind that you will finally guide this House in the right direction as you have always done. As you consider the issue, refer to Article 152(2) which states that the President shall nominate, and with approval of the National Assembly, appoint CSs. A whole chapter is dedicated to the functions of the Cabinet. I also refer you to Article 234 of the Constitution, which you have just mentioned, that the functions and powers of the Commission are set out in it. Under Sub-article 2 of the same, the Commission shall, subject to the Constitution and legislation, establish and abolish offices in the public service.

My humble submission is this: As we consider this issue and as we deal with Article 152 of the Constitution, we should also read it together with Article 234 of the Constitution so that the question will arise as follows: When the Public Service Commission (PSC) established the offices of the Chief Administrative Secretaries (CASs), is it not a constitutional position? Is it not recognised by the Constitution? If the answer is yes, then the question that follows is: Do they, therefore, have the power to appear before the House and answer questions which are raised by Members?

The approval of the Cabinet Secretaries (CSs) by the House is an important aspect which you need to consider. The threshold that has been given to the functions of the Principal Secretary (PS) and the CS can never be compared to that, which is given to a CAS. The CSs and PSs are nominated by the President and approved by this House. That gives you the level at which you are placing the CSs and PSs. Therefore, I am of the view that, as much as Article 234(2) of the Constitution empowers the creation of offices in the Public Service, it does not attach an equal value in status to the CASs as it does for the CS and PS under Article 152 of the Constitution. This is a very fundamental question because Parliament should not act in vain.

Article 95 of our Constitution says that the function of these Members of Parliament is to represent the interests of the people. We can only do that if the people who are vested with power constitutionally to deal with those questions are indeed the right people. We should be guided by Articles 152(2) and 234 of the Constitution in so far as creation of offices in the Public Service by the PSC and the attachment given to the respective positions of those three offices. I have no doubt that you will guide the House. We should not be seen as if Parliament is fighting the Executive. We are not doing so. This House has the responsibility of respecting the Constitution and to be guided by the Constitution in discharging our functions.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. (Prof.) Oduol, you have the Floor.

Hon. (Prof.) Jacqueline Oduol (Nominated, ODM): On a point of order, Hon. Speaker. Is it in order for a Member to discuss a person, including going to the extent of naming that person - without a substantive Motion on the Floor of the House? As I look at Standing Order No.107, there are very clear indications of the kind of engagement that is becoming of our honourable House, including issues that we are concerned about. My real concern is whether it is in order for a Member to name and come up with allegations against a person without a substantive Motion on the Floor of the House.

Thank you.

Hon. Speaker: I can respond to Hon. (Prof.) Oduol. Indeed, a Member of this House can and/or may name some person, but decorum requires that whatever we say about persons who are not in the Chamber or who do not have an opportunity to defend themselves on the Floor of

the House should be a bit more circumspect to avoid a situation whereby you may tarnish names of people who have no opportunity to defend themselves here.

Whereas I hear you say from time to time that a certain CSs or other... You make all those statements here, but I always feel that it is fair that we should not name persons who cannot defend themselves on the Floor of the House in the negative because we risk spoiling their names and careers. If it was a Member, then we would require that a Motion be tabled. But we cannot have a Motion here to debate other persons who are not here and cannot defend themselves.

Be that as it may, Hon. Junet, I am fully aware about Standing Order No.107A on gross disorderly conduct. Unfortunately, we are dealing with a person who is not on the Floor of the House. I am sure if we re-open that issue, we are going to hear too many stories. That is why I said that we should confine ourselves to the issues of... The point raised by Hon. Barasa, lest it be lost, is one of accountability, which is one of the functions of this House. Remember it is this House which exercises oversight over State organs and State officers and you commence the process by which they are removed. If you look at the clear wording in Article 95 of the Constitution, this House exercises oversight over State officers but not public officers. The point raised by Hon. Barasa is one that I would want to hear a little bit more but be brief. I will give you a chance. I can see there are so many Members who want to contribute.

Yes, Hon. Junet.

Hon. Junet Nuh (Suna East, ODM): Thank you. Hon. Speaker, the question that is being canvassed is whether a CAS can answer questions in Parliament or not. These people are called Chief Administrative Secretaries. Chiefs are in the villages but the CASs are in Nairobi. I believe those are meant to be like Assistant Ministers. In the old format of Parliament, Assistant Ministers like Hon. Duale used to answer questions on the Floor of the House. That is what the Executive was trying to copy by using a bypass but not the main highway to get to that position. I do not know whether the Ministers will now be required because as you have clearly said, they are not recognised in the Constitution. The people with executive authority who are recognised in the Constitution are the PSs and the CSs.

Those people came to the office as an after-thought. When many politicians lost elections as governors and Members of Parliament, is when the Government thought of where they could fix them. They said: "These people can help CSs run some errands." I do not know whether they will be required now when they appear before Parliament to have letters written by CSs. The CSs should write them a letter. They should come with a letter where the CSs expressly says - even though he cannot delegate his powers - that they will hold brief for him. They should write: "I have sent so and so to this committee for today." This is so that Members can give him an opportunity. At least, that letter can add him some constitutional weight. I also want to urge the House that we should not vilify them so much because we might find ourselves in that situation. I can guarantee you that if Hon. Ichung'wah had lost in the last election in Kikuyu Constituency, he would be a CAS for social work today, not even necessarily in the National Treasury.

(Laughter)

We should not vilify them so much because we might find ourselves in that situation. As we sit here, we are all potential CASs. So, we should not vilify them so much.

The President is allowed to create offices administratively. In his own wisdom, when he saw some of the people who lost elections, he created those positions. It was a desperate

situation. Some of them could not even afford to put food on the table. He then realised that he should fix them somewhere so that they can survive and deal with their family issues. We should not impute improper motives on people who are not in the House. I request Hon. Ichung’wah to substantiate where Chief Administrative Secretary (CAS) Shebesh had....

Lastly, let us come up with a law by amending the Constitution or enact an Act of Parliament to give the CASs some teeth or accommodate them because some of them do a good job. They represent CSs in many meetings, including in Parliament. The majority of them are politicians. I have not seen a CAS who has been picked from outside politics. All of them are politicians who lost in the last general elections. I urge the Members of this House to be lenient with them. Please, let us be lenient with them. When they appear before the House, let them come with letters. Let us give them some resources in the next Budget to run their functions.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, Article 132 of the Constitution gives power to the President, read together with the powers given to the Public Service Commission, to establish offices, but such offices are not state offices. The people you are referring to as Chief Administrative Secretaries are supposed to deal with administrative matters.

As a matter of principle, the point raised by Hon. Barasa is one of accountability to Parliament. You need to know who should appear before you. Otherwise, all manner of people will appear before you and tell you that they are responding while they read out some answers. Unlike the former Constitution which made reference to Cabinet Ministers and Assistant Ministers, the current Constitution does not have a definition of a person below a Cabinet Secretary. Of course, even Cabinet Secretaries have complained that in certain international fora they attend, they are sometimes locked out and told that it is only ministers who are allowed to get in. They say they are Cabinet Secretaries, but they are told that all secretaries should wait outside. So, it has become a problem for Kenyan Cabinet Secretaries. By using the term “Cabinet Secretary”, Kenyans thought they were being innovative. Our Cabinet Secretaries are told that they are not allowed to attend certain fora, but only ministers are allowed. It takes them time to explain that Cabinet Secretary also means minister in Kenya. They are told that, maybe, they may need to go with a dictionary. Sometimes, they suffer a lot of embarrassment.

Let me hear Hon. Kimunya.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Speaker. In fact, the question of accountability is not by a person to Parliament, but by the office of the Cabinet Secretary. When CSs appear before us, they come complete with a technical team. At times, they even delegate to members of the technical team to respond to questions directly because they have technical expertise. So, once we look at it from that perspective – that, the CS envisaged to report to Parliament is an office rather than a person – then we can internalise the concept of delegation of that accountability to a person below the CS. The only thing that should be done now, which used to be done even in the old days when I was in Cabinet, is that every question that was to be answered by an assistant minister was actually signed by the minister. So, assistant ministers were only carrying our delegated responsibility to come and represent the minister in Parliament by answering questions. But the minister took full responsibility for even the undertakings made by the assistant minister.

When the President appointed the CASs, he explained that there had been a lot of concern from Parliament that the CSs were not available either because they were busy moving between the National Assembly and the Senate, their offices and other official functions or are not available to serve Parliament. He then said that he was creating an office to be an interface

between Parliament and the ministries so that CSs can concentrate on delivering other ministerial functions that are required of their ministries. Even in the debate we had in our retreat, I remember we agreed that there should be only three people who can appear before Parliament. That is the CS, CAS and the Principal Secretary (PS). The wording was “PS and above” because rank-wise, we have the CS, the CAS and the PS. Sometimes, we do some things and forget them. We are now even questioning the legitimacy of the CASs. I hope the Chairman of the Budget and Appropriations Committee is here. If he were here, he would remember that in the Budget Estimates, there is a complete list of all the staff under a ministry and we have the salaries of the CS, CAS and PS, and we approved it. So, we have already approved the position by approving their budgetary provisions. We have even approved the order and hence we should not be debating it. As long as our Standing Orders say anyone above the PS through the ranking, we have already accepted that between the CS and the PS, there is a CAS and hence the CS can be represented by CAS. But the CS takes full responsibility for what the PS or the CAS or indeed when they come with officers, what the officers say.

Not all CASs are political. We are now mixing up things because we know some of them. The CAS for the Ministry of Education, Prof. Colleta Suda, is not a politician. She doubles up as the PS for University Education and CAS for the Ministry. Eng. Mosonik and Dr. Rashid are CASs, but not politicians. Not everyone is a rejected politician. So, let us respect the offices but, most importantly, let us accept the exact mischief we are trying to cure. The CASs are to assist CSs so that we do not keep on saying that the CSs do not come to Parliament to answer questions. Now that we have CASs and they are working, let us not start looking at it as if they are not working properly. Let us handle the specific ones who do not answer questions properly. As long as things are moving, it is in the best interest of Parliament that we get prompt answers that will only come when the CSs delegate their roles to PSs or somebody else in the form of a CAS.

I wish to rest my case there. Remember that in our discussion in the House Rules Committee and in the leadership of the House, it was agreed that it is the CS, PS or CAS who can represent a ministry.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Katoo, be brief.

Hon. Katoo ole Metito (Kajiado South, JP): Thank you, Hon. Speaker. I agree with most of the things that have been said by the previous speaker, Hon. (Dr.) Amos Kimunya.

Accountability goes with the ability to make decisions. I see no problem with a CAS leading a delegation before a parliamentary committee to answer questions. As has been said, though we cannot equate an Assistant Minister with a CAS, the assistant ministers were in the former Constitution while the CASs are not in the present Constitution. Again, this is more of a political decision. If you remember very well, in the first administration of the Jubilee Government, there were no CASs. In the second, there are CASs. If they were of much value to the running of the ministries, then we would have had CASs in all ministries. But as it is now, we do not have them in all ministries. In my Committee, for example, there is no CAS for Defence. In the previous Constitution, we had Assistant Ministers for all ministries. Most importantly, we should ensure that there is transparency and ability to make decisions. As Hon. Dr. Kimunya has said, the Ministers were signing the answers.

An Hon. Member: Is he a doctor?

Hon. Katoo ole Metito (Kajiado South, JP): Hon. Speaker, some Members of the House do not know that Hon. Kimunya was recently awarded a PhD, and not an honorary one. He read

for it thoroughly. He was a top student for that period. Congratulations to Hon. (Dr.) Amos Kimunya.

I was saying that the problem is not the official written answer signed by the Cabinet Secretary; the problem is the many questions for clarification that come after the official answer has been read. You find that most of the Chief Administrative Secretaries are not in a position to make decisions. Actually, many of them have said before Parliament that they are unable to answer some questions. The Committee has to take the questions back to another day. That is one issue that needs to be noted.

Two, if we open it just like that, many of the Cabinet Secretaries will be taking advantage and start sending the CASs to appear before Parliament and yet, they do not give them the authority to make final decisions or speak with finality to the Committee. Therefore, in your ruling, consider that should a Cabinet Secretary send the CAS before Parliament, then what the CAS will be telling the Committee will be binding. In that case, the Cabinet Secretary will be in a position to decide whether to come or send the CAS. Otherwise, I am of the view that we should not demean them as it has been said. Not everyone who is a CAS has vied and lost an election. Some are very qualified professionals. Even the politicians who lost are very qualified. Some have been Principal Secretaries and Cabinet Ministers before. So, they are qualified. It is a recognised position.

The other problem is their ranking. I do not think in the Executive, there is an agreement that the CAS is in between the Cabinet Secretary and the Principal Secretary. If that is the position and is fully agreed and affirmed to, then CASs will be in a position to make decisions with finality.

Thank you.

Hon. Speaker: Hon. Members, there are certain decisions which, perhaps, I have to make at this point. There is other business to be transacted. Every one of you says they are going to be brief but, in the meantime, as I can see, the Chamber is getting empty and there are certain things that need to be done here.

Hon. David ole Sankok (Nominated, JP): *(Inaudible)*

Hon. Speaker: There is no value you are going to add. What is it that you want to point out that has not been pointed out? One minute, Hon. Sankok and then Hon. Owino.

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Speaker. Why Members are complaining of CASs is because we do not vet them. In a likely event that they give us wrong information, we cannot in any way punish them. It is better for those who we approve and we can, at the same time, impeach them in case of wrong information. Again, CASs do not sit in Cabinet meetings. If they do not sit in Cabinet meetings, I do not know why they should appear in Parliament and answer questions. This is an amorphous position which is not understood. Article 132 gives the President all the power to restructure the Executive. So, he was within the law according to Article 132.

Thank you.

Hon. Speaker: Hon. Owino, one minute.

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Speaker. Mine is to appeal to you to make that direction so that we can all follow. This morning was not good for us as Members of that Committee because the meeting was properly convened by the Chair and some questions had been answered. But one Member came and said: "No, you cannot answer my question because you are just a CAS." That was so embarrassing to all of us.

Hon. Speaker: Maybe, we may have to state whether a Member can receive a written answer from the Cabinet Secretary so that you do not also impede the workings of a whole committee. I would have no reason not to give Hon. Pkosing one minute.

Hon. David Pkosing (Pokot South, JP): I thank you, Hon. Speaker. In making my contribution, I want to share our experience as chairmen. It will be very good to hear from a few chairmen.

When Members ask questions or when you direct us that we adjudicate questions at a committee level, we have realised that most Members take questions which they read in the Floor as an introductory of bringing the Cabinet Secretary to the Committee. What come out are the supplementary questions that come after the many questions. That is when the reason why that Member of Parliament asked that question comes out. The Members seek clarifications and a way forward. The person who should offer clarification is the Cabinet Secretary. If we have agreed as it is in the Constitution, then the question is: What is the linkage in law and definition between the Cabinet Secretary and the CAS? Your ruling will inform amendments so that whoever will get this position, if we do not get the position, will find the functions in place.

Finally, Hon. Speaker, you need to protect the House. The questions should be answered by the Cabinet Secretary. If we open it up, some Cabinet Secretaries will not appear in Parliament. They will be using the same excuse. We will lose accountability between Parliament and Executive. You need to give a very calculative and fair ruling. We are not against the CASs. Some people here might be CASs, but we need to give functions. We are not against anybody. The functions as they are, are not accountable to Parliament. Let us say the truth.

Thank you.

Hon. Speaker: We may go back to the days of creation. It is said that when God wanted to create the other half, He did something to the man. You never know what gave way in order to come up with CASs. We will make a written Communication on that.

Next Order!

MOTION

RATIFICATION OF THE AGREEMENT FOR THE ESTABLISHMENT OF THE INTERNATIONAL ANTI-CORRUPTION ACADEMY AS AN INTERNATIONAL ORGANISATION

THAT, this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on its consideration of the Instrument for Ratification of the Agreement for the Establishment of the International Anti-Corruption Academy as an International Organisation, laid on the Table of the House on Wednesday, June 26, 2019, and pursuant to the provisions of section 8 of the Treaty Making and Ratification Act, 2012, approves the Ratification of the Agreement for the Establishment of the International Anti-Corruption Academy as an International Organisation.

(Hon. William Cheptumo on 2.10.2019)

(Debate concluded on 3.10.2019)

Hon. Speaker: Very well. Hon. Members, debate on this Motion was concluded last week. What remained was for the Question to be put, which I hereby do.

(Question put and agreed to)

Next Order!

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Speaker (Hon. Justin Muturi) left the Chair]

IN THE COMMITTEE

[The Chairman (Hon. Moses Cheboi) took the Chair]

THE SACCO SOCIETIES (AMENDMENT) BILL

Hon. Chairman: Order Members! We are in the Committee of the Whole House to consider the Sacco Societies (Amendment) Bill (National Assembly Bill No.1 of 2018). We will move fast. So, I ask you to be keen.

(Clause 2 agreed to)

Hon. Chairman: Sorry, Hon. Members. Clause 2 has an amendment. Let us hear what the proposer has to say?

Clause 2

Hon. Kanini Kega (Kieni, JP): Thank you, Hon. Chairman. Before I move the amendment, I wish to make this observation. We did our report in August last year. It has delayed for some time, but we are ready to move.

Therefore, I beg to move:

THAT, clause 2 of the Bill be amended by deleting subsection (4) of the proposed new section 27A and substituting therefor the following subsection—

(4) A deposit-taking Sacco society licensed under this Act shall notify the Authority prior to amending its registered by-laws or any provisions thereof.

The justification is simple. This is to make it be in tandem with Section 5 of the Saccos Societies Act No.14 of 2005. Also, (b) of the Act provides that the mandate of the Authority shall be regulated and supervised by societies Sacco. It is that simple.

Hon. Chairman: Remember, we had moved a little faster. So, that position was rescinded when we discovered that there was a proposed amendment by the Chairperson of the Departmental Committee on Trade, Industry and Co-operatives.

(Question of the amendment proposed)

Do I see any member who wishes to speak to it? No! I do not.

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Clause 2 as amended agreed to)

Clause 3

Hon. Chairman: There is a proposed amendment to Clause 3. Let us have Hon. Chairperson.

Hon. Kanini Kega (Kieni, JP): Thank you, Hon. Chairman. I beg to move:

THAT, clause 3 of the Bill be amended by deleting subsection (1) of the proposed new section 48A and substituting therefor the following new subsection—

48A (1) The Authority shall determine the suitability and propriety of every person seeking to serve as Board member, Chief Executive Officer or other officer of a Sacco society, and may bar a person from serving in a Sacco society as a Board member, Chief Executive Officer or an officer pursuant to its determination.

The justification is to include the board members in the scope of persons whose suitability and propriety shall be determined by the Authority. The amendment also seeks to delete the term “Director” and substitute thereof with the term “Chief Executive” because that is what is used in Saccos.

(Question of the amendment proposed)

Hon. Chairman: I take it that the Members who have placed interventions want to speak. We shall start with Hon. (Dr.) Wakhungu Wamalwa, the Member for Kiminini.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Thank you, Hon. Chairman. I rise to support the amendment. We know that the regulator is supposed to provide some regulations. We have some Saccos that are doing pretty well. However, we need to determine the suitability of some of the directors in terms of capacity. The regulation can come up with a continuous capacity development programme so that they can perform their work. I have seen many Saccos going under because of the level of their directors in terms of capacity on issues to do with, say, Information Technology (IT). Some of them are analogue. Anybody can be trained in IT. It is, indeed, important that the regulator is given powers to determine their suitability, for instance, on things like IT, which will help to deal with fraud. So, I support that amendment.

On the issue of the Director and the CEO, if you look at their job description, you will find that the work they do cut across. It is just semantics. So, there is no big deal.

Hon. Chairman: Okay, you have taken long Hon. (Dr.) Wamalwa. Let us have Hon. Mutua Barasa, the Member for Kimilili. The previous one was the Member for Kiminini. Now

we have the Member for Kimilili and they are seated very close to each other. Therefore, there is a slight confusion.

Hon. Didmus Barasa (Kimilili, JP): Thank you, Hon. Chairman. I am also his uncle. That should be clear.

Hon. Chairman: Well, that makes you the bigger one. Proceed.

Hon. Didmus Barasa (Kimilili, JP): Hon. Chairman. I am opposing this amendment because one...

Hon. Chairman: Now, that surprises me. These are two relatives seated close to each other and they are opposing each other. However, it is the right of a Member to oppose even his own relative. Proceed.

Hon. Didmus Barasa (Kimilili, JP): Hon. Chairman, when you take the responsibility from a group of people and then you transfer the same to a single person, that person can abuse that position. I want it to remain the way it was. It was better. The Chairperson is proposing an amendment that will sneak in abuses. When a decision is made by a group of people, it is a better decision; it benefits from what we call “the diversity of opinion” because you come up with the best choice. So, I oppose this amendment.

Hon. Chairman: We have had two opposing views. I do not intend to open it up any further. Two Members have already spoken. For the rest, it is for you to make your decision on that basis. I want to put the question.

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Clause 3 as amended agreed to)

Sometimes, Members, put your vote as vigorously as you can, one way or the other, so that we can make good judgement. Let an “aye” be an “aye” and not a blurt of a sheep. It will be much better and clear.

Clause 4

Hon. Kanini Kega (Kieni, JP): Thank you, Hon. Chairman. I beg to move:

THAT, clause 4 of the Bill be amended by deleting the proposed new subsection (8) and substituting therefor the following—

(8) The Authority may impose minimum standards on significant members and officers of a Sacco society as prescribed, including a mandatory continuous or minimum professional development course, training and certification which every Board member, Chief Executive Officer or an officer of a Sacco Society shall undertake or attain before serving or seeking to serve as a Board member, Chief Executive Officer or an officer of a Sacco Society.

This one is closely related to Clause 3. The justification is to require persons serving in the board to undertake prescribed minimum professional development courses. That will inculcate a culture of professionalism in the management of Saccos. We have seen it in the past where some board members of Saccos do not have minimum qualifications. So, it will be good for them, once

they assume the position of a board member, to also undergo training that is related to that profession.

Thank you.

(Question of the amendment proposed)

Hon. Chairman: We will start with Hon. (Dr.) Nyikal.

Hon. (Dr.) James Nyikal (Seme, ODM): Chair, I oppose this because if you are taking board members and you want continuing professional development courses; this is obviously borrowed from the regulatory or professional bodies; while Board members can have any background. They would not have one specific background for which they will be trained. Which continuing professional training will you be referring to? This is too broad and I oppose it.

Hon. Chairman: Let us hear the Member for Muhoroni.

Hon. Onyango Oyoo (Muhoroni, ODM): Thank you very much, Hon. Chairman. I also want to echo the sentiments by Dr. Nyikal. I think it would be needless to have further training for board members because they represent the interests of the groups that nominate them to the board and they go there for the purpose of safeguarding those interests. Therefore, I do not think it would be necessary that they be retrained. They will not be permanent employees. I oppose.

Hon. Chairman: Hon. Sankok, you have the Floor.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Chairman. Surely, training is very necessary, even if you represent a certain group. Some of the representations are not in any form a qualification. I may be representing PWDs in a certain board, but being disabled is not a qualification. You need some little knowledge in that particular field to be able to represent those you are representing well.

Thank you, Hon. Chairman.

Hon. Chairman: Hon. Mohamed Sheikh, you have the Floor.

Hon. Mohamed Mohamud (Wajir South, JP): Thank you, Chair. I politely disagree with my colleagues and support the amendment. This clearly indicates that it may impose minimum standards of training, which are important to board members. As board members and CEOs change, they need to have some training. Therefore, I support the amendment in this case.

Thank you.

Hon. Chairman: Well, Members will have to make their decision. I will not open it up. Let it be as clear as possible.

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted in place
thereof be inserted, put and agreed to)*

(Clause 4 as amended agreed to)

Clause 5

Hon. Kanini Kega (Kieni, JP): Thank you, Chair. I beg to move:

THAT, Clause 5 of the Bill be amended by deleting paragraph (b) of the proposed new section 54 subsection (5) and substituting therefor the following—

(b) A Sacco society shall, in the ordinary course of business exchange information on performing and non-performing loans as may be specified by the Authority and to such extent as may be prescribed through regulations made under the Act.

The justification is to make provision that requires Sacco societies to share information on performing and non-performing loans amongst themselves. We have had in the past people who borrow money with an intention of not paying back. They move to one Sacco, bring it down and go to another Sacco and also bring it down. With the inclusion of this, we will not have people moving from one Sacco to another because the Saccos will be able to share information amongst themselves, especially on good and bad members.

Thank you, Hon. Chairman.

(Question of the amendment proposed)

Hon. Chairman: Hon. Jomo Washiali.

Hon. Benjamin Washiali (Mumias East, JP): Thank you, Chair. I wish to support because as the Treasurer of PACOSO, we have had that kind of experience where members borrow from Bunge Sacco and then they move to PACOSO to borrow, but then you find that they are not able to pay back the loans. Therefore, it is important that we share information across Saccos so that we do not find ourselves with members who are not able to service loans from both Saccos.

Hon. Chairman: Let us hear Hon. Wamalwa.

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): Thank you very much, Chair. This is a very important point in terms of sharing information. There is also something called lessons learned. You might want to invest in a venture and you can learn from another Sacco how they approached such an idea and succeeded. Saccos also face challenges. As my colleagues have mentioned, you can learn the best practises from other Saccos. People even go out for purposes of benchmarking. So, information sharing should be encouraged. We have the CRBs sharing information to know the risk of clients who want to run away from paying back their loans. So, it is important in terms of risk management. Sharing information is key.

Much as we were talking about continuous professional development, we have functions that cut across. You can be a medical doctor, but you must understand basic financial or human resource management. It does not mean that when you are a medic, you should not learn basic finance or human resource management. So, it is important to share information.

Hon. Chairman: Yes, Hon. King'ola.

Hon. Patrick Makau (Mavoko, WDM-K): Thank you, Chair. I, too, support the amendment. I am the secretary of a housing Sacco. This information is very important. In this country we have suffered from conmen, who hop from one Sacco to another without declaring their debts. Once this is passed, it will make it difficult for the men and women of this country who want to bankrupt Saccos. Saccos are everything for any developing country.

I support.

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted in place
thereof be inserted, put and agreed to)*

(Clause 5 as amended agreed to)

(Title agreed to)

(Clause 1 agreed to)

Hon. Chairman: Let us call the Mover to move reporting on this one. I thought it is Hon. Washiali.

Hon. Benjamin Washiali (Mumias East, JP): Though the Mover had come, allow me to move.

Hon. Chairman: You want to stand in for him?

Hon. Benjamin Washiali (Mumias East, JP): Yes.

Hon. Chairman: Okay. Proceed, Hon. Washiali.

Hon. Benjamin Washiali (Mumias East, JP): Hon. Chairman, I beg to move that the committee do report to the House its consideration of the Sacco Societies (Amendment) Bill (National Assembly Bill No. 1 of 2018) and its approval thereof with amendments.

(Question put and agreed to)

Hon. Chairman: Hon. Members, let us move on to the next Bill, the Sectional Properties Bill (National Assembly Bill No. 23 of 2019).

THE SECTIONAL PROPERTIES BILL

(Clause 2 agreed to)

Clause 3

Hon. Aden Duale (Garissa Township, JP): Hon. Chairman, I beg to move:

THAT, Clause 3 of the Bill be amended by deleting the definition of the term “landlord”.

The justification is that the term has not been used anywhere in the Bill. You cannot bring something that has not been used in the whole Bill. I beg to move.

Hon. Chairman: Okay. What the Leader of the Majority Party is saying is that we delete the word ‘landlord’ because it is not used anywhere else in the Bill.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Clause 3 as amended agreed to)

(Clauses 4, 5, 6, 7, 8, 9 and 10 agreed to)

Clause 11

Hon. Chairman: I see there are two proposed amendments – one to Sub-Clause 3 and the second one to Sub-Clause 4. Let us start with the one trying to amend it under Sub-Clause 3 by the Chairperson Departmental Committee on Lands.

Unfortunately, that one has been dropped.

(Proposed amendment by Hon. (Dr.) Nyamai dropped)

So, we go to the second one which is Sub Clause 4 by the Hon. Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Chairman, I beg to move:

THAT, Clause 11 of the Bill be amended in sub-clause (4) by deleting the words “building permit was issued” and substituting therefor the words “building plan was approved”.

The justification is that this amendment seeks to cater for development that may have been approved under the Physical Planning Act of 1996 which again was amended in 2018. The building permits were then issued under the repealed Town Planning Act and the Land Planning Act. So, they do not exist now. We have a new law.

(Question of the amendment proposed)

Hon. Chairman: I do not see any interested Member, and therefore, I put the Question.

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted in place
thereof be inserted, put and agreed to)*

(Clause 11 as amended agreed to)

Clause 12

Hon. Chairman: There are two proposals for the amendment. One is by the Leader of the Majority Party and the other one by the Chairperson of the Departmental Committee on Lands. They are similar. So, if the amendment by the Leader of the Majority Party is taken, then it is as good as the other one which has also been taken.

Hon. Aden Duale (Garissa Township, JP): Hon. Chairman, I beg to move:

THAT, Clause 12 of the Bill be amended in sub-clause (1) by deleting the words “local authority” and substituting therefor the words “county government”.

This is because we do not have local authorities.

Hon. Chairman: That is fairly straight forward.

(Question of the amendment proposed)

(Question, that the words to be left out

be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

Hon. Chairman: Hon. Members, we must tidy up Clause 12. I do not know if it came out clearly, but I want to put the Question.

(Clause 12 as amended agreed to)

Clause 13

Hon. Aden Duale (Garissa Township, JP): Hon. Chairman, I beg to move: THAT, Clause 13 of the Bill be amended—

(a) in sub-clause (1) (a) by inserting the words “or commercial” immediately after the word “residential”;

(b) by inserting the words “or commercial” immediately after the word “residential” appearing in the closing statement.

The justification is that this Act is to apply to all types of units, both residential and commercial, so that we take care of that in terms of the apartments. For example, if you buy an office block on a flat, it is commercial; and if you buy a residential one, it is the same. So, this law must apply to both.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 13 as amended agreed to)

(Clauses 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 agreed to)

Clause 27

Hon. Aden Duale (Garissa Township, JP): Hon. Chairman, I beg to move: THAT, Clause 27 of the Bill be amended—

(a) in paragraph (a) by deleting the word “residential”;

(b) in paragraph (b) by deleting the word “residential”

This Act applies to all types of units; that is both residential and commercial. The deletion allows reference to the term “unit” whether we are referring to commercial or residential property.

(Question of the amendment proposed)

(Question, that the word to be left out be left out, put and agreed to)

(Clause 27 as amended agreed to)

(Clauses 28, 29, 30, 31, 32, 33, 34, 35 and 36 agreed to)

Clause 37

Hon. Aden Duale (Garissa Township, JP): Hon. Chairman, I beg to move:

THAT, Clause 37 of the Bill be amended in sub-clause (1) by deleting the words “local authority” appearing in paragraph (f) and substituting therefor the words “county government”.

This is about aligning the Bill with the constitutional structure of Government by removing “local authority” and substituting it with “county governments.”

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 37 as amended agreed to)

(Clauses 38, 39, 40, 41, 42, 42, 44, 45, 46, 47, 48, 49 and 50 agreed to)

Clause 51

Hon. Aden Duale (Garissa Township, JP): Hon. Chairman, I beg to move:

THAT, Clause 51 of the Bill be amended—

(a) in sub-clause (1) by inserting the words “ground rent” immediately after the word “charges”;

(b) in sub-clause (2) by inserting the words “and ground rent” immediately after the word “rates”.

The amendment seeks to include the aspect of the assessment ground rent, which was left out of the Bill. Ground rent is rent paid under the terms of the lease by the owner of a building to the owner of the land on which it is built. That aspect was left out when we were preparing this Bill. The Ministry felt that it will enrich the Bill.

(Question of the amendment proposed)

Hon. Chairman: Hon. Sankok, you have the Floor.

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Chairman. As usual, the Leader of the Majority Party does his research well. This is a very important amendment.

So, I support it.

Hon. Chairman: Well is that all? Then I will put the Question.

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 51 as amended agreed to)

Clause 52

Hon. Aden Duale (Garissa Township, JP): Hon. Chairman, I beg to move:

THAT, Clause 52 of the Bill be amended by inserting the words “ground rent” immediately after the word “rate”.

This is similar to the explanation I had given earlier. This is to include the aspect of the assessment of ground rent which was left out in this Bill. Of course, this rent is paid under the terms of the lessee by the owner of the building to the owner of the land which is built.

(Question of the amendment proposed)

Hon. Chairman: Order! I will not allow you, Hon. Nyikal. Do you know why? I am sure you do. I am trying to locate your card and I cannot. Just because you have distracted the Floor, I will allow Hon. Kisang, the Member for Marakwet West.

Hon. William Kisang (Marakwet West, JP): Thank you, Hon. Chairman. I rise to support. I believe the ground rent by the Leader of the Majority Party means what the owner of each unit will pay to the company owning the ground. When you build a flat there are sub-units but the original title is owned by shareholders of the units.

I support.

Hon. Chairman: Hon. (Dr.) Nyikal your card is appearing and I am inclined to give you an opportunity.

Hon. (Dr.) James Nyikal (Seme, ODM): Hon. Chairman, I just needed a clarification. From the way it reads, I thought it would read and ground rent. This is because you cannot say rate and then ground rent. So, I expected after the word ‘rate’ it would read “and ground rent”. It does not read right unless I have missed something.

Hon. Chairman: Let me see it, ground rent is what has been indicated on the Order Paper to appear immediately after the word ‘rate’. Honestly, I think Hon. Nyikal makes sense. This is a typo and is something that can be tidied easily even from where I sit.

Hon. (Dr.) James Nyikal (Seme, ODM): Hon. Chairman, it is okay if we do it from where you sit.

Hon. Chairman: No! You are probably not right. This is what the mother Bill reads: The Corporation is not liable in relations to the parcel of any rate. If this goes through it will be rate, ground rent charged or tax levies. So, the word ‘and’ cannot be there. That will probably be a medical term and not legal.

Hon. (Dr.) James Nyikal (Seme, ODM): Hon. Chairman, I agree.

Hon. Chairman: That could easily be a surgical instrument. But since we are dealing with legislation, I think the Leader of the Majority Party has put it well. You need to make a decision either to accept it or not. But in terms of grammar and the flow it is good.

*(Question, that the words to be inserted be inserted,
put and agreed to)*

(Clause 52 as amended agreed to)

(Clauses 53, 54, 55, 56, 57, 58, 59 and 60 agreed to)

(Title agreed to)

(Clause 1 agreed to)

Hon. Chairman: That marks the end of this. Therefore, I call upon the Mover to move reporting.

Hon. Aden Duale (Garissa Township, JP): Hon. Chairman, I beg to move that the Committee do report to the House its consideration of the Sectional Properties Bill (National Assembly Bill No.23 of 2019) and its approval thereof with amendments.

Hon. Chairman: Very well.

(Question proposed)

(Question put and agreed to)

(The House resumed)

*[The Temporary Deputy Speaker
(Hon. Christopher Omulele) took the Chair]*

REPORTS

SACCO SOCIETIES (AMENDMENT) BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, we shall start with the Sacco Societies (Amendment) Bill (National Assembly Bill No.1 of 2018).

Hon. Moses Cheboi (Kuresoi North, JP): Thank you, Hon. Temporary Deputy Speaker. I beg to report that a Committee of the whole House has considered the Sacco Societies (Amendment) Bill (National Assembly Bill No.1 of 2018) and approved the same with amendments.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Let us have the Mover.

Hon. Benjamin Washiali (Mumias East, JP): Thank you, Hon. Temporary Deputy Speaker. I beg to move that the House do agree with the Committee in the said Report. I also request Hon. Kanini Kega, the Chairman, Departmental Committee on Trade, Industry and Cooperatives to second the Motion for agreement with the Report of the Committee of the whole House.

Hon. Kanini Kega (Kieni, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support the Bill. I want to apprise the Members that what we have passed today is fundamentally important to streamline the sacco sector. As you have seen Kenya is a sacco society because we have so many saccos. Some which are doing very well while others are not. But with the enactment of this law we will streamline those which are not doing very well. I want to thank the Members.

I second.

(Question proposed)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, I will further direct that the next necessary steps with regards to this Motion, be undertaken when this matter is set down on the Order Paper again.

(Putting of the Question deferred)

I, therefore, direct that we move to the next Bill. We have considered the Sectional Properties Bill No.23 of 2019. Let us have the Chair.

THE SECTIONAL PROPERTIES BILL

Hon. Moses Cheboi (Kuresoi North, JP): Thank you, Hon. Temporary Deputy Speaker. I beg to Report that a Committee of the whole House has considered the Sectional Properties Bill (National Assembly Bill No.23 of 2019) and approved the same with amendments.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, I beg to move that the House do agree with the Committee in the said report. I request Hon. Washiali to second the Motion for agreement with the Report of the Committee of the whole House.

Hon. Benjamin Washiali (Mumias East, JP): Thank you, Hon. Temporary Deputy Speaker.

I second.

(Question proposed)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Again, I direct that the next necessary steps will be undertaken when this matter will be set down on the Order Paper again.

(Putting of the Question deferred)

I direct that we move to the next order of business on the Order Paper.

MOTION

REPORT ON A FACT FINDING MISSION ON THE WELFARE OF MIGRANT KENYAN WORKERS IN THE KINGDOM OF SAUDI ARABIA

THAT, this House adopts the Report of the Departmental Committee on Labour and Social Welfare on the visit to Riyadh, Saudi Arabia on a Fact Finding Mission on the Welfare of Migrant Kenyan Workers in the Kingdom of Saudi Arabia from February 27th to March 3rd, 2019, laid on the Table of the House on Thursday, 8th August 2019.

(Hon. Omboko Milemba on 3.10.2019)

(Resumption of Debate interrupted on 3.10.2019)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, Hon. Ali Athman had a balance of five minutes when this matter was last before the House. If he is in the House and he desires to take up his five minutes, it is his opportunity to do so. Hon. Athman is not in the House. I, therefore, give the Floor to the next Member who has an interest in this. We will start with Hon. Mohamed Sheikh, the Member for Wajir South.

Hon. Mohamed Mohamud (Wajir South, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Report. However, it should have an in depth discussion on various things that were there like serious challenges that affect the workers and families of workers who have worked in the Kingdom of Saudi Arabia. There is no doubt that there is great information that we have received from the Report. This information includes the regulations that are in place in that country. I understand that there are specifics that are in place that safeguard the welfare of the Kenyan workers that are in Saudi Arabia.

We have seen in publications in the public domain that many Kenyans have suffered in the hands of their employers. Families have reported considerable exponential suffering. That must be included in this Report. That is missing in this Report.

The other important information that has not been indicated as well is the highlight of cultural education for Saudis and Kenyans alike. Let me clearly put it this way that, having been to Saudi Arabia myself and seen it, it is important the Saudis also understand the cultures; dynamics and backgrounds of Kenyans who work there. It is important that we reiterate and ensure that our Kenyan workers are not left out in terms of understanding the culture, socio-cultural activities and norms of that society.

It is also equally important that the Saudi community is sensitised and inculcated about our culture, way of life and the way we live and work with others. All these should be informed to the Saudis as well. What I would have seen is a review of the labour laws of Kenya. That calls for us to examine the specifics of the challenge that really needs to be understood from the Kenyan aspect.

According to the Report, the Ministry of Labour and Social Welfare has streamlined some systems like the MusaNet of 2014. That also needs to be noted quite clearly and what it really means and entails. According to reports, the pre-departure training has now been put in place. That is not indicated in that particular report. We need to see that quite clearly coming out. Information on labour market is also something that we want to see coming out.

What I really want to emphasise on is this Report should have also examined the welfare. For example, a migrant welfare fund should be created. This Report did not clearly spell out when and how that should be created. Let me bring it to the House to understand quickly. In January 2019, an agreement between Kenya and Saudi Arabia was established. This Report also needed to explain that agreement clearly so that we can understand and know the structured communication that pertains to that agreement of January 2019. We want to strengthen our bilateral agreement. That also must be highlighted. I need to see other information and things that should be in place in terms of our bilateral agreement. That will safeguard the welfare of our community and our people who work in foreign countries, particular in this case of Saudi Arabia.

The minimum wage is indicated to be Kshs40,000. As far as I am concerned, that is quite low. Therefore, it needs to be clearly explained how that has come into place. Kshs40 000 is

given to a domestic worker who works in a foreign land. The unfortunate circumstance of being away from home for many years and months is important. The remuneration given to domestic workers in foreign countries must be congruent to the amount of work and time away from home.

Therefore, better terms and conditions is what we really call for. This Report did not clearly spell out how that is going to come out. However, I support this Report because it has given us a considerable amount of understanding of the welfare, checks and balances Saudi has put in place. As we see them in writing, we want to see the practicality of that.

Thank you, Hon. Temporary Deputy Speaker. I support this Report.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Oduol Odhiambo, you have the Floor.

Hon. (Prof.) Jacqueline Oduol (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker. At the outset, I find this Report not really rising to the objectives that it set. As we look at the Report on the Motion, it is clear that the Committee set to gather information, visited the country so that they would gather as much information as possible on the ground that would help them to establish the welfare of workers that work in Saudi Arabia.

The objectives that are set in the Report were really to deal with the welfare of Kenyans and to follow up on leads that had come through the media and many sources. It is clear from the Report that there is a way in which – as was indicated by some of the speakers last time – the Report itself could have been very well done here without going to the ground to look at what is taking place. This would have been done without specifically asking issues that we know are common in Saudi Arabia. I would like, in particular, to draw the attention of the House to the manner in which when we talk about migrant workers, unlike what the Report is telling us, it would appear that when people are skilled and educated, they choose to migrate to look for work on their own volition.

In the Report we are told that there are a number of skilled and educated persons who migrate. Looking at the gender dimension, there are a number of women who travel to Saudi Arabia and who do so on their own volition with recognition that they would go and could possibly not only ease unemployment. This is because they would get employment, but they would also be able to get some earnings. The Report indicated how it seems the labour laws are being respected and how the payment is done.

On context, I would like to say that part of the reason why I find this Report unsatisfactory is that we are aware that there are cases when contract slavery, particularly of domestic workers, has been used to legitimise a practice that is extremely unethical, particularly for those of the female gender. As we saw on the Floor today, when you ridicule a woman or use sexual innuendo or come up with untold imagery and cause a lot of injury to women, it has nothing to do with their education. Women could be educated to whatever level; they could be doctors, politicians, or renowned in various fields. However, when we have a society that chooses to not only demean those of a given gender, but also seek to support ways in which those workers can be used beyond acceptable levels of domestic work, then it becomes an issue.

I am particularly concerned because slavery was abolished in Saudi Arabia quite recently in 1962 and in the United Arab Emirates (UAE) - according to the research that we have available - in 1963. Therefore, if you belong to a society where you have people coming to work for you and those people are seen to belong to you, I would have expected the Committee to use that differential to establish the exact manner in which we could have contracts for domestic

work being used to legitimise very inhuman ways of dealing with Kenyans. Some of the women who choose to go out there do it on their own volition and it does not cause an issue.

One of the key issues that came out clearly in the Report is that there are benefits when we have migrants or Kenyan workers going outside the country and, in particular, going to Saudi Arabia. This came out clearly in the Report. There is a way in which the migrants ease unemployment and intensify bilateral trade. It is important that as we look at the labour arrangements, we also look at the manner in which we will protect Kenyan interests. Looking at the Report, I do not see the specific bilateral labour arrangements that clearly establish stringent measures that would protect the Kenyan worker. Instead, the Report is telling us what would be the regulation of the laws in Saudi Arabia. Our interest was not to look at what the law is in Saudi Arabia, our interest was to establish the welfare of workers. Even as we respect the bilateral arrangements and recognise that we have to balance the two, we would have liked to see the particular proposals. That is our main concern. We needed to hear of the stringent measures that have been put in place to protect Kenyan migrants.

According to officials in the Kenyan diaspora and a report from the Ministry of Foreign Affairs, two to three migrants are killed in the Middle East. It is not as if we do not have information that we could then use as a basis for ensuring that any report that is written then helps us to determine whether particular claims are mere allegations or not. The reports could as well be as a result of research done by people who were not on the ground and who might have just been listening to stories. We would, therefore, like to see in this Report a clear indication of the status of migrant workers in Saudi Arabia.

In the Report, there was mention that the challenges arise because the people who go to Saudi Arabia rely on brokers. There could be people who are in deportation camps. My concern is that the Report did not tell us more on that matter. If there are Kenyans in the deportation camps, what is their status? Why were they placed in those camps? How do we ensure that their welfare is looked into? If there are brokers, what is it that can be done from our end and in terms of a bilateral arrangement with Saudi Arabia to ensure that this does not get established?

I thank the Committee. I recognise that it took its time to look at this because it set very clear objectives. However, there is information that still seems to be hanging because there are various forms of abuse, including people being killed. There are many cases where Kenyan migrants are faced with breach of labour laws. They get exposed to unlawful treatment. The objectives that were set could have been addressed better in this Report. Therefore, based on those grounds, I reject this Report. I do not support it.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well. I will give this opportunity to Hon. Wario Ali, Member for Bura who is also the Chair of this Committee. Hon. Wario is the Chair. He had not spoken to it. Members, you will recall that the Mover was Hon. Omboko Milemba. Hon. Wario is well within his rights to speak to it. Proceed.

Hon. Ali Wario (Bura, JP): Thank you, Hon. Temporary Deputy Speaker, for this opportunity. From the outset, I take this opportunity to thank Members. This Report has raised a lot of interest. That is why I decided to move a Notice of Motion to share with Members so that we can get a way forward.

The subject in question is very emotive. The challenge we have faced as a Committee is that of employment and mistreatment of Kenyan migrant workers in foreign countries. Just as a background, the International Labour Organisation (ILO) Report of 2018 has placed Kenya among countries with very high unemployment rate in the world. Why am I saying this? In that Report, 192 million people are out of work. That translates to 5.6 per cent globally. America has

a 3.4 per cent unemployment rate. The United Kingdom (UK) has a 3.6 per cent unemployment rate; Germany has a 3.1 per cent unemployment rate and Kenya stands at 18.4 per cent. This is a very high unemployment rate in the world. As a country, we are sitting on a time bomb. When we address this topic, I appeal to Members to bear with us, understand us and appreciate the problem we are facing as a country. We all agree it is a very emotive issue. Look at the suffering of the Kenyan nation. Saudi Arabians will never come to Kenya to look for employment, but our people go to that country whether or not there is a legal framework.

My Committee embarked on a journey to Saudi Arabia with two clear objectives. One was to look at the plight and welfare of migrant Kenyan workers in that country. Second, was to look at the status of implementation of bilateral labour agreements between Kenya and the Kingdom of Saudi Arabia.

Hon. Temporary Deputy Speaker, when we reached the Kingdom of Saudi Arabia, we got an opportunity to sit with our Ambassador, the labour attaché, the representative of Kenyan workers in the Kingdom of Saudi Arabia and, the Ministry of Labour of Saudi Arabia. I do not deny in any way the suffering or the plight of Kenyan workers in Saudi Arabia. They are suffering. What causes this suffering? For the people we met and those whom we sat with, discussed and shared with us facts on the ground, they told us those people who mostly suffer have no proper contracts. They were taken there by briefcase agencies. The Ministry of Labour and Social Protection has really tried. They have sanitised that particular area. Initially, we had 1,600 agents who were ferrying people to different destinations. With the help of the National Employment Authority (NEA) and the Ministry of Labour and Social Protection, we have 211 registered agents today. Before you were being issued with a certificate to ferry people but now you have to deposit a surety bond of Kshs1.5 million. In case the person who was taken out of this country gets a problem and he cannot travel back to the country, the agency which moved him out of this country is responsible for bringing him back.

There is one issue that I want Members to appreciate. How long ago did we sign a legal instrument with the Kingdom of Saudi Arabia or any other foreign country in that relation? The Memorandum of Understanding (MOU) between Kenya and the Kingdom of Saudi Arabia is only nine months old. Definitely, there are teething problems. There was a bigger problem than what we are seeing. If you look at the suffering without looking at unemployment in this country, then you will not go to the depth of the problem facing our people. It is only less than a year since we entered into that particular agreement, moreso the musaned. We were informed by our labour attaché that he can access the musaned. He can follow the employers online. Those employers who fail to pay the workers on fifth of the following month are fined 5,000 Saudi Riyals. There is suffering but there are opportunities in the Kingdom of Saudi Arabia and Middle East countries.

I will respond to specific issues which were raised by Members. One, we need to plan pre-departure training for the workers. We have to appreciate that our awareness level and culture versus the country we are going to are a bit different. So, there are some basic issues. We made recommendations and committee findings. Let us look at this Report in totality. Let us change what is supposed to be changed. Let us force the Executive to invest in the foreign attachés so that they can help.

In some countries we have gone to, some labour attachés cannot help some of the migrant workers who go to their offices for rescue. They cannot even afford to get them transport back home. We have to fund the labour attachés abroad. We have to do pre-departure training. People have to appreciate the culture clash. There are many issues in totality. Most of these suffering

will be addressed by the musaned. They have put in place a raft of laws, particularly to deal with employers who mistreat workers not only those who are from Kenya, but also worldwide.

With those remarks, I support this Motion. I am appealing to Members to please understand the suffering which the Kenyans are facing in those countries and at home. Unemployment is a time bomb. It is a big challenge. No Saudi forced any Kenyan out of this country. We go to that country to look for opportunities. Our role as the Legislature is to push the Executive to come up with appropriate legal mechanisms and systems to improve the welfare of Kenyans who work outside this country.

With those remarks, I support this Report. Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Onyango Oyoo, Member for Muhoroni. I can see Members raising their hands. When did we start this practice? Hon. Members, I thought that we all have cards. Log in your card and hope that you will get an opportunity to contribute. The opportunity is for the Member for Muhoroni.

Hon. Onyango Oyoo (Muhoroni, ODM): Thank you very much, Hon. Temporary Deputy Speaker, for giving me this opportunity to reinforce the sentiments that have been expressed by my very able Chairman of the Committee, Hon. Ali Wario. I want to allay the fears of Members that in the past there were serious challenges that were bedevilling the immigrant workers of Kenya abroad. With the arrival of Cabinet Secretary, Ukur Yattani in the Ministry of Labour and Social Protection, a lot of re-organisation and adjustment have been done such that now we have labour attachés everywhere and most of these challenges that they had have been addressed or are being addressed. I am not saying that things have improved so much, but it is slightly different from what it was. We should support it.

As the Chairman has stated here, the biggest problem is the many briefcase agents who recruit people behind the normal ethical standards of the Ministry of Labour and Social Protection. So, the arrangements they make and the employees they take outside there are not covered by the labour laws. They are not officially registered by the embassy and the labour attachés are not able to follow their movements and challenges properly because they are not registered. How I wish that the Ministry of Foreign Affairs and International Trade and the Ministry of Interior and Coordination of National Government would be very strict with these briefcase agents and make sure that those who are allowed to do the business of signing the contracts or sending these immigrant workers abroad are those who are registered and have records that can be followed up.

Otherwise, as a Committee, we have done our best. We engaged the Ministry of Foreign Affairs and International Trade and the Ministry of Labour and Social Protection. We agreed that while we have serious unemployment at home, it will also be an advantage to export our labour which we have done and we are doing. It also generates income to our economy. So, we should support it and make sure that those who have suggestions on how best we can improve the programme bring them forward rather than condemning or believing in the past which was free for all. I am sure that is the impression that many of our Members still have. Based on the Report, when our able Chairman and two Members visited the Kingdom of Saudi Arabia on a fact-finding mission, I want to allay the fears of Members in this House that the situation has improved and it is likely to improve more if we have your support.

Thank you very much, Hon. Temporary Deputy Speaker. I support the Report.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Shaban Namsi, Member for Taveta.

Hon. (Dr.) Naomi Shaban (Taveta, JP): Asante sana, Mhe. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili niongeze sauti yangu na kuwatia moyo wanakamati kwa kazi hii ambayo wameifanya. Suala hili la wafanyikazi kwenda nchi za nje au ng'ambo limeleta utatanishi hapa nchini.

Kwanza, wafanyikazi wengi wanaokwenda nchi za nje wanakwenda kwa makusudi ya kupata kazi. Lakini njia wanayotumia sio mwafaka ambayo Serikali yetu ya Kenya na serikali hizo za nje zinaweza kufuatilia kuangalia na kuhakikisha kuwa watu hawa wamefika kule kwenda kufanya kazi. Kwa sababu wametoka nchini kwa njia ambayo sio halali, wakiwa kule nje, wanajificha sana. Hata wakiwa na matatizo, wanaogopa kwenda kwenye Ubalози wetu kueleza matatizo yao. Vile vile, utakuta kuwa wanaotaka kulalamika majina yao hayako kwenye maeneo walikoorodheshwa. Hivyo basi, watu huvumilia matatizo waliyonayo. Kamati ilienda ikakuta kuwa wanaokwenda bila kutangaza wanakokwenda na bila kutafuta njia mwafaka inayofaa ya kwenda kutafuta kazi kule vile vile watasaidika.

Ingekua vizuri nafasi ambazo ziko kule nje ziwewe wazi na wale mawakala ama wanaosimamia upande wa kutafuta wafanyikazi wawe watu ambao Serikali yetu inawafahamu vizuri. Inafaa wawe wamesajiliwa hapa na kule. Hivyo basi mtu akitoka hapa akiwa amepitia kwa mawakala, itakuwa rahisi upande ule mwingine kujua kuwa mtu ambaye amechukuliwa na kupatiwa nafasi amepitia wakala fulani. Jambo hili lina utatanishi na matatizo. Ukweli ni kwamba watu wanaofanya kazi kule nje, na haswa Wakenya, wameteseka. Wengine wameteswa mpaka wakapoteza maisha yao. Wanavumilia wakiteseka kwa sababu hawawezi kusema wanajua hawakuenda kwa njia zinazofaa.

Mara nyingi upande wangu wa Taveta, nimewakanya vijana wengi wanaotaka kuenda kufanya kazi nje kwa njia zisizo sawa. Mara nyingi wakifika kule wakianza kupata shida, tena wananiipigia simu wakiniambia niliyowakanya yanatokea. Hivyo basi, inakuwa shida sana kumsaidia mtu akiwa mbali. Waswahili wanasema fimbo ya mbali haiui nyoka. Hivyo basi inakua shida kwetu sisi kuwasaidia wakiwa katika nchi za kigeni. Lakini kiserikali na kisheria, na haswa Wizara inayosimamia masuala ya Wafanyikazi na Wizara ya Nchi za Kigeni, wanyooshe barabara ili wanaosafiri kwenda nje waende kwa njia inayofaa na mwafaka. Mawakala wanoshgulikia masuala haya wawe wamesajiliwa ndio iwe rahisi watu kujua mahali kila mtu amewekwa kwenye kazi ili iwe rahisi kufuatilia.

Pia, Kamati hii ilipokwenda kule ilikuwa na shida. Haingekutana na wale wameenda kule kupitia njia zisizo halali. Wakijua Ubalози umehusishwa, wanakuwa na uwoga. Basi, swali ambalo tunabaki nalo ni kuwa, je, tutabana vipi njia zile zinazotumika ambazo si halali? Naipongeza Kamati. Imejaribu lakini katika masuala haya, ni lazima Wizara ya Wafanyikazi na Wizara ya Nchi za Kigeni ziangalie zaidi kwa undani jambo hili ili tufunge pahali panapotatiza.

Asante sana, Mhe. Spika wa Muda.

[The Temporary Deputy Speaker (Hon. Christopher Omulele left the Chair)]

[The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya) took the Chair]

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Muli Fabian, Member for Kangundo.

Hon. Fabian Muli (Kangundo, Muungano): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to join my colleagues in commenting on this Report following a fact-finding mission by the Committee in the Kingdom of Saudi Arabia. I stand to support the Report because matters of diaspora are not only issues of Saudi Arabia, but issues of the Middle East, European countries, American states, Asian countries and Africa. The country receives a lot of money from the diaspora. Even some Hon. Members here are products of the diaspora.

Kenyans do not go outside the country because they want to. They go there to look for their basic needs through work. Nobody will ever leave his house to look for food if he has it in the house. Kenyans seek where they can get opportunities to work. I bring to the House not only the issues of the diaspora and Kenyans getting money, but also the need to think about competitive manpower. Kenyan manpower faces a lot of competition from countries like the Philippines, Nepal and Sri Lanka. That is where our people get challenges. We need to create competitive manpower by training our people in the kind of manpower that is in demand. This Report only talks about housemaids. There is also manpower demand in Asian countries in the areas of carpentry, plumbing, driving, security guards and cashiers. If the country ventures in making our manpower competitive like the Philippines; Kenyans will earn more money. We will not have problems relating to house girls.

Many Kenyan house girls are not trained in that specific field. Many Kenyan housemaids are Form Four leavers. Some of them are Standard Eight leavers while others are diploma holders with accounting option. So, when they get a job of a housemaid, they get surprised. Countries like the Philippines and Nepal have colleges that train house manpower. They also train plumbers to specifically go and work abroad. That is why you get a housemaid from a country like the Philippines earning Kshs80,000 while an employee from Kenya earns Kshs30,000 as a house maid. An employee from the Philippines working as a carpenter earns almost Kshs90,000 while one from Kenya earns Kshs30,000. That is failure by the Government to have colleges to train people for competitive manpower.

It is true that many workers from this country go to the Middle East. Why is that the case? Migrant workers to the United States of America (USA) and those going to western countries do not get work permits in this country. They go there on visiting visas and get work permits while there. If today you tell a driver in Kenya to look for a job in the USA, it is nearly impossible. He has to spend millions of shillings to get there and then apply for work permit once he gets work. If you are looking for a job in a western country, you have to spend almost Kshs500,000 to go to Europe to seek that job there. That is not the case with Middle East countries like Qatar, UAE and Saudi Arabia. They are Second World countries that favour employees from African nations. It is high time we had bilateral agreements. Our migrant workers in Saudi Arabia get work permits in this country. They also get Government recognition. The Government of Saudi Arabia is able to know the number of employees in that country. The Government of Kenya, through the Ministry of Labour and Social Protection, is able to know the number of migrant workers going to Saudi Arabia, the UAE and Qatar.

Where is the challenge? I saw one newspaper reporting that a lady travelled to Saudi Arabia, one week after arrival she told the employer that she had only gone for a visit. The employee speaks very good English and had a contract of two years and had been vetted by the Ministry of Labour and Social Protection. The employer had spent almost US\$2,000 to pay for the employee to arrive in the country only for her to tell you that she had gone only for a one-week visit.

Another challenge we have is that many of our house girl immigrant workers do not go for house girl jobs. They just enjoy travelling by flight. Many people who sign contracts to migrate for professional jobs like security guards and clerical jobs do not have challenges because many people know they are definitely going to work in those capacities. Let me illustrate using the scenario of many domestic workers in our country.

In this country, housemaids, including those working for Hon. Members seated in this House, work until late in the night. Sometimes it is not easy to enforce a domestic contract. Why? Employers are different and sleep at different times. So, a house girl working in Nairobi ends up sleeping so late. Sometimes they end up waking up earlier than expected of an accountant in an office. That is why in Saudi Arabia there are also those challenges. I am urging hon. Members that Kenya being a Third World country, it is very important to train our youth. You have to work for it to make it. There is nowhere money is put for somebody to wake up and become rich tomorrow.

Iraq was a crazy country at that time I worked there. Ninety per cent of the guys I worked with there pulled out. Unless you are committed to work in the Middle East, do not go there. If you sign the employment contract, you must work. They only follow the terms in the contract. Otherwise, the propaganda in the media saying that there is a problem is not true since problems are everywhere. Even in Kenya when you go to industrial area, there are too many cases in the Industrial Court. We are not going to be an angel country to send migrant workers. There are too many migrant workers who are enjoying their salaries and sending money home, building houses, opening businesses back home and doing well but there is a percentage of migrant workers who face the challenges which can be sorted out.

Every employment contract is like a law contract. For every law contract there are challenges because both parties mutually agree. So, when the other party feels that mutual terms are not 100 per cent fulfilled, there is bound to be a problem. I always tell people that if they engage in a law contract, they should solve the problem. We are not saying that Saudi Arabia is not accessible. If you want a visa today to go to Saudi Arabia, you just need to go to the consulate, get a visa and visit Saudi Arabia and address the problem.

I appreciate the work of the Ministry of Labour. In 2007 when we were employed, we could not access any labour attaché. When you lost your passport, you were definitely in no man's land. When you lose your passport nowadays when you are out of the country, labour officials are in constant communication with you. You are referred to the consulate office. There are labour workers who help you get another passport. Earlier on, you were told to travel back home and get a replacement. I am urging this Government to allocate money to labour workers abroad... There are countries which we have not signed bilateral agreements with. Kenya is not the only country which can supply manpower to these countries. There is a lot of competition from the African and Asian countries. We need to tell our youth that it is safe to work in other countries in order to better their lives.

Thank you. I support the Report.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuyu): Well said. Let us have the Member for Lamu County, Hon. Mohammed Obo.

Hon. (Ms.) Ruweida Obo (Lamu CWR, JP): Asante, Bi Naibu Spika wa Muda. Nimepitia pendekezo la Ripoti ya Kamati. Mwanzo ningependa kuipongeza Kamati kwa kazi yao nzuri. Ripoti inasema kuna shida na mojawapo ni kwamba wale wanaoenda kufanya kazi nje ya nchi au Arabuni wanapitia njia za mkato. Ninajua sababu hiyo ni kutokana na njaa. Kama hawapati kazi hapa, inabidi waache makwao waende wafanye kazi sehemu zingine. Jambo hilo

liko. Kuna mwimbaji aliyesema kuwa watu waacha kwao kwa shida za kilimwengu. Kama kungekuwa na kazi kwetu, watu hawangewacha makwao, wangepanya kazi hapa. Kuna sababu ya wao kuenda kule. Nafasi ziko kule na nafasi hizo tunafaa tutilie mkazo tuzipate.

Wale wanaoenda kufanya kazi kule wanafaa watengeneze jina la Kenya. Kuna wengi wanaotaka hizo nafasi, wamekaa mitaani na hawajazipata. Wakitengeneza jina la Kenya, wataiua Kenya na wengine watapata nafasi ya kuenda kule. Kuna matatizo lakini pia kuna watu walio na matatizo.

Kwa mfano, kama umeenda kufanya kazi, nenda na ile kazi yako ilivyoandikwa kwenye mkataba lakini ukienda kule na kufanya kazi tofauti, wewe umetumia tu njia ya kufika kule kisha ufanye kazi zako.

Kwa mfano, kuna wengine wameenda nchi za Arabuni kisha unasikia wanauza pombe na serikali ya kule hairuhusu. Hata kama hairuhusiwi, itakuwa hatia. Utajitafutia shida mwenyewe kisha uanze kupiga simu usaidiwe.

Yametokea mengi hata hapa Kenya. Unachukua msichana wa kazi na badala ya kufanya kazi ya nyumbani, anakuja kazi ya kutafuta bwanako. Utakubali? Hayo matatizo yanatokea huko pia. Yakitokea, lazima kutakuwa na matatizo. Shida ziko na mimi ningeomba ubalozi wa Kenya kule uwasaidie. Pia kuna wengine wanapata matatizo ambapo pengine kosa la mtu mwingine linawashukia. Katika hali kama hizo, tunaomba ubalozi wetu ushirikiane zaidi na uangalie kwamba wale watu walio kule wasipate matatizo. Kuna wengine wanapata matatizo mpaka ukiuliza pengine kazini hayupo na Kenya haitaki kumrejsha. Shida kama hizo pia ziko.

Pia nimeona Kamati ikisema kwamba inataka sasa kazi zipitie kwa Wizara ya Leba ili isije ikaleta shida ikawa kaunti zingine hazipati nafasi. Saa hii kama sisi watu wa Lamu, mila za kule wengine zawashinda lakini sisi hazitushindi. Saa hii tunapata hizo nafasi za kuenda kule. Zikija kwa Wizara, isije wakapea wengine na sisi tukazikosa. Wale ambao hawawezi mila za kule wasiende. Wale wanaoweza waende. Kwa sababu ni mila za Kiislamu, wengine zinawashinda. Kwa mfano, wanataka wavae *hijab* ama mtandio, wakifika kule lakini wengine wanataka kuvaa nguo zao. Kama zile ndizo zinaleta shida, afadhali wasiende na watafute nchi zingine ambazo mila ni kama zile. Hilo la kuleta kwa Wizara ya Leba, siliungi mkono maanake wengine watakosa hizo nafasi.

Asante.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Akoth Odhiambo, Member for Suba North.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I thank the Committee for this Report. Unfortunately, I wish to oppose because the Committee did not take its work seriously. I am saying this with very good reasons. Recently, I watched the Committee when they were dealing with an issue relating to Child Welfare Society of Kenya. They walked into the buildings, saw new chairs, walked out and even without giving a report, gave it a clean bill of health. That same careless attitude is the attitude that I am seeing in this Report.

We are dealing with a grave matter but if you look first at even the way the Report itself is crafted, you find that the Committee is not serious. We are not in doubt as a House and as Members of Parliament that Kenyans need jobs and that we need them both within and outside this country. If you look at the issue of unemployment, there are several Kenyans who need employment. Therefore, even if you were to go outside, it is a good thing.

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

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Members, Hon. Millie has a right to oppose.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Deputy Speaker, I do not fear responding to their points of order. Can they raise them? They are all new and I will teach them as they raise their points of order. Can I proceed?

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Just a minute, Hon. Millie. There is a tendency for Members to think that we have to be unanimous, we do not have to. Members have a right to oppose or support. I wish you could listen to Hon. Millie.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker. I am hearing one of them saying off record that it is just a concern. “Just a concern” is not a point of order.

Hon. Omboko Milemba (Emuhaya, ANC): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Order, Hon. Millie. Let us hear Hon. Milemba. Hon. Sankok, you have already spoken to the Report. So, let us have Hon. Milemba.

Hon. Omboko Milemba (Emuhaya, ANC): Hon. Temporary Deputy Speaker, I want to thank Hon. Millie for contributing. However, is she in order to refer to the hon. Members of this august House, elected Members representing big constituencies like mine that they are jokers who are not serious and referring to them courtesy of an example she saw somewhere recently which has nothing to do with this particular Report? Is she in order and can she come out clearly to explain?

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Deputy Speaker, I am rightfully in order by saying that they are not serious in their work based on my observation of the work I have seen them doing. Constitutionally, I have a right to give an opinion. I am not casting aspersions on a Member without reason. I know that is what he is trying to bring out, but he is struggling. I am not casting aspersions. I am casting a vote of no confidence on their Report and not on them as individuals. I do not know what the Hon. Member does in his constituency. On that one, his own constituents will give him a vote of confidence when they elect him. But on this Report, they have done a poor job. I can say it boldly and confidently.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Millie, I want to support what you are saying. Let me speak. You know, you are good at making your contributions. However, at times you do not want to listen to the Speaker. That is not right.

Hon. Members, the Member is not imputing improper motive on a Member. She is not derogatory. I think she is just tearing into the Committee’s Report. Let her do it. I can see the Vice-Chairperson of the Departmental Committee on Labour and Social Welfare is next on the line. She will respond to anything that she may want to.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker. I apologise for not listening. You know, sometimes, when I am passionate, that is what happens. You will give me an opportunity to respond to their points of orders. I am ready and able to receive and deal with them one by one.

I have expertise in women and children’s issues. I brought before this House a Bill called the Counter-Trafficking in Persons Act. It is unfortunate that one Member accused me of trafficking children when I was doing ground breaking work in this country. It showed that we have cases of trafficking. Trafficking is subtle. It is not the kind of things that people speak of like somebody walking away with a child. If you go to countries where our people are likely to

be mistreated, you will see the symptoms. You will not see the real thing. You will see that many people... I went to one of those countries – I will not say which one because we do not have a substantive Motion on the same – when I was doing my research. I got into a flight and found it had many Africans going there. When you go to that country, you will not find one of them. You then ask yourself: where do they go? You will not see them working anywhere. Because of that, I was intrigued and therefore did further research. I discovered that majority of the women who go there are young. Their passports are confiscated; they are tortured, and mistreated. That is what we wanted the Committee to tell us.

When the Committee found Kenyans there, what was the situation? It is not so that Kenyans do not go there, but to improve the situation as we look for jobs for Kenyans. That is what I am castigating the Committee's Report for. It has been done so casually. The Committee is telling us that they went to talk to an attaché. Of course, he will tell you nice stories, so that he or she appears to be doing a good job. However, what is the actual situation there? The kind of information that the Committee is giving is something that I can google and give you better results. You do not need to take a flight to do the kind of Report that you have given us here. I want to tell the Committee that, in future, when they go to another country, especially on an issue that is as important as the jobs that we are looking for, for our young people that are unemployed, we will expect more from the Committee.

Chairperson of the Departmental Committee on Labour and Social Welfare, this is not about you, but I hope you are taking this matter seriously. When you see Members raising issues of concern in respect to some of the work that you do, it has got nothing to do with you as a person. Take this issue seriously. We want jobs for our people but at the same time, we do not want them to be mistreated when they go there. What about the cases that we have heard of people being thrown from balconies to die? I was embarrassed to listen to a Member who spoke before me. He said that it is propaganda we are hearing. Who is he representing; Kenyans or another nation? There are Kenyans who, for sure, are being mistreated. There are Kenyans who are dying. What is the Committee's recommendation about better treatment of Kenyans? We needed more serious recommendations from the Committee indicating how we are going to deal with the human rights violations or suspected human rights violation.

In terms of research network, we expected the Committee to have spoken directly to Kenyans who are working there. The Report does not tell us that they spoke to Maimuna, Akinyi and Wanjala. The Report says that they met people who are doing official work. The nature of trafficking, and that is what happens to many people who go there, we are talking about here is when you exploit a person. Your intentions could be good, but in the process it turns out to be negative. The Report talks about rogue agents. What are we doing about them? We are the lawmakers. What are we doing?

With those few remarks I, once again, thank the Committee for bringing the Report, but humbly indicate that I do not support it.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Now, let us have the Vice-Chairperson of the Departmental Committee on Labour and Social Welfare, Hon. Joyce Korir, Member for Bomet County.

Hon. (Ms.) Joyce Korir (Bomet CWR, JP): Thank you, Hon. Temporary Deputy Speaker. I thank the Hon. Members for their input on this Committee's Report. I know this is an emotive issue. That is the reason, as a Committee, we decided to send some Members for a fact-finding mission. As we speak, it is known in the world that Kenya's issue of unemployment is affecting Kenyans. I know that Hon. Millie is annoyed, but the reason we have brought this

Report is to acknowledge the efforts that the Committee, the Ministry and the Saudi Arabia authorities have put in terms of addressing whatever ills that may have existed. The signing of the bilateral labour agreement is one such gesture. The Chairperson said that this agreement was signed a few months ago.

The Committee went to Saudi Arabia on a number of issues. One is welfare. I want to thank the Ministry, the embassy and the Saudi Arabia authorities because of a number of issues that they have addressed. On wages, employees are paid on the fifth day of every month. There is established an online system. The Saudi authorities and the Kenya mission have access to the system for monitoring compliance. So, on wages, there is no one who can complain so long as...

(Hon. (Ms.) Odhiambo-Mabona and Hon. Sankok consulted loudly)

Order, Hon. Millie and Hon. Sankok! Let the Hon. Member for Bomet make her contribution peacefully.

Hon. (Ms.) Joyce Korir (Bomet CWR, JP): Thank you, Hon. Temporary Deputy Speaker. They were distracting me. I do not see the reason we should bring a lot of issues on this matter that affects Kenyans. The Committee is trying to make sure that the employees who are outside the country are attended to well. On the issue of employment contract, there is a standard measure that they use across board. We were given facts by the embassy. According to the contracts, employers do not have the authority to transfer any employee to another family without the consent of the person who facilitated the employee to get there.

There are a number of unscrupulous agents who have been taking youths to these green pastures without following the due process. I heard Hon. Millie raise the issue of agents who have been taking our people but the Ministry, in conjunction with the Committee, has done a lot in terms of streamlining the agencies. We had over 1,000 agents, but right now we have only 103 that have been vetted by the Government and have been levied some charges. They are supposed to pay up to Kshs5 million and this money is supposed to assist employees in case they have disagreements with employers. The amount of money can be used to assist employees to come back to the country. So, a number of things have been streamlined, but it is only that the agreement is still new. A number of things have assisted these people. The Committee did a budget of about Kshs50 million. They need to establish a complaints office. Right now, they use the embassy. They want to establish a complaints office where they can take their complaints, sort their issues; a place where they can be given accommodation when they have issues with their employers. Those are some of the things we went there to address.

When it comes to issues of work permit, it is issued only to employees who enter the country on contract, but there are some who just go as tourists and end up looking for jobs. Those are the few individuals who are complaining. We are talking of over 40,000 people who are in Saudi Arabia. The people who are complaining are less than 2 per cent. Many youths are fighting for space not only outside, but also in this country, but they can never access the same. I know employment of prison warders will start tomorrow and you will see thousands of youths at the recruitment centres. In Bomet alone, you can have over 10,000 young people and they will select only about five of them. These are desperate youths. Though they are desperate, as a Committee in charge of labour issues, we are streamlining issues pertaining to employment and working conditions.

There is also the issue of hours of work, where employees work for seven hours a day. I have witnessed a number of workers and have seen some captured on camera being mistreated

by Kenyans. They work for only seven hours a day. There is also the issue of prepaid 21 working days annual leave. Rest-off days are also given. Every Friday is a rest day with full pay, which Kenyans do not pay. This is a fact. This is what we found out. When somebody goes there on his own, then all these issues happen. We do not deny that. In fact, it is captured in our Report. One Member said that we did not capture the fact that there are some Kenyans who are being mistreated. The Report does not deny that there are Kenyans in Saudi Arabia who are suffering. Recommendation 5.1 acknowledges the challenges and seeks to address them by asking the relevant Government agencies to be extra vigilant. They should ensure that only Kenyans with valid and compliant employment contracts travel to Saudi Arabia. Even though we are making this recommendation, there are Kenyans who pay for themselves and go for tourism. Once there they start looking for jobs. As a country, we still have a long way to go. I want to assure you that as the Committee on Labour and Social Welfare, we are trying our best in terms of streamlining this.

There is also the issue of service pay on termination of service. A worker is entitled to a one month's half salary for every complete year for the first two years. An employee who has worked for more than five years is entitled to one month's salary for every complete year of service. Remember these are just temporary workers in the hospitality sector. These are shop attendants, drivers, domestic workers or factory workers, but they are entitled to all this. So, I want to request Members to adopt this Report. Let them know that those are our brothers and sisters and we wish them well and better life. Because of unemployment in this country, there is nothing we can do. In fact, Asian countries like India have over 600,000 employees in Saudi Arabia. We are just talking of 40,000. The issue here is how we can improve on this as we look for more opportunities not only for those jobs, but also professional ones. I want to request the House to support this Report. Anything that Members feel we should adjust, they are free to tell us because we want to have a better nation.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Member for Kwanza, Hon. Kevin Wanyonyi.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Hon. Temporary Deputy Speaker, thank you very much for the opportunity. I have been sitting here because as Hon. Millie has mentioned, this is a very emotive area. I have four cases in my locality where people were taken to the Middle East, I do not know how, and three of them were brought back dead. This is something that we cannot just wish away.

I want to thank the Committee for going to Saudi Arabia and coming up with these findings. One of the most important things that the Committee should do is to vet the so-called agents. There is an agent who told me: "*Mheshimiwa*, if you are ready, I have space for 70 people. Just bring me 70 youths - women and men - to go to the Middle East". So, this is happening every day. The Committee went to Saudi Arabia and had a chance to meet some of the people and agree, but I think they should do much more than what they did. I want you to tell me how from today, we will vet the so-called agents. They must be vetted and have recognised certificates.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Wanyonyi, please, address the Speaker not the Vice-Chair of the Committee.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): No. The Chairman is taking notes and I quite agree with him.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuyu): But you are supposed to address the Speaker, not the Chair.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Hon. Temporary Deputy Speaker, I am talking to you. Two, we want to see that people who are going to the Middle East are those who understand what they are going to do. We have cases, and one of the Members from Mombasa said it and it is true, where some girls go to the Middle East and take over homes. Some of them are thrown out through the balcony. My niece was thrown through the balcony and broke her arm and back. She is now disabled. We want the Committee to tell us: This is what we have done. We have seen what is happening in the Middle East and this is the way out. It is not only in Saudi Arabia. There is also Qatar and the United Arab Emirates. These are some of the areas that do not have labour force. Therefore, we expect you to tell us what we are going to do based on what you have done on your visit.

The other thing, and I quite agree with the recommendation, the Committee wants the labour attaché to be empowered because they can also be compromised. Kenya is a corrupt country and some of them are compromised. The Committee has raised the issue of labour attaché' in their recommendations. That desk should have been strengthened, so that when Kenyans go to the Middle East to work, the attaché receives them. Today, we have over 16.9 million jobless Kenyans. This is one way of creating jobs. We want the Ministry of Foreign Affairs to be proactive and establish an office of labour attachés' as well. These stories are not just rumours and media propaganda. It is true that our people are suffering. I was in Dubai about six months ago and while there, I heard that there was more than what we have seen. So, I want you to make recommendations, as a Committee, on establishment of labour attachés' offices to monitor the employment opportunities. If we send out 20,000 Kenyans, we should know their destinations. Some briefcase agents transfer some of these people to the Middle East. Once they get there, they move from one employer to another. In fact, some people are suffering because they have not gone to the areas they ought to have gone to. Some of them go to more than five employers.

Last but not least, the Committee should accept the fact that our people in Saudi Arabia are suffering. If you went there and met our diplomats in posh hotels, that does not tell you the story; it is more than what we have heard. I have been there more than twice. People come asking me to give them youths to go and work in the Middle East. Let us do more than what the Committee has recommended so that, as a country, we can do well. We were number two in the whole world in sports. So, we could be proud people. We are not like India and Pakistan. We are a very proud African country. You can see what has happened to South Africa. Most of our youths go there.

So, the Committee ought to have recommended vetting of briefcase agents. They must have certificates, so that it is known that such a person is an agent and can help our youths to get employment. Otherwise, like my sister, I support, but I would like the Committee to do more than what they have done.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuyu): Hon. Dennitah Ghati.

Hon. (Ms.) Dennitah Ghati (Nominated, ODM): Thank you very much for giving me this opportunity. I thank the Departmental Committee on Labour and Social Welfare for the Report that they have brought to this House. On several occasions, I have been at the Jomo Kenyatta International Airport (JKIA). In the middle of the night, when you look around, you see thousands of Kenyan young men and women looking like our typical house girls who are on

their way to Doha, Qatar, or Dubai. I have had a chance to interact with some of them and found that many of them have no idea where they are going. They travel through Qatar Airways at midnight to Saudi Arabia, Dubai or Doha in Qatar.

These are Kenyans who have left the comfort of their families, spouses and children to look for a better future in foreign lands. Therefore, it is good that the Committee thinks about the welfare of Kenyans who leave the comfort of their homes to go and toil in foreign lands just to keep their families safe. It is also good that the systems that allow such children to leave this country and proceed abroad are in a position to protect them in foreign lands. We cannot ignore the fact that we have seen Kenyans who have suffered in foreign lands.

Hon. Temporary Deputy Speaker, allow me at this juncture to thank and give the Cabinet Secretary a pat on the back. He has tried because of late there have been no cases of Kenyans dying in Doha. However, there have been such cases and we cannot ignore and say that the Report is 100 per cent correct. Migrant workers' rights must be protected whether from here or abroad. We must ensure that even the Ministry of Labour and Social Protection works together with the Ministry of Foreign Affairs.

During the last Parliament, I served in the Departmental Committee on Defence and Foreign Relations and whenever we visited foreign countries, we could hear stories of Kenyan migrant workers' relations with their bosses in those foreign lands. They were not good stories. I am happy that Kenyans are going abroad. I can read from the Report that 55,000 migrant workers of Kenyan origin are in Saudi Arabia. What about Qatar and Dubai? These are areas where the Committee has to visit and bring us a full report. The Middle East comprises all these countries. The Middle East does not comprise of only Saudi Arabia. It has many more countries. We need to get a full report to comprehend what the Committee is talking about. The high rate of unemployment in our own country is what is pushing our youths to such places. If, as a country, we could create employment opportunities, our youths would not migrate to those countries to look for jobs. We have failed. We need to protect our people by creating jobs and employing them, so that we do not get such reports.

The Report is very comprehensive. It talks about the welfare of our migrant workers. What is the Ministry of Labour and Social Protection doing? They should look at the agencies that recruit these people. The agencies that recruit migrant workers should be made public. The country does not know who these agencies are yet they recruit our young people and take them to the Middle East. We have no idea. Just like Hon. Wanyonyi has said, I have also encountered people who have told me: "*Mheshimiwa*, I need people from your constituency or county," yet I had no idea who they were. The Ministry must make public these agencies, so that Kenyans know that we have such agencies. Even the people who work within the agencies that recruit migrant workers must qualify to do that. That is the only way we can ensure that the bad things that happen to Kenyan workers abroad cease. The Ministry of Labour and Social Protection should also conduct pre-departure trainings, which must include counselling. Our people do not understand the culture of the people in those countries.

Hon. Temporary Deputy Speaker, I had opportunity to live outside this country and culture shock out there is so much. How can the Ministry of Labour and Social Protection strengthen counselling? It needs to come up with counselling sessions where Kenyans can be counselled on what to expect. The Ministry also needs to come up with mechanisms through which trainings are conducted, so that Kenyans can go out there knowing exactly what they are supposed to do and how they should cushion themselves. The trainings must engage the families that are sending their children out of the country to go and look for greener pastures.

We have a responsibility to strengthen the welfare of migrant workers out there. Recently, people talked about Doha, Qatar, which is known for mistreatment of workers. These are issues which we need to correct together with the countries where our people are going. The Ministry of Foreign Affairs, together with the Ministry of Labour and Social Protection, should issue them with proper work permits to enable them to travel. We need to strengthen these ties, so that when Kenyans go out there, they work with dignity and provide for their families.

Recently, we heard the President telling Kenyans to use approved agencies when looking for jobs abroad. Which are these approved agencies if the Ministry does not know them, and cannot provide a list to Kenyans so that they can know who is recruiting? These are the small loopholes that we need to strengthen, so that as Kenyans go out there, they live a life of dignity. Allow me to tell the Committee that we are expecting other reports of Qatar because this is a country we have heard in the recent past has these kinds of engagements.

Thank you, Hon. Temporary Deputy Speaker. I support.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuyu): Let us have Hon. Moi Kipruto, Member for Rongai.

Hon. Kipruto Moi (Rongai, KANU): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute to this very emotive subject. I would like to commend the Departmental Committee on Labour and Social Welfare for taking initiative to go to Saudi Arabia and find out the welfare of Kenyan workers.

The ineffective rule of law in Kenya and slowed economic growth cause the youth to seek employment elsewhere. The extreme poverty and unemployment cause our youth to seek employment outside the country. This has caused many Kenyans to go to Saudi Arabia and this is our topic today. The pull that causes people to go to Saudi Arabia as has been said is high wages and labour opportunities. However, this has not turned out to be as Kenyans thought. Once they land there, we have received reports of how they are abused and killed. This is because of discrimination and racism.

But even though there are positive benefits of migration especially for the youth because of remittance of hard currencies and employment, still, the plight of Kenyan workers in Saudi Arabia is an issue that keeps recurring. Many work without contracts and sometimes they are not paid or get irregular pay for their labour. Women or young girls tend to face extremely high risks of being raped, human trafficking and slavery. Article 28 of the Constitution provides that every Kenyan has an inherent right of dignity. This dignity should be respected and protected by the Government of Kenya.

Therefore, the Government of Kenya has an obligation to protect the rights of Kenyans who work in the Middle East and especially in Saudi Arabia. In this Report, I have read about the steps that have been taken. There is a bilateral agreement between Saudi Arabia and Kenya, but these are small steps. We are informed that there are 55,000 Kenyans working in Saudi Arabia. But in this Report, we are not told their status, working conditions and those in prisons. In the Report, we are being told they are trying to promote the labour market in Saudi Arabia.

Before we begin to promote it and rival those of Ethiopia, Sudan, Pakistan or India, let us first improve the working conditions of the 55,000 Kenyans in Saudi Arabia. Some of them are languishing in prisons and we need to establish their working conditions. As a Member has mentioned, no interview was done. We did not read about a Kenyan giving their opinion on the working conditions in Saudi Arabia. We have heard that they went to the office of the Kenya's Ambassador to Saudi Arabia, Mr. Oginga. In spite of the commendation that I made concerning their trip to Saudi Arabia, I think they need to give more depth to this Report.

Thank you, Hon. Temporary Deputy Speaker. I do not support.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Did you say you support or not?

Hon. Kipruto Moi (Rongai, KANU): I do not support.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): You oppose.

Hon. Kipruto Moi (Rongai, KANU): Yes.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Let us have the Member for Mogotio, Hon. Tuitoek Kamuren.

Hon. David Tuitoek (Mogotio, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support the Motion. I know the issue of employment in the Middle East specifically Saudi Arabia, Qatar or United Arab Emirates is always very emotive. We have seen many of our people especially domestic workers being brought back in coffins. Therefore, the Departmental Committee on Labour and Social Welfare took this issue very seriously. I have perused the Report and seen that they have pointed out that there are several employment opportunities in Saudi Arabia in various fields other than domestic work, like teaching.

They have indicated that there are over 50,000 Kenyans among other nationalities working there. The Committee indicated that these workers face challenges. They pointed out culture shock as one of them. We all know that Saudi Arabia has a strict Islamic culture and probably some of our workers who go there do not understand the gravity of this culture. Some of them are looking for opportunity to travel to another country. They do not take their job opportunity seriously and want to quit the job that took them there.

The Committee has pointed out that after consultations between the Government of Kenya and Government of Saudi Arabia, several measures have been put in place. These are automated systems through which the Saudi Government will monitor the labour conditions or compliance of employers of domestic workers. We also note that there is bilateral agreement between Kenya and Saudi Arabia to ensure that Kenyans are protected. They pointed out that the agreement covers things like wages, hours of work, employment contracts, work permits and termination of employment. One of the things that Kenyan employees complained about is that once they reach Saudi Arabia, their travel documents are confiscated by the employers.

I think one of the agreements between the two countries was on documentation. They agreed that if certain issues arise, they will have resolution mechanisms. The Committee suggests that there should be some sort of pre-training for those travelling to Saudi Arabia and other Arab countries to prepare them to work in those countries. Of course, here at home, we have challenges because job opportunities are few. I know any job opportunity for our people is welcome, but first and foremost, the Government should put in place protection mechanisms. The agreements we see on paper should be adhered to. The Government should ensure that they are implemented and adhered to, so that we do not lose Kenyans in other countries. They come back in coffins. The issue of culture shock should be addressed. In other words, we should prepare our workers going abroad on the way of life in the particular countries. The way we live here is different.

Therefore, I would like to say that the work of the Committee is commendable. I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Let us have Hon. Odege Mboya.

Hon. Tom Odege (Nyatike, ODM): Thank you, Hon. Temporary Deputy Speaker. First, allow me to declare that I am a Member of the Departmental Committee on Labour and Social

Welfare. I support this Report. There are a number of areas which I want to point out as a Member of the Departmental Committee on Labour and Social Welfare.

First, we must accept that we used to have a problem with our workers in the Middle East. However, again, we have to recognise the effort the Government has put in place in the last one year by negotiating with three countries in the Middle East and going ahead to sign a bilateral agreement with them. What dismayed me is when a Member called this Committee careless and he went scot free with his comment. It was very unfortunate because a Committee chaired by Hon. Wario cannot be rubbished to be careless in this House and you allow that to go through.

Secondly, we cannot accept to be bullied.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Odege, are you trying to reprimand the Speaker? You are totally out of order.

Hon. Tom Odege (Nyatike, ODM): I withdraw, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): The Member you are referring to clarified and she was tearing into the Report. You have a right to defend the Committee Report without imputing that the Speaker was wrong.

Hon. Tom Odege (Nyatike, ODM): Okay, Hon. Temporary Deputy Speaker. Let me contribute to the Report. I happen to participate in a committee or organisation where we were dealing with migration of workers in this country, especially health workers, and we came to learn that we cannot stop workers from migrating. What do we do as a country? It is common knowledge to everybody in this country that our job market cannot absorb our youth. It is already bloated and we have people looking for jobs. When people look for jobs, whether we like it or not, they will migrate. Wherever they go, if the country cannot track them and see that they are safe, they will still migrate.

We have a number of challenges as a country. Kenyans were chased from Tanzania just the other day. We are quiet about it. Kenyans were chased from South Africa just the other day. We have three countries which have accepted our workers. These three countries have accepted our Government's plea and entered into a bilateral agreement with them. We need to use this opportunity to ensure that our people who migrate to those countries are safe and we negotiate for their favourable terms and working conditions. However, if we condemn a country which has accepted our workers and it turns its back on our employees going there, we are going to block a very huge job market for our people.

Those who have visited Saudi Arabia can authoritatively report here that over 55,000 Kenyans are there. Even though previously we used to have cases where people suffered, for the last one year, we are reporting in this House that there is a very big improvement. We need to ensure that we compete with countries which are sending their citizens to that country. There should be a very competitive job market for them because if we block these people, the people we have here currently will still migrate unofficially.

Today, we are very lucky because migrants are aware that before they leave this country, they need to be documented. If this one is not strengthened on the ground, then we have a responsibility as a House to demand that the Ministry of Labour and Social Protection documents every Kenyan before they leave this country. When you are documented, you are traceable in the embassies abroad, but if you sneak out and you are not documented, you will suffer. I was affected. My niece whom I educated was conned by an agency and went to Saudi Arabia. She took two good years without any communication with us and a Good Samaritan saved her.

However, I do not want to condemn the whole country because of that. This lady was conned by an agency which is not recognised.

As the Chair was making his presentation here, he said very clearly that the agencies used to be 1,600 and because of registration, these people have been reduced to slightly over 200, which I think is a good move on the side of the Ministry and the Government. So, as a House, we need to go ahead and demand from the Government that those who have been given the job be gazetted, so that Kenyans can be aware of the companies and those who are running them. We should make this public, so that everybody can be aware of who to approach.

On some other issues which have been raised in this House, you do not expect the Committee to be a police station to follow police cases. There are cases we need to leave to the police to investigate and we look for the best options for our people and create an opportunity for them. However, as a Member of the Departmental Committee on Labour and Social Welfare and a career trade unionist in this county, I state here categorically that we need to negotiate for more slots for our people to go to the Middle East and get jobs.

Thank you, Hon. Temporary Deputy Speaker. I support.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Very well said. Let us now listen to Hon. Iringo Kubai.

Hon. Kubai Iringo (Igembe Central, JP): Thank you, Hon. Temporary Deputy Speaker, for giving this opportunity to contribute to this Report. From the outset, the Committee tried its best to do the finding and benchmarking on what is happening with our fellow citizens who are in Saudi Arabia.

As I support this Report, let us appreciate that it is not only Saudi Arabia that people are migrating to. It is not only maids or drivers who migrate out of our country. We have immigrants of many calibres. We have professionals like doctors and teachers who go out. I challenge the Committee to also go and benchmark and see what is happening to our brothers and sisters in other countries.

I happened to go to Botswana and I found out that Kenyan teachers are more than the Tswanas; the owners of that country. Most of them went there many years back and they have tried to come back, but they cannot be allowed to come back. If they leave that place, their schools will not have teachers. Therefore, we get these problems outside there because most of the immigrants are unfortunately not registered with the Immigration Department. The Ministry of Labour and Social Protection is not aware of them. They go there through *panya* routes and nobody can account for them. This is a failure of the Ministry and the Immigration Department. We should have a database of all Kenyans who went out there to look for greener pastures.

On the same note, we need to create jobs, so that we can discourage emigration. If we create jobs for our youths, they will remain in our country and start industries. We are currently talking of the Big Four Agenda and that is where the country should be focusing seriously. This will drastically curtail emigration. Those who go need to be vetted to ensure that they are qualified to do the job and not just go there and start tarmacking in a foreign country looking for a job which they do not know. Equally, the Ministry needs to put its foot forward and check on the conmen, con-women and con-companies which open offices and once they recruit people and take their money, they sell them just like luggage or bags to foreigners. Then they close office. You cannot follow up to know who they are or where they mushroomed from. The Government has the machinery, including the Directorate of Criminal Investigation (DCI) and the Ministry itself, to know who are enticing our youth to go to these countries. Who are the people making the connections with the embassies?

I would have loved a situation where the Committee would have told us that they had some interaction with some of the people who are suffering there or who have undergone those problems. The embassy will lie and say that they do not know about them because they did not tell the embassy when they entered the country. There should have been a way of getting a proper report from the victims themselves and see how to address their issues. The Committee has done its best to tell us what they saw, how they voted and what their observations were, but they should have gone deeper and interviewed one or two people who have been denied their passports. I am afraid I hear that some of them are locked in houses. They could have made an effort to, at least, see or get to know. The challenge falls on the Ministry of Labour and Social Protection, the Immigration Department and also the security apparatus of this country who should be looking at the people who con our young people out of their money, lie to them and take them out there.

Some of our immigration rules and regulations are complicated and cumbersome until somebody who wants to look for greener pastures or has been promised a good salary out there will try to evade them. At the end of the day, all our offices, unfortunately, are involved in corruption. You will never get any assistance unless you pay something. Once you report that you are going to Saudi Arabia, they think you are going to mint dollars there. They tell you that for them to clear you, you have to bring them a certain amount. That is what is killing us. In the process, brokers, connen and underground agents come in to fill the gap which has been created by the officers who are not ready to do their work smoothly. Instead, they make the doors tighter and tighter and open doors for others to exploit our people. Therefore, it is up to the Ministry of Foreign Affairs to assist the Ministry of Labour and Social Protection to know who is there and how to bring them back if they are not comfortable. If there are human rights abuses, who will address them? Officials of the Ministry of Foreign Affairs should go to other countries to see our people and ensure that their welfare is taken care of.

I request the Committee to dig deeper into this matter. It should go to other countries where Kenyans are languishing. If they are doing well, they should let us know. If they are treated well, let us know. They should focus on bringing back some of our doctors. We have so many doctors in South Africa. There are doctors who have emigrated to Zambia, Botswana and Namibia. Currently, we are looking for doctors from Cuba who do not even know what malaria is. We have already brought them into the country. They do not even know how to talk to Wanjiku or Nkirote or Adhiambo. We have our own who are very qualified, but because we do not pay, treat or remunerate them well as per their qualifications, they rush to our neighbouring countries and end up getting better salaries there. They decide to live there and in the long run forget their motherland. Then we say we have no doctors. We have to correct our systems! This is a challenge to the Ministry.

Let us not whitewash the Committee. It did its bit. It is not as perfect, but you cannot be 100 per cent perfect. There is room for improvement. Let us appreciate whatever has been put on the table, dig deeper and get the culprits. We need to act on what has been put on the table.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Let us have the Member for Nairobi County, Hon. Rosanna Passaris. You can use the next microphone on your right. On your left, actually.

Hon. (Ms.) Esther Passaris (Nairobi CWR, ODM): Thank you, Hon. Temporary Deputy Speaker. I can see I am not the only one who is dyslexic.

If I had spoken last week, I would not have supported the Report. Having sat down and gone through the Report, I commend the Committee for looking at how Kenyans are doing and

trying to make an agreement with the Government. It is a government-to-government agreement. We are saying that we are grateful that they are employing our Kenyans, but we have issues with Kenyans being mistreated.

There is something that Kenyans who get passports do not know. They do not know that when they travel, the Government has embassies and high commissions. There is a Kenya office. Whether you travel outside the country, even if it is through a recruiting agency, and you get a job, the first thing for you to do is to find out if there is a Kenya mission in that country. You then inform that mission that you are in the country. You disclose whomever brought you there and indicate that you are an employee there. Most Kenyans do not do that. You find that when there is a terrorist attack in a country, we do not even know if Kenyans are there. We do not even know how to check whether our people are hurt. This happens in Europe and everywhere. Kenyans have an obligation to read their passports. It is written in the passport.

There is a high rate of unemployment. The Arab countries provide a lot of jobs. If you go to Dubai, sometimes you feel like you are in Kenya. I have an aunt who recruits for hotels and cruise ships in Dubai. She was very happy when the Cabinet Secretary - and we have to commend the Cabinet Secretary - came up with a system to ensure that we vet all the people that send Kenyans to work outside. Currently, it is not very easy for you to get a licence. You have to put in a bond so that if our Kenyans are sent there and are struggling, they are brought back.

While we clean up our mess of unemployment and deal with our population crisis, there is an opportunity for us and the Committee to look for countries that are employing citizens. Even when our President went to Abu Dhabi, he talked about it. He talked about us sending plumbers and electricians. This is why we have tertiary colleges. We have to up our game. We have to make sure that the standards are high. Recently, the Cabinet Secretary, Prof. Magoha said that when you are looking for a plumber or an electrician, you have to pull your ears because you are unlikely to find a good one. It is interesting because opportunities for such jobs are there.

About three months ago, because Governor Sonko shared my number online, a lady from Iraq got hold of my number and got hold of me. She shared with me about 20 Kenyans in Iraq. We do not have a mission in Iraq. She even shared with me the companies that recruited them. I was at a loss on what I could do. It was in a foreign country and I took the advantage of getting a legal advisor to communicate with all the Kenyans in Iraq. I wrote to the Ministry of Foreign Affairs and I told them that we had Kenyans who were stranded in Iraq crying. I have very tearful videos. I would not have known that I could have eventually gone to the Departmental Committee on Labour and Social Welfare had they not brought in this Report on the Kingdom of Saudi Arabia. I will share with them the report on Iraq. These Kenyans are languishing. The culprit who sent them there has switched off his phone. The Kenyans are suffering. They are tortured and beaten up. One is sick and almost dying. Their families want them to come home. I am disappointed with the Ministry of Foreign Affairs for their total disconnect. I am also disappointed with the Office of the Attorney-General where I sent a copy and I was told I have to go to the State Department for Immigration.

I am a Member of Parliament. I will now give the task to the Departmental Committee on Labour and Social Welfare to pick it up and see what we can do. Our Kenyans are not only in the Kingdom of Saudi Arabia, but they are also everywhere and are suffering. That is probably the next stop. What do we do about the Kenyans who are in Iraq because they need to come back home? Their families are suffering. They have been there for over two years and are being tortured and abused. I like the fact that when the Committee went to the Kingdom of Saudi

Arabia, they looked at the number of hours Kenyans work and the remuneration, off days and leave days that they are given. I know you have also looked at the fact that we mistreat Kenyans here. Hon. Joyce, Member for Bomet, mentioned that.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Passaris, kindly address the Temporary Deputy Speaker. That is the rule of the House.

Hon. (Ms.) Esther Passaris (Nairobi CWR, ODM): Sorry. The Member for Bomet mentioned that 40,000 Kenyans are in the Kingdom of Saudi Arabia and only 2 per cent have a problem. I sat down and calculated the 2 per cent of that number and it is 800 Kenyans. If the Committee does not see that we need to push hard to make sure that we keep the 800 Kenyans safe, then I worry about my 20 or 30 people in Iraq.

I want us to understand that the life of every Kenyan is important. During the vetting and when we stopped recruitment, Kenyans lost a lot of jobs. We do not want to have that situation. While we want to have them employed and trained, we need the agreements. It is very commendable for the Committee to go and come up with an agreement and understanding, so that we can know who we are dealing with. We also have another problem in Kenya. We need to have a hot line. If we have many Kenyans out there working, we need to have a hot line or a social media page for Kenyans abroad. Kenyans are on the social media. Kenyans abroad can reach the Ministry through that social media page. Contacting the Ministry or a Member of Parliament is sometimes very difficult. Let us recommend the use of the social media for Kenyans to reach the various people in this country who can save them when they are in trouble. This is their country. Even if they are out there, they are Kenyans. That is why when we had a problem in Sudan, we sent aeroplanes to bring our Kenyans back home because this is what a country does. Every citizen is valuable.

I support the Report because I feel if I do not do so, I will have wasted State money. What they did was a step in the right direction. We need to look at the other 800 people and sensitise other countries. We also need to look at Iraq, which I will follow up.

I support the Report, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Member for Ijara.

Hon. (Ms.) Sophia Noor (Ijara, PDR): Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to contribute to this Report. From the outset, I want to support the Report. I want to congratulate the Members of this Committee for taking this step and direction.

I was the Chair of the Departmental Committee on Labour and Social Welfare in the 10th Parliament. We had scenarios and a lot of problems that Kenyans reported to this nation. There was a time when there were ladies who were stranded in the Kingdom of Saudi Arabia and we, as a Committee, had to move, negotiate with the Ministry of Labour and Social Protection and the Ministry of Foreign Affairs. That is how they were brought back here. I had opportunity to go to the Kingdom of Saudi Arabia last year with a delegation and the leader of the delegation was Hon. Speaker. We went there on a mission. Kenyans who live in the capital centre, Riyadh, invited us for a get together dinner. Over 200 Kenyans invited us for dinner that evening and at the back of my mind, I had a question about the experiences that Kenyans talk about in the Kingdom of Saudi Arabia.

I raised the issue with the team which had invited us for dinner that evening. I asked them how they were being treated, the working conditions and whether they had an enabling environment. These are some of the questions I raised with them. The Kenyans who invited us that evening talked very well of the Saudi Arabia Government and the way they were treated. They told us that they were treated well in the working relationships they had entered into with

Saudi individuals, hotels or companies. They told us that they would never get the kind of resources they get there in Kenya. They also told us that they could not get offs and leave days that they get in Kenya. They told me to sit with Hon. Moses Kuria when I come back to Kenya because he worked in Riyadh. They showed me the bank he worked in.

When I left them, I was so curious. I met Hon. Moses Kuria and I told him that I learnt that he was in Saudi Arabia and he worked in a bank. He told me that he used to work there and he asked me who told me. I told him I had been told by the people who worked there and he knew some of them. He told me his experience. The people who work in the Kingdom of Saudi Arabia told us that there were problems among the people who sneak into that country without any formal agreement. They encounter problems. They told us that there were people who write agreements with employers and immediately they get there, some people who sit in markets remove them from homes and take them to the market. They have a homestead where they sell innocent girls. They are old mothers who remove girls any time they hear there is a new one who come to town. They go and look for that lady and remove her from a homestead. That lady breaks two agreements. She breaks an agreement with the individual who used his or her resources to pay for the air ticket and everything that took her there. When that happens, the employer goes to the police to accuse the person and she gets into trouble. We sat with 200 Kenyans that evening and they told us this.

I want to tell this Committee that they did something which we were not able to do in the 10th Parliament. Congratulations for a fact-finding mission, so that we can get a solution for our Kenyans who are suffering in the Kingdom of Saudi Arabia and other places. I congratulate the Cabinet Secretary for Labour and Social Protection, Hon. (Amb.) Yatani, for pushing for and even entering into a memorandum of understanding with various countries. The Committee went on a fact-finding mission because there was a problem we wanted to address. If you look keenly at the Report, they have addressed most of the problems Kenyans were crying over. We know for a fact that unemployment is not only in Kenya, it is global. The ILO, in its Report of 2018 on global unemployment, indicated that 192 million people worldwide are without work. That is a big number. When we get opportunity in the form of a formal agreement where we will have a structured way of engagement, then we must appreciate the Committee and congratulate it for going all the way. The Report is a milestone because I had such an experience.

The Committee indicates in its Report that when it went on the fact-finding mission and sat with Saudi Arabia Government officials, they were told that salaries of employees are paid on or before fifth of every month. They were further informed that any employer who does not pay by fifth of a particular month commits an offence in Saudi Arabia. Recently, in our county governments, employees went for almost four months without getting their salaries, but here is a country that has put in place regulations that if an employer does not pay by fifth of every month, they commit an offence.

These are some of the challenges that Kenyans were facing before. We should create an enabling environment just like this Committee which went out on a fact-finding mission reported to us through this good Report. According to ILO, Kenyan unemployment rate stands at 18 per cent. It is among the highest in the world. The USA's unemployment rate is 3.6 per cent while Germany has an unemployment rate of 3.1 per cent. So, we need a place with a decent working environment, where young Kenyans can go and work and support their families back home. The money they send home will earn us foreign exchange and increase our tax collection.

I appreciate the Government for going out of its way to be creative. Creativity is what the Cabinet Secretary, Amb. Yatani is doing. He has gone out of his way to enter into agreements with foreign countries, so that Kenyans can lead decent lives while out there.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Sophia, you have made many valid points. Let us now have Hon. Wafula Wamunyinyi.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Thank you very much, Hon. Temporary Deputy Speaker. I take it up from where Hon. Sophia has left.

Truly, the rate of unemployment in our country is very high. It is one of the highest in the world, as she has just put it. Besides that, about one million graduates from universities, tertiary institutions and even high school do not have anywhere to go. This adds to the existing unemployment. So, the situation continues to worsen. It is, therefore, important that this country re-evaluates its strategies of creating employment for its people.

I commend the Chair of the Committee, whom I know very well because he is an old friend of mine. I commend him for the decision they took to undertake a fact-finding mission in Saudi Arabia. Until we have facts, it is usually very difficult to make a determination. This was in response to an outcry from the Kenyan public and reports from the media about the manner in which Kenyan workers in Saudi Arabia were treated. It was on the basis of this that the Committee undertook to go there on a fact-finding mission. They were reacting to an outcry of some sort and we support it.

The only area that makes me uncomfortable, and which would have caused Hon. Millie Odhiambo to oppose this Report, is the fact that even though they were responding to an outcry relating to Kenyan migrant workers in the Kingdom of Saudi Arabia, the Report has not captured where they had audience or interaction with the workers. That is where the problem is. Otherwise, the rest of the Report is good. It captures the position of the Saudi authorities, our mission in Saudi Arabia and the Ministry of Labour and Social Protection. But it could have been very good if they had managed to get some audience with some Kenyan workers in that particular country.

I support this initiative. Every country the world over puts in place measures to create employment opportunities for its people. We are not just talking about domestic workers. Even professionals. It is the responsibility of a country to market its professionals who have not secured employment opportunities in the country. The United Nations and all agencies under it take professionals. It is the responsibility of the Government to find ways, as a member of the global community, of marketing its people in those agencies. The African Union (AU), the Intergovernmental Authority on Development (IGAD) and the Great Lakes Region have many opportunities for professionals that are hired from different countries in the world. Here, I fault our country. We have not worked towards marketing our human resource. Many professionals would have found their way there the way domestic workers find their way to Saudi Arabia without going through the normal process of registration, recruitment companies and through the Ministry. So, as we address issues to do with workers, particularly domestic workers, I urge that we put in place measures to help deal with unemployment in this country. In fact, we should be the ones working very hard to talk to those countries. We need to put in place bilateral agreements which will structure the relationship between the workers coming from Kenya and clearly providing for terms and conditions related to employment including movement to that country, returning home and sharing of responsibilities. This is a very important matter.

I also want to note something concerning a recent report where the Government of Kenya is alleged to have frozen employment. Look at the unemployment rate. We are the highest in the

world. This Government, instead of working out ways to create employment opportunities, has instead frozen employment. Let us not talk about freezing employment for the young people, I am now looking at the Public Service Commission. What is their role? What are they doing in terms of succession in our country because people are growing old and attaining retirement age? People are getting out of service through attrition, some are dying, resigning and so on and so forth. What is going to happen? Already, I know there is a gap in terms of generations that have moved, even change of retirement age caused some disruption. What plans have we put in place to ensure that we are training people to take up opportunities from those that will be getting out of the service? In a normal way, as you freeze employment for whatever reason that you have, do you have in mind that there is going to be some vacancy? People are going to get out of service for various reasons. It will be a very unreasonable Government – the Government that does not think, does not plan, does not look at tomorrow and does not know how the country is going to be run in terms of public service to do that. We have been praised in the past for having the best public service and well-trained workers who are committed to serve the country. But now if this is the way we are going, are we really going to sustain that? Are we going to sustain the service we have been said to have?

To me, in relation to this particular aspect, our Government should rethink the decision of freezing employment in the country and putting in place plans to ensure that there is a systematic, well-thought out way of ensuring that recruitment is undertaken properly in an organised and planned manner. We need to see that there is succession taking place without disruption.

This Report should help us. We only need to ask the Chair and Members of the Committee to make further inquiries and talk to the people concerned so as to ensure that we handle the matter holistically without leaving questions or areas that are not clear. Otherwise, I am once again grateful to the Committee for the decision they took to visit Saudi Arabia to find facts. I urge that the secretariat should be helping the Committee do more in ensuring that their work does not look shoddy like we have seen in other reports.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): I am sure the Chair is noting. Let us have the hon. Member for Bomet Central, Hon. Tonui Kiprotich.

Hon. Ronald Tonui (Bomet Central, JP): Thank you, Hon. Temporary Deputy Speaker, for this opportunity to make my contribution on this Report by the Committee.

First of all, I commend the delegation which went to Saudi Arabia and the Committee generally for the good work it is doing. I know other people may be having different opinions, but I believe the Committee is trying its best to respond to the issues in the labour sector.

We must first of all appreciate that the biggest problem we have currently in this country is unemployment –lack of jobs for our youth. So many of them have become hopeless and drunkards because of joblessness. I believe when countries like Saudi Arabia avail chances for employment, they are assisting this country. In fact, I believe from this Report, they have been doing better because they have some mechanisms of resolving some labour disputes which we do not have in this country.

I wish to commend the former President, the third President of this Republic, Hon. Mwai Kibaki. At least he created job opportunities for the youth in this country by zero-rating the cost of *boda boda*. Many of your youth have been employed through that system. Through Jubilee, I do not know what we concentrate on, and we never think of creating jobs in this country. We are directionless when it comes to the issues of the youth. I do not know if Hon. Kibaki is aging but

we may need to visit him to borrow some of his ideas. He brought infrastructural transformation and addressed unemployment. Now, we are blaming countries in the Middle East which are assisting us in sorting out this mess. From this Report, we are even learning that working hours are strictly regulated even for the maids. It is seven to nine hours. Even the maids in our homes work 24 hours a day and they are not even regulated. The directive on minimum wage is not observed in this country. It is better that those issues are well taken care of. I understand salaries are paid on the fifth day of every month.

From this Report, the biggest problem here is the issue of illegal immigrants which I believe all hon. Members mentioned. These are the people who are not documented. The embassies are not even aware of them and they can be abused because they are hiding. They find themselves in unfavourable situations. All this is because of the big problem of unemployment in this country which we are not taking care of.

We must also appreciate the issue of cultural shock. Majority of us in this country are Christians: We practice a *laissez-faire* kind of living. We do not have strict rules. Our morality is very different from that of Muslims. Possibly, that is where our Kenyans could be experiencing problems where they go outside there. We are used to sipping some alcohol which is not allowed there. We go to social places and we are allowed to engage in immoral behaviour, which I understand the people in the Middle East see as dirty. If you engage in these issues and come back to the same family, they may not like it. I believe there is also the issue of cultural shock which can be dealt with by employment agencies before they take people to work outside. They need to be given orientation on what to expect there, the way to behave and how to relate with Muslims. As Christians, we pretend a lot. We are only Sunday Christians since we do not practise it as a way of our lives. We behave in other ways during the rest of the days. The issue of culture shock for those who go to work outside the country needs to be handled well. I also understand Kenyans are really appreciated out there. Why? This is because they can speak some English. I understand English is appreciated in the Middle East. I understand Kenyans are even preferred to other nationalities. Those are the advantages we need to appreciate and then we promote our people to go there.

We also need to create a fund for labour export. People who are jobless cannot even pay to process a passport. And they cannot even afford flights to go out. So, we need to have a fund specifically to sponsor some Kenyans to go to those places where there are chances of getting employed. We need to take care of that. It can be a revolving fund. Once they go there, they can repay. I understand the ones being sponsored in terms of flights are only the domestic workers. Other professionals are required to travel on their own to those country, attend interviews and get employed. Those are some of the issues that we need to address.

Hon. Millie Odhiambo was very unfair to this Committee in her comments. She said that this Committee is not serious. We know that this Committee is among the most serious committees in this Parliament. She only alluded to the visit by this Committee to the Child Welfare Society; that by visiting and not condemning them, they were being unfair. I believe she should have come out to declare her interest which is that Child Welfare Society is her competitor in terms of taking care of children. She accused some people here of talking about child trafficking and such. I have never heard in the Committee on Labour and Social Welfare her name being mentioned as being part of child traffickers. It is very unfair for her to paint the Committee in different light. If you are engaging with issues of children and you also send them to foreigners for adoption, of course, you are a potential...

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Tonui, did you say somebody said Members of Parliament are child traffickers, or what did I hear?

Hon. Ronald Tonui (Bomet Central, JP): No. She said she was accused.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Tonui, who are you referring to when you say, “she”? Kindly restrict yourself to your contribution. You were doing very well until you brought issues that were not canvassed on this Floor.

Hon. Ronald Tonui (Bomet Central, JP): She was the one who started it. I believe you listened to her. She revisited the issue of the Child Welfare Society. She also talked of her own society called the Cradle.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Order, Hon. Tonui. I will allow you to focus only on the Report. You still have not said who you are talking about. You are only saying “she”. I would rather you just focus on the Report without referring to those other issues.

Hon. Ronald Tonui (Bomet Central, JP): I would concentrate on the “she” rather than the name.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): No. Concentrate on the Report rather than personalities. You know I saw you in a *Kamukunji*. Maybe you are referring to issues you were discussing in the *Kamukunji* and not issues canvassed on the Floor. Please, use your minute.

Hon. Ronald Tonui (Bomet Central, JP): I am guided. I believe when our committees get opportunity to travel outside the country, they get first-hand information which is critical, so that we do not simply rely on googling on the internet. We can easily get misled. First-hand information is critical and our committees should be allowed to visit other countries so that they can get information first-hand and not be told to google, so that they can have the information that is required. I believe it is good to go and meet with those who are working there and get first-hand information.

With those few remarks, Hon. Temporary Deputy Speaker, thank you very much for this opportunity.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): I believe you supported. Let us have Hon. Akinyi Obara, Member for Kabondo-Kasipul.

Hon. (Ms.) Eve Obara (Kabondo-Kasipul, ODM): Thank you very much, Hon. Temporary Deputy Speaker. I, too, stand to support my colleagues of the Departmental Committee on Labour and Social Welfare. As they say, a journey of a thousand miles starts with a single step. We are all aware that despite the benefits of international labour migration, this country, a few years ago, was replete with horror stories of modern-day slavery, contract violations, sexual abuse and unsafe working conditions. But listening to the Report as it was being presented, I am happy to state that a lot has improved over the last one year.

As the Report was being presented, I noted that employment agencies are now required to be vetted, but what is probably lacking, as has been said, is that we need full disclosure of the owners of the agencies so that people can know. Secondly, as our people go out there, they must at some point register with our embassy, so that our country knows where every person is.

I have heard us being challenged by some Members that we need to create an enabling environment for job creation. But I want to note that I am happy with what I have observed over the last few months. We have seen the Teachers Service Commission coming out to recruit a lot of our young people to get absorbed into the teaching service as interns. The numbers are good and we hope this will relieve the unemployment crisis we have in this country. I am also happy

to note that the Public Service Commission, a few months ago, recruited a good number of our youth, again, as interns in various ministries and also advertised over 5,000 positions in various ministries for our young people. So, at least, we can say that there is an attempt to alleviate this problem that we have in our midst. But as has been said, can the Committee, please, move to the next step? I know that you have done a good job. You have gone there and collected facts. But let us have a structured engagement with these countries. Can the Committee strengthen our recommendations on what we intend to do in line with the objectives that we set out as they started the journey?

I can see time is up. May I donate my one minute to a colleague who has not spoken? Once again, I support. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Order, Hon. Obara. That is the preserve of the Speaker or it can only apply when the Mover is replying. They are the ones who have liberty to donate time.

Hon. (Ms.) Eve Obara (Kabondo-Kasipul, ODM): Okay. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Which Member is it you are donating time to, because we have two minutes? He has gone.

(Hon. William Cheptumo raised his hand)

Hon. Cheptumo, two minutes. I do not know if you are the one to whom minutes were being donated, but I saw you raise your hand. So, you can take the two minutes.

Hon. William Cheptumo (Baringo North, JP): Hon. Temporary Deputy Speaker, thank you for this moment. I know we do not have a lot of time. The challenge of youth unemployment in our country today should be one of the greatest challenges this country is facing. This Committee has been able to clearly expose and show that we are leading with a rate of 18 per cent in unemployment. My appeal is that we need to implement the recommendations. To avoid some of the challenges our youth have gone through in countries like Saudi Arabia, I would like to urge the Committee on Implementation, if we pass this particular Motion, to concentrate on Recommendation 5.1, that says:

The Ministry of Labour and Social Protection and the National Employment Authority must ensure thorough vetting of employment agencies.

Hon. Temporary Deputy Speaker, this is where the problem is. The problem is not to have the youth go, rather the agencies doing the vetting should do so thoroughly so as to ensure that Kenyans travelling abroad are officially recognised in our channels.

Secondly, we have embassies in these countries that should continually engage our youth to know how they are faring, so that we do not just wait until there is a complaint by those employed in those countries. That is why we have embassies to play that critical role of ensuring that the welfare of Kenyans in those countries is taken care of and issues of unlawful treatment are dealt with.

So, I thank the Committee and appeal to the Committee on Implementation to follow this up when it is passed. I thank you and I support.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): The time I gave you, Hon. Cheptumo, is up but, in case you develop other ideas between now and when we have this business back on the Order Paper, you will have a balance of eight minutes. With that, Members, we will leave it at that and continue once we have the Motion back on the Order Paper.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Members, the time being 7.01 p.m., this House stands adjourned until tomorrow, Wednesday, 9th October 2019, at 9.30 a.m.

The House rose at 7.01 p.m.