

PARLIAMENT OF KENYA**THE NATIONAL ASSEMBLY****THE HANSARD****Thursday, 3rd October 2019**

The House met at 2.30 p.m.

*[The Speaker (Hon. Justin Muturi) in the Chair]***PRAYERS****COMMUNICATION FROM THE CHAIR****APPOINTMENT OF MEMBERS TO MEDIATION COMMITTEE**

Hon. Speaker: Hon. Members, you will recall that on Wednesday, 31st July 2019, by way of a resolution, the House negated the Motion on consideration of all amendments proposed by the Senate to the Public Private Partnerships (Amendment) Bill (National Assembly Bill No.52 of 2017). You will also recall that on 3rd July 2019, I had issued a Communication regarding the inadmissibility of the amendments proposed by the Senate to Clause 2 of the said Bill with respect to the definition of the words ‘accounting officer’.

In the Communication, I guided the House that the said amendments were inadmissible since they offended Standing Order No.49(1) of the National Assembly Standing Orders. In light of the resolution of the House, the Bill stood committed to a Mediation Committee as contemplated under Article 113 of the Constitution. Consequently, in consultation with the leadership of the Majority and Minority parties in the House, I hereby appoint the following Members to represent the National Assembly in the Mediation Committee to consider the Bill:

- (i) The Hon. Joseph Kirui Limo, MP.
- (ii) The Hon. George Gitonga Murugara, MP.
- (iii) The Hon. David Mboni Mwalika, MP.
- (iv) The Hon. Peter Kaluma, MP, and
- (v) The Hon. Edith Nyenze, MP.

It is advisable that, in attempting to develop an agreed version of the Bill, the Committee confines itself to the contentious clauses of the Bill. The Committee is also reminded to be mindful of the guidance contained in my Communication of 3rd July 2019, with regard to the proposed amendments to Clause 2 of the Bill.

Next Order.

PAPERS LAID**Hon. Speaker:** Let us have the Majority Whip.

Hon. Benjamin Washiali (Mumias East, JP): Hon. Speaker, on behalf of the Leader of the Majority Party, I beg to lay the following Papers on the Table of the House:

Annual Report for the 2018/2019 Financial Year from the Public Service Commission.

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

- (1) Alego-Usonga.
- (2) Rarieda.
- (3) Rangwe, and
- (4) Suba South.

Hon. Speaker: Very well. Let us have the Chairperson of the Departmental Committee on Justice and Legal Affairs.

Hon. William Cheptumo (Baringo North, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Justice and Legal Affairs on its Consideration of the Petition to Remove the Word “Harambee” from the Coat of Arms by Charles Koinange Mangwa.

ORDINARY QUESTIONS

Hon. Speaker: The first Question is by the Member for Mwatate, Hon. Mwadime.

Question No.429/2019

CRITERIA FOR IDENTIFICATION OF HARDSHIP AREAS

Hon. Andrew Mwadime (Mwatate, ODM): Hon. Speaker, I rise to ask the Cabinet Secretary responsible for education the following Question.

(i) Could the Cabinet Secretary explain the criteria used to identify and consequently gazette hardship areas, and provide a list of such areas in Taita Taveta County and, particularly, Mwatate Constituency?

(ii) Could the Cabinet Secretary also explain the discrepancies in the criteria exemplified by the fact that Kungu Primary School and Elijah Mzae Secondary School, both in Mwatate Constituency, share the same compound, but only teachers in Elijah Mzae Secondary School are paid hardship allowances?

(iii) Why were hardship allowance payments for teachers in Ronge Ward in Mwatate Constituency stopped when Ronge Ward’s educational administrative boundaries were transferred from Voi Constituency to Mwatate Constituency?

Hon. Speaker: Very well. The Question is referred to the Departmental Committee on Education and Research to call the Cabinet Secretary (CS).

The next Question is by the Member for Starehe, Hon. Njagua.

Question No.438/2019

FORMULA FOR PAYMENT OF ROYALTIES BY MUSIC COPYRIGHT SOCIETY OF KENYA

Hon. Charles Njagua (Starehe, JP): Hon. Speaker, I rise to ask the Cabinet Secretary for Sports, Culture and Heritage the following Question.

(a) Could the Cabinet Secretary explain the formula used by the Music Copyright Society of Kenya (MCSK) to arrive at a flat rate pay-out of Kshs2,530 per performing artist as royalties; and,

(i) Submit a list of all the 13,967 artists alleged to have received the said royalties, and confirm whether all of them are performing artistes?

(i) Give an account of Kshs118 million collected by MCSK from April to June 2019, and also for monies collected by MCSK between 2017 and 2019, when the Kenya Copyright Board (KECOBO) had suspended MCSK's licence?

(b) Could the Cabinet Secretary also:

(i) State the actions taken by MCSK against broadcasters who have not been remitting royalties for local artistes despite airing their content?

(ii) Explain why MCSK assets were recently disposed of, and how the proceeds from the said disposal were utilised?

Hon. Speaker: Hon. Members, under Article 95(1) of the Constitution, the National Assembly represents the people of the constituencies and other special interests. These are some of those special interests. The Question will be responded to before the Departmental Committee on Sports, Culture and Tourism.

The next Question is by the Member for Teso South, Hon. Geoffrey Omuse.

Question No.441/2019

MEASURES TO ENSURE SAFETY OF LEARNERS IN SCHOOLS

Hon. Geoffrey Omuse (Teso South, ODM): Hon. Speaker, I rise to ask the Cabinet Secretary for Education the following Question.

(i) What measures have been put in place to ensure that all school buildings and other infrastructure in both private and public schools are safe for learners in view of the recent collapse of a classroom at Precious Talent Academy in Nairobi County?

(ii) How much money was allocated for school infrastructure in the 2017/2018 Financial Year, per constituency, indicating the institutions that received the said funding?

Hon. Speaker: The Question will be responded to before the Departmental Committee on Education and Research.

For the second time, let us have Question No.437 by the Member for Baringo County. You do not have a card? Hon. Members, please, remember to carry your cards.

Very well. Proceed.

Question No.437/2019

FATE OF KABARNET SCHOOL FOR THE DEAF AND BLIND

Hon. (Ms.) Gladwell Cheruiyot (Baringo CWR, JP): Hon. Speaker, I beg to ask the Cabinet Secretary for Education the following Question:

(i) What is the fate of Kabarnet School for the Deaf and the Blind in Baringo County which is yet to reopen for third term on account of a strike by subordinate staff, who have not been paid their salaries for the last fifteen months?

(ii) What were the reasons behind the recent reduction of the Government's annual allocation to the school from Kshs2.3 million to Kshs416,000?

(iii) Could the Cabinet Secretary consider restoring the original allocation amount of Kshs2.3 million to the school and, further, consider reviewing this amount upwards on account of the rising economic costs?

Hon. Speaker: The Question will be replied to before the Departmental Committee on Education and Research.

The next Order is Statements. There is a request for Statement from Hon. Didmus Barasa.

Hon. Didmus Barasa (Kimilili, JP): Thank you, Hon. Speaker. Pursuant to the provisions of Standing Order No. 44(2)(c), I request for a Statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing regarding the status of unsafe buildings.

In the recent past, many lives have been lost due to collapse of buildings and other structures in this country due to poor workmanship, use of plans that are not approved, faulty designs and use of substandard materials by the contractors. It is noted that the respective Government agencies have earmarked certain structures for demolition but no follow-up is made to ensure such quick or substandard buildings are demolished.

Hon. Speaker, it is against this background that I request the Chairperson of the Committee to address the following issues:

(i) What is the number of buildings declared unsafe and, therefore, earmarked for demolition by the national Government?

(ii) State the measures that the Government has taken against the proprietors and owners of such buildings which have collapsed in the past and led to loss of lives; and,

(iii) What measures have been put in place to ensure that all buildings are safe and certified by the relevant authorities before occupancy?

Hon. Speaker: Chair of Departmental Committee on Transport, Public Works and Housing, how long do you think you will need to respond to the request for a Statement?

Hon. David Pkosing (Pokot South, JP): Thank you, Hon. Speaker. I also thank my colleague. Two weeks will be sufficient. We need to get information from the whole country, including his constituency. We need two weeks.

Hon. Speaker: Very well. You will have two weeks. Before we proceed, allow me to recognise the presence of pupils of Kongoni Primary School from Lang'ata Constituency of Nairobi County and Marigu "B" Primary School of Subukia Constituency, Nakuru County.

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

Leader of the Majority Party.

BUSINESS FOR THE WEEK COMMENCING 8TH TO 9TH OCTOBER 2019

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, pursuant to the provisions of Standing Order No.42A, I rise to give the following Statement on behalf of the House Business Committee, following its meeting held on Tuesday, 1st October 2019:

On Tuesday next week, the House Business Committee has scheduled the following Bills for consideration in the Committee of the whole House:

- (i) The SACCO Societies (Amendment) Bill (National Assembly Bill No.1 of 2018), and
- (ii) The Sectional Properties Bill (National Assembly Bill No.23 of 2019).

We will also consider the following business, should we not conclude it today:

(iii) The Report of the Departmental Committee on Labour and Social Welfare on Fact-Finding Mission on the Welfare of Migrant Kenyan Workers in the Kingdom of Saudi Arabia, and

(iv) The Report of the Departmental Committee on Environment and Natural Resources on Petition by the Executive for the Variation of the Boundaries of Mount Elgon Forest Reserve.

Also prioritised for Second Reading next week are the following Bills, should we not conclude them today:

- (i) The Petition to County Assemblies (Procedure) Bill (Senate Bill No.22 of 2018); and,
- (ii) The County Government (Revenue Raising Process) Bill (National Assembly Bill No.24 of 2018).

In accordance with the provisions of Standing Order No.42A (5) and (6), I wish to convey that the following Cabinet Secretaries will appear before committees next week:

(i) The Cabinet Secretary for Health, who will appear before the Departmental Committee on Health on Tuesday, 8th October 2019 to answer Questions from the following Members –

- (a) Hon. John Oloo Oyioka, MP.
- (b) Hon. (Ms.) Florence Mutua, CWR.
- (c) Hon. Didmus Wekesa, MP, and
- (d) Hon. James Wamacukuru, MP.

(ii) The Cabinet Secretary for Communication, Information and Technology will appear before the Departmental Committee on Communication, Information and Innovation on Tuesday, 8th October 2019 to answer Questions from Hon. (Ms.) Joyce Korir, MP;

(iii) The Cabinet Secretary for Environment and Forestry will appear before the Departmental Committee on Environment and Natural Resources on Tuesday, 8th October to answer Questions from Hon. Yusuf Hassan of Kamukunji.

The Cabinet Secretary for Agriculture, Livestock and Fisheries will appear before the Departmental Committee on Agriculture and Livestock to answer Questions from Hon. Benjamin Washiali, Hon. Wafula Wamunyinyi and Hon. Ferdinand Wanyonyi.

The Cabinet Secretary for Lands will appear before the Committee on Lands on Tuesday, 10th October 2019 to answer Questions from the following Members: Hon. Catherine Waruguru, Hon. Caleb Amisi, Hon. Moses Kirima and Hon. Peter Kihara.

Lastly, the Cabinet Secretary for Sports, Culture and Heritage will appear before the Committee on Sports, Culture and Tourism on Thursday, 10th October to answer Questions from Hon. James Murgor.

Hon. Speaker, I need your direction as there is a trend I see here. Either these chairs are not convening meetings or the Cabinet Secretaries are not coming to these meetings. I can see a trend where I am reading the same Questions from the same Members every Thursday. So, Hon. Members are not coming to listen to their Questions, the chairs are not available and they are not convening meetings or the Cabinet Secretaries are not complying with this Standing Order.

Hon. Speaker, there is a disconnect. The purpose of these Questions is for Members to represent their people. I have seen some chairs are not here. The Question for the Ministry of Agriculture and Livestock by Hon. Washiali is being repeated daily. Even that for the Cabinet

Secretary for Health is being repeated. I do not know whether Hon. Sabina Chege is here, but I am repeating these Questions.

So, I think there must be a communication back to the Office of the Clerk and my office every Tuesday so that I can report to the House Business Committee how many Cabinet Secretaries have appeared and if a Member does not come for their Question, it is dropped by the Chair. How many chairs do not convene meetings? We do not want to read Questions for the sake of it. I cannot be reading names of Hon. Members here and telling them to come when either the Committee does not sit or a Cabinet Secretary does not come. The House cannot act in vain.

Hon. Speaker, should we continue this way, the Questions that are being filed this week will be answered next year in June. I want the Hon. Speaker to be very firm. Chairs and vice-chairs of committees must be in the House from the beginning of the House at 2.30 p.m. at least up to 5.00 p.m. even if you have no business. Whenever you call a Chair, they are not here and yet, we post the Order Papers on the website and also through the Liaison Committee, we post the Order Paper on our *WhatsApp* group. If you know you are not available, ensure your vice-chair is available. In the event that the two of you are not available, ensure that a Member of that Committee is available.

If it is a Motion, it must be moved. So, this system of Questions and answers was not introduced just for the sake of public relations. We introduced this for the public to see a Member asking their Question. Members, please, when you get the answer and you are happy, you can even post that answer on your *Facebook* page for your voters to see. You can post on your *tweeter* account. You have to be organised.

Hon. Speaker, you need to give direction on this. We need to know the Cabinet Secretaries who are not coming; the chairs who are not convening meetings and the Hon. Members who do not come to ask their Questions when the Cabinet Secretaries appear before committees.

Finally, the HBC will reconvene on Tuesday, 8th October 2019 at the rise of the House to schedule business for the rest of the week.

Hon. Speaker, it is also very sad for a member of a committee to adopt a report and sign it and then bring an amendment to the report that they have adopted. We do not want to see a chair or vice-chair moving a report of their committee contrary to the recommendations. The Chair of Liaison Committee is very active and we meet every Wednesday. We need to make this Question and answer session more proactive and more productive to the Members and the general public.

I now lay this Statement on the Table of the House.

(Hon. Aden Duale laid the Statement on the Table of the House)

Hon. Speaker: Well, for the information of the chairpersons and their vice-chairs, in the event that a Member does not show up during the time appointed for a Member to ask their Question, the tradition of the House is that if there is no communication requesting for deferment, the Question must be dropped, just like you say in church: If there is nobody opposed to people being wedded, you must shut your beak forever and keep your peace. It is the same. So, the tradition of the House is that if for one reason or the other you are not able to attend at the date appointed and time, please, make a request for deferment for whatever other purposes you may wish. However, do not just be absent because the Question will be dropped and you know

the rules of the House. Your peace will have to be kept for not less than six months. For Cabinet Secretaries, if they are unable to attend for whatever reason, they should communicate the inability to attend in good time so that a Member does not waste their time going to ask the Question only for the them not to appear to answer.

We have said that the chairs are the microcosm of the House. Just do the necessary and deal with those who fail to attend according to the Standing Orders and the Powers and Privileges Act. You do not make it look like it is a negotiation. So, chairs, please, be firm. Where the Chair is not present, the vice-chair, likewise, be firm in implementing the Standing Orders in that regard.

I had overlooked the request for a Statement by Hon, Yusuf Hassan, Member for Kamukunji.

ENCROACHMENT OF LAND BY KENYA AIR FORCE

Hon. Yusuf Hassan (Kamukunji, JP): Thank you, Hon. Speaker for giving me the opportunity.

Hon. Speaker, Pursuant to Standing Order No.44(2)(c), I wish to request for a joint Statement from the Chairperson of the Departmental Committee on Lands and the Chairperson of the Departmental Committee on Defence and Foreign Relations on the encroachment of land by Kenya Air Force and the resultant demolition of household structures.

Hon. Speaker, over 20 structures in Kitui Village of Pumwani Ward, Kamukunji Constituency were forcefully demolished without notice by a group of soldiers from the Moi Airforce Base in Eastleigh on 27th September 2019, thereby depriving hundreds of Kamukunji residents of their daily livelihood and source of sustenance.

Hon. Speaker, this unwarranted action by the Kenya Air Force has propagated heightened tension in the affected areas of Kamukunji because the aforementioned soldiers threatened to return and carry out more demolitions.

Hon. Speaker, the official designated and gazetted Moi Air Force Complex and Airbase Ward occupies a land mass virtually the size of Kamukunji Constituency itself. This makes Kamukunji the most densely populated constituency in Kenya. That is in view of the 350,000 people occupying an area of less than five square kilometres in size.

Hon. Speaker, the Moi Air Force Base has, over the years, encroached and irregularly expanded into Eastleigh South Ward, California Ward and lately Pumwani Ward, which has led to direct conflict with civilians, especially in view of the fact that the Kitui Village demolitions took place more than a kilometre from the official Moi Air Force Base border.

Hon. Speaker, in 2011, bulldozers were used to demolish houses in Kitui Village, Kiambiu, Eastleigh Section Three and Biafra, following which the Departmental Committee on Lands tabled a Report in the House calling for immediate suspension of further demolitions and evictions in Kamukunji Constituency and made recommendations to the Ministry of Lands and the National Land Commission (NLC) on how to address those challenges.

Hon. Speaker, it is on the account of that perpetual encroachment of land by the Kenya Air Force and the demolition of structures that I seek a joint Statement from the Chairperson of the Departmental Committee on Lands and the Chairperson of the Departmental Committee on Defence and Foreign Affairs on the following:

- (i) Has the Government, through the Ministry of Lands and NLC, undertaken a comprehensive survey and a thorough audit to clearly determine the legal borders and limitations of the Moi Air Force Base in Eastleigh and, if not, when will this urgent undertaking be conducted?
- (ii) What specific remedial interventions, including putting a stop to any further demolitions pending the aforementioned survey, as well as consideration of compensation and resettlement, is the Ministry of Defence pursuing in addressing the plight of Kamukunji Constituency residents who have been displaced or evicted from their usual dwellings or whose structures have been demolished as a result of the unwarranted expansion by the Kenya Air Force?

Thank you, Hon. Speaker.

Hon. Speaker: I do not want to get into the definition of what is what. I think the matter went to court at some point in the past and a resolution was made. Hon. Hassan, I am at difficulties because I thought, maybe, you could have separated them. The Departmental Committee on Lands is going to deal with the specific issues of demarcation and comprehensive survey. But the other aspect will be by the Departmental Committee on Defence and Foreign Relations.

This is likely to take some time because for you to get the kind of comprehensive answer that your Statement requires, there needs to be some coordination between the two committees or ministries involved. I do not know whether part of the Question should go to the Departmental Committee on Defence or all of it. Then the whole of it or part thereof to the Departmental Committee on Lands.

Hon. Yusuf Hassan (Kamukunji, JP): There are two elements to this inquiry. One is the demarcation of the land to ensure that we end the civilian-military conflicts in that neighbourhood. The fact is that many people had their properties demolished. There has been no compensation or redress to the affected communities who are the suffering weak and low-income members of our community. The second element of my query is compensation for people affected by demolitions. I think that is where the Ministry of Defence and the Departmental Committee on Defence and Foreign Relations comes in.

Hon. Speaker: Hon. Hassan, do you sit in that Committee?

Hon. Yusuf Hassan (Kamukunji, JP): Indeed, I had raised this issue in the Committee and they recommended that I should also raise it with the Ministry and Departmental Committee for Lands.

Hon. Speaker: I think the request will be forwarded to both ministries because, in any event, it is not the Chair who will... Since this is a request for a Statement, the real answer will come from the ministries where the information you are seeking is reposed. With regard to the issue of land, the Ministry of Lands or the NLC will deal with it. The other issues about compensation and the rest will be dealt with by the Ministry of Defence. I see a colleague of yours in the Committee wishes to provide a response. Hon. Rasso.

Hon. Ali Rasso (Saku, JP): Thank you, Hon. Speaker. I do not wish to raise a point of order on the same. I think the issue Hon. Yusuf has raised requires solutions and not just a Statement. As you have said, this issue was in court and some arbitration was done. Both the civilian and military sides claimed to encroach on each other's land. As you have rightly guided, both the Departmental Committee on Defence and Foreign Relations and the Departmental Committee on Lands need to sit together to get a lasting solution.

Thank you, Hon. Speaker.

Hon. (Dr.) James Nyikal (Seme, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: I see there is an intervention from Hon. Nyikal.

Hon. (Dr.) James Nyikal (Seme, ODM): Hon. Speaker, I wanted to comment on the issue of chairs of committees earlier on. I do not know whether I can do that now?

Hon. Speaker: Proceed.

Hon. (Dr.) James Nyikal (Seme, ODM): Hon. Speaker, in my own consideration, the most important part of our work in Parliament is done by committees. As you have said before, when we are in plenary, it is most often a show. When we are in the committees, we do the actual work of the Assembly. We have heard about problems in committees severally. You have often pointed out that chairs of committees and vice-chairs are not in the House when they are expected to be there.

This results in weak performance of this Assembly. Even when we are dealing with Bills, the most important contribution comes from the Members of the Committee during the Second Reading. As we have often noted, if these committees are not working, then the direction and guidelines that the Members of the Committee give when they are discussing these important Bills is not there. When we come to the Committee of the whole House, you notice we are often very few Members. If we do not have the report of the Committee, we are not doing much.

Hon. Speaker, you and the Leader of the Majority Party have expressed this and both of you are in the Liaison Committee. I think more serious action needs to be taken not only on the chairs, but also on the Members so that we stick to the regulation that states you have to be here at least so many times. If you miss such a number of times, action is taken. This is something we have also noticed. Therefore, it probably may be wise to have our Standing Orders state that, at no time should both the chair and the vice-chair of a Committee be away. That way, we will be assured of proper leadership in committees. In my view, there is no unit of this Assembly that does as much work as a committee.

Something else has also appeared. Many times, when committees make recommendations, the Committee on Implementation or the relevant ministries do not normally take them seriously. It, therefore, looks like the committees meet for no purpose or their meetings have no effect. We have occasionally heard chairs of committees saying – and I could cite an issue on the budget process – that the recommendations of committees are sometimes ignored. If we kill the committees, then Parliament will be unable to function. My view is that the Liaison Committee should take serious action so that committees are made to perform as is expected of them. That is what I wanted to express.

Hon. Speaker: This is not a debate. Unfortunately, Hon. Atandi, I want to encourage you to look at the Standing Orders. He was on a point of order. You think there is some debate. Hon. Atandi, I can see there is something that is burning. Please, do not extinguish.

Hon. Samuel Atandi (Alego-Usonga, ODM): Thank you, Hon. Speaker. I wanted to comment on the issue that was raised by the Leader of the Majority Party on the appearance of Cabinet Secretaries before committees. Hon. Speaker, this is something which I wanted you to, maybe, comment on. There is a trend where the people called Chief Administrative Secretaries (CASs) are the ones who come before our committees on behalf of Cabinet Secretaries. In my view, those people are strangers to Parliament. Actually, Parliament does not know them.

Again, when they appear before us, they do not have overriding authority to speak for Cabinet Secretaries. Most of the times, they cannot commit the Cabinet Secretaries on issues that are raised. The experience we have is that there has been a back and forth where they do not have specific answers and they have to go back and bring the answers. During the budget-making process, our Committee had to send away some of those people because they could not give us facts.

So, what I wanted you to give a ruling on is whether those people are legally appearing before Parliament, especially on issues to do with the Budget and questions raised by the Members. Most of the Questions require commitment by Government and the people who can commit on behalf of ministries are the Cabinet Secretaries or Principal Secretaries (PSs) and not those people who are not approved by Parliament. That is the issue I wanted to notify you because it is affecting the performance of committees. I think we need to agree as Parliament whether those people can appear before us. And if, indeed, they appear before us, do they have power to commit Government on the issues that are raised by Members?

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Atandi, I think, on the first question, anybody appearing on behalf of a Cabinet Secretaries should be asked whether they have full authority to commit the ministry. If they appear not to have such authority, then you throw them away. You have no business listening to a person who is not going to commit. The reason we created the Committee on Implementation is to follow up on undertakings by Government. When the House has recommended in a particular way or when a CS or any government official appears before a committee and commits, it must be taken that, that is what the ministry stands for and there should be a follow-up mechanism. If a person appears and makes some commitment, then that should be taken to the Committee on Implementation to follow up. It is just assumed, if the ministry sends whomever it sends... What do you call them? CAS? It is not like KASS FM? If they appear, they must be asked whether they have full authority to make commitments on behalf of the ministries that they purport to represent or appear to represent. If they answer in the negative, then the committee cannot engage with people who are not capable of committing themselves. If they make commitments, then there can be follow-up and if what they have committed to is not done, then there could be sanctions. That is the way it should be. That is why I think we should encourage the chairpersons of committees to be firm when they are dealing with whoever it is that appears before you.

I can see there is a point of order by the Member for Ainabkoi.

Hon. William Chepkut (Ainabkoi, Independent): Hon. Speaker, I want to tell the Leader of the Majority Party that chairs, vice-chairs and Members are always present. It is only the Cabinet Secretaries who do not appear. A follow-up mechanism and structured communication must be established. Leader, I want you to listen. He is not listening to me!

(Laughter)

Leader, you are a great man but I want you to establish a firm and strong follow-up mechanism and structured communication of making sure that Cabinet Secretaries appear before us. After all, we are the august House. Article 95 of our Constitution gives us our mandate. When it comes to the operational arm of Government, we are number one. So, Leader, I must tell you because you are the leader. I want all of us, wherever we are, to talk about harmony and cohesiveness. I subscribe to Article 131(e) of the Constitution that President Uhuru Kenyatta who happens to be the Commander-in-Chief of Kenya Defence Forces and a five-star general is the symbol of national unity. So, Leader, be talking about peace and love. Do not talk in public that we must sack Prof. George Magoha who happens to be top-notch. This is because we are one Government. How come we are fighting the same Government?

(Laughter)

Hon. Speaker: What is your point of order?

Hon. William Chepkut (Ainabkoi, Independent): So, I want us to tolerate one another. Thank you, Hon. Speaker.

Hon. Speaker: Hon. Chepkut, you rose on a point of order. You started off by saying that Members are usually present but the Cabinet Secretaries are the ones who are not present. However, you went on and brought in the issue of the five-star general!

(Laughter)

Anyway, Hon. Members, at the normal briefings that I do every Tuesday, I am aware which committee sits when and which Cabinet Secretaries have requested to be excused not to attend. What the Leader of the Majority Party has requested is important. That report should be submitted to his office for purposes of informing the House Business Committee when it later sits. Even as we prioritise business, we need to know that a certain committee will meet on another date other than on Tuesday. I have noticed that there is that trend which is okay and should be encouraged. If a Cabinet Secretaries does not appear before the committee on Tuesday and he makes a request and the committee is convinced, you can choose any other date and time to sit to receive the responses. It is important to give responses to Members' Questions. The Questions are not asked for purposes of earning *bonga* points. As Hon. Chepkut says, it is in fulfillment of the functions of a Member under Article 95 of the Constitution.

I also need to correct Hon. Nyikal that I do not sit in the Liaison Committee which has been very active in this 12th Parliament. It is doing well. I want to encourage all the chairs of all committees to make sure that they attend those meetings. The decisions of the Liaison Committee are weighty and they inform how the House will conduct its business.

Member for Mwea.

Hon. Josphat Kabinga (Mwea, JP): Thank you, Hon. Speaker. I also want to comment on the concerns of the Leader of the Majority Party, as well as the comment by Hon. Nyikal. It is true that, at times, we observe that we need to do more, especially in the committees. The solution lies with the Leader of the Majority Party and the rest of the House leadership. The Leader of the Majority Party is aware that we have some Members here who are members of more than three committees and others are in only one committee. It is almost impossible for Members to attend three committees in one day.

We are also aware that there are some vice-chairs or committee chairs who are also members of other committees. That is why they do not concentrate on their committees. There was a commitment in this House at the beginning, through the Leader of the Majority Party, that there will be no Member who will serve in more than three committees and House leaders will not be members of other committees, so that other Members can have, at least, two committees. This did not happen. That is why we have this problem. So, the Leader of the Majority Party should be blamed for this.

Thank you.

Hon. Speaker: Before I give the Leader of the Majority Party an opportunity to respond, I want to point out that there are some housekeeping committees some of which... You may see Members in those committees. For instance, I am sure there are Members of this House from both sides who are members of the Committee on Appointments which I chair. Do you know how many times that Committee sits? You also have Members who belong to the Committee on

Selection which is chaired by the Leader of the Majority Party. You also know that there is the Committee on Procedure and House Rules. There is also the Committee on Powers and Privileges. You may see a Member's name in a committee and then you think that he or she is in too many committees but, if you really check, it is not the case. If you see that a certain Member is a member of the Committee on Selection or the Committee on Appointments, and then you remove him or her from another Committee, you will make him or her not participate in committee work.

What needs to be done, Hon. Kabinga, is to strike a fair balance so that membership into some of those committees is understood. I am the Chairman of the Committee on Powers and Privileges. I know the Members of that Committee have been complaining that the Committee does not sit. When Members do not misbehave, the Committee has no work. When Members behave so well, the Committee on Powers and Privileges does not have a lot of work, other than to go and look at the rules and revise them. We must strike some balance. Again, the Committee on Procedure and House Rules does not sit often. That is why I have been encouraging Members to make proposals for amendment or improvement of the Standing Orders so that, that Committee can also have some work.

An hon. Member: Committee on Appointments.

Hon. Speaker: That is the first one I spoke about. There is also the HBC. There are some Members who are automatic members of that Committee. That Committee only meets once a week at the rise of the House. As we transact business, majority of you are usually in the Members' refreshment area enjoying yourselves. That Committee gives some sacrifice. It meets only once in a week. Even as I agree with you, Hon. Kabinga, nobody should be in too many committees. They must be in committees that deal with a lot of the business that comes here. For example, matters which are considered by the Departmental Committees and some select committees which are also very busy.

As far as I am concerned, the Committee on Implementation should be busy. The Committee on Delegated Legislation can, on its motion, go through various laws, pick regulations that have been made and even propose amendments to them. So, it is again supposed to be a very busy committee. There are some select committees which are also quite busy. So, Hon. Kabinga, I hear you and I am sure the Leader of the Majority Party and the Leader of the Minority Party will address that.

Hon. Duale.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, what Hon. Kabinga has said is something that is under discussion. There are about five committees that even if you are a Member.... I am one of them. I am the Chair of the Committee on Selection. My Members ask me every day why we do not go for a trip. There is also the HBC and the Committee on Appointments. Unless the President appoints a Cabinet Secretary, we cannot sit. There is the Committee on Powers and Privileges and Committee on Pensions. There are about six committees and those Members who are in those committees cannot be accused of being in three or two committees.

More fundamentally, I am happy this afternoon. If you allow me, and this is the function of the Whips and not the Leader of the Majority Party, I will comply with the Standing Orders next week and table before this House the attendance register of committees by Members.

(Applause)

In a committee of 19 Members, I can tell you not less than nine are committed. The chairs of the committees will agree with me. The Members only go there when they want to go on a trip. You cannot have the cake and eat it. You cannot accuse me of not putting you in a committee when you will not attend it. Hon. Speaker, with your permission, the Director of Committees, through the Liaison Committee, has tabulated the attendance of Members in the committees. You know what it means if you do not attend a committee for a certain consecutive period. We will not even consult you. The Whip will just remove you. If you want us to go that route, as the Chair of the Committee on Selection, I will table the attendance of Members in the Committees. The document will be public.

Let the voters and Kenyans know Members of Parliament who are members of the Departmental Committee on Energy, Departmental Committee on Transport, Public Works and Housing; the Departmental Committee on Defence and Foreign Relations and the Departmental Committee on Justice and Legal Affairs, but do not appear before those committees. They do not go for report writing and are never present during the Committee of the whole House. They should not blame us. Next week, I will table a report and it will become public.

Hon. Members: Yes.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, once I table the report, I will seek leave of the House so that we debate it because there must be value for the money we get in the committees. I have said a number of times that some Members enter the Chamber, key-log into the requests list and leave. That is very shameful. Some of us sit here from 2.30 p.m. to 7.00 p.m. We are not paid more than those who do not sit here. When there is a trip, chairs of committees are intimidated that they will be removed if names of certain Members are not included in the trip. Such Members are very good in collection of signatures.

Hon. Members: Yes.

Hon. Aden Duale (Garissa Township, JP): They do not attend committee sittings, but they are very good in getting signatures for a vote of no confidence against the chairpersons of committees. Now that they have shaken the gourd, I am going to pour the contents.

(Loud consultations)

On Tuesday, I will present the report before the House Business Committee. On Wednesday, I will present it before the Liaison Committee and on Thursday, I will table it on the Floor of the House.

Hon. Speaker: Absolutely! We need to see that report. Hon. Members, we want to see the report on attendance of Members in committees. If for whatever reason I am not able to be in the Chamber myself, my deputy is always aware and the entire presidium. Similarly, even in committees, the same should happen. If Members do not attend meetings, they are not giving value to the country or even helping the committee. I can single out quite a number of you whom I know are always here up to 7.00 p.m. They are, of course, the surgeon and Dr Nyikal. I can pick those two without a problem. You will always get them in the Chamber. I have just given two examples. Of course, there is also the Member for Funyula. If Hon. Wamalwa is not dealing with party matters, he is always in the Chamber. I know that too.

(Several Members spoke off record)

I do not want the Leader of the Majority Party to be accused of any rigging. The report is there. The Director of Committee Services keeps the records. I have raised this issue in the past.

(Hon. (Ms.) Catherine Waruguru took a photograph)

Member for Laikipia, please, do not take photographs in the Chamber. What is the selfie that you are taking with the Member for Nyandarua for? Or you want to show the country that you are in the Chamber?

(Laughter)

That is on a light note. Hon. Members, I have raised this issue because I am shown the report on attendance. When, for example, Hon. Limo tables a report, you can tell the number of Members of his Committee who have been following debate on the Bill. The Committee has 19 Members. One would expect all the Members to contribute because, through the Committee, they receive feedback from stakeholders and the public. So, they have a lot of material. But members of committees leave it to the chairs. That is not very good.

Let us get the report, which I have personally seen. It will be brought to us so that the House will resolve that those who fail to attend meetings of their committees more than three times be removed from the committees and others be given an opportunity to serve. I have seen it. Let us get the report before we put the Question. I see a number of people want to weigh in on this matter. It is not a debate.

Hon. Lentoimaga.

Hon. Alois Lentoimaga (Samburu North, JP): Hon. Speaker, I agree with what you and the Leader of the Majority Party have said. At the beginning of this Parliament, committees were formed and Members were asked to make a choice or forward their curriculum vitae to guide the leadership of the House to allocate a Member in a committee that he or she can effectively and competently contribute in. Unfortunately, at the beginning of this Parliament, some of us were placed in committees we have no idea about. We were denied a chance to serve in the ones we chose. So, these are some of the things that can discourage Members from being committed to a committee. That is a bit unfair.

Hon. Speaker: Hon. Lentoimaga, I am not giving an answer, but I am aware that even when people go for an interview, all will say that they have been to some university. However, if the organisation requires only two people and 15 people have applied, only the best will be taken. Of course, I know that there is also the need to take into account diversity. So, do not accuse the leadership. I know they considered that. The people who wanted to sit in the Departmental Committee on Administration and National Security were more than 50. Those who wanted to sit in the Departmental Committee on Transport, Public Works and Housing were more than 100. The Departmental Committee on Energy was overflowing with applications and so was the Departmental Committee on Defence and Foreign Relations. So, the leadership of the House, comprising of the Leader of the Majority Party, the Leader of the Minority Party, the Whips and their deputies had to use some criteria to place Members in committees. You should not feel bad if you are placed in another departmental committee. If every doctor applies to be a Member of the Departmental Committee on Health, it is not possible to place everyone there. Hon. Pukose, who is a surgeon, serves very effectively in the Departmental Committee on Energy, where he is the Vice-Chair. In the last Parliament, he was in the Departmental

Committee on Health, where he was equally good just as he is in the Departmental Committee on Energy. He is a Member of Parliament first and foremost before he becomes a member of a committee.

Let us agree that we are all Members of Parliament and, therefore, we can serve in any committee. Please, give your best where you are placed. I did not expect Hon. Rachael Nyamai and Hon. Mwashetani to do the kind of work I have seen them do in the last two years – leading the Departmental Committee on Lands. It has been impressive.

Hon. Members, do not complain that you are not pleased with where you were placed and that you would have given your best in the departmental committee you had applied to be placed. Remember, you represent people who are not necessarily members of your background in terms of training, profession and occupation. But you represent all of them. So, give your best in the House, in whichever committee.

Member for Muhoroni, I know you always try to give your best in any committee. Please, give your best just like Nominee 001 does. He gives his best.

Hon. Members, I do not know whether we really want to go on with this or we can go to business.

Hon. Omboko Milemba (Emuhaya, ANC) : *(Inaudible)*

Hon. Speaker: What do you want to say, Hon. Omboko Milemba?

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker, for giving me this opportunity. Whereas I agree in totality with the cry that we have heard about chairmen and their vices in terms of attendance in the House, then we moved to attendance in committees, I would also wish that as we discuss this, we have a broader thinking about the chairmen whom you have addressed greatly that they need to be here, but are also Members of constituencies and they have to do work here and there. We could expand the Standing Orders so that the delegation that you have talked about several times is used because we do not give a committee to a chair simply because he is the only one who can manage it. Hon. Ichung'wah is not the Chair of the Budget and Appropriations Committee because he is the only one who can manage it. Even those other Members have the capacity. But it is because we must have one person who, at that particular time, should do that job.

Lastly, on the sentiments that have been given by the Leader of the Majority Party, if we continue like that - although they elicited a lot of excitement from Members and I am sure I am one of the Members who are not doing badly in terms of attendance - the kind of list he wants to table must have some scrutiny because you heard Hon. Chepkut accusing him of not preaching peace, harmony and other good things. If you allow him to just table a list, it will have an effect on hon. Members in this House. Therefore, I would advise and ask that you bring some advisory on how that list can be scrutinised before it is tabled.

Thank you.

Hon. Speaker: Fortunately, the list is not made by the Leader of the Majority Party. It is with the Director of Committees who is a staff member. I have seen it myself. It is not made by the House leadership. It is made by our own staff because the people who clerk committees keep those records. They report to the Director of Committees. She keeps the record herself. It is not something that anybody is “cooking”. The Director of Committees has no reason to go and mark Hon. Omboko Milemba as having been absent. Hon. Milemba, ordinarily, you are always present both as a Member of this House and also as a member particularly, of the Departmental Committee on Labour and Social Welfare. Fortunately, I have seen those records.

The point you raised first is on expansion of the Standing Orders. I have seen it and it is provided for. There is a chair and vice-chair. The Standing Orders provide that in the absence of the two, the committee can appoint or elect one of its own to chair the proceedings. The Standing Orders are very clear. Fortunately, I have also had occasion to be a chair of a committee. That is what we used to do even those days when we did not have as robust Standing Orders as we do today. It is a good practice. Yes, you are a Member of Parliament, you represent constituencies, you may even, as a Chair, have issues to do with your constituency and be available on a particular date. If you are not there, kindly inform your vice-chair. If the vice-chair is not available, inform one of the Members and tell the clerk of your committee not to let the meeting abort on account of your inability to be present as well as that of your vice-chair. Tell the clerk to inform the Members to select, elect or appoint one of them to chair the proceedings and you proceed.

Hon. Omboko, it is a good point but the Standing Orders are clear. It is just the practice. Just as we have been talking about implementation of various laws that we pass, even us here should begin by that example; that when we are not present, somebody else should be able to handle the business.

Next Order.

MOTION

RATIFICATION OF AGREEMENT FOR ESTABLISHMENT OF 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, 26th June 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)

(Resumption of Debate interrupted on 2.10.2019)

Hon. Speaker: This Motion was moved yesterday. A total of nine Members have spoken to it. For avoidance of doubt, I will read out their names. The Mover is Hon. Cheptumo and Seconded is Hon. George Gitonga Murugara. Others who have spoken are Hon. Prof. Oduol, Hon. Mohammed Sheikh, Hon. Oundo Ojiambo, Hon. Rozaah Buyu, Hon. Martin Owino, Hon. David Sankok and Hon. Akinyi Obara. Those who spoke can also listen. I am sure others listened to you as you contributed. First in the list is the Member for Dagoretti South.

Hon. John Kiarie (Dagoretti South, JP): Thank you, Hon. Speaker. I support the ratification of this Agreement for the Establishment of the International Anti-Corruption Academy as an International Organization. We all know that this is a critical time in our history

when we need to address the issue of morality, ethics, purity of morals and even how we conduct our business as a country.

In my support of this ratification of the formation of an Anti-corruption Academy, I have something that I think could be a good build to what is already happening. My build is that, as a country, we have made quite a number of efforts in this thing that we call anti-corruption. The fruits that our efforts are bearing are out there for everyone to see. The good book reminds me that they shall be known for their fruits. For the many years that we have been forming commissions and authorities, we have, ourselves, to prove what it is that we have got out of those organisations.

I believe that the aim of the formation of an academy is to look for a way to find a more ethical way of conducting business and to instill this at the earliest stage possible and hence the need for the academy. To my mind, I would agree with the thoughts of a very intelligent lady by the name of Mother Theresa, who said that whatever it is that you resist shall persist. I believe the reason our efforts on anti-corruption are not bearing any fruit is because we have been resisting more than aligning ourselves with what we want. We have been resisting what we do not want as opposed to aligning ourselves with what we want. My small bid would be that instead of calling this academy an anti-corruption academy, we should be aligning ourselves with what we want, which is ethics. I believe that anything that we focus our energy on, we build. If what we are going to be focusing our energy on is corruption, it will not matter whether we are going to call it anti-corruption. The operative word is still going to be “corruption”. Hence, we shall still be giving energy to this concept of corruption.

My belief is that instead of resisting that which we do not want, we should be aligning ourselves with what we want. In this case, we are looking for purity of morals, better ethics and better ways of people interacting with each other and conducting business in ways that are acceptable socially. Even as we are looking to form that academy, I believe that how we name it is going to be very critical and it will set us apart from the journey that we have travelled with other organisations that we have called anti-corruption organisations.

Hon. Speaker, today, there is a new drive to slay this dragon that has been known to kill not only our society, but goes straight to destroy the fabric that holds us together as a nation.

Corruption in itself does not only deny us our dignity, but it is also a big threat to peace. That is because when we have dirty money finding its way to the borders of this country, we end up in a situation where we are prone to attacks by the very people who are streaming in that money with ill intent. Therefore, how we address this issue of corruption is going to be more critical as we go ahead in a new world that is facing new problems, top of them being terrorism. My small build as we go into the establishment of an international anti-corruption academy is to call upon ourselves as a society to have a new thought that sets us apart from what we have been doing in the past. We should weigh the successes of what our efforts have been in the past and then see if that is the way we want to keep on going or whether we can now set ourselves in a new trajectory.

Hon. Speaker, I support and thank you very much.

Hon. Speaker: Next Member on my list is Hon. Thuku Kwenya. The Floor is yours.

Hon. Zachary Thuku (Kinangop, JP): Thank you, Hon. Speaker for giving me this opportunity to speak to this Report. I support the same and say that, as much as we want to establish an anti-corruption academy that is international in nature, we must address ourselves to the causes and reasons as to why corruption has become an international threat, just like organised groups that are a threat to national security.

On the same breadth, the Speaker rightly put it that we are putting a lot of energy on corruption and that gives us negative energy and, maybe, the impact may not be as much. What we should address, instead, is what this corruption that we keep on talking about is. What comes to our mind first? If we are not able to address that from the word go, we will never get it right and we shall never slay the dragon called corruption. We must talk of ethics because that is where it starts. A national or international establishment may not be a solution. From where I sit, I envisage a situation whereby the attendees of training in such academies will be top notch government officers so that once they occupy those offices, they do what they are supposed to do to avoid corruption. Now, this has to be inculcated in our society from a young age because corruption starts when a child gets the realisation of who they are. They grow up knowing that there must be an exchange for anything that they do because corruption is multifaceted. It could be white collar theft or anything that is seen to be of corrupt morals. The only way we can then deal with this, is having a curriculum that is kind of geared towards building good morals in our children so that, even when they grow up, they will know how to behave instead of having a situation whereby we have so many “do nots.” “Do nots” will not help this country. But instilling good morals in our young children and teachers who teach those children will be the only way to go. Therefore, as we support an academy that is going to be of international standing - because corruption is becoming an international phenomenon - we must address ourselves as a country and start thinking of ways and means of dealing with this monster.

In a country like Kenya, for example, where our business is to arrest and take people to court, take them through the judicial process and charge them without really addressing the core reasons, the question that lingers in my mind is this: Why then is it that we are having this challenge over and over again? Everybody who is occupying a public office, their business is one – to get rich quickly. With that mentality, we must then ask ourselves: “Where did the rain start beating us?” We need to know so that we can address ourselves based on where we are coming from. No amount of top-bottom initiative will solve the menace that we are in already. Our current predicament is as a result of so many things. We celebrate people who have stolen; who have amassed wealth through corrupt means. We give them positions and we adore and make them feel like they are heroes. Therefore, with such scenario, our children will look up to them and form an opinion that the best way to get rich is by practice of financial impropriety, unfaithfulness – it is just stealing – and see as if it is a very good thing. As much as we would want to think that having an international academy that is dealing with issues to do with corruption... To teach people issues to do with corruption is a good thing. It will be a song that will be losing taste because we have heard this over and over again. Yet, we do not seem to be overcoming it. The only way to win this war on corruption and have a society which is above reproach is by going back to the basics from birth – kindergartens, high schools and universities. We must teach ethics. That is the only way to go.

With those many remarks, I wish to support and say the same, maybe, it should not just be national. It should be cascaded down to the constituencies and later to our locations and finally every school would have a curriculum where ethics will be taught so that we can then slay the dragon of corruption.

I wish to support.

Hon. Speaker: The Member for Emuhaya Constituency, the Floor is yours.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker. At the outset, this is a very good Motion to establish a national anti-corruption school. However, as we do so, we are actually relating it to what exists as international anti-corruption academy.

Yesterday, I tried to find out where our national anti-corruption academy is, but was unable to find it. This is despite the fact that the Mover talked about it. So, as we speak about this Motion, yes, it is a good one in terms of dealing with corruption from a perspective of education. However, when I look at it critically, the items that are in the curriculum of such academy are items that would work well if they are infused in the general school curriculum. This is because corruption is a culture. You start growing with it. It has mentorship programmes. This is because kids grow and envy their mentors who are corrupt but who have done very well and, therefore, grow to become exactly that. I think it can be done very well by mainstreaming corruption in the school curriculum and other educational institutions that exist; which actually attend to our young kids in the school system in the form of what we call life skills. This will then encourage and mentor the children to go or not to believe in corruption *per se*. Therefore, the establishment of such an academy could be very good because the Mover indicated that it is in line with international conventions which we have signed. I agree that will be very good for us. Maybe, it will also be very good so that we are seen to be fighting corruption from all fronts - legal, structures, institutions and even the academic sector of corruption. It could also be very good, maybe, because as a Government, we would want to mask and look very good that we are actually tackling the issue of corruption *per se*. However, this House represents Kenyans and therefore, the laws we make here, away from establishing such a school, must actually be in line with the wishes of the people of Kenya. What are the expectations of the people of Kenya and how should those expectations be dealt with? Is it a mere establishment of institutions that are academic? Kenya's expectation is action, action and action!

The expectations of Kenyans are in action. For instance, Kenyans would want to see people who are adversely mentioned in corruption cases stepping down. If we had such a law, the country would look at us as a strong institution fighting corruption. Maybe, Kenyans are also looking at the forms of punishment we are giving people who are maligned in these acts.

Thirdly, Kenyans are looking forward to see a strong Parliament. The other day we were approving nomination of members of the National Land Commission. What kind of image did we give when we passed those names? For me, I want to see more proactive action and oriented steps in dealing with corruption, than just establishing an academy which could be another circus of a corrupt move.

Therefore, I do not support the Motion. Thank you.

Hon. Speaker: Member for Ainabkoi.

Hon. William Chepkut (Ainabkoi, Independent): Thank you, Hon. Speaker. This is, indeed, a great Motion. The Instrument for Ratification of the Agreement for the Establishment of the International Anti-Corruption Academy as an International Organisation is key. On ratification and its agreement according to Section 12 of the Treaty Making and Ratification Act, 2012, Kenya is a member. I am happy that the Cabinet approved it. We are now debating and we shall approve it. After that, we shall establish a national anti-corruption academy in our country. We have 47 counties in our nation and they shall establish counties anti-corruption academies.

Since you are a senior counsel and the Speaker of the National Assembly in both the 11th and 12th Parliaments, you have earned leadership. I want to humbly remind our leaders from His Excellency the President, his deputy, Cabinet Secretaries and all the State officers in this Republic, including Members of Parliament that, indeed, leadership is a calling from God to serve humanity with honour, integrity, fairness and justice. It is not greed and sycophancy.

I support this Motion. The Government, through the Director-General of National Intelligence Service, the Inspector-General of Police, the Ethics and Anti-Corruption

Commission (EACC) and the Director of Public Prosecutions (DPP) should have a coordinated approach in the fight against corruption. The EACC should issue certificates of integrity in the same way the Directorate of Criminal Investigations (DCI) issues certificates of good conduct. I have mentioned integrity because it is all about an individual's history and lifestyle.

I support life skills. I want our children to learn life skills for employment purposes. It is good that they learn. If you *Google* the Oxford Dictionary, education is defined as a process of giving or receiving systematic instructions in primary schools, secondary schools, universities and other higher institutions of learning. There is no limit in education.

One of our roles is budget-making. In this august House, we should set aside money to establish a national anti-corruption academy. If we do so, we shall not live beyond our means. We should be happy with what we have. The officers who fight corruption should have consistency, passion for public service, commitment, connections and networks more particularly, through the digital penetration platforms. Kenya is among the top 10 nations in the world in digital infrastructure. Competency is a great tool.

I support the establishment of the International Anti-Corruption Academy as an international organisation.

Thank you, God bless you.

Hon. Speaker: Member for Suba North.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. From the outset, I support the Committee's Report. This Report is based on an agreement that was signed between the International Criminal Police Organisation (INTERPOL) and the United Nations Office on Drugs and Crime (UNODC) in Vienna, Austria on 13th October 2008 to establish the International Anti-Corruption Academy. Kenya became a signatory to the conference on 2nd September 2010 when the Minister for Justice, National Cohesion and Constitutional Affairs signed the agreement during the International Anti-Corruption Conference (IACC) high level Founders Conference that was held in Vienna, Austria. As at 16th March 2016, the Agreement had 67 parties and 53 signatories. So, the process we are seeking to do as a country is to go through the process of ratification to ensure that there is sufficient membership, so that this treaty is put into effect. Once it is put into effect, this academy will be established in Vienna, Austria and not in Kenya. It will be training countries on fighting corruption. Because of that, I support it.

We know that corruption is eating into the fabric of our nations, especially in African countries. However, international trends have shown that it is not just a malady that befalls African countries. Even developed countries are complicit in corruption only that they use fancy names.

In other countries, for instance, when they bribe Members of Parliament to pass a law, they call it lobbying. A lobbyist is paid to talk to Members of Parliament to vote in a given way. When we try it in Kenya, we are told that we are influencing Members of Parliament. So, it is actually a challenge at an international level. It does not matter what fancy names we use. It shows that internationally, we have killed values that should be moving nations and which should be the basis upon which countries are run.

I would want to encourage us that as a country; beyond this academy that seeks to look at corruption at a much higher level, we need to look back and see where we need to sort out the problem. We need to look at it from the roots. The roots are the little children. When some of us were growing up, we were taught values not just in church, but also in school through the books

that we used to read. There were very short interesting stories that taught values about honesty, integrity, inclusion and against discrimination. What do we have nowadays?

Recently, books were allowed in the market which use certain four-letter words on six-year-old and ten-year-old children and we expect people not to be corrupt. We are already teaching them that these are the values that we live with as a country. As a country, we are very quick to pass the buck. Whenever there is a problem, we are branded *mpigs*. We all blame Members of Parliament. It is the most convenient way, but that is not the problem. Corruption has become so deeply entrenched and embedded in this country. Until and unless we deal with it from the root, we might as well legalise it like some developed countries have done and given it fancy names.

When I became a Member of Parliament, I was shocked and astounded that I was trying to do a government project and I was being asked to bribe a government official to do a government project. I almost went into shock. I thought people would ask me to bribe for something that benefits me as an individual. To date, a person employed by the Government will ask you to bribe them to do a government project. I have not gotten over that yet. I know in one country, I will not name where, there are people who give free donations. It was in the newspapers in the last Parliament. They were being asked to bribe that country so that these people could give free donations to the county. As late as yesterday, somebody came to see me here in Parliament and told me of a case where some people in another county were to be given free money to build a health facility. They were told, "Unless you bribe us, we will not allow you." I think there is something wrong with us as a nation; there is something entirely wrong with our psyche as a nation. That is what we need to figure out and sort out.

The academy is good at the international level, but we must fix Kenya as a nation. We no longer need to look outside, because they have their problems. Early on, we would sit here and say we want to be like America which has its own challenges. Let us look at Kenya and fix it and aspire to be like Kenya. This is the time Kenya should be a shining light to the rest of the world, but we must agree as a nation that we are all rotten to the core. It is not a problem of Members of Parliament. It is a problem of small children, too. That is why a little boy in school was able to go on air and talk to the whole country using four-letter words and even threaten to kill another child; because people are watching our own Members of Parliament fight. Again, that is what I call the convenience of blaming Members of Parliament. When you say Members of Parliament, where are you as a parent? What values are you teaching your own child as a parent? We need to agree as a country that we have a serious crisis. We are leaving the social media to set for us values.

Unfortunately, it has gone to the churches. Before, people would look for direction in the church. The church has lost direction. Perhaps, it is a time when we need a law that would streamline the churches, but they say, "No. No. No. We can self-regulate." How are you self-regulating when every single weekend there is a crisis in one church or another? I have not gone to church for the last three months because my own church is embroiled in a crisis. Why can we not sort out issues?

In my own constituency, yesterday, I was being asked to help another church contribute money so that they can go to court to stop another wrangle. If the church is not giving direction, who do we want to give direction and then we blame the politician? By the very nature of a politician, we are meant to be evil. The church should direct us, but we are the ones directing the country. This country will go to the dogs, if it looks upon politicians for solutions. I am not saying we are that terrible, but surely; we cannot be the ones giving moral direction in this

country. I ask our churches to wake up. The country is burning. Stop following money. Stop having so much interest in money at the expense of a country that is going under.

With those few remarks, I am asking us, as a country, to go back and search in our hearts and ask where the rain started beating us. Let us not only ask, let us fix the problems we have as a nation.

Thank you, Hon. Speaker.

Hon. Speaker: What is your point of order, Hon. Sankok?

Hon. David ole Sankok (Nominated, JP): Hon. Speaker, when it comes to issues of faith, I do not think we have the right to discuss such matters as a House, especially when it comes to donations. If your faith limits you from carrying your donation in paper bags or wallets, do not worry about those who carry in *gunias*.

Thank you very much, Hon. Speaker.

Hon. Speaker: Hon. Sankok that is not a point of order. It is a point of argument. Hon. Millie Odhiambo did not even talk about donations. Let us leave it at that. He might have felt threatened that if you had taken the extra one minute, you would have gone to where he is referring to, but you did not.

Hon. Lentoimaga.

Hon. Alois Lentoimaga (Samburu North, JP): Thank you, Hon. Speaker, for giving me this opportunity. I also support the Committee's Report. This is a very good Report, especially on establishment of an international academy. Sincerely, all of us have accepted that corruption is really a disease that has eaten into our cultural fabric, right from the time of inception of this country. It has built over time and it has become part and parcel of our lives. We agreed that for every single opportunity we look for and every single business we want to do, we cannot believe that we can do it using our own skills, knowledge and experience, we believe in bribing somebody or influence some people or organisation. It is like everything is just about corruption. Even young people who look for employment, and who are highly qualified, still have to look for ways and means of trying to influence a person they know, a person of high office so that they can grab that opportunity. So, this is about culture, behaviour and attitude. It is no longer about corruption. It has been embedded into our own culture and way of life. For example, young men looking forward to being employed as prison wardens, Members of Parliament and politicians or anybody in a position of authority gets messages or people ask you to assist them. Some people would even want to contribute some money to influence the employment of their son or daughter. We cannot believe in ourselves when it comes to looking for opportunities. Unless you have a tall relative, you do not believe that you can get anything.

So, in every sphere of life we all look for opportunities to benefit through corruption. It is so deeply embedded in our lives. So, this particular academy has come at the right time. In fact, it has reflected on our image which is so bad within and without. Foreign and local investors feel that investing here is so expensive because they have to influence certain people for them to invest.

However, over time the Government has tried and put up measures to curb corruption through establishment of institutions such as the EACC. In my view, we are fighting corruption one way, through forceful means. The way persons are arrested and counties attacked in search of corrupt people is not the only way the EACC can succeed in fighting corruption. We need to diversify ways of fighting corruption. At the moment, the EACC can assign almost 100 officers to investigate just one allegation, as though they are fighting terrorists. Is that the only way to do it, by creating fear in people? It has not helped much.

Corruption has persisted. People are stealing. In my view, this academy will bring another dimension in fighting corruption to support what already exists. This academy shall research and provide a forum for lessons learnt. That way, we will know what advanced and developing countries are doing to fight the same vice.

It is like a hub where we can meet and compare notes on fighting corruption. There can also be benchmarking and learning best practices. That way, we will employ strategies to eliminate this vice. Also, attitudinal and behavioural change can input on culture so that we restore the ethics, values, respect, and honesty that we have always had since childhood. The research will bring a paradigm shift in matters corruption that would be friendlier, rather than the current EACC model. This country has sufficient and appropriate legislation to fight corruption; the challenge is the almost dysfunctional law enforcement framework.

Our response to challenges is majorly reactive rather than proactive. It is my hope that this academy will provide a long-term mechanism to fight corruption rather than react to issues just because they have been highlighted by media. This prompts us to bring on board multi agencies, make noise and blame existing systems for being ineffective.

An academy is a continuous way of learning and assisting our people. The young who are in schools will be assisted by this academy and it can be scaled down to our counties. This can go a long way to educate our young people right from primary schools to universities. These values can be embedded in our own communities; homes, schools and colleges. It will help us fight corruption in the best way.

They must believe that corruption is wrong and destructive. It denies our people opportunities and only benefits a few.

With those few remarks, I support this initiative and look forward to see it implemented in the near future.

I thank you, Hon. Speaker.

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

Hon. Adipo Okuome (Karachuonyo, ODM): Thank you, Hon. Speaker for this opportunity to support this Motion.

Corruption has become a very serious issue in this nation. It is a disease that requires urgent action and we must spend all the efforts in order to reduce and eventually eliminate it. This is why I support the efforts of an international anti-corruption academy because it may address this issue before action is taken. All our sectors are suffering from corruption. Our development is suffering from corruption; our welfare is suffering from corruption. I do not know of anything now in Kenya that is not suffering from corruption. It is necessary for us to start teaching our people about corruption starting with schools so that our children can have value that can be of help to this nation, those that can give us a new beginning.

An international academy will give us a very good opportunity to handle this issue with other people joining us. My understanding of what I suppose it will be is that other nations will be coming and will learn together with us. The corruption we are fighting is not touching on external participants. Sometimes, this corruption is difficult to deal with because it is collaborative. You find that a particular nation has a bearing on what is happening in Kenya. If we were to have a centre that would be exposing us to what is happening elsewhere and exposing them to us, we would be wholesomely approaching corruption from all directions that it comes from.

It is important that our children are taught values. In olden days, grandparents taught our children what to do and what not to do, but now that is gone. I know many parents try to leave

this to the teachers, but the teachers are foreigners to the children. Their parents are the ones they know in all manners and corners. I know parents do not have an opportunity to spend time with their children and that is why things are getting out of hand. So, action needs to be taken. This nation should spend some of its resources educating its people so as to change their attitudes and values in order to help it grow.

I believe that if there was no corruption, Kenya would be at par with Singapore and Malaysia. I am talking about these countries because they got their independence at the same time with us and yet they have gone far in terms of development many more times than us. We need to find out why we are not at par with them. I know Kenyans are very resourceful, energetic and capable of pulling any kind of mountain. They can do anything like others, but corruption is pulling us down. We need to spend our resources to educate our people. The idea of having an international anti-corruption academy is good and I support it. We are on the right path and should not even waste a second before starting this academy.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Dennitah Ghati.

Hon. (Ms.) Dennitah Ghati (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to support the Report of the Committee. It is a good Report and I love the fact that the Committee is proposing to establish an international anti-corruption academy. As a Committee we had an opportunity to visit Kuala Lumpur in Malaysia to study and exchange ideas with the Parliament of Malaysia. We saw how they have finely managed to curb corruption in that country.

Malaysia has established a similar academy that is known as the Malaysia Anti-Corruption Academy (MACA) which works around what the Committee is proposing. Every year the president of that country sits in the House to give a report on the state of anti-corruption activities in that country. If you remember, Kenya and Malaysia by the time of Independence had the same Gross Domestic Product (GDP). But, if you go to Malaysia because of anti-corruption laws, it has succeeded. The fact that we want to establish this academy will enable us to address this issue that is rampantly eating into our economy.

Corruption is not about money and tangible things. People should know that corruption is the smallest things we do that the public does not see. For example, if a leader who is entitled to have office employees his or her son or relatives, that amounts to corruption. It is not just what we see that we can quantify as corruption. We need to address the whole issue of corruption in this country.

I am happy that the Committee is proposing that this academy should do public outreaches which will go a long way in terms of teaching the community about corruption. This country has an education sector. We should ensure that as we develop curriculum for this academy, even our schools' curriculum mainstreams the issues of anti-corruption so that our children in Grades One, Two, Three and Four are able to learn about these values we are seeking to entrench in this country.

Hon. Lentoimaga and Hon. Millie-Odhiambo have mentioned that corruption has taken a different face and is getting into our religious institutions. We need to examine them and engage them in the fight against corruption so that we can have what the President is calling zero tolerance to corruption in this country. Let me say from where I sit that corruption has killed the economy of this country. It is high time we set international standards and work together with the EACC. We should put together the efforts of the EACC and other anti-corruption bodies and pull up our socks in addressing the cancer of corruption in this country.

Hon. Speaker, allow me to support this Report. Thank you.

Hon. Speaker: Hon. Passaris.

Hon. (Ms.) Esther Passaris (Nairobi CWR, ODM): Thank you, Hon. Speaker. I stand to support this Motion. I understand it emanated from a meeting between INTERPOL and UNODC in Vienna in 2016.

An international anti-corruption academy is a good idea, but at the end of the day corruption in our country is eating us. It is the reason why poverty levels are rising and we cannot implement all government projects. It is the reason why food security and housing are a challenge in the informal settlements. All the land that belonged to the Government was acquired fraudulently by past leaders. It is also the reason why our hospitals lack facilities and we have challenges in terms of investing with tenderpreneurs resulting in lack of facilities which the Government wants for its people.

So, by ratifying the agreement for establishment of the international academy, we can get best practices. We do not need an international academy, but a curriculum for our schools. We need to start teaching our children. It is very obvious that the religious sector, as Hon. Millie-Odhiambo said, has failed us. Religion has also been riddled with corruption and we can see this every day. So many churches are guilty of owning huge parcels of land in Nairobi that are sitting idle. If only they could return that land donated to them by the Government, which they have not used over the last 50 years, we could put up orphanages and homes for our people. The church is guilty of corruption, how can it have the moral authority to teach us how to have integrity?

Just like we learn science, mathematics, physics and English, let us learn about integrity, define what it means and examine our students on the same. This Parliament, through donors, sponsored us to visit academies in China and Malaysia where a group of us were taught about integrity. This is in their curriculum from primary all the way to university and is required for one to get a job.

I asked myself, is it enough to just have qualification on integrity? What is it we need to change as a people? Is it the end times and Jesus is on his way here so that we are just faced with the worst of the worst? I tend to think that all the new age books teach us that we are our thoughts. When we wake up every morning and the first headline we see is “corruption”, then we think of ourselves as corrupt. If you have a child and you tell him or her that she is stupid, he or she will ultimately become stupid. I think we need to change the way we talk to ourselves.

Instead of calling it International Anti-Corruption Academy, I will call it an integrity academy. Instead of us talking about how corrupt we are, why not start looking at the number of people in Kenya who have integrity? I left a whole project of *Adopt a Light* because I refused to bribe. In fact, I was kicked out of the county. To date, when I stand, I am called *Mama Taa*. I walk with respect. Why? I chose not to be corrupt and I was thrown out of the county. Had I engaged in corruption, that contract would still have been ongoing. We have an issue but we have a choice. This country also makes it easier for you to be corrupt than for you to be straight.

I once heard Hon. Millie Odhiambo, who is my mentor, stand here and say that if you do not address the concerns of our citizens like burials, rent, food and poverty, you are forcing me as a leader when I go into my constituency to actually think of how I can be innovative to help my people who are hungry. You cannot get food from devolution. Your people are hungry and your resources are limited. What do you do? You find a way to be corrupt. So, it is very easy to be corrupt even when you do not want to be corrupt because you are dealing with very challenging poverty issues in this country.

This Government has to find a way to sit with elected leaders and create a fund that would deal with corruption. Majority of the leaders here, every weekend, have to go back to their constituencies to look for money to build a school. If a church leader calls me and says he wants money for a church choir, choir's uniform, church building or church bus, I tell them: "Pray to God. He is the one who is going to give you. He is the ultimate giver. Why are you asking me? You are the ones who have God. Ask God. Why are you asking me?"

They ask us because they think we are politicians and we should have money. The same citizens who call us *Mpigs* are the same ones when you go and give Kshs5,000... I remember a Member of Parliament from Thika gave Kshs5,000. At that time, I was not a Member of Parliament but I remember people ridiculed and booed her. When you want to give money, you are challenged because if everybody is giving Ksh100 and you give Kshs10, you look like a fool. You even avoid going to certain places. I went on social media and I said I have no money, I was broke. You should have seen the way Kenyans were angry. They said I had a meltdown yet I was telling them the truth. Kenyans do not want to hear the truth.

So, the fact is I think we need to have self-talk. Let us stop blaming one another. Let us try and empower our citizens and let us talk about family planning. This country does not have resources to look after the citizens we have. In the 1960s we talked about family planning. Today we have children because we have *Linda Mama*. *Linda Mama itatoa mtoto hospitali?* If it is a caesarean section, you are detained with your baby. You have to feed and educate the baby. There is a clip by Hon. Kibaki saying: "You are asking *serikali* for everything. What about you? What are you going to give your *serikali*?" So, we need to actually go back to the drawing board as citizens of this country and say if we love this country and we have no other country, how are we going to be honest with each other? Let us put structures in place that stop us from being corrupt.

If I am stopped by a policeman and I can pay my fine of Kshs1,000, I would not be forced by the police to bribe. However, because the police want to get into your car, take you to Kibera, waste your time and you are too busy, you would rather part with the Kshs2,000. Let us make it easy for us to pay penalties. Let us make it easy for the DCI. We have an opportunity as a country that invented *Mpesa* to actually spearhead the fight against corruption. I commend Hon. Uhuru Kenyatta and Hon. Raila Odinga, but there is a lot more that needs to be done beyond the handshake. It is not just tribalism. It is poverty and the poverty that we have is a shame because it is inflicted on us by the people who have been put in leadership positions. It is not these parliamentarians here who are corrupt. We cost only 1.7 per cent of the national Budget. The corruption is with the Executive. Let us name and shame it as it is. When they come for oversight, we oversee accounts that were done for the last Parliament. How are we supposed to fix it?

We are definitely a rotten society. It is our country and our solution. So, let us try and talk to ourselves in the right manner and say that we love this country. I want to look in the mirror and love who I see. Ever since I became a politician, sometimes I question who I am, my values and integrity because I am continuously looking for money to save somebody's life. I am not talking about money for nothing. It is money to save somebody's life. Yesterday I released a woman from Ongata Rongai Hospital who was detained. We have laws that say we should not detain patients but they are still being detained. We make laws and provide budgets but if you make a law and it is not being followed or if you budget and it is not being delivered or it is being squandered, how are we going to deal with all these problems?

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

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

For me, I think Jesus Christ had better come because even the churches have failed and in the absence of Jesus Christ, can everybody carry their own cross and decide to be responsible for their own family? When you see your *Mheshimiwa*, do not hijack my car in the *mtaa* and tell me: “You are not going to leave until you give us money.” I am telling you sometimes when you do not have money you are called prostitute and stoned. It is a hard job. I am not an *Mpig* and I have no intention to be an *Mpig* but we need to teach integrity right from nursery school. Let us not sing poetry on corruption. Let us have poetry on integrity. Every child who stands up in a national event talks about corruption, corruption and corruption. It is time to stop.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Well said, Hon. Passaris. I did not want to interrupt your very passionate contribution but next time, do not mix Kiswahili with English. You choose the language to start and finish with, but points are well put.

Let us have Hon. Cecily Mbarire.

Hon. (Ms.) Cecily Mbarire (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker. I, too, wish to add my voice to this important Motion first by congratulating this Committee for a job well done. I also thank the very many Members who have been speaking to this matter since yesterday and really talking passionately about this corruption that has really bedeviled our country.

We are told that part of the activities or the role of this particular international academy is really to provide anti-corruption education and professional training so that people have the necessary skills and capacity to be able to fight and prevent corruption. Also, the other activity will be undertaking and facilitating research into all aspects of corruption, which is very important, and providing other relevant forms of technical assistance in corruption. I have listened to many speakers this afternoon. I have listened to Hon. Millie Odhiambo and I have now listened to Hon. Passaris and I have one thing to say. As a nation, we will not be able to deal with corruption until we change the thinking and the psyche of every single Kenyan living today.

Today, if you have a position, power and responsibility and you retire without the so-called big money, you become ridiculed by society. We hear Kenyans saying: “Look at him. I saw him driving a small car” or “I saw him walking” or “I saw him using *matatu* yet he used to be a Permanent Secretary in such and such a ministry.” In other words, the thinking of the Kenyan is itself corrupt so that when you get into an office, it is expected that you must leave there with a lot of money. In fact, when you leave there with a lot of money, you are now the talk of town. You are the person who is given the front seat wherever you go for events or ceremonies because you are big man and you took good care of yourself when you got into that office.

I think we must start by, first of all, cleaning that thinking and doing away with that psyche and training people to understand that it is important that people hold offices and they do not have to amass wealth when they are in those offices. I want to agree with those who are saying that this training must begin right from kindergarten level where we begin to teach our children what corruption is, the side effects of corruption and why living a life of integrity is better than living a life of corruption.

Socialisation is the way we train our children whether it is through school education or within our family setup where we train them on certain values that they need to carry with them. That kind of training is the most critical training if we really want to change this country. I hope that we can begin to think of having a curriculum that is teaching our children about corruption where we begin to train them about the need for integrity. This is because any leader living today in this country will tell you that we have reached levels where if we do not do something about it, this country will go under.

Hon. Temporary Deputy Speaker, for the longest time I have been in leadership, this is the first time I am seeing some serious effort towards the fight against corruption. It is so serious that if you go to Government offices today, they will tell you that nowadays they are extremely careful because they are being watched and things have changed. I like the new narrative that is in Government offices. In the past, nobody cared because we knew nothing will happen to you no matter what you do. I am happy because the narrative is changing. Besides instilling fear in officers, we need it to be a way of life. A corrupt free life must be a way of life. It must be the thing that you want to do because it is the right thing to do. So, I hope that we can move to the next level. That can only happen if we begin this training right from childhood.

I also hope we will realise that you cannot put all the pressure on politicians and hope to fight corruption. We must begin to appreciate politicians who come to Harambees and give only what they can afford and we clap for them because they have done the right thing. I listened to Hon. Passaris and I felt her as a politician. As we get closer to elections, you are likely to get accolades if you are the one contributing Kshs100,000 to this church and another one and nobody else asks where that money comes from. In fact, they are very happy. They say that the Member of Parliament or the leader is doing very well because he brought Kshs100,000 in this church, he went to another one and gave Kshs50,000 and another one Kshs200,000, and they clap. They say that the Member of Parliament or leader who gives Kshs10,000 or Kshs20,000 is not serious. They ask how you can give Kshs5,000 or Kshs10,000. It is about time we changed our Kenyan psyche. We need to change the thinking of Kenyans. It will take a lot of civic education to get there, so that we can really appreciate leaders for what they do more than what they give because what they do is more important than what they give.

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

The Temporary Deputy Speaker (Hon. (Ms. Soipan Tuya): Hon. Ojiambo Oundo, did you contribute to this Motion?

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Yes, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Great. Let us have Hon. Oduol Adhiambo.

Hon. (Prof.) Jacqueline Oduol (Nominated, ODM): Hon. Temporary Deputy Speaker, I contributed to this Motion as well.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): The Member for Migori, you have the Floor.

Hon. (Ms.) Pamela Ochieng (Migori CWR, ODM): Thank you very much, Hon. Temporary Deputy Speaker. I wish to add my voice to what my colleagues have said. The idea of establishing this Academy sounds good. We have no objection to this because Kenya was part of the original agreement.

I want to quote from the book I love so much with my heart. Proverbs 22:6 says: "Teach a child the way he or she should go and he or she will not depart from it when he or she is old."

This summarises exactly what not only Kenyans but also the entire world needs to do. Coming back to Kenya, it is amazing that we have always talked about this concept of corruption, cried over it and accused one another for it but we do very little to stop ourselves from practising it. So, allow me to say that what we need to do as a nation, people and the entire human race may not be necessarily starting or establishing academies upon academies but it is a matter of bringing ourselves to a level where we agree this is ethical, acceptable and not acceptable, and for the well being of the entire human race, we only do the acceptable things.

For example, take the case of Kenya. I pray that this Academy, if established, will bring harmony and agreement on what we agree, as people, are right and wrong. Take the example of a case like stealing of cows in Kenya. We have christened it as cattle rustling. We have seen communities battle and even kill each other because one community took their cattle and tomorrow the other one revenges. What is interesting about this whole saga is that when you talk to these communities, to some it is heroic, especially for young men who want to get married to go and steal somebody's cow and then go to pay their dowry. To another community, it is stealing or robbing.

Even as we talk about corruption, we need to bear in mind the nature of the diverse cultures and beliefs in our country. We, as a people, need to bring ourselves to the understanding that this one causes pain to the other person next to me and we need to stop it. That is why I am saying the whole ultimate answer lies in the training and teaching ourselves the way we should go when we are young and then when we are old, like we are today, we will not depart from it. It is not good to sometimes hibernate behind culture because we can only practise a culture as long as it is pleasing to every one of us. The moment another person, human being or life is hurt and crying because of my practice, I need then to question it. In Kenya, this is an area that we need to investigate and agree with that we are all human beings and we might have been born from different mothers, but the underlying principle is that we all want to be happy. Therefore, we must stop doing things that make the other person unhappy.

On business communities in Kenya, what we are seeing is overexploitation of the customers in the name of liberalisation because what I charge on my clothes in case I am selling clothes is different from what somebody else charges. You can buy the same clothes in Kenya at various prices. This overpricing is good business to the business practitioners but it is sheer exploitation to the customer. Therefore, I agree with the former speakers who have said that the healing of our land is not in the Academy per se, but it is in the healing and restructuring of our minds, attitudes, thoughts and behaviours. If we question all the things that we do, we will come up with solutions to corruption.

Look at our legal system. You wonder why somebody is caught stealing or killing and there are even eye witnesses but when these things reach court, you are shocked, if not amazed, that somebody is acquitted because there was not enough evidence. One wonders what exactly should comprise enough evidence in Kenya. It is high time we stopped the blame games. I agree on every point that my senior, Hon. Millie Odhiambo, said a few minutes ago about corruption creeping into the church and corrupting the minds of church leaders and worshippers who we have always looked up to for solutions that are ethical, right and holy in nature. However, I disagree with the part when she says that most of the time politicians are blamed for wrong behaviour and yet by nature we are supposed to be like that. I really choose to disagree with that. The correct position is that when we are talking about politicians, we are talking about Hon. Members of the society. Every child out there on the street, for example, looks at how Dr. Pamela Odhiambo carries herself and how she does her things and wishes to be like her.

Therefore, my appeal is that beginning with the politicians, we need to live an exemplary life to the people we lead because we are watched widely. I want us to agree that it is important, as a country, that the people in charge of small and big dockets should do what is right. As Hon. Cecily Mbarire put it, even if I own a bicycle and that is what I can ride to Parliament, let me be appreciated for that as long as I deliver my mandate to my people. With that kind of attitude and mind-set, we will deal with corruption. If we can do that as Members of Parliament, as Cabinet Secretaries, as Presidents and as teachers in our schools, we will deal with corruption once and for all. It is amazing when I mention schools. I have been a teacher myself. I really sympathise with teachers because they do a lot of work, and that is godly, but when you go to a school you are told that teachers need motivation. What does that mean? It means parents have to pay more for teachers to dedicate themselves to the work they are employed to do.

In Kenya, we need to speak to ourselves. We can talk and talk and add more to the list of cases that make us wonder. As a people, where exactly are we headed to? Why should we, as Hon. Passaris puts it, be harassed even to the extent that we cannot go to our homes because everybody expects money from us? It is important to realise that corruption has killed us. It is like burying us and celebrating over us. It is high time we revived our spirits and souls to listen to the cries of every one of us. We are all crying in one way or another.

With those remarks, I support the Report.

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

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Order, Hon. Pamela! There is a point of order. Is it over something she has said?

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Temporary Deputy Speaker. Is it in order for the Hon. Member to indicate that she knows something called “motivation”, which only teachers receive? Could she elaborate to the House what that means and how it is a corrupt act? Otherwise that is accusing the entire teaching fraternity in Kenya.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Yes, Dr. Pamela.

Hon. (Ms.) Pamela Ochieng’ (Migori CWR, ODM): Thank you very much, Hon. Temporary Deputy Speaker.

I was only giving that as an example. I did not see you raise a question when she used the church to say how corruption is killing us. So, that was just but an example. I am not attacking teachers. I am a teacher myself and I know what I am talking about. Let us speak the truth.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Let us have Hon. Osotsi Godfrey.

Hon. Godfrey Osotsi (Nominated, ANC): Thank you, Hon. Temporary Deputy Speaker.

Hon. David ole Sankok (Nominated, JP): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Sankok, I will not give you a chance because we have just prosecuted a point of order by Hon. Milemba over Hon. Pamela’s contribution. That has ended unless you are purporting to say that the Hon. Temporary Deputy Speaker is out of order, which you cannot.

(Hon. David ole Sankok spoke off record)

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Sankok, you cannot purport to speak for another Member.

Let us have Hon. Osotsil.

Hon. Godfrey Osotsi (Nominated, ANC): Thank you Hon. Temporary Deputy Speaker for giving me an opportunity to raise my voice on this important Motion.

As my colleagues have said, corruption is a real cancer in this country. I support Hon. Omboko Milemba that this will not be a solution to the problem of corruption in this country. Why am I saying so? I am saying that because we have passed 21 pieces of legislation in the House touching on matters of corruption, but corruption has not ended. This country has signed three international treaties on matters corruption. They are the UN Convention against Corruption, the African Union Protocol against Corruption, and the African Peer Review Mechanism.

In our Constitution, we have about six different references to matters corruption namely Article 10 of the Constitution on National Values, Article 6 on Leadership and Integrity, Article 232 on Values and Principles of Public Service, Article 79 on Ethics and Anti-Corruption Commission, and Article 80. All these talk about corruption, but every day we hear people have stolen billions of shillings but nothing happens. In fact, we use the wrong term. We need to call it stealing. When someone steals billions of shillings from a public institution and we still term that corruption, we are not being fair to ourselves. We need to differentiate what is corruption from what is pure theft and then the country will move forward.

As we speak, the country is ranked 144 globally in the corruption index. The latest figures indicate that even countries that have been more corrupt than us, like Nigeria, are way above us. We are moving down every day because we talk too much about corruption but do nothing about it and it goes on and on. We hear people are arrested, taken to court but after a short time, they are freed and they continue using money they stole from the Government. So, it is more of an issue of values and attitude than just taking people to class to teach them matters of corruption. If that were to be the case, then we should have dealt with matters of corruption with finality by implementing the 21 laws that we already have.

I have just been reading Sessional Paper No.2 of 2018, which was tabled in this House in June by the Leader of the Majority Party on the National Ethics and Anti-Corruption Policy. Some of the things in the Policy are really shocking. For example, they say that one of the challenges of fighting corruption is lack of domestication of some of the international anti-corruption instruments. We have three international anti-corruption instruments the country has ratified, but how much has come from it? Very little.

We need to do a lot as a country. I hope the policy will address some of the objectives it has stated. For example, it states that its main objective is to ensure that there is sufficient and sustainable political support. I agree with them. The biggest problem in the fight against corruption is lack of political goodwill. I thank our two leaders, Hon. Uhuru Kenyatta and Hon. Raila Odinga, for the handshake, where they focus on fighting corruption, but we need to see a lot more being done. People stole money in Kimwarer and in other places like Mumias Sugar Company, which is now completely “dead”. A giant for the Western Region has completely shut down and bushes are all over and nothing is happening. We are all not doing anything. There are people who stole money from Mumias Sugar and we are very bitter about it. All the managers should be put in. I do not know what they are doing outside. We have brought receiver managers. The receiver manager will not help.

We want all the people who were involved in the plunder of the sugar industry to be arrested. It is not just in Mumias Sugar Company but many other institutions. Even what we saw this week where a lady and a child drowned in Mombasa are effects of corruption. Every year, we appropriate money to Kenya Ferry Services (KFS) yet they cannot even engage divers to save Kenyans from simple accidents like those ones. This country will halt if we, as leaders, do not do anything about it.

I am a strong Member of the Anglican Church. When my good Archbishop Wabukala was made the leader of Ethics and Anti-Corruption Commission (EACC), I rejoiced because I knew for once a religious person leading EACC will bring change, but ever since he got the job, we do not hear about him. In fact, we used to hear more about him when he was the Archbishop than now. What has happened? My good friend, Wabukala, you are the leader of integrity, please do something about corruption. We have put you there to do something about corruption, something that you used to talk about in the pulpit. We want you to implement it. As someone said, the church should help. I agree. The churches should also help because when we were growing up, we used to go to church and they used to tell us that stealing is bad but nowadays they do not tell us about stealing. In fact they tell us to bring more money including the money that we have stolen.

Whereas I agree it is important for the country to ratify this Treaty, I do not think that ratification of a treaty is enough to fight corruption. It is political goodwill and integrity of our people, promotion of good values...

Hon. (Ms.) Gladwell Cheruiyot (Baringo CWR, KANU): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Order, Hon. Osotsi. I can see a point of order from Hon. Gladwell, the Member for Baringo.

Hon. (Ms.) Gladwell Cheruiyot (Baringo CWR, KANU): Hon. Temporary Deputy Speaker, I am rising on Standing Order No.95. We have debated this matter. From where I stand, I know matters on corruption are so touching. I was thinking having debated all this time and looking at the contributions of the Members – I stand to be corrected – we are saying the same things almost all the time. I think at this point we can call upon the Mover to reply, if the House agrees with me.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Is that the feeling of the Members?

Hon. Members: Yes!

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): I am going to let Hon. Osotsi finish his contribution and then we will put it to question. Hon. Osotsi, you have the Floor.

Hon. Godfrey Osotsi (Nominated, ANC): Hon. Temporary Deputy Speaker, right now, we have 78 countries that have ratified this Treaty. Kenya will join the other countries that have ratified it including Uganda and other neighbouring countries. As I have said, this is not the solution to the problem of corruption. The problem of corruption is political goodwill and President Uhuru has started demonstrating that, but how we wished this handshake had happened much earlier in his first term, we would now be seeing the fruits of the fight against corruption.

With those remarks, I oppose.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Members, I cannot make a decision for Members. I am going to put the Question.

(Question, that the Mover be now called upon to reply, put and agreed to)

Hon. (Ms.) Cecily Mbarire (Nominated, JP): Hon. Temporary Deputy Speaker, I do not know whether I am allowed to reply on behalf of the Chair of the Committee since I cannot get him.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Are you on instructions from the Chair?

Hon. (Ms.) Cecily Mbarire (Nominated, JP): Yes.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Go ahead.

Hon. (Ms.) Cecily Mbarire (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker. Let me thank all the Members who have ably contributed to this important Motion since yesterday. Obviously, we all know that the matter of corruption has been in everybody's tongue especially in the last 20 years. We have seen a lot more action in the last five or so years and lately in the last two or three years. We only wish, as a House, that there will be real action and that this real action will bear fruits. Although I heard Hon. Osotsi being negative about the efforts that are taking place, he will agree with me that, if he looks at the history of all former regimes, this regime is the one that has taken real action never seen before in the fight against corruption. Let us give credit where it is due. We are not there yet, certainly, there is so much more to be done, but it is always good to appreciate the little gains that we make as a nation and as a people because for the first time, we are seeing some real work being done towards fighting this epidemic. I am sure going forward, we will see even much more being done.

Let me appreciate the great support that this Motion has had. On behalf of the Chair of the Committee I want to thank the Committee for a job well done and hope that going forward, we will see more enhanced effort towards fighting corruption.

With those few remarks, I beg to reply.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Order, Members. We shall defer the putting of the Question until we have the business back on the Order Paper.

(Putting of the Question deferred)

Next Order!

MOTION

ADOPTION OF REPORT ON WELFARE OF MIGRANT KENYAN WORKERS IN SAUDI ARABIA

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Milemba, do you have instructions from your chair?

Hon. Omboko Milemba (Emuhaya, ANC): Yes.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Go ahead.

Hon. Omboko Milemba (Emuhaya, ANC): Hon. Temporary Deputy Speaker, I beg to move the following Motion:

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 27th February to 3rd March 2019, laid on the Table of the House on Thursday, 8th August 2019.

One of the key challenges the country has faced over the past decades is unemployment. However, unemployment is not just a Kenyan challenge, but a global challenge. The International Labour Organisation (ILO) in 2018 released a report on global unemployment and indicated that 192 million people worldwide remain out of work translating to a global unemployment rate of 5.6 per cent.

Kenya's unemployment rate, according to the ILO, stands at 18.4 per cent. This is among the highest in the world when compared to the USA which stands at 3.6, Germany at 3.1 per cent, and the UK, which colonised Kenya, at 3.8 per cent.

Hon. Temporary Speaker, in Kenya, the challenge is aggravated by the fact that there are about one million entrants in the labour market annually. The youth remain the largest part of unemployed persons in the country. They consist of a huge potential of social-political conflict. All key actors from Government, the industry and training institutions have a collective duty to create opportunities that translate to meaningful participation of youth in the development of their communities and nations.

The Departmental Committee on Labour and Social Welfare recognises the need for the country to explore foreign employment opportunities as a panacea to the challenges of unemployment that are currently facing the country. The Committee fact-finding visit had the following objectives:

To establish the welfare of Kenyan workers in the Kingdom of Saudi Arabia in the face of the widespread media reports of the mistreatment and deaths arising from their employment; and, to ascertain the implementation of the bilateral labour agreement between Kenya and the Kingdom of Saudi Arabia in order to participate in promotion of the Kingdom as a destination country for migrant Kenyan workers.

To attain the stated objectives, the Departmental Committee on Labour and Social Welfare held meetings with the Kenyan Ambassador to Riyadh, Mr. Peter Oginga Ogego, whom we found to be very experienced having worked in the USA. We also held meetings with the Labour Attaché representatives of Kenya, Kenyan Migrant Workers in the Kingdom of Saudi Arabia and the Ministry of Labour officials from Saudi Arabia from Wednesday, 27th February 2019 to Monday, 4th March 2019. The Departmental Committee on Labour and Social Welfare Committee findings are as follows:

The Kingdom of Saudi Arabia hosts approximately 11 million foreigners as employees in various job categories. Out of the figure mentioned above, Kenya has approximately 55 migrant workers in the Kingdom of Saudi Arabia, which translates to a minimal percentage as compared to what other countries have.

The Temporary Deputy Speaker (Hon. Soipan Tuyu): Hon. Milemba, did you say 55 migrant workers?

Hon. Omboko Milemba (Emuhaya, ANC): It is 55,000 migrant workers from Kenya in the Kingdom of Saudi Arabia.

(Loud consultations)

The Temporary Deputy Speaker (Hon. Soipan Tuya): Order Members! Order, the Member for Baringo! You do not shout across! I just asked him to clarify the number because he said 55 migrants.

Hon. Omboko Milemba (Emuhaya, ANC): Hon. Temporary Deputy Speaker, thank you. I will re-do it. The Kingdom of Saudi Arabia hosts approximately 11 million foreigners as employees in various job categories. Out of the figure mentioned above, Kenya has approximately 55,000 migrant workers in the Kingdom, which translates to a minimal percentage as compared to what other countries have exported to the Kingdom. However, to accommodate the 11 million workers, the Kingdom has undertaken various measures ranging from legal to social frameworks which are meant to guarantee the welfare of the migrant workers in the Kingdom. Hon. Temporary Deputy Speaker, some of the countries that have the highest number of migrant workers in the Kingdom of Saudi Arabia are Sudan, Pakistan, Egypt and Afghanistan.

Measures that have been undertaken by the Government of the Kingdom of Saudi Arabia to address the welfare of workers include the issue of wages. In an effort to address unpaid or delayed salaries, the Government, through the Ministry of Labour and other State authorities, enacted legislation to control employers and employees in terms of wages. According to provisions of labour laws, currently, an employer must pay wages to the employee by 5th of the following month. Any employer who fails to pay wages by 5th risks a fine of not less than 5,000 Saudi Riyals. If you check Google, you will be able to tell the equivalent of that in Kenya Shillings. Their currency is called SAR. So, the fine they have to pay is SAR5,000.

An employer also risks being blocked from transacting any business, including freezing of his or her account; and this is already being enforced. The wages to employees are fixed by agents and their clients based on the ability of the employer to pay far above the minimum wage fixed by the joint technical team whichever is greater. There is a joint team that fixes wages. Once an employee goes there, the wage would be determined by the potential of that employer to pay and it must be above the minimum of what the joint technical committee has always fixed.

The employer must also open an account in the name of the employee to deposit wages before 5th of the following month and the same will reflect at the Ministry of Labour through an automated system called Musaned. This agreement and payment is reflected in the entire system which is managed by the Ministry. The Kenyan mission in the Kingdom of Saudi Arabia will also be granted access to the system to enable monitoring of the system.

On employment contracts which have vastly been talked about, to address the numerous complaints of unscrupulous agents drafting fake contracts, the Ministry of Labor in the Kingdom of Saudi Arabia has developed standard contracts through the Musaned system for domestic workers, which are observed by both employers and recruitment agents on hiring an employee. An employer must issue a copy of the contract to the employee otherwise he risks a fine of not less than SAR5,000. According to the standard contracts, no employer can transfer an employee to work for another family member as the same is considered violation of contract. Later on, I will be explaining the issue of transferring an employee from one family to another. It is what brings a lot of problems in terms of mistreatment of the workers.

On work permit, it is issued for five years and it is renewable annually by the employer. The permit is only issued to employees who enter the Kingdom on contract. Employees who violate the contracts are deprived their right to ownership of work permits, which are also called the Iqama. Such employees lose medical cover, rights to get housing facilities, free food, security and other privileges that are enjoyed under contract. These employees are referred to as runaways or stateless illegal migrants. These types of employees in the Kingdom of Saudi Arabia

are normally exposed to all sorts of illegal activities and which are, from time to time, escalated in the social media. This group of employees is likely to fall into the hands of unscrupulous employers who are not monitored through the recognised Musaned system hence the source of the negative publicity with regard to employment in the Middle East. The way the employee moves to that particular country is important. Some are cheated by some unscrupulous agents to go to Saudi Arabia without going through the correct channels. They fall victim to unscrupulous employers who punish them. These are the employees we call “the runaways.” They live in Saudi Arabia as if the Government does not know they are there.

On working hours, the Saudi Arabian laws state that domestic workers are not supposed to work for more than nine hours per day. Those working in hazardous areas are expected to work for seven hours per day in accordance with the provisions of the Saudi Arabian laws under Articles 98, 99 and 100.

On annual leave, which is another labour requirement under Article 109 of the Saudi labour laws, a worker is entitled to pre-paid 21 working days leave in a year of not less than 12 months. Under Article 110 of the Saudi Arabian laws, a worker may, with the approval of his employer, postpone his annual leave to the following year thereof, but the employer cannot postpone for more than 90 days in aggregate. A worker is entitled to accrue leave days’ pay if not taken at the time of separation with the employer in accordance with Article 111 of the Saudi Arabian laws. So, when we look at the annual leave, it is of international standards.

On rest days, an employee in Saudi Arabia is entitled to one day of rest on Fridays every week with full pay. Any rest day worked is not compensated by cash but by one extra rest day. That is in accordance with Article 104 of the Saudi Arabian laws.

On service pay, a worker is entitled to have a salary for every complete year during the first two years, but less than five years of service. Any employee who works for more than five years is entitled to one month salary for every complete year of service. This is for employees who earn their salaries at the end of the month. This is in accordance with Article 84 of the Saudi labour laws. For employees who earn their wages in a period of less than one month, they are entitled to one third of their wages for the complete year in a period of less than five years of service. All terminal benefits are to be paid within a period of less than two weeks from the date of separation. This is in accordance with Article 85 of the Saudi Arabian laws. Please note that all the payments are calculated on the basis of the final wage rates paid to employees. During termination, either party is expected to issue a one month notice in writing or pay cash in *lieu* to the other party. This is also happening in our country. It is part of the labour laws that we have in Kenya.

On other measures, in an effort to alleviate the challenges faced by workers who for one reason or another terminate their contracts before securing other jobs, the Kingdom of Saudi Arabia has set up newly constructed centres equipped with all household facilities with labour, migration and security offices. These serve as call centres for domestic workers to make reports whenever their employers deny them their rights. Through these centres, where disputes are concluded and the employer is unable to settle, the Government pays and the employee is left to follow up with the employer who is temporarily blocked from transacting any business until the Government recovers the money. These are dispute centres that have been created in the Kingdom of Saudi Arabia. So, if there is a dispute between the worker and the employer, it is sorted out in that particular area. But if the employee is correct, then the Government takes over the payment of the salaries and dues of that worker and follow the rogue employer.

Similarly, the Government established regional social offices to handle cases associated with adultery, prostitution, unpaid salaries, alcoholism and rape. These offices are of crucial importance since the majority of the ladies are victims of the same offences. The centres also perform guidance and counselling. They also serve as deportation centres where if a female employee has no case with the employer, she can only stay there for a period of not more than 10 days. These centres give some allowance to employees who have terminated their contracts with employers to get reprieve before they are deported from Saudi Arabia.

The other changes in Saudi Arabian laws have been on employee's personal documents. No employer should confiscate employee's documents which include passports, work permits called "Iqama" and mobile phones. This was rampant. From the social media reports, these items are being confiscated. As a Committee, we found out that was not the case. The employer who confiscates such documents risks a fine of 5,000 Saudi Riyal (SAR) which is Saudi Arabian money.

The Committee's observations were: One, Kenyans have been finding their ways into the Kingdom of Saudi Arabia illegally. These Kenyans are being facilitated by either unregistered agents or individual Kenyans who acquire visiting visas direct to Saudi Arabia, Qatar and Bahrain, but later on find themselves in the Saudi Arabian labour market. Such Kenyans go to Saudi Arabia outside the recognised channels for migrant labour, often find themselves in the hands of unscrupulous agents and employers who subject them to untold suffering.

Two, in line with the bilateral labour agreement between Kenya and Saudi Arabia, several measures have been initiated to protect Kenyan workers from exploitation. These measures have been entrenched into the Saudi Arabian laws. They cover key issue like wages, hours of work, employment contracts, termination of employment, confiscation of travel documents, work permits and mobile phones and labour dispute resolution mechanisms.

Three, there is great potential of labour export to Saudi Arabia. Saudi Arabia has a total of 11 million foreign employees out of which only slightly over 55,000 are Kenyans. Other countries such as India, Pakistan, Sudan and Sri Lanka have over 600,000 workers in the Kingdom. Let me draw the attention of the House that this is one country where the number of immigrant workers is high. It is 11 million.

Four, opportunities in Saudi Arabia are not limited to just domestic workers as we are told here and through the social media. There are opportunities in teaching, medical field, driving, artisanship and hospitality.

Five, a number of Kenyans in Saudi Arabia have suffered various forms of cultural shock due to the huge difference in social-economic setup of the two countries. Some have not been able to fit into the strict social-cultural conditions associated with Islam. While we were there, this is what we found. We were limited on how to move. We could not be allowed to do most of the things that we do in Kenya. Movements in the streets are not allowed. So, there are restrictions that lead to shock.

Another finding is that the Ministry of Labour and Social Protection and the National Employment Authority must ensure thorough vetting of employment agencies to ensure Kenyans travel to Saudi Arabia and other destinations through official or recognised channels. The immigration Department must be equally vigilant on movement of persons to these countries to ensure only Kenyans under the Musaned system are allowed to travel. I had earlier explained what the Musaned system is.

Another finding is that the Ministries of Labour and Social Protection and that of Foreign Affairs must continuously monitor the implementation of bilateral labour agreements to ensure

that the measures initiated to protect Kenyans working in Saudi Arabia are fully adhered to. The office of the labour attaché must also be strengthened and allocated resources in order to fully monitor employment trends in the Kingdom.

The National Employment Authority and the Directorate of Diaspora Affairs in the Ministry of Foreign Affairs should embark on a rigorous campaign to market Saudi Arabia as an important destination country for foreign employment. The current notion that foreign workers in Saudi Arabia go through suffering need to be corrected and citizens sensitised on the correct procedure to use in travelling to Saudi Arabia.

The National Employment Authority should, as a matter of priority, seek for more opportunities other than domestic work in Saudi Arabia. The Authority should use the Labour Attaché's Office to solicit for more opportunities in conjunction with both Kenyan and Saudi employment agencies.

The Ministry of Labour and Social Protection should initiate and strengthen the pre-departure training to prepare Kenyans travelling to Saudi Arabia. This is very important because the majority of the employees who travel to Saudi Arabia are without training.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order! Hon. Milemba Omboko, just a moment. I can see an intervention from the Member for Kisumu East. What is out of order?

Hon. Shakeel Shabbir (Kisumu East, Independent): It is a point of order, Hon. Temporary Deputy Speaker. The point of order is this: The Committee was asked to go to Saudi Arabia to investigate the abuses that workers of Kenyan origin were facing. He has come with a Report that has been written by the Saudis; such a flowing and beautiful Report as to what is so good there. What we wanted to find out is happening to our citizens who are being mistreated in Saudi Arabia.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): The Member for Kisumu East, you are actually out of order. The Member is moving the Report of the Committee. He has not even finished. I came in with you. You should have listened until he finished moving the Report and then you can debate it. You have been here for long and so, you know this. You can even propose an amendment to a Report. You know the procedures of the House. He has not even concluded. If there is anything, you can propose an amendment through the right channel. Maybe he is still going to address what you want to hear. So, you would rather stay, listen and then after he moves and it is seconded, you will have a chance to contribute. Otherwise, it is not even an asset of the House until he moves, it is seconded and I propose the Question.

Carry on.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Temporary Deputy Speaker. I thank you for guiding the ranking Member who has forgotten the rules of the House in front of a new Member like Hon. Omboko Milemba, who is taking the centre stage in an orderly way. Thank you, Hon. Temporary Deputy Speaker, for that direction.

Lastly, the Ministry of Labour and Social Protection should initiate and strengthen pre-departure training to prepare Kenyans travelling to Saudi Arabia for the challenges expected there as a way of assisting them to fit in well in the society of that particular country.

As I wind up, we went to Saudi Arabia and did a fact finding. We met the workers themselves. We also met the workers who had been taken to camps, which I have talked about, known as the deportation camps. These are centres where you are put if you have lost your job and then you are deported back to your country. We visited the Ministry. We also attended a seminar of agents who do recruitment. What we require is a coordinated way of recruitment from

the Kenyan and Saudi Arabian agencies through a clear system called Musaned, so that we know where our workers are and the conditions they are going through.

Without much ado, I call upon Sankok to second.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Sankok, before you second, there is a point of order by Hon. Cecily Mbarire.

Hon. (Ms.) Cecily Mbarire (Nominated, JP): Hon. Temporary Deputy Speaker, I am also where Hon. Shakeel Shabbir is. We have read so many scary stories about what Kenyans go through in Saudi Arabia. Listening to the Member, he gave us the rosy side of our labour relationship with Saudi Arabia. I thought this Report would have gone into what Kenyans are waiting to hear: What did you find out about those Kenyans that are crying out for help in videos? I am a bit confused. I would have expected a lot more from the Report.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Hon. Cecily Mbarire! You are now debating. Please allow the Report to be an asset of the House. As of now, it is not even an asset of the House. Let it be seconded and then I propose the Question and then Members can debate.

Hon. Sankok, second the Motion.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker. From the outset, I would like to second this Report and also inform Members that this is a House of facts and not a House of social media rumours. It is a House of facts.

Unemployment in our country stands at an alarming rate. According to ILO, 18 per cent of Kenyans are not employed, compared to other countries like Germany and US and even Tanzania where the unemployment rate is around 9.6 per cent. Every year, we inject more than a million youth into the labour market yet we do not have measures of absorbing them into employment. The reason I support this Report, which has come at the right time when our country is facing massive employment, is because we know that human resource channelled to proper use is worthier than underground resources like goldmines in Libya. Just to give an example of one single human resource channelled to proper use and how worthy it is, Bill Gates by the year 2013 was earning Kshs12,000 per second. If that were in this country, he would be paying taxes at 30 per cent amounting to Kshs4,000 per second. Per minute, you multiply by 60. Per hour, you multiply by another 60. Per day, you multiply by 24, and per year, you multiply by 365. Those zeros are difficult to imagine. It would have earned us a lot of Foreign Exchange. That is why the Report, apart from finding the problems that are being faced by Kenyans, also found that we benefit as a country and as individual Kenyans.

Hon. Temporary Deputy Speaker, the job shortage in some of these countries is too high. In Saudi Arabia alone, the job shortage is 11 million people and yet we only export 55,000 Kenyans to work there. The minimum wage in Saudi Arabia translates to around 3,000 Saudi Riyal. That is almost Kshs90,000 and it is the minimum wage paid unskilled labour.

Since this country lacks underground resources like gold, copper and other minerals, it will earn us Foreign Exchange if we can tap into that labour market and export human resource. Philippines exports one million unskilled and skilled labour to Saudi Arabia alone. It earns its country billions of shillings in terms of Foreign Exchange. That is why we need to support this Report. Of course, there are isolated cases of Kenyans suffering in Saudi Arabia. In the job market, just like in Kenya, there are domestic workers who are suffering and those who are making their employers suffer.

We have heard of domestic workers killing children of their employers. So, there are isolated cases in Saudi Arabia of a few Kenyans who are suffering, but out of the 55,000

Kenyans, may be there were social media reports of 10 Kenyan who were suffering. That is a small number and a drop in the ocean compared to how much we are earning from such employment. If we can export one million workers to Saudi Arabia and the minimum wage is Kshs90,000 that will earn this country Kshs90 billion per year. If they pay tax at 30 per cent, it will earn Kenya Kshs30 billion. So, let us reduce the suffering of Kenyans in those foreign countries by having well-structured bilateral agreements. There are labour laws in that country.

If we have well-structured bilateral agreements and workers moving to Saudi Arabia follow the right channel, our Government would protect the Kenyans living in Saudi Arabia and other Middle East countries. If the opportunity is there, and we have no job opportunities for our people, then we cannot deny them the opportunity to move to Saudi Arabia because of the suffering of a few isolated cases. We cannot deny Kenyans an opportunity to earn a living abroad. We cannot force our Kenyans to always be seeking a favour to continuously elect us in this House in the pretence that we are protecting them.

This House makes laws and it is mandated to protect Kenyans within our borders and outside our borders. However, if we say they should not go there, then we should employ them here. That way, they will not need any employment outside this country. We need to get employment for Kenyans whether within or without this country. The only thing we need to do as the House that is mandated to legislate and protect Kenyans in terms of law, is what we are doing now. We are in a law making process to ensure that Kenyans' in Saudi Arabia are safe and treated like workers and not animals .

However, we cannot say that this Report is sugar coated while we want to make laws that will protect them outside this country. I get that Kenyans probably need to be poor, so that they can keep on electing us year in year out and asking for handouts. We want Kenyans to be rich and sustain themselves through job creation. This country has failed to do that for the one million new job seekers that we inject into the market yearly.

If we can get an opportunity outside, we should allow that opening and make laws that will protect the workers while working outside. The minimum wage in this country is less than Kshs15,000. In Saudi Arabia, the minimum wage is Kshs90,000.

Hon. Temporary Deputy Speaker, this is a great opportunity. As a country, we should move forward and exploit it, so that we can export more than one million youth to that job market. However, as we do that, let us legislate, so that we can protect the workers out there and ensure they are treated like any other Kenyan working within our borders.

Thank you very much, Hon. Temporary Deputy Speaker.

I second.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Members that are coming in, please, take your seats.

(Question proposed)

Hon. Members, as a matter of procedure, you can now debate this Report. You may oppose or support.

I start with the Member for Ndhiwa, Hon. Martin Owino.

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Temporary Deputy Speaker. I thank the Committee for taking its time out to go for fact finding. I expected a lot from this Report and I have to register my frustrations of what has come out.

However, let me start by saying that Kenyans are going out mostly as unskilled workers. The reason they are going out is because we do not create jobs to absorb them. In fact, if the whole ring of the Government can embrace manufacturing, one of the Big Four Agenda, Kenyans would be very comfortable at home. Working in my rural area in Ndhiwa, even if you earn Kshs13,000, you do not pay house rent, you live in your home and you can even ride to work. You can still make better living than somebody going out even with the minimum wages I am hearing.

Hon. Temporary Deputy Speaker, you cannot talk of a minimum wage if you do not talk of the cost of living in those areas. I wish they could have tallied that and came up with a report that gives us a true picture of what that means. I expected the team to research and come up with a report on how Kenyans are being exploited there.

Hon. Omboko Milemba talked of 5,000 Riyal, which translates to about Kshs130,000. They did not tell us how many hours unskilled labourers work per day. The reality is that in a day, they do 15 hours and have one day off in a week. That translates to 60 hours a week. The 60 hours times four is 240 hours per month. So, if they are paid Kshs130,000, they are not better off than somebody who is getting Kshs15,000 here. That is exploitation and it is different from the locals. Out of the 11 million they are talking about, there are only 2.3 million locals and their terms are different. The Gulf States have refused to adopt some treaties which are globally acceptable by other countries.

There is a lot of exploitation in those hours as well. In the United States of America (USA), you can do up to 80 hours and it is okay. But past the normal 40 hours per week, you are paid one and a half of your wages and this is a flat rate for them. So, theirs is robbery without violence. I also wanted to hear about the abuses. For example, house helps are sometimes forced to esteem the Islamic traditions. That did not come out in this Report and it is a reality for those working in houses.

Another area, which I hope they would have looked into, but they missed, is human rights discriminations. Although they gave us some good records of employees documents which have not been confiscated like passports, this is good progress. They have also said that the Ministry of Foreign Affairs should aggressively market human resource. This is good and I hope it can be done in a professional manner. But we are not going to react to shortage of workers without dignity. I think Kenyans deserve to be dignified at home and abroad. It is upon the Government to ensure that we have policies that protect our people.

When I checked all the policies, I saw there was an attempt, but a very meagre one to make a Kenya Diaspora Policy 2014. This was made to enhance the production of Kenyans in the diaspora. I think this was a bit selfish because they were targeting how they can produce more to bring home. I think this policy should be enhanced in line with what the team is recommending. But it should do more than that. We should have a strong bilateral agreement that safeguards the dignity of Kenyans and wages.

With this, I am struggling on whether to support the Report. Once it is adopted, it will be translated as something positive to help Kenyans. I struggle to get what will come out of this policy or legislative proposal and I hardly get it. With due respect to the Committee, I reject it and do not support.

Thank you, Hon. Temporary Deputy Speaker.

Hon. Benjamin Washiali (Mumias East, JP): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Washiali, you are on intervention.

Hon. Benjamin Washiali (Mumias East, JP): On a point of order, Hon. Temporary Deputy Speaker. We are debating a Report by the Departmental Committee on Labour and Social Welfare. I have quickly looked at it and I do not know whether it is properly before this House. For a Report to be considered by the House, it must have adoption minutes where majority of the Members of the Committee should sign to indicate those who have approved it. Standing Order No.199 (2) reads:

“(2) The report of a select Committee having been adopted by a majority of Members, shall be signed by the Chairperson on behalf of the Committee”.

I have quickly looked at the Report and did not see where a majority of the Members have signed to adopt it. Even what the Mover was mentioning about meeting Kenyans who are working in Saudi Arabia and deportation camps, is not appearing in the Report. I wish we debated a report that has been fully adopted by the Committee. I am sure if it was adopted, then the issues which Hon. Omboko Milemba was raising, the Members of the Committee would have raised at that level.

Therefore, I want to invite you to rule on whether this Report is properly before the House. On the aspect of adoption, we want to know whether it is the majority Membership that adopted or minority because it is very summarised and small. We feel strongly as Members of this House that a lot of information must have been left out. I am falling short of raising issues which have risen before.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): No, you are not debating. Just raise what is out of order.

Hon. Benjamin Washiali (Mumias East, JP): What is out of order is that I have not seen the adoption page. The law provides that we should see whether the Report was adopted by majority of the Members or minority. That page is missing.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Washiali, first, I will refer you to the Report. It was approved for tabling by the Speaker and you know the process of any documentation that goes through Parliament. Secondly, you also stood on Standing Order No.199(2), the only person who is supposed to sign is the Chair of the Committee. The rest is adoption by a majority. For the Report to have been brought to the House, tabled and accepted, the majority adopted it, but the Chairperson did not sign the Report as you have said. Are you a Member of the Committee? As long as the majority of the Members adopted, and not unless there is a Member who negated and said they did not agree, the Report is in the House procedurally.

But again, as you raise the issues of what you have observed, when a report is tabled and moved, you can debate to either accept or reject like the Member for Kisumu has expressed his dissatisfaction. At the end of debate, you can take a vote to either throw it out or recommend it. So, we must follow procedure.

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

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): There is nothing out of order. You are the one who moved, so, what is out of order? It is better when you say point of information. Who do you want to inform?

Hon. Omboko Milemba (Emuhaya, ANC): I want to inform my senior, Hon. Washiali, if he will accept. I am not a ranking Member, but accept that I inform you.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Washiali, do you want to be informed by Hon. Milemba?

Hon. Benjamin Washiali (Mumias East, JP): Hon. Temporary Deputy Speaker, with due respect to Hon. Omboko Milemba, I cited Standing Order No.199(2).

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Do you want to be informed?

Hon. Benjamin Washiali (Mumias East, JP): He can only inform me when he cites a contradictory Standing Order, but not just generally.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Do you want to be informed or you do not want?

Hon. Benjamin Washiali (Mumias East, JP): I do not want to be informed.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Omboko, the Member does not want to be informed by you. Let us have the Member for Kisumu, Hon. Buyu Akinyi Rozaah.

Hon. (Ms.) Rozaah Buyu (Kisumu CWR, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to speak on the issue of Saudi Arabia. I listened to that report being moved. We know much about cases that have been reported about young people who have gone to Saudi Arabia to seek employment. Some of them have been reported dead. The mandate of the Committee, therefore, was to go and investigate the welfare of Kenyan workers in Saudi Arabia. The report is totally in conflict with what my expectation was. I speak knowing very well that the young people of Kisumu County, just like other young people in the rest of the country, are faced with the problem of dire unemployment.

I speak for young people from Kajulu, Seme, Kano, Kolwa and Nyakach, who are educated but are faced with unemployment. I will be the first one to support any employment opportunities for our young people. We know that 70 per cent of our population is comprised of young people and we know that 80 per cent of those young people are not employed. We also know that an idle mind is the home of the devil. When you are educated, you have enhanced aspirations and hopes and if you are not able to satisfy that through employment, obviously, you will get into other social ills that are not good for the society. I value the lives of all Kenyans. I value the lives of unemployed youth. Just to solve the issue of employment, I will not exchange their lives for employment in Saudi Arabia or any other country for that matter.

We also know that the prime responsibility of the Government is to protect its citizens. We know that whether the people who go to Saudi Arabia to seek employment do so legally or illegally, they still remain Kenyans and the Kenyan Government has the sole mandate and responsibility to look after them and protect their lives. The report clearly indicates all the glossy measures and all the steps that Saudi Arabia has taken to ensure that anybody who seeks employment in that country is well protected. However, my question is: if we have all those stringent laws put in by Saudi Arabia, how come we have so many Kenyans losing their lives and crying foul anytime they seek employment in that country? For that, I oppose the Report and I request that we all oppose it and give that Committee an opportunity to come back with a better Report.

I am also convinced that when the Committee went to Saudi Arabia, they did not do due diligence according to the mandate and objectives that they set out to work on. Instead, it looks to me that the Report they are giving us is a glossy report that has actually been written and documented by the Saudi Government itself. The question still begs: what is the welfare of our

Kenyan citizens who go to work in Saudi Arabia? That Report falls short of answering that question. Because of that, I beg to oppose.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I can see a lot of interest from Members in this matter. I am also looking at the Report but I am sure the clerks can do better to provide more information. I am sure the Chairman has given the mandate to Hon. Omboko. Let me have the Member for Kimilili contributing.

Hon. Didmus Barasa (Kimilili, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I want to say at the outset that I reject and oppose this Report. This Report is shoddy, misleading and it is a complete waste of taxpayers' money.

The Committee has confirmed that there are very few cases of Kenyans who are suffering. The country was waiting to hear, from the Report, about cases of those Kenyans who are suffering in the Kingdom of Saudi Arabia. I tend to think that these Committee Members, on arriving in Saudi Arabia, they forgot what took them there and went on holiday. They did a very shoddy report. We have been blaming the Government and the agencies for...

Hon. David ole Sankok (Nominated, JP): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): There is a point of order by Hon. David ole Sankok.

Hon. David ole Sankok (Nominated, JP): Hon. Temporary Deputy Speaker, I am a Member of that Committee. I did not go to Saudi Arabia, and we did not send our Members to go to Saudi Arabia, to only find negativity in the employment of Kenyans in Saudi Arabia. We sent them there to go and find out what is happening. So, it is out of order for Hon. Didmus Barasa to insinuate that Members who went to Saudi Arabia, who are Members of the Departmental Committee on Labour and Social Welfare that I belong to, went there for holiday and wasted taxpayers' money. We did not send them there to only investigate the negativity of what is happening in Saudi Arabia, rather we wanted the positive and the negative feedback so that we could balance. That way, we can then amend our laws and safeguard the interest of Kenyans working in Saudi Arabia.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): We have got your point. Hon. Member, it is true that Members of Parliament do not go for holiday. You can decide to debate whether or not it is satisfactory. You can debate on what is missing or what they could have done. I think that is what the Member was saying. You have the Report. It may not be satisfying to some Members.

Hon. Didmus Barasa (Kimilili, JP): Thank you, Hon. Temporary Deputy Speaker. Hon. Sankok, I also want to make it very clear to you that you have no mandate to rule me out of order. It is only the Speaker who has that mandate.

Many a time, we have been blaming state agencies and the Government for failure to implement reports that are tabled and approved by this House. But how can we implement such a report that seeks to exonerate and give a contrary view that there is no Kenyan who is suffering in Saudi Arabia? Part of the Committee's recommendations state that the Government should spend money to engage in campaigns that refute claims that Kenyans are suffering in Saudi Arabia! It is not rocket science for Kenyans to know that there are those who are suffering in Saudi Arabia. We have seen confirmed reports of Kenyans suffering in Saudi Arabia.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order! Let us hear from the Member for Baringo.

Hon. (Ms.) Gladwell Cheruiyot (Baringo CWR, KANU): Hon. Temporary Deputy Speaker, you may not hear what is happening here where I am seated. I am standing to seek protection from Hon. Sankok who is harassing me here. He has been coming to me and calling me “a mono” and yet he is a mono himself. It is not in order for one mono to harass another one. I only respect the seniors of this House.

(Laughter)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): How have you been harassed?

Hon. (Ms.) Gladwell Cheruiyot (Baringo CWR, KANU): He bullies me a lot.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Pulling or bullying?

Hon. (Ms.) Gladwell Cheruiyot (Baringo CWR, KANU): Bullying.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): How did he bully you?

Hon. (Ms.) Gladwell Cheruiyot (Baringo CWR, KANU): Do you want me to demonstrate, Hon. Temporary Deputy Speaker?

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Yes.

Hon. (Ms.) Gladwell Cheruiyot (Baringo CWR, KANU): You have seen what he is doing. He has many legs. I respect him.

(Laughter)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order! Hon. Sankok, do not bully the Member for Baringo. For record purposes, the bullying is that you are calling her a mono while you are also one. It is like you are consulting. As you consult, I order that the Member for Baringo should be safe, protected and can listen to the debate. Please, just stay in your seat. She does not want to consult with you. You will be out of order if you bully her as she says. She says you are also a mono. We do not have monos. Very well. I am sure it was on a light note.

Let us have the Member for Seme. Sorry, the Member for Seme wanted to support the Member for Baringo, but he has removed his card from the intervention slot. Carry on, Hon. Member for Kimilili.

Hon. Didmus Barasa (Kimilili, JP): Hon. Temporary Deputy Speaker, you should give me more time. I was asking the Member for Baringo to come and sit next to me if Hon. Sankok is harassing her.

This topic is very important and sensitive to this country. The reason the Committee was tasked by this House to investigate this matter is because of its grave national importance. Even as I oppose the Report, I want you to give direction that either the Committee relooks into this matter or you appoint an *ad hoc* committee which understands the importance of the matter.

At times, when you hear that any foreign national in this country has been mistreated, you see the envoy and the Government of where that person comes from raising a concern, but we have seen Kenyans suffering in Saudi Arabia, but the Government does not take any action. It becomes worse if a whole Committee of this House goes to investigate and instead of giving the House and Kenyans a tangible and proper report, they give a Report that seeks to exonerate and gives a contrary view. That is not acceptable. This matter must be relooked into afresh because it is very important. We know very well that there are many Kenyans who have suffered and even

died in Saudi Arabia. I want to tell this Committee that the level of education of the people who seek employment in Saudi Arabia does not matter. They must be protected. We need an explanation for any suffering that is inflicted on Kenyans.

This Report falls short of their mandate. I was even wondering how the Members approved its tabling before this House because it is contrary to the mandate they were told to investigate. Recommendation No.5.2 says that we should spend more money to carry out campaigns because whatever we have been seeing on television and on the social media is not true. In Recommendation No.5.5, they say that the Government should spend money to train Kenyans who are going to work in Saudi Arabia on what they should expect. I want to put before this Committee that there are very many Kenyans who look for employment in all parts of the world. There are some who go to Uganda, Tanzania, America and the United Arab Emirates (UAE). Saying that the Government should train those who go to Saudi Arabia cannot be implemented.

As I sit down, I reiterate that this is a very important matter that should not be ignored. The fact that this Report is shoddy should move us to consider forming an *ad hoc* committee to go back to Saudi Arabia and investigate the matter. The Committee should have recommended the action that the Government should take against our embassy that seems not to take seriously the suffering of Kenyans in Saudi Arabia.

With those few remarks, I oppose the Report.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. That is quite in order. You followed the right procedure for such to come to the House and Members to debate on the same.

Let us have the Member for Seme, Hon. Nyikal Wambura.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Millie Odhiambo, what is it?

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker. I am just worried that Hon. Sankok was coming very close to me and he has been declared a harasser. He might declare me a mono when I am not one. I am doing my third term. Can I be protected from him? I am very worried because he seems to be now hovering especially around female Members of Parliament. He was with the Member from Baringo and now he is next to Hon. Rozaah Buyu. I just managed to chase him away. He was also next to Hon. Christine. Has he been sent to intimidate female Members from doing their work in this House?

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Rozaah Buyu has not been harassed.

Hon. (Ms.) Rozaah Buyu (Kisumu CWR, ODM): Hon. Temporary Deputy Speaker, I would like to inform Hon. Millie Odhiambo that I have wholly accepted Hon. Sankok.

(Laughter)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): The Speaker has to protect Hon. Sankok. Hon. Sankok, you are protected. Hon. Rozaah Buyu says you are not harassing her and, in fact, you are consulting. Hon. Millie Odhiambo was just afraid. Hon. Sankok is too far from you. I do not think he can harass you from where he is. You may give

Hon. Sankok a bad name by calling him a harasser. Hon. Buyu has just confirmed that Sankok is in order. Hon. Sankok, you are protected by the Chair.

Let us have Hon. Millie on a different issue, but not Sankok. Let us not discuss Sankok anymore.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Deputy Speaker, thank you for giving us that opportunity. We have been sitting in this House for very long and so, commercial breaks are good. Sometimes when we raise points of order, we disappear in the system. Because we are many and have been queuing for long, that means I go to the bottom of the queue. I am very worried. I have been here for very long. I have been here the whole afternoon.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I caught your eye and I know where you are. You should be aware of how to use your system. Sometimes it goes down. You should know the intervention button so that you do not remove your card and lose your request to speak. We have taken note of the system. I know where you are, Hon. Millie Odhiambo. Actually, you are the second one after the Member for Seme.

Hon. Member for Seme, just proceed.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to discuss this Motion after the commercial break. This is a Report that should be extremely important. The problem of unemployment in Kenya is big, particularly for the youth. This Report starts by giving that data of 18.4 per cent, which is a huge number. We know that we are changing our education system to competence-based education system because of unemployment. Therefore, it is obvious that some of our youths will go outside the country to seek employment opportunities.

(Loud consultations)

Hon. Temporary Deputy Speaker, protect me from this loud discussion. We know there are countries where there are opportunities. Like the Report has indicated, there are 11 million workers in Saudi Arabia and 55,000 are Kenyans. So, definitely, there is a good opportunity there. We also know that some people go there illegally and others legally. All these people meet different conditions. Some suffer severely. We have had reports of people dying. The countries of origin have an obligation to protect their citizens when they go out there by looking at the recruitment processes, training them before they leave, ensuring that the international labour rules are adhered to and that they are safe. That is what this Report was meant to bring before us. The objectives of the Committee on Page 5 of this Report are:

(i) To establish the welfare of Kenyan workers in the Kingdom of Saudi Arabia in the face of widespread media reports of mistreatment and even death in Kenya arising from their employment.

(ii) To ascertain the implementation of the bilateral labour agreements between Kenya and the Kingdom of Saudi Arabia.

This Report does not give us anything on that line. We were expecting a report that captures the welfare of Kenyans. The only nearest thing is that there are 55,000 Kenyans there. How they are living, distributed, how many went there legally and how many are suffering is not captured in the Report. We wanted a clear report on the number of Kenyans there, those who are illegally there and how they are living there. We expected a report on the people who came back

dead or those who have suffered. We expected those figures in the Report. We have gone through the Report, but that is not there.

The next objective was to ascertain the implementation of the bilateral labour agreements between Kenya and the Kingdom of Saudi Arabia. The Report tells us these laws, the agreements and the labour laws which you can get in a textbook anywhere. That is not at all related to what is happening to Kenyans out there. I expected that any time the Mover explained the law, he would state what Kenyans are going through out there. This is not in the Report. This Report would have been written without leaving this country. You do not need to travel anywhere to explain the relationship between the laws that are there and the ones in Kenya. You can get that in text books and from the Ministry of Foreign Affairs. That is not what we needed to do. We needed to know what is happening to the Kenyans who are there. If there are problems, what steps are being taken? That is not in the Report.

The observations are also pretty generic. The Committee's observations are that Kenyans find their way into the Kingdom of Saudi Arabia illegally. They are facilitated by either unregistered agents or individual Kenyans who acquire visiting letters. Again, we needed data here. So many Kenyans go there illegally? We also expected to know the agents taking Kenyans away and whether they are registered? The other observation is that in line with the bilateral agreements between Kenya and the Kingdom of Saudi Arabia, several measures have been initiated to protect Kenyans. What are these measures? If the measures are there, how do they relate to what happens to Kenyans who are there?

The recommendations of the Committee are that the Ministry of Labour and Social Protection and the national Government should ensure thorough vetting of employment agencies to ensure that Kenyans travel to Saudi Arabia and other destinations through officially recognised channels. That is obvious. That is what they should do. The other recommendation is that the Ministry of Foreign Affairs should continuously monitor the implementation of the bilateral labour agreement between Kenya and the Kingdom of Saudi Arabia. Those are the cracks of the matter. They are in Saudi Arabia. So many people have suffered. Who looked for them? Who saw them? Whom did they see? Then we can say that the Ministry of Labour and Social Protection needs a labour attaché in Saudi Arabia to sort out these problems. That is not in the Report.

The other recommendation is about the National Employment Authority. The only thing that the Committee has said is that there are many opportunities in Saudi Arabia. When you say that there are 55,000 Kenyans in Saudi Arabia, you would have wanted to know how many are casual workers, teachers or doctors and then you can say that we have opportunities and there are other people who can go there.

Hon. Temporary Deputy Speaker, I reject this Report. This Committee should give us a better Report. However, I am not so sure that they have a Report somewhere. If they went there and they did not get the data, where will they get a Report from? This points out that this House should recommend that a team should go to the countries where there are problems so that we get a better report.

With those remarks, I reject this Report.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let us have the Member for Kitui West, Hon. Nyenze. She has left her card. The Member for Siaya, you have the Floor.

Hon. (Dr.) Christine Ombaka (Siaya CWR, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute. I want to make a few comments.

One, while compiling a report like this one, having been out to look for information about Kenyans living in Saudi Arabia or any other country, where Kenyans have suffered a lot, you start by knowing how many have suffered. Saudi Arabia is a name that sends cold shivers down your spine when you mention it to somebody and tell him to go and look for a job. I have tried to get a job for certain young people and they keep telling me to help them get jobs elsewhere, but not in Saudi Arabia because of the things they see on the social media. The newspapers have covered a lot of personal stories and experiences of those who have suffered in Saudi Arabia. The Committee has not looked for the victims of violence who returned to Kenya, so that we can get their stories properly. We should use them to find out more.

My research and experience tell me that if you are looking for problems, look for victims first. They should have looked for the victims who have come back to Kenya, talked to them to get the leads to information they would get in Saudi Arabia. That would be the first method of trying to find information about Kenyans living abroad.

The stories are hideous and scaring. The last one I saw of Saudi Arabia was two weeks ago. It was a video that captured a young man blindfolded, his hands tied on his back as he was being stabbed and kicked. He was not able to scream because his mouth was gagged. I never slept for a week. Up to now, when I think about it, I feel very sad. There are many of those cases. How come Saudi Arabia stands alone as a country that torture Kenyans? We have Kenyans living in Canada, in America and in other countries. I watch the programme by Alex Chamwada on Kenyan living abroad and it tells us how Kenyans work hard in those countries and how they have settled down to do business. They are not sad. It is about how Kenyans are hardworking and how they are well placed in other countries. Saudi Arabia is the only country so far that is depicted where Kenyans are killed. Kenyans are scared of going there. I do not think that is the way our relations with Saudi Arabia should be. We should be a friendly nation with another friendly nation. I know Kenyans are looking for jobs all over the world and Saudi Arabia offers the best opportunities because they are many, but who wants to go there after the stories we hear?

The Report is too good from what we hear or read. It is extremely too good. At least, there should have been a case or two on violence. What happened, who killed and were the people arrested? What did Saudi Arabia do to the perpetrators of violence? I needed to see a section on violence against Kenyans, but not a rosy report where things are very good, labour conditions are good, people are paid much and people live in many places. But what about those who suffer? Even if they went to Saudi Arabia illegally, the fact remains that they are Kenyans, that their lives must be protected. They must live well like any person. I see a lot of racism. The way they are treated is not human and not fair. We see criminal offences like sexual abuse. That is not touched on in the Report. Are they telling me that the social media and the mainstream media are telling a lie and that they are creating these stories? Why did they not follow what we read so that we are satisfied with the Report? The Report falls short of what we have heard and seen. I would have liked to see a well-balanced report that is not just too rosy. They should have told us the bad side of Saudi Arabia. That is what we are here for. We want to hear the bad. We want to hear how many Kenyans have been killed, how many came back running, how many are enslaved and how many are violated. What is happening to our Kenyans? Are they safe?

They talked to the ambassadors and even praised him as a good man. That is fine. But did he tell the Committee how many Kenyans have been killed and how many have sneaked in illegally? We need statistics that Dr. Nyikal talked about, to back our argument and come up with better laws. Statistics normally speak volumes. If we could have been told, for example, that

between this year and the next one, many Kenyans got jobs in Saudi Arabia and this number returned because they retired or because they were unhappy with the conditions under which they were working. How many women went to Saudi Arabia? Those statistics look small and may not look very serious, but they tell a lot of the stories that we want to know.

So, you lack statistics of those who have come back because they are dissatisfied with the terms and conditions under which they work. You fail to tell us how many are in different positions that are available for Kenyans and what has happened to perpetrators of violence. That is not there, but we live every day worried about our Kenyans who are abroad especially who are in Saudi Arabia. We are not so worried about other countries because we have not heard more from those countries. If anything, the next worst one is South Africa where there is xenophobia. Those are there, but Saudi Arabia stands tall in terms of violence against humanity.

When we say we do not support this Report, it is because we fail to get what we know or what we have been told before. You went there to tell us how we should take more Kenyans to Saudi Arabia, but you did not tell us how safe they are. That is the biggest worry for me. I will not support this Report until some of those questions are answered.

I oppose.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I am sure the Committee Members are here and are listening to the expectations of the Members on the Report. That includes Omboko Milemba who travelled to that place among other Members.

The Member for Baringo, you have the Floor.

Hon. (Ms.) Gladwell Cheruiyot (Baringo CWR, JP): Thank you, Hon. Temporary Deputy Speaker. I am one of the Members of this House who oppose the Report. I am sorry to the Committee Members who have taken a lot of time to prepare the Report. We do not want to negate their efforts, but to speak the truth to this matter.

I am worried that we still have 55,000 Kenyans in Saudi Arabia despite the torturing, killings and all the bad things that we hear about that country. This means our country needs to do more to secure jobs for our people. Despite the fact that there is a lot of evil done to them in Saudi Arabia, they still move there either legally or illegally. For that reason, we would like this Report to give us some of the facts like the rights of the people of Kenya in Saudi Arabia in terms of giving birth. We want to hear whether they have the right to give birth without being curtailed, and if they have the right to do so, whether they get paternity and maternity leaves like we do here. We want to hear such reports.

The other question is about their health rights in that country. If they give birth to children, do they go to school? Those are some of the things we want to hear. How are the religious rights of our people in that country protected? We cannot paint the report to look good while we know and we have heard so much about that country. As for me, if today I am told I am going for a trip there, I would be scared. If only a trip can scare me, staying there for a job would be another issue. This Report would also have told us the number of deaths since Kenyans started immigrating there. If it is a report to talk about the good, we should also know the bad. We have heard a lot through the mainstream media and on social media, but what is the true report from the Committee that visited there?

The truth should be told, and possibly, it cannot be told by the Government of the Kingdom of Saudi Arabia. What is our embassy doing? Do they keep such reports? We cannot assume that globalisation is not real. In the contemporary society, people travel outside, be it legally or illegally. We cannot stop Kenyans from going to Saudi Arabia, but this House, through a proper report from the Departmental Committee on Labour and Social Welfare, should

formulate some legislative laws that can mandate the Ministry of Foreign Affairs to put the right regulations and do some lobbying. What is lacking is the Governmental relationship between our Government and the Government of the Kingdom of Saudi Arabia. They should lobby and talk about these issues. They might have done it, but they need to do it further.

The Member who has just spoken said that two weeks ago, a Kenyan was tortured there and I believe it was after the Report had been written. It is unacceptable when we see our people being tortured and still cheer the Kingdom of Saudi Arabia. Despite the fact that we cannot do much to correct the regulations, laws and rules in that country, it is only important that we negotiate with them for fair treatment of our people.

Hon. Temporary Deputy Speaker, I especially pity women. As much as the torturing could be on both genders, I believe it is worse for Kenyan women. Now that we understand the biasness of this gender both in terms of culture and even in some instances religion, it is important to have a number of these people who are there in their fact finding mission, especially women, and I am not biased towards men, to get real stories of what they undergo in that country.

Women could be there as the Member next to me is saying. Unfortunately, when we go there as a House, not in a private place to interview them, women can be humiliated to express exactly what they undergo. We need some experts to go and fact find in a private manner such that they can get the real issues that women undergo while working, especially as domestic workers. Many unskilled women go for domestic work. It is very unfortunate, uncalled for, inhuman and undignified in the contemporary world. We also want to call upon our Muslim brethren in our country because the Kingdom of Saudi Arabia is a Muslim one, to persuade their brethren to practice humanity and handle our people well because they deserve it.

I am afraid I have never stood in this House and opposed anything, but for the first time and on record, I am sorry to this Departmental Committee on Labour and Social Welfare. I am boldly opposing this Report. It is only important that they give us another one that depicts the expectations and reflects of what we see and hear about our people in the Kingdom of Saudi Arabia without depicting it in good light.

With those few remarks, I oppose.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let me hear from the Member for Lamu East.

Hon. Ali Sharif (Lamu East, JP): Asante, Mhe. Naibu Spika wa Muda. Ninataka nianze kwa kuwapongeza wanakamati kwa kazi waliofanya, lakini ninataka kusimama kwa msimamo wa kupinga Ripoti hii. Waswahili husema “mficha uchi hazai”. Ndugu zetu wamepewa kazi hii, sababu kubwa ni mateso ambayo Wakenya wamekuwa wakipitia katika nchi hiyo. Nikiwauliza Waheshimiwa, ni kwa nini hawakupelekwa nchi nyingine ilhali kuna Wakenya wanaofanya kazi katika nchi nyingine pia? Kwa nini wakapelekwa Saudi Arabia kuchunguza mambo fulani, hususan yale yanayojiri; Wakenya wanavyokufa kwa njia zisizoeleweka? Ni masikitiko makubwa sana kuona kwamba nchi yetu yaendeshwa bila utaratibu.

Leo hii tunaambiwa kuna Wakenya wanaenda kule kwa njia ambazo hazieleweki. Lakini Mkenya yule yule ambaye anarudishwa akiwa mzungo baada ya kuuliwa na mwajiri wake kule Saudi Arabia, utapata ako na mkataba na visa inayoonyesha kwamba alienda kule kufanya kazi. Kamati imetueleza kwamba ilipata idadi ya Wakenya wanaofanya kazi kule ni takriban 55,000. Lakini ninataka kusema kwamba idadi hii, wakija katika stakabadhi za rekodi ya Wizara ya Wafanyikazi hapa Kenya, watakuwa hawajui na hawajielewi.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Jessica Mbalu): Hon. Millie Odhiambo, you are on intervention?

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker. With due respect to the Member, who is saying very important things, the clock to my right is saying time is up while the one to my left is saying we still have five minutes. Would I be in order to request that you use your discretion, under Standing Order 1, and declare the clock to my left the correct one, so that the Member can finish what he is saying? Otherwise, he might not finish.

Also, given that I will not be here next week, may I just declare that I oppose the Report?

The Temporary Deputy Speaker (Hon. Jessica Mbalu): Hon. Millie Odhiambo, you are out of order! You have noted the clocks, but from where I sit, I am aware of the time when we should close debate and adjourn the House. I can see the Member for Kisumu East is on intervention. You have a point of order?

Hon. Shakeel Shabbir (Kisumu East, Independent): Hon. Temporary Deputy Speaker, now that this matter has been brought up, and this is a House of rules and regulations, could you, please, inform whoever it supposed to correct the clocks? It is very bad for the clocks not to show the correct time.

The Temporary Deputy Speaker (Hon. Jessica Mbalu): They are many. Point taken. It is about rules and the clock. It depends on the one you are using, but you can still confirm. From where I am, given the time, I know at what point to adjourn.

Carry on, Hon. Ali Sharif.

Hon. Ali Sharif (Lamu East, JP): Mhe. Naibu Spika wa Muda, kama nilivyosema, ni masikitiko makubwa kwa sababu nilitarajia Kamati hii ichukue majina ya Wakenya wote waliorudishwa nchini wakiwa wameathirika kwa kudhulumia na kuteswa, halafu waende kule wakafanye uchunguzi kuhusu waathiriwa hao.

Mwisho, ninaamini kuwa kweli watu wengi wanapenda kuenda Saudi Arabia kufanya kazi kwa sababu ya hali ya kiuchumi nchini mwetu.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Ali Athman, the Member for Lamu East, as Hon. Shakeel Shabbir, the Member for Kisumu East said, this is a House of rules and procedures. You will have five minutes when debate resumes.

Hon. Members, I appreciate the requests and your intention to speak to this very important Report. The nominated Member, Hon. Oduol, is in the House and was ready to speak. The Member for Kisumu East was ready to contribute and actually almost rose to speak to it, but we had not proposed the Question. The Member for Nairobi County, Hon. Millie Odhiambo and Hon. Washiali were all ready to contribute, but time is over.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Members, the time being 7.00 p.m., the House stands adjourned until Tuesday, 8th October 2019, at 2.30 p.m.

The House rose at 7.00 p.m.